



Fax. 圖文傳真 : 2123 0028
Tel. 電話 : 2123 0018
E-mail 電郵 :
Your Ref. 來函檔號 :
Our Ref. 本函檔號 :

31 March 2014

Miss Mary So
Clerk to Panel on Administration
of Justice and Legal Services
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Miss So,

**Robing of Judges and Judicial Officers (“JJOs”)
at Swearing-in Ceremonies**

I refer to the question raised by the Hon Dennis Kwok relating to the captioned matter at the meeting of the Administration of Justice and Legal Service Panel (“AJLS Panel”) held on 25 February 2014. The purpose of this letter is to provide the requested information for Members’ reference.

Background

(A) Relevant Statutory Provisions

2. Section 17 of the Oaths and Declarations Ordinance (Cap. 11) (“the Ordinance”) provides that each of the judicial officers specified in Schedule 3 to the Ordinance shall take the Judicial Oath, which shall be administered in the manner specified in that Schedule as soon as possible after his appointment. In brief:

- (a) The oaths taken by the Chief Justice, Permanent Judges of the Court of Final Appeal, Non-Permanent Hong Kong Judges of the Court of Final Appeal, Non-Permanent Judges of the Court of Final Appeal from another common law jurisdiction, the Chief Judge of the High Court (“the Chief Judge”), Justices of Appeal of the High Court, and all substantive Judges of the Court of First Instance of the High Court are to be administered by the Chief Executive; and
- (b) The oaths taken by other Judges (i.e. District Judges) and Judicial Officers are to be administered by a Judge of the Court of First Instance. In practice, they are normally administered by the Chief Judge ^(Note).

(B) Practices of the Ceremonies

3. The swearing-in ceremonies for Judges at the High Court and above administered by the Chief Executive have always been held at the Chief Executive’s Office as a matter of established practice after 1 July 1997 (i.e. at the former Central Government Offices before March 2006, at the Government House from March 2006 to December 2011 and at the Chief Executive’s Office at the Tamar since December 2011). It was also noted that before March 2006, Judges were not robed at the swearing-in ceremonies (except for the swearing-in ceremony of Judges at the High Court and above on 1 July 1997 held at the Hong Kong Convention and Exhibition Centre). Since March 2006, Judges attending swearing-in ceremonies administered by the Chief Executive at the Government House were robed. This included the swearing-in ceremony of the current Chief Justice on 3 September 2010.

^(Note) Under section 4(1) of the High Court Ordinance (Cap. 4), the Court of First Instance of the High Court comprises, among others, the Chief Judge. Under section 5(1) of the same Ordinance, the Court of Appeal of the High Court comprises, among others, the Chief Judge.

4. The swearing-in ceremonies for District Judges before the Chief Judge took place in the Chief Judge's chambers before August 2003. The Judges were not robbed. In August and September 2003, the ceremonies took place in the courtroom and the Judges were not robbed. After September 2003, the ceremonies took place in the courtroom, but the Judges were robbed.

5. The swearing-in ceremonies for other Judicial Officers before the Chief Judge took place in the latter's chambers before September 2009. The Judicial Officers were not robbed. Since September 2009, such ceremonies took place in the courtroom, and the Judicial Officers were robbed.

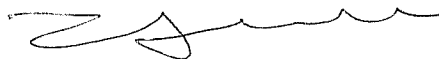
The Review in 2012

6. Noting that there have been different practices in the past, the Chief Justice had asked that an internal review of the matter should be conducted. As a result of that review, the Chief Justice decided in August 2012 that:

- (a) There was no need for Judges at the High Court and above to be robbed at the swearing-in ceremonies to be held at the Chief Executive's Office. The Chief Justice does not consider it appropriate for Judges to be robbed at swearing-in ceremonies that are held in an office of the executive branch of the government. Since August 2012, Judges were not robbed on those occasions: and
- (b) As regards swearing-in ceremonies for the District Judges and Judicial Officers which are held in the courtroom, they would continue to be robbed.

7. The Judiciary would like to point out that since 1997, the decision on whether or not JJOs should be robed at swearing-in ceremonies has entirely been that of the Chief Justice and no one else.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Esmond Lee', with a stylized flourish at the end.

(Esmond Lee)
for Judiciary Administrator