

August 2026
2026年8月



Developing a Hong Kong-Compatible Career Judge System as a Judicial Talent Pipeline

A Qualitative and Quantitative Research Report on Judge Shortage, Early-Career Legal Talent and Rule-of-Law Evidence

建立切合香港的職業法官制度作為司法人才培育梯隊：

關於法官人手短缺、培訓法律人才及維持法治的定性與定量研究報告

建立切合香港的職業法官制度 作為司法人才培育梯隊

**關於法官人手短缺、培訓法律人才及維持法治的
定性與定量研究報告**

**民思政策研究所
首席研究員
張達明**

2026 年 8 月

Developing a Hong Kong-Compatible Career Judge System as a Judicial Talent Pipeline

**A Qualitative and Quantitative Research Report on Judge
Shortage, Early-Career Legal Talent and Rule-of-Law Evidence**

**POD Research Institute
Principal Researcher
Martin Cheung**

August 2026

目錄

行政摘要	7
研究問題	12
1. 研究設計與方法	13
2. 研究背景及概念框架：以供求角度理解職業法官人才培育	14
2.1 研究背景	14
2.2 現行由執業者轉任法官模式的時間差與供應限制	14
2.3 「一國兩制」下的制度敏感性	15
2.4 研究概念框架	15
2.5 工作假設與比較問題	15
3. 香港司法人手及工作量壓力	16
4. 等候時間證據：瓶頸高度集中	19
5. 現行法官人才管道的時間差與供應限制	22
6. 國際金融中心法院工作容量：方向性比較與香港背景	24
6.1 民事一審方向性比較顯示甚麼	24
6.2 十年方向：非排名比較	25
6.3 法院工作容量對國際金融中心的意義	26
6.4 比較結果對司法人才規劃的含意	26
7. 高法治司法區域的司法人才培育比較：WJP 首十名及首 50 名背景	28
7.1 2025 年首十名：八個大陸法系司法管轄區	28
7.2 普通法橫向招聘與較早法院內培育：理想型對比	29
7.3 可從結構化培育架構觀察的功能性元素	30
7.4 首 50 名整體數據顯示甚麼	30

7.5 WJP 數據在本報告中的用途	32
7.6 應有的推論	32
7.7 比較結果的制度含意	33
8. WJP「秩序與安全」證據：第二項描述性相容性檢視	34
8.1 「秩序與安全」整體數據顯示甚麼	34
8.2 「秩序與安全」分項在本報告中的用途	35
8.3 應有的推論	36
8.4 與香港制度選項的關係	36
8.5 對「是否影響法治」問題的總結	36
9. 公眾意見：社會對職業法官培訓路徑持審慎開放態度	38
10. 政策整合：從比較證據到香港制度選項	39
11. 具體司法人才培育比較與香港保障	40
12. 建議的香港化、補充性司法人才培育路徑	43
13. 改革組合及推行路線圖	44
14. 結論	46
14.1 研究問題的答案	46
14.2 核心政策立場	48
附錄	49
參考資料	54

Table of Contents

Executive Summary.....	59
Research Questions.....	65
1. Research Design and Methodology.....	66
2. Research Background and Conceptual Framework: Career-Judge Development as a Supply-and-Demand Solution.....	68
2.1 Research Background.....	68
2.2 The Time Lag and Supply Constraints of the Practice-to-Bench Model.....	68
2.3 The Institutional Sensitivity under One Country, Two Systems.....	69
2.4 Conceptual Framework of the Study.....	70
2.5 Working Proposition and Comparative Question.....	70
3. Hong Kong's Judicial Manpower and Workload Pressure.....	71
4. Waiting-Time Evidence: The Bottleneck Is Concentrated.....	73
5. The Time Lag and Supply Constraints in the Existing Judicial Talent Pipeline.....	76
6. International Financial-Centre Court Capacity: Directional Comparison and Hong Kong Context.....	79
6.1 What the directional civil first-instance comparison shows.....	80
6.2 Ten-year direction: a non-ranking comparison.....	80
6.3 Why Court Capacity Matters to an International Financial Centre.....	81
6.4 Implications of the Comparison for Judicial Talent Planning.....	82
7. Judicial Talent Development in High-Rule-of-Law Jurisdictions: WJP Top-Ten and Top-50 Context.....	84
7.1 The 2025 top ten: eight civil-law jurisdictions.....	84
7.2 Common-Law Lateral Recruitment and Earlier Court-Based Development: An Ideal-Type Contrast.....	86

7.3 Functional Elements Observable in Structured Judicial-Talent Development.....	87
7.4 What the aggregate top-50 evidence shows.....	87
7.5 The Role of WJP Evidence in This Report.....	89
7.6 The proper inference.....	90
7.7 Institutional Implications of the Comparison.....	90
8. WJP Order and Security Evidence: A Second Descriptive Compatibility Check.....	91
8.1 What the Order and Security aggregate evidence shows.....	91
8.2 The Role of Order and Security in This Report.....	93
8.3 The proper inference.....	93
8.4 Relationship with Hong Kong's Institutional Options.....	94
8.5 Conclusion on the Question of Rule-of-Law Impact.....	94
9. Public Opinion Context: Cautious Openness to a Career-Judge Pathway.....	96
10. Policy Synthesis: From Comparative Evidence to Hong Kong's Institutional Options.....	97
11. Specific Judicial-Talent Comparisons and Hong Kong Safeguards.....	99
12. Proposed Hong Kong-Compatible Supplementary Judicial-Talent Development Pathway.....	103
13. Reform Package and Implementation Roadmap.....	105
14. Conclusion.....	107
14.1 Answers to the Research Questions.....	107
14.2 Central Policy Position.....	109
Appendix.....	111
References.....	117

行政摘要



行政摘要

• **香港司法運作正持續受壓。** 過去十年案件數量維持高企，但實際法官及司法人員（JJO）職位數量未有相應增加。2025 年實際在任人手為 160 個，較 2016 年的 162 個略少，空缺率仍達 24.2%。相關趨勢顯示，問題並非短期招聘不足，而是法官不足的結構性問題。

• **壓力主要集中於刑事司法工作。** 2025 年區域法院刑事案件等候時間達 337 日，明顯高於司法機構 100 日的目標；原訟法庭刑事案件等候時間亦維持在 368 日的高水平。相較之下，民事案件排期指標仍在司法機構相應目標之內。因此，提升法院運作能力的措施應集中於壓力最明顯的範疇，而非假設所有法院工作均面對相同程度的延誤。

• **傳統由執業者轉任法官的模式仍具重要價值，但存在法官供應的短板。** 從資深大律師和律師中遴選法官，有助確保專業素養、訴訟經驗及對抗式程序經驗。然而，司法機構通常要到法律人才職場生涯較後期才與私人執業市場競逐法官人選，此時成功執業者往往已有較強的專業及經濟誘因留在私人市場。私人執業與司法職位的薪酬差距當然有一段距離，但此差距只是其中一項讓資深法律從業員委身法官工作的負面因素，其他如工作量、專業自主、職涯取向及個人時機亦同樣重要。增加暫委司法資源、法院設施及科技可以紓緩部份運作壓力，但不能建立穩定而持續的常任法官供應。

• **國際比較研究的啟示。** 部分國際金融中心的數據顯示，香港法院承擔相當大的民事一審工作量。2025 年世界正義工程（WJP）法治指數全球首十名中，有八個屬大陸法系。當中首四位的丹麥、挪威、芬蘭和瑞典，雖然制度各有不同，但都會在正式任命法官前，安排具潛質的法律人才在法院累積實務經驗，接受資深法官指導和相關培訓。四地制度雖皆為大陸法系，邏輯上也不能貿然證明某一法律體系或培訓模式促成較佳法治；但是近十年的 WJP 數據亦顯示，大陸法系司法區域在高法治表現組別中佔重要比例，這些資料只能支持一個較有限的結論：較結構化的法官培訓安排，可以與高水平法治表現並存。

• **公眾對法官培訓持審慎開放立場。** 電話訪問香港市民，詢問是否同意參考德國、法國等做法，讓優秀法律系畢業生經考核後接受系統培訓，逐步發展為全職法官。全港調查的平均評分為七分制中的 4.09 分，傾向支持者略多於反對或持保留者。結果顯示社會存在認真討論的空間，但同時亦有相當保留。因此，是次民意調查結果可作為評估相關政策社會接受度的重要參考依據，且無需糾結於普通法與大陸法體系模式的優劣爭議，可單純從公眾接受層面研判政策落地基礎。

• **制度保障。** 在推行法官培訓機制的過程中，可設立多元配套培訓措施，包括競爭性遴選機制、帶薪法院見習崗位、督導式法院實務訓練、師徒傳承制度、判詞撰寫專項培訓、司法倫理教育，以及分階段考核評核體系。與此同時，現行行之有效的核心司法制度必須予以保留，當中涵蓋普通法判例與法

律推理模式、對抗式訴訟程式、司法透明原則、司法獨立原則、《基本法》下的法官任命框架，以及司法人員推薦委員會的法定職能與角色。

• **制度選項及推行方式**。較為穩妥的做法是透過局部試點形式，推行全新的司法人才培育路徑。相關部門可先取錄合資格的培訓對象，聘任其擔任司法助理、法律研究、法院登記、審裁支援及案件管理等職務，並參照本港司法數據，優先強化人員在刑事程序與審訊管理方面的專業能力。至於培訓規模是否進一步擴展，則須根據候選人素質、司法運作效能、案件輪候時間，以及制度保障的獨立評估結果綜合決定。整項機制須恪守核心原則：只作參考、不作移植；只作補充、不作取代。

表 ES1：2016 至 2025 年主要縱向指標摘要

指標	2016	最新年度	變化	解讀
新收案件總數	478,562	536,566	+58,004 (+12.1%)	高案件量環境持續；2024年為十年間高峰。
已處理案件	459,578	537,391 (2024)	截至2024年增加77,813宗	部分年度的年度處理率低於100%；現有資料來源沒有2025年全年已處理案件總數。
實際填補的法官及司法人員 (JJO) 職位	162	160	-2	過去十年，實際司法人手未有隨案件量增加。
空缺率	19.0%	24.2%	增加5.2個百分點	職位空缺壓力仍屬結構性。
原訟法庭刑事案件排期等候時間	291日	368日	增加77日	2025年368日；高等法院服務承諾目前未列相同形式的數字目標，相關量度及目標仍在檢討。
區域法院刑事案件等候時間	118日	337日	增加219日	2025年337日，約為司法機構100日目標的3.4倍；已較2023年442日高峰改善。
原訟法庭民事案件排期等候時間	155日	151日	減少4日	2025年151日，低於司法機構180日目標。
區域法院民事案件排期等候時間	99日	113日	增加14日	2025年113日，低於司法機構120日目標。
綜司法壓力指數 (CJPI)	100.0	146.4	增加46.4個指數點	2025年的綜合壓力仍處高水平，雖已低於2023至2024年的嚴重水平。

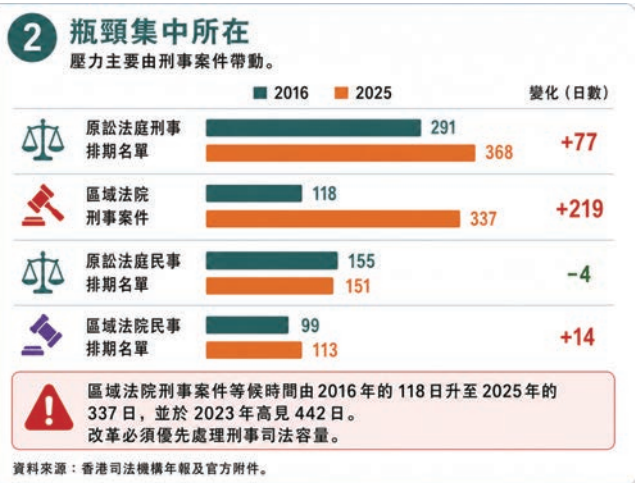
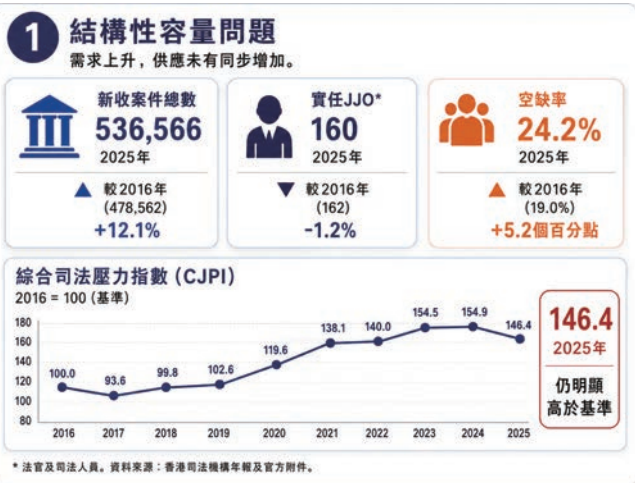
資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件及其他相關公開資料。綜司法壓力指數為作者自行建構的診斷性指數；詳見附錄C。

圖 ES2：行政摘要資訊圖：結構性容量壓力與改革邏輯

行政摘要一覽

建立切合香港的職業法官制度作為司法人才培育梯隊

香港正面對結構性的司法人手排戰。在普通法制度之內，為香港設計一條職業法官培育路徑，可建立可持續的未來法官人才梯隊。



3 薪酬差距現實：不能假定資深轉任自然發生

司法薪酬相對私人執業的比較 (%)

法官職位	對應私人執業職位	2010	2015	2020
裁判官	初級大律師 (執業5-15年)	7%	-16%	19%
	律師 (執業5-15年)	13%	20%	45%
區域法院法官	初級大律師 (執業14-24年)	10%	-4%	7%
	律師 (執業14-24年)	10%	-4%	19%
原訟法庭法官	資深大律師 (執業18-28年)	-42%	-60%	-48%



司法薪酬仍明顯低於資深大律師基準

補充性的職業法官路徑可減少過度依賴職業後期轉任。

資料來源：香港司法機構年報、立法會文件及官方附件。
本報告採用的最新基準年份：2020年。

4 從問題走向方案：職業法官培育路徑

及早建立梯隊，有系統培訓，按才能任命。



培訓不等於任命。司法獨立與司法標準始終是最高原則。

維持不變的核心原則



基本法



司法獨立



普通法制度



公開司法



司法人員推薦委員會
與擇優任命



先例制度與
對抗式訴訟

資料來源：作者綜合國際經驗及香港憲制框架。

5 預期成果：更強、更可持續的司法制度

在「一國兩制」下，為香港帶來長遠效益。



資料來源：作者綜合整理。

資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件及本報告使用的 WJP 計算結果。

A hand holds a magnifying glass over an open book. The background is dark blue with a digital overlay of glowing lines, nodes, and document icons, suggesting a research or data environment. The text '研究問題' is centered within the magnifying glass's lens.

