

Hong Kong's Court System

The Honourable Mr Justice Robert TANG Ching, GBM, SBS

Mr Justice Tang became a Non-Permanent Judge in 2018. He joined the High Court bench as a Judge of the Court of First Instance in 2004. He was appointed a Justice of Appeal of the Court of Appeal in 2005 and a Vice-President of the Court of Appeal in 2006. He was a Non-Permanent Hong Kong Judge of the Court of Final Appeal between 2010 and 2012. He was appointed a Permanent Judge of the Court of Final Appeal in 2012.

The Honourable Mr Justice Frank STOCK, GBS

Mr Justice Stock became a Non-Permanent Judge in 2010. He joined the High Court bench as a Judge of the High Court in 1992. He was appointed a Justice of Appeal in 2000 and served as a Vice President of the Court of Appeal from 2009 to 2014.

• Non-Permanent Judges of the Court of Final Appeal (from other common law jurisdictions)

The Right Honourable The Lord HOFFMANN, GBS

Leonard Hubert Hoffmann became a Non-Permanent Judge in 1998. Lord Hoffmann served as a judge of the High Court of Justice (Chancery Division) from 1985 to 1992 and was appointed a Lord Justice of Appeal in 1992 and then as a Lord of Appeal in Ordinary in 1995.

The Right Honourable The Lord MILLETT, GBS

Peter Julian Millett became a Non-Permanent Judge in 2000. Lord Millet was appointed a judge of the High Court of Justice, Chancery Division, in 1986, a Lord Justice of Appeal in 1994 and as a Lord of Appeal in Ordinary in 1998.

The Honourable Mr Justice Anthony Murray GLEESON

Mr Justice Gleeson became a Non-Permanent Judge in 2009. He was appointed Chief Justice of the Supreme Court of New South Wales in 1988 and served, from 1998 to 2008, as the Chief Justice of the High Court of Australia.

The Right Honourable The Lord NEUBERGER of Abbotsbury, GBS

David Edmond Neuberger became a Non-Permanent Judge in 2009. Lord Neuberger served as a judge of the Chancery Division of the High Court from 1996 to 2004. He was appointed a Lord Justice of Appeal in 2004, a Lord of Appeal in Ordinary in 2007 and Master of the Rolls in 2009. He served as President of the Supreme Court of the United Kingdom from 2012 to 2017.

The Right Honourable The Lord WALKER of Gestingthorpe

Robert Walker became a Non-Permanent Judge in 2009. Lord Walker was appointed a High Court judge of the Chancery Division in 1994, a Lord Justice of Appeal in 1997, a Lord of Appeal in Ordinary in 2002 and a Justice of the Supreme Court of the United Kingdom in 2009.

The Right Honourable The Lord COLLINS of Mapesbury

Lawrence Antony Collins became a Non-Permanent Judge in 2011. Lord Collins was appointed a High Court judge of the Chancery Division in 2000, a Lord Justice of Appeal in 2007 and a Lord of Appeal in Ordinary in 2009. From 2009 to 2011, he served as a Justice of the Supreme Court of the United Kingdom.

The Right Honourable The Lord CLARKE of Stone-cum-Ebony

Anthony Peter Clarke became a Non-Permanent Judge in 2011. Lord Clarke was appointed a judge of the High Court in 1993 and a Lord Justice of Appeal in 1998. From 2005 to 2009, he served as Master of the Rolls and Head of Civil Justice. From 2009 to 2017, he served as a Justice of the Supreme Court of the United Kingdom.

The Right Honourable The Lord PHILLIPS of Worth Matravers

Nicholas Addison Phillips became a Non-Permanent Judge in 2012. Lord Phillips was appointed a judge of the High Court (Queen's Bench Division) in 1987, Lord Justice of Appeal in 1995 and a Lord of Appeal in Ordinary in 1999. From 2000 to 2005, he served as Master of the Rolls and Head of Civil Justice. From 2005 to 2008, he served as Lord Chief Justice of England and Wales. He was appointed the first President of the Supreme Court of the United Kingdom from 2009 to 2012.

