

第九章

# 司法培訓



*Chapter 9*

## JUDICIAL DEVELOPMENT AND TRAINING

### 司法人員培訓委員會

司法人員培訓委員會在 1988 年成立，負責策劃和統籌培訓活動，為各級法官和司法人員提供持續學習的機會。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由終審法院首席法官任命，任期兩年。成員除了有高等法院上訴法庭和原訟法庭、區域法院、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代表各一名，以及本地兩間大學的法律學院教授各一名。



原訟法庭法官楊振權在資訊科技研討會上發言  
The Hon Mr Justice Yeung, Judge of the Court of First Instance, speaks at the Seminar on Information Technology

執行委員會的組織與全體委員會相同，但不包括司法機構以外的成員。

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、怎樣按需求分配資源和創造轉換工作崗位的機會等各方面，向終審法院首席法官提供意見
- 舉辦培訓活動

### JUDICIAL STUDIES BOARD

The Judicial Studies Board (JSB) was set up in 1988 to plan and co-ordinate training programmes for the continual development of Judges and Judicial Officers at all levels. It is made up of a Full Board and an Executive Committee, served by a small secretariat which provides administrative support.

Appointment to the JSB is made by the Chief Justice once every two years from the following courts: the Court of Appeal of the High Court, the Court of First Instance of the High Court, the District Court and the Magistrates' Courts. Apart from Judges and Judicial Officers, members also include the Judiciary Administrator, a representative each from the Department of Justice, the Hong Kong Bar Association and the Law Society of Hong Kong and a professor from each of the law schools of the two local universities.

The composition of the Executive Committee is the same as that of the Full Board, except that members from outside the Judiciary are excluded.

The terms of reference of the Judicial Studies Board are as follows :

- 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



終審法院首席法官對可應用於法庭的科技深感興趣  
The Chief Justice shows interest in the new technology to be used in the courtroom

### 法官和司法人員的持續學習

#### 專業培訓

專業培訓是司法培訓相當重要的範疇。司法人員培訓委員會認為必須為法官和司法人員提供關於法律和法律領域最新發展的培訓，為此，委員會不斷致力籌辦各種培訓計劃，務求加強法官和司法人員在民事和刑事兩方面的訓練。2001 年 7 月，上訴法庭法官祁彥輝訪問了英國司法人員培訓委員會，朝這個目標邁進了一步。

由 2002 年開始，法官和司法人員可以申請進修資助，在香港大學和香港城市大學修讀在職兼讀的法學碩士學位課程和其他與法律有關的課程。

### CONTINUAL DEVELOPMENT OF JUDGES AND JUDICIAL OFFICERS

#### Professional Training

Professional training is an important component of judicial training. The JSB recognises the need to provide training on law and legal developments to Judges and Judicial Officers. To this end, on-going efforts are directed towards developing dedicated training programmes to strengthen civil and criminal training. The visit to the UK JSB undertaken by the Hon Mr Justice Keith JA in July 2001 was a step towards achieving this goal.

Commencing from 2002, Judges and Judicial Officers will be considered for sponsorship to pursue part-time LLM Degree courses and other law-related studies at the University of Hong Kong and the City University of Hong Kong.



法官和司法人員踴躍參加資訊科技研討會  
The Information Technology Seminar is well received among Judges and Judicial Officers



法官和司法人員十分投入  
Judges and Judicial Officers listen with interest

我們每一年都為新委任的裁判官舉辦入職課程，這些課程內容廣泛，包括審裁處和專責法庭簡介、如何進行刑事審訊、民事程序的重點、如何擬制裁斷陳述書和判刑理由、如何對待沒有律師代表的訴訟人、司法操守、量刑原則和案件管理。

2001 年的裁判官入職課程分兩個星期六舉行，附以三個晚上舉行的專題研討會，集中研討知識產權與互聯網、「不公平不合理合約」和談判/調解技巧等主題。我們今年首次讓暫委裁判官參加這項課程，反應非常熱烈。

除了入職/復修課程外，我們還舉辦了多次研討會，目的是加強法官和司法人員的專業技能。以 2001 年來說，有 2 月的裁判官量刑會議，5 月的以「不公平不合理合約」為主題的研討會和 12 月的區域法院量刑會議。

Each year, a comprehensive induction course is organised for newly appointed Magistrates. Topics include introduction of various tribunals and specialised courts, conduct of criminal trials, important aspects of civil procedures, preparation of statement of findings and reasons for sentence, handling litigants in person, judicial ethics, sentencing principles and work management.

In 2001, the Magistrates' Induction Course was organised on two Saturdays, with three tagged-on evening seminars focusing on intellectual property and the internet, unfair and unconscionable contracts, as well as negotiation / mediation skills. The course was extended to serving Deputy Magistrates for the first time and the response was most enthusiastic.