研究問題

研究問題

1. 從案件量、實際司法人手、職位空缺及等候時間等指標來看，香港司法人才及司法運作能力問題的規模與性質為何？
2. 司法運作能力瓶頸最集中在哪些範疇？為何刑事案件等候時間的趨勢顯示改革應具針對性，而非全面、無差別地增加人手？
3. 法律市場誘因以及現行由律師 / 大律師轉任法官的招聘模式，如何限制法官招聘？
4. 為何香港作為國際金融中心及普通法法律樞紐，更需要穩定、足夠及高質素的法官人才供應？
5. 2025 年 WJP 法治指數首十名的格局，以及 2016 至 2025 年首 50 名的整體數據，對法律體系、司法人才培育與高水平法治表現之間的關係，能夠說明甚麼、又不能說明甚麼？
6. 丹麥、挪威、芬蘭、瑞典等高法治司法區域，在正式或永久法官任命前如何安排法院內經驗、司法督導、漸進責任及培訓？香港可安全參考哪些功能性元素？
7. 香港應如何設計一套切合本地普通法制度的職業法官培訓路徑，以擴大未來司法人才庫，同時維持普通法裁判方式、司法獨立及憲制任命保障？

1. 研究設計與方法

本報告採用定性與定量並行的混合研究設計。定性部分審視香港的憲制框架、普通法制度特質、法律專業結構、招聘誘因，以及任何司法人才培育路徑所必須具備的保障；同時比較兩種理想型人才供應模式：其一是許多普通法制度常見、在法律專業生涯累積多年經驗後才橫向招聘；其二是若干司法管轄區較早透過法院內職位、司法實務、督導、培訓及能力評估累積司法經驗。定量部分使用香港司法效率數據、部分國際金融中心法院指標及 WJP 法治數據。

本報告不依賴單一統計數字，而採用累積證據的分析方式。案件量反映需求；實際司法人手及職位空缺反映可用供應；等候時間顯示壓力集中在哪些範疇；薪酬差距及人才管道資料則提供招聘誘因的背景。2025 年 WJP 法治指數首十名的截面資料用以呈現高排名司法管轄區的法律體系組成，並檢視首四名在正式或永久任命前的法院內經驗與培育機制；九個版本的首 50 名資料則提供較長時段的描述性背景。

最重要的方法原則是審慎。香港法院指標、國際法院單位指標、法律體系分類、司法培育模式分類及 WJP 指標衡量的並非同一概念，因此不能合併成因果排名。表 10 選取各司法區域官方資料中最接近的一審民事案件入稟及處理數據；其年度處理率採用一致計算形式，但各地法院管轄權與案件組合並不相同。表 11 只提供方向性趨勢訊號，不作效率排名。WJP 證據亦不能證明某一培訓路徑直接造成較佳法治表現。

表 1：研究指標及資料涵蓋範圍

指標	定義	涵蓋年份	限制 / 注意事項
案件量	所有本地法院及審裁處的新收案件總數	2016-2025	可從政府資料附件A取得2025年全年數據。
已處理案件	案件處理總數	2016-2024	現有資料來源沒有2025年全年已處理案件總數；更新資料僅提供截至2025年6月底的數字。
年度處理率	報告期內已處理案件數除以同期新收案件數	2016-2024	作為年度產出相對新收案件的運作指標；不是同一批新收案件在當年完成的比例，亦非裁判質素指標。
司法人手	編制、實際填補的法官及司法人員職位與空缺數目	2016-2025	採用司法人員薪俸及服務條件常務委員會 / 立法會所報告的編制及實際人手數據。
等候時間	按法院層級 / 案件類別計算的平均等候時間	2016-2025	屬效能指標；不等同由入稟至判決的總時間。

資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件及其他相關公開資料。

表 1 說明各類證據的用途。案件量及已處理案件數反映工作量與產出；年度處理率（已處理 / 新收）反映報告期內法院產出相對新收案件的關係，但不是同一批新收案件在當年結案的比例；司法人手數據顯示實際可運作的司法運作能力；等候時間則顯示延誤集中在哪些範疇。這些指標並不判斷法院裁決是否正確，而是描述法院系統的運作容量。

2. 研究背景及概念框架：以供求角度理解職業法官人才培育

2.1 研究背景

香港的司法人手問題最適宜理解為供求錯配。在需求一方，法院面對高案件量、持續職位空缺、集中於刑事案件的等候時間壓力，以及公眾、商界和國際法律服務使用者日益提高的期望。在供應一方，香港擁有大量受過法律訓練的人才，包括法律學生、剛畢業人士及初級法律專業人員。問題在於，現行制度未能及早把這批年輕人才連接至未來司法人才梯隊。

傳統普通法招聘路徑具明顯優點。法官通常從具經驗的大律師及律師中遴選，因此能帶來法庭實務經驗、專業成熟度、實際訴訟知識及對對抗式辯訟的熟悉。這些優勢應予保留。其弱點在於時間：真正進入司法任命考慮，往往已是執業多年之後；屆時成功法律執業者可能已有較高收入預期、成熟的私人執業及不依賴司法職位的專業自主性。

這造成兩方面損失。第一，當司法職位出現空缺時，法院未必有足夠已準備好的未來候選人。第二，有能力的年輕法律人才欠缺清晰可見的司法職涯路徑。職業法官培訓路徑並不是把缺乏經驗的畢業生直接放上審判席，而是較早識別具潛質的人選，循序漸進培訓、嚴格評核，並經過一段時間準備後，才有可能進入日後任命考慮。

2.2 現行由執業者轉任法官模式的時間差與供應限制

傳統普通法「由執業者轉任法官」模式的核心優點，是在候選人累積多年法律實務經驗後才考慮任命。當案件量維持高企、實際司法人手未有同步增加，而資深執業者又有充分理由留在既有專業生涯時，這套模式若成為唯一長期人才來源，便可能出現時間及供應可預期性的限制。香港現有數據顯示，這三項因素值得一併觀察。

其他司法管轄區提供了不同的比較做法，但不宜概括為單一模式。丹麥、挪威、芬蘭及瑞典等地均有不同形式的法院內職位、司法實務、督導、培訓或能力評估安排，讓部分具法律資格或已有實務經驗的人選在正式或永久任命前累積司法能力。這些安排的法律地位、入職經驗要求及權限並不相同，不能理解為「法律畢業即成為法官」，亦不能由此推論其法官必然較優秀。

因此，本報告把較早開始的司法人才培育視為一項可供評估的補充選項，而非預設答案。香港應保留從優秀大律師及律師中橫向招聘法官的傳統途徑；若另設準備性人才路徑，其功能應限於較早識別、培訓及觀察候選人，並與最終司法任命及裁判權清楚分離。

2.3 「一國兩制」下的制度敏感性

這項建議必須審慎處理，因為香港普通法制度是「一國兩制」的重要組成部分。任何對大陸法系制度做法的參考，都可能被誤解為試圖取代普通法。本報告因此清楚區分「學習培訓方法」與「改變法律制度」兩件不同事情。

本報告貫徹一項原則：「參考，而非移植」。香港可借鑑部分大陸法系司法管轄區在司法培訓、導師制度及評核方面的做法，但不應採用大陸法系的裁判方法，亦不應改變香港法院的普通法根基。法律制度由法源、先例、程序、司法獨立、任命保障及法律推理方法等元素所界定；培訓路徑則不同，它只是為可能在日後從事司法工作的人才作準備的制度。

建議的改革毋須香港放棄先例原則、對抗式訴訟程序、公開司法、司法獨立、《基本法》任命框架或司法人員推薦委員會。改革可在正式任命前設置司法助理、法律研究、法院登記處實務、案件管理培訓、審裁支援、受督導的文書 / 判詞草擬、司法倫理教育及專門範疇訓練等階段。只有在持續評核中達到高標準的人選，才可取得進入司法任命考慮的資格。

2.4 研究概念框架

概念框架很直接。需求一方，是法院需要足夠法官及司法人員處理案件、管理聆訊、撰寫判詞、處理程序申請，並維持公眾對司法的信心。當案件量持續偏高、職位空缺不減、等候時間延長，對司法人手的需求便更為迫切。

供應一方，是受過法律訓練的人才庫。香港每年海內外培育的法律畢業生及初級法律專業人員，他們具法律知識和公共服務潛質；但若欠缺一條較早開始、可信而清晰的司法職涯路徑，這批人才便難以有計劃地培育成未來司法接班人。

缺少的正是連接需求與供應的橋樑。職業法官培訓路徑可扮演這個角色：擴大長遠具司法能力的候選人庫、為年輕法律人才提供清晰可見的公共服務職涯路徑，並透過分階段評核保障司法質素。

2.5 工作假設與比較問題

本報告的核心研究假設為：香港能否在不動搖普通法體制、司法獨立原則及現有憲制任命框架的基礎上，構建一套更早啟動、以能力為核心、具競爭性且分階段推進的法官培育體系。是項研究並不預設培訓參與者必然獲得司法任命，旨在探討此類前置培育機制，能否有效擴展日後合資格的法官人才庫。

一句概括：香港法官人手短缺首先是法院「需求與容量」問題；受過法律訓練的人才是潛在供應。比較研究要回答的，是能否建立一條受督導、可評核、與任命分離的制度橋樑，而不是把法律畢業生直接放上審判席。

3. 香港司法人手及工作量壓力

只有把多項指標一併閱讀，司法人手問題才會清晰。單看空缺率並不足夠；若案件量低、年度處理量能追上新收案件、等候時間亦受控，即使存在空缺，法院仍可能應付。香港數據顯示的情況較複雜：新收案件維持高企、實際司法人手未隨工作量同步增加，而刑事案件等候時間亦明顯惡化。

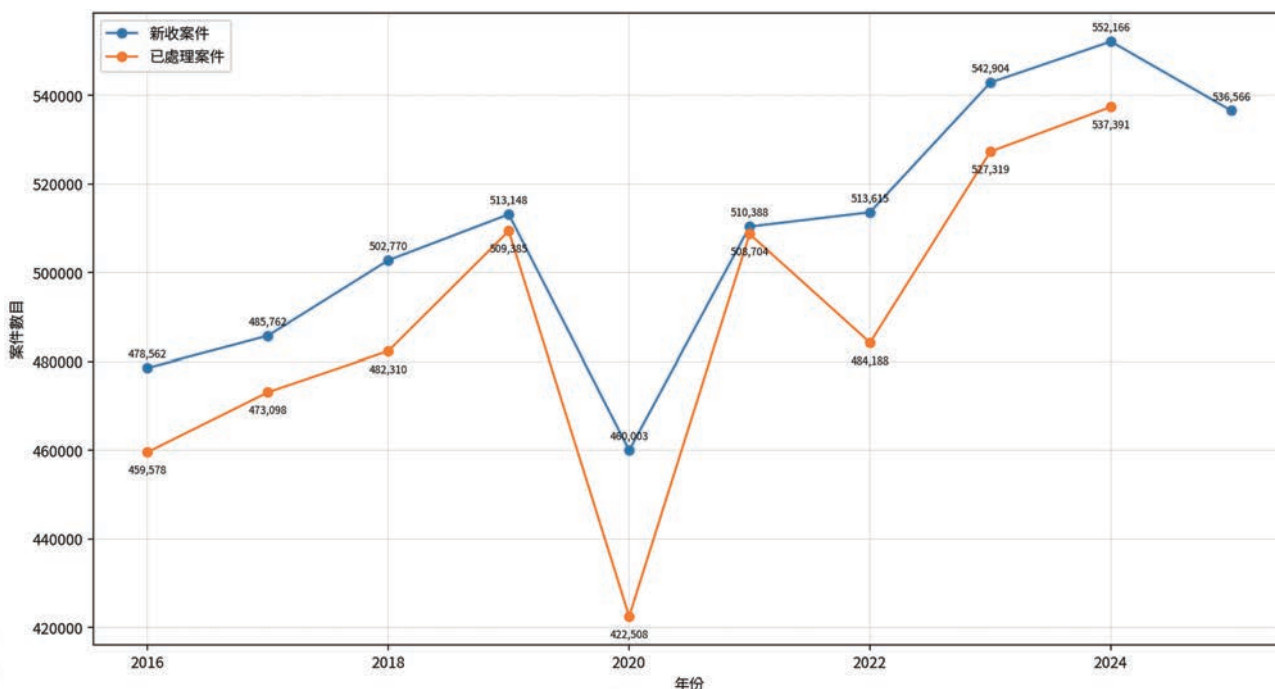
表 2：2016 至 2025 年新收案件、已處理案件及年度處理率

年份	新收案件	已處理案件	年度處理率
2016	478,562	459,578	96.0%
2017	485,762	473,098	97.4%
2018	502,770	482,310	95.9%
2019	513,148	509,385	99.3%
2020	460,003	422,508	91.8%
2021	510,388	508,704	99.7%
2022	513,615	484,188	94.3%
2023	542,904	527,319	97.1%
2024	552,166	537,391	97.3%
2025	536,566	不適用	不適用

