

THE LAW REFORM COMMISSION OF HONG KONG

JURIES SUB-COMMITTEE

CONSULTATION PAPER

CRITERIA FOR SERVICE AS JURORS

EXECUTIVE SUMMARY

(This Executive Summary is an outline of the Consultation Paper. Copies of the Consultation Paper can be obtained either from the Secretariat of the Law Reform Commission, 20/F, Harcourt House, 39 Gloucester Road, Hong Kong, or on the internet at <http://www.hkreform.gov.hk>)

INTRODUCTION

1. The Law Reform Commission has been asked:

"To review the present criteria for service as jurors in relation to:

- (a) education requirement;*
- (b) age requirement;*
- (c) residency requirement;*
- (d) good character; and*
- (e) exemption on disability grounds*

set out in section 4(1) of the Jury Ordinance (Cap 3), and to review the exemptions from jury service set out in section 5 of that Ordinance, and to recommend such changes in the law and practice as may be considered appropriate."

CHAPTER 1

EXISTING LAW AND PRACTICE IN HONG KONG

The history of the jury system in Hong Kong

2. The jury system was introduced to Hong Kong in 1845 by an Ordinance for the Regulation of Jurors and Juries. This adopted the features of the English criminal justice system and, like all subsequent legislation, required jurors to be residents of Hong Kong.

The jury system today

3. The jury is most commonly used in criminal trials. All criminal trials in the Court of First Instance must be held with a jury. Jury trial is not available for offences designated as summary offences which are usually minor offences. Thus, the most serious offences are tried in the Court of First Instance, and not in an inferior court. These offences that must be tried in the Court of First Instance are listed in Part III of the Second Schedule to the Magistrates Ordinance. The usual characteristics of an offence triable with a jury are that it is an offence of the most serious kind which is prescribed by statute to be heard in the Court of First Instance, or that the likely sentence upon conviction exceeds seven years' imprisonment, or that it is in the public interest that the case should be tried before a judge and a jury.

4. The Coroners Ordinance (Cap 504) also provides for a death inquest to be held with a jury in specified circumstances. Where a person dies whilst in official custody, a coroner must hold an inquest with a jury.

Qualifications and disabilities

5. The criteria for service as a juror are set out in section 4 of the Jury Ordinance. A person is liable to serve as a juror if he:

- has reached 21 years of age, but not 65 years of age;
- is a resident of Hong Kong;
- is of sound mind and not afflicted by blindness, deafness or other disability preventing him from serving as a juror;
- is of good character; and
- has a sufficient knowledge of the language in which the proceedings are to be conducted to be able to understand the proceedings.

6. The requisite length of residence or stay in Hong Kong is not specified. In practice, the Commissioner of Registration or his deputy (or an assistant commissioner of registration) will place the name of any person who satisfies the other criteria (and who is not exempted under section 5 of the Ordinance) on the provisional list of jurors as long as that person is at that time resident in Hong Kong.

7. Any person who is eligible for inclusion in the list as a potential juror will be presumed by the Commissioner to be of sound mind, unless there is evidence to the contrary.

8. The "good character" requirement in section 4 is not defined in the Ordinance and no mechanism is provided for determining whether a juror is of "good character" or not.

9. In relation to the language requirement for service as a juror, any person who has obtained a grade of pass in "*an English language examination*¹ or a *Chinese language*

¹ Section 4(A)(4)(a) defines "*an English language examination*" to mean "*an examination of English language or an examination conducted in the English language*".

*examination*² or part of such examination as may be so specified³ would be identified by the Commissioner of Registration⁴ as a potential juror.

10. Persons in particular employment or professions are, however, exempted from jury service. Those exempted include the following persons:

- Members of the Executive Council or Legislative Council;
- Justices of the Peace;
- Public officers, including judges, Government legal officers, officers in the law enforcement agencies, officers in the Correctional Services Department, etc;
- Consuls, vice-consuls, etc
- Barristers and solicitors in actual practice and their clerks;
- Registered doctors and dentists;
- Daily newspaper editors, chemists, and members of the clergy;
- Full-time students; and
- Members of the crew of ships or aircraft.

