

New Practice Direction on restrictions on use of mobile phones in courtrooms for jury proceedings issued

The following is issued on behalf of the Judiciary:

The Judiciary announced today (June 21) that, with effect from July 19, court users must not use mobile phones or any other devices with photo-taking or video-recording abilities (prohibited devices) inside courtrooms where jury proceedings are held. These proceedings cover civil or criminal trials by jury at the High Court and inquests before the Coroner's Court involving a jury. The parties, legal representatives, members of the law enforcement agencies and members of the media in designated areas will be exempted from the restrictions.

The spokesman for the Judiciary said, "The due administration of justice is of paramount importance for all court proceedings, including jury proceedings. An important safeguard is the prohibition of photography and video-recording inside court premises without permission.

"In particular, trial by jury is an important part of the administration of justice under the common law, which is constitutionally protected under Article 86 of the Basic Law. Jurors must be free from all actual or perceived interference, pressure or distraction. For this reason, the prohibition of photography and video-recording assumes even greater importance inside courtrooms where jury proceedings are being held."

To provide guidelines on the use of prohibited devices, the Chief Justice has issued a new Practice Direction entitled "Use of Mobile Phones and Other Devices in Courtrooms for Court Proceedings Involving Jury".

The Practice Direction, which sets out restrictions on the use of prohibited devices in courtrooms for court proceedings involving a jury, specifies that unless with the permission of the judge or judicial officer, court users will have to completely switch off all their prohibited devices and put such devices in their bags or pockets whenever they are inside a courtroom, regardless of whether the courtroom is in session.

The spokesman said, "If court users have no suitable bag or pocket, they should put the prohibited devices in a bag to be provided by the court."

The Practice Direction also stipulates that by and upon entering the courtroom for a jury proceeding, all court users, including aforementioned exempted court users, will be deemed to have given a general consent to the court to order any search or inspection of their prohibited devices for the purpose of ascertaining or investigating whether any restrictions on the use of prohibited devices and the prohibition of photo-taking or video-recording

in courtrooms have been complied with.

The spokesman said, "For the same purpose of ensuring the proper administration of justice, courts in respect of proceedings other than jury proceedings may also direct similar or other restrictions on the use of prohibited devices for individual proceedings as appropriate."

The spokesman added, "Subject to applicable law and house rules, these restrictions do not affect the freedom at all times to use mobile phones lawfully at other public parts of court buildings."

In addition, the Judiciary has recently introduced a few enhancement support measures to better remind court users of the prohibition of practices including photo-taking in general. A public reminder announcement is broadcast inside courtrooms before court proceedings commence, additional notices and signage have been placed in more prominent areas, court users are reminded of the prohibition more extensively by Judiciary staff verbally or through written notices as appropriate, and security personnel manpower during court proceedings has been strengthened for monitoring the situation as necessary.

The spokesman said, "Judiciary staff will be deployed at the entrance of courtrooms to remind court users to put prohibited devices inside bags or pockets for jury proceedings."

The Practice Direction will take effect on July 19. Members of the public are welcome to visit the Judiciary's website www.judiciary.hk for details of the Practice Direction.