資料來源：作者整理香港司法機構2016至2025年年報，以及香港特區政府2026年5月6日《立法會十八題：加快處理法院案件的措施》附件A。所引用資料來源並未提供2025年全年已處理案件總數。

圖 1 及表 2 顯示工作量持續高企。新收案件由 2016 年的 478,562 宗增加至 2025 年的 536,566 宗，並於 2024 年達到十年高峰 552,166 宗。表中的「年度處理率」是當年已處理案件數除以同期新收案件數，用作描述年度產出相對新收案件的關係，並不表示同一批當年新收案件有相同比例已於同年結案。由於引用資料未提供 2025 年全年已處理案件總數，2025 年相應欄位保留為「不適用」。

圖 1：2016 至 2025 年司法案件總量與已處理案件



資料來源：作者整理香港司法機構年報及相關官方資料；2025 年全年已處理案件總數未有可核實資料。

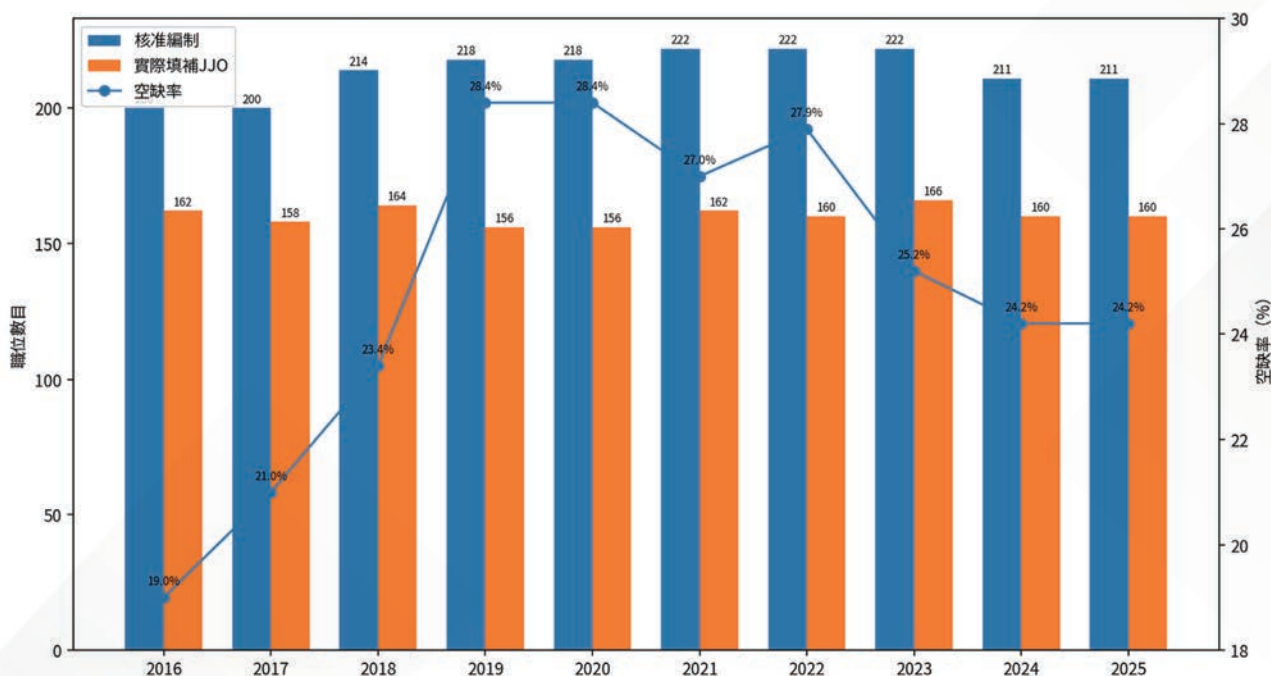
表 3：2016 至 2025 年司法編制、實際填補職位及推算工作量壓力

年份	編制職位	實際填補的JJO職位	空缺職位	空缺率	每名實際在任JJO的新收案件數
2016	200	162	38	19.0%	2,954
2017	200	158	42	21.0%	3,074
2018	214	164	50	23.4%	3,066
2019	218	156	62	28.4%	3,289
2020	218	156	62	28.4%	2,949
2021	222	162	60	27.0%	3,151
2022	222	160	62	27.9%	3,210
2023	222	166	56	25.2%	3,271
2024	211	160	51	24.2%	3,451
2025	211	160	51	24.2%	3,354

資料來源：作者整理司法人員薪俸及服務條件常務委員會《2016至2024年司法人員薪酬檢討報告》、香港司法機構政務長於2025年4月7日立法會財務委員會特別會議審議2025至26年度開支預算時的發言稿，以及表2的每年新收案件數據。空缺職位、空缺率及每名實際在任JJO的新收案件數均由作者計算。

表 3 區分「核准編制」與「實際在任人手」。編制是獲批准的司法職位；實際填補的 JJO 則是當年真正執行職務的法官及司法人員。2016 年實際人手為 162 人，2025 年為 160 人。換言之，十年間司法機構並沒有增加永久運作中的司法人手；同期每名在任 JJO 的新收案件數由 2,954 宗升至 3,354 宗，顯示案件需求與有效人力供應之間的差距擴大。

圖 2：2016 至 2025 年司法編制、實際填補 JJO 及空缺率



資料來源：相關司法薪酬檢討報告、司法機構資料及作者計算。

圖 2 把手差差距直接呈現。核准編制由 2016 年的 200 個增至 2021 至 2023 年間的 222 個，但實際填補的 JJO 職位並未同步增加。實際政策訊息很簡單：只有當職位真正由在任法官或司法人員填補時，新增職位才會轉化為司法運作能力。

空缺率由 2016 年的 19.0% 升至 2019 及 2020 年的 28.4%，其後改善至 2024 及 2025 年的

24.2%，但仍高於 2016 年水平。2024 年編制由 222 個減至 211 個亦須審慎解讀：較低的空缺率部分可能源於核准編制縮減，而不一定代表實際司法人手大幅增加。

核心訊息是：核准編制只有在職位真正獲合適人選填補後，才會轉化為司法運作能力。因此，本地數據首先指向較穩定、較可預期的人才供應需要；應採用何種人才培育機制，則需再由後文比較證據及制度保障評估。



4. 等候時間數據：瓶頸高度集中

等候時間數據極為重要，因為它反映訴訟人、被告、受害人、證人、律師及公眾如何實際感受到法院容量壓力。香港數據顯示，最嚴重的惡化並非平均分布於所有法院工作，而是集中在刑事案件等候時間。

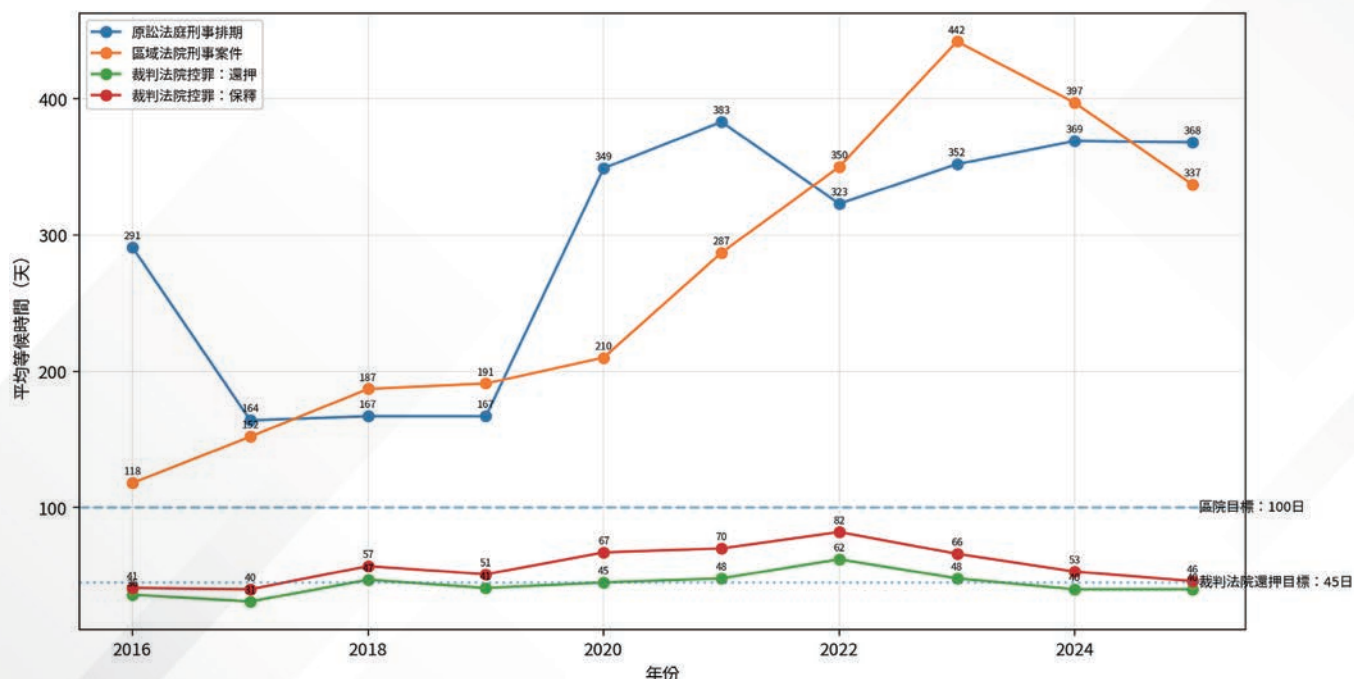
表 4：2016 至 2025 年部分刑事案件等候時間

年份	原訟法庭刑事案件排期表	區域法院刑事案件	裁判法院控罪案件：還押	裁判法院控罪案件：保釋
2016	291	118	36	41
2017	164	152	31	40
2018	167	187	47	57
2019	167	191	41	51
2020	349	210	45	67
2021	383	287	48	70
2022	323	350	62	82
2023	352	442	48	66
2024	369	397	40	53
2025	368	337	40	46

資料來源：作者綜合香港司法機構年報、立法會司法及法律事務相關文件、政府官方附件，以及香港司法機構區域法院與高等法院服務承諾。詳見附錄C。

表 4 顯示最明顯的壓力點是區域法院刑事案件。等候時間由 2016 年的 118 日增至 2025 年的 337 日，期間於 2023 年達 442 日高峰。司法機構區域法院服務承諾列明，刑事案件由被告首次在區域法院出庭至審訊的目標為 100 日，因此 2025 年的 337 日約為該目標的 3.4 倍。原訟法庭刑事案件則由 291 日增至 368 日；高等法院服務承諾目前沒有列出相同形式的數字目標，相關量度及目標仍在檢討。這些數據顯示，最需要關注的是刑事程序及審訊容量，而不是所有案件類別一概惡化。

圖 3：2016 至 2025 年部分刑事案件等候時間



資料來源：作者綜合香港司法機構年報、立法會司法及法律事務相關文件、政府官方附件，以及香港司法機構服務承諾。

表 5：2016 至 2025 年部分民事案件排期等候時間

年份	原訟法庭民事案件排期 (天)	區域法院民事案件排期 (天)
2016	155	99
2017	163	102
2018	168	95
2019	173	95
2020	166	105
2021	176	108
2022	178	116
2023	158	115
2024	172	110
2025	151	113

資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件，以及香港司法機構高等法院及區域法院服務承諾。

表 5 呈現不同情況。原訟法庭民事案件排期由 2016 年的 155 日輕微改善至 2025 年的 151 日，低於司法機構 180 日目標；區域法院民事案件排期由 99 日增加至 113 日，亦低於 120 日目標。因此，民事排期大致受控，而最清晰的瓶頸在刑事案件，尤其是區域法院刑事案件。這支持針對性容量分析，而不是把所有法院工作籠統描述為全面惡化。

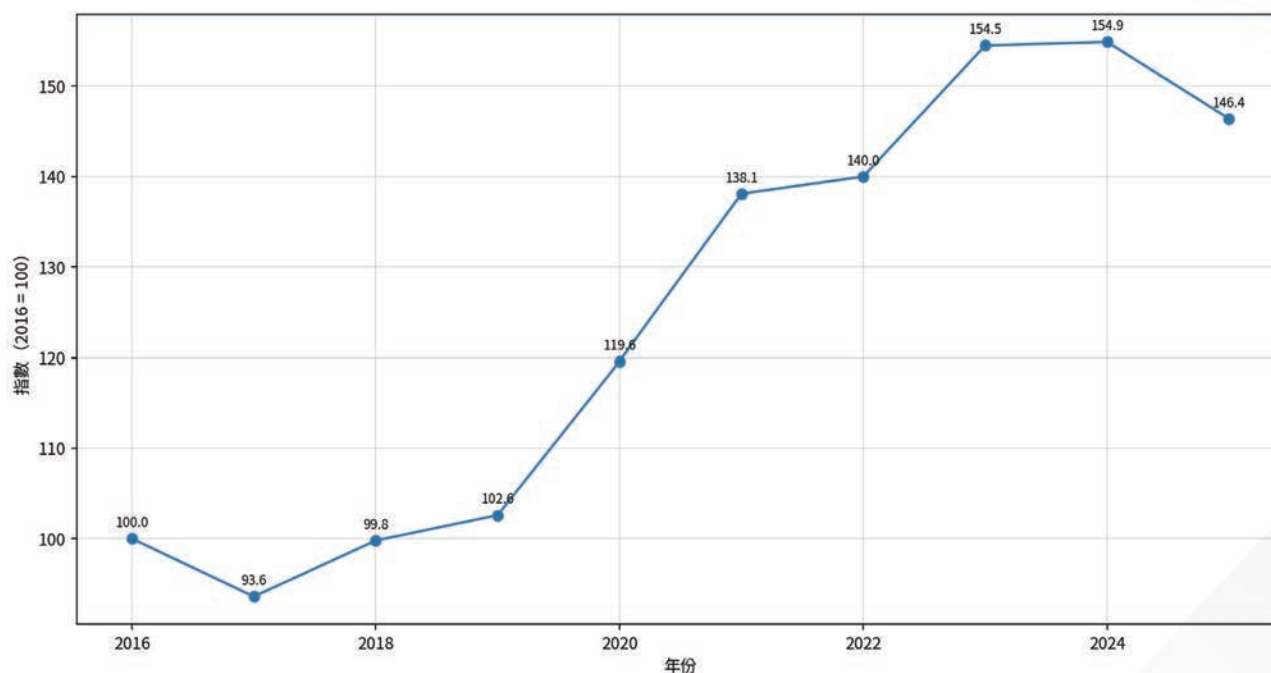
表 6：2016 至 2025 年綜合司法壓力指數 (CJPI)

