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**The Importance of Judicial Education
in the Modern Operating Environment**

Title: The challenges of judicial training in the Hong Kong Special
Administrative Region since the pandemic

Chief Justices, Judges, Honourable Guests, Ladies and Gentlemen,

1. It is a great pleasure to join you here in Seoul for the 20th Conference of Chief Justices of Asia and the Pacific. I am very pleased to take part in this session on the importance of judicial education in our modern operating environment.

2. In this century, judicial education has perhaps seen its greatest and most rapid period of international development. Historically, structured judicial training was more familiar in civil law systems, where lawyers may enter a judicial career soon after completing their legal education. Common law systems, by contrast, tended to assume that because judges came to the Bench after years of practice, formal judicial education was either unnecessary or optional.

3. That assumption no longer holds. There is now broad international acceptance that judicial education is essential to maintaining high standards of competence, performance and public confidence. The question is no longer whether judges should receive education and training, but how that education can best be designed and delivered. I shall address that question by reference to the Hong Kong experience.

4. By way of background, Hong Kong is an indivisible part of the People's Republic of China, but remains a common law jurisdiction after 1997. As in other common law jurisdictions, lawyers must have been qualified to practise for a specified number of years before they are eligible for judicial appointment. Judges and judicial officers therefore come to the Bench with considerable professional experience.

5. For many years, this was thought to be sufficient. Indeed, the absence of continuing education was not unique to judges. Barristers in many common law jurisdictions were also not always subject to continuing training requirements. Looking back, that approach now appears anachronistic. It reflected, in effect, a belief in learning on the job: survive, adapt and improve if you can. But the difficulty is obvious. Survival is not the same as competence. Nor does it inspire public confidence if judges and lawyers appear simply

to be learning their work as they go along, particularly when they must confront issues outside their previous experience.

6. Like many common law jurisdictions, the Hong Kong Judiciary previously had a Judicial Studies Board. It was made up mainly of judges, who served on a part-time basis, and it organised training events such as talks as and when required. In 2012, the Judiciary reviewed this arrangement and concluded that judicial education had to be enhanced to meet the growing operational needs of judges and judicial officers. That review led, in 2013, to the establishment of the Hong Kong Judicial Institute, replacing the Judicial Studies Board.

7. The creation of the Institute marked an important change. Judicial education became the responsibility of a dedicated professional body. The Institute is staffed by legally qualified professionals and operates under an Executive Committee led by the Chief Judge of the High Court, with strategic direction and oversight from a Governing Body led by the Chief Justice.

8. The Institute has also grown substantially. In 2018, its full-time staff began to increase from two counsel to a team of three directors and three counsel. In 2022, it expanded further to a full complement comprising an executive director, three directors and six counsel. That growth reflects the increasing recognition that judicial

education requires professional planning, continuity and institutional support.

9. The Institute's role is to enhance judicial skills and knowledge through continuing and more structured education for judges and judicial officers at all levels. Its work includes identifying training needs, organising programmes, conducting research, updating manuals and bulletins, and managing professional knowledge and information. It also maintains relationships with international judicial education bodies. However, the Institute's training is directed to Hong Kong judges and judicial officers, which may differ from the role of judicial education bodies in some other jurisdictions.

10. Although the scope of our training may differ, the underlying principles are broadly shared internationally. The International Organization for Judicial Training's Declaration of Judicial Training Principles is a useful reference point. It recognises that all members of the judiciary should receive training before, or upon, appointment, and should continue to receive regular training throughout their careers. It also emphasises that, given the complexity of the judicial role, training should be multidisciplinary. It should cover not only law, but also skills, social context, values, ethics and relevant non-legal knowledge. Training should be judged, delivered primarily by members of the judiciary who have themselves been trained for that purpose, with assistance from non-

judicial experts where appropriate. It should also reflect best practices in adult professional education and use a wide range of current methodologies.

11. This last point is particularly important. Judicial education is adult education. It must therefore take account of how experienced adults learn. Adults learn best by doing. They benefit from active and practical methods, rather than purely passive instruction. Their learning also tends to be problem-focused. Unlike more traditional teaching, which may proceed sequentially from principle to application, adult learning often begins with a concrete problem and works towards a solution. For judges, the most effective education is therefore often built around realistic questions, scenarios and exercises. Such engagement leaves a stronger and longer-lasting impression.

12. In Hong Kong, this principle is especially relevant because judges and judicial officers usually come to the Bench as experienced practitioners. Many will also have sat as deputy judges or judicial officers before full-time appointment. They are therefore familiar not only with court proceedings in general, but also with the practical operation of the courts. Our training is consequently not primarily foundational. It is continuing professional development.

13. The Institute's regular training has focused particularly on judicial officers in the magistrates' courts and in civil tribunals, such as the Small Claims Tribunal and the Labour Tribunal. Training is usually delivered through workshops. These involve active learning: discussion of scenarios, role-plays, and practical exercises such as sentencing. The workshops are intentionally intensive and fast-paced. They cover a significant amount of material before and during the sessions, combining legal knowledge with practical skills.

