

HONG KONG

The Hong Kong Special Administrative Region of the People's Republic of China

The major criminal trial courts in this region are the Court of First Instance (High Court), which has a maximum sentencing jurisdiction of life imprisonment, and the District court, which has a maximum sentencing jurisdiction of seven years.

There are **recess** periods; however, the legislation relating to vacation does **not** apply to **criminal** proceedings. Criminal trials are conducted in court vacations and the number of criminal trials in court vacations are generally the same as the non court vacation period. The trial courts obviously do not sit on public holidays.¹

The sittings of the Court of Appeal and of the Court of First Instance -

"shall be three in every year, that is to say:

- *The Winter sittings which shall begin on 4 January and end on the Thursday before Easter Sunday;*
- *The Spring sittings which shall begin on the second Monday after Easter Sunday and end on 31 July; and*
- *The Autumn sittings which shall begin on 1 September and end on 23 December."*²

The Rules, however, provide that both the Court of Appeal and the Court of First Instance can sit in the vacation on appeals. In practice, appeals are generally also heard in the vacation.

The law in Hong Kong operates as an **adversarial** system and there is a **jury** system in respect of the most serious criminal offences, such as murder, manslaughter, rape, armed robbery and certain drug offences.

¹ Aylmer Yan for Judiciary Administrator dated 11 July 2003

² Order 64 of the Rules of the High Court