The Honourable Mr Justice James Jacob SPIGELMAN

Mr Justice Spigelman became a Non-Permanent Judge in 2013. He served as acting Solicitor General of New South Wales in 1997 before serving as Chief Justice of New South Wales from 1998 to 2011.

The Honourable Mr Justice William Montague Charles GUMMOW

Mr Justice Gummow became a Non-Permanent Judge in 2013. In 1986, he was appointed to the Federal Court of Australia. From 1995 to 2012, he served as a Justice of the High Court of Australia.

The Honourable Mr Justice Robert FRENCH

Mr Justice French became a Non-Permanent Judge in 2017. He was appointed a judge of the Federal Court of Australia in 1986. From 2008 to 2017, he served as Chief Justice of the High Court of Australia.

The Right Honourable Lord REED

Robert Reed became a Non-Permanent Judge in 2017. Lord Reed served as a judge in Scotland from 1998 to 2011. He was appointed a Justice of the Supreme Court of the United Kingdom in 2011 and its Deputy President in 2018. He is also a member of the panel of ad hoc judges of the European Court of Human Rights.

The Right Honourable The Baroness Brenda HALE of Richmond

Brenda Hale became a Non-Permanent Judge in 2018. In 1994, Baroness Hale was appointed a High Court Judge and Lady Justice of Appeal in 1999. In 2004, she became the first female Lord of Appeal in Ordinary and a Justice of the Supreme Court of the United Kingdom when the Court was newly established in 2009. She served as the Supreme Court's Deputy President in 2013 and President since 2017.

The Right Honourable Beverley McLACHLIN

Beverley McLachlin became a Non-Permanent Judge in 2018. Madam Justice McLachlin was appointed to the Supreme Court of British Columbia in 1981 and the British Columbia Court of Appeal in 1985. In 1988, she was appointed Chief Justice of the Supreme Court of British Columbia and a Justice of the Supreme Court of Canada in 1989. In 2000, she became the first woman to be appointed as the Chief Justice of Canada, a post which she held until 2017.



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Overview



The Basic Law of the Hong Kong Special Administrative Region (HKSAR) implements the principle of “one country, two systems” in Hong Kong where the legal system differs from that practised in Mainland China. The continuation of the common law system is firmly entrenched under the Basic Law which also guarantees judicial independence.

The court system is transparent. Hearings are generally held in open court.¹ The media is free to report on proceedings² while written judgments are readily accessible on the Judiciary website. All judges and judicial officers are appointed by the Chief Executive of the HKSAR on the recommendation of the independent Judicial Officers Recommendation Commission.³

¹ Except for sensitive cases such as those involving children, or when confidential matters are to be considered (e.g. in an application for a Mareva injunction or an Anton Piller order), the public are always able to see for themselves the judicial process in operation.

² Except under section 9P of the Criminal Procedure Ordinance, Cap 221 and court orders from the judges.

³ The independent commission comprises local judges, persons from the legal profession and eminent persons from other sectors.

Courts of Justice

The Judiciary is responsible for the administration of justice in Hong Kong. Headed by the Chief Justice, the Judiciary has 214 judges and judicial officers on the establishment as at 25 October 2018.

Court of Final Appeal (CFA)

- Highest appellate court in Hong Kong
- Vested with power of final adjudication
- Eminent jurists from other common law jurisdictions may be appointed as non-permanent judges

High Court – constituted by the Court of Appeal (CA) & the Court of First Instance (CFI)

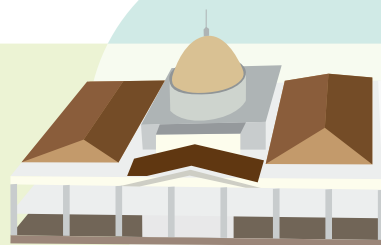
- CA – determines appeals from the CFI, the District Court and other various Tribunals and Statutory Bodies
- CFI – has unlimited civil and criminal jurisdiction for trials and determines appeals from the Magistrates' Courts and various Tribunals and Statutory Bodies; criminal cases (and, to a lesser extent, some civil actions) are tried before a judge and jury

