

Candidate No. \_\_\_\_\_

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**1999 OVERSEAS LAWYERS  
QUALIFICATION EXAMINATION**

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**HEAD II: CIVIL AND  
CRIMINAL PROCEDURE**

Thursday, 28 October 1999



## **HEAD II : CIVIL AND CRIMINAL PROCEDURE**

### **TEST PAPER**

**28 October 1999**

#### **Instructions to Candidates**

1. The duration of the examination is 3 hours and 30 minutes.
2. This is an open-book examination.
3. There are FIVE questions in this paper. You must answer any FOUR questions.
4. Apart from Question 5, start each answer on a separate page of your answer book.
5. If you answer Question 5, your answer must be written in the spaces provided for that question on your question paper.
6. You must attach your question paper to your answer book at the end of the examination.
7. Each question has the value noted on the question paper. You are urged to apportion your time in accordance with the relative value of each question. No marks can be awarded to a question for which there is no attempted answer.
8. Do not take either this question paper or any answer books with you when you leave the examination room.

# 1999 Overseas Lawyers Qualification Examination

## Head II : Civil and Criminal Procedure

### Question 1 (25 marks)

*Note that you are concerned with procedural issues and not with substantive law.*

Chan was stopped and searched by two Customs and Excise officers on 25 December 1998 after he arrived at Hong Kong's airport on a flight from Thailand. A package containing 1.5 kilogramme of heroin (a dangerous drug) was found inside the shoulder bag he was carrying. He was arrested and charged with trafficking in dangerous drugs contrary to s. 4 of the Dangerous Drugs Ordinance Cap.134.

On the first appearance before a magistrate the prosecution said the case would proceed in the Court of First Instance. Bail was refused. He has been in custody since his arrest.

Chan pleaded guilty to trafficking in dangerous drugs at the committal proceedings. The magistrate committed him in custody to the Court of First Instance for sentence.

He has the following previous convictions:

1994	Assault Occasioning Actual Bodily Harm	Fined \$2,000
1995	Possession of Dangerous Drugs	Drug Addiction Treatment Centre
1996	Possession of Dangerous Drugs	Three months imprisonment
1997	Being a Member of a Triad Society	Six months imprisonment

After the committal for sentence Chan gave information to the Customs and Excise and to the police about drug trafficking and triad activities. As a result three other persons have been arrested on drug trafficking related charges and the police are actively looking for two others. Chan has been segregated from other prisoners since giving that information for his own safety.

Chan is a Hong Kong resident. He lives with his wife and two children aged 10 and 7 in Mongkok. He is concerned about their safety because of the information he has given to the authorities.

Chan has terminated his instructions to his previous solicitors and you are now instructed to represent him in the Court of First Instance.

**What advice would you give, and how would you proceed, in the following situations:**

- 1) **Chan instructs you that he wishes to plead not guilty when he appears in the Court of First Instance and will deny any knowledge of the package found inside his shoulder bag.**

*(See over the page for questions (2) and (3))*

- 2) **Chan instructs you that he maintains his guilty plea to trafficking.**
- 3) **Chan instructs you that he maintains his guilty plea to trafficking but stresses that the drugs were for his own consumption.**

**Support your answer with reasons and authorities where appropriate.**

*[ Note that the definition of trafficking in the Dangerous Drugs Ordinance includes importing or exporting dangerous drugs (even for self consumption)]*

## Question 2 (25 marks)

Answer **both** parts of this question

### **Part A**

In September 1998 V was attacked and killed by a group of men armed with choppers and iron bars. Two men, D and E, were arrested in January 1999 and charged with V's murder. They were committed for trial in July 1999. Their trial is listed to start in the Court of First Instance in 14 days time. D and E have been in custody since their arrest.

The police have been actively looking for the other persons involved in the attack upon V. Yesterday the police arrested Z. Z is alleged to be involved in the attack upon V and he also has been charged with the murder of V.

The prosecution want D, E and Z tried together on the same indictment.

**Advise the prosecution whether, and if so, how that might be achieved.**

**Support your answer with reasons and authorities where appropriate. (7 marks)**

### **Part B**

Yesterday D was acquitted by a magistrate of four charges of obtaining services by deception contrary to s.18A of the Theft Ordinance, Cap 210.

D checked into four hotels and left each one without paying the bill. The prosecution alleged that she had deceived the hotels into providing accommodation and services by dishonestly representing that she would pay at the end of her stay, when she had no intention of doing so. D had left each hotel without paying her bill and without informing the hotels that she was leaving.

The magistrate found that there was a case to answer on each charge.

D represented herself at trial and gave evidence in her own defence. She said that when she checked into each hotel she told the reception staff that she would pay at the end of her stay, and that at that time, she intended to do so. She had become dissatisfied with the service each hotel provided and decided to leave without paying. She said she thought the hotels would understand.

When acquitting D, the magistrate said he accepted that when she checked into the hotels she intended to pay and therefore, could not be guilty of obtaining services by deception. He added, "As the prosecution chose to charge D under s.18A of the Theft Ordinance, those charges are the only ones I am concerned with. Had D been charged with making off without payment contrary to s.18C of the Theft Ordinance, their case might have been stronger. They chose not to do that and must take the consequences".

D faces four more charges of obtaining services by deception at four other hotels. These charges will be heard in 7 days time. The prosecution case will be very similar to the case on the charges on which D has been acquitted.

The prosecution has asked you whether they can appeal D's acquittal and, if so, upon what basis and by what procedure. They also want your advice on anything that might be done if D's case on the second trial is the same as at the first trial.

**Advise the prosecution. Support your advice with reasons and authorities where appropriate. (18 marks)**

*[Sections 18A, 18C, 32 and Schedule 1 of the Theft Ordinance Cap. 210 are attached in the Appendix at the back of the Test Paper]*

### Question 3 (25 marks)

#### Answer all parts of this question

Mr Michael Chan is the Chairman of Boohoo Limited, a Hong Kong registered company which is a successful manufacturer of computers and which he aims to list on the Hong Kong Stock Exchange. He is concerned that the reputation of Boohoo should not become tarnished prior to the listing. Unfortunately, Boohoo has recently become involved in two potentially damaging litigation actions in Hong Kong. Michael Chan explains to you that he is not satisfied with the advice he has received from Boohoo's solicitors and that he would like a second opinion on a number of questions. He is especially concerned that the certain design faults should not become public knowledge and is worried whether the disclosure of information or documents in the proceedings may harm Boohoo. He tells you he was educated in the United States and that he only recently returned to Hong Kong.

