

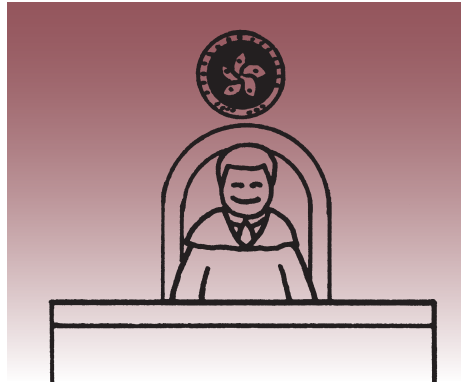
Jury

Guide to Court Services



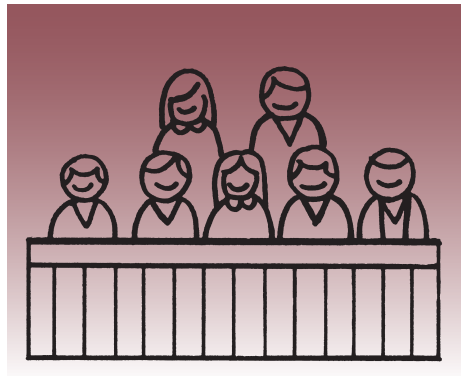
JURY SYSTEM

One of the most important features of Hong Kong's legal system is trial by jury, i.e. trial in court by fellow members of the community of the person on trial.



What are jurors and what is their duty?

Jurors are Hong Kong residents who have been sworn to hear and pass verdict on an accused person in a criminal case (and in some civil actions). Deliberating together and with no other persons present, they decide on the facts in a case on the basis of the evidence brought forward in court.



Jurors are not legal experts and so they are given clear directions on points of law by the trial judge. The personal responsibility of each juror is to ensure that justice is done. This responsibility extends not merely to the person on trial but also to the whole community.

In a criminal case, the foreman of the jury informs the trial judge in open court, before all other members of the jury and in the presence of the accused, whether the jury has found the accused guilty or not guilty.

In a death inquest, the jury decides the cause of and the circumstances connected with a death.

How many jurors make up a jury?

The most serious criminal offences (such as murder, manslaughter, rape, armed robbery, certain drug offences and commercial fraud offences) are tried by a judge of the Court of First Instance, sitting with a jury of seven people or, where a judge so orders, nine.

In some civil cases, such as actions for defamation or malicious prosecution, a party may elect to have the issues of fact tried by a jury.

A jury is empanelled in some death inquests held by the Coroner's Court. In a coroner's inquest, a jury of five is appointed.

Eligibility of jurors

It is an obligation of every resident of Hong Kong who is qualified to serve as a juror.

Serving as a juror can sometimes cause inconvenience. However, the jury system plays an important role in Hong Kong, which is a society upholding the rule of law and enjoying a transparent legal system. Jury service is also an honour.

A resident of Hong Kong is eligible to serve as a juror if he/she -

- has reached the age of 21 but is not yet 65;
- is of a sound mind and has no disabilities such as hearing or



visual impairments that might prevent him / her from serving as a juror;

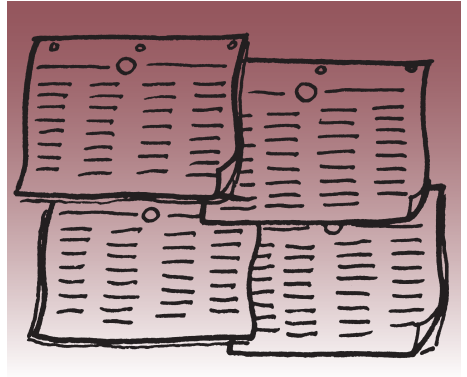
- is of good character, and
- has sufficient knowledge of the language of the court proceedings (Chinese or English as the case may be).

How are jurors selected?

The Commissioner of Registration will forward your personal data to the Registrar, High Court if you appear to be qualified for service as a juror under the Jury Ordinance. The Registrar, High Court, will serve a notice on you, notifying that your name is about to be added to the list of jurors.

