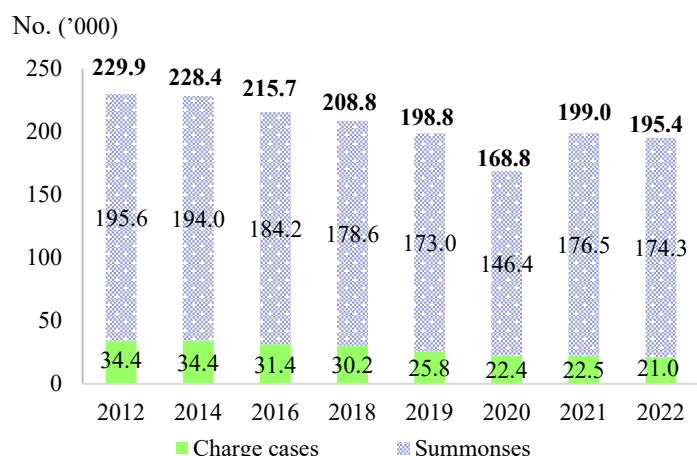




Criminal justice system in Hong Kong

Figure 1 – Number of prosecution cases⁽¹⁾



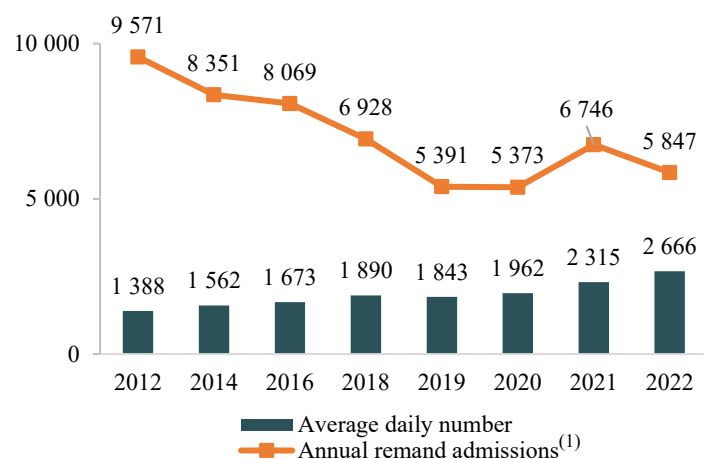
Note: (1) Referring to charge cases and summonses at MC.

Figure 2 – Number of criminal cases by court level

| | MC (charge cases) | DC ⁽¹⁾ | CFI ⁽¹⁾ |
|------|----------------------|-------------------|--------------------|
| 2012 | 34 360 | 1 207 | 486 |
| 2014 | 34 419 | 1 079 | 545 |
| 2016 | 31 440 | 1 215 | 497 |
| 2018 | 30 221 | 1 188 | 421 |
| 2020 | 22 436 | 1 119 | 366 |
| 2022 | 21 036 | 1 193 | 223 |

Note: (1) Excluding appeal cases from lower court(s).

Figure 3 – Number of people remanded in prison



Note: (1) Including people transferred from another prison.

Highlights

- The criminal justice system is a set of government institutions aimed at controlling crimes through due process, involving law enforcement, prosecution, judicial and correctional agencies. This piece focuses on the judicial process in the entire system.
- After crime detection (i.e. identification of suspects) by law enforcement agencies (e.g. the Police), the Department of Justice (“DoJ”) will decide whether there is sufficient evidence to prosecute the suspect(s). All prosecution cases start at Magistrates’ Courts (“MC”). In 2022, MC received 195 400 cases, down 15.0% from 2012 (**Figure 1**). A vast majority (89.2%) were summonses, mostly for minor offences like careless driving, requiring less litigation effort. The remaining 10.8% were charge cases with suspects arrested for more serious offences (e.g. theft and assault). Such cases plummeted by 38.8% over the past decade, partly due to decreases in some major types of crimes and relatively low detection rates of online deceptions.
- MC normally can only try cases involving no more than two years’ imprisonment and a fine of HK\$100,000. More serious cases are escalated to the District Court (“DC”) or the Court of First Instance of the High Court (“CFI”) after pre-trial hearings at MC. Such cases represented 4.7%-6.7% of annual charge cases at MC over the past decade (**Figure 2**). In 2022, 1 193 criminal cases were tried at DC, while 223 cases involving the most serious crimes (e.g. murder and armed robbery) were tried at CFI with a jury.
- At the first appearance at MC, most defendants are either convicted on a guilty plea or released on bail to await trial. Broadly speaking, fewer than 5% of defendants in prosecution cases at MC were put on remand in prison over the past decade (**Figure 3**). Such remand admissions once bounced up to 6 746 in 2021 (of which 518 were related to social incidents in 2019), but fell back to 5 847 in 2022. Yet the average daily population of remand prisoners rose to a decade-high at 2 666 in 2022, suggesting a longer time of remand, which triggered concerns over prosecution delays and judicial efficiency.