年份	新收案件總數指數	每名在任 JJO 新收案件指數	原訟法庭刑事案件等候時間指數	區域法院刑事案件等候時間指數	CJPI	解讀
2016	100.0	100.0	100.0	100.0	100.0	基準水平
2017	101.5	104.1	56.4	128.8	93.6	低於基準
2018	105.1	103.8	57.4	158.5	99.8	接近基準
2019	107.2	111.3	57.4	161.9	102.6	輕微上升
2020	96.1	99.8	119.9	178.0	119.6	中度上升
2021	106.6	106.7	131.6	243.2	138.1	高壓力
2022	107.3	108.7	111.0	296.6	140.0	高壓力
2023	113.4	110.7	121.0	374.6	154.5	嚴重壓力
2024	115.4	116.8	126.8	336.4	154.9	嚴重壓力
2025	112.1	113.5	126.5	285.6	146.4	高壓力

資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件及其他相關公開資料。

表 6 以綜合司法壓力指數概括整體壓力。CJPI 綜合新收案件總數、每名在任 JJO 的新收案件數、原訟法庭刑事案件等候時間及區域法院刑事案件等候時間。指數自 2020 年後急升，於 2023 及 2024 年達到「嚴重壓力」水平，2025 年仍處於高水平。這支持持久的容量建設策略，而非短期、臨時性的紓緩措施。

圖 4：2016 至 2025 年綜合司法壓力指數



資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件及其他相關公開資料。指數計算方法詳見附錄C「綜合司法壓力指數 (CJPI) 的建構方法」。

表 6 及圖 4 以 2016 年為基準年，並把 2016 年的指數設定為 100。高於 100 表示綜合司法壓力高於 2016 年基準；低於 100 則表示綜合壓力低於基準。

CJPI 並非直線上升。指數於 2017 年跌至 93.6，2018 年回到接近基準的 99.8；自 2019 年起逐步上升，2020 年後升幅更為明顯。

最嚴重的時期是 2023 及 2024 年。指數於 2023 年達 154.5，2024 年達 154.9，即綜合司法壓力較 2016 年基準高逾 50%。這並非由單一數據造成，而是反映新收案件高企、每名在任 JJO 承擔更多案件、原訟法庭刑事案件等候壓力持續，以及區域法院刑事案件等候時間尤其急劇惡化。

到 2025 年，CJPI 回落至 146.4，主要原因是區域法院刑事案件等候時間從高峰下降。然而，146.4 仍遠高於 2016 年基準，因此這項改善並不代表問題消失，只表示壓力由「嚴重」下降至「高水平」。

比較本地指標後可以看到，香港需要的是司法系統長遠承載能力建設，而不是只依賴短期紓緩。這包括人才供應、刑事案件排期、法院支援、案件管理、設施及科技等相互配合；至於是否需要新增法官培育路徑，則留待第 6 至第 10 節的比較及法治保障分析後再作制度判斷。

5. 現行法官人才管道的時間差與供應限制

傳統普通法體制主要從資深大律師及律師群體中遴選法官，此模式具備舉足輕重的優勢：透過這一途徑出任的法官，普遍擁有豐富的訴訟經驗、扎實的專業素養，且熟稔對抗式訴訟程序。是項機制本身並無弊病，但若長期以此作為司法人才的唯一來源，將導致司法機構只能在潛在候選人職涯後期方能物色及吸納人才，令未來司法人手供應變得難以預測。

此局面造就了「人才管道時間差」。在傳統遴選機制下，具備實力的法律人才往往需要積累多年執業經歷，才會納入司法任命的考慮名單。相對而言，提早開展的前置人才培育模式，可作為有效的補充機制，讓社會及業界能夠更早識別、培訓及觀察具備司法潛質的法官人才。惟相關培育機制的採用與執行方式，以及最終的司法任命決定，均須獨立處理、分開審視。

表 7：部分司法職位與私人執業者的官方薪酬差距基準

司法職位	相應私人執業職位	2010	2015	2020
裁判官	初級大律師（5至15年經驗）	7%	-16%	19%
裁判官	律師（5至15年經驗）	13%	20%	45%
區域法院法官	初級大律師（14至24年經驗）	10%	-4%	7%
區域法院法官	律師（14至24年經驗）	10%	-4%	19%
原訟法庭法官	資深大律師（18至28年經驗）	-42%	-60%	-48%

資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件及其他相關公開資料。本報告採用的最新薪酬差距基準截至2020年；欠缺2025 / 2026年相應數據列為研究限制。

表 7 比較 2010、2015 及 2020 年部分司法職位與大致相應的私人執業職位。正數代表司法職位薪酬高於比較對象，負數代表較低。原訟法庭法官相對資深大律師的官方比較基準，在 2010、2015 及 2020 年分別為 -42%、-60% 及 -48%。這組數據只可視為招聘誘因的歷史指示性背景；本報告沒有 2025/2026 年相應數據，因此不能把它描述為現時薪酬差距的直接證明。

表 7 不能證明薪酬是招聘困難的唯一原因。工作量、專業自主、職涯取向、公眾監察、私人執業的彈性及個人時機同樣重要。這組資料所支持的較窄觀察是：香港不能假定所有合資格資深執業者在出現司法空缺時都會自然轉入司法機構，因此長期人才供應具有不確定性。

表 8：2016 至 2025 年外聘暫委 / 臨時司法資源

年份	外聘暫委司法資源 / 指示性數字
2016	27
2017	35
2018	23
2019	33
2020	41
2021	35
2022	45
2023	40
2024	40
2025	40

資料來源：作者綜合香港司法機構年報、立法會文件、政府官方附件及其他相關公開資料。

暫委及臨時司法資源有助短期紓緩，但本身並不能培養下一代全職法官。因此，它們應補充而非取代長期的職業法官人才培育梯隊。

表 9：運作容量措施：設施與科技

範疇	最新官方情況	對效率的相關性
新區域法院大樓	預計2027年底 / 2028年初	為區域法院、家事法庭及土地審裁處提供較長遠的設施擴充。
法庭	現有53個 → 新大樓70個	提升實體排期及審訊容量。
法官辦公室	現有56個 → 新大樓82個	支援司法工作及案件管理。
高等法院臨時設施	LG4樓六個法庭及相關設施於2024年啟用；金鐘道政府合署的空間於2025年底完成準備	提供短至中期容量提升。
iCMS綜合法院案件管理系統	截至2025年7月30日，約649,000宗新案件經iCMS展開，約佔相關新案件69%	提供電子入稟及案件管理基礎設施。
遙距聆訊	《遙距聆訊條例》自2025年3月28日起實施；已進行超過2,300次遙距聆訊	提供法律基礎及更大運作彈性。

資料來源：作者綜合香港司法機構資料。

表 9 顯示，香港的司法運作能力策略不能只關注法官人數。即使任命更多法官，法院仍需要法庭、法官辦公室、登記處空間、數碼系統及支援人員。計劃中的新區域法院大樓及高等法院臨時設施，因而是整體容量的重要組成部分。

科技亦同樣重要。綜合法院案件管理系統（iCMS）及遙距聆訊可改善入稟、文件處理、案件管理及聆訊安排的彈性；但設施與科技不能取代受過適當訓練的法官及司法人員。政策含意是：人力規劃與運作容量規劃必須同步推進。

第 6 至第 8 節會先把香港的情況放到國際背景下理解，而不是一開始就下結論。第 6 節比較部分國際金融中心法院面對多少案件、每年處理多少案件，同時說明各地法院職能、案件類型和統計方法不同，不能簡單排名。第 7 節再看一些法治表現較高的司法管轄區，如何在正式任命法官前，安排候選人接受法院工作經驗、培訓和評核。第 8 節則用 WJP「秩序與安全」指標作為補充背景。這三節的作用，是幫助我們判斷外地經驗是否可供香港參考，以及是否與高水平法治相容；它們並不是要預先證明香港必須採用某一套制度。

6. 國際金融中心法院工作容量：方向性比較與香港背景

香港的司法人手問題，必須結合其國際金融中心的獨特定位作全面考量。金融中心的穩健運作，除了倚賴銀行體系、資本市場、上市規範與各類專業服務外，亦有賴法院以高效、可靠且具公信力的方式處理各類爭議。對商界使用者而言，核心實務議題在於：面對重大民事及商業爭議，人手充足的法院能否妥善處理案件，並避免出現長期延誤的情況。

金融中心比較只選取官方資料中最接近的一審民事案件入稟及處理數據。表 10 比較美國紐約南區聯邦地區法院、香港高等法院原訟法庭民事司法管轄權、新加坡最高法院民事原訟程序，以及美國加州北區聯邦地區法院；表 11 再就相關法院單位提供較長期方向。由於法院管轄權、案件組合及統計口徑並不完全相同，兩表均只作方向性司法容量比較，不作效率排名。

倫敦的商業法院在國際上雖然非常重要，但因為英國官方公布的數據格式不同——他們沒有提供能跟新收案件直接對齊的「已結案數量」，也缺少連續十年的完整數據。為了避免用不同標準的數字造成「不公平或誤導性的比較」，我們決定不把倫敦硬塞進表格裡。

表 10：部分金融中心民事一審法院單位的方向性容量比較（非排名）

金融中心 / 司法區域	選定一審民事法院單位	報告期	司法工作量：民事 / 商事入稟或發出的案件	民事 / 商事已處理或終結案件	年度處理率
紐約	美國紐約南區聯邦地區法院－民事案件	2025	11,176宗民事案件入稟	10,442宗民事案件終結	93.4%
香港	香港高等法院原訟法庭－民事司法管轄權	2024	20,001宗民事一審案件入稟	16,501宗民事一審案件處理完畢	82.5%
新加坡	新加坡最高法院－民事原訟程序	2024	8,562宗民事原訟程序入稟	7,549宗民事原訟程序處理完畢	88.2%
加州北區 ¹	美國加州北區聯邦地區法院－民事案件	2025	10,783宗民事案件入稟	7,437宗民事案件終結	69.0%

資料來源：作者按官方法院統計計算。美國民事案件入稟及終結數取自美國法院表C-1《按司法管轄區劃分的民事案件入稟、終結及待決案件》，民事案件處理時間中位數取自2025年12月《聯邦法院管理統計》。香港數字按《香港司法機構年報2024》計算；新加坡數字按《新加坡法院年報2024》計算。

6.1 民事一審方向性比較顯示甚麼

第一，香港法院的民事一審入稟量較高。2024 年，高等法院原訟法庭民事司法管轄權錄得 20,001 宗民事一審案件入稟，高於本報告所選的紐約、新加坡及加州北區法院單位。由於案件組合及管轄權不同，這不應解讀為跨地效率優劣，而只顯示香港所選法院單位承擔相當大的民事一審工作量。

1 美國加州北區本身並非金融中心，而是一個服務三藩市灣區的聯邦法院司法管轄區；該地區涵蓋重要的金融、科技、創投及商業活動。

第二，香港法院年度處理率低於紐約及新加坡。2024 年，原訟法庭民事司法管轄權處理 16,501 宗民事一審案件，同期入稟 20,001 宗，年度處理率約 82.5%。相同計算形式下，紐約為 93.4%、新加坡 88.2%、加州北區 69.0%。年度處理率低於 100% 表示該報告期的處理量未完全追上同期新收案件；它不是同一批當年新收案件的「結案比例」，亦不表示各司法區域案件複雜度完全可比。

第三，香港民事等候時間大致受控，但不能單獨解讀。原訟法庭民事案件排期等候時間維持在司法機構 180 日目標內。民事等候時間只是整體容量圖像的一部分；前文顯示，更清晰的本地瓶頸集中於刑事案件，尤其是區域法院刑事案件。

6.2 十年方向：非排名比較

只比較最新一年數據並不足夠。表 11 提出一個較窄的方向性問題：在可取得的期間內，法院工作量是上升還是下降？最新年度處理量能否追上新收案件？由於各司法管轄區公布的法院單位及案件類別不同，表 11 只應視為背景趨勢訊號，而非可直接比較的效率排名。

**表 11：部分可比金融中心法院單位的十年工作量方向及最新效率訊號
(方向性、非排名比較)**

金融中心	選定法院單位	基準案件量	最新案件量	變化	最新年度處理訊號 (非排名)
紐約	紐約南區聯邦地區法院	2016: 13,074	2025: 12,309	-5.9%	2025年年度處理率約99.7%
香港	高等法院原訟法庭	2016: 20,291	2024: 22,163	+9.2%	2024年年度處理率約83.7% ；刑事案件排期369日
新加坡	新加坡最高法院	2016: 14,538	2024: 13,383	-7.9%	最新可得年度處理率約99%
加州北區	加州北區聯邦地區法院	2016: 7,981	2025: 12,027	+50.7%	2025年年度處理率約109.2% (同時處理較早年度待決案件；待決案件淨減少)