Apart from induction / refresher programmes, seminars were held to enhance the professional skills of Judges and Judicial Officers. Examples in 2001 included the Magistrates' Sentencing Conference in February, the Seminar on Unfair and Unconscionable Contracts in May and the District Court Sentencing Conference in December.



原訟法庭法官楊振權試用新軟件系統  
The Hon Mr Justice Yeung, Judge of the Court of First Instance (left), gains hand-on experience on the software

### 語文訓練

語文訓練課程特別為雙語法官和司法人員而設，目的是使他們在進行聆訊、擬制判決書或宣判時，更能掌握中文的應用。

2001 年，我們舉辦了兩項普通話課程和一項廣東話課程，並且在 2 月及 3 月期間舉辦了一項實用中文寫作復修課程。

2001 年 8 月，11 位雙語法官和司法人員曾赴北京清華大學參加了為期四週的漢語判決書撰寫課程。

這項課程的內容，漢語方面包括語法和修辭，講授現代漢語語法是為了鞏固學員撰寫判決書的基礎和技巧，又講授了主要的修辭技巧，以幫助他們在撰寫各類司法文書時準確地用中文表達意思。法律方面的內容則簡單介紹了多門中國法律。此外更安排了導師個別指導學員的普通話。



法官們對新軟件系統甚表興趣  
Judges show great interest



「不公平不合理合約」研討會  
Seminar on Unfair and Unconscionable Contracts

### Language Training

Language courses are designed to equip bilingual Judges and Judicial Officers with the skills of conducting court hearings in Chinese and preparing and delivering Chinese judgments.

Altogether, two Putonghua courses and one Cantonese course were organised in 2001. A Practical Chinese Writing Refresher Course was also organised in February / March 2001.

In August 2001, a group of 11 bilingual Judges and Judicial Officers attended a four-week residential Chinese Judgment Writing Course at the Tsinghua University, Beijing.

At Tsinghua, grammar in Modern Chinese was taught as foundation and techniques in writing different kinds of judgments were included. The course also imparted various important ways of rhetoric, enabling participants to understand and write legal documentation correctly in Chinese. Introductions on various aspects of Chinese Law were given and participants were also required to take individual Putonghua lessons on a one-to-one basis.



參觀香港海關機場科  
Visit to Customs and Excise Department  
Airport Command Post

#### 資訊科技方面的訓練

培訓委員會認為，為了趕上資訊新紀元的步伐，法官和司法人員必須認識及掌握資訊科技領域的最新發展和技術。我們在 2001 年 10 月 27 日舉辦了資訊科技研討會，向法官和司法人員全面介紹了我們現有的資訊科技資源，提高他們對這方面的興趣，提升他們使用資訊科技的技能，結果反應熱烈。

#### 本地的研討會

除了以專業知識為主題的研討會外，我們亦不時舉行其他專題研討會，使法官和司法人員能掌握最新的管理策略和社會的發展趨勢。2001 年的專題有強制性公積金、道路交通罪行、知識產權、談判及調解技巧和《精神健康條例》。

#### Information Technology Training

In keeping with the information age, it is considered necessary to bring Judges and Judicial Officers on board the latest development and technologies in the information technology (IT) field. To introduce to Judges and Judicial Officers the full range of IT resources available, and to stimulate their interest as well as enhance their skills in using IT, an Information Technology Seminar was organised on October 27, 2001. The seminar was very well received.



參觀廉政公署  
Visit to ICAC

#### Local Seminars

Apart from professional seminars, other topical seminars are organised from time to time to provide Judges and Judicial Officers with the knowledge to cope with new management initiatives and changing developments in the community. Some topics covered in 2001 were Mandatory Provident Fund, road traffic offences, intellectual property, negotiation and mediation skills, and Mental Health Ordinance.

#### 與其他司法管轄區的互聯

##### 國際會議及訪問

司法人員培訓委員會一向熱衷於與其他司法管轄區保持聯繫，藉認識和互相交流互補不足。

法官和司法人員不時到海外參加會議和發表論文；又定期到其他普通法地區的司法機構訪問，了解不同的司法制度、法院運作和司法培訓的情況，並從中借鑑。

2001 年，司法機構的代表曾到新加坡、海牙、溫哥華、悉尼、坎培拉、墨爾本出席會議，亦曾到澳洲的家事法庭、新南威爾斯的最高法院、和新南威爾斯的地方法院訪問。

##### 海外司法人員來港主持的研討會

為了讓法官放眼國際及掌握法律領域的最新發展，我們經常邀請其他普通法國家有名的資深司法人員來港講學，參加的有法官和司法人員。2001 年我們舉辦了兩次這類研討會。



終審法院非常任法官艾俊彬爵士任「基因工程·新西蘭的經驗」的研討會主講嘉賓  
The Rt Hon Sir Thomas Eichelbaum, Non-permanent Judge of the Court of Final Appeal, talks on "Genetic Engineering – the New Zealand Experience"



終審法院首席法官和其他法官出席終審法院非常任法官艾俊彬爵士主講的研討會  
The Chief Justice and Judges at the lecture by the Rt Hon Sir Thomas Eichelbaum, Non-permanent Judge of the Court of Final Appeal

#### INTERFACE WITH OTHER JURISDICTIONS

##### International Conferences and Visits

The JSB is keen in exposing itself to and cross-fertilising with other jurisdictions. Judges and Judicial Officers attend conferences overseas to present papers from time to time.

