

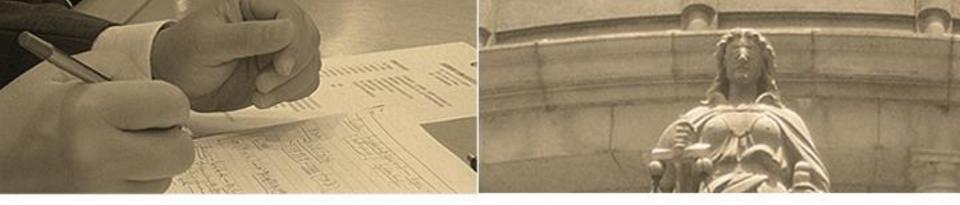
Hong Kong Legal System

Mr. Stephen Hung Immediate Past President The Law Society of Hong Kong

26 October 2016

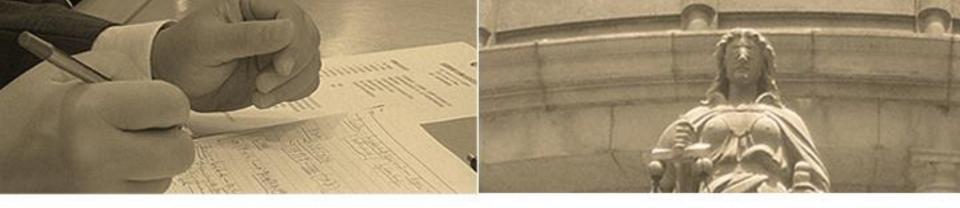


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The Unique Features of Hong Kong's Legal Systems

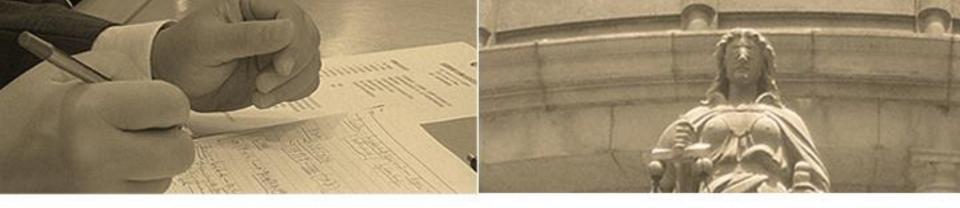




One Country Two Systems

- State Policy adopted by China for resumption of sovereignty over Hong Kong in 1997
- Sino-British Joint Declaration, 1984
- "Two Systems" within "One Country"
 - Mainland China : Socialist System
 - Hong Kong SAR : Capitalist System





Basic Law

- Constitutional document of the Hong Kong SAR.
- Prescribes in law important concepts of :
 - "one country, two systems"
 - "high degree of autonomy"
 - "Hong Kong people ruling Hong Kong"



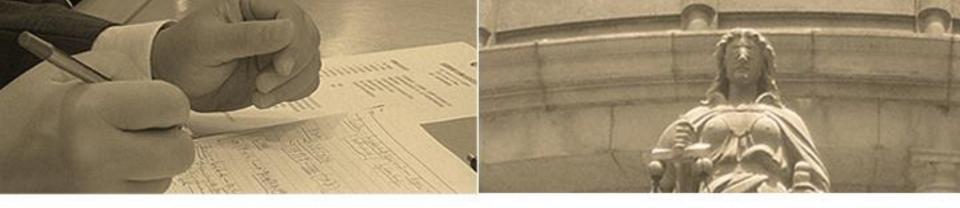


Hong Kong SAR – High Degree of Autonomy

Includes :

- Practice of capitalism in HKSAR
- Executive, legislative and independent judicial power
- Common law system
- Official language: both English & Chinese
- Formulation of own monetary and financial policies
- Rights, freedoms & social policies
- Maintenance of law and order



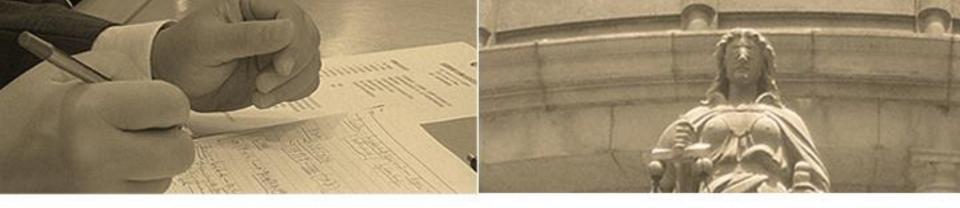


"One Country Two Systems" – the Furthering of Hong Kong Strengths (I)