The Registrar, High Court, compiles a provisional list of jurors in or before October in each alternate year. This list is confirmed during or before the following February. The Registrar may compile additional lists from time to time. A notice is then published in the Gazette and in newspapers, stating that copies of the provisional list or the additional list of jurors are available for inspection.

The Registrar, High Court, each week draws at random a number



of jurors from the list. If you are selected, a summons will be sent to you by registered post requesting your presence in the High Court or the Coroner's Court on a certain date. You are usually given at least 21 days' notice in respect of a call for jury service.

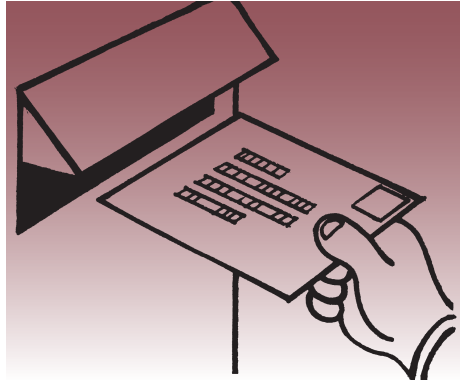
A juror who has attended in response to a jury summons will not normally be summoned again within 2 years.

Exemption from jury service

If you are summoned for jury service, you should check whether you meet all the eligibility requirements as a juror and whether you belong to the categories of persons who are exempted from jury service under section 4 or section 5 of the Jury Ordinance, Cap.3, Laws of Hong Kong.

If you wish to seek exemption from jury service, you should write to the Registrar, High Court, setting out the reasons in full as soon as possible after:

- you receive a notice from the Registrar that your name will be added to the list of jurors;
- copies of the provisional list or the additional list of jurors are available for inspection; or
- you receive the summons to appear as a juror.



The Registrar will consider your application for exemption, and may either agree to or turn down your request. Exemptions are not lightly granted. Business commitments are not normally considered to be a sufficient reason for exemption from jury service.

If the Registrar refuses your application, you may still put the request to the trial judge if you are selected by ballot as a juror.

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.



How long will the trial or inquest last?

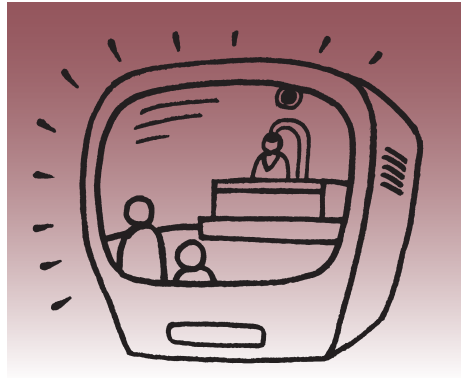
Criminal trials usually take one to three weeks and death inquests up to a few days. The trial judge or the coroner will inform members of the jury of the anticipated length of the case.



What happens on the day I appear in the High Court?

You should arrive at the High Court Building according to the time specified in the summons and go to the Jurors Assembly Room on the first floor.

The Judiciary staff will meet you at the Jurors Assembly Room and check your identity. You will be shown a video that clearly explains the selection procedure and what a juror in a criminal trial has to do.



What happens when I attend the Coroner's Court?

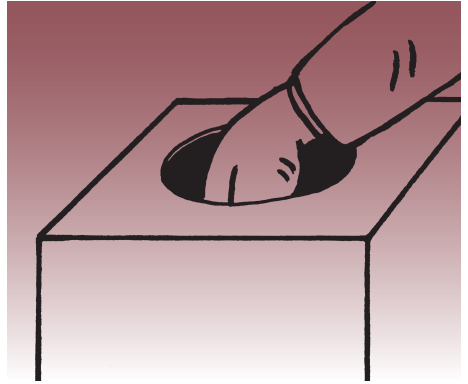
You should arrive at the Coroner's Court at 9/F, Tower A, West Kowloon Law Courts Building, 501 Tung Chau Street, Sham Shui Po, Kowloon, Hong Kong or such place to be used as the Coroner's Court according to the time and place specified in the summons.

