

Chan Hon-tong - - - - - *Petitioner*

v.

The Queen - - - - - *Respondent*

FROM

THE SUPREME COURT OF HONG KONG

---

REASONS FOR THE REPORT OF THE LORDS OF THE JUDICIAL  
COMMITTEE OF THE PRIVY COUNCIL UPON PETITION  
FOR SPECIAL LEAVE TO APPEAL *IN FORMA PAUPERIS*

DELIVERED THE 31ST OCTOBER 1973

---

*Present at the Hearing:*

LORD DIPLOCK  
VISCOUNT DILHORNE  
LORD SALMON

[*Delivered by* LORD DIPLOCK]

---

Their Lordships will humbly advise Her Majesty that special leave should not be granted in this case. In saying that, it must not be thought that their Lordships consider that the Chief Justice who tried this case was in any way in error in saying to the jury that it was not necessary to explain to them the details about the nature of the offence of murder; how it could be reduced to manslaughter by provocation or diminished responsibility; or how it could be excused by self-defence. The facts of the matter were that the victim was found strangled, transfixed through the throat with two knives, and stabbed in the neck by at least one other knife. The petitioner gave no evidence. The only issue in the case was whether it was he or someone else who had committed those injuries which caused her death.

The learned Chief Justice said to the jury: "Members of the jury, I don't propose to insult your intelligence by giving you a definition of murder". There was no necessity to give such a definition in this case. It was murder or nothing, and the only question was whether it was the defendant's act.

**In the Privy Council**

---

**CHAN HON-TONG**

v.

**THE QUEEN**

---

DELIVERED BY  
**LORD DIPLOCK**