資料來源及方法說明：數據綜合美國法院行政辦公室、香港司法機構及新加坡法院。本文把報告期內已處理／終結案件數除以同期新收案件數稱為「年度處理率」。當法院同時處理較早年度入稟而延續至本期的待決案件時，年度處理率可高於100%；高於100%表示待決案件存量在該期間淨減少，而不是處理了不存在的案件。

表 11 只提供方向性背景。香港原訟法庭在相關期間的一審工作量增加，最新年度處理量未完全追上新收案件，而刑事等候時間壓力持續。這項比較須與香港的職位空缺及等候時間證據一併閱讀，不能獨立用作國際效率排名。

所選紐約聯邦法院單位在整段期間未顯示工作量上升，最新年度處理量大致追上新收案件；新加坡所選最高法院單位工作量下降，最新可得年度處理率接近平衡。美國加州北區情況不同：工作量大幅增加，而 2025 年終結案件數高於新入稟案件，年度處理率約 109.2%。這是因為終結案件亦包括較早年度入稟、延續至本期的待決案件；高於 100% 的部分代表待決案件存量淨下降。

比較其他金融及商業中心後可以看到，香港並不是唯一面對法院工作量壓力的地方。不過，香港的情況較值得關注，因為幾種壓力同時出現：案件量高、每年處理案件的速度未能完全追上新案件、法官職位長期有空缺，加上刑事案件輪候時間偏長。因此，問題不應被理解為香港在某一項國際排名中的高低，而應理解為法院整體是否有足夠人手、支援、設施和管理能力去應付持續的案件需求。

6.3 法院工作容量對國際金融中心的意義

綜合各項資料後，較平衡的看法是：香港法院並不是所有範疇都出現嚴重延誤。民事案件的排期大致仍在司法機構目標之內，因此不應簡單說香港法院全面積壓。不過，問題也不應被低估。部分民事一審法院面對較重工作量，每年處理案件的數量未能完全追上新收案件；同時，刑事案件輪候時間仍然較長。換言之，不同數據反映不同問題，應先分開理解，再合併判斷法院整體承受能力。

對一個金融中心來說，法院不只是處理案件的地方，也是法律和經濟制度的重要基礎。重大商業爭議、刑事案件和其他法律糾紛，能否公平、專業並在合理時間內處理，會影響市民、商界和國際投資者對香港制度的信心。如果新案件長期多於已處理案件，積壓壓力可能增加；如果刑事案件長時間輪候，或法官職位持續空缺，亦會令人質疑法院是否有足夠能力應付需求。因此，香港需要一併考慮法官人手、案件管理、法院設施、支援人員和數碼系統，而不是只靠單一措施處理問題。

與其他金融及商業中心比較，並不能直接得出香港必須採用某一種法官培訓制度。這些比較只能說明一點：法院要有效運作，必須有足夠人手、專業能力、案件管理、設施和支援配合。因此，香港在考慮長遠司法人手安排時，應把法院實際運作需要一併納入考慮。

6.4 比較結果對司法人才規劃的含意

從有經驗的大律師和律師中委任法官，仍然是香港司法制度的重要基礎。這條傳統途徑有其優點，因為資深法律執業者通常具備豐富訴訟經驗、專業判斷，以及對普通法運作的實際理解。因此，第 6 節的資料並不是要說明香港一定要引入新的法官培訓制度，而是指出：在法院工作量大、部分案件處理未能完全追上新收案件、刑事案件輪候時間較長，以及法官職位持續空缺的情況下，香港有需要認真考慮未來法官人才供應是否足夠穩定。

換言之，第 6 節的作用，是先說明法院面對甚麼服務需求，而不是立即提出制度答案。香港是否適合較早識別和培育有潛質的司法人才，仍須進一步參考第 7 節的海外經驗，以及第 8 節對法治、普通法制度和司法保障的分析。

核心意思是：香港的司法人才安排，應該配合法院實際工作需要；但是否建立新的培訓路徑，必須在充分考慮比較經驗、普通法傳統、司法獨立和任命保障後，才作出審慎判斷。

總括而言，表 10 提供最接近的一審民事截面方向比較；表 11 顯示工作量與年度產出的長期方向。加州北區超過 100% 的年度處理率反映同時處理較早年度待決案件。這些資料不構成法院效率排名，但與本地持續空缺及刑事等候時間一併閱讀時，可說明香港面對的是多項容量因素的組合。

高法治司法區域的 司法人才培育比較： WJP 首十名及 首 50 名背景



7. 高法治司法區域的司法人才培育比較： WJP 首十名及首 50 名背景

第 7 節的比較重點不是判斷普通法或大陸法系何者較優，而是把「法官如何裁判」與「未來司法人才何時及如何累積法院經驗」分開。香港必須保留普通法裁判方式；比較研究則集中觀察其他高法治司法區域在正式或永久任命前的法院內職位、督導、培訓、漸進責任及能力評估。

2025 年 WJP 法治指數排名，可以為這項比較提供一個參考背景。按本報告的分類，排名首十位的司法管轄區中，有八個屬於大陸法系；排名首四位分別是丹麥、挪威、芬蘭和瑞典。這四個地方都不是簡單地等律師做到很資深才考慮任命為法官，而是在正式或永久任命前，已有不同形式的法院工作經驗、培訓或評核安排。不過，它們的制度並不完全相同：有些地方設有副法官職位，有些地方採用助理法官培訓，亦有些地方有較完整的司法培訓流程。因此，本報告把它們作為「可供參考的例子」，而不是說它們全部屬於同一種制度。

本報告的結論亦刻意保持審慎。WJ 法治指數排名首十位的格局，以及 2016 至 2025 年首 50 名的長期數據，並不能證明大陸法系一定比普通法好，也不能證明職業法官制度或某一種法官培訓方法，一定會帶來更高法治水平。這些資料只能支持一個較有限的觀察：在正式任命法官前，設有較有系統的法院工作經驗或司法人才培育安排，並不會必然損害法治；相反，它可以與高水平法治表現同時存在。

7.1 2025 年首十名：八個大陸法系司法管轄區

2025 年 WJP 法治指數排名首十位分別是丹麥、挪威、芬蘭、瑞典、新西蘭、德國、盧森堡、愛爾蘭、荷蘭及愛沙尼亞。按本報告分類，當中八個屬於大陸法系，只有新西蘭及愛爾蘭屬普通法。換言之，在 2025 年 WJP 排名首十位中，大陸法系司法管轄區佔八席，而排名首四位亦全部屬於大陸法系。

不過，這並不代表大陸法系一定比普通法優越，也不代表香港應該照搬某一套外地制度。真正值得留意的是，排名首四位的丹麥、挪威、芬蘭和瑞典，雖然制度不同，但都有一些共同做法：它們並非只等待律師累積多年經驗後才考慮任命為法官，而是在正式或永久任命前，安排有潛質的人才先在法院內工作、接受督導、逐步承擔更多責任，並經過培訓和能力評估。四地的具體安排各有不同。丹麥通常有約三年的副法官基礎培訓，內容包括法院實務、理論課程、民事及刑事工作訓練和能力評估。挪威的副法官是一種有期限的法院職位，候選人一般已有法律工作經驗，並在法官或法院領導指導下逐步增加職責。芬蘭設有三年制助理法官培訓，並由司法培訓委員會參與安排，入職亦需要相關司法工作經驗和競爭性遴選。瑞典則有約四年的見習法官（fiskal）培訓，候選人會在高等法院及下級法院輪調，並接受司法培訓學院課程；完成後可取得完成司法培訓後取得的法官任用候選資格（assessor），但並不等於自動成為常任法官。

因此，較準確的結論是：這些地方的制度不是完全一樣，但都重視在正式任命前，透過法院工作、實務訓練、督導、逐步授權和能力評估，培養未來司法人才。同時，完成培訓或相關法院工作經驗，亦只是進入下一步職位考慮，並不代表必然獲任命為常任法官。

表 12：2025 年 WJP 法治指數首十名：法律體系與司法人才培育相關性

排名	司法管轄區	法律體系 (本報告分類)	司法人才培育相關性
1	丹麥	大陸法系	約三年副法官基礎培訓：法院實務與理論模組、受督導民事／刑事工作、學習目標及課程考核；其後另有司法適任性評估。
2	挪威	大陸法系	有期限副法官職位（通常最多兩年、可延長至三年）：候選人一般已有法律工作經驗，在法官／法院領導指導下工作，並按訓練與經驗逐步擴大權限。
3	芬蘭	大陸法系	三年制助理法官培訓＋司法培訓委員會；相關初級司法培訓職位要求既有司法工作經驗及競爭性遴選，培訓／評核與最終任命分開。
4	瑞典	大陸法系	四年制fiskal培訓：高等／下級法院輪調及司法培訓學院課程；完成後可取得assessor資格，但不等於自動常任法官任命。
5	新西蘭	普通法	主要從具經驗法律執業者中橫向／公開任命；沒有可比的職業法官培訓計劃。
6	德國	大陸法系	國家考試及法律實務準備培訓，支援以結構化方式進入司法職涯。
7	盧森堡	大陸法系	納入「首十名中八個大陸法系」的統計，但不作為首四名培訓路徑論證的依據。
8	愛爾蘭	普通法	司法任命主要從具經驗的法律執業者中遴選。
9	荷蘭	大陸法系	設有結構化初任司法培訓及持續專業教育。
10	愛沙尼亞	大陸法系	納入「首十名中八個大陸法系」的統計，但不作為首四名培訓路徑論證的依據。

資料來源：世界正義工程，《WJP法治指數2025》；作者對法律體系的分類；丹麥、挪威、芬蘭及瑞典法院與司法培訓官方資料。

註：本文所稱「任命前法院內經驗／結構化培育」泛指在正式或永久任命前進入法院職位、司法實務或培訓安排；各地法律地位和權限不同，並不表示法律畢業後自動成為法官。

7.2 普通法橫向招聘與較早法院內培育：理想型對比

這項差異最適宜理解為「理想型」對比。在許多普通法制度中，主要途徑是橫向招聘：法律專業人士先以大律師、律師、公職律師或法律人員等身分發展，累積相當專業經驗後才被考慮任命為法官；司法入職培訓及持續教育則在任命後進行。此模式的主要優點是成熟的實務判斷及深厚的對抗式訴訟經驗。

這套人才管道的弱點是時機與可預期性。司法機構要在職涯較後期，才與已建立成功事業、收入較高、專業自主性較大，且可能因個人原因不願轉職的律師競爭。制度可以產生優秀法官，卻未必能形成一個穩定、可觀察、可擴展的未來人才庫。

另一類較早投入司法人才發展的制度，會透過競爭性進入、法院實習、助理／副法官職位、司法培訓機構、受督導工作及能力評估，在正式或永久任命前累積司法經驗。其可能優點是較早觀察司法適性及較易

作人力規劃；若司法獨立及任命保障不足，則可能出現官僚化、封閉式職涯晉升或行政介入的風險。

這種二分只是分析上的「理想型」，不是對每個司法管轄區的完整分類。北歐制度有獨特傳統；挪威副法官本身可在授權範圍內行使司法職能；部分大陸法系亦使用公開招聘；普通法司法管轄區同樣愈來愈重視司法助理、入職培訓及持續教育。因此，真正值得比較的是人才培育介入的時間、法院內實務程度、督導方式、能力評估及任命保障，而不是法律體系標籤本身。

7.3 可從結構化培育架構觀察的功能性元素

就香港的人才供應問題而言，其他司法區域最有參考價值的不是其裁判方法，而是若干功能性工具：競爭性篩選、法院內有薪職位、受督導法律研究或草擬、法院登記處及案件管理實務、師徒制度、司法倫理、專門模組、漸進責任及能力評估。

這些工具如被香港研究採用，必須作功能性和選擇性本地化。普通法法源、先例、對抗式程序、公開司法、司法獨立及現行憲制任命保障不應因人才培育架構而改變；行政評核亦不得以裁決結果或政治偏好作為晉級標準。

普通法橫向招聘與較早法院內培育提供的是互補資訊：前者展示成熟實務經驗的價值；後者提供早期識別、長期觀察及人力規劃。

如果香港最終選擇採用補充性路徑，最重要的制度邊界是：傳統從資深執業者中任命法官的途徑繼續保留；準備性培育不創造獲任命的權利；最終任命必須保持獨立、擇優，並在憲制上與培訓及行政管理分離。

7.4 首 50 名整體數據顯示甚麼

表 13 整體表格記錄九個 WJP 法治指數版本中首 50 名司法管轄區的法律體系分類，分別為 2016、2017—2018、2019、2020、2021、2022、2023、2024 及 2025 年。每個版本提供 50 個排名位置，合共 450 個「入榜席次」。這項資料補充 2025 年首十名截面，顯示不同法律體系在較長時間內的代表性。

2 「橫向招聘」是指從已建立的法律職涯轉入司法職位，而不是在完成法律教育後不久便進入司法公務職系逐步晉升。英格蘭及威爾斯可說明這種模式：區域法官候選人須具至少五年適當的專業法律經驗，而其他司法職務通常要求取得資格後五年或七年的經驗。遴選由獨立的司法任命委員會透過公開、擇優競爭進行。本文刻意廣泛提及大律師、律師、公職律師及法律人員，是因為普通法司法制度並非只從法庭大律師中招聘法官。

3 「理想型」是一種用以突出重要制度差異的分析模型，並非宣稱每個司法管轄區都可完全歸入兩個類別之一。被分類為普通法或大陸法系的司法制度，往往同時包含不同招聘做法。例如，瑞典既維持結構化司法培訓路徑，也容許沒有傳統法院背景的資深律師透過另類 *adjungerat råd* 路徑加入。因此，這些類別應用於比較主導模式，而不應視為對每一種任命安排的僵化描述。