- (1) Michael Chan explains that in 1997 a large customer purchased 200 computers from Boohoo. They were the latest model, number XYZ 2000. The customer complained that the computers were defective and in 1998 it commenced proceedings against Boohoo. Two weeks ago an Order was made on the Summons for Directions for discovery on lists within 21 days. A draft List of Documents has been prepared by Boohoo's solicitors which Michael Chan produces for you to review. He says the design of model XYZ 2000 was seriously defective when it first came onto the market at the beginning of 1997 and that even now there are problems, although the design has been modified. He asks you to explain to him the following and to quote "chapter and verse" as he is not familiar with Hong Kong litigation practice:-
- (a) **What is discovery and what documents should be disclosed?**
  - (b) **Can Boohoo delay serving its List of Documents at this stage and if it does, what action is the Plaintiff likely to take and with what consequences?**
  - (c) **Is it necessary to disclose written complaints received from other customers?**
  - (d) **There exist some damaging internal memoranda which circulated among the Board of Directors of Boohoo in 1996 concerning the design problems of XYZ 2000. He tells you he does not wish to disclose them. What are his options and what consequences might arise?**

*(see the next page for questions (2) and (3))*

- (2) Michael Chan says that he has also been advised by Boochoos's solicitors to prepare a witness statement. He is reluctant to do so. He asks you to explain to him:-

**What the witness statement should contain and what would be the consequences if he fails to produce one or produces one which does not contain all it should contain?**

- (3) Michael Chan explains that the second action involves an ex-employee. Several months ago, Boochoo dismissed Maria Song. Maria Song has alleged that the dismissal was wrongful but Boochoo maintains it was for good cause. Maria Song recently obtained employment with Newco. She told Newco that she left Boochoo "in a rather unhappy situation" and that she was bringing an action against Boochoo. A few days later, Newco told Maria Song that it had received a reference letter from Boochoo alleging dishonesty on her part, which she denied. Her probation period has been extended pending the outcome of her action. Maria Song has issued a Writ against Boochoo alleging negligent misstatement, breach of duty of care and libel. A Statement of Claim had not been filed. Maria Song now demands that Boochoo provides her with a copy of the letter as Newco refuses to do so. She says that if it is not given voluntarily, she will seek a court order.

**Michael Chan asks you to advise him on what action Maria Song can take and whether it is likely to succeed.**



#### Question 4 (25 marks)

Please see the attendance note below and draft an affidavit in support of the Mareva Injunction application to be made this afternoon. You do not need to insert the formal heading showing the name of the Court and Action number etc and you need only set out the names of the parties in the heading and then draft the contents. You do not need to draft the covering sheet for any exhibit.

You should assume that the affidavit was sworn this morning and will be filed as soon as the Court grants the application at the *ex parte* hearing this afternoon.

Attendance Note :-

Attending Mr **Sik Yuen-fan** and his wife **Ho Tung-see** at our office with supervising partner LLP. **Ho's** father is the managing director of **SAR Bank** and a long term and valued client of our firm. **Ho** said she had been married to **Sik** for 5 years and there is one child. They are living in a 1,500 sq. ft. flat at Tin Road, which flat was gifted to and registered in the name of **Sik** by **Ho's** father as a marriage gift. When the flat was gifted to **Sik**, it was worth about **HK\$5 million**. **Sik** believes it is now worth about **HK\$6 million**.

**Sik** is the 50% shareholder and director of **Chuen & Sik Trading Ltd**, which carries on the business of manufacturing and trading in toys and electronic products. The company is a joint venture between **Sik** and **Chuen Kwai-tung** (the latter being the other 50% shareholder and director). It started business about 3 years ago. It has an annual turnover of about HK\$50 million over the past two years. The profit margin is around 20%. **Chuen** is responsible for the day to day running of the business as **Ho** insists on **Sik** spending more time to look after the child while she goes shopping or to accompany her in travelling to various countries for sight-seeing and shopping.

**Chuen** and his wife, **Tai Tam-sum**, have emigrated to Canada. After obtaining citizenship there they returned to Hong Kong about 3 years ago, but their son **Teddy** (now aged 10) continues to study in Canada. **Chuen** often tells **Sik** that he misses Canada as the quality of life there is far better than in Hong Kong. However, he prefers to work in Hong Kong as he thinks there is better opportunity here to earn more money. **Chuen** likes playing soccer and watching movies. **Sik** used to enjoy the same hobbies but after the marriage can no longer afford the time. **Tai** comes from a rich family and her father, **Tai Dor-chin**, is a majority shareholder and managing director of **Tai Property Ltd**, one of the largest local property developers and is a public listed company. **Ho** has been a friend of **Tai Tam-sum** for quite a long time as their respective parents are friends. Indeed **Chuen** and **Sik** were introduced to each other through **Ho** and **Tai**. According to **Ho**, **Tai's** marriage with **Chuen** does not have the blessing of **Tai's** father and so there appears to be little contact between the couple and **Tai's** father since their marriage 10 years ago. **Tai** is working as an accounting clerk in a small trading firm called **Nothing to Gain Co.** earning about \$10,000 per month.

About two months ago, **Sik** had a minor quarrel with **Ho** over money and **Ho** complained that **Sik** was not earning enough money to provide her with sufficient security. **Sik** responded by

saying that his company had been doing very well and so she should have been quite content with the situation. The next day **Sik** came back to the office and checked how much the company had in its bank accounts. To **Sik's** surprise, he noted that the money standing to the credit of the Company's bank accounts was only about HK\$300,000. That aroused **Sik's** suspicion that money probably had been paid out under circumstances unknown to him and for unknown reasons.

As a result, **Sik** began to check discreetly the Company's accounts and make inquiries with its bank, the **Overseas Union Bank**. The Company's only banker is the **Overseas Union Bank** where it has a savings account No. 832-3-06999-1 and a current account No. 832-3-06292-7. **Sik** and **Chuen** are the only authorised signatories and any transfer of not more than HK\$300,000 can be signed and authorised by either of them. About six weeks ago, **Sik** requested the bank to provide him with copies of all the cheques issued by the Company between the value of HK\$50,000 and HK\$300,000 over the last 3 years. The bank's officer called **Sik** 2 days ago saying that the copy cheques were ready for collection but required him to pay HK\$100 per copy as the handling charges. **Sik** thought it was too expensive. **Sik** then rang **Mr Mai Yan-ching**, a director of the Bank and a friend of **Ho's** father, who agreed to reduce the bank charges to HK\$10 per copy. **Sik** then hurriedly took a taxi to the Bank's office in Central and collected copies of the cheques by paying HK\$2,300 in total in the afternoon. **Sik** then spent the whole night at the Company's office checking the copy cheques received against the cheque stubs. **Sik** discovered that 5 cheques totalling HK\$800,000 recorded on the cheque stubs as paying to **Toymaster Ltd** were in fact not paid to it but were paid to **Chuen** personally. Similarly 7 cheques totalling HK\$2,230,000 recorded as paying to **Electronica Ltd** were in fact not paid to it but were paid to **Chuen's** wife, **Tai**. **Toymaster** is one of the Company's suppliers for toys and **Electronica** is a supplier for electronic products. The dates of the 5 cheques paid to **Chuen** were from 8 April 1999 to 23 September 1999 and the dates of the 7 cheques paid to **Tai** were from 4 May 1999 to 21 September 1999.

