

HONG KONG

The Official Languages Ordinance of Hong Kong, Ordinance No. 10 of 1974, declares the English and Chinese languages to be the official languages of this British colony. It states as below:

3. (1) The English and Chinese languages are declared to be the official languages of Hong Kong for the purposes of communication between the Government or any public officer and members of the public.

(2) The official languages possess equal status and, subject to the provisions of this Ordinance, enjoy equality of use for the purposes set out in subsection (1).

4. (1) Every Ordinance shall be enacted and published in the English language.

(2) Nothing in subsection (1) shall be construed as restricting--

- (a) the use of Chinese words or terms in any Ordinance; or
- (b) the publication of a translation of any Ordinance into the Chinese language.

5. (1) The proceedings in any court specified in the Schedule may be conducted in either the English language or the Chinese language as the court thinks fit.

(2) Proceedings in--

- (a) the Full Court;
- (b) the Supreme Court;
- (c) the District Court; and
- (d) any other court not specified in the Schedule,

shall be conducted in the English language.

(3) Notwithstanding subsections (1) and (2), any party to or witness in proceedings in any court may use either the English language or the Chinese language, or such other language as the court may permit. 1/

The Schedule mentioned in Section 5 (1) above lists Magistrates' Courts, any inquiry by a coroner, any Juvenile Court, any Labor Tribunal, any Tenancy Tribunal, and any Small Claims Tribunal, so that in proceedings before any of these, either English or Chinese could be used, as the court thinks fit. 2/

The Criminal Procedure Ordinance, originally Ordinance No. 13 of 1899, as amended from time to time since then, states in its Section 65B (3) that if a statement tendered in evidence in criminal proceedings other than committal proceedings is made in a language other than English, it shall be accompanied by an English translation thereof, certified by the court translator. 3/

1/ 1 Laws of Hong Kong ch. 5 (rev. ed. 1974), p. 1.

2/ 24 Laws of Hong Kong ch. 5 (rev. ed. 1976), Minor Amendments, p. 18.

3/ 11 Laws of Hong Kong ch. 221 (rev. ed. 1972), p. 28.

Prepared by Mya Saw Shin, Senior Legal Specialist
Far Eastern Law Division, Law Library
Library of Congress
Washington, D.C. 20540
September 1978

MSS/vmy
9/12/78