Hong Kong Strengths:

- Common Law System
- Independence of Judiciary
- Fundamental Rights and Freedoms
- Independent Legal Profession



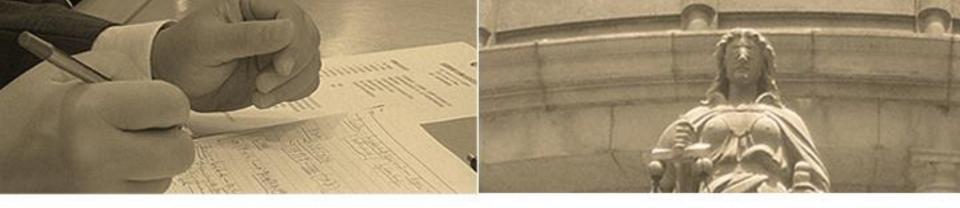


"One Country Two Systems" – the Furthering of Hong Kong Strengths (II)

Common Law System

- National Laws of Mainland China not applicable to HKSAR except as provided in the Basic Law
- Under the Basic Law, all laws previously in force in Hong Kong including the common law are maintained
- HKSAR Courts may refer to the precedents of other common law jurisdictions



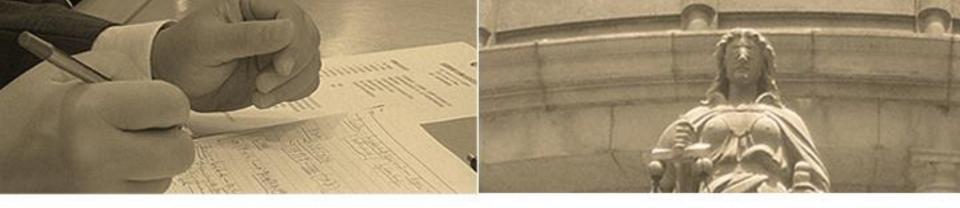


"One Country Two Systems" – the Furthering of Hong Kong Strengths (III)

Independence of Judiciary

- Independent judicial power free from the influence of executive and legislative organs
- Court of Final Appeal : "Final Adjudication"
- Express provisions in Basic Law on the appointments and security of tenure of judges
- HKSAR judicial system has high international reputation



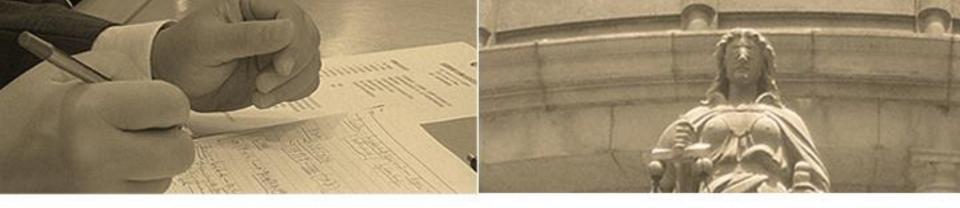


"One Country Two Systems" – the Furthering of Hong Kong Strengths (IV)

Fundamental Rights and Freedoms

- Guaranteed under the Basic Law
- Hong Kong Bill of Rights ("BOR") incorporates the provisions of International Covenant on Civil and Political Rights. BOR binds the Government and all public
- Authorities amenable to judicial review by the Court



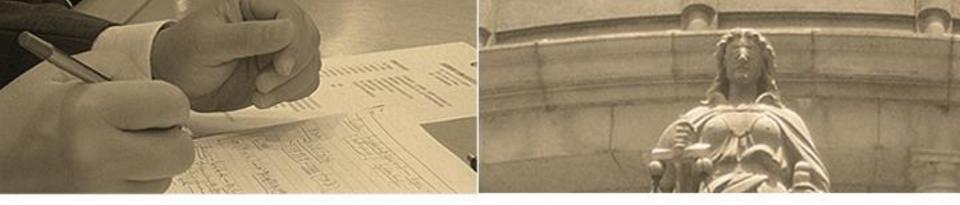


"One Country Two Systems" – the Furthering of Hong Kong Strengths (V)

An Independent Legal Profession

- The Basic Law guaranteed a strong and "independent" legal profession in the Hong Kong SAR
- Strengths of the Hong Kong Legal Profession





THANK YOU