As far as **Sik** and **Ho** are aware, **Chuen** and **Tai** have a 1,000 sq. ft. flat at Flat C, 16/F, Block 44, North Horizons, Hong Kong. They bought it in September 1998 for HK\$5 million with the assistance of a 70% mortgage loan with the **SAR Bank**.

LPP discussed with **Sik** and **Ho** at length about their potential claims against **Chuen** and **Tai**. LPP advised that a Mareva injunction should be sought immediately. LPP asked **Sik** to provide HK\$200,000 as costs on account in case he would like to proceed with the matter. **Sik** confirmed his instructions and said he would let us have HK\$200,000 the next day.

Time engaged : 1½ hours.

Mong Chai-chai.  
Trainee Solicitor.  
26 October 1999

### Question 5 (25 marks)

This question contains 10 sub-questions carrying 25 marks in total. **You are required to answer all sub-questions in the space reserved on this question paper and then attach your question paper securely to your answer book.**

The sub-questions in this question are based upon an initial fact pattern progressively modified by the addition of facts, or the alteration of facts, in subsequent questions.

#### INITIAL FACTS

You are a solicitor in private practice. On Thursday, 6 May 1999, **Ng Kat-lee** came to see you for advice. He gave you the following information:

1. **Ng Kat-lee** is the founder of **Franco Frog & Co** (“**FFC**”), which is the business name of **Franco Ltd** (a limited company incorporated in Hong Kong). **FFC**’s main business is to import frogs’ legs from France and supply them to local restaurants. It owns an Isuzu van.
2. In the late afternoon on 4 March 1999, **Ng Kat-lee** drove **FFC**’s van to deliver frogs’ legs to a restaurant in Aberdeen. As his daughter, **Ng Ho-choi**, was going to visit her friend in Aberdeen, he gave her a lift. When he was travelling in a southerly direction along Pokfulam Road, a taxi travelling along the opposite side of the road suddenly made a right-hand turn across the road. **Ng** immediately sounded the horn and applied the brake to avoid colliding with the taxi. **Ng** managed to stop the van just in time to let the taxi pass through the intersection. However a lorry travelling behind **Ng** apparently was travelling too fast and could not manage to stop in time and collided with the van. The van was damaged and **Ng Ho-choi** was injured. Fortunately, **Ng Kat-lee** did not suffer any injury.
3. The taxi did not stop but fled. **Ng** noted that the vehicle registration number of the taxi was TX 9413.
4. An ambulance soon arrived and **Ng Ho-choi** was immediately taken to the SAR Hospital (a public hospital). Two policemen also arrived and they made a sketch plan and took pictures of the scene. **Ng Kat-lee** noticed that the lorry had the words “**Bumping Delivery Co**” painted on its side and its vehicle registration number was LY 5354.
5. At the hospital **Ng Kat-lee** was told by **Dr Yee Sai-yan** that **Ng Ho-choi** had broken several bones in her left wrist, suffered a large gash in her head, had mild concussion, sprained her lower back muscles and sustained various other contusions and bruising to her left arm and leg. **Dr Yee** was concerned about the injury to her head and so required her to stay in the hospital for observation for 3 days. She was then released on 7 March 1999.

6. **Dr Yee** gave a report setting out her injuries and continuing disabilities as follows:
- partial loss of function and weakness in left wrist
  - 4 inch vertical scar on left leg caused by laceration
  - 3 inch scar on left elbow caused by laceration
  - scar and permanent disfigurement to the left side of the head
  - continuing pain and discomfort in lower back
  - continuing headaches.
7. The van was towed to **Funny Garage** for repair the day following the accident. **Funny Garage** charged HK\$20,000 for the repair.
8. **Ng Ho-choi** was born on 3 May 1981.

Your search at the Transport Department shows that the taxi is owned by **Mo Leung-sum**, who lives at Flat 12A, Block 21, North Horizons, Hong Kong and the lorry is owned by **Bumping Delivery Co.** Your search at the Business Registry shows that **Bumping Delivery Co** is a partnership run by **Lee Chong-or** and **Or Chong-lee**. The main business of the firm is to provide express delivery service for parcels and goods. The principal place of business of the firm is at Shop 3A, Delivery Building, Delivery Road, Mongkok.

You have also obtained from the police copies of the relevant witness statements, the sketch plan and the photographs. The statement of the lorry driver, **Fung Yan-chong**, shows that at the time of the accident, he was delivering parcels to a customer in Aberdeen. You have been told by the police that **Fung** was subsequently charged and convicted (upon his own guilty plea) of careless driving in the Western Magistracy.

You take the view that the accident was caused by the negligent driving of the taxi driver and/or of the lorry driver. You however do not know the name and address of the taxi driver. You have made enquiry with the taxi owner **Mo Leung-sum**, who tells you that he hires his taxi out to various taxi drivers for a flat charge. Although he admits that he has written records showing the name and address of the person who drove his taxi at the time of the accident, he refuses to disclose the same to you for “privacy” reasons.

**Sub-question 1**

**Is/are there any legal means of ascertaining the name and address of the taxi driver so as to enable you to issue civil proceedings against him? Briefly explain your answer in the space below.**

**(4 marks)**

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**Please tick against the best answer.**  
**(2 marks)**

- (a) (3) and (4) only
- (b) (1), (3) and (4) only
- (c) (1), (2), (3) and (4)
- (d) (1) and (3) only
- (e) (1) and (4) only

#### **Further Additional Facts**

Assume that for some reason your client decided not to pursue the claim for the costs of repair in court. Civil proceedings claiming damages suffered by **Ng Ho-choi** have been issued in the Court of First Instance naming “**Fung Yan-chong**” as the 1<sup>st</sup> Defendant, “**Bumping Delivery Co (a firm)**” as the 2<sup>nd</sup> Defendant and “**Tai Sum-gup**” as the 3<sup>rd</sup> Defendant.

As regards service on the 2<sup>nd</sup> Defendant, your process server, **Luen Kam-lai**, went to **Bumping Delivery Co**'s office at Shop 3A, Delivery Building, Delivery Road, Mongkok on Friday, 28 May 1999 and asked the receptionist for the two partners, **Lee Chong-or** and **Or Chong-lee**. The receptionist told **Luen** that **Lee** had left in early March 1999 to emigrate to Canada and would not return for at least 2 or 3 years. The receptionist said **Or** had gone to a holiday resort in Lantau Island and would only return to the office on Monday, 7 June 1999. The receptionist said in **Or**'s absence, **Or**'s uncle was in charge of the firm's business. The receptionist asked if **Luen** would like to see **Or**'s uncle. **Luen** said there was no need. **Luen** then left a sealed copy of the Writ with the receptionist, telling her that it was a Writ and asking her to pass it to **Or** personally as soon as he returned to the office.

