

Statement of The Law Society of Hong Kong on the Appointment of Judges

1. The appointment of judges and judicial officers for the Judiciary of Hong Kong is made in accordance with Article 92 of the Basic Law, which provides:

“Judges and other members of the judiciary of the Hong Kong Special Administrative Region shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions.”

2. Judicial and professional qualities are the only criteria for choosing judges. The Council of the Law Society is not aware of any departure from the above.
3. Any attempts to introduce political or ideological screening in the judicial appointment process are ill-conceived and misplaced. Such attempts will cause the public to query the impartiality and integrity of judges and will undermine public confidence in the Rule of Law.
4. The Courts, including the Court of Final Appeal (CFA), regularly adjudicate, in accordance with the law, cases involving novel and important constitutional issues that may be (among other things) politically, socially or culturally sensitive. There is no basis for any suggestion that the CFA or any Courts, when adjudicating cases, may be prejudiced by any political persuasion.
5. The Council has full confidence that the Courts will continue to adjudicate cases based on the law.
6. The Council considers that, since its establishment in 1997, the CFA has been an unqualified success as part of the HKSAR legal system.

The Law Society of Hong Kong

28 June 2018