

Response from the Judiciary

The following is issued on behalf of the Judiciary:

In response to some newspaper reports today (November 14), a Judiciary spokesman states that under various relevant ordinances, the Chief Justice may appoint Deputy High Court Judges, Deputy District Judges and Deputy Judicial Officers.

Under section 10 of the High Court Ordinance (Cap. 4), section 7 of the District Court Ordinance (Cap. 336) and section 5A of the Magistrates Ordinance (Cap. 227), the Chief Justice may appoint eligible persons to be a Deputy Judge of the Court of First Instance of the High Court, Deputy District Judge and Deputy Magistrate respectively. All these appointments have been gazetted.

The ambiguity as to who should in law be regarded as the authority which has the discretion to suspend pensions under section 28 of the Pension Benefits (Judicial Officers) Ordinance (Cap. 401) is an entirely separate issue. It has nothing to do with the authority to appoint Deputy Judges and Deputy Judicial Officers under various ordinances.

There is no doubt whatsoever that the Chief Justice is vested with the authority to appoint Deputy Judges and Deputy Judicial Officers and that such appointments are fully valid.

Ends/Friday, November 14, 2003

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