The following morning (i.e. Saturday, 29 May 1999), **Luen**, upon your instructions, went to the post office and sent a sealed copy of the Writ by registered post to **Bumping Delivery Co** at its business address at Shop 3A, Delivery Building, Delivery Road, Mongkok.

(N.B. You should assume that the Writ is accompanied by all necessary documents as required under the relevant Rules/Practice and that what the receptionist said was true. You should also assume that apart from the Sundays on 30 May and 6 June 1999, there is no public holiday during the relevant period.)

#### **Sub-question 7**

**As regards service of the Writ on the 2<sup>nd</sup> Defendant, on the facts given please tick against the best answer.**

*(See over the page)*





### **Further Additional Facts**

The 3<sup>rd</sup> Defendant paid a sum of HK\$2 million into court on 28 July 1999. It subsequently paid a further sum of HK\$510,000 into court on 27 August 1999. The payments were not accepted by the Plaintiff. The 3<sup>rd</sup> Defendant sent a letter marked "*Without Prejudice save as to Costs*" to the Plaintiff on 30 September 1999 offering to settle the Plaintiff's claim by paying \$1 million in addition to the sums earlier paid into court. The offer was not accepted by the Plaintiff.

### **Sub-question 9**

If at the trial

- (1) the Court finds that all 3 Defendants are liable to the Plaintiff and awards the Plaintiff a total principal sum of HK\$2,500,000 plus interest at the rate of 10% per annum from the date of the accident; and
- (2) on the contribution claim between the Defendants, the Court finds that the 1<sup>st</sup> and 2<sup>nd</sup> Defendants are 60% responsible and the 3<sup>rd</sup> Defendant 40% responsible,

**what should be the normal order for costs between the Plaintiff and the 3<sup>rd</sup> Defendant?  
Please tick against the best answer.**

**(2 marks)**

- (a) The 3<sup>rd</sup> Defendant shall pay the Plaintiff's costs up to 28 July 1999 but the Plaintiff shall pay the 3<sup>rd</sup> Defendant's costs thereafter.
- (b) The 3<sup>rd</sup> Defendant shall pay the Plaintiff's costs up to 27 August 1999 but the Plaintiff shall pay the 3<sup>rd</sup> Defendant's costs thereafter.
- (c) The 3<sup>rd</sup> Defendant shall pay the Plaintiff's costs up to 30 September 1999 but the Plaintiff shall pay the 3<sup>rd</sup> Defendant's costs thereafter.
- (d) The 3<sup>rd</sup> Defendant shall pay all of the Plaintiff's costs.
- (e) There should be no order for costs unless the trial judge considers that the 3<sup>rd</sup> Defendant has unreasonably conducted his defence.

### **Sub-question 10**

If after the trial, judgment against the Defendants is orally delivered on 1 November; a sealed copy of the judgment is issued on 24 November; written reasons for the judgment are delivered on 3 December,

**which of the following statements regarding appeal by the Defendants is correct?  
(2 marks)**

*(See over the page)*

- [ ] (a) The deadline for lodging a Notice of Appeal at court is 6 weeks from 1 November.
- [ ] (b) The deadline for serving a Notice of Appeal on the Plaintiff is 6 weeks from 24 November.
- [ ] (c) The deadline for lodging a Notice of Appeal at court is 6 weeks from 24 November.
- [ ] (d) The deadline for lodging a Notice of Appeal at court is 6 weeks from 3 December.

***END OF TEST PAPER***

(2) The cases in which a pecuniary advantage within the meaning of this section is to be regarded as obtained for a person are cases where—

- (a) he is granted by a bank or deposit-taking company, or any subsidiary thereof the principal business of which is the provision of credit—
- (i) a credit facility or credit arrangement;
  - (ii) an improvement to, or extension of, the terms of a credit facility or credit arrangement; or
  - (iii) a credit to, or a set off against, an account, whether any such credit facility, credit arrangement or account—
- (A) is in his name or the name of another person; or  
(B) is legally enforceable or not; (*Added 46 of 1986 s. 2*)
- (b) he is allowed to borrow by way of overdraft, or to take out any policy of insurance or annuity contract, or obtains an improvement on the terms on which he is allowed to do so, whether any such overdraft, policy of insurance or annuity contract—
- (i) is in his name or the name of another person; or
  - (ii) is legally enforceable or not; or (*Replaced 46 of 1986 s. 2*)
- (c) he is given the opportunity to earn remuneration or greater remuneration in an office or employment, or to win money by betting.

(3) For the purposes of this section—

“bank” (銀行) means—

- (a) a bank within the meaning of section 2(1) of the Banking Ordinance (Cap. 155); and
- (b) a bank—
- (i) incorporated by or under the law or other authority in any place outside Hong Kong, and in this respect “incorporated” (成立為法團) includes established; and
  - (ii) which is not a bank within the meaning of section 2(1) of the Banking Ordinance (Cap. 155); (*Amended 49 of 1995 s. 53*)

“deception” (欺騙手段) has the same meaning as in section 17;

“deposit-taking company” (接受存款公司) means a deposit-taking company or restricted licence bank within the meaning of section 2(1) of the Banking Ordinance (Cap. 155); (*Amended 49 of 1995 s. 53*)

“subsidiary” (附屬公司) has the same meaning as in the Companies Ordinance (Cap. 32). (*Replaced 46 of 1986 s. 2*)

[*cf. 1968 c. 60 s. 16 U.K.*]

#### 18A. Obtaining services by deception

(1) A person who by any deception (whether or not such deception was the sole or main inducement) dishonestly obtains services from another shall

(2) 視為為某人取得本條所指的金錢利益的情況如下

- (a) 他獲得銀行或接受存款公司，或其主要業務是提供信貸的任何附屬公司給予——
- (i) 信貸服務或信貸安排；
  - (ii) 改善或延遲信貸服務或信貸安排的條款，或
  - (iii) 帳戶上的貸項或債務抵銷，不論任何該等信貸服務、信貸安排或帳戶——
- (A) 是以他的名義或另一人的名義開戶；或  
(B) 是否可依法強制執行； (*由 1986 年第 46 號第 2 條增補*)
- (b) 他獲容許以透支方式借款，或獲容許取得任何保險單或年金合約，或得以改善他獲容許如此辦的條款，不論任何該等透支、保險單或年金合約——

- (i) 是以他的名義或另一人的名義開戶；或
- (ii) 是否可依法強制執行；或 (*由 1986 年第 46 號第 2 條代替*)

(c) 他獲給予機會在某職位或受僱工作賺取報酬或賺取更多的報酬，或以賭博贏取金錢。

(3) 就本條而言——

“附屬公司”(subsidiary)的涵義與《公司條例》(第 32 章)中該詞的涵義相同； (*由 1986 年第 46 號第 2 條代替*)

