

## Recruitment and appointment procedures of Judges and Judicial Officers

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In late November, the Judiciary launched a new round of open recruitment exercises for Judges and Judicial Officers (JJOs) at different levels of court. The application period for vacancies of Judges of the Court of First Instance of the High Court will be closed on December 28. Applications will be invited for vacancies of the District Judge and Permanent Magistrates around mid-2021.

In light of some media interest in the recruitment process, the Judiciary today (December 24) issued a note to set out the established appointment procedures of JJOs.

### Provisions in the Basic Law on appointment of JJOs

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Since July 1997, all appointments of JJOs of the Hong Kong Special Administrative Region (HKSAR) are made by the Chief Executive on the recommendation of the Judicial Officers Recommendation Commission (JORC) in accordance with the Basic Law, the relevant legislative requirements and the established procedure of the Judiciary. This is a well-established mechanism which operates strictly in accordance with the law.

The professional qualifications for appointment as JJOs at different levels of court are set out in the respective ordinances.

### Recruitment/selection procedures for JJOs before JORC's deliberation

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To facilitate the work of JORC in recommending judicial appointments to the Chief Executive for approval, the Judiciary conducts open recruitment exercises on a regular basis for filling vacancies of Judges of the Court of First Instance of the High Court, District Judges and Permanent Magistrates. In each open recruitment exercise, advertisements are placed on the Judiciary's website and newspapers.

All applications will be considered by a Selection Board composed of JJOs appointed by the Chief Justice of the Court of Final Appeal. The Selection Board will carefully consider the professional qualifications and experience of each applicant having regard to the relevant requirements under the Basic Law and the respective ordinances. Members of JORC will be invited to attend as observers at the selection interviews and meetings of the Selection Board. The Selection Board's assessment and recommendations on all the applicants' suitability for appointment will then be submitted to JORC for consideration.

As for judicial offices of the appellate courts (i.e. Judges of the Court of Final Appeal and Justices of Appeal of the Court of Appeal of the High Court), Court Leaders positions, and other judicial posts with administrative and managerial responsibilities, only serving JJOs with the relevant judicial experience will be considered. The Chief Justice of the Court of Final Appeal, having consulted the respective Court Leaders, will recommend suitable candidates from within the Judiciary for filling vacancies of these judicial posts. These nominations will also then be submitted to JORC for consideration.

#### JORC's deliberation and recommendation process on selected/nominated candidates

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Having considered the Selection Board's assessment and recommendations (or nominations by the Chief Justice for the judicial posts described above), JORC will go through the recommendation procedures in accordance with the relevant provisions of the Judicial Officers Recommendation Commission Ordinance (JORC Ordinance) (Cap. 92).

When deliberating the proposed judicial appointments, JORC will consider the detailed information of the candidates, including their professional qualifications and experience, judicial experience, the Chief Justice's and the Court Leaders' assessment of their performance and suitability for the specific appointments, as well as the assessment and recommendations from the Selection Board (if applicable). Article 92 of the Basic Law stipulates that judges are chosen on the basis of their judicial and professional qualities. These are the qualities that JORC considers.

## Avoidance of conflict of interest

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JORC has in place an established mechanism for avoiding and handling conflict of interest in accordance with the relevant provisions of the JORC Ordinance (Cap. 92) and the general law. In gist, any Member who indicates his/her willingness to accept an appointment in question or who discloses any close relationship with any recommended or nominated candidate for the appointment shall not take part in any deliberation.

The relevant articles in the Basic Law and legislative provisions are summarised at the Annex.

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