CHAPTER 2

THE LAW IN OTHER JURISDICTIONS

11. This chapter discusses the position in Australia, Canada, England and Wales, Ireland, New Zealand, Scotland and the United States. All the major common law jurisdictions have made amendments to their statutory provisions governing the qualifications of jurors, either reducing the minimum age or lifting the upper age limit for jury service; or modifying the requirements on "good character". Exemptions from jury service for persons in particular employment or professions have also been reduced to a greater or lesser extent. The issues of disability, residency requirement, and education requirement have also been looked at in some jurisdictions.

CHAPTER 3

COMMON LAW POSITION

12. This chapter looks at the common law position in relation to the various qualifying criteria for jury service, and the exemptions from service on disability grounds. The residency requirement for jury service dates back at least as far as far as 1828, and this issue was considered by the court in a Hong Kong case in 1990. The issues of "good character" and "disability" have also been raised in some cases on the grounds that one of the jurors was disqualified from jury service. The education standard required of jurors was addressed in a US case, where it was argued that the length and complexity of the case required jurors with at least a high school education.

² Section 4(A)(4)(b) defines "a Chinese language examination" to mean "an examination of Chinese language or an examination conducted in the Chinese language".

³ Section 4(A)(1)(a), Jury Ordinance (Cap 3).

⁴ Appointed under section 2 of the Registration of Persons Ordinance is empowered by section 7 of the Jury Ordinance to compile a provisional list of jurors

CHAPTER 4

ISSUES FOR CONSIDERATION AND REFORMS IN OTHER JURISDICTIONS

13. This chapter looks at each of the criteria currently applied to qualification for jury service and the issues which those criteria raise. The chapter also looks at proposals for reform which have been made in a number of other jurisdictions.

Age requirement

14. There are two broad strands of opinion in relation to the appropriate minimum age for jury service. On the one hand, there are those who argue that the responsibilities of jury service require a level of maturity and experience which precludes those of young age. On the other hand, there are others who argue that the age for jury service should be the same as, for instance, that at which persons are considered mature enough to exercise their electoral rights and vote. In New Zealand, the Juries Amendment Act 2000 reduced the minimum age for jury service from 20 to 18 years and removed the maximum age limit of 65 years. Registrars were given the power to excuse persons over that age. The Victorian Law Reform Committee also recommended that there should be no upper age limit for jury service, but persons aged 70 years and over should be entitled to elect not to be eligible for selection for jury service. In England and Wales, the upper age limit for jurors is 70 years, and jurors over 65 years of age can be excused as of right.

Residency requirements

15. In most common law jurisdictions, a prospective juror must be enrolled as an elector (eg New South Wales, Victoria, New Zealand, Ireland), or a resident or citizen of the jurisdiction in question (eg Alberta, USA). In the United Kingdom, a prospective juror must be registered on the parliamentary or local government electoral roll and have been ordinarily resident in the UK, the Channel Islands or the Isle of Man, for any period of at least five years since attaining the age of 13.

16. As with the application of other qualifying criteria which restrict the entry of a person's name to the jury list, it may be said that the imposition of a residency requirement reduces the representativeness of the jury pool.

Good character

Criminal records

17. In their report on *Juries in Criminal Trials*, the New Zealand Law Commission concluded that the current provisions excluding persons with certain convictions from jury service should be retained, and said that "*considerations of possible bias, the need for the appearance of a neutral jury, and the potential distraction of a juror with recent convictions outweigh the desire for more prompt reintegration*".

Undischarged bankrupts

18. The Victorian Law Reform Committee, following their review of the jury system, concluded that undischarged bankrupts should be eligible for jury service. The committee noted that all categories of disqualification, other than undischarged bankrupts, excluded

persons who had committed fairly serious criminal offences and the committee considered it inappropriate to associate undischarged bankrupts with criminals in regard to jury service.

Education requirements

19. The idea of a literacy requirement for jurors was discussed and rejected by the Victorian Law Reform Committee. In contrast, in England the 1986 Fraud Trials Committee Report considered that members of the jury in any fraud trial should be able to read, write speak and understand English without difficulty.