“接受存款公司”(deposit-taking company)指《銀行業條例》(第 155 章)第 2(1)條所指的接受存款公司或有限牌照銀行； (*由 1995 年第 49 號第 53 條修訂*)

“欺騙手段”(deception)的涵義與第 17 條中該詞的涵義相同；

“銀行”(bank)指——

- (a) 《銀行業條例》(第 155 章)第 2(1)條所指的銀行；及
- (b) (i) 由或根據香港以外任何地方的法律或其他權限成立為法團的銀行，而在此方面，“成立為法團”(incorporated)包括設立；及
- (ii) 並非《銀行業條例》(第 155 章)第 2(1)條所指的銀行。 (*由 1995 年第 49 號第 53 條修訂*)

[*比照 1968 c. 60 s. 16 U.K.*]

#### 18A. 以欺騙手段取得服務

(1) 任何人以欺騙手段(不論該欺騙手段是否唯一或主要誘因)而不誠實地取得另一人的服務，即屬犯罪，循公訴程序定罪後，可處監禁 10 年。

be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 10 years.

(2) It is an obtaining of services where the other is induced to confer a benefit by doing some act, or causing or permitting some act to be done, on the understanding that the benefit has been or will be paid for.

(3) For the purposes of this section, "deception" (欺騙手段) has the same meaning as in section 17.

(Added 45 of 1980 s. 3)  
[cf. 1978 c. 31 s. 1 U.K.]

#### 18B. Evasion of liability by deception

(1) Subject to subsection (2), where a person by any deception (whether or not such deception was the sole or main inducement)—

- (a) dishonestly secures the remission of the whole or part of any existing liability to make a payment, whether his own liability or another's;
- (b) with intent to make default (whether the default is permanent or otherwise) in whole or in part on any existing liability to make a payment, or with intent to let another do so, dishonestly induces the creditor or any person claiming payment on behalf of the creditor to wait for payment (whether or not the due date for payment is deferred) or to forgo payment; or
- (c) dishonestly obtains any exemption from or abatement of liability to make a payment,

he shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 10 years.

(2) For the purposes of this section "liability" (法律責任) means legally enforceable liability; and subsection (1) shall not apply in relation to a liability that has not been accepted or established to pay compensation for a wrongful act or omission.

(3) For the purposes of subsection (1)(b) a person induced to take in payment a cheque or other security for money by way of conditional satisfaction of a pre-existing liability is to be treated not as being paid but as being induced to wait for payment.

(4) For the purposes of subsection (1)(c) "obtains" (取得) includes obtaining for another or enabling another to obtain.

(5) For the purposes of this section, "deception" (欺騙手段) has the same meaning as in section 17.

(Added 45 of 1980 s. 3)  
[cf. 1978 c. 31 s. 2 U.K.]

(2) 凡有他人被誘，藉着作出某作為，或藉着導致或准許作出某作為而授予利益，以為所授利益已獲或將獲支付代價，此等情況即屬取得服務。

(3) 就本條而言，“欺騙手段”(deception)的涵義與第 17 條中該詞的涵義相同。

(由 1980 年第 45 號第 3 條增補)  
〔比照 1978 c. 31 s. 1 U.K.〕

#### 18B. 以欺騙手段逃避法律責任

(1) 除第(2)款另有規定外，凡任何人以欺騙手段(不論該欺騙手段是否唯一或主要誘因)——

- (a) 不誠實地獲得免除作出付款的全部或部分現有的法律責任，而不論該法律責任是他本人的或是另一人的；
- (b) 意圖不履行作出付款的全部或部分現有的法律責任(不論是否永久地不履行)，或意圖讓另一人如此辦，而不誠實地誘使債權人或任何代表債權人申索款項的人等候付款(不論付款日期是否獲得延期)或放棄要求付款；或
- (c) 不誠實地取得任何豁免或減除作出付款的法律責任，

則屬犯罪，循公訴程序定罪後，可處監禁 10 年。

(2) 就本條而言，“法律責任”(liability)指可依法強制執行的法律責任；而第(1)款不適用於未獲接受或未被確立的為某項錯誤作為或不作為而支付補償的法律責任。

(3) 就第(1)(b)款而言，任何人被誘使接受支票或其他付款保證作為付款，作為有條件地抵銷已有的法律責任，須視為並非獲得付款，而是被誘使等候付款。

(4) 就第(1)(c)款而言，“取得”(obtains)包括為另一人取得或使另一人能夠取得。

(5) 就本條而言，“欺騙手段”(deception)的涵義與第 17 條中該詞的涵義相同。

(由 1980 年第 45 號第 3 條增補)  
〔比照 1978 c. 31 s. 2 U.K.〕

**18C. Making off without payment**

(1) Subject to subsection (3), a person who, knowing that payment on the spot for any goods supplied or service done is required or expected from him, dishonestly makes off without having paid as required or expected and with intent to avoid payment of the amount due shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 3 years.

(2) For the purposes of this section "payment on the spot" (即場付款) includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.

(3) Subsection (1) shall not apply where the supply of the goods or the doing of the service is contrary to law, or where the service done is such that payment is not legally enforceable.

(Added 45 of 1980 s. 3)  
[cf. 1978 c. 31 s. 3 U.K.]

**18C. 不付款而離去**

(1) 除第(3)款另有規定外，任何人明知須為任何已供應的貨品或已提供的服務即場付款，或明知被預期須為該等貨品或服務即場付款，而不誠實地離去，並無如所預期或按預期般付款，意圖逃避支付應付的款項，即屬犯罪，循公訴程序定罪後，可處監禁3年。

(2) 就本條而言，“即場付款”(payment on the spot)包括在收取已予施工或提供服務的貨品時的付款。

(3) 凡貨品的供應或服務的提供是違法的，或提供服務所須付款是不能夠依法追討的，則第(1)款概不適用。

(由1980年第45號第3條增補)  
[比照1978 c. 31 s. 3 U.K.]

**18D. Procuring entry in certain records by deception**

(1) Any person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, by any deception (whether or not such deception was the sole or main inducement) procures the making, omission, altering, abstracting, concealing or destruction of an entry in a record of a bank or deposit-taking company, or any subsidiary thereof the principal business of which is the provision of credit, shall be guilty of an offence and shall be liable on conviction upon indictment to imprisonment for 10 years.