District Court

- Civil jurisdiction (mainly claims valued over HK\$75,000 but not more than HK\$3 million)
- Criminal jurisdiction (limited to seven years' imprisonment)

Other courts and tribunals

- Magistrates' Courts and specialised tribunals (Competition Tribunal, Lands Tribunal, Family Court, Labour Tribunal, Small Claims Tribunal, Obscene Articles Tribunal, Coroner's Court and Juvenile Court)



Power of Final Adjudication

- The CFA, based in Hong Kong and established on 1 July 1997, is the highest appellate court for the HKSAR
- The CFA, when sitting, will comprise five judges – usually the Chief Justice, three permanent judges and one common law non-permanent judge; if the Chief Justice is not available to sit, one of the three permanent judges will preside and an additional Hong Kong non-permanent judge will sit; if a permanent judge is not available to sit, again a Hong Kong non-permanent judge will sit in his place.

Appointment of Court of Final Appeal Judges

Endorsement of the Legislative Council is required for the appointment of the Chief Justice and other judges of the CFA.

- Eminent jurists from Hong Kong or other common law jurisdictions may be appointed to the CFA as non-permanent judges
- Currently (as at 25 October 2018), there are four Hong Kong non-permanent judges and 14 non-permanent judges from the United Kingdom, Australia and Canada. Previous common law non-permanent judges include senior judges from New Zealand
- All non-permanent judges are serving or retired judges of the appellate courts in their own jurisdictions



Court of Final Appeal Judges

• Chief Justice of the Court of Final Appeal

The Honourable Chief Justice Geoffrey MA Tao-li, GBM

Chief Justice Ma was appointed Chief Justice of the Court of Final Appeal in 2010. He joined the High Court bench in 2001 as a Judge of the Court of First Instance and was appointed a Justice of Appeal of the Court of Appeal in 2002. He served as Chief Judge of the High Court from 2003 to 2010.

• Permanent Judges of the Court of Final Appeal

The Honourable Mr Justice Roberto Alexandre Vieira RIBEIRO

Mr Justice Ribeiro was appointed a Permanent Judge of the Court of Final Appeal in 2000. He joined the High Court bench in 1999 as a Judge of the Court of First Instance. He was appointed a Justice of Appeal of the Court of Appeal in 2000 until his appointment as a Permanent Judge of the Court of Final Appeal in September of that year.

The Honourable Mr Justice Joseph Paul FOK

Mr Justice Fok was appointed a Permanent Judge of the Court of Final Appeal in 2013. He joined the High Court bench as a Judge of the Court of First Instance in 2010. He was appointed a Justice of Appeal of the Court of Appeal from 2011 to 2013.

The Honourable Mr Justice Andrew CHEUNG Kui-nung

Mr Justice Cheung was appointed a Permanent Judge of the Court of Final Appeal in 2018. He was appointed to the High Court bench as a Judge of the Court of First Instance in 2003. From 2011 to 2018, he served as the Chief Judge of the High Court.

• Non-Permanent Judges of the Court of Final Appeal (from Hong Kong)

The Honourable Mr Justice Syed Kemal Shah BOKHARY, GBM

Mr Justice Bokhary became a Non-Permanent Judge in 2012. He joined the High Court bench as a Judge of the High Court in 1989 and was appointed a Justice of Appeal in 1993. From 1997 to 2012, he served as a Permanent Judge of the Court of Final Appeal.

The Honourable Mr Justice Patrick CHAN Siu-oi, GBM

Mr Justice Chan became a Non-Permanent Judge in 2013. He was appointed a Judge of the High Court from 1992 until 1997 when he became Chief Judge of the High Court. From 2000 to 2013, he served as a Permanent Judge of the Court of Final Appeal.