



CCPL

CENTRE FOR COMPARATIVE AND PUBLIC LAW
AT THE FACULTY OF LAW, THE UNIVERSITY OF HONG KONG

HKU CCPL TALK

Conditioned Thinking about Criminal Fault: Comparative Reflections Across the Civil and Common Law Traditions

9 April 2024 (Tuesday) 12:30 – 1:30 PM
Academic Conference Room, 11/F Cheng Yu Tung Tower
The University of Hong Kong

In *HKSAR v. Chan Kam Shing* [2016] HKCFA 87, Mr Justice Ribeiro PJ put up a thought-provoking response to the role of conditions within fault elements in criminal law. His honour gave (at [86]) three reasons rejecting any change to Hong Kong's doctrine of "joint enterprise", whereby it is easier to convict a second party of further crimes after a first, the third was, "I consider that *Jogee*'s introduction of the concept of "conditional intent" in its restatement of the law gives rise to significant conceptual and practical problems." Conditional intention was not new to English criminal law in *Jogee* ([2016] UKSC 8), and many legal systems use a process to account for additional outcomes, beyond the direct purpose of the defendant. This seminar considers ways of doing that, and that they mean in theory and in practice. It also considers what justifications and values underpin claims of which way is better.

SPEAKER:



Professor Matthew Dyson Professor of Civil and Criminal Law, University of Oxford

Matthew Dyson is Professor of Civil and Criminal Law and Director of the Institute of European and Comparative Law at the University of Oxford and Tutorial Fellow of Corpus Christi College, Oxford. He is President of the European Society for Comparative Legal History, an Associate Member of 6KBW College Hill, and Global Professor of Law at the London Law Programme of the University of Notre Dame in England. He works on tort law, criminal law, and the relationship between the two, particularly from historical and comparative perspectives. He has worked as an academic adviser for cases in the UKSC and EWCA, including for the appellants in *R v Jogee* [2016] UKSC 8. Some recent publications include *Explaining Tort and Crime* (CUP, 2022), (ed) *Regulating Risk through Private Law* (Intersentia, 2018), and (co-ed) *The Limits of Criminal Law* (Intersentia, 2018).

CHAIR:



Professor Simon Young

Ian Davies Professor in Ethics, Faculty of Law, The University of Hong Kong



Prior registration is required for this in-person event: <https://bit.ly/3Vb0IS5>
For inquiries, please contact Flora Leung at ccpl@hku.hk.