

## LCQ20: An in-house talk organised by the Judiciary

Following is a question by the Hon Elizabeth Quat and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (December 2):

Question:

The Hong Kong Judicial Institute of the Judiciary organised a talk of the theme "Judicial Impartiality and Public Confidence" for magistrates on July 3 this year. It has been reported that the Judiciary, in variance with the established practice, required all magistrates to attend the talk, and did not videotape the talk and upload the video clips onto its intranet. In this connection, will the Government inform this Council:

- (1) given that the Judiciary issued in as early as 2004 the Guide to Judicial Conduct to provide judges with practical guidelines in dealing with matters, whether it knows the reasons for the Judiciary to organise the aforesaid talk;
- (2) whether it knows who the speaker of the talk was, as well as the content of the talk;
- (3) whether it knows why the Judiciary required all magistrates to attend the talk; and
- (4) whether it knows why the Judiciary did not videotape the talk and upload the video clips onto its intranet for the reference of magistrates appointed in the future?

Reply:

President,

Based on the information provided by the Judiciary, the Government's consolidated reply is as follows:

The Judiciary has all along attached great importance to the continuing judicial education for Judges and Judicial Officers (JJOs). Since its establishment in 2013, the Hong Kong Judicial Institute (JI) has been providing appropriate judicial training from time to time each year to cater for the training needs of JJOs at different levels of court.

A talk entitled "Judicial Impartiality and Public Confidence" was organised by the JI on July 3, 2020. It was one of the judicial training activities organised for all magistrates. The talk, which was held during office hours, aimed at facilitating magistrates' performance of judicial

duties more effectively. All magistrates were invited to take time to attend the talk as far as possible.

The speaker of the talk was the Hon Mr Justice Albert Wong of the Court of First Instance of the High Court. The purpose of the talk was to remind the magistrates to adhere to the basic principles on the discharge of judicial duties by JJOs with a view to maintaining public confidence in courts and JJOs, in light of the recent public concern over criminal cases related to social events.

The key points of the talk include:

(a) JJOs should pay particular attention to the following two principles in the Guide to Judicial Conduct:

(i) Impartiality is the fundamental quality required of a judge. Judges should conduct themselves in and out of court in a way that maintains confidence in their impartiality and that of the Judiciary; and

(ii) Justice must be done and must be seen to be done. Impartiality must exist both as a matter of fact and as a matter of reasonable perception. If partiality is reasonably perceived, that perception is likely to leave a sense of grievance and of injustice having been done, which is destructive of confidence in judicial decisions;

(b) In exercising their judicial power, JJOs should, in accordance with the applicable burden and standard of proof, make fair and just judicial decisions based on law, evidence and facts. They should not allow other factors (such as personal values, moral standard, political views, religious beliefs etc.) to affect any of their judicial decisions; and

(c) In handling or adjudicating cases, JJOs should refrain from expressing views on contentious issues in the community so as to avoid actual or perceived bias. They should prepare judicial decision in writing and give reasons for the decision. Special attention should also be made to the language, tone and attitude in delivering the judgments.

The PowerPoint presentation of the talk has been uploaded to the intranet of the Judiciary for JJOs' reference or for future judicial training.