Syllabus for Criminal Procedure

1. An introduction to criminal procedure in Hong Kong

An overview of the criminal courts
- Magistrates' Court (including Juvenile Court)
- District Court
- Court of First Instance ("CFI")
- Court of Appeal
- Court of Final Appeal

Classification of offences
- Summary offences
- Indictable offences
- Excepted offences

2. Police Powers
- Stop, detain and search
- Search warrants
- Arrest powers
- Rules and directions for the questioning of suspects
- Identification parades
- Cautioned statements and post-recorded statements
- Other law enforcement agencies (e.g. the "ICAC", Customs and Excise, Commercial Crime Bureau etc.)

3. Commencement of Proceedings
- Functions of the Secretary for Justice
- Department of Justice's prosecution policy and practice
- Arrest and Charge
- Summonses
- Fixed Penalty Offences

4. Bail
- The right to bail
- Police bail
- Magistrates Court bail
- Applications to CFI for bail
- Offences relating to bail

5. Indictments, Charges and Summonses
- Form of summonses and charges
- Indictment rules
- Rule against duplicity
- Joinder of defendants and charges
- Severance
- Alternative charges and amendments

6. Procedure before and at Trial

Magistrates Court
- Pleas of guilty and trials of not-guilty pleas
- Transfer to the District Court
- Committals and preliminary inquiries
- Review and appeals

District Court
- Trials, transfers to CFI and appeals

Court of First Instance ("CFI")
- Voluntary bills and pre-trial procedures
- Juries
- Verdicts
- Appeals from the Magistrates Court

Court of Appeal
- Appeals from District Court and CFI to Court of Appeal

Court of Final Appeal
- Appeals from Court of Appeal to Court of Final Appeal

Particular issues at trial
- Applications to stay proceedings
- Submissions of no case

7. Sentencing - Theory and Practice
- Pleas of guilty
- Conviction after trial
- Pre-sentence reports
- Sentencing guidelines, totality and starting points
- Deterrent sentences
- Suspended sentences
- Non-custodial sentences
- Special sentences e.g. treatment orders, hospital orders
- Pleas of mitigation

8. Funding Criminal Litigation
- Private funding
- Legal Aid
- Duty Lawyer Service
- Costs in Criminal Cases Ordinance (Cap.492)
- Costs against convicted defendants
- Assessment of costs
- Wasted costs orders

Recommended Reading List for Criminal Procedure

Texts and Materials

Archbold Hong Kong: Criminal Law Pleadings Evidence and Procedure, current edition, Sweet and Maxwell

Criminal Procedure in Hong Kong, Cancy Liu, Sweet & Maxwell (2018, student edition).

Criminal Litigation in Hong Kong, Christopher Knight and Anthony Upham (3rd Ed), Thomson Sweet & Maxwell Asia. ISBN 9789626614211

Criminal Procedure in Hong Kong - A Guide for Students and Practitioners, Amanda Whitfort, 2nd Ed, LexisNexis – Butterworths

*Criminal Procedure - Trial on Indictment***,** Andrew Bruce S.C., Butterworths

Criminal Procedure Handbook, Butterworths

Magistrates Court Manual, Audrey Campbell-Moffat, Sweet and Maxwell

*Sentencing in Hong Kong***,** Cross and Cheung, Butterworths (7th Ed), Lexis Nexis

The "*Prosecution Code*", issued by the Department of Justice, should be read for an insight on the criteria for prosecutions.
A working knowledge of the **"***Rules and Directions for the Questioning of Suspects and Interviewing Witnesses*" is also necessary.

Sources

Hong Kong Court of Final Appeal Ordinance (Cap.484)
Criminal Procedure Ordinance (Cap.221)
Magistrates Ordinance (Cap.227)

The websites of The Department of Justice, The Hong Kong Police Force and the ICAC (Independent Commission Against Corruption) are also useful sources of background information.