

- May arrest for refusal under s17D

vii) **Road Traffic Act** s16 empowers police to stop vehicle, rickshaw, bicycle on a road
A PO may, w/i 4 months of an offence, demand certain details of the driver/registered owner of a vehicle (s6J RTD)

- Must tell the PO the name, add & driving licence no of the driver at the time of the alleged offence (*Secretary for Justice v Richard Laker*)

viii) **Dangerous Drugs Ordinance**: s32(1g) empowers police to stop & search –

- If article liable to seizure may be in personal custody
- If a person is found w/i a place where an article liable to seizure is found

Searching

Common law empowers police to search an AP on reasonable suspicion he has a weapon/evidence material to the offence for which he was arrested (*Lindley v Rennie* – Unlawful search)

See above: s34(1) & (2) PPO; s33 PPO

B) Search Warrants

Search of premises w/ a warrant

i) Police

Allows a magistrate to issue a warrant to enter, search for, & usually seize property from premises, on the understanding that there is reasonable cause to suspect that there is likely to be on those premises a thing of value to the investigation of an offence committed about to be committed (s36(7) PPO)

Reasonable cause to issue a warrant does not require the court to find a *prima facie* case vs the accused (*Shaukat Ali Hussain v Chung Fook Kam*)

- But a magistrate must usually receive evidence on oath in the form of a sworn statement of belief from the officer seeking the warrant

A decision to issue a warrant, or to deny an application for issue, may be the subj of IR (May not – *Re Racial Communications Ltd/May Inc – Apple Daily Ltd v Comm of the ICAC* (No 2))

The warrant should be – (*Re Ip and Willis; Baker v Campbell*)

- Addressed to the appropriate person in control of the premises, &
- State the offence alleged which requires the search

Police empowered by a warrant to break into premises where necessary

- If a person has control of the things searched looks likely to hamper the search => The warrant may also allow police to detain persons for a period reasonably necessary to allow them to conduct the search

The items seized should be described w/ reasonable particularity in the warrant (*Baker v Campbell*)

- But where evidence of further crimes of a similar nature is discovered during a lawful search => that evidence may also be seized (*Chie Fashions (West Wales) Ltd v Jones*)

ii) ICAC

Allows ICAC officers to make an application for a warrant to search for evidence of bribery offence (s17 PPO)

Except: Counsel's chambers & solicitor's offices may not be the subj premises of such a warrant unless the staff of those officers are suspected of bribery offences (s17(2) PPO)

- BUT not for warrants issued under s16B & 16C ICAC Ord & s38 PPO

s16B & 16C ICAC Ord allows ICAC officers to seek warrants permitting them to search for & seize materials relating to the investigation of bribery/corruption offences

- The ICAC are generally not permitted to seek a warrant under s16B to investigate offences not related to bribery/corruption unless evidence of such offence has arisen in the course of a bribery/corruption investigation (s18 ICAC Ord)
- Other offences => s38 PPO

Other relevant provisions relating to searches –

- Seizure of materials used in preparation for crime (s18B & 184 CPD)
- Seizure of evidence relating to sexual offences specified in Part VII CO (s152 CO)
- Seizure of evidence relating to the offence of keeping a vice establishment (s153 CO)
- Search & seizure of stolen goods (s28(1) Theft Ord)

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Joel Prentiss Bishop



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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 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 **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 **The Economist**, 2005 **The Washington Post**, 1974 **Forthcoming Books** Rose Arny, 1994-02 Necessary Changes in Criminal Procedure Herbert Spencer Hadley, Jesse W. Barrett, 1926

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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

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