Disability

20. The New South Wales Law Reform Commission considered that the right of an accused to a fair trial took precedence over any entitlement of a deaf or blind person to serve as a juror. They also examined the issue of disability in their study of jury service and recommended in their final report that:

"The current specific categories of ineligibility from jury service relating to persons with mental, intellectual and physical disabilities should be repealed in favour of a general category which renders ineligible a person who has a physical, intellectual or mental disability that makes the person incapable of effectively performing the functions of a juror."⁵

CHAPTER 5 PROPOSALS FOR REFORM

Qualifications for jury service

"A person who has reached 21 years of age, but not 65 years of age"

Lower age limit

21. The arguments in favour of retaining the existing minimum age of 21 are:
- The duties and responsibilities of jury service require a level of maturity and experience which could not reasonably be expected from a younger person.
 - While the legal age of majority is for most purposes set at 18, the particular requirements of jury service justify a higher age. The determination of a person's guilt or innocence is an issue of a greater magnitude than most other functions which a person is legally competent to perform at 18.
 - The right to stand as a candidate in elections in Hong Kong has been maintained at 21, notwithstanding the reduction of the legal age of majority for most other purposes (including the right to vote) to 18. Jury service is a civic duty of similar importance to which the age of 21 should also apply.
 - Unlike most other decisions which a person can legally make at 18, the jury's findings of fact cannot readily be overturned, and the defendant and the victim

⁵ Victorian Law Reform Committee, *Jury Service in Victoria* (1996, Vol 1), at para 3.140, Recommendation 33.

have little recourse if those findings are wrong. This justifies a requirement that jurors satisfy a higher minimum age.

22. The Sub-committee is not aware of any calls to raise the minimum age for jury service above 21.

23. Those who favour a change in the existing minimum age for jury service generally argue that it should be reduced to 18 to match the legal age of majority. Other arguments for a reduction in the existing minimum age to 18 are:

- The existing minimum age of 21 excludes from jury service a significant section of the community. It also dilutes the principle of "*trial by one's peers*" by denying to defendants aged between 18 and 21 the opportunity of a jury which includes jurors from a similar age group.
- The legal age of majority for most purposes is 18, based on the belief that persons of that age are sufficiently mature to, for instance, enter into enforceable contracts or make a will.
- A reduction in the minimum age for jury service would widen the jury pool.

24. While the trend in other jurisdictions should not be disregarded, we believe that adopting a cautious approach to reform of the minimum age for jury service in Hong Kong is in line with the approach which Hong Kong has followed generally in relation to age of capacity. The Sub-committee's provisional view is that, unless there is a clear consensus among the consultees to this paper that the minimum age limit for jury service should be reduced, the *status quo* should be maintained.

Upper age limit

25. The existing upper age limit for jury service is 65. The arguments in favour of retaining that upper age limit are:

- Jury service is an important civic duty which can be onerous. It would be unreasonable to impose this burden on elderly persons who are likely to be less resilient and more prone to ill-health than younger persons.
- The risk of dementia increases with age and the early stages of this may be difficult to detect, but it would be sufficient to impair the individual's ability to function properly as a juror.

26. We do not think that there have been any serious suggestions to lower the upper age limit below 65. Arguments to raise the upper age limit may include:

- Raising the upper age limit would enhance the jury's representativeness of the community.
- Raising the upper age limit would widen the jury pool and lessen the burden on others.
- Life expectancy has steadily increased over the years. An upper age limit of 65 may previously have been appropriate but it no longer reflects the demographics of the population.

Recommendation 1

We recommend that the existing requirement for jury service that an individual has attained 21 years of age should be retained, but the upper age limit for jury service should be raised from 65 to 70. We also recommend that an individual who has attained 65 years of age should be entitled as of right to exemption from jury service upon his application.

"A person who ... is a resident of Hong Kong"

27. In defining what constitutes the community in Hong Kong for these purposes, the Sub-committee thinks it reasonable to exclude those who are merely transients, or those whose time in Hong Kong has been so short as to preclude them from acquiring some understanding of local norms, values and culture.

28. The Sub-committee thinks it important that a juror should have some understanding of what behaviour the general public would regard as, for instance, decent/indecent or reasonable/not reasonable. The Sub-committee has reservations as to whether a newcomer would be able to apply the "*reasonable man*" test in the context of local standards and culture. The Sub-committee therefore prefers that a person should have resided in Hong Kong long enough to acquire sufficient knowledge of local culture and social values so that he may properly assess the witnesses' evidence, which is also in line with the approach in other common law jurisdictions.

