



第九章

9

司法培訓

*Judicial
Development
and Training*





區域法院量刑會議
District Court Sentencing Conference

司法人員培訓委員會

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

司法人員培訓委員會的成員來自各級法院，由終審法院首席法官任命，任期兩年。成員除了高等法院上訴法庭、原訟法庭、區域法院及裁判法院的法官和司法人員外，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，以及本地兩間大學法律學院各一名教授。

執行委員會由全體委員會中來自司法機構的成員所組成。



英國劍橋大學法學院院長、British Academy 名譽院士御用大律師 Jack Beatson 教授主講有關「人權透視四年：英國經驗」的講座
Professor Jack Beatson, Q.C., FBA, Chairman of the Faculty of Law of the University of Cambridge, the United Kingdom, gives a talk on "Human Rights Four Years on: the British Experience"

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 served by a small secretariat that provides administrative support.

Once every two years, the Chief Justice appoints Judges from all levels of Courts to serve on the Board. Apart from Judges from 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 two local universities.

The composition of the Executive Committee consists of those members of the Full Board, who are within the Judiciary.



「偽造和假冒」簡介會暨參觀活動
Briefing-cum-Visit on "Counterfeit and Forgery"

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，包括在法官的委任、按需求分配資源和創造機會轉換工作崗位等各方面，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

專業培訓對法官和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和司法人員籌辦與法律和法律發展有關的培訓計劃。



參觀入境事務處機場管制科
Visit to the Immigration Department Airport Division

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 professional training in the continual development of JJOs. To this end, the Board continues its effort in providing JJOs with training programmes on law and legal developments.

委員會每年都會舉辦區域法院量刑會議，使所有區域法院法官可以利用這個機會討論關於量刑和判決的各項原則。上一次會議在 2003 年 1 月舉行，共有 30 位區域法院法官和暫委法官參加。與會者通過小組討論，對共同關注的法律課題進行了有用的意見交流和經驗分享。

此外，我們又在 2003 年 5 月舉行裁判官量刑會議，對違反逗留條件、確定少年非法入境者的年齡和保釋等問題展開討論，共有 71 位法官和司法人員參加。

過去一年，委員會亦多次為在職的法官和司法人員舉辦復修課程。2003 年委員會所舉辦的研討會主題包括區域法院的民事案件、訟辯技巧訓練，以及區域法院的人身傷害和僱員補償案件。



參觀海事處
Visit to Marine Department

Each year, a District Court Sentencing Conference is organised for all District Judges to discuss sentencing and judgment principles. A total of 30 District Judges and Deputy District Judges attended the last conference held in January 2003. Through small group discussions, participants had useful exchange of views and experience on legal topics of common interest.

A Magistrates Sentencing Conference was also held in May 2003 to discuss issues on Breach of Condition of Stay, Ascertaining the Age of Juvenile Illegal Immigrants and Problems with Bail. Altogether, 71 JJOs attended the conference.

Refresher courses are organised throughout the year for the serving JJOs. In the year, we organised seminars on Civil Matters in the District Court, Advocacy Skills Training and Personal Injuries and Employees' Compensation Cases in District Court.



由終審法院非常任法官施廣智勳爵主講「以披露文件作為在民事法律程序中秉行公正的工具」的講座
Talk on "Discovery as a Tool for Attaining Justice in Civil Proceedings" by the Rt Hon the Lord Scott of Foscote, Non-permanent Judge of the Court of Final Appeal

自 2002 年 9 月起，司法人員培訓委員會開始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和其他與法律有關的課程。現時共有五位法官和司法人員獲委員會資助修讀這些課程。

語文訓練

由於使用中文進行法庭程序的情況日趨普遍，所以語文訓練一直是司法培訓的重點項目。委員會為雙語法官和司法人員舉辦了語文訓練課程，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。這些課程包括普通話訓練、中文寫作工作坊，以及由清華大學舉辦的中文判決書撰寫技巧校內語文課程。

2003 年，委員會又為法官和司法人員舉辦了一個中級普通話課程。該課程於 2003 年 8 月結束後，接續的高級普通話課程隨之在 2003 年 11 月開辦。

Commencing in September 2002, the JSB sponsors JJOs to attend part-time courses leading to the award of Master of Laws (LLM) and other law related studies organised or co-organised by local universities and academic institutions. Five of our JJOs have since started such studies under the JSB sponsorship.

Language Training

Language training has always been an important part of judicial training as the use of Chinese in court proceeding is constantly on the rise. Language courses are organised for our bilingual JJOs to master good skills in conducting court hearings in Chinese and in preparing and delivering Chinese judgments. Courses include Putonghua training, Chinese Writing Workshop and residential language course on writing of Chinese Judgment at the Tsinghua University.

In the year, we organised an Intermediate Putonghua Course for our JJOs, which concluded in August 2003. This was followed by an Advanced Putonghua Course, which started in November 2003.