(2) For the purposes of this section—

“bank” (銀行) means—

(a) a bank within the meaning of section 2(1) of the Banking Ordinance (Cap. 155); and

(b) a bank—

(i) incorporated by or under the law or other authority in any place outside Hong Kong, and in this respect “incorporated” (成立為法團) includes established; and

(ii) which is not a bank within the meaning of section 2(1) of the Banking Ordinance (Cap. 155); (Amended 49 of 1995 s. 53)

“deception” (欺騙手段) has the same meaning as in section 17;

“deposit-taking company” (接受存款公司) means a deposit-taking company or restricted licence bank within the meaning of section 2(1) of the Banking Ordinance (Cap. 155); (Amended 49 of 1995 s. 53)

“record” (紀錄) includes—

(a) any document or record used in the ordinary business of a bank or deposit-taking company, or any subsidiary thereof the principal business of which is the provision of credit; and

(b) any document or record so used which is kept otherwise than in a legible form and is capable of being reproduced in a legible form;

**18D. 以欺騙手段在某些紀錄內促取記項**

(1) 任何人為使自己或另一人獲益，或意圖使另一人遭受損失，而不誠實地以欺騙手段(不論該欺騙手段是否唯一或主要誘因)，促致在銀行或接受存款公司，或其主要業務是提供信貸的任何附屬公司的紀錄內記入、略去、改動、抽出、隱蔽或毀滅某記項，即屬犯罪，循公訴程序定罪後，可處監禁10年。

(2) 就本條而言——

“附屬公司”(subsidiary)的涵義與《公司條例》(第32章)中該詞的涵義相同；

“紀錄”(record)包括——

(a) 在銀行或接受存款公司，或其主要業務是提供信貸的任何附屬公司的日常業務中使用的任何文件或紀錄；及

(b) 任何如此使用的文件或紀錄，而該文件或紀錄乃並非以可閱形式保存，但能夠以可閱形式複製重現者；

“接受存款公司”(deposit-taking company)指《銀行業條例》(第155章)第2(1)條所指的接受存款公司或有限牌照銀行；(由1995年第49號第53條修訂)

“欺騙手段”(deception)的涵義與第17條中該詞的涵義相同；

“銀行”(bank)指——

(a) 《銀行業條例》(第155章)第2(1)條所指的銀行；及

(b) (i) 由或根據香港以外任何地方的法律或其他權限成立為法團的銀行，而在此方面，“成立為法團”(incorporated)包括設立；及

(ii) 並非《銀行業條例》(第155章)第2(1)條所指的銀行。(由1995年第49號第53條修訂)

(由1986年第46號第3條增補)

(2) Subject to subsection (4), a person shall have the same right to bring proceedings against that person's wife or husband for any offence (whether under this Ordinance or otherwise) as if they were not married, and a person bringing any such proceedings shall be competent to give evidence for the prosecution at every stage of the proceedings.

(3) Where a person is charged in proceedings not brought by that person's wife or husband with having committed any offence with reference to that person's wife or husband or to property belonging to the wife or husband, the wife or husband shall be competent to give evidence at every stage of the proceedings, whether for the defence or for the prosecution, and whether the accused is charged solely or jointly with any other person:

Provided that—

- (a) the wife or husband (unless compellable at common law) shall not be compellable either to give evidence or, in giving evidence, to disclose any communication made to her or him during the marriage by the accused; and
  - (b) her or his failure to give evidence shall not be made the subject of any comment by the prosecution.
- (4) Proceedings shall not be instituted against a person for any offence of stealing or doing unlawful damage to property which at the time of the offence belongs to that person's wife or husband, or for any attempt, incitement or conspiracy to commit such an offence, unless the proceedings are instituted by or with the consent of the Attorney General:

Provided that—

- (a) this subsection shall not apply to proceedings against a person for an offence—
  - (i) if that person is charged with committing the offence jointly with the wife or husband; or
  - (ii) if by virtue of any judicial decree or order (wherever made) that person and the wife or husband are at the time of the offence under no obligation to cohabit; and
- (b) this subsection shall not prevent the arrest, or the issue of a warrant for the arrest, of a person for an offence, or the remand in custody or admission to bail of a person charged with an offence, where the arrest (if without a warrant) is made, or the warrant of arrest issues on an information laid, by a person other than the wife or husband.

[cf. 1968 c. 60 s. 30 U.K.]

### 32. Verdict

(1) If on the trial of any information, charge or indictment for an offence specified in the first column of the Schedule it is proved that the accused is not

(2) 除第(4)款另有規定外，任何人有同樣權利就任何罪行向其配偶提出法律程序（不論是根據本條例或其他），猶如他們並無結婚一樣，而提出該等法律程序的人，在該法律程序的每一階段，均有能力為控方作證。

(3) 凡任何人在任何法律程序中被控犯有與其配偶有關或與其配偶的財產有關的罪行，而該等法律程序並非由其配偶提出者，則該人的配偶在該等法律程序的每一階段，均有能力作證，不論他是為辯方或是為控方作證，亦不論該被控人是單獨被控或是與其他人一同被控：

但——

- (a) 該人的配偶（除非根據普通法可被強迫作證）不得被強迫作證，亦不得在作證時被強迫披露被控人在婚姻期間向其傳達的任何通訊；及
  - (b) 控方不得就該名配偶不作證一事作出任何評論。
- (4) 如在任何人犯偷竊或非法損壞財產的罪行時，該等財產是屬於其配偶的，則除非是由律政司提出或獲律政司同意而提出法律程序，否則不得就該等罪行，或就企圖、煽惑或串謀犯該等罪行而向該人提出法律程序：

但——

- (a) 如屬下列情形，則本款不適用於就某項罪行而向任何人提出的法律程序——
  - (i) 該人與其配偶一同被控犯該罪行；或
  - (ii) 憑藉任何司法判令或命令（不論在何處作出），該人及其配偶在該罪行發生時並無同居的義務；及
- (b) 任何人如被控犯某罪行，而（在無手令的情況下）逮捕該人者並非其配偶，或對該人發出的逮捕令亦非因其配偶所作的告發而發出，則本款不得阻止對該人進行逮捕或對該人發出逮捕令，亦不得阻止將該人還押監管或保釋。

[比照 1968 c. 60 s. 30 U.K.]

### 32. 裁決

(1) 在附表第 1 欄指明的罪行的告發、控罪或公訴的審訊中，如經證明被控人該項罪行的罪名不成立，但卻犯有該附表第 2 欄中與該罪行相對處列出的其中一項罪行，或

guilty of that offence but guilty of one of the offences specified opposite thereto in the second column of that Schedule or of attempting or being a party to an offence so specified, the accused shall be acquitted of the offence originally charged and shall be convicted of such other offence or of attempting or being a party to such other offence and be liable to be punished accordingly.

(2) The references in the Schedule to numbered sections and subsections shall be construed to include every offence under the section or subsection so numbered in this Ordinance.

(3) Nothing in this section or in the Schedule shall exclude the application to any offence of any other law authorizing a person to be found guilty of an offence other than that with which he is charged.

### 33. Effect on civil proceedings and rights

(1) A person shall not be excused, by reason that to do so may incriminate that person or the wife or husband of that person of an offence under this Ordinance—

(a) from answering any question put to that person in proceedings for the recovery or administration of any property, for the execution of any trust or for an account of any property or dealings with property; or

(b) from complying with any order made in any such proceedings, but no statement or admission made by a person in answering a question put or complying with an order made as aforesaid shall, in proceedings for an offence under this Ordinance, be admissible in evidence against that person or (unless they married after the making of the statement or admission) against the wife or husband of that person.

