

# Syllabus for Evidence

1. **Introduction**
  - Principal items and classification of evidence
  - Relevance
  - Admissibility
  - Best evidence rule
  - Probativeness and prejudice
  - Judicial discretion to exclude
2. **Burden and standard of Proof**
  - Legal burdens
  - Evidential burden
  - Criminal standard of proof
  - Civil standard of proof
3. **Proof without evidence**
  - Presumptions
  - Judicial notice
  - Formal admissions
4. **Division of functions between judge and jury**
  - Questions of law and fact
  - The voir dire and challenges to admissibility
  - Sufficiency of evidence
5. **Witnesses (1) – Competence and compellability**
  - Accused and co-accused
  - Spouse
  - Children
  - Miscellaneous cases (diplomats, persons of unsound mind etc)
6. **Witnesses (2) – Character**
  - Relevance
  - Good character
  - Bad character
7. **Witnesses (3) – General**
  - Examination in chief
  - Cross examination
  - Corroboration
  - Protection of vulnerable witnesses
  - Warnings for special witnesses in criminal cases

- 8. Course of evidence**
  - Rule against prior consistent statements
  - Refreshing memory
  - Hostile witnesses
  - Prior inconsistent statements
  - Collateral questions
  - Evidence in rebuttal
  
- 9. Opinion Evidence**
  - Non-expert opinion evidence
  - Expert opinion evidence
  - Ultimate issues
  
- 10. The Rule Against Hearsay**
  - Development of the rule and rationale
  - General principles
  - Exceptions
  
- 11. Admissions and confessions**
  - Definitions
  - Oppression
  - Voluntariness
  - Unreliability
  - Implication of co-accused
  - Derivative evidence
  - Mixed statement rule
  
- 12. Evidence unfairly or illegally obtained**
  - The common law
  - Statute
  - Human rights
  - Judicial discretion as to
  
- 13. Privilege**
  - General principles
  - Legal professional privilege
  - Privilege against self-incrimination
  - Marital privilege

## Reading List for Evidence

### Texts

Simon N. M. Young, *Hong Kong Evidence Casebook*, Sweet & Maxwell (Asia), 2004  
(ISBN 962 661 264 9)

*Butterworths Hong Kong Evidence Law Handbook 2<sup>nd</sup> Edition*. 2005.  
LexisNexis/Butterworths (ISBN 962 8855 56 5)

*Cross on Evidence*, Wellington:LexisNexis NZ, 2005

*Colin Tapper, Cross and Tapper on Evidence, Oxford University Press, 12<sup>th</sup> Edition  
2010*

### Sources

Evidence Ordinance (Cap 8)

Criminal Procedure Ordinance (Cap 221)

Magistrates Ordinance (Cap 227)

Rules and Directions for the Questioning of Suspects and the Taking of Statements  
1992

Hong Kong cases