

Justice “Seen” to Be Done—Hong Kong Judiciary Launches First Live-Stream of Court Proceedings

26 January 2024

Earlier this month, the Judiciary of Hong Kong (the “Judiciary”) live streamed the hearing of two cases heard by the Court of Final Appeal (the “CFA”) for the first time. This was part of a trial run to implement an initiative to enhance the transparency of court procedures and boost public confidence in the judicial system, as announced by the Chief Justice of the CFA at the Ceremonial Opening of the Legal Year in January 2023.

Live-Streamed Cases. The first of the two CFA cases selected for the trial run took place on 10 January 2024. The hearing concerns a woman’s appeal against the Legal Aid Department’s decision to withdraw legal aid for her judicial review application of same-sex partner rights, as she had lost a challenge against Hong Kong’s non-recognition of same-sex marriage in 2019.¹

On 16 January 2024, there was a live broadcast of proceedings before the CFA that concern a land dispute in which a company filed an appeal against the incorporated owners of a building on issues relating to maintenance responsibilities for the external wall of a shopping mall.²

Selection Criteria. The Judiciary has indicated that not all cases are suitable for live-streaming and will take into account a host of factors in selecting appropriate cases for live broadcasting. These include the parties’ views, the nature of the proceedings, the sensitivity of the matter, the public’s access to the technology and security risks. Criminal trials, jury trials and trials involving vulnerable witnesses are less suitable for live broadcasting, whereas appellate proceedings, particularly those in the CFA, are considered to be more suitable to be live streamed.

Members of the public will be able to access the live webcast of the selected cases on the CFA website from a desktop computer or mobile device, and core written materials will be made available also on the CFA website ahead of the hearing. The Judiciary will

¹ *MK v. Director of Legal Aid* FACV 8/2023.

² *Donora Company Limited v. The Incorporated Owners of Tsuen Kam Centre (荃錦中心業主立案法團)* FACV 6/2023.

upload videos of the court proceedings and post them on the CFA website to allow viewing by the public for two and three calendar days after the hearing.

In order to access the broadcast, viewers must agree to certain terms such as to not record the live webcast or use the live footage for any purpose. There will be measures in place to “*deter unauthorised recording, screen capturing and illegal distribution of the live broadcast footage*”. Any person found to be in breach of these terms is liable to be charged with contempt of court or copyright infringement.

Conclusion. The live-streaming of court proceedings in Hong Kong represents a historic development and helps modernise litigation in the digital era. It also brings Hong Kong in line with other major jurisdictions such as the United Kingdom, Australia and the United States. For instance, hearings in the UK Supreme Court have been broadcast since 2009, and this was extended to the Court of Appeal in 2013. The scheme was gradually expanded, with the first sentencing hearing in a criminal trial shown on television in 2022.

It remains to be seen whether the Hong Kong Judiciary will follow the United Kingdom or other jurisdictions in expanding the scope of the hearings eligible to be live streamed to the public. The Judiciary will conduct a review of the scheme after the conclusion of the trial run, taking into account the technical feasibility assessment, court users' feedback and operational experience. Following that, we expect that the Judiciary will publish further information outlining the way forward for the live broadcast of court proceedings in Hong Kong.



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