Moreover, Judges and Judicial Officers regularly visit other common law judiciaries to learn about their judicial systems, court operations and judicial studies.

In 2001, Judiciary representatives attended conferences in Singapore, the Hague, Vancouver, Sydney, Canberra and Melbourne. Visits were also made to the Family Court of Australia, the Supreme Court and the District Court of New South Wales.

##### Local Seminars involving Non-HK Speakers

To keep Judges abreast of international legal developments, eminent overseas speakers who are senior judicial officers from various common law jurisdictions are regularly invited to give lectures to Judges and Judicial Officers in Hong Kong. There were two such seminars in 2001.



高等法院首席法官(左二)與其他法官及司法人員出席在上海舉行的內地與香港特別行政區法律制度比較研討會  
Led by the Chief Judge of the High Court (second left), Judges and Judicial Officers attend the "Seminar on the Comparison in Legal Systems between Mainland China and Hong Kong 2001 - Shanghai" in Shanghai

#### 與內地的交流

自從香港在1997年回歸祖國，並且實施「一國兩制」以來，內地與香港特別行政區在經濟、社會和文化上的交往愈來愈頻繁，因此我們有迫切需要加強與內地的交流，讓彼此更了解相互之間不同的司法制度。

2001年9月，我們在北京清華大學第三度為只諳英語的法官和司法人員舉辦為期九天的法律課程，共有15人參加。課程的內容涵蓋中國法律中多個範疇，包括憲法、刑法、民法、民事訴訟法和行政法。由於參加者全都給予這項課程高度的評價，所以我們在2002年將會繼續舉辦。2001年11月，有七位法官和司法人員到上海出席研討會，主題為中國內地與香港法律制度比較研究，主要探討中國加入世界貿易組織後的法律問題。

#### Exchange with the Mainland

Since the return of sovereignty in 1997 and under the present regime of "one country, two systems", there has been an increasing interface between the Mainland and the SAR on the economic, social and cultural fronts. This has in turn given rise to a pressing need for more exchanges with the Mainland, to enhance mutual understanding of the two judicial systems.

For the third time running, a nine-day law course for 15 monolingual Judges and Judicial Officers was organised at the Tsinghua University in Beijing in September 2001. Various Chinese laws ranging from the Constitution through Criminal and Civil Law and Procedure, to Administrative Law were covered. As participants' feedback was unanimously positive, organisation of the course will continue in 2002. In November 2001, seven Judges and Judicial Officers visited Shanghai to attend a Seminar on the Comparison of the Legal Systems of Mainland China and Hong Kong with reference to World Trade Organisation.



(左起)：主任裁判官馬漢璋先生、歐陽桂如司法常務官、容耀榮法官、高等法院首席法官梁紹中、胡國興法官、高嘉樂法官、區域法院暫委法官黃一鳴  
(From left): Principal Magistrate Mr Andrew Ma Hon-cheung, Registrar Queeny Au-Yeung, H H Judge Yung, the Hon Mr Justice Leong, the Hon Mr Justice Woo, the Hon Mr Justice Gall and Deputy Judge Wong of District Court

#### 司法人員培訓委員會通訊

2000年12月起，司法人員培訓委員會每兩個月以電郵方式出版委員會通訊，向法官和司法人員提供資訊。藉此他們既可獲得關於司法培訓各類實用的最新消息，又可交換意見和提出建議。

#### JSB NEWSLETTER

Commencing in December 2000, a JSB Newsletter was published by electronic means once every two months for the information of all Judges and Judicial Officers. The Newsletter provides timely and useful information on judicial training and development. It also serves as a forum for Judges and Judicial Officers to exchange views and offer suggestions.

#### 培訓統計數字 Training Statistics

2001 (截至9月30日) (as at 30 Sept)	
培訓活動種類 Types of Training Activities	在2001年的活動數目 No. of Activities in 2001
專業訓練 Professional training	5
語文訓練 Language training	5
國際/內地會議及訪問 International / Mainland conference & visits	12
在本港舉行但主講者來自海外的研討會 Local seminars involving non-HK speakers	2
在本港舉行由內部主辦的研討會 Local in-house seminars	8
在本港舉行的參觀及訪問 Local visits	6
在本港舉行由外間團體主辦的研討會 Local seminars organised by outside organisations	44
合計 Total	82