

## 第九條

## 驅逐出香港的限制

合法處在香港境內但沒有香港居留權的人，非經依法判定，不得驅逐出境，且除事關國家安全必須急速處分者外，應准其提出不服驅逐出境之理由，及聲請主管當局或主管當局特別指定之人員予以覆判，並為此目的委託代理人到場申訴。

[比照《公民權利和政治權利國際公約》第十三條]

## 第十條

在法院前平等及接受公正  
公開審問的權利

人人在法院或法庭之前，悉屬平等。任何人受刑事控告或因其權利義務涉訟須予判定時，應有權受獨立無私之法定管轄法庭公正公開審問。法院得因民主社會之風化、公共秩序或國家安全關係，或於保護當事人私生活有此必要時，或因情形特殊公開審判勢必影響司法而在其認為絕對必要之限度內，禁止新聞界及公眾旁聽審判程序之全部或一部；但除保護少年有此必要，或事關婚姻爭執或子女監護問題外，刑事民事之判決應一律公開宣示。

[比照《公民權利和政治權利國際公約》第十四條]

## 第十一條

## 被控告或判定犯有刑事罪的人的權利

- (一) 受刑事控告之人，未經依法確定有罪以前，應假定其無罪。
- (二) 審判被控刑事罪時，被告一律有權平等享受下列最低限度之保障——
  - (甲) 迅即以其通曉之語言，詳細告知被控罪名及案由；

## Article 9

## Restrictions on expulsion from Hong Kong

A person who does not have the right of abode in Hong Kong but who is lawfully in Hong Kong may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

[cf. ICCPR Art. 13]

## Article 10

Equality before courts and right  
to fair and public hearing

All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

[cf. ICCPR Art. 14.1]

## Article 11

Rights of persons charged with or  
convicted of criminal offence

- (1) Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
- (2) In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality—
  - (a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;