## DCCC 246/2024

[2025] HKDC 357

**IN THE DISTRICT COURT OF THE**

# HONG KONG SPECIAL ADMINISTRATIVE REGION

CRIMINAL CASE NO 246 OF 2024

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HKSAR

v

CHAKOUR LAHCENE

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Before: His Honour Judge Tam

Date: 27 February 2025

Present: Mr Chan Danny K K, counsel-on-fiat for HKSAR

Mr So Alan, instructed by T C Lau & Co, assigned by the Director of Legal Aid, for the defendant

Offences: [1]-[3] Burglary（入屋犯法罪）

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REASONS FOR SENTENCE

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1. Mr Chakour faces a Charge Sheet containing three charges of Burglary with the first (Charge 1) contrary to section 11(1)(b) and (4), and the second and third (Charges 2 and 3 respectively) contrary to section 11(1)(a) and (4) of the Theft Ordinance, Cap 210.
2. Particulars of Charge 1 are that he, on 9 December 2023, in Hong Kong, together with a person unknown, having entered as trespassers, part of a building known as Room 1631, The Kowloon Hotel, Nos 19-21 Nathan Road, Tsim Sha Tsui, Kowloon, stole therein cash of Yen490,000 Japanese currency.
3. Particulars of Charge 2 are that he, on 12 December 2023, in Hong Kong, having entered as a trespasser part of a building known as Room 1705, The Kowloon Hotel aforesaid, with intent to steal therein.
4. Particulars of Charge 3 are that he, on 12 December 2023, in Hong Kong, having entered as a trespasser part of a building known as Room 1205, The Kowloon Hotel aforesaid, with intent to steal therein.
5. Mr Chakour pleaded guilty to Charges 1 and 2 but not guilty to Charge 3. Prosecution asked that Charge 3 be left on court file not to be proceeded with without the leave of this court or the Court of Appeal. I so ordered.

*Facts admitted by Mr Chakour*

1. Mr Chakour was an Algerian passport holder.

*Charge 1*

1. Mr Zhang (PW1) and his family visited Hong Kong and boarded at Room 1631 of the Kowloon Hotel between 8 and 10 December 2023.
2. In the morning of 9 December 2023, PW1 checked that cash of Yen490,000 Japanese currency (equivalent to about HK$26,000) was placed inside a handbag within his suitcase. He then shut the suitcase and placed it inside the cupboard in the room and left.
3. PW1 returned in the evening and found the Japanese cash missing so he reported the case. The room door was undamaged.
4. CCTV captured the following acts of Mr Chakour: he together with an unknown person entered Room 1631 at about 1211 hours on that day; they left after about 2 minutes.
5. Mr Chakour now admits he went into the room with a person unknown as trespassers and stole the Japanese cash.

*Charge 2*

1. In the afternoon of 12 December 2023, Room 1705 of the hotel was vacant and was not assigned to any guests.
2. CCTV captured the following acts of Mr Chakour: at about 1518 hours of that day, he entered Room 1705 and left after about 20 seconds.
3. The door of the room was undamaged afterwards. Mr Chakour’s DNA was left on the door handle.
4. Mr Chakour now admits he entered Room 1705 as a trespasser with intent to steal therein.

*Arrest*

1. Answering to a report made by the Hotel Security Manager on 12 December 2023, PC27378 (PW3) was at the hotel at about 1520 hours the same day and saw Mr Chakour loitering outside Room 413. PW3 arrested Mr Chakour for the offence of burglary.
2. PW3 conducted a body search on Mr Chakour and found a pair of scissors, a black cap, a plastic card with “ibis YOU GOT ME THE KEY” printed thereon, one red plastic card with “ENERGY CARD PLEASE DO NOT REMOVE” printed thereon, a black rucksack and cash of EURO900 and HK$111.50.
3. Under caution on 13 December 2023, Mr Chakour said that he came to Hong Kong from Algeria on 2 or 3 December 2023 with a friend “Wari”.

*Criminal record*

1. Mr Chakour has a clear record in Hong Kong.

*Antecedents*

1. Mr Chakour is aged 60 (almost 59 at the time of the offences), born in Algeria, received education to primary school level. He was a businessman. He is married. His five children from his present and previous marriages live in Algeria.

*Mitigation*

1. Mr Alan So of counsel assigned by the Director of Legal Aid mitigated on behalf of Mr Chakour. The following is a summary of the mitigation submissions.
2. Mr Chakour has 4 adult children of a previous marriage. He has a 4 year old daughter, a cripple, who has been suffering from spinal cancer since birth. Mr Chakour was a trader selling woman accessories and cosmetic products and earned about EURO500 monthly.
3. Mr Chakour has a clear record.
4. The starting point of sentence for burglary of hotel room is to be equated with that for burglary of domestic premises, namely 3 years’ imprisonment: *HKSAR v Ngai Kai Leong*, CACC 83/2016.
5. Mr Chakour did not use any breaking equipment to burgle the premises. He admitted his identity as depicted in the CCTV to the police.
6. Mr Chakour pleaded guilty to the two charges at the earliest available opportunity. He is entitled to 1/3 sentencing discount. The totality principle applies.
7. Upon enquiry by the court, Mr So acknowledged that the element of joint enterprise was an aggravating factor in relation to Charge  1.

*Sentence*

1. For Charge 1, because of the element of joint enterprise, I adopt a starting point of 3 years 3 months’ imprisonment.
2. For Charge 2, because the room was unassigned to any guests at the material time, I adopt the starting point of 2½ years’ imprisonment.
3. The starting points already took into account the fact of first offender of full age.
4. Mr Chakour pleaded guilty in good time earning for himself the full 1/3 sentencing discount. There are no other mitigating factors which would have the effect of reducing his sentences further.
5. The offences were committed on different dates. A degree of consecutiveness in the sentences is inevitable. However, I will bear in mind totality before determining the final aggregate sentence.
6. For Charge 1, the sentence is 2 years and 2 months’ imprisonment.
7. For Charge 2, the sentence is 20 months’ imprisonment.
8. I order that 6 months of the sentence on Charge 2 do run consecutively to the sentence on Charge 1, making an aggregate sentence of 2 years and 8 months’ imprisonment.

( Isaac Tam )

District Judge