The Judiciary staff will check your identity, explain the selection procedure and tell you what a juror in a coroner's inquest has to do.

How is the jury for each different trial selected in the High Court?

The jury for each High Court trial is selected by ballot in open court from among those who have been summoned. Usually more jurors are summoned than are needed. This allows for the granting of exemption by the trial Judge. In criminal trials, this also allows for objections from the lawyers for the defence and the prosecution.

Members of the panel not selected on the first occasion in the court may



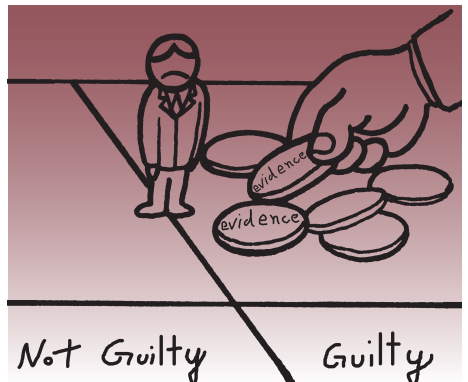
be required to attend another court for the selection of another jury on the same day or on a later date.

Duties of a juror

In a criminal trial, jurors decide, based on the facts, whether the defendant is guilty or not guilty. In a death inquest, jurors decide the cause of and the circumstances connected with a death.

Although the trial judge decides which evidence the jury may hear, it is for the jury to decide the weight to be attached to such evidence when considering their verdict.

The jury's deliberations are confidential. Members of the jury



should take great care never to discuss the case with anyone other than their fellow members in course of the trial.

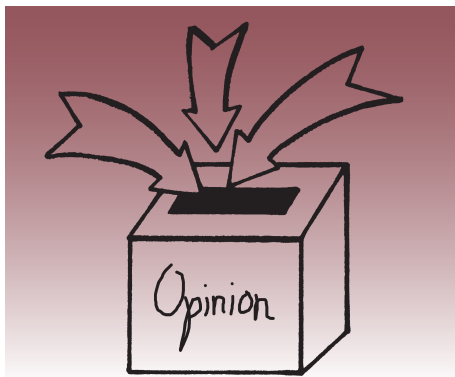
Are jurors paid for their work?

Once selected to serve as a member of the jury in a case, the juror will receive an allowance in accordance with section 31(1) of the Jury Ordinance for each day during the whole or part of which the juror serves.



Suggestions and enquiries

Wherever possible, Judiciary staff will reply as soon as possible to correspondence from members of the public. In any case, we will give you an interim reply within 10 days and a full response within 30 days of receiving a letter. If a full response cannot be given within 30 days, we will give you a further interim reply with a brief explanation.



We welcome all comments and suggestions for improving our services. Please send them to the Judiciary Administrator at the High Court, 38 Queensway, Hong Kong.

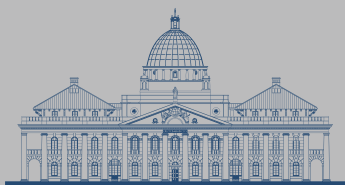
For general enquiries, please call the Jury Clerk on 2825 4668 or write to the Jury Clerk at the same address.

Arrangements during inclement weather

The Courts are adjourned when tropical cyclone signal No.8 or above, or a black rainstorm warning signal is issued. Since an adjournment may affect your attendance as a juror, you should therefore pay attention to announcements on the radio and television regarding adjournments and arrangements for re-opening of the Courts. For enquiries, please call the hotline at 2523 2212 or visit the Judiciary website (<http://www.judiciary.hk>).



Judiciary
January 2020
(9th Edition)



司 法 機 構

JUDICIARY

This publication is for general reference only and should not be treated as a complete and authoritative statement of law or court practice.