

## 司法培訓 Judicial Development and Training



### 司法人員培訓委員會

司法人員培訓委員會 1988 年成立，目的是為各級法官和司法人員提供培訓機會。委員會由全體委員會和執行委員會組成，並設有一個小規模的秘書處提供行政支援。

委員會成員來自各級法院，由終審法院首席法官任命。成員除了高等法院上訴法庭、原訟法庭、區域法院和裁判法院的法官及司法人員外，還包括司法機構政務長、律政司、香港大律師公會和香港律師會各一名代表，以及香港大學和香港城市大學法律學院各一名教授。當中司法機構的成員也擔任執行委員會的委員。所有成員的任期均為兩年。



「刑事訴訟程序的傳聞證據：改革建議」簡介會  
Briefing on "Hearsay in Criminal Proceedings:  
The Proposals for Reform"

### Judicial Studies Board

The Judicial Studies Board (JSB) was set up in 1988 to provide training programmes for Judges and Judicial Officers (JJOs) at all levels. The Board is made up of a Full Board and an Executive Committee, and is supported by a small secretariat on administrative matters.

The Chief Justice appoints judges from all levels of courts to serve on the Board. Apart from judges of the Court of Appeal, the Court of First Instance, the District Court and the Magistrates' Courts, members of the Board also include the Judiciary Administrator, one representative each from the Department of Justice, the Hong Kong Bar Association and The Law Society of Hong Kong as well as a professor from each of the law schools of the University of Hong Kong and the City University of Hong Kong. Judiciary members of the Board serve on the Board's Executive Committee. All members are appointed for a term of two years.

司法人員培訓委員會的職權範圍如下：

- 為新加入的司法人員制訂入職課程。
- 就如何善用司法培訓制度，包括法官的委任、按需求分配資源和創造機會轉換工作崗位等方面，向終審法院首席法官提供意見。
- 舉辦培訓活動。

## 發展與培訓

### 專業培訓

專業培訓對法官及司法人員的持續學習非常重要。司法人員培訓委員會深明此點，因此不斷致力為法官及司法人員籌辦與法律及法律發展有關的培訓計劃。

2006年3月，委員會舉辦了一項調解培訓課程，主要目的是讓法官及司法人員對這個用作解決糾紛的另類辦法加深認識。法律界人士和調解機構的會員也獲邀參加。課程由兩位來自英國的經驗豐富的調解員講解，內容包括2006年3月23日及24日舉行的互動講座，以及2006年3月25日舉行的兩次調解示範。參加者共有119人，包括66位法官及司法人員，以及53位法律界人士和調解機構的會員。

2006年11月，委員會舉辦了一次名為「家事法庭工作」的經驗分享會。參加者會上交流彼此在家事法庭工作的經驗，以及討論常見問題的處理方法，共有17位法官及司法人員參加。

### The terms of reference of the Judicial Studies Board are:

- To devise programmes for the induction of new holders of judicial office.
- To advise the Chief Justice how he might best use a system of judicial studies in respect of the appointment of judges, the matching of judicial resources to demands, and the creation of opportunities for changes of work.
- To run training programmes.

## Development and Training Programmes

### Professional Training

The Board recognises the importance of continuous professional training and development for JJOs. To this end, training programmes on law and legal developments are organised for JJOs.

In March 2006, the Board organised a Mediation Training Programme. The training programme was primarily aimed at enhancing JJOs' understanding of mediation as an alternative dispute resolution method. Members of the legal profession and the mediation bodies were also invited to attend. The training programme was conducted by two highly experienced mediators from the United Kingdom. It included two interactive talks on 23 and 24 March 2006 and two demonstration mediations on 25 March 2006. There were a total of 119 participants, consisting of 66 JJOs and 53 members from the legal profession and the mediation bodies.

An experience-sharing session on "Work in the Family Court" was organised in November 2006. During the session, participants shared their experience in the work in the Family Court and the approach to problems usually encountered. A total of 17 JJOs attended.

