

Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019 gazetted

The Government published in the Gazette today (March 1) the Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019.

The Bill seeks to generally extend the retirement ages of Judges at the High Court and above as well as Magistrates by five years. This is to enable the Judiciary to sustain its judicial manpower across different levels of court, which is crucial to the efficient and effective operation of the Judiciary.

"It is believed that an extension of statutory retirement ages for Judges and Judicial Officers (JJOs) will encourage recruitment of the best legal talents to the Judiciary, as well as help retain for as long as practicable the benefit of the experience and skills of serving JJOs, particularly at the level of the Court of First Instance (CFI) of the High Court given the persistent recruitment difficulties," a Government spokesman said.

More specifically, the Bill mainly seeks to:

- (a) extend the normal retirement ages for Judges of the Court of Final Appeal as well as the Court of Appeal and the CFI of the High Court from 65 to 70;
- (b) extend the normal retirement ages for Members of the Lands Tribunal, Magistrates and other Judicial Officers at the magistrate level from 60 to 65;
- (c) provide for other consequential changes, e.g. extending the early retirement age for the relevant categories of JJOs by five years as well; and
- (d) provide a mechanism for serving JJOs to opt for the proposed new retirement arrangements.

For District Judges, it is proposed that their normal retirement ages be maintained at 65.

Before formulating the proposals, a consultant was engaged by the Judiciary to conduct a comprehensive study to review the statutory retirement ages for JJOs at all levels of court, including researching into the retirement policies and practices adopted by other common law jurisdictions.

The spokesman said, "It is noted that most of the overseas jurisdictions under research have retirement ages higher than those in Hong Kong. For example, the United Kingdom and New Zealand have a uniform retirement age of 70, while in Australia the retirement age is 70 for the High Court, the

Federal Court and the Federal Circuit Court, and 65 for the Family Court at federal court hierarchy.

"Although some of these overseas jurisdictions have a uniform retirement age for Judges at all levels of court, the present two-tier retirement age system is considered more suitable to the circumstances of the Judiciary in Hong Kong and should be retained."

A proposed extension of the normal retirement ages for Judges at the CFI level and above from 65 to 70 will enable the retention of experienced senior Judges, and attract experienced and quality private practitioners to join the Bench.

Setting the retirement age for JJOs below the CFI level at 65 can facilitate the injection of new blood and avoid creating career blockages.

Generally, serving JJOs may exercise the option of joining the new retirement arrangements during an option period of two years, or until their existing normal retirement age/expiry of extension of service, whichever is the earliest.

The Hong Kong Bar Association, the Law Society of Hong Kong and the Panel on Administration of Justice and Legal Services of the Legislative Council (LegCo) were consulted and supported the proposals.

The Bill will be introduced into the LegCo for first reading on March 20 (Wednesday).