29. Having taken these considerations into account, the Sub-committee thinks that a minimum period of actual residence in Hong Kong should be required before a person is eligible for jury service. That period of residence should not be so long as to exclude all but permanent residents, but should be sufficient to ensure that the juror has a reasonable connection to Hong Kong, and the Sub-committee concludes that the appropriate minimum period of residence should be three years.

Recommendation 2

We recommend that, to be eligible to serve as a juror, a person must have been resident in Hong Kong for a period of three years or more immediately before he is issued with a Notice of Jury Service, and if he has been issued with a Hong Kong identity card three years or more prior to his being issued with the Notice, he should be presumed unless the contrary is proved to be a resident of Hong Kong for the purposes of section 4 of the Jury Ordinance.

"The person is of good character"

Undischarged bankrupt

30. The Sub-committee does not think that an undischarged bankrupt should be automatically excluded from jury service. Bankruptcy does not necessarily imply a lack of integrity, but may be the result of misfortune or poor financial or investment judgement.

Previous criminal convictions

31. The function of the jury is to determine the guilt or innocence of the defendant, based on its assessment of the evidence led. It is, in the Sub-committee's view, essential to public confidence in the administration of justice that there should be no grounds for questioning the integrity of the jury system.

32. One option would be to adopt provisions similar to those governing candidates for election to the Legislative Council, which disqualify persons who have within the preceding five years been convicted and sentenced to imprisonment for a term exceeding three months. An alternative would be for the length of the "quarantine period" to relate to the length of the term of imprisonment to which the individual has been sentenced, or to the nature of the offence for which he has been convicted. A further alternative would be that any exclusion could relate to the nature of the particular offence, rather than the sentence imposed.

33. The Sub-committee's inclination is to err on the side of caution and the Sub-committee recommends that a person with a criminal conviction record, regardless of its nature, should be excluded from jury service. This recommendation would, in the Sub-committee's view, safeguard the integrity of the jury system.

34. The Sub-committee considers it appropriate to follow section 2 of the Rehabilitation of Offenders Ordinance (Cap 297), under which a person's conviction would be regarded as spent if he is not sentenced to imprisonment exceeding three months or to a fine exceeding \$10,000 and a period of three years has elapsed without the person being again convicted in Hong Kong of an offence. The Rehabilitation of Offenders Ordinance only applies to one conviction, and the first conviction would reappear in the person's criminal conviction record upon his second conviction.

Charged with an indictable offence and not yet tried

35. The Sub-committee appreciates that it would be wrong automatically to classify persons falling within this category as anti-social but there is an inherent risk that they may be perceived as sympathetic to the defendant, which may undermine public confidence in the administration of justice. Persons falling within this category are also excluded from jury service in Victoria. The Sub-committee agrees with that approach and recommends that persons awaiting trial for an indictable offence should be excluded from jury service.

Charged with any offence and remanded in custody

36. The Sub-committee thinks that persons charged with an offence and remanded in custody should be excluded from jury service for the same reasons as the Sub-committee has advanced in respect of persons awaiting trial for an indictable offence.

37. The Sub-committee thinks it essential in order to safeguard public confidence in the administration of justice that the Administration should ensure that any person who has previous criminal conviction(s) other than a spent conviction, or who is charged with an indictable offence and has not yet been tried, or charged with any offence and remanded in custody, should not be included in the jury list or jury panel. Relating to this issue, the Sub-committee notes the safeguards that are provided in section 6 of the Jury Ordinance (Cap 3)

where want of qualification of a juror is a ground of challenge but is not a ground for impeaching the verdict given by a jury on which such a person has served. The Sub-committee considers it important that section 6 should be retained.

Recommendation 3

We recommend that section 4(1)(b) of the Jury Ordinance (Cap 3) should be replaced by a provision to the effect that a person is liable to serve as a juror if he has no criminal conviction (and a spent conviction under the Rehabilitation of Offenders Ordinance (Cap 297) should not be regarded as a criminal conviction for these purposes), is not awaiting trial for an indictable offence, and is not remanded in custody pending trial for any offence.

