



司法機構政務處

Judiciary Administration

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本函檔號 Our Ref.: SC/CR 14/1/62 PT7
來函檔號 Your Ref.: CB4/BC/1/18

23 May 2019

Miss Katherine Chan
Council Secretary
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss CHAN,

**Bills Committee on Judicial Officers (Extension of Retirement Age)
(Amendment) Bill 2019**

**Follow-up actions arising from
the discussion at the meeting on 15 May 2019**

I refer to your email of 15 May 2019. I am sending you at
----- **Annex** the Judiciary Administration's responses.

Yours sincerely,

(Miss Winki LAM)
for Judiciary Administrator

c.c. Administration Wing
(Attn: Mr Leo TZE)
Department of Justice
(Attn: Ms Karmen KWOK and Mr Wallance NG)

**Bills Committee on Judicial Officers
(Extension of Retirement Age) (Amendment) Bill 2019**

**Follow-up actions arising from
the discussion at the meeting on 15 May 2019**

PURPOSE

The paper sets out the Judiciary's responses to the follow up actions arising from the discussion at the meeting on 15 May 2019.

RESPONSES

2. To maintain judicial independence and command public confidence in the Judiciary, Judges at the District Court and above have security of tenure. They are hence prohibited from returning to private practice after leaving the Judiciary.
3. For Chief Justice and Judges of the Court of the Final Appeal, such prohibition is stipulated in section 13 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484). While similar prohibition is not stipulated in the High Court Ordinance (Cap. 4) or the District Court Ordinance (Cap. 336), Judges of the High Court and the District Court are required to give an undertaking not to practise as barristers or solicitors in Hong Kong after they have left the Judiciary unless the Chief Executive permits.
4. As regards Judicial Officers such as Magistrates, since they do not have security of tenure, they are not prohibited from returning to private practice after leaving the Judiciary.
5. As the above established practice seeks to underpin judicial independence and public confidence of the Judiciary, the Judiciary does not agree that there should be any relaxation of the above prohibition.