(2) Notwithstanding any enactment to the contrary, where property has been stolen or obtained by fraud or other wrongful means, the title to that or any other property shall not be affected by reason only of the conviction of the offender.

[cf. 1968 c. 60 s. 31 U.K.]

### 34. Effect on existing law and construction of references to offences

(1) The following offences at common law are hereby abolished for all purposes not relating to offences committed before the commencement of this Ordinance, that is to say, any offence at common law of larceny, robbery, burglary, receiving stolen property, obtaining property by threats, extortion by colour of office or franchise, false accounting by public officers, concealment of treasure trove and, except as regards offences relating to the public revenue, cheating.

犯有企圖犯該等罪行，或是犯該等罪行的參與人，則該名被控人就其原來被控的罪行須獲判無罪，但該人須被裁定該等其他罪行的罪名成立，或被裁定企圖犯該等其他罪行，或被裁定是犯該等其他罪行的參與人，並可據此受罰。

(2) 在附表中對已編號的條及款的提述，須解釋為包括提述在本條例中該已如此編號的條或款所訂的每一項罪行。

(3) 如有任何其他法律准許法庭裁定某人犯有控罪以外的其他罪行，則本條或附表的任何條文不得將任何罪行剔除在該法律的適用範圍外。

### 33. 對民事法律程序及對權利的影響

(1) 任何人不得以可能會導致其本人或其配偶就本條例所訂罪行入罪為理由而——

(a) 獲免回答在收回或管理財產、執行信託或就財產或財產處理而作出闡釋的法律程序中向其提出的問題；或

(b) 獲免遵守在該等法律程序中作出的命令，但任何人在上述情況下回答所提出的問題或遵守所作出的命令時作出的陳述或供認，在有關本條例所訂罪行的法律程序中，不得被接納為對該人或其配偶不利的證據（除非兩人在作出該陳述或供認後始行結婚）。

(2) 即使任何成文法則有相反的規定，凡財產已被人偷竊或已被人以欺詐或其他不當手段取得，則該財產或任何其他財產的所有權，不得僅因該罪犯被定罪而有所影響。

[比照 1968 c. 60 s. 31 U.K.]

### 34. 對現有法律的影響及對罪行提述的解釋

(1) 下列的普通法罪行，即任何在普通法的盜竊罪、搶劫罪、入屋犯法罪、收受贓物、以恐嚇行為取得財產、以偽職或專管權進行勒索、公職人員偽造帳目、隱藏埋於地下的無主寶藏，以及（除與政府收入有關的罪行外）行騙罪，如與本條例生效日期前所犯罪行無關，現予廢除。



(2) Except as regards offences committed before the commencement of this Ordinance, and except as the context otherwise requires—

- (a) references in any enactment passed before this Ordinance to an offence abolished or contained in any provision repealed by this Ordinance shall, subject to any express amendment or repeal made by this Ordinance, have effect as references to the corresponding offence under this Ordinance, and in any such enactment “receive” (收受) (when the expression relates to an offence of receiving) shall mean handle, and “receiver” (收受贖物者) shall be construed accordingly; and
- (b) without prejudice to paragraph (a), references in any enactment, whenever passed, to theft or stealing (including references to stolen goods), and references to robbery, burglary, aggravated burglary or handling stolen goods, shall be construed in accordance with the provisions of this Ordinance, including those of section 26.

[cf. 1968 c. 60 s. 32 U.K.]

(2) 除與本條例生效日期前所犯罪行有關外，以及除文意另有所指外—

- (a) 在本條例生效前通過的任何成文法則中，凡提述已被本條例廢去的罪行，或提述載於任何被本條例廢除的條文內的罪行時，除本條例作出的任何明文修訂或廢除另有規定外，其效力須一如提述本條例所訂的相應罪行，而在該等成文法則中，“收受”(receive)(當此詞與收受贖物的罪行有關時)須指處理，而“收受贖物者”(receiver)亦須據此解釋；及
- (b) 在以不損害(a)段的規定為原則下，在任何時間通過的成文法則中，凡提述盜竊或偷竊(包括提述贖物)，以及提述搶劫、入屋犯法、嚴重入屋犯法或處理贖物罪，均須按照本條例的條文，包括第26條的條文作出解釋。

[比照 1968 c. 60 s. 32 U.K.]

35. Transitional provisions

(1) Sections 29 and 30 shall apply in relation to proceedings for an offence committed before the commencement of this Ordinance as they would apply in relation to proceedings for a corresponding offence under this Ordinance and shall so apply in place of any corresponding enactment repealed by this Ordinance.

(2) Subject to subsection (1), no repeal or amendment by this Ordinance of any enactment relating to procedure or evidence, or to the jurisdiction or powers of any court, or to the effect of a conviction, shall affect the operation of the enactment in relation to offences committed before the commencement of this Ordinance or to proceedings for any such offence.

[cf. 1968 c. 60 s. 35(2) & (3) U.K.]

35. 過渡性條文

(1) 第29及30條就本條例生效日期前所犯罪行的法律程序而適用，一如其就本條例所訂的相應罪行的法律程序而適用，並須代替被本條例廢除的任何相應成文法則而適用。

(2) 除第(1)款另有規定外，本條例對任何與程序或證據有關、或與任何法院的司法管轄權或權力有關或與定罪的效果有關的成文法則作出的廢除或修訂，不得影響該成文法則就本條例生效日期前所犯罪行或任何該等罪行的法律程序的實施。

[比照 1968 c. 60 s. 35(2) & (3) U.K.]

SCHEDULE [s. 32]

ALTERNATIVE VERDICTS

Offences

1. Theft (section 9).

Other offences of which the defendant may be found guilty

- (i) Taking conveyance without authority (section 14).
- (ii) Obtaining property by deception (section 17).
- (iii) Obtaining pecuniary advantage by deception (section 18).
- (iv) Obtaining services by deception (section 18A).
- (v) Evasion of liability by deception (section 18B).