"The person has a sufficient knowledge of the language in which the proceedings are to be conducted to be able to understand the proceedings"

38. The Sub-committee thinks that the existing education level of at least Form 7 or its equivalent⁶ should be maintained to ensure that jurors have the ability to understand and comprehend the evidence and to discharge their duties as jurors properly. The Sub-committee has come to this conclusion on the basis of the following considerations:

- All Hong Kong jury trials take place in the Court of First Instance of the High Court and generally involve more complicated issues of law and fact than cases heard in the District Court and Magistrates' Courts. Jurors are required to fully understand the oral and written language of trials, most of which are conducted in English. The Form 7 or its equivalent standard, which is currently administratively applied as a means to ensure sufficient knowledge of English, should be maintained, as Form 5 may not ensure adequate standards. The Sub-committee also thinks that this requirement should be imposed statutorily, instead of being administratively applied.
- It is commonly believed that the general standard of English among students is falling. The requirement of Form 7 or its equivalent standard is not a full guarantee, but offers some assurance of a reasonable standard of English.

39. The Sub-committee notes that a new curriculum for secondary education will be implemented in 2012. Under the new system, three years in lower secondary school (the current Form One to Form Three) will be followed by a further three years in senior secondary school. As the Form 7 requirement will therefore no longer be relevant from 2012, the Sub-committee recommends that, while the existing administrative practice of requiring a potential juror to have attained an education standard of Form 7 or its equivalent should be stipulated in the legislation, this should be amended in 2012 to require a potential juror to have completed Secondary Six and achieved Level 3 in both English and Chinese languages in the HKDSE⁷ or the equivalent. The introduction of the new regime in 2012 will have the advantage of increasing the number of eligible jurors.

⁶ The general qualification required for entry into university.

⁷ The Heads of Universities Committee issued a press release on 18 May 2005, stating:

Recommendation 4

We recommend that the existing administrative practice of requiring a potential juror to have attained an education standard of Form 7 (being the minimum entrance requirement for entry to a university in Hong Kong), or an equivalent standard, should be stipulated in legislation. However, this should be amended in 2012 to require a person to have completed Secondary Six and achieved Level 3 in both English and Chinese in the HKDSE or the equivalent.

"The person is of sound mind and not afflicted by blindness, deafness or other disability preventing the person from serving as a juror"

"... of sound mind ... "

40. The Sub-committee does not think it appropriate for persons with mental impairment or mental handicap to serve on a jury for the obvious reason that they would have difficulty properly performing their functions as jurors. The established practice is for the trial judge in the empanelling procedure to invite the prosecution or defence to ask any juror to stand down if the juror's unsoundness of mind becomes apparent on his taking the oath or affirmation. The Sub-committee thinks this is an effective way to exclude the mentally impaired from jury service.

"... afflicted by blindness, deafness ..."

41. Among other tasks, jurors must assess the credibility of the witnesses who testify before them and in doing so they will need to consider the demeanour of each witness. Moreover, the jury will have to examine and consider all exhibits produced at the trial, including maps, diagrams, sketches and physical objects, etc, apart from documents. At the close of the defence case, the jury retires to consider its verdict and it is essential that all jurors are capable of taking full part in the deliberations on the evidence, which may include visual or audio elements. A defendant should receive a fair trial before a jury comprised of persons who can fully discharge their functions as jurors. It is therefore the Sub-committee's provisional view that the existing provisions should be retained which exclude blind and deaf persons from jury service.

"... other disability preventing the person from serving as a juror ..."

42. The key consideration here is that the disability must be of such a nature or degree that it would mean that the person could not fulfil his functions as a juror. While the nature of some disabilities may render jury service impossible, others may not. The Sub-committee suggests maintaining the present approach, leaving a broad discretion to the Registrar to discharge any person summoned as a juror if that person has applied for exemption on the ground of disability.

43. The Sub-committee does not think that those with less severe mobility impairment should be excluded from the jury list. Speech impairment should not present a problem

"We expect that the language standards of university entrants will be comparable to the current entrance requirements, which is likely to be Level 3 in the proposed 5 Level system of the new Hong Kong Diploma of Secondary Education. "

provided a potential juror with that impairment can communicate his views and questions clearly.