法律體系分類只是分析上的簡化標籤，而非價值判斷。本報告的比較分類把北歐司法管轄區列入「大陸法系」，同時承認其法律傳統具有獨特性。「直接或結構化路徑」指法官候選人在永久任命前進入法院培育職位、實習或司法培訓計劃，並不表示畢業生會自動成為常任法官。

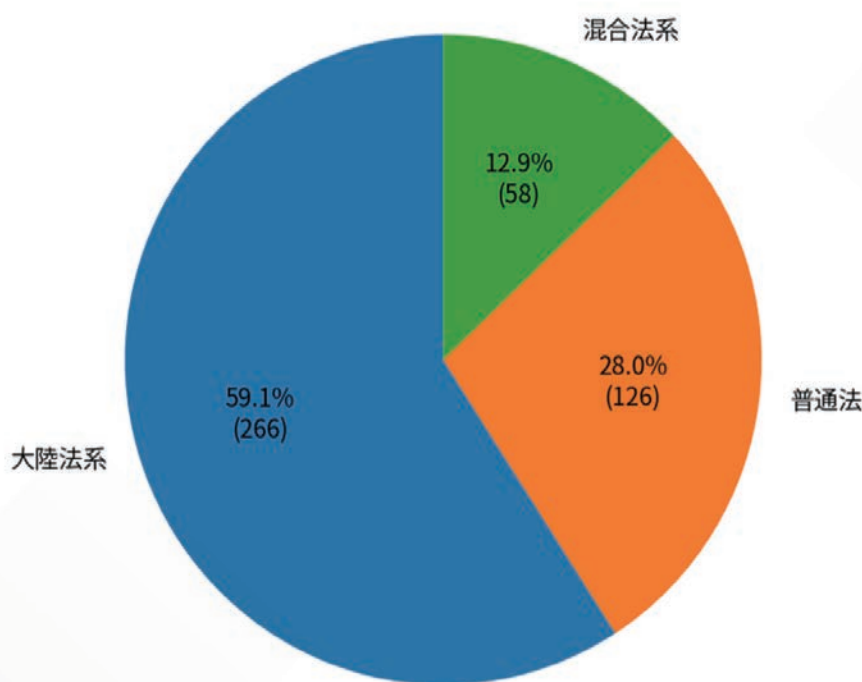
這些分類只用於檢驗兩項問題：WJP 法治指數高排名是否由普通法制度所獨佔，以及較結構化的法官培訓是否必然與高水平法治不相容。分類並非任何法律秩序的完整描述，亦不能用以宣稱某種制度或培訓路徑本質上較優越。

表 13：2016 至 2025 年 WJP 法治指數首 50 名法律體系整體分布

法律體系類別	首50名入榜席次	佔所有首50名席次比例	對外解讀
大陸法系	266	59.1%	高分席次中佔最大比例
普通法	126	28.0%	在本整體表中仍具重要比重，但小於大陸法系
混合法系	58	12.9%	具意義的少數比例
總計	450	100.0%	9個版本 × 50個席次

資料來源：作者按「十年WJP法治指數首50名及普通法／大陸法系司法管轄區」表格計算。WJP資料集提供排名及分數；法律體系分類由作者按本報告分析需要編碼。

圖 5：2016 至 2025 年 WJP 法治指數首 50 名席次的法律體系構成



九個WJP版本合共450個首50名席次的比例

資料來源：作者按表 13 製圖。數字顯示九個 WJP 版本共 450 個首 50 名席次的比例。

圖 5 顯示，在九個 WJP 法治指數版本共 450 個首 50 名席次中，大陸法系司法管轄區佔最大比例，而普通法及混合法系亦是高分組別的重要部分。這是一個描述性分布；重點不是大陸法系「造成」較高 WJP 法治指數，而是高水平法治表現並非普通法制度獨有。

大陸法系佔所有首 50 名席次接近五分之三，普通法略多於四分之一，混合法系則佔其餘部分。表 13

列出精確數量，圖 5 則把分布直觀呈現。因此，表 13 可以支持的精確表述是：在十年內，按本報告分類的大陸法系司法管轄區在 WJP 法治指數首 50 名席次中佔最大比例。這是代表性描述，而不是法律體系優劣或司法培訓效果的因果判斷。這項命題必須精確使用。首 50 名「席次」不能分離高分成因；法治表現受司法獨立、公共廉潔、法律文化、行政能力、司法可及性、執行能力、經濟及政治制度等多項因素影響。因此，表 13 只能排除「高法治表現由普通法制度獨佔」的簡化假設，不能證明大陸法系較優越。

7.5 WJP 證據在本報告中的用途

WJP 資料的作用，是幫助我們分清兩件事：一件是香港屬於普通法制度，另一件是法官人才可以怎樣培育。這兩件事不應混為一談。

香港作為普通法司法管轄區，重點包括案例先例、雙方對抗式訴訟、公開審訊、法官獨立裁判、有理由的判決，以及受憲制保障的任命制度。這些都是香港法律制度的核心，不能因為參考外地法官培訓做法而改變。

相反，司法人才培育主要處理的是另一個問題：應否較早識別有潛質的人才？他們是否應在法院內接受受督導的實務經驗？如何評估他們是否適合將來成為法官？以及長遠而言，司法人才供應是否可以更有規劃？

因此，即使香港考慮較有系統的司法人才培育路徑，也不等於要改變普通法制度。培訓內容仍然可以完全圍繞香港普通法運作，包括香港案例、法例解釋、證據規則、對抗式程序、判詞撰寫、案件管理和司法倫理。參考外地的「分階段培育方法」，並不等於引入大陸法系法典、職權主義審訊模式，或讓候選人自動晉升為法官。

所以，WJP 資料並不是用來改變香港的法律制度身份，而是幫助本報告提出一個較準確的問題：在保持司法獨立、普通法制度和香港憲制保障的前提下，香港是否可以考慮受督導法院實務、導師制度、逐步增加責任、分階段評核和持續培訓？

換言之，WJP 資料只能說明：這類司法人才培育安排可以與高水平法治並存。它不能直接決定香港應採用哪一種具體制度。

7.6 應有的推論

本報告不應把 WJP 數據解讀為因果證明。WJP 法治指數並不是專門研究每一名法官如何招聘、如何培訓，亦不是單靠法官培訓制度去評分。一個地方的法治表現，還會受憲制安排、司法獨立、法

律文化、政府制度、經濟環境及社會條件等多方面影響。因此，這些數據不能證明職業法官一定較好，也不能證明設立司法學院一定會提高法治排名。

較穩妥的解讀是：有系統的司法人才培育，並不必然與高水平法治相衝突。在 WJP 排名較高的司法管轄區中，大陸法系地方佔相當比例；而 2025 年排名首四位的丹麥、挪威、芬蘭及瑞典，亦各自設有不同形式的法院內工作經驗、督導或培育安排。這說明，較早識別和培育司法人才，並不等於會削弱司法獨立、法律質素或法治水平。

因此，WJP 數據的作用，是提供比較背景，而不是替某一方案背書。香港是否需要改革，應主要由本地情況決定，包括法官人手是否足夠、法院工作量是否過重，以及案件輪候時間是否合理。國際比較的作用，是幫助香港了解外地有哪些可參考工具，以及這些做法是否可以與高水平法治並存；它不能直接證明香港必須採用某一制度。

7.7 比較結果的制度含意

第 7 節所識別的是一組可供香港評估的工具，而不是預設方案，包括競爭性入職、法院內職位、司法督導、受督導草擬、輪調、漸進責任、專門培訓、倫理教育、書面評估及持續教育。這些工具是否採用，須放回香港普通法、司法獨立、任命保障及實際人力需要中評估。

保障同樣重要。培訓必須與任命分開；候選人不得透過行政晉升自動取得最終裁判權；課程在實質內容上必須維持普通法；遴選及晉級須透明並以能力為本；最終任命亦必須在《基本法》框架及司法人員推薦委員會程序下，與培訓制度保持分離。

總括而言，2025 年首十名中有八個按本報告分類屬大陸法系；首四名各自具有不同形式的任命前法院內經驗或培育安排；九個版本的整體證據亦顯示大陸法系長期佔高分席次最大比例。這些結果只支持相容性及比較相關性，不能證明因果或制度優越性。

8. WJP「秩序與安全」證據：第二項描述性相容性檢視

WJP 整體法治指數提供制度表現的宏觀圖像，「秩序與安全」則提供更具體的檢驗。它是 WJP 法治指數的核心分項之一，反映社會能否維持公共秩序、控制罪案、限制民事衝突，以及防止以私人暴力作為解決爭端的手段。

「秩序與安全」與本報告相關，因為它是公眾最直接感受到的法治面向。法律制度不能只依賴正式法院架構或專業法律原則，亦必須維持社會穩定、人身安全及公眾信心。對香港這個國際角色依賴安全、法律可靠性與商業可預期性的城市而言，這項維度尤其重要。

沿用第 7 節的法律體系分類，WJP「秩序與安全」資料顯示，大陸法系司法管轄區在高表現席次中亦佔較大比例。這項分布不能把司法培訓與公共秩序建立因果關係；其用途只是作第二個描述性檢視，看看較結構化的司法人才培育是否在另一項核心法治分項中與高表現制度明顯不相容。

8.1 「秩序與安全」整體數據顯示甚麼

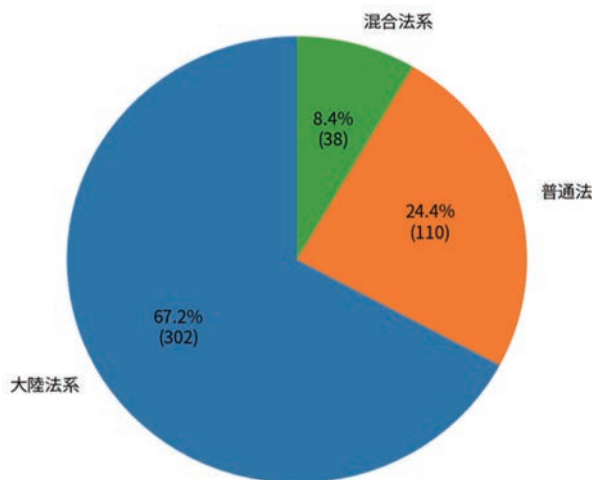
整體數據表記錄相同一批 WJP 版本中，「秩序與安全」首 50 名司法管轄區的法律體系分類。每個版本提供 50 個排名位置；九個版本合共 450 個首 50 名席次。

表 14：2016 至 2025 年 WJP「秩序與安全」首 50 名法律體系整體分布

法律體系類別	首50名入榜席次	佔所有首50名席次比例	對外解讀
大陸法系	302	67.1%	本分項高分席次中佔最大比例
普通法	110	24.4%	在本整體表中仍具重要比重，但小於大陸法系
混合法系	38	8.4%	比例較小的少數類別
總計	450	100.0%	9個版本 × 50個席次

資料來源：作者按「十年WJP秩序與安全首50名及普通法／大陸法系司法管轄區」表格計算。WJP資料集提供排名及分數；法律體系分類由作者按本報告分析需要編碼。

圖 6：2016 至 2025 年 WJP「秩序與安全」首 50 名席次的法律體系構成



九個WJP版本合共450個首50名席次的比例

資料來源：作者按表 14 製圖。數字顯示九個 WJP 版本共 450 個首 50 名席次的比例。

圖6顯示，大陸法系在「秩序與安全」首50名席次中佔最大比例。這仍只是一個描述性分布，因為「秩序與安全」同時受警務、公共行政、社會信任、罪案水平及更廣泛制度條件影響，不能歸因於司法培訓。

這個格局甚至比整體法治指數更明顯。大陸法系約佔「秩序與安全」所有首50名席次的三分之二；普通法約佔四分之一；混合法系則少於十分之一。表14列出精確數量，圖6則視覺化展示其構成。

可以對外作出的精確表述是：在所選期間內，按本報告分類的大陸法系司法管轄區在WJP「秩序與安全」首50名高分席次中的比例高於普通法司法管轄區。這不等於某一法律體系或司法培訓模式造成較佳秩序與安全。

這項表述必須審慎。秩序與安全受警務、社會信任、罪案控制、公共行政、經濟穩定、公民文化及政治秩序等多項條件影響，並非司法培訓的直接衡量指標。資料所能支持的，只是大陸法系司法管轄區並非在這項核心法治分項中呈現結構性低代表性。

8.2 「秩序與安全」分項在本報告中的用途

WJP「秩序與安全」指標，並不是直接衡量法院如何招聘或培訓法官。它不像「民事司法」或「刑事司法」指標，較直接反映法院和司法程序的表現。因此，本報告不會把「秩序與安全」用作判斷法官培訓制度是否有效的指標。它的作用較有限，只是作為整體法治環境的補充參考。

一個地方的秩序與安全，並不只由法院決定，還涉及刑事程序、執法機關、公共行政、公眾信心和社會穩定等多方面因素。因此，如果某個司法管轄區在「秩序與安全」取得高分，不能簡單說這是因為它的法官培訓制度好；同樣，也不能因為某種司法人才培育做法常見於大陸法系地區，就認定它一定會損害法治。

從WJP資料來看，也沒有足夠證據支持一個簡單說法：大陸法系一定與較差的秩序、安全或公眾信心相關。相反，在WJP排名首50位中，大陸法系司法管轄區佔相當大比例。不過，這只是一項分布觀察，不能視為因果證明。

因此，對香港而言，真正重要的問題不是某項制度工具最早來自普通法還是大陸法，而是：如果香港考慮引入某種司法人才培育安排，能否在普通法制度、《基本法》任命框架和司法獨立保障之下，安全、審慎地本地化。

8.3 應有的推論

「秩序與安全」證據可分三步解讀。第一，WJP「秩序與安全」高分表現並非普通法司法管轄區獨有；大陸法系佔 450 個首 50 名席次中的 302 個，即 67.1%。

