

# JUDICIAL SYSTEM OF HONG KONG



# Functions of the Judiciary of Hong Kong

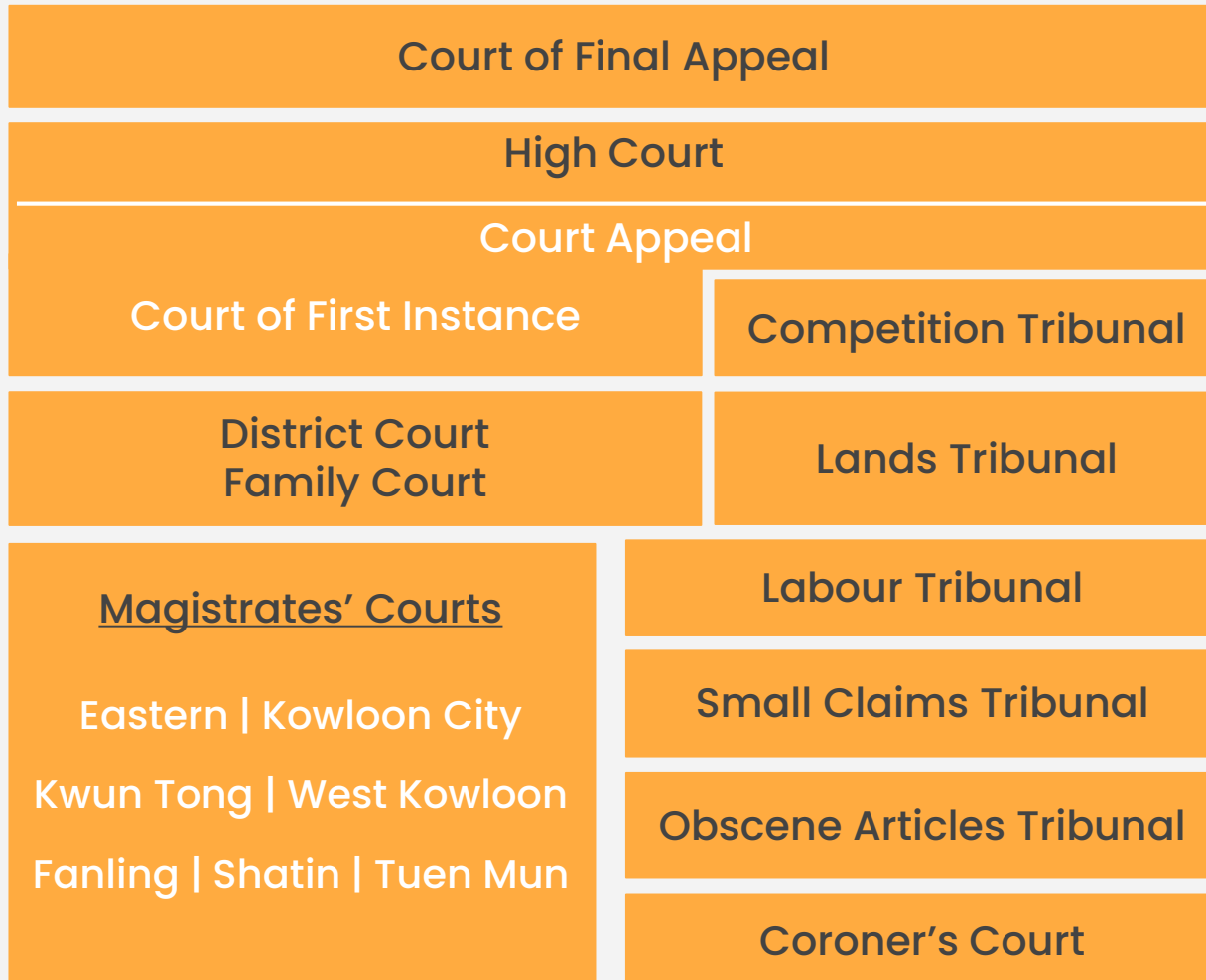


The Judiciary is responsible for the administration of justice and conducting hearings for criminal and civil litigation cases in Hong Kong. They are independent of the executive authorities and the legislature.

I see. Then how do the various courts in Hong Kong share the workload?



