

Statement by Judiciary on Baroness Hale's term of office as non-permanent CFA judge

The following is issued on behalf of the Judiciary:

The Right Honourable the Baroness Brenda Hale of Richmond (Baroness Hale) has indicated to the Judiciary that for personal reasons, she would not wish to have her appointment as a non-permanent judge from another common law jurisdiction of the Court of Final Appeal extended for another term upon the expiry of her current one on July 29, 2021.

Under Article 92 of the Basic Law, judges and other members of the Judiciary of the Hong Kong Special Administrative Region (HKSAR) shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. The presence of non-permanent judges from other common law jurisdictions allows Hong Kong to maintain links with other common law jurisdictions. Their immense contribution to Hong Kong has repeatedly been acknowledged.

Currently, there are 13 judges from other common law jurisdictions, comprising nine from the United Kingdom, three from Australia and one from Canada. The Hong Kong Court of Final Appeal Ordinance stipulates that there shall be a list of non-permanent Hong Kong judges and a list of judges from other common law jurisdictions. The total number of persons holding office as non-permanent judges shall not at any time exceed 30. If there are suitable candidates, the Judiciary will continue to deal with the appointment recommendations in accordance with the relevant provisions and established mechanism under the Basic Law and the Judicial Officers Recommendation Commission Ordinance.

As prescribed in the Basic Law, the HKSAR has been authorised by the National People's Congress to exercise independent judicial power, including the power of final adjudication. It is also stated in express terms that the courts of the HKSAR shall exercise judicial power independently, free from any interference. As reflected in their judicial oath, in exercising their judicial power, judges are constitutionally required to determine and handle cases strictly in accordance with the law and legal principles.