我們 2006 年 12 月為裁判官舉辦入職培訓暨復修課程，涵蓋的課題包括：「家庭暴力 — 施虐者輔導服務」、「裁斷陳述書」、「來自勞資審裁處及小額錢債審裁處的上訴」、「在小額錢債審裁處進行申索的一些體會」、「如何利用法律參考資料系統及其他有用的網站進行研究」、「案件管理」、「申訴及相關事宜」，共有 35 位法官及司法人員參加。

自 2002 年 9 月以來，司法人員培訓委員會一直資助法官和司法人員修讀由本地大學和學術機構主辦或合辦的兼讀法學碩士學位或其他與法律有關的課程。截至 2006 年 9 月，共有七位法官及司法人員獲資助修讀這些課程，而其中四位更已修業期滿。

為了掌握世界各地法制的最新發展，法官及司法人員不時參加海外的培訓課程。2006 年，委員會安排法官及司法人員參加了高效爭議解決中心在西班牙巴塞羅那舉行的調解技巧培訓課程，以及在英國倫敦舉行的解決糾紛的另類方法國際研習課程。

In December 2006, an Induction-cum-Refresher course for Magistrates was held. The topics covered included: “Domestic Violence - Batterer Intervention Programme”, “Statement of Findings”, “Appeals from the Labour Tribunal and the Small Claims Tribunal”, “Experience as a Claimant in the Small Claims Tribunal”, “Research – Legal Reference System and Other Useful Websites”, “Case Management”, “Complaints and Related Matters”. A total of 35 JJOs attended.

Since September 2002, the JSB has been sponsoring JJOs to attend part-time courses leading to the award of a Master of Laws Degree (LLM) or other law-related studies organised or co-organised by local universities and academic institutions. Up to September 2006, seven of our JJOs were granted sponsorship and four of them have completed their studies.

To keep our JJOs abreast with international legal developments, JJOs attend overseas training programmes from time to time. In 2006, the Board made arrangements for JJOs to attend the Mediator Skills Training Programme run by the Centre for Effective Dispute Resolution in Barcelona, Spain, and the International Alternative Dispute Resolution Study Programme run by the Centre for Effective Dispute Resolution in London, the United Kingdom.



高等法院原訟法庭法官林文瀚（前排右三）訪問英國倫敦皇家法庭的高效爭議解決中心及商事法庭

*The Hon Mr Justice Lam, Judge of the Court of First Instance of the High Court (third right, front row), visits the Centre for Effective Dispute Resolution and the Commercial Court at the Royal Courts of Justice in London, UK*

## 語文訓練

過去幾年，以中文進行的法庭程序日漸增加。委員會有見及此，相應加強了法官和司法人員在這方面的語文訓練以應所需。委員會為雙語法官及司法人員舉辦了各種形式的訓練課程，使他們更能掌握以中文進行聆訊及以中文撰寫和宣告判決的技巧。這些課程包括由本地大學舉辦的中文判決書撰寫技巧課程，以及由北京清華大學舉辦的校內語文課程。

自清華大學 1999 年開辦中文判決書撰寫課程以來，委員會一直資助法官和司法人員修讀這些校內語文課程。在清華大學，法官和司法人員接受現代漢語語法及各類判決書撰寫技巧的密集訓練。是項為期四週的課程既可幫助學員提高對各類中文司法文書的理解能力和撰寫技巧，也讓學員有機會接受專人個別普通話指導（導師為以普通話為母語的清華大學學生）。另一方面，學員更可藉此機會加深對中國法制的了解。到目前為止，曾參加這個課程的法官和司法人員已達 78 位。下一期課程將於 2007 年年中舉行。

此外，委員會曾以試驗形式與香港大學和香港城市大學合辦兩項專為法官和司法人員而設的中文判決書撰寫課程。委員會希望藉着這兩項課程，進一步提升法官和司法人員的中文寫作技巧，從而使中文法庭程序的整體成效得以提高。這兩項課程已分別於 2004 年 12 月及 2005 年 3 月完結。修讀課程的法官和司法人員都認為課程內容充實，有啟發性，對工作也有幫助。委員會已對這些試驗課程進行檢討，並計劃 2007 年舉辦下一期的中文判決書撰寫課程。

## Language Training

Court proceedings in Chinese have been on the increase in the past few years. To cope with such an increasing demand for the use of Chinese in courts, the Board has strengthened training for JJOs in this respect. Various forms of training are provided to our bilingual JJOs for them to master skills in conducting court hearings and preparing and delivering judgments in Chinese. These include courses on Writing Judgments in Chinese run by local universities and residential language courses at the Tsinghua University, Beijing.

The Tsinghua University Chinese Judgment Writing Courses commenced in 1999. The JSB has been sponsoring JJOs to attend these residential language courses. At Tsinghua, JJOs receive intensive training in Modern Chinese grammar and are taught skills and techniques in writing different kinds of judgments. The four-week course enables participants to improve their ability in understanding and writing legal documents in Chinese. Participants are given individual Putonghua coaching by native speakers drawn from Tsinghua's pool of students. The course also enables participants to gain a better understanding of the Mainland legal system. Up to the present, a total of 78 bilingual JJOs have attended. The next course will be held in mid 2007.

