



# Hong Kong Legal System

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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**