# Hong Kong Courts



## Court of Final Appeal

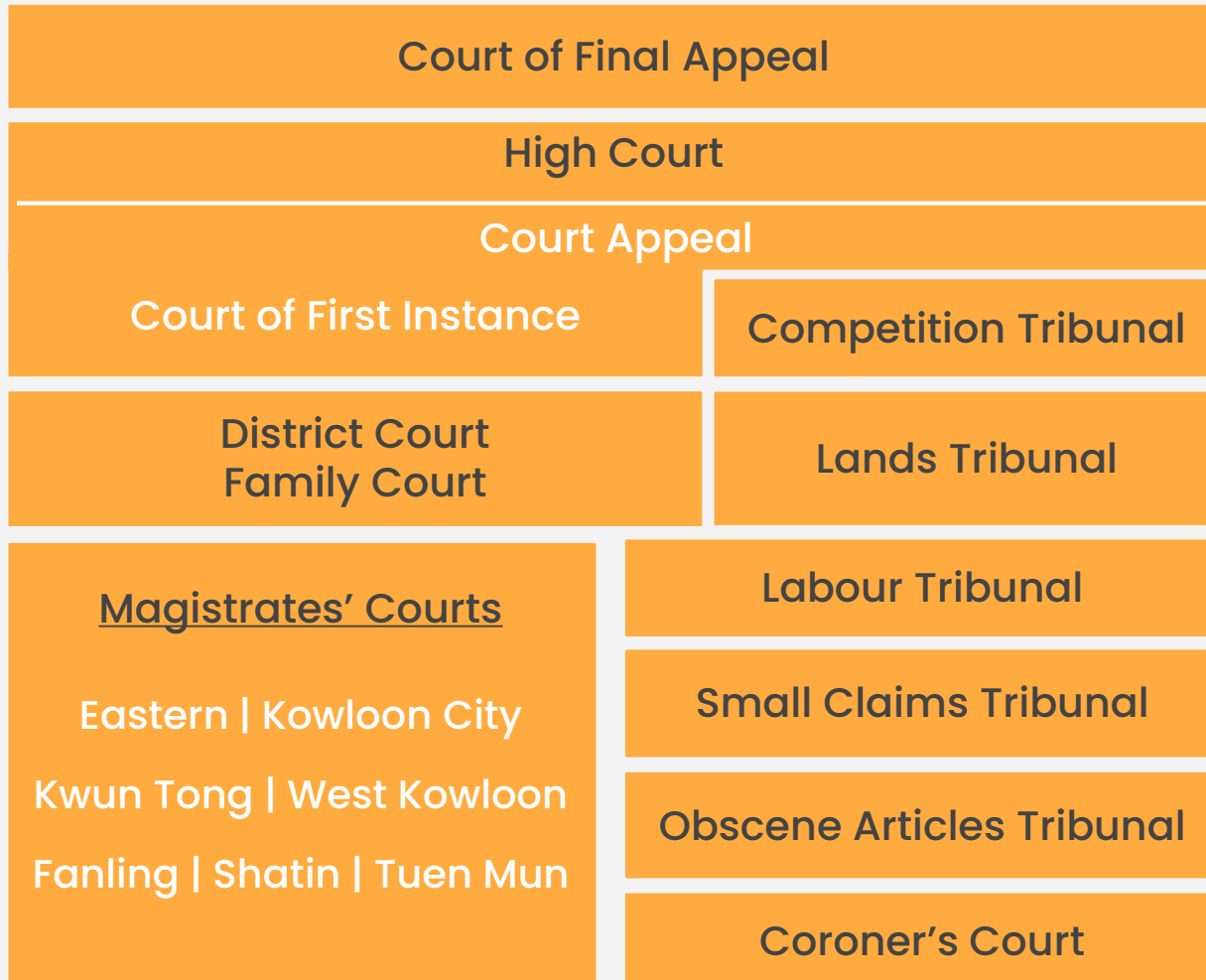
- ❑ The highest appellate court in Hong Kong. It hears appeals on civil and criminal matters from the High Court.

## High Court

- ❑ Consists of the Court of Appeal and the Court of First Instance, which hear appeals and trials.



# Hong Kong Courts

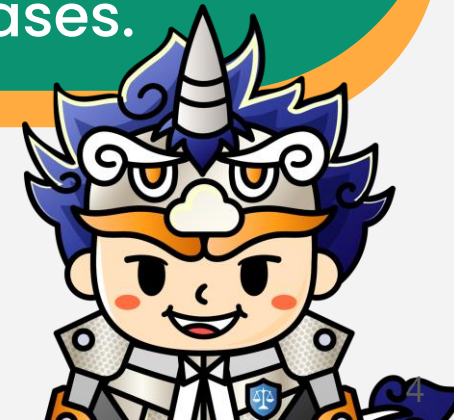


## District Court

- ❑ Hears civil disputes of higher values and more serious criminal cases.

