

司法培訓

JUDICIAL DEVELOPMENT AND TRAINING



What is a T
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- A courtroom network infrastructure with AV facilities and functional equipment requiring



負責審核《高等法院手冊》內「陪審員指引」中文譯本的法官包括(左起)：上訴法庭法官楊振權、高等法院首席法官梁紹中、上訴法庭法官胡國興以及原訟法庭法官彭鍵基

The vetting team of the Chinese translation of the Specimen Directions of the High Court Manual: (from left) The Hon Mr Justice Yeung, Justice of Appeal; the Hon Mr Justice Leong, Chief Judge of the High Court; the Hon Mr Justice Woo, Justice of Appeal and the Hon Mr Justice Pang, Judge of the Court of First Instance

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。另一位成員是司法機構政務長。

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、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

JUDICIAL STUDIES BOARD

The Judicial Studies Board (JSB) was set up in 1988 to provide training and development 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.

The Chief Justice makes appointments to the Judicial Studies Board from all levels of courts once every two years. Apart from judges from the Court of Appeal, the Court of First Instance, the District Court and the Magistacies, 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 are also appointed as members of the Board. Another member is the Judiciary Administrator.

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 :

- 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

持續發展、不斷學習

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，因此不斷致力推行合適和與司法工作有關的培訓計劃，務求增進法官和司法人員在法律和各有關方面的知識。



參觀警署羈留室和報案室
Visit to Hong Kong Police Detention Cell and Report Room

司法人員培訓委員會每年都為新委任的裁判官舉辦入職課程，使他們有效地履行司法職務。2002年7月/8月期間所舉辦的課程包括以下範圍：案件管理、如何撰寫裁斷陳述書、如何處理沒有律師代表的訴訟人、司法操守、濫用藥物者的處理方法及自新計劃、家庭暴力案件、壓力管理，以及關於勞資審裁處、小額錢債審裁處、少年法庭和死因裁判法庭的法律程序等。委員會亦會為在職的裁判官按需要舉辦復修課程。

CONTINUAL DEVELOPMENT AND TRAINING

Professional Training

Fully recognising the importance of professional training in the continual development of JJOs, the Board spares no efforts in sourcing suitable and relevant training programmes to enhance JJOs' knowledge on law and related subjects.

Each year, an induction programme for newly appointed Magistrates is organised to prepare new comers to discharge their judicial duties effectively. The topics covered in the July/August 2002 programme included case management, preparation of statement of findings, handling litigants in person, judicial ethics, treatment and rehabilitation of substance abusers, domestic violence, stress management, and proceedings in the Labour Tribunal, the Small Claims Tribunal, Juvenile Courts and the Coroner's Court, etc. Refresher courses are organised for serving Magistrates from time to time, on a need basis.

A District Court Sentencing Conference is held each year to update District Judges on sentencing principles and judgment considerations. 37 District Judges and Deputy District Judges attended the last conference held in December 2001, and had a thorough and useful discussion on a total of five case studies.

為了讓區域法院法官掌握最新的量刑原則及判決的考慮因素，委員會每年都會舉辦區域法院量刑會議。上一次會議在2001年12月舉行，有37位區域法院法官和暫委法官參加，與會者就五宗研究個案，進行了深入及有用的討論。

委員會在2002年3月就侵犯版權、電腦罪行及青少年罪犯的量刑原則舉辦了裁判官會議，一共有71位裁判官及暫委裁判官參加。

2002年6月，委員會邀請了英國法官The Rt Hon Lord Justice Thorpe來港，與法官分享英國在改革婚姻訴訟附屬濟助程序方面的知識及寶貴經驗。

委員會在2002年6月與香港調解中心合作，為勞資審裁處和小額錢債審裁處的審裁官設計了一個包括理論講授、即席示範及角色扮演等調解技巧課程，當中內容涵蓋調解者所擔當的角色、調解程序、衝突所涉及的心理問題、化解衝突時面對的障礙、談判的理論和技巧，以及勞資審裁處、小額錢債審裁處的調停及調解的實際經驗等。

由2002年開始，委員會積極鼓勵法官和司法人員修讀本地及海外大學所舉辦的兼讀法學碩士課程，以提升他們的法律專業知識。到目前為止，已有七位法官及司法人員獲委員會的資助，修讀法學碩士及相關課程。

A Magistrates' Spring Conference was organised in March 2002, with focus on sentencing principles relating to copyright infringements, computer crime as well as young offenders. Altogether, 71 Magistrates and Deputy Magistrates attended the Conference.