第二，大陸法系制度傳統可與良好的公共秩序及安全結果在整體制度層面並存。這一點重要，因為不少大陸法系司法管轄區採用比香港更結構化的司法職涯培育制度。

第三，這些資料本身不能推論香港採用某種培訓架構後的法治效果。是否影響法治，關鍵仍在司法獨立、任命保障、正當程序、普通法裁判方式及具體制度設計。因此，WJP 提供的是相容性背景，而不是改革效果預測。

證據不應被用來宣稱「大陸法系因為有職業法官，所以公共秩序較好」，亦不應反向推論任何結構化培育必然安全。更準確的說法是：大陸法系司法管轄區在這項核心法治分項的高表現席次中具高度代表性，因此法律體系標籤本身不足以判斷人才培育機制的法治效果。

8.4 與香港制度選項的關係

若香港最終研究或試行補充性人才培育路徑，較準確的定位應是「普通法司法人才發展制度」，而不是移植另一套法律制度。

這類制度選項不應改變香港的法源、法院程序、法律推理方法、任命框架或憲制保障；其作用只在正式任命之前建立結構化機會，讓法律人才進入法院相關職位、接受受督導實務、培養書面推理與案件管理能力，並在一段時間內接受能力及倫理評估。

任命仍須完全分開。進入培訓路徑的候選人不應透過行政晉升而自動成為法官，亦不應只因參與培訓便取得最終裁判權。最終任命必須繼續以能力為本，並遵從香港既有的憲制程序。

核心保障是把「人才發展」與「司法任命及裁判權」分開。香港可以研究較結構化的人才培育方法，但任何方案是否能維持司法獨立及普通法特質，取決於制度保障，而不能由 WJP 數據本身推定。

8.5 對「是否影響法治」問題的總結

WJP「秩序與安全」資料補充第 7 節的整體法治背景：按本報告分類，大陸法系司法管轄區在這項核心分項的高分席次中亦佔較大比例。這只說明高法治及高秩序安全表現並非普通法制度獨有。

對香港而言，WJP 資料不能回答「某一改革一定會改善或損害法治」。較可靠的判斷標準是：方案是否維持司法獨立、普通法法律推理與程序、擇優任命、《基本法》框架及司法人員推薦委員會的關鍵角色。

因此，切合香港的路徑應包括以下保障：培訓與任命分開；候選人不得只因進入路徑便行使最終裁判權；遴選須具競爭性並以能力為本；課程須以普通法推理、先例、證據、對抗式程序、公開司法及司法倫理為核心；晉級須分階段並接受獨立評核；任命須維持在《基本法》框架及司法人員推薦委員會程序之下；司法獨立必須完全不受影響。

簡言之，第 7 及第 8 節的比較結論是相容性而非因果性。法律體系標籤不足以判斷人才培育機制的效果；真正需要評估的是具體培訓、權限、評核及任命安排能否在香港憲制保障下運作。



9. 公眾意見：社會對職業法官培訓路徑持審慎開放態度

公眾意見為本研究提供重要的社會背景。香港中文大學香港亞太研究所於 2026 年 6 月 25 日至 7 月 16 日期間進行全港電話調查，訪問 1,002 名 18 歲或以上香港居民，採用同時涵蓋家居固網及流動電話的雙框隨機抽樣方法。調查結果按年齡及性別作加權處理，以更適切反映香港成年人口的分布。

調查詢問受訪者，香港是否應參考德國、法國等國家的做法，容許優秀法律系畢業生經考核後，接受有系統的培訓，逐步發展成為全職法官。以 1 至 7 分計算，平均分為 4.09 分，略高於 4 分的中間值。在實際給予 1 至 7 分評分的受訪者中，41.6% 給予 5 至 7 分，高於給予 1 至 3 分的 36%；另有 14.8% 選擇 4 分的中間位置。此外，在所有有效受訪者中，有 7.6% 表示「唔（不）知道 / 很難說」。

這項結果不宜解讀為社會已對職業法官制度形成壓倒性支持。更準確的理解是，市民對研究另一套司法人才培育路徑呈現審慎但具意義的開放態度，同時亦存在相當程度的保留和疑慮。正因如此，政策討論的重點不應簡化為香港是否應直接引入大陸法系的司法制度，而應進一步探討：香港能否設計一套屬於自己的法官培訓及補充路徑，參考結構化司法培訓、早期人才甄選、師徒制度及分階段考核等做法，同時保留普通法訓練思維、司法獨立、擇優任命及現有對法官的憲制保障。

因此，這項民意調查亦與本報告的核心原則相互呼應，即「參考，而非移植」。公眾意見顯示，社會存在認真討論的空間，但任何改革均須審慎設計、清楚解說，並配合有力保障。本報告探討的方案並非讓缺乏經驗的畢業生直接坐上審判席，亦不是取代香港一直從資深法律執業者中遴選法官的傳統，而是研究一條結構清晰、長期的司法人才培育梯隊，能否擴大未來合資格候選人的人才庫，同時維持支撐社會對香港普通法司法制度信心的專業標準和制度特質。



10. 政策整合：從比較證據到香港制度選項

到這一部分，本報告才開始把香港本地數據和國際比較放在一起，討論香港可以考慮甚麼制度選項。香港本地數據首先說明，法院長遠面對的是人手、工作量和案件處理能力問題；與其他金融及商業中心的比較，則幫助我們理解法院容量問題並非香港獨有；WJP 資料只說明，有系統的司法人才培育可以與高水平法治並存；而丹麥、挪威、芬蘭和瑞典的經驗，則顯示一些地方會在正式任命法官前，安排候選人在法院內工作、接受督導、逐步承擔責任，並接受培訓和評估。

綜合來看，香港可以研究一條補充性的司法人才培育路徑。這條路徑應與正式法官任命分開處理：它可以用來較早識別、培訓和觀察有潛質的人才，但不應令任何人因完成培訓而自動獲任命為法官。是否推行、如何推行，都必須以普通法制度、司法獨立和現有憲制保障為前提。

本報告的方向可以概括為：「參考，而非照搬；補充，而非取代。」香港仍應保留從資深大律師和律師中遴選法官的傳統途徑。若日後新增人才培育路徑，它只應作為輔助安排，而不是取代現有制度。

可以參考的做法包括：有薪法院工作職位、法官督導、導師制度、受督導的法律草擬、案件管理輪調、分階段評核和持續培訓。不能照搬的，則包括改變普通法裁判方式、自動晉升為法官，或任何可能削弱司法獨立的行政控制。

表 15：香港制度選項的主要疑慮、比較證據與所需保障

主要疑慮	比較證據可說明甚麼	香港所需保障
切合香港的職業法官制度可能削弱普通法。	2025年WJP首十名中八個按本報告分類屬大陸法系；首四名各有不同形式的任命前法院內經驗／培育安排。這只支持「培訓架構可與高法治並存」，不等於證明制度優越。	課程、程序及法律推理均維持普通法；保留《基本法》及司法人員推薦委員會的任命保障。
職業法官可能欠缺實際經驗。	香港方案毋須把法律畢業生直接任命為法官；可把司法助理、法律研究、法院登記處、案件管理及其他受督導法院實務設計成準備性階段。	不得自動任命；晉級必須以能力為本並接受獨立評核。
改革可能削弱司法獨立。	法治質素高度取決於司法獨立、反貪腐及正當程序，而非單由法律體系決定。	《基本法》任命框架及司法人員推薦委員會保障必須保持關鍵地位。
可能損害國際信心。	金融中心比較只顯示法院容量是競爭力背景之一；改善人力、案件管理、設施及數碼支援有助維持法院服務能力，但比較本身不預測國際信心變化。	定期公布司法運作能力指標、專門案件類別數據及等候時間表現。
改革可能被視為移植大陸法系。	比較對象的價值在於其任命前法院實務、督導、漸進責任及培訓工具，而不是香港應採用其裁判方法或法律體系。	明確採用「參考，而非移植」原則，並界定「直接培訓」為不附帶自動任命的人才培育。

資料來源：作者按香港制度框架、金融中心司法運作能力數據及WJP證據分析。

表 15 把常見疑慮轉化為制度設計問題。兩個核心區分是：「培育」不等於「任命」，以及「培訓架構」不等於「法律方法」。比較資料只提供制度工具與相容性背景；任何香港方案仍須以普通法推理、對抗式程序、公開司法、獨立裁判及現行任命保障作邊界。

11. 具體司法人才培育比較與香港保障

切合香港的路徑既要增加未來司法人才供應，也要讓本地及國際法律界確信香港並非離開普通法。因此，最相關的國際經驗是候選人如何被遴選、聘用、督導、培訓及評核，而不是法院如何解釋先例或進行對抗式訴訟。

2025 年 WJP 法治指數首四名提供四種不同的任命前法院內經驗或人才培育例子。各地制度不應整體照搬，但可以觀察到反覆出現的元素：法院內職位或司法實務、由資深法官 / 法院領導督導、隨能力逐步增加責任，以及正式培訓或能力評估。這些是人才發展工具，不是對法律體系或法官任命方式的整體移植。

丹麥的副法官基礎培訓通常約三年，結合實務與理論模組，包括受督導民事及刑事法院工作、學習目標和課程考核；完成基礎階段後，仍有後續司法適任性評估。對香港的啟示在於：法院職位可以具有清晰的培育目標與能力評估功能，而不等於自動取得常任法官任命（Danish Courts, n.d.）。

挪威的有限期的副法官（dommerfullmektig）屬有期限的副法官職位，通常最多兩年並可在特定情況延長至三年；官方資料顯示候選人一般已有法律工作經驗。在法官或法院領導指導及授權下，副法官可處理案件，並隨訓練與經驗逐步擴大權限。它較適合被理解為有期限的司法職位及漸進責任機制，而不是與瑞典相同的正式「未來法官培訓計劃」（Norwegian Courts Administration, n.d.）。

芬蘭由司法培訓委員會與法院行政機關協調司法培訓，並設三年制助理法官培訓。官方入職資料顯示，相關初級司法培訓職位要求一般法官資格、至少三年司法職務經驗及通過預選考試。其制度啟示是：培訓與能力評估可以制度化，同時與最終常任司法任命分開（Finnish Courts, n.d.; National Courts Administration of Finland, n.d.）。

瑞典四年制見習法官司法培訓結合高等及下級法院輪調，以及司法培訓學院課程。完成整套培訓後可取得合資格法官候選人的資格，但不等於自動成為常任法官；常任法官職位仍須另行申請，並經獨立瑞典司法任命委員會的遴選 / 推薦程序。其制度啟示是：透明的法院輪調、正式學習序列與最終任命可以清楚分開（Swedish Courts, 2026; Swedish Courts, n.d.）。

德國、荷蘭、日本、法國、奧地利及比利時等制度另提供法律資格、司法培訓機構、實務培訓、適性評估及持續教育等參考。這些例子的用途是擴闊可觀察的政策工具，而不是支持香港採用某一法律體系的整套制度。

比較研究同時界定不可借鑑的安排。任何香港路徑都不應變成行政體系內自動通往司法職位的晉升階梯；培訓機構不得指揮裁判；表現評核不得以政治偏好、行政滿意度或預設裁決結果作標準。最終任命、任期保障、獨立裁判及公開司法必須受到保護。

共同可觀察的原則是「嚴謹培育」，而不是「提早授予不受限制的司法權力」。比較制度運用資格要求、競

爭性遴選、法院內實務、司法督導、倫理與書面能力評估、持續教育及制度保障，但具體權限和法律地位因地而異。

保障一：培訓不等於任命。進入路徑可讓候選人參與司法助理、法律研究、法院登記處、審裁支援、案件管理、受督導草擬及法院實務等工作，但不應直接授予司法權力。候選人不應只因參與培訓便可裁決案件、判刑或行使最終裁判權。

保障二：遴選必須具競爭性並以能力為本。候選人應就法律知識、分析能力、書面推理、倫理判斷、獨立思考、程序紀律、語言能力、公共服務動機、成熟度、性格及承受壓力能力接受評估。

保障三：課程內容必須實質上維持普通法。培訓應集中於先例、法例解釋、對抗式程序、證據、公開司法、程序公平、判詞撰寫、案件管理、司法倫理及有理由的決策。比較經驗可啟發培訓架構，但課程內容必須扎根香港普通法方法。

保障四：評核必須分階段進行。候選人應依次經過入職篩選、法院實務、受督導草擬、刑事及民事程序訓練、專門路徑、倫理評核、書面評估、表現檢討及最終資格評估。任何晉級都不應是自動的。

保障五：培訓與任命必須在憲制上保持分離。培訓路徑的作用，是建立一個準備更充分的潛在候選人庫，而不是取代《基本法》任命框架、司法獨立、司法人員推薦委員會，或司法任命必須以能力為本的要求。

保障六：任命後仍須持續培訓。法官及司法人員需要就程序、倫理、判詞撰寫、科技、專門案件類別、法院行政，以及新興社會及商業議題接受持續教育。

表 16：國際經驗對香港培訓、遴選及任命保障的啟示

國際做法	對香港的啟示	切合香港的保障
丹麥：約三年副法官基礎培訓，結合受督導法院工作、理論模組、學習目標及課程考核；其後另有司法適任性評估。	法院內職位可具有清晰培育目標及能力評估功能，而不等於自動取得常任任命。	採用受督導輪調、書面工作、倫理模組及定期評核；不得自動任命。
挪威：有期限副法官職位，通常最多兩年並可延長至三年；候選人一般已有法律工作經驗，在指導及授權下處理案件。	「漸進責任」及清晰權限界線可讓司法實務隨能力增加；此制度不宜簡化為與瑞典相同的正式未來法官培訓計劃。	香港如參考漸進責任，必須以明確權限及司法督導為前提；培訓或任職經驗本身不產生常任任命權。
芬蘭：司法培訓委員會及三年制助理法官培訓；相關初級司法培訓職位要求至少三年司法職務經驗及通過預選考試。	入職資格、培訓、能力評估與最終任命可以作制度性分工。	建立獨立的專業培訓及評核框架，與司法人員推薦委員會任命程序有銜接但保持分離。
瑞典：四年制見習法官培訓，包括高等 / 下級法院輪調及學院課程；完成後取得合資格法官候選人，常任法官仍須另行申請及經瑞典司法任命委員會遴選 / 推薦。	透明法院輪調、正式學習序列與常任法官任命可以清楚分開。	公開各階段、能力要求及評核準則；每一階段均以香港普通法為基礎。
德國及荷蘭：嚴格資格要求及結構化初任 / 持續培育	高入職標準及終身學習有助維持專業質素。	要求競爭性法律能力評核及持續司法教育，但不建立官僚式自動晉升權利。
日本及其他比較制度：結合實務接觸與司法倫理的制度化培訓	司法人才培育應把法律原則、法院運作、專業倫理及實際判斷連接起來。	在法官辦公室、法院登記處、審裁處及專門範疇安排受司法督導的輪調。