The Board organised on a pilot basis two intensive courses for JJOs on writing judgments in Chinese in collaboration with the University of Hong Kong and the City University of Hong Kong. The aim of both courses is to further improve the Chinese writing skills of our JJOs so as to enhance the overall effectiveness of court proceedings conducted in Chinese. The courses ended in December 2004 and March 2005 respectively. JJOs on the courses found them instructive and useful. The Board has reviewed these pilot courses and planned to organise the next course on writing judgments in Chinese in 2007.



參觀入境處機場管制站

Visit to Airport Control Point of the Immigration Department

### 本地參觀活動

委員會也定期安排法官和司法人員參觀政府部門和其他機構，讓他們了解這些組織的運作情況及面對的挑戰。2006年，法官和司法人員參觀了入境事務處的機場管制站和智能身份證製作中心、香港警務處的交通部及廉政公署。

### 學術機構和專業團體在本港舉辦的研討會 / 講座

委員會經常收到香港大學、香港城市大學、香港大律師公會、香港律師會等本地大學和專業團體舉辦研討會、講座和工作坊的通知。為了鼓勵法官和司法人員參加這些學術活動，司法機構不但會安排他們在日常的司法工作中抽時間參加，在有需要時，還會撥款資助所需的費用。

### Local Visits

The JSB also arranges visits to government departments and other institutions for JJOs regularly. The aim of the visits is to introduce to our judges the operations of these organisations as well as the challenges they face. In 2006, our JJOs visited the Airport Control Point and Smart Identity Card Production Centre of the Immigration Department, the Traffic Formation of the Hong Kong Police Force and the Independent Commission Against Corruption.



參觀警務處交通部

Visit to Police Traffic Formation

### Local Seminars/Lectures organised by Academic Institutions and Professional Bodies

The JSB is notified of seminars, lectures and workshops organised by local universities and professional bodies, such as the University of Hong Kong, the City University of Hong Kong, the Hong Kong Bar Association and The Law Society of Hong Kong. JJOs are encouraged to take part in these events, and the Judiciary facilitates their participation through releasing them from their court commitments and, if necessary, sponsoring the requisite fees.

### 與其他司法管轄區的接觸

司法機構深明我們可藉着與其他司法管轄區保持聯繫和互相交流經驗而獲益，因此不時安排法官及司法人員參加國際會議。

2006年9月，終審法院首席法官出席在美國耶魯大學舉行的全球憲制研討會。

2006年9月，英國憲制事務大臣兼大法官范克林勳爵訪問司法機構。逗留期間，他與終審法院首席法官會面，並參觀了終審法院和高等法院的科技法庭。

我們的法官及司法人員也在本年度多次外訪及出席了多個分別在澳大利亞、內地、英國、巴基斯坦和本港舉行的國際會議。

### Interface with Other Jurisdictions

The Judiciary appreciates the benefits that can be gained from cross-fertilisation with other jurisdictions and JJOs' exposure to them. From time to time, JJOs attend international conferences.

In September 2006, the Chief Justice attended the Global Constitutionalism Seminar held at the Yale University in the United States.

In September 2006, the Right Honourable the Lord Falconer of Thoroton, Secretary of State for Constitutional Affairs and Lord Chancellor of the United Kingdom, visited the Judiciary. During his stay, he had a meeting with the Chief Justice and visited the Court of Final Appeal and the Technology Court in the High Court.

During the year, our JJOs also conducted overseas visits and attended international conferences held in Australia, Mainland China, the United Kingdom, Pakistan and locally in Hong Kong.



英國憲制事務大臣兼大法官范克林勳爵 (中) 參觀科技法庭  
*The Rt Hon Lord Falconer of Thoroton, Secretary of State for Constitutional Affairs and Lord Chancellor, the United Kingdom (centre), visits the Technology Court*

2006年，司法機構合共接待了10個來自內地不同省市的人民法院及法官協會的訪問團，訪問團成員包括法官及其他代表共200位。同時，我們年內接待了來自澳大利亞、柬埔寨、英國、以色列、日本、瑞士、泰國及美國等司法管轄區的代表團。

In 2006, the Judiciary received 10 visiting delegations from the Mainland, involving 200 judges and representatives from the People's Courts and judges' associations in different provinces and cities. During the year, we also received delegations from other jurisdictions, including Australia, Cambodia, the United Kingdom, Israel, Japan, Switzerland, Thailand and the United States.