Recommendation 5

We do not recommend any change to the existing provisions of section 4(1)(a) of the Jury Ordinance (Cap 3) concerning disabilities in relation to jury service. We recommend that the Registrar of the High Court should consider making such changes to the physical configuration of the High Court Building and coroners' courts as would facilitate jury service by those confined to wheelchairs.

Form of Notice of Jury Service

Recommendation 6

We recommend that the form of Notice of Jury Service should be amended to include a list of exemptions and a list of disqualifications for individuals to tick if applicable, and this should be returned to the Registrar of the High Court for verification.

Exemptions from jury service under section 5 of the Jury Ordinance

44. The existing list of persons exempted from jury service are set out in section 5 of the Jury Ordinance. These may be categorised as follows:

- (a) Where substantial inconvenience to the public may result.
- (b) Where undue hardship or extreme inconvenience may be caused to the person.
- (c) Where the person is involved in the administration of justice, so that unfairness may result or may be perceived to result.
- (d) Those for whom jury service is incompatible with their tenets or beliefs.
- (e) Those who are conferred consular privileges and immunities.
- (f) Those officers whose relationship with the Government of the Hong Kong Special Administrative Region are governed by the national laws listed in Annex III of the Basic Law and promulgated in the Promulgation of National Laws (no 2) 1997.

45. The Jury Ordinance uses the term "exemption", without differentiating between different types of exemption. The Sub-committee thinks that different terms should be adopted in different situations so that the reasons for the individual's exemption or exclusion may be more readily understood. The Sub-committee suggests the following terminology should be used:

- (i) *"ineligible for jury service"* when a person is not qualified to be a juror because of age, unsoundness mind, or illiteracy, etc;
- (ii) *"excluded from jury service"* when a person is excluded on a point of principle;

- (iii) *"exempt"* for those categories of persons whose services are much needed and in respect of whom there would be substantial inconvenience to the public if they were required to serve on a jury;
- (iv) *"excused"* when an eligible juror is excused from serving on a particular occasion upon application being made to the Registrar or the trial judge, but his service would be required for future cases.

Recommendation 7

We recommend that different terms should be adopted for different types of exemption, as follows:

- (i) ***"ineligible for jury service"*** when a person is not qualified to be a juror because of age, unsoundness of mind, or illiteracy, etc;
- (ii) ***"excluded from jury service"*** when a person is excluded on a point of principle;
- (iii) ***"exempt"*** for those categories of persons whose services are much needed and in respect of whom there would be substantial inconvenience to the public if they were required to serve on a jury; and
- (iv) ***"excused"*** when an eligible juror is excused from serving on a particular occasion upon application being made to the Registrar or the trial judge, but his service would be required for future cases.

46. The Sub-committee also thinks that the guiding principles for the consideration of exemption applications should be spelt out in the Jury Ordinance to assist the Registrar or the trial judge in determining whether or not to grant an exemption, exclusion or deferral.

Recommendation 8

We recommend that the guiding principles for the consideration of exemption applications should be spelt out in the Jury Ordinance to assist the Registrar or the trial judge in determining whether or not to grant an exemption, exclusion or deferral. The justifications for exemption, exclusion or deferral should include:

- (i) **where substantial inconvenience to the public may result;**
- (ii) **where undue hardship or extreme inconvenience may be caused to the person;**
- (iii) **where the person is involved in the administration of justice so that bias may result or may be perceived to result; and**
- (iv) **where jury service is incompatible with the person's tenets or beliefs.**

47. On the basis of the foregoing, the Sub-committee has formed provisional views on the exemptions granted to the categories of persons provided in section 5 of the Jury Ordinance, and are set out in Recommendation 9.

Recommendation 9

The list of persons currently exempt from jury service under section 5(1) of the Jury Ordinance (Cap 3) should be amended as follows:

- (A) The following categories of persons should be exempt from service as jurors:**
- (a) members of the Executive or Legislative Council**
 - (b) any public officer who is –**
 - (i) a member of the Fire Services Department, including a person holding any post specified in the Seventh Schedule to the Fire Services Ordinance (Cap 95)**
 - (ii) a member of the Government Flying Service**
 - (c) consuls, vice-consuls, and officers of equivalent status, of governments of foreign states and such salaried functionaries of such governments as are nationals of such governments and are not carrying on business in Hong Kong, and the spouses and dependent children of such persons**
 - (d) officers employed on full pay in the naval, military or air services of the Hong Kong Garrison, together with the spouses of such officers**
 - (e) the Legal Adviser of the Legislative Council Secretariat and any of his assistants who is in the full time employment of the Legislative Council Commission and is a barrister or a solicitor as defined in the Legal Practitioners Ordinance (Cap 159)**
- (B) The following categories of persons should be excluded from service as jurors:**
- (a) any public officer who is –**
 - (i) a judge, deputy judge, District Judge, deputy District Judge, Registrar, Senior Deputy Registrar, Deputy Registrar, Assistant Registrar, coroner or magistrate – should be excluded for life**
 - (ii) a presiding officer, adjudicator or member of any tribunal established by law**
 - (iii) a member of staff within the Judiciary**
 - (iv) a legal officer within the meaning of section 2 of the Legal Officers Ordinance (Cap 87)**
 - (v) serving in the Department of Justice, the Legal Aid Department, the Official Receiver's Office or the Intellectual Property Department**

- (vi) a member of the Hong Kong Police Force, the Immigration Service, the Customs and Excise Service
 - (vii) an officer of the Correctional Services Department
 - (viii) the Commissioner, Deputy Commissioner or an officer of the Independent Commission Against Corruption
 - (ix) carrying out duties in the Hong Kong Police Force, the Immigration Department, the Customs and Excise Department, the Fire Services Department, the Correctional Services Department, the Government Flying Service or the Independent Commission Against Corruption
 - (x) appointed as the principal probation officer, or as a probation officer, under the Probation of Offenders Ordinance (Cap 298)
 - (xi) a social worker employed full-time in any reformatory school established under the Reformatory Schools Ordinance (Cap 225), any place of detention appointed under the Juvenile Offenders Ordinance (Cap 226), or any approved institution within the meaning of the Probation of Offenders Ordinance (Cap 298)
- (b) barristers-at-law and solicitors in actual practice.
- (c) members of the Hong Kong Auxiliary Police Force and persons summoned to act or enrolled or appointed as special constables under any enactment:
- Provided that any person claiming exemption under this paragraph may be required by the Registrar to produce a certificate from the Commissioner of Police in proof of such exemption.
- (d) Government chemists.
- (C) The Registrar or the trial judge, as the case may be, may defer jury service required of the persons in the following categories who have been summoned, or exclude or excuse them from jury service upon their application, if satisfied with the merits of their applications:
- (a) any public officer who is serving in a training or apprentice rank
 - (b) persons duly registered as or deemed to be medical practitioners under the Medical Registration Ordinance (Cap 161), persons duly registered as dentists under the Dentists Registration Ordinance (Cap 156) and persons duly registered under the Veterinary Surgeons Registration Ordinance (Cap 529)

- (c) editors of daily newspapers in Hong Kong and such members of their staffs in respect of whom the Registrar is satisfied that jury service would disrupt the publication of such newspapers
 - (d) chemists and druggists actually carrying on business as such
 - (e) clergymen, priests, and ministers of any Christian congregation or Jewish congregation, functioning in Hong Kong
 - (f) imams of and persons holding similar positions in any Muslim congregation functioning in Hong Kong
 - (g) priests of and persons holding similar positions in any Hindu congregation functioning in Hong Kong
 - (h) full time students of any school, college, university, polytechnic, technical institute, industrial training centre or other educational (including vocational education) institution
 - (i) pilots licensed under the Pilotage Ordinance (Cap 84), and the master and members of the crew of any ship
 - (j) pilots, navigators, wireless operators and other full-time members of the crews of passenger or mail or commercial aircraft
 - (k) persons who are vowed and full-time members of any religious orders living in monasteries, convents or other such religious communities
 - (l) justices of the peace
- (D) Exemption from jury service currently granted to the following categories of persons should be discontinued:
- (a) the clerks of barristers-at-law and solicitors in actual practice
 - (b) the spouse of –
 - (i) the Chief Justice;
 - (ii) a judge of the Court of Final Appeal;
 - (iii) the Chief Judge;
 - (iv) a Justice of Appeal;
 - (v) a judge of the Court of First Instance; and
 - (vi) a coroner