

# HONG KONG CASES

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*General Editor*

Gerard McCoy, Barrister

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List of abbreviations used in this volume (excluding reports):

A	High Court Action
ACJ	Acting Chief Justice
A-G	Attorney General
AR	Application for Review
Adm	Admiralty Action
App	Appendix
art	article
Aust	Australia
CA	Court of Appeal
CA	Civil Appeal Number in references to unreported cases (eg CA 2/92)
CC	High Court Criminal Case
CJ	Chief Justice
Cap	Chapter (as in Chapter Number of an Ordinance)
Crim App	Criminal Appeal
Comm L	Commercial List
Con L	Construction List
ch	chapter (as in chapter number of a book)
cl(l)	clause(s)
DC	District Court
DCA	District Court Action
DJ	District Judge
DPP	Director of Public Prosecutions
EC	European Communities
ECC	Economic Compensation Case
ECHR	European Court of Human Rights
ECJ	Court of Justice of the European Communities
EEC	European Economic Communities
Ed	Edition
Ex Ch	Court of Exchequer Chamber
exh	exhibit
fn	footnote
HC	High Court
HL	House of Lords
HMSO	Her Majesty's Stationery Office
J(J)	Justice(s)
J(J)A	Justice(s) of Appeal
LT(A)	Labour Tribunal (Appeal)
LC	Lord Chancellor
Ld T(A)	Lands Tribunal (Appeal)
MA	Magistracy Appeal
MCA	Magistracy Criminal Appeal
MP	Miscellaneous Proceedings
MR	Master of the Rolls
n	note
NSW	New South Wales

## Hong Kong Cases

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O	Order (of the Rules of the Supreme Court)
PC	Privy Council
PRC	People's Republic of China
PCA	Privy Council Appeal
Pt	Part
para	paragraph
RSC	Rules of the Supreme Court
r(r)	rule(s)
reg	regulation
s	section
sub-s	subsection
Sch	Schedule
UN	United Nations
Uncitral	United Nations Commission on International Trade Law
VP(P)	Vice-President(s)
WCC	Workers' Compensation Case

### List of abbreviations of law reports:

AC	Law Reports, Appeal Cases (HL and PC); since 1890
All ER	All England Law Reports; since 1936
App Cas	Law Reports, Appeal Cases, House of Lords, 15 vols; 1875–1890
B & S	Best and Smith's Reports, Queen's Bench, 10 vols; 1861–1870
BWCC	Butterworths' Workmen's Compensation Cases; 1907–1949
Beav	Beavan's Reports, Rolls Court, 36 vols; 1838–1866
C & P	Carrington and Payne's Reports, Nisi Prius; 9 vols; 1823–1841
CB	Common Bench Reports, 18 vols; 1845–1856
CLR	Commonwealth Law Reports; since 1903
CLY	Current Law Yearbook, 1947–(current)
Ch	Law Reports, Chancery Division; since 1890
Ch App	Law Reports, Chancery Appeals, 10 vols; 1865–1875
Ch D	Law Reports, Chancery Division, 45 vols; 1875–1890
Cox CC	EW Cox's Criminal Law Cases; 1843–1945
Cr App R	Criminal Appeal Reports (HL and CA(UK)); since 1908
Crim LR	Criminal Law Review; since 1954
De GJ & Sm	De Gex, Jones and Smith's Reports, Chancery, 4 vols; 1862–1865
ER	English Reports, 178 volumes; 1220–1865
Fam	Family Division; 1972–(current)
Fam Law	Family Law
HKDCLR	Hong Kong District Court Law Reports
HKLJ	Hong Kong Law Journal

