

Guidance Notes for Jurors in Criminal Trials

Guide to Court Services



GUIDANCE NOTES FOR JURORS IN CRIMINAL TRIALS

You have been selected for jury service and these notes have been designed to help you become generally familiar with your duties as a juror and to know what to expect in court.

Although you may find that having to serve as a juror can cause you some inconvenience, please regard the contribution that you are making to Hong Kong's scheme of justice as not just an obligation. Given the importance of the jury system, your contribution is also a genuine privilege.

Trial by jury in fact reflects the principle that a person should be tried by fellow members of his/her own community. In this way, the legal system maintains contact with the conscience and attitudes of that community as expressed in the decisions of jurors. As a juror, you have a personal responsibility, both to the person on trial and to the community, to ensure that justice is done.

When do the courts sit?

Normal court hours are 10 a.m. to 1 p.m., with a short break at midmorning, and 2:30 p.m. to 4:30 p.m. Jurors should assemble punctually shortly before 10 a.m. and shortly before 2:30 p.m. so that the trial can continue at the appropriate hour.

How is the foreman selected?

Usually the jurors themselves are required to select one of their members as foreman. The trial judge will indicate when this should be done. The judge should be informed after the selection has been made. The foreman should seat himself/herself in the first seat in the jury box.

What if I have personal queries?

If you have any personal difficulty during the trial, raise the matter through the foreman in open court by way of a question directed to the judge. Routine queries, such as the situation of court facilities, should be directed to the court usher.

As a juror, you should not otherwise enter into conversation with the court usher. Nor should you speak with counsel, witnesses or other persons connected with the trial during the course of the trial.

May I communicate with non-jurors?

During the course of the trial, you must not discuss any matters arising out of the trial with your family, friends or any other persons except your fellow jurors and even then only within the privacy of the jury room.

If you find difficulty in hearing the evidence or in following it, bring the matter immediately to the attention of the trial judge.

Why may the jury be asked to retire during a trial?

The jury may be asked to retire while the court considers submissions by counsel. This is quite usual during a criminal trial and you and your fellow members of the jury should not attach any significance to it. The matters raised during such applications are questions of law, which are properly determined by the judge in the absence of the jury.

Trial procedures

A trial will normally proceed along the following lines:

1. Prosecution counsel will outline the case to the jury.
2. Prosecution counsel will call the witnesses, who will give their evidence-in-chief and then be subjected to cross-examination by defence counsel. After cross-examination, prosecution counsel, if he / she sees fit, is entitled to re-examine his / her witnesses.
3. At the end of the prosecution case, the defence counsel, if he / she wishes, may call witnesses who may be cross-examined and re-examined.
4. During the course of the evidence, the judge may ask questions of a witness in order to clarify any matters.
5. At the end of the evidence, prosecution counsel will address the jury.
6. Defence counsel will address the jury.
7. Finally, the judge will sum up to the jury, directing them on points of law and reminding them of the evidence.

You may take notes during the trial if you wish. However, your main duty is to listen and observe. Listen to everything that is said and observe the witnesses carefully. Remember that at the end of the trial, both counsel and the trial judge will draw your attention to what appear to them to be the significant parts of the evidence.

Retirement of the jury after summing up

After the judge has summed up, the jury is placed in charge of the court usher. It then retires to consider its verdict. When the jury retires, it must remain apart until a verdict has been agreed upon or it is discharged by the court. If jurors are unable to arrive at a verdict in one day, they will be accommodated overnight in facilities in the High Court. During this time, no one is permitted to have access to the jury, nor are jurors permitted to speak to anyone except one another.

When you come to your decision, you must disregard anything that you have heard or read about the trial outside the court. You must take into account only the evidence given in court. Any communication that you or your fellow jurors wish to make must be made to the judge. Any message to the judge must be written down and given to the usher.

If you need to let your family know that you have been required to remain in court while the jury considers its verdict, you must seek

the judge's permission. You will normally hand a note, containing only the name of the person to be contacted and the telephone number, to the usher.

When a verdict has been reached, the foreman should tell the usher that this is the case. The court will then re-assemble and the foreman will be asked by the clerk to return the verdict.

May I discuss the trial with anyone?

No. In the interests of open justice and a fair trial, remember that as a juror you must not, at any time (even after a trial is over), discuss the trial or the deliberations in the jury room with members of the media such as reporters, television interviewers, or indeed with anybody else.

Verdict

In all general cases, the verdict of the jury is either "guilty" or "not guilty". All verdicts can be either unanimous or by a majority, e.g. 6-1 or 5-2. You are required to follow the directions given by the judge in the summing up.

Non-attendance and Discrimination against a juror

According to section 32 of the Jury Ordinance, failure to attend in response to a summons to juror is an offence.

Section 33 of the Jury Ordinance provides that an employer who terminates, threatens to terminate, the employment of, or in any way discriminates against, any person employed by him, for reasons in connection with jury service commits an offence and is liable upon conviction to a fine at level 4 (currently \$25,000) and to imprisonment for 3 months.

Jurors allowance

An allowance under section 31(1) of the Jury Ordinance (Cap. 3 of the Laws of Hong Kong) is payable to a juror for each day or part of a day on which the juror serves.

In addition to this allowance, the trial judge has discretion to order payment of an additional allowance to a juror. This additional allowance will normally only be paid upon application by a juror who is suffering unusual financial loss as a result of jury service.

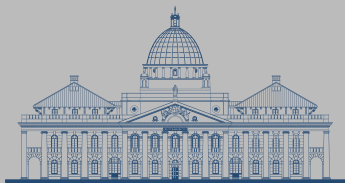
Jury lifts

There are lifts exclusively for the use of jurors serving the Jury Dining Room and the courts. Please use these lifts only and not the public lifts, where you may meet the defendants, their friends and families. Under no circumstances should you discuss the case in the lifts.

Where can I take refreshments?

During court break, light refreshments can be ordered in the Jury Common Room on the first floor. To minimize the chance of mixing with the defendants and their families, witnesses and other persons related to the case, members of the jury are encouraged to use such facility instead of taking refreshments in the public area.

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