

Response from the Judiciary

The following is issued on behalf of the Judiciary:

In response to press enquiries, a spokesman for the Judiciary today (November 3) said the Judiciary believes that it is of fundamental importance that judges and judicial officers ("judges") should conduct themselves with the utmost integrity. This is essential to the maintenance of public confidence in the Judiciary and the administration of justice.

The Judiciary has viewed with concern the allegation in the media that Mr Michael Wong, a retired judge, had when holding office accepted a gift of air tickets from a businessman. The acceptance of gifts by judges is governed by s.3 of the Prevention of Bribery Ordinance Chapter 201 and the Acceptance of Advantages Notice 1992.

The Judiciary notes that according to reports in the media: (i) The allegation apparently arose from something which Mr Wong had allegedly said in a media interview. (ii) The allegation has been denied by the businessman in question and also by Mr Wong's daughter who said it was a gift from her. (iii) The allegation has been reported by members of the public to the ICAC for investigation.

There have been suggestions that the Judiciary should initiate an inquiry into this allegation. The matter must be dealt with in accordance with law and it is important for the public to understand the legal position generally in relation to all retired judges, which is as follows:

(a) A retired judge's entitlement to pension is governed by the Pension Benefits (Judicial Officer's) Ordinance Chapter 401. A pension may be cancelled, suspended or reduced only in the circumstances provided for in the Ordinance, which include a conviction for a specified offence.

(b) Other than as stated above, there are no disciplinary powers or sanctions exercisable against a retired judge.

In view of the legal position as regards retired judges as set out above and noting that according to media reports, the allegation has been reported to the ICAC for investigation, the Judiciary does not consider it appropriate at present to initiate an inquiry into the matter.

End/Monday, November 3, 2003

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