「區域法院民事案件」研討會
Seminar on "Civil Matters in the District Court"

委員會自 1999 年起，一直為法官和司法人員舉辦清華大學中文判決書撰寫課程。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。為期四週的課程一方面幫助學員提高用中文撰寫各類司法文書的技巧，另一方面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）。同類課程將於 2004 年 3 月／4 月舉辦。

此外，委員會亦於 2003 年為只諳英語的法官和司法人員舉辦廣東話課程。中級課程已於 8 月結束，學員隨即在 10 月繼續修讀高級課程。

其他研討會

委員會為法官和司法人員舉辦專題研討會，使他們掌握最新的管理策略和緊貼時代脈搏。2003 年舉辦的研討會涵蓋知識產權法的執行、精神藥物與藥物濫用、青少年的照顧及青少年罪犯改過自新等專題。

We have been organizing Tsinghua Chinese Judgment Writing Courses for our JJOs since 1999. At Tsinghua, JJOs receive intensive training in Modern Chinese grammar and are taught skills and techniques in writing different kinds of judgments. The 4-week course enables participants to improve their ability to write legal documents in Chinese. Participants are also given individual Putonghua coaching by native speakers drawn from Tsinghua's pool of students. The next course would be held in March / April 2004.

Cantonese courses for monolingual JJOs were also organised in 2003. A course at the intermediate level having concluded in August, JJO participants proceeded to take the course at advanced level in October.

Other Seminars

The JSB organises topical seminars for JJOs to enrich their knowledge for coping with management initiatives and developments in the community. Topics covered in 2003 included Intellectual Property Law Enforcement, Psychotropic Drug and Substance Abuse, Juvenile Care and Young Offenders Rehabilitation, etc.

本地參觀活動

委員會不時安排法官和司法人員參觀政府部門和其他機構，使他們更熟悉這些組織的運作。2003 年法官和司法人員曾參觀香港警務處的偽鈔及偽造文件組、警犬隊、警察訓練學校和警察機動部隊、海事處的船舶監察系統、香港特別行政區海上救援協調中心、入境事務處的機場管制科和智能身份證部，以及（就職業安全條例的執行）參觀迪士尼樂園建築工地等。

學術機構和專業團體在本港舉辦的研討會／講座

委員會定期收到香港大學、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或講座的通知。為支持這些培訓機會，司法機構不單會安排法官和司法人員在日常的司法工作中抽時間參加這些研討會，如有需要時，更會撥款資助所需的費用。



裁判官量刑會議
Magistrates Sentencing Conference

Local Visits

From time to time, the JSB organises visits for JJOs to government departments and other institutions to familiarize them with the operation of such organisations. In 2003, we visited the Police Counterfeit and Forgery Division, Police Dog Unit, Police Training School, Police Tactical Unit, the Marine Department Vessel Tracking System, the HKSAR Marine Rescue Co-ordination Centre, the Immigration Department Airport Division and Smart Identity Card Branch, Disneyland Construction Site (on Occupational Safety Legislation Enforcement), etc.

Local Seminars/Lectures organised by Academic Institutions and Professional Bodies

On a regular basis, the JSB receives notices of seminars or lectures 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. In support of such valuable training opportunities, the Judiciary facilitates JJOs' attendance

through releasing them from their court commitments and, if necessary, sponsoring the requisite fees.

與其他司法管轄區的互聯

司法機構通過與其他司法管轄區保持聯繫和互相交流而獲益良多。法官和司法人員不時參加國際會議，與世界各地法律界人士互相交換意見和分享心得。

2003年，司法機構曾派代表出席四個在澳大利亞、新西蘭和荷蘭舉行的國際會議。

此外，我們亦定期邀請其他司法管轄區的著名講者來港，為我們的法官及司法人員主講一些共同關注的課題。2003年12月，施廣智勳爵曾就民事法律程序中遇到的問題發表演說，該講座名為「以披露文件作為在民事法律程序中秉行公正的工具」。

司法人員培訓委員會通訊

現時，司法人員培訓委員會通訊是透過電郵發放給所有法官和司法人員的，目的是為他們提供有關司法培訓和發展的最新消息和有用的資料。法官和司法人員亦可藉通訊交流意見和提出建議。

INTERFACE WITH OTHER JURISDICTIONS

The Judiciary benefits from international exposure and cross-fertilisation with other jurisdictions. From time to time, JJOs attend international conferences to exchange views and share their insights with professional counterparts from around the world.

In 2003, the Judiciary was represented at four international conferences held in Australia, New Zealand and the Netherlands.

Moreover, we invite eminent speakers from other jurisdictions to talk to our Judges and Judicial Officers on topics of interest regularly. In December 2003, the Rt Hon the Lord Scott of Foscote gave a talk on problems encountered in civil proceedings, entitled "Discovery as a Tool for Attaining Justice in Civil Proceedings".

JSB NEWSLETTER

JSB Newsletter is now delivered to all JJOs through electronic means. The Newsletter provides JJOs with regular updates and useful information on judicial training and development. It also serves as a forum for JJOs to exchange views and offer suggestions.

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，以供法官和司法人員參考。圖書館亦收藏了所有內部培訓課程的錄音帶和錄像帶。

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.

培訓統計數字 TRAINING STATISTICS

培訓活動種類 Types of Training Activities	2003年的活動數目 No. of Activities in 2003
1) 專業訓練 Professional training	6
2) 語文訓練 Language training	2
3) 國際／內地會議及訪問 International/Mainland conference and visits	5
4) 在本港舉行但主講者來自海外的研討會 Local seminars involving non-HK speaker	1
5) 在本港舉行由內部主辦的研討會 Local in-house seminars	3
6) 在本港進行的參觀及訪問 Local visits	9
7) 在本港舉行由外間團體主辦的研討會 Local seminars organised by outside organisations	26
合計 Total	52