In June 2002, The Rt Hon Lord Justice Thorpe was invited to come to Hong Kong to share his expertise and experience in reforming ancillary relief procedures in matrimonial proceedings in the United Kingdom.



英國法官The Rt Hon Lord Justice Thorpe於家事調解工作坊與法官分享經驗

The Rt Hon Lord Justice Thorpe from the United Kingdom shares his experience with Judges at the Workshop on Family Mediation

In collaboration with the Hong Kong Mediation Council, a tailor-made course in mediation skills was organised in June 2002 for Presiding Officers and Adjudicators in the Labour Tribunal and the Small Claims Tribunal. The course comprised lectures, demonstrations and role-plays. Subjects covered included the role of a mediator, the process of mediation, psychology of conflict and barriers to the resolution of conflict, theories and skills of negotiation, conciliation and mediation experience in the two tribunals, etc.



參觀駐有海關人員的貨運站
Visit to Customs and Excise Department Depots

語文訓練

語文訓練在司法培訓中一直都佔有很重要的地位。

由於中文審訊與日俱增，委員會需不斷致力為雙語法官和司法人員舉辦語文訓練課程，使他們更能掌握中文審訊及以中文撰寫判決書的技巧。

委員會在2002年為雙語法官和司法人員共舉辦了兩個分別是初級和中級程度的普通話課程。

委員會亦為只諳英語的法官和司法人員舉辦了一個中級程度的廣東話課程。課程分為兩部份：第一部份由2001年10月至2002年5月，第二部份則由2002年10月至2003年4月。

2002年2月至4月期間，委員會舉辦了實用中文寫作課程，有關的復修課程則於10月/11月舉行。

Commencing in 2002, JJOs are encouraged to take up part-time LLM Programmes run by local and overseas universities to enhance their professional knowledge. Seven JJOs have so far been granted JSB sponsorship to take up LLM and law-related programmes.

Language Training

Language training has long been a prominent part of judicial training.

With steady increase in court hearings in Chinese, continuous efforts have been directed towards organising language courses designed to equip bilingual JJOs with the skills of conducting hearings in Chinese and writing judgments in Chinese.

Altogether, two Putonghua courses were provided for bilingual JJOs in 2002 respectively at elementary and intermediate levels.

An Intermediate Cantonese course for monolingual JJOs was also organised. The course comprises two parts, with Part I held from October 2001 to May 2002, and Part II from October 2002 to April 2003.

A Practical Chinese Writing Course took place between February and April 2002. This was followed by a Refresher Programme in October/November 2002.

除了本地舉辦的課程外，司法機構有14位及16位雙語法官和司法人員更分別於2002年4月及8月前往北京清華大學，參加一個為期四週的現代漢語語法及判決書撰寫技巧的密集課程。學員一方面學習主要的修辭技巧，使他們在撰寫各類司法文書時能準確地用中文表達意思，另一方面也有機會接受專人個別教授普通話。

其他研討會

為了使法官和司法人員掌握最新的管理策略和緊貼時代脈搏，委員會亦不時舉辦專題研討會。2002年，曾舉辦的研討會專題包括《精神健康條例》及入院表格1、表格2、表格3，以及社會福利發展、濫用精神藥物、電腦法理鑑證及數碼證據、駕駛改進計劃及壓力管理等。

Apart from local courses, two groups each of 14 and 16 bilingual JJOs attended a 4-week Chinese Judgment Writing Course at the Tsinghua University in Beijing, respectively in April and August 2002. During the four-week period, participants were given intensive training in Modern Chinese grammar and were taught techniques in writing different kinds of judgments. The course also imparted important ways of rhetoric, enabling participants to understand and write legal documentation correctly in Chinese. Participants also took individual Putonghua lessons.

Other Seminars

Topical seminars are organised from time to time to provide JJOs with the knowledge to cope with management initiatives and developments in the community. Topics covered in 2002 included the Mental Health Ordinance and Forms 1, 2, 3 Admissions, social welfare developments, psychotropic substances abuse, computer forensics and digital evidence, Driver Improvement Scheme, as well as stress management.