## Magistrates' Courts

- ❑ There are 7 Magistrates' Courts in Hong Kong. They hear a wide range of criminal cases.



# Hong Kong Courts

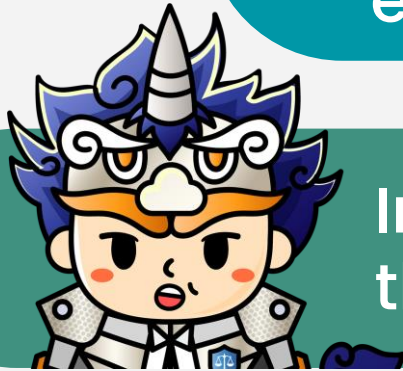


Appeal mechanism is an important aspect of the rule of law. There are appeal mechanisms for both civil and criminal cases. In general, each case has **at least two opportunities for appeal.**



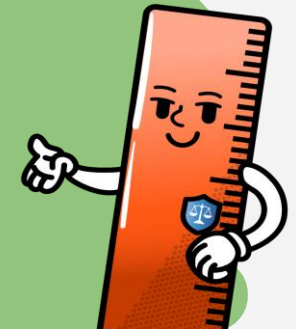
# How to safeguard independent judicial power?

How do we ensure that the judicial power of the judges in Hong Kong can be exercised free from any interference?



Independent judicial power is protected by the Basic Law.

When assuming office, judges must take the judicial oath to uphold the Basic Law, and safeguard the law and administer justice without fear or favour, self-interest or deceit.



# How to safeguard independent judicial power?

## Appointment of Judges

Recommendations made by the Judicial Officers Recommendation Commission

Appointment of the judges of the Court of Final Appeal and the Chief Judge of the High Court requires the endorsement of the Legislative Council and has to be reported to the Standing Committee of the National People's Congress for record

Appointment by the Chief Executive

Judicial oath taken by the judges



The terms of office of the judges, their remuneration and benefits are guaranteed by the law.

# Copyright Notice

- ❑ This document is intended for educational purposes only. Nothing in this document constitutes or is intended to constitute legal advice.
- ❑ Unless otherwise indicated, the materials in this document are subject to copyright owned by the Government of the Hong Kong Special Administrative Region (“the Government”). The copy or copies made must not be for sale, or exchange for any benefit, gain, profit or reward, or any other commercial purposes. The materials must be reproduced accurately and must not be used in a manner adversely affecting the moral rights of the Government. The source of the materials must be identified and the copyright status must be acknowledged for any reproduction, adaptation or use of this document.
- ❑ Please note that this permission only applies to Government copyright materials. Where third party copyright is involved, authorisation or permission to reproduce or otherwise use such materials must be obtained from the copyright owners concerned.
- ❑ Prior written consent of the Government should be obtained for any reproduction, adaptation or other use of the aforesaid materials other than for the permitted purposes above. Such requests should be addressed to the Department of Justice via email at [lead@doj.gov.hk](mailto:lead@doj.gov.hk). The Government reserves the right to withdraw any such permission at any time.



# Disclaimer

- ❑ While the Government of the Hong Kong Special Administrative Region (“the Government”) endeavours to ensure the accuracy of the information in this document, no express or implied warranty whatsoever is given by the Government as to the accuracy, fitness for a particular purpose, non-infringement, reliability, timeliness, appropriateness and usefulness of the information. The Government will not be liable for any errors in, omissions from, or misstatements or misrepresentations (whether express or implied) concerning any such information.
- ❑ Provision of, or assistance in providing, materials contributed by third parties on this document or links to external websites gives rise to no statement, representation or warranty, express or implied, that the Government agrees or does not disagree with the contents of any such materials or external websites.
- ❑ The Government will not have or accept any liability, obligation or responsibility whatsoever for any loss, destruction or damage (including without limitation consequential loss, destruction or damage) however arising from or in respect of any use or misuse of or reliance on the information in this document or external websites delivered in or via this document or inability to use any of them.
- ❑ The Government reserves the right to omit, suspend or edit all information compiled by the Government in this document at any time in its absolute discretion without giving any reason or prior notice. Users are responsible for making their own assessment of all information contained on this document and are advised to verify such information by making reference, for example, to original publications and obtaining independent advice before acting upon it.
- ❑ If you have any enquiry or concerns about this document, please contact the Department of Justice at [lead@doj.gov.hk](mailto:lead@doj.gov.hk).