

## **Criminal Procedure**

### **1. An Introduction to criminal procedure in Hong Kong**

An overview of the criminal courts

- Magistrate's Court (including Juvenile Court)
- District Court
- Court of First Instance ("CFI")
- Court of Final Appeal
- Classification of offences
- Summary offences
- Indictable offences
- Excepted offences

Magistrate's Court (including Juvenile Court)

#### **Magistrate's Court:**

- Permanent and Special Magistrates:
  - Permanent Magistrate:
    - Conviction powers:
      - To summarily determine indictable offences in Part 2 of the Second Schedule.
      - To summarily determine summary and indictable offences that do not appear in the Second Schedule to the Magistrates Ordinance.
    - Sentencing powers:
      - Single offence: maximum of 2 years imprisonment and a fine of \$100,000.
      - Multiple offences: maximum of 3 years imprisonment where the sentences are to run consecutively, in whole or in part.
  - Special Magistrate:
    - Conviction powers:
      - A special magistrate may determine summary offences and any indictable offence which is not listed in the Second Schedule to the Magistrates Ordinance.
    - Sentencing powers:
      - Single offence: maximum of 6 months imprisonment and a fine of \$50,000.
      - Multiple offences: maximum of 12 months imprisonment

#### **Juvenile Court:**

- **S 3A(3)** of the Juvenile Offenders Ordinance (**Cap 226**)
  - A juvenile court can hear any charge against a child or young person other than homicide.
- JOO defines a "child" as a person under the age of 14 years and a "young person" as 14 or 15 years old. Age of criminal responsibility in Hong Kong is 10 years.
- **S 3A(4):**
  - A Juvenile Court has all the powers of a permanent magistrate.
- Function:

# Pcll Conversion Criminal Procedure

**Jerome Atrens**



## **PcII Conversion Criminal Procedure:**

**The Hong Kong Legal System** Stefan H. C. Lo, Kevin Kwok-yin Cheng, Wing Hong Chui, 2020 Offers an accessible overview of Hong Kong's legal system and guides first year law students in legal research and methods **The Internationalisation of Legal Education** Christophe Jamin, William van Caenegem, 2016-04-30 This volume provides an overview of the state of internationalisation of legal education IOLE in many civil law and common law countries It provides a picture of the status of the debate about the shape and degree of internationalisation in the curriculum in the different countries and the debates surrounding the adoption of a more international approach to legal education in the contemporary world It is a compilation of the National Reports submitted for the August 2014 Congress of the IACL held at Vienna and contains an introductory general report Together the reports examine such questions as Why is the topic of internationalization of legal education on the agenda now Why is it a relevant subject for examination today Does the topic generate the same level of interest everywhere in the world Is enthusiasm for IOLE mainly driven by the academic sector by government by multinational corporations Is the interest closely linked with the globalization of the practice of law Or is globalisation of law itself something of a myth or a reality reserved for only a very small percentage of practising lawyers around the world The general and national reports make clear that there is indeed widespread interest in IOLE and numerous disparate initiatives around the world Nonetheless some National Reporters state that the topic is simply not on the agenda at all All in all the volume shows that the approaches to internationalisation are many and varied but every jurisdiction recognises the importance of introducing aspiring lawyers to a more integrated global environment Law and Legal Institutions of Asia E. Ann Black, Gary F. Bell, 2011-03-10 The study of Asia and its plural legal systems is of increasing significance both within and outside Asia Lawyers whether in Australia America or Europe or working within an Asian jurisdiction require a sound knowledge of how the law operates across this fast growing and diverse region Law and Legal Institutions of Asia is the first book to offer a comprehensive assessment of eleven key jurisdictions in Asia China Hong Kong Taiwan Japan Korea Vietnam Malaysia Indonesia Brunei Darussalam Singapore and the Philippines Written by academics and practitioners with particular expertise in their state or territory each chapter uses a breakthrough approach facilitating cross jurisdictional comparisons and giving essential insights into how law functions in different ways across the region and in each of the individual jurisdictions **A Special Standing in the World** Christopher Munn, 2019-10-21 The history of the Faculty of Law at HKU is in many ways the history of the law in modern Hong Kong Founded in 1969 the Faculty has helped transform a colonial legal backwater into a flourishing jurisdiction in which Hong Kong maintains its common law system as a special administrative region of the People's Republic of China The Faculty has played a vital part in fostering a legal profession firmly rooted in Hong Kong functioning in both Chinese and English Its early teachers pioneered scholarship on Hong Kong law Its graduates now make up over half of Hong Kong's Judiciary and legal profession Over the years the Faculty