一般調解訓練課程
Workshop on General Mediation



參觀政府化驗所
Visit to Government Laboratory

本地參觀活動

為了使法官和司法人員更熟悉政府部門和外間機構的運作，委員會會安排他們定期到不同的機構參觀。

法官和司法人員在2002年曾參觀的部門和機構包括落馬洲管制站、香港內河碼頭、香港海關船隊基地、警察報案室和羈留室、政府化驗所、廉政公署、警方的電腦法理鑑證所、收容青少年罪犯的勵志和勵行更生中心，以及水警總部等。

學術機構和專業團體在本港舉辦的研討會/講座

司法人員培訓委員會不時收到本地大學和香港大律師公會、香港律師會等專業團體舉辦研討會或講座的通知。司法機構很鼓勵法官和司法人員撥出時間參與這些講座，亦樂於資助他們出席這些活動。

Local Visits

To familiarise JJOs with the operation of government departments and outside organisations, visits to various institutions are organised on a regular basis.

In 2002, visits were made to the Lokmachau Control Point, River Trade Terminal and the Customs Marine Base, Police Report Room and Detention Cell, Government Laboratory, Independent Commission Against Corruption, Police Computer Forensic Laboratory, Lai Chi and Lai Hang Rehabilitation Centres for Young Offenders, Marine Police Headquarters, etc.

Local Seminars/Lectures organised by Academic Institutions and Professional Bodies

From time to time, the JSB is given notices of seminars or lectures organised by local universities and professional bodies such as the Hong Kong Bar Association or the Law Society of Hong Kong. Support for and facilitation to JJOs to participate in these programmes is given by the Judiciary in the form of release from court commitments and/or sponsorship of the attendance fee.

INTERFACE WITH OTHER JURISDICTIONS

International/Mainland Conferences and Visits

The Judiciary is aware of the importance of keeping in touch and cross-fertilising 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.

與其他司法管轄區的互聯

國際/內地會議及訪問

司法機構深明與其他司法管轄區保持聯繫和互相交流的重要性。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彼此的心得。

2002年6月，由12位廣東法官組成的代表團訪問了司法機構，就內地法庭和案件的管理制度與香港的法官及司法人員進行了一次非常有用的討論。

在內地舉辦的法律課程

2002年10月，10位只諳英語的法官和司法人員參加了第四次由清華大學舉辦為期一週的法律課程。課程的內容涵蓋中國法律多個範疇，包括憲法、刑法、刑事訴訟法、民法、民事訴訟法和行政法等。

司法人員培訓委員會通訊

司法人員培訓委員會通訊旨在向法官和司法人員提供有關司法培訓的最新消息，每兩至三個月透過電郵發放。這通訊內不但有法官和司法人員參加外地會議所發表的報告和論文，也有與司法有關、內容生動有趣的文章。法官和司法人員亦可藉通訊交流意見和提出建議。

司法人員培訓委員會圖書館

司法人員培訓委員會圖書館內有各類書刊和關於海外會議和本地研討會的資料，供法官和司法人員參考。圖書館亦收藏了所有關於內部培訓課程的錄音帶和錄像帶。

In June 2002, a delegation of 12 Guangdong judges visited the Judiciary, and a useful discussion on the management systems of the courts and cases in the Mainland was held.

Law Course in the Mainland

For the fourth time running, a group of 10 monolingual JJOs attended a one-week Law Course run by the Tsinghua University in October 2002. Chinese laws ranging from the Constitution, through Criminal and Civil Law and Procedure, to Administrative Law were covered.

JSB NEWSLETTER

A JSB Newsletter which aims to update JJOs on information relating to judicial training is published once every two to three months by electronic means. Covered in the newsletters are reports or papers by JJOs participating in conferences outside Hong Kong, as well as relevant and interesting articles on judicial matters. The newsletter also serves as a forum for JJOs to exchange views and offer suggestions.

JSB LIBRARY

Publications and materials on 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	2002年的活動數目 No. of Activities in 2002
1) 專業訓練 Professional training	5
2) 語文訓練 Language training	7
3) 國際/內地會議及訪問 International/Mainland conference & visits	6
4) 在本港舉行但主講者來自其他司法管轄區的研討會 Local seminars involving speakers from other jurisdictions	1
5) 在本港舉行的研討會 Local seminars	5
6) 在本港進行的參觀及訪問 Local visits	11
7) 在本港舉行由外間團體主辦的研討會 Local seminars organised by outside organisations	57
合計 Total	92