14. There is a practical reason for this intensity. Hong Kong's courts carry heavy caseloads. Time for training is limited, and it is often difficult to align the diaries of participants and the senior judges who lead the workshops.

15. Lectures still have an important place. They are particularly useful for introducing new legislation, new case law, or technical knowledge that judges may find helpful. But because it is not always possible for large numbers of judges to attend in person at the same time, the Institute now routinely records talks, so that they may be watched online later.

16. The move from the Judicial Studies Board to the Judicial Institute therefore involved a shift in emphasis. There were fewer purely passive talks on black-letter law, and a substantial increase in judge-led workshops focusing on judgecraft and skills. That

transition was proceeding well during the Institute's initial growth phase in 2018. Then, at the end of the following year, the pandemic brought in-person judicial training almost to a halt.

17. The pandemic forced the Institute back to basics. It used the opportunity to update and consolidate the Judiciary's internal reference materials, restructuring them to make them easier to navigate and update. It also experimented with technology, with mixed results. Recorded talks were well received. By contrast, long workshops or live lectures by video conference were accepted as necessary, but were not warmly embraced.

18. Several lessons emerged. First, judges valued access to reference materials in different formats – written, audio and video. Secondly, there was a strong preference for material to be easy to locate and digest. This led the Institute to begin moving reference material towards a more accessible, online, Wikipedia-style format, with longer chapters broken down into shorter articles. Thirdly, for genuinely interactive training, judges still preferred in-person sessions.

19. When the pandemic restrictions ended, developments that had been delayed seemed to accelerate all at once. Some trends, such as the use of social media, may have become less prominent as in-person gatherings resumed. Others, such as virtual assets and

cryptocurrency, continued to grow. New challenges also emerged, most notably the rapid development of artificial intelligence. These developments have tested the ability of judges and judiciaries to keep pace, and have brought the importance of judicial education into sharper focus.

20. The Institute has responded in several ways.

21. First, it is now standard practice not only to hold lectures in person, but also to record them. This assists those who cannot attend on the day, and allows others to revisit the material when needed. This has been particularly useful in areas such as virtual assets and cryptocurrency, where judges must understand both technical and regulatory issues. The Institute has delivered a series of lectures by regulators and experts, using both live and recorded formats. These have been welcomed by judges dealing with real cases involving such assets, including in matrimonial and divorce proceedings.

22. Secondly, with the return of in-person training, the Institute has made interactive sessions more realistic and intensive. For example, role-plays using actors had previously been used to help judicial officers develop courtroom skills. In a recent programme on vulnerable witnesses, the exercise was taken further. Actors played different courtroom personalities; counsel from the Institute and

judicial associates played the lawyers. This increased the realism of the exercise and allowed the role-plays to include legal argument, courtroom-management challenges, and the practical difficulties that arise when vulnerable witnesses are involved.

23. These role-plays are professionally recorded. Judicial officers are then invited to watch their own performance several months later, to reinforce what they learnt and encourage further reflection. This is a demanding form of training, but it is also a powerful one. It combines legal knowledge, practical judgment, communication, empathy and self-assessment.

24. Thirdly, although video training has proved less popular than in-person training, we cannot ignore the wider shift towards technology. The question is not whether technology should be used, but how it can be used intelligently. The earlier work of consolidating reference materials into shorter online articles has now led to consideration of whether an artificial intelligence tool, specifically a large language model, might help judges identify relevant internal reference materials more quickly. If successful, such a tool could allow judges to ask questions and be directed to the most relevant material, rather than searching through it themselves.

25. That brings me to the central challenge in judicial education today: time. Judges must continue to decide cases, manage

lists, write judgments and perform all the other duties of judicial office. Training is essential, but it competes with many pressing demands. Every innovation in judicial education must therefore aim to make training more effective, more accessible and more directly relevant to judicial work.

26. The Hong Kong experience suggests that there is no single answer. We need in-person workshops for skills, ethics and judgecraft. We need lectures, including recorded lectures, for new laws and technical subjects. We need reliable written materials that are easy to search and update. We need expert input where necessary, but judicial leadership remains central. We also need to explore new technology, including artificial intelligence, while remaining alert to its limits and risks.

27. Judicial education is critical now more than ever. The modern judge must deal not only with legal complexity, but also with technological change, social change and increasingly unfamiliar factual contexts. To maintain public confidence, judges must remain informed, skilled, independent and adaptable.

28. The task, therefore, is not simply to provide more training. It is to provide better training: training that reflects how judges learn, how they work, and what they are now required to decide. Judicial education must itself continue to adapt and evolve. If it does so, it

will remain a vital means of ensuring that judges are equipped to perform their constitutional role to the highest professional standards.

29. Thank you.