附表

[第32條]

轉以他罪裁決

罪行

1. 盜竊罪(第9條)。

被告人可被判有罪的其他罪行

- (i) 未獲授權而取用運輸工具(第14條)。
- (ii) 以欺騙手段取得財產(第17條)。
- (iii) 以欺騙手段取得金錢利益(第18條)。
- (iv) 以欺騙手段取得服務(第18A條)。
- (v) 以欺騙手段逃避法律責任(第18B條)。

Offences	Other offences of which the defendant may be found guilty
	(vi) Making off without payment (section 18C). (vii) False accounting (section 19). (viii) Handling stolen goods (section 24). (ix) Going equipped for stealing (section 27).
2. Robbery (section 10).	(i) Theft (section 9). (ii) Assault with intent to rob (section 10). (iii) Blackmail (section 23(1)). (iv) Handling stolen goods (section 24). (v) Common assault.
3. Assault with intent to rob (section 10).	(i) Theft (section 9). (ii) Robbery (section 10). (iii) Blackmail (section 23(1)). (iv) Common assault.
4. Burglary (section 11).	(i) Theft (section 9). (ii) Handling stolen goods (section 24). (iii) Going equipped for stealing (section 27). (iv) Inflicting grievous bodily harm.
5. Aggravated burglary (section 12).	(i) Theft (section 9). (ii) Burglary (section 11). (iii) Handling stolen goods (section 24). (iv) Going equipped for stealing (section 27). (v) Inflicting grievous bodily harm. (vi) Possession of arms. (vii) Possession of imitation firearm. (viii) Possession of explosive.
6. Taking conveyance without authority (section 14(1)).	Going equipped for stealing (section 27).
7. Obtaining property by deception (section 17).	(i) Theft (section 9). (ii) Obtaining pecuniary advantage by deception (section 18). (iii) Obtaining services by deception (section 18A). (iv) Evasion of liability by deception (section 18B). (v) Making off without payment (section 18C). (vi) Blackmail (section 23(1)). (vii) Handling stolen goods (section 24). (viii) Going equipped for stealing (section 27).
8. Obtaining pecuniary advantage by deception (section 18).	(i) Theft (section 9). (ii) Obtaining property by deception (section 17). (iii) Evasion of liability by deception (section 18B). (iv) Blackmail (section 23(1)). (v) Handling stolen goods (section 24).

罪行	被告人可被判有罪的其他罪行
	(vi) 不付款而離去 (第 18C 條)。 (vii) 偽造帳目 (第 19 條)。 (viii) 處理贓物罪 (第 24 條)。 (ix) 外出時備有偷竊用的物品 (第 27 條)。
2. 搶劫罪 (第 10 條)。	(i) 盜竊罪 (第 9 條)。 (ii) 意圖搶劫而襲擊他人 (第 10 條)。 (iii) 勒索罪 (第 23(1) 條)。 (iv) 處理贓物罪 (第 24 條)。 (v) 普通襲擊罪。
3. 意圖搶劫而襲擊他人 (第 10 條)。	(i) 盜竊罪 (第 9 條)。 (ii) 搶劫罪 (第 10 條)。 (iii) 勒索罪 (第 23(1) 條)。 (iv) 普通襲擊罪。
4. 入屋犯法罪 (第 11 條)。	(i) 盜竊罪 (第 9 條)。 (ii) 處理贓物罪 (第 24 條)。 (iii) 外出時備有偷竊用的物品 (第 27 條)。 (iv) 使他人身體受到嚴重傷害。
5. 嚴重入屋犯法罪 (第 12 條)。	(i) 盜竊罪 (第 9 條)。 (ii) 入屋犯法罪 (第 11 條)。 (iii) 處理贓物罪 (第 24 條)。 (iv) 外出時備有偷竊用的物品 (第 27 條)。 (v) 使他人身體受到嚴重傷害。 (vi) 管有槍械。 (vii) 管有仿製火器。 (viii) 管有炸藥。
6. 未獲授權而取用運輸工具 (第 14(1) 條)。	外出時備有偷竊用的物品 (第 27 條)。
7. 以欺騙手段取得財產 (第 17 條)。	(i) 盜竊罪 (第 9 條)。 (ii) 以欺騙手段取得金錢利益 (第 18 條)。 (iii) 以欺騙手段取得服務 (第 18A 條)。 (iv) 以欺騙手段逃避法律責任 (第 18B 條)。 (v) 不付款而離去 (第 18C 條)。 (vi) 勒索罪 (第 23(1) 條)。 (vii) 處理贓物罪 (第 24 條)。 (viii) 外出時備有偷竊用的物品 (第 27 條)。
8. 以欺騙手段取得金錢利益 (第 18 條)。	(i) 盜竊罪 (第 9 條)。 (ii) 以欺騙手段取得財產 (第 17 條)。 (iii) 以欺騙手段逃避法律責任 (第 18B 條)。 (iv) 勒索罪 (第 23(1) 條)。 (v) 處理贓物罪 (第 24 條)。

Offences	Other offences of which the defendant may be found guilty
9. Evasion of liability by deception (section 18B).	(i) Theft (section 9). (ii) Obtaining property by deception (section 17). (iii) Obtaining pecuniary advantage by deception (section 18). (iv) Obtaining services by deception (section 18A). (v) Making off without payment (section 18C). (vi) Blackmail (section 23(1)).
10. Making off without payment (section 18C).	(i) Theft (section 9). (ii) Obtaining property by deception (section 17). (iii) Obtaining services by deception (section 18A). (iv) Evasion of liability by deception (section 18B). (v) Blackmail (section 23(1)).
11. Blackmail (section 23(1)).	(i) Obtaining property by deception (section 17). (ii) Obtaining pecuniary advantage by deception (section 18). (iii) Obtaining services by deception (section 18A). (iv) Evasion of liability by deception (section 18B). (v) Making off without payment (section 18C). (vi) Possession of blackmailing letter (section 23(4)). (vii) Common assault. (Amended 45 of 1980 s. 6; 13 of 1995 s. 2; 80 of 1997 s. 102)

罪行	被告人可被判有罪的其他罪行
9. 以欺騙手段逃避法律責任 (第 18B 條)。	(i) 竊罪 (第 9 條)。 (ii) 以欺騙手段取得財產 (第 17 條)。 (iii) 以欺騙手段取得金錢利益 (第 18 條)。 (iv) 以欺騙手段取得服務 (第 18A 條)。 (v) 不付款而離去 (第 18C 條)。 (vi) 勒索罪 (第 23(1) 條)。
10. 不付款而離去 (第 18C 條)。	(i) 竊罪 (第 9 條)。 (ii) 以欺騙手段取得財產 (第 17 條)。 (iii) 以欺騙手段取得服務 (第 18A 條)。 (iv) 以欺騙手段逃避法律責任 (第 18B 條)。 (v) 勒索罪 (第 23(1) 條)。
11. 勒索罪 (第 23(1) 條)。	(i) 以欺騙手段取得財產 (第 17 條)。 (ii) 以欺騙手段取得金錢利益 (第 18 條)。 (iii) 以欺騙手段取得服務 (第 18A 條)。 (iv) 以欺騙手段逃避法律責任 (第 18B 條)。 (v) 不付款而離去 (第 18C 條)。 (vi) 管有勒索信件 (第 23(4) 條)。 (vii) 普通襲擊罪。 (由 1980 年第 45 號第 6 條修訂；由 1995 年第 13 號第 2 條修訂；由 1997 年第 80 號第 102 條修訂)