Criminal justice system in Hong Kong (cont'd)

Figure 4 – Conviction rates of defendants by court level in 2022⁽¹⁾

| | MC | DC | CFI |
|----------------------------------|--------------|--------------|-------------|
| Number of defendants | | | |
| - Pleading guilty after mention | 861 | 784 | 173 |
| - Convicted after trial | 1 376 | 298 | 45 |
| - Acquitted after trial | 1 170 | 80 | 38 |
| TOTAL | 3 407 | 1 162 | 256 |
| Conviction rate (%) | | | |
| - For trial only | 54.0 | 78.8 | 54.2 |
| - Total (including guilty pleas) | 65.7 | 93.1 | 85.2 |

Note: (1) All figures are based on the number of defendants, excluding cases disposed of (e.g. defendants who pleaded guilty) during court mentions.

Figure 5 – Number of appeals at CFI and CA by appeal result

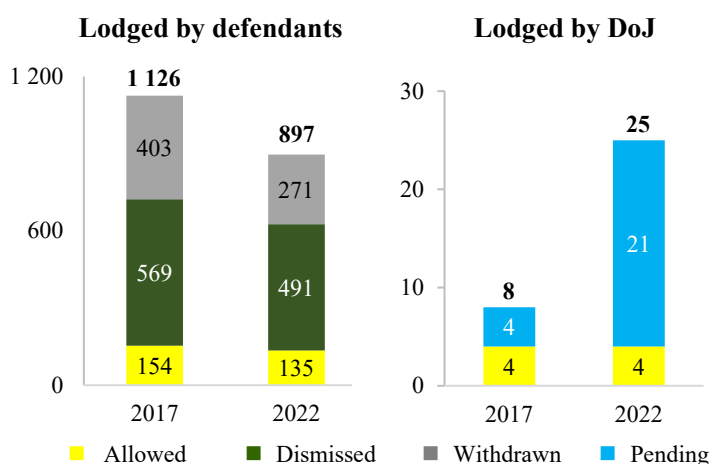
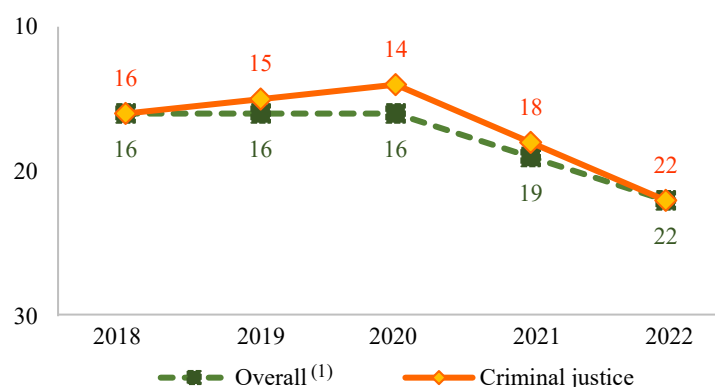


Figure 6 – Rankings of Hong Kong in WJP Rule of Law Index



Note: (1) The overall index comprises eight factors, namely (a) constraints on government powers, (b) absence of corruption, (c) open government, (d) fundamental rights, (e) order and security, (f) regulatory enforcement, (g) civil justice, and (h) criminal justice.

Highlights

- Many cases are resolved before trial because the defendants have pleaded guilty during court mentions. As regards the outcomes of the remaining prosecution cases, they vary across court levels. In 2022, the overall conviction rate was the highest in DC, at 93.1% (**Figure 4**). By contrast, the rate was the lowest in MC at 65.7%, partly due to a lower share (25.3%) of defendants pleading guilty after court mentions, compared with that of 67.5% in DC. Also relevant was a lower conviction rate of 54.0% for contested cases in MC, compared with 78.8% in DC. For CFI, the overall conviction rate was somewhere between those of MC and DC, reaching 85.2% in 2022. In response to public concerns over the quality of prosecution, DoJ maintains that conviction rates should not be treated as a performance indicator, as its role is to ensure “a fair trial” instead of “a conviction at all costs”.
- Both defendants and DoJ can appeal to higher courts to review the judgements. In 2022, CFI and the Court of Appeal (“CA”) handled altogether 897 appeals lodged by defendants, representing 25.4% of convicted persons reported by DoJ (**Figure 5**). The success rate of these appeals has held steady at 13%-15% over the past six years. As regards the appeals lodged by DoJ, the number was only 8 in 2017, before tripling to 25 in 2022. Most of the appeals by DoJ were related to sentencing review and the majority of the completed cases were successful.
- According to the World Justice Project (“WJP”) Rule of Law Index, Hong Kong ranked the 22nd in terms of criminal justice in 2022, amongst the 140 places included in the ranking exercise, after taking the 16th position out of 113 places in 2018 (**Figure 6**). This profile was broadly similar to the corresponding position of Hong Kong in the overall Rule of Law Index, which also dropped from 16th to 22nd during the same period.

Data sources: Latest figures from Census and Statistics Department, Correctional Services Department, Department of Justice, Hong Kong Police Force and Judiciary.

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