has earned worldwide recognition as a centre of research in subjects ranging from human rights to financial regulation Published to mark the Golden Jubilee this book traces the Faculty's rise from humble origins to its position as one of the world's leading law schools Drawing on archives publications and interviews the book explores the growth of the Faculty against the momentous events of the past 50 years The first two chapters examine the Faculty's prehistory when for over a hundred years most of Hong Kong's lawyers were trained in England The remaining six chapters explore alternately the Faculty's internal history and its role in building Hong Kong's modern legal system Dr Munn traces the Faculty of Law's fascinating journey over half a century From a modest beginning it has developed into one of the finest law schools in the world The story is told in the context of the historic events and momentous changes of this era This illuminating and outstanding work deserves to be widely read The Hon Andrew Li First Chief Justice of the HKSAR 1997-2010 Christopher Munn's history of the Faculty of Law is more than the history of a remarkable educational institution it is a history of how the law and legal culture in Hong Kong developed from modest mid nineteenth century colonial beginnings to its present pre eminent position Clearly composed in lively prose this book is essential reading for anyone who seeks to understand modern Hong Kong and its place in the world today The Rt Hon Beverley McLachlin Chief Justice of Canada 2000-2017 The Economist, 2005 Washington Post Index, 1975 **Forthcoming Books** Rose Arny, 1994-02 **Defendant Participation in the Criminal Process** Abenaa Owusu- Bempah, 2016-10-04 Requirements for the defendant to actively participate in the English criminal process have been increasing in recent years such that the defendant can now be penalised for their non cooperation This book explores the changes to the defendant's role as a participant in the criminal process and the ramifications of penalising a defendant's non cooperation particularly its effect on the adversarial system The book develops a normative theory which proposes that the criminal process should operate as a mechanism for calling the state to account for its accusations and request for official condemnation and punishment of the accused It goes on to examine the limitations placed on the privilege against self incrimination the curtailment of the right to silence and the defendant's duty to disclose the details of his or her case prior to trial The book shows that by placing participatory requirements on defendants and penalising them for their non cooperation a system of obligatory participation has developed This development is the consequence of pursuing efficient fact finding with little regard for principles of fairness or the rights of the defendant **Fitness to Plead** Ronnie Mackay, Warren Brookbanks, 2018-06-14 The law relating to fitness to plead is an increasingly important area of the criminal law While criminalization may be justified whenever an offender commits a sufficiently serious moral wrong requiring that he or she be called to account the doctrine of fitness to plead calls this principle into question in the case of a person who lacks the capacity or ability to participate meaningfully in a criminal trial In light of the emerging focus on capacity based approaches to decision making and the international human rights requirement that the law should treat defendants fairly this volume offers a benchmark for the theory and practice of fitness

to plead providing readers with a unique opportunity to consider differing perspectives and debate on the future development and direction of a doctrine which has up till now been under discussed and under researched The fitness to plead rules stand as an exception to notions of public accountability for criminal wrongdoing yet despite the doctrine's long standing function in criminal procedure it has proven complex to apply in practice and has given rise to many varied legislative models and considerable litigation in different jurisdictions Particularly troublesome is the question of what is to be done with someone who has been found unfit to stand trial Here the law is required to balance the need to protect those defendants who are unable to participate effectively in their own trial whether permanently or for a defined period and the need to protect the public from people who may have caused serious social harm as a result of their antisocial behaviour The challenge for law reformers legislators and judges is to create rules that ensure that everyone who can properly be tried is tried while seeking to preserve confidence in the fairness of the legal system by ensuring that people who cannot properly engage in the criminal trial process are not forced to endure it

**Commentaries on the Law of Criminal Procedure, Or Pleading, Evidence and Practice in Criminal Cases** Joel Prentiss Bishop, 1866 *Comparative Criminal Procedure* Gerhard O. W. Mueller, Fré Le Poole-Griffiths, 1969 **Criminal Procedure, Or Commentaries on the Law of Pleading and Evidence and the Practice in Criminal Cases** Bishop, 1880 *Criminal Procedure* Steven Emanuel, Steven Knowles, 1994 **A Complete Practical Treatise on Criminal Procedure, Pleading, and Evidence, in Indictable Cases** John Frederick Archbold, 1858 The Basic Guide to Criminal Procedure Dane Ally, Mabowa Thomas Mokoena, 2013 Criminal Procedure Act 1986 NSW, 2003 **New Criminal Procedure** Joel Prentiss Bishop, New Criminal Procedure Joel Prentiss Bishop, Harry Clay Underhill, 1872 *Criminal Procedure* Robyn S. Brown, 2009 Criminal Procedure Laying Down the Law is a hands on workbook designed to help students understand the constitutional provisions that shape and guide the Criminal Justice System Through a step by step approach to critically analyzing and applying **The Charter and Criminal Procedure** Jerome Atrens, 1989-01-01

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