終審法院非常任法官、英格蘭及威爾斯前任高等法院院長伍爾夫勳爵主講「英國近期的憲法變化及有關變化對英國司法體系帶來的影響」

*The Rt Hon the Lord Woolf of Barnes, Non-Permanent Judge of the Court of Final Appeal and former Lord Chief Justice of England and Wales, gives a talk on "Recent Constitutional Changes in the United Kingdom and their effect on the Judiciary"*

### 海外講者來港主講的研討會

為了讓法官及司法人員盡快掌握世界各地法制的最新發展，我們會邀請其他司法管轄區的著名講者來港，講述一些共同關注的課題。

2006年3月，終審法院非常任法官、英格蘭及威爾斯前任高等法院院長伍爾夫勳爵向我們的法官及司法人員發表演講，講題為「英國近期的憲法變化及有關變化對英國司法體系帶來的影響」。參與講座的還有法律界人士、本港大學法律學院的教師和學生。

### Local Seminars involving Non-HK Speakers

To keep our JJOs abreast with international legal developments, eminent speakers from other jurisdictions are invited to give talks on topics of interest.

In March 2006, the Right Honourable the Lord Woolf of Barnes, Non-permanent Judge of the Court of Final Appeal and former Lord Chief Justice of England and Wales, gave a talk on "Recent Constitutional Changes in the United Kingdom and their effect on the Judiciary" to our JJOs. Members of the legal profession, as well as the teaching staff and students of the law schools of the local universities, also attended.

此外，還有多位其他司法管轄區的著名講者應邀來港，向我們的法官及司法人員發表演說，講述的課題包括「調解訴訟中的糾紛：對法官、法庭和社會的好處」、「不當影響：證實影響的關係」和「行政法 — 事實錯誤與第二行為者的理論」。

In addition, eminent speakers from other jurisdictions were invited to give talks on “Mediating Litigated Disputes: Benefits for Judges, the Courts and the Public”, “Undue Influence: Vindicating Relationships of Influence” and “Administrative Law – Mistake of Fact and Theory of Second Actor” to our JJOs.



「調解訴訟中的糾紛：對法官、法庭和社會的好處」研討會  
Seminar on “Mediating Litigated Disputes: Benefits for Judges, the Courts and the Public”

### 司法人員培訓委員會通訊

司法人員培訓委員會通訊自2000年12月起出版，是專為法官和司法人員而設的季度通訊。為了配合司法機構的環保政策，該通訊現時以電郵發放，定期向各法官和司法人員提供有關司法培訓及發展的最新消息和有用的資料。同時，該通訊也發揮小型討論區的作用，讓法官及司法人員交流意見並就司法培訓提出建議。

### JSB Newsletter

JSB Newsletter, started in December 2000 with a readership covering all JJOs, is issued on a quarterly basis. It is published electronically in support of the Judiciary's efforts in environmental conservation. The Newsletter provides JJOs with regular updates and useful information on judicial training and development. It also serves, though in a small way, as a forum for JJOs to exchange views and offer suggestions on judicial training.



### 司法人員培訓委員會圖書館

司法人員培訓委員會圖書館備存各類書刊及從海外會議和本地研討會得到的資料，以供法官及司法人員參考。圖書館也收藏了所有內部培訓課程的錄音帶和錄像帶。

### 法官及司法人員聊天室

法官及司法人員聊天室自 2004 年 11 月起，為法官及司法人員設置網上論壇，方便他們就工作上共同關注的事項交換意見。

### JSB Library

Publications and seminar materials obtained from overseas conferences and local seminars are kept in the JSB Library for reference by JJOs. The library also maintains a collection of audio and video tapes of all in-house training programmes.

### JJO Chatroom

Since November 2004, a JJO ChatRoom has been providing a forum for JJOs to exchange views on issues concerning their work on the bench.

## 培訓統計數字 TRAINING STATISTICS

培訓活動種類 Types of Training Activities	2006 年的活動數目 No. of Activities in 2006
1) 專業訓練 Professional training	6
2) 語文訓練 Language training	1
3) 國際 / 內地會議及訪問 International/Mainland conferences and visits	7
4) 有海外講者參與的本港研討會 Local seminars involving non-HK speaker	4
5) 在本港舉行的內部研討會 Local in-house seminars	1
6) 在本港進行的參觀及訪問活動 Local visits	4
7) 在本港舉行由外間團體主辦的研討會 Local seminars organised by outside organisations	38
<b>合計 Total</b>	<b>61</b>