

# Police Power & Voir Dire



by

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Barrister-at-Law,  
Cheng Huan Q.C., S.C.'s Chambers;  
Miss Ada Kam,  
Former Chief Inspector of Police,  
Solicitor, Messrs. S.H. Chan & Co.  
and  
Dr. Eric Cheung Kwan-Ming,  
Permanent Magistrate,  
Kowloon City Magistrates' Courts



Mr. Jackson Poon was called to the Hong Kong Bar in 1986. He is experienced in dealing with civil and criminal cases. In 1994 and 1995, he sat as a Deputy Magistrate for the Judiciary. In 1995, he joined the then Legal Department (now Department of Justice) directly as a Senior Crown Counsel. In 2006, he returned to private practice. He is now in Cheng Huan S C Chambers involved in civil cases and criminal litigation. In August 2014, he sat as a Deputy District Judge.



Mr. Poon has handled numerous personal injury cases and has given many lectures on personal injury. He has also handled cases involving Employees Compensation, Incorporated Owners disputes, Lands Tribunal trials, Trust, Commercial disputes, Sales of Goods, Manufacturing of Goods, Construction, Dishonoured Cheques, Defamation, Landlord and Tenant disputes, Conveyancing disputes, Employment disputes, Land disputes, Company matters and Judicial Reviews. He has handled various criminal cases and he is a listed mediator of the Bar Association.

Various law lectures had been delivered by him for the University of Hong Kong, Hong Kong Polytechnic University, City University, Law Society, Butterworths, Police Detective Training School and Criminal Advocacy Courses of the Department of Justice.

## Miss Ada Kam

*Former Chief Inspector of Police, Solicitor, Messrs. S.H. Chan & Co.*

Miss Ada Kam was a Chief Inspector of Police. She then joined the Department of Justice and is now a solicitor practicing at Messrs. S.H. Chan & Co. handling criminal and civil litigation.

## Dr. Eric Cheung Kwan-Ming

*Permanent Magistrate, Kowloon City Magistrates' Courts*

Dr. Cheung obtained his LL.B. (Hons), P.C.L.L. and a Master of Arts Degree in Arbitration and Dispute Resolution from the City University of Hong Kong in 1995, 1996 and 1999 respectively. He further obtained LL.M. from the City University of Hong Kong and the University of Hong Kong in 2000 and 2004 respectively. He was called to the Bar in Hong Kong in 1996. He has since 1997 been in private practice. Dr. Cheung was appointed as a Permanent Magistrate in 2009. He was awarded the Doctor of Juridical Science from City'U in 2012.

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## Police Power

- Duties of Police Officers
- Acts outside duties
- Police Power to stop, detain & search
- How to deal with police officers at the scene and later on
- Power of Entry of premises with or without a warrant
- How to claim damages after lawful/unlawful entry of premises
- Seizure of property & how to claim back properties
- Power of Arrest with/without warrant
- How to prosecute/defend the following charges:
  1. Obstructing a police officer in due execution of his duties
  2. Resisting arrest
  3. Assaulting a police officer in due execution of his duties
- Legal visits in Police Station, how to tackle the problems
- Identification Parade/confrontation in police station - the role of lawyer for the suspect
- Disorderly conduct, Court of Final Appeal Case

## Voir Dire

- What is 'Alternative Procedure' and Voir Dire'?
- Multiple defendants challenging statement
- Advantages of Voir Dire
- Voir Dire or Alternative Procedure?
- What is an admission?
- Mixed Statement
- Forms of an admission
- Summary of interviews
- Burden of Proof
- Fairness of the proceeding
- Can the voluntariness of the statement be agreed?
- Some points for discussion
- Written Ground of Objection
- A matter of weight
- Out of Court ID Parade
- Disclosure
- Rules and Directions for the Questioning of Suspects and the Taking of Statements
- Breach of the Rules and Directions
- Ground for challenging the statement
- The interviewee
- Fruit of the Poison Tree
- Advices given to the Defendant to give evidence or not on special issue
- General and special Issue
- Time of Ruling
- Standard Ruling
- High Court
- Magistrates' Court and District Court

Scan to Calendar



Code:	<b>EVT000000045</b>	Level:	<b>Intermediate</b>
Date:	<b>17 January 2015 (Saturday) (Amended)</b>	Language:	<b>Cantonese (Course Materials in English)</b>
Time:	<b>10:30 - 12:40 (Amended)</b> (Reception starts at 10:00)	Accreditation(s):	<b>LSHK 2.0 CPD Points</b> (LSHK Allocated Number: 20144091)
Venue:	<b>Kornerstone Institute</b> 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	<b>Please Contact Us for Details</b>



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