## Abbreviations

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HKLR	Hong Kong Law Reports
HKTC	Hong Kong Tax Cases
IR	Irish Reports; since 1892
Irish LTR	Irish Law Times Reports; 1867–
JP	Justice of the Peace
KB	Law Reports, King's Bench Division, 53 vols, 1901–1952
LGR	Local Government Reports; 1902–(current)
LJCP	Law Journal, Common Pleas; 1831–1875
LJKB	Law Journal, King's Bench; 1831–1946
LJQB	Law Journal, Queen's Bench; 1831–1846
LRCP	Law Reports, Common Pleas, 10 vols; 1865–1875
LT	Law Times Reports, 177 vols, 1859–1947
Lloyd LR	Lloyd's List Law Reports; 1919–1950
Lloyd's Rep	Lloyd's List Law Reports; since 1951
Mac & G	Macnaghten and Gordon's Reports, Chancery, 3 vols; 1849–1852
My & Cr	Mylne and Craig's Reports, Chancery, 5 vols, 1835–1841
Mod	Modern Reports, 12 vols; 1669–1755
NY	New York Court of Appeals Reports; 1847–
O'M & H	O'Malley and Hardcastle's Election Cases; 1869–1934
P	Law Reports, Probate, Divorce and Admiralty Division; 1891–1971
P & CR	Planning (Property) and Compensation Reports, 1950–(current)
QB	Law Reports, Queen's Bench Division; 1891–1900, and since 1952
QBD	Law Reports, Queen's Bench Division; 1875–1890
RTR	Road Traffic Reports; 1970–(current)
Sa	South African Law Reports, since 1947
SLT	Scot's Law Times; 1893–(current)
Sol Jo	Solicitor's Journal; since 1856
Stra	Strange's Reports, 2 vols; 1716–1747
TLR	The Times Law Reports, 71 volumes; 1884–1950
	The Times Law Reports; since 1951
TR	Taxation Reports
Taunt	Taunton's Reports, Common Pleas, 8 vols; 1807–1819
VLR	Victorian Law Reports, vols 11–29; 1885–1904
Ves Jun	Vesey Jun's Reports, Chancery, 19 vols; 1789–1817
WLR	Weekly Law Reports; since 1953
WR	Weekly Reporter, 54 vols; 1852–1906

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Conviction for attempt to pervert course of public justice – Nature of crime to be taken into consideration – Where crime was against public interest as a whole – Relevance of personal circumstances of accused – Whether suspended sentence appropriate

*Attorney General v Yeung Sau Shing* [CA] 129



Manslaughter – Stabbing in course of robbery – Normal sentence for robbery – Use of knife – Criminal record – Offences taken into consideration – Whether sentence appropriate  
*Attorney General v Yim Yee Kwong* [CA] 101

Object – Rehabilitation – Public policy – Use of violence – Substantial terms of imprisonment  
*Attorney General v Law Ying Cheung* [CA] 161

Series of offences – Same expedition – Concurrent sentences  
*Attorney General v Yim Yee Kwong* [CA] 101

Taking other offences into consideration – Whether this was the practice – Charges formally before court for trial – Procedure – Statement of reasons for not hearing other charges  
*R v Law Kwok Wah* [CA] 109

Whether conduct of accused at trial an indicator for sentencing  
*R v Lai Yuen Cheung* [HC] 546

Whether suspended sentence a half way between imprisonment and individualized sentence  
*R v Lai Yuen Cheung* [HC] 546

## **Trial**

Direction to jury – Admissibility of accused's previous conviction – Corroboration related to accomplice evidence – Test for applying proviso  
*R v Wong Yau Leung* [CA] 168

Finding of fact – Inference – Approach  
*R v Dawe* [DC] 19

Power of trial judge to stop trial – Close of prosecution case – Trial judge finding no case to answer but that it would be unsafe to convict on prosecution evidence – Defendant acquitted – Whether appropriate to stop a case as a judge of fact  
*Attorney General v Kwan Ngan Chung* [HC] 439

Voluntary absence of defendant – Whether court had discretion to proceed – Paramount consideration – Whether justice served by allowing trial to proceed  
*R v Chu Miu Tak & Anor* [DC] 388

## **Verdict**

Alternative verdict – Charge of robbery – No sufficient evidence to support charge – Defendant convicted on alternative charge of theft and second charge of handling stolen property – Whether conviction for theft logical – Whether second conviction correct – Criminal Procedure Ordinance (Cap 221) s 83(a)  
*R v Chiu Chi Yeung* [CA] 112