

Understanding Criminal Justice in Hong Kong, Wing Hong Chui and T Wing Lo (eds), [United Kingdom, Willan Publishing, 2008, xii +284pp, paperback, US\$39.95, HK\$310] ISBN 978 1 84392 300 8

The publication of *Understanding Criminal Justice in Hong Kong* is intended to fill the need for a book addressing issues in criminal justice and administration in Hong Kong. The book provides an overview of topics relevant to students of sociology, criminology and law. It sensibly avoids trying to be all things to all people and the editors stress that the purpose of the book is to provide access to the major topics in this area to first time students trying to come to grip with the basics. The book is a welcome addition to a field which has hitherto been heavily reliant on overseas materials for study.

The topics covered in the 12 chapters included in the book have been written by academics and senior level public servants, each an expert in his field, allowing students access to up to date and well chosen data. The style of the book is easy to follow, with revision questions provided at the end of each chapter, assisting the reader to usefully review the matters canvassed. One somewhat annoying feature of the book, however, is the decision to place the legislation and cases cited by each author at the end of their chapter. A Table of Cases and Legislation would certainly have been of more benefit to law students using the book.

The first chapter provides an introduction to the chapters which follow. Chapter 2 focuses on the Criminal Law. The author discusses *mens rea*, *actus reus* and the common defences to crime. Elements of some specific crimes are also mentioned. Obviously the proper study of substantive Criminal Law takes in a huge area and the author has had to be brief in order to keep this topic to one chapter. As such the chapter will be of more benefit to students outside of the law, where more detailed analysis of the principles touched on is mandatory.

Chapter 3 provides a quite detailed analysis of the statistical data concerning crime and victimisation rates in Hong Kong. The social reasons for Hong Kong's low crime rates, and its unexpectedly high incarceration rates, are discussed. The size of the Hong Kong Police Force, the level of public expenditure on security and the social values of Hong Kong people are cited as the main reasons for Hong Kong's enviable "safe city" rating. The main problem with this chapter is that the authors have not addressed the prevalence of crimes of corruption in Hong Kong, focusing instead on offences involving violence and property. With much of the District Court's workload being taken up with commercial crime these types of cases warranted serious consideration and inclusion.

Chapter 4 analyses the rights afforded to victims of crime in Hong Kong. The author considers the philosophical basis for granting these rights and whether Hong Kong can truly be said to be supporting the rights of victims of crime. The author discusses the role of the 2003 Victims of Crime Charter and suggests that the Charter should be elevated to law. Proposals for the use of reparation and mediation (common features of the criminal justice systems of the United Kingdom and New Zealand) are provided. This chapter would have been improved by a serious discussion of the use of Victim Impact Statements in criminal proceedings (a feature heavily relied on in the Australian justice system for over a decade).

Chapter 5 focuses on the Hong Kong Police Force. The author provides a history of the police in Hong Kong and discusses the changes to the force in recent times. This chapter provides an interesting study of several cases involving clashes between political activists and police in recent years, including the protests staged at the WTO conference in December 2005. The author expresses concern over a reportedly decreasing level of organisational professionalism amongst new recruits to the police force. Further discussion of the likely reasons for this development would have been useful to this chapter, had space permitted. The chapter also provides little analysis of the role and development of the ICAC, a body playing an increasingly important role in Hong Kong's criminal justice system.

Chapter 6 discusses the proper prosecution of crime. In describing the duties of a prosecutor the author details the reasonable prospect of conviction test and the role of the public interest in determining which cases are prosecuted. The responsibilities of a prosecutor in presenting a case properly and impartially to a court are discussed in a clear and succinct manner. Pivotal to these responsibilities are the duty to provide ongoing and adequate disclosure of all material evidence to the defence, protection of victims' rights both pre-trial and at court, and the duty to assist the court at sentencing by providing a correct summary of the facts upon which the conviction is grounded and the applicable sentencing guidelines, where requested. The important role of the prosecutor in determining whether a sentence should be reviewed is also highlighted. This chapter provides a clear analysis of what is arguably the most onerous role to be played in the criminal justice system, that of the prosecutor, and, if read together with the Statement of Prosecution Policy 2009, should provide students with a good understanding of the issues relevant to prosecuting crime in Hong Kong's courts.

Chapter 7 describes the procedures for hearing criminal trials in the Magistrates Courts, the District Court and the Court of First Instance.

The author describes the processes by which cases are allocated to the various levels of court, the jurisdictions of the courts, and the rights of appeal from decisions of the Magistrates Courts and District Court. Appeals from the Court of First Instance are considered in Chapter 9. Space precludes the author from providing any very detailed discussion of procedure in the three courts of first instance. The author has nonetheless provided a clear introduction to a detailed subject.

Chapter 8 focuses on sentencing and is a valiant attempt to summarise what is clearly the most difficult aspect of criminal justice: arriving at a fair and appropriate sentence. To sentence well is said to be an art and not a science. The author attempts to describe not only the general philosophy behind sentencing but also the various sentences and principles which must be carefully weighed and balanced in a judge's mind when he or she comes to pass sentence. The coverage of these complex matters in one chapter is no small feat.

Chapter 9 describes the process of appeals. The jurisdiction and powers of the appellate courts are ably described by the author, again given the constraints of space. Whilst this chapter provides an excellent overview of the process, further reading would be necessary to develop a proper understanding of the many intricacies of appeal proceedings.

Chapter 10 describes the history and philosophy behind the use of probation and community service orders in Hong Kong. The various conditions which may be attached to such orders are described along with an analysis of the types of offenders which respond best to this important diversion from a custodial sentence. The author identifies the need for empirical analysis of the true effectiveness of these orders in Hong Kong, a matter which hopefully will be taken up in further research.

The final chapter, Chapter 12, discusses policies and initiatives utilised in Hong Kong to prevent crime. The author of this chapter agrees with the authors of Chapter 3, citing Hong Kong as amongst the safest cities in the world. She suggests, however, that further analysis of prevention measures is necessary to determine the true reasons behind Hong Kong's success.

Throughout the book the authors have often identified the need for further research studies in Hong Kong addressing methods of crime prevention, appropriate responses to crime and ways to counteract recidivism. Whilst the editors clearly intended this book to be of introductory value, rather than to provide any detailed analysis of the topics covered, to my mind further analysis of these issues would have greatly benefited the reader. Whilst students and practitioners of Criminal Procedure are now relatively easily able to source material on the criminal process in Hong Kong (indeed flatteringly, my own work in this area is cited by the

editors, unfortunately with my surname misspelled!) very little has been written for students of Sociology and Criminology. It is in these fields that the book could provide its greatest contribution. It is hoped that a second edition may be able to fill this lacuna.

Amanda Whitfort*

* Associate Professor, Faculty of Law, The University of Hong Kong.