資料來源：作者綜合丹麥、挪威、芬蘭、瑞典、德國、荷蘭及日本的官方司法培訓資料，並結合WJP法治指數背景及香港普通法制度框架分析。

首四名的比較亦顯示，法院內經驗、培育與常任任命之間並不存在單一模式。丹麥、芬蘭及瑞典的培訓序列各有不同；挪威副法官則屬可在授權範圍內行使司法職能的有期限職位。共同之處是正式或永久任命前已有法院內實務、督導或能力評估，而相關經驗本身不自動產生常任任命權。香港如研究準備性路徑，必須另行界定候選人的權限並與司法人員推薦委員會的最終任命程序保持分離。

政策含意是：如香港採取新路徑，應把它定位為具國際參考點的「普通法司法人才發展制度」。可以學習法院內培育、司法督導、漸進責任及能力評估等架構，但普通法裁判、對抗式程序、公開司法、獨立任命及《基本法》框架必須維持。



12. 建議的香港化、補充性司法人才培育路徑

在前述本地數據、金融中心比較、司法人才培育比較及法治保障分析之後，本報告提出一項供政策討論的補充性路徑。它不取消從資深法律執業者中遴選法官的傳統途徑，而是增設一條較早開始、受督導、可淘汰、與任命分離的人才發展機制。制度如推行，應具競爭性、有薪、透明及嚴格，並明確不創造司法任命權。

制度設計應回應本地實證。由於最嚴重的等候時間惡化集中於刑事案件，試點可較早涵蓋刑事程序、證據、審訊管理、判刑、保釋 / 還押及案件流程控制。民事、商事、清盤、仲裁、家事及公法等專門軌道亦具有長期價值，但應按實際容量需要逐步發展。

表 17：建議的切合香港職業法官制度

階段	機制	目的	保障
1. 入職及篩選	以競爭方式進入司法助理、法律研究員、法院登記處、審裁支援或案件管理職位。	識別具公共服務動機及法律適性的優秀法律畢業生、剛畢業人士及初級法律專業人員。	進入培訓路徑不等同獲任命為法官；候選人只接受培訓及評核。
2. 核心法院實務接觸	輪調參與法官辦公室支援、法院登記處工作、程序申請、法律研究、判詞草擬支援及受督導案件管理任務。	建立對法院運作、司法倫理、法律推理、書面工作及程序紀律的實際理解。	工作持續受督導；候選人不行使最終裁判權。
3. 刑事及審訊能力路徑	專門接觸刑事程序、證據、判刑、審訊管理、保釋 / 還押問題及案件排期控制。	直接回應最明顯的實證瓶頸：區域法院及原訟法庭的刑事案件等候時間壓力。	只有較具經驗的候選人方可進入；培訓由法官督導，並接受倫理及表現檢討。
4. 民事、商事及公法路徑	就民事程序、商業爭議、清盤、仲裁、公法、家事及其他高需求範疇提供專門培訓。	支援香港作為金融及法律服務中心的角色，同時確保不同案件類別的司法運作能力較均衡。	專門化必須在核心訓練之後進行，不應取代一般司法能力。
5. 資格評估及任命考慮	經多年評核後，部分候選人可在現行憲制任命框架下取得進入任命考慮的資格。	建立更大、準備更充分的未來司法候選人庫。	任命繼續以能力為本，並受《基本法》、司法獨立及司法人員推薦委員會程序保障。

資料來源：作者按香港司法人手證據、刑事案件等候時間壓力、金融中心司法運作能力考慮及比較職業司法制度經驗提出的設計。

表 17 顯示，這條路徑的核心不是降低法官任命門檻，而是把人才識別、法院內經驗與能力評估放得更早。參與培訓不等於獲得任命；循序漸進不等於自動晉升；法院接觸亦不等於取得最終裁判權。

13. 改革組合及推行路線圖

司法人才培育路徑不應作為孤立招聘措施推出，而應與人力、培訓、基礎設施、案件管理、數據監察及公眾溝通配合。方案先處理最明顯的刑事容量瓶頸，再按證據評估其他專門範疇；任何擴展都應以司法質素、獨立性及實際運作成效為前提。

表 18：由證據推導的改革方案

政策範疇	建議	證據基礎
司法人才培育梯隊	為法律畢業生、剛畢業人士及初級法律專業人員建立補充性的職業法官培訓路徑。	實際填補的JJO人數大致持平，但案件量持續高企。
刑事案件容量	在早期專門階段優先提供刑事程序、證據、判刑及審訊管理培訓。	區域法院刑事案件等候時間由118日增至337日；原訟法庭刑事案件由291日增至368日。
現有執業者轉任路徑	保留律師／大律師轉任法官的途徑，同時減少過度依賴職涯後期轉任。	薪酬差距及私人市場誘因令職涯後期招聘存在不確定性。
法院基礎設施及支援	把法官培訓與法庭、法官辦公室、法院登記處容量、iCMS、遙距聆訊及司法支援人員配合規劃。	運作容量取決於人員、設施、科技及案件管理系統共同配合。
比較借鑑	參考部分大陸法系職業司法制度做法，但不移植大陸法系制度本身。	WJP證據削弱法律體系刻板假設，但不能證明直接因果關係。
公眾溝通	把改革定位為「一國兩制」下與普通法相容的司法人才培育梯隊。	制度敏感性要求清楚保障及一致的政策語言。

資料來源：作者綜合香港司法效率數據、金融中心比較及WJP證據。

表 19：推行路線圖

時間表	行動	預期效果	指標
短期：2026至2027年	成立司法人才培育梯隊專責小組；設計入門職位的職責、遴選準則及倫理規則。	建立清晰制度責任，避免零散、臨時式設計。	核准制度框架、公布培訓路徑標準及試點職位架構。
試點階段：2027至2029年	推出司法助理、法律研究員、法院登記處及案件管理試點職位，並優先安排刑事案件實務接觸。	開始把年輕法律人才轉化為受過訓練的法院容量支援人才。	參與人數、留任率、評核結果及督導人員意見。
擴展階段：2029至2032年	加入刑事、民事、商事、公法及家事專門路徑；引入結構化導師制度及書面工作評核。	建立更廣泛、更多專門分工的未來司法候選人庫。	追蹤完成率、專門範疇實務接觸、書面工作質素及倫理評核。
檢討階段：2032年起	評估培訓路徑對招聘人才庫、職位空缺壓力、支援容量及等候時間指標的影響。	決定是否擴大、調整或收窄培訓路徑。	空缺率、等候時間、候選人質素、任命結果及公開問責報告。

資料來源：作者根據本報告所討論的證據及保障提出的推行路線圖。

結論



14. 結論

本報告首先研究香港司法人手困難究竟只是暫時性人事問題，還是需要較長遠司法人才策略的結構性容量問題；之後才以金融中心、司法人才培育及 WJP 資料提供比較背景，最後評估制度選項。綜合本地數據，香港的挑戰不只在個別空缺未能填補：法院需求長期高企、實際司法人手未有相應增加，而刑事案件等候時間尤其值得關注。

14.1 研究問題的答案

研究問題一：香港司法人手及司法運作能力問題的規模與性質為何？

香港司法人手問題是結構性、可量度且持續的。在研究期間，法院新收案件維持高水平，而實際填補的法官及司法人員人數大致不變。持續職位空缺、每名在任司法人員工作量上升，以及綜合壓力維持高位，都顯示問題不能單靠短期招聘波動解釋，而是法院服務需求與永久司法運作能力之間持續存在錯配。

研究問題二：司法運作能力瓶頸最集中在哪些範疇？

最明顯壓力集中於刑事案件等候時間。2025 年區域法院刑事案件為 337 日，約為司法機構 100 日目標的 3.4 倍；原訟法庭刑事案件為 368 日，而相關數字目標目前未設定 / 仍在檢討。相較之下，原訟法庭民事 151 日低於 180 日目標，區域法院民事 113 日低於 120 日目標。因此，容量分析應具針對性，而不是把所有案件類別視為同等惡化。

研究問題三：現行律師 / 大律師轉任法官模式如何限制司法招聘？

傳統普通法路徑仍不可或缺，因為它能產生具專業成熟度、訴訟經驗、實際判斷及熟悉對抗式程序的法官。其結構性限制在於時機與可預期性：候選人通常要累積大量專業經驗後才會被考慮，屆時成功執業者可能已建立成熟事業、較高收入、專業自主性，亦可能因個人原因不願加入司法服務。因此，香港並非普遍欠缺法律人才，而是欠缺一套較早、較有系統地識別、準備及觀察未來司法候選人的機制。

研究問題四：為何司法運作能力對香港國際金融中心及普通法法律樞紐角色重要？

司法運作能力是香港法律及經濟基礎設施的一部分。企業、投資者、債權人、法律執業者及市民都依賴法院以公平、專業及合理時間處理爭議。跨金融中心數據不能作效率排名，但方向性比較顯示香港所選法院單位工作量較大、最新年度處理量未完全追上新收案件；這些資料應與本地空缺及刑事等候時間一併閱讀。

研究問題五：WJP 首十名及首 50 名結果對法律體系、司法人才培育與法治表現說明甚麼？

2025 年 WJP 首十名中，有八個司法管轄區按本報告分類屬大陸法系。首四名——丹麥、挪威、

芬蘭及瑞典——各自具有不同形式的任命前法院內經驗、司法督導或人才培育安排；它們並非同一種制度。在本報告檢視的九個 WJP 版本中，大陸法系亦佔首 50 名整體席次的最大比例。

這些結果不能證明大陸法系、職業法官、司法學院或任何一種人才路徑會造成更佳法治結果。其較窄而可辯護的意義是：任命前較結構化的法院經驗或人才培育，可以與高水平法治表現並存。因此，WJP 在本報告中提供的是相容性背景，而不是改革成效的因果證據。

研究問題六：高法治司法區域為何是相關比較對象？香港可觀察甚麼？

這些司法區域具有比較價值，因為本報告關注的是司法人才培育的時機、法院內經驗、督導、漸進責任、能力評估及供應可預期性。普通法司法管轄區展示從資深執業者中招聘法官的價值；丹麥、挪威、芬蘭、瑞典等高法治司法區域則提供不同的任命前法院內人才發展及培訓渠道。比較的目的不是選擇法律體系，而是辨識可安全本地化的功能性元素。

香港可研究競爭性篩選、有薪法院職位、司法督導、受督導判詞草擬、法院登記處及案件管理輪調、導師制度、專門培訓、倫理教育、漸進責任及分階段能力評估；但不應改變普通法裁判方式、對抗式程序、公開司法及既有任命保障，亦不得建立以行政評核或自動晉升取得司法職位的機制。

研究問題七：切合香港的職業法官培訓路徑應如何設計？

在本報告提出的政策選項中，路徑應屬補充性、分階段、以能力為本，並與最終任命分離。從資深大律師及律師中招聘法官仍是核心途徑；若另設較早的準備性路徑，可透過司法助理、法律研究、法院登記處、審裁支援、案件管理及受督導草擬等職位培育人才。

候選人應逐步接受更具挑戰的法院實務接觸、專門培訓及結構化評核。進入路徑不得保證司法任命，亦不得直接賦予最終裁判權。培訓、評核與任命必須在制度上分離；最終任命仍應取決於能力、司法適性，以及《基本法》和司法人員推薦委員會下的既有憲制程序。

路徑亦應建立清晰的司法能力及表現質素保證制度。任命前，應包括透明的能力標準、受督導工作、書面評核、倫理評估、判詞撰寫練習及長期反覆觀察；任命後，質素保證應依靠司法入職培訓、持續教育、導師制度、上訴審指引、既有投訴及紀律機制，以及定期檢視整體制度指標，例如及時性、案件管理及培訓需要。

這類質素保證必須審慎設計。它應提升能力、一致性及專業發展，而不損害裁判獨立。法官不應按裁決是否令行政機關滿意、是否達成預設結果，或是否符合粗略結案配額而接受評分。個別裁決是

否正確，必須繼續由司法程序處理，特別是有理由的判決及上訴審查，而不是行政績效評分。

14.2 核心政策立場

本報告建議把一套切合本地普通法制度、與任命分離的司法人才培育路徑列作政策試點選項，作為傳統從資深法律執業者中遴選法官以外的補充性長期人才梯隊。

改革應保留傳統由法律執業者轉任法官的路徑，同時增設較早識別及培育具司法能力法律人才的機制。其課程及專業文化必須牢牢建基於普通法推理、先例、法例解釋、證據、對抗式程序、公開司法、判詞撰寫、案件管理及司法倫理。

路徑初期如試行，應聚焦本地容量壓力最清晰的範疇，尤其是刑事程序及審訊管理，再按證據逐步支援民事、商事、公法及其他專門司法能力。制度應由有限試點開始，以透明指標及獨立評估檢視候選人質素、職位空缺、法院支援容量、等候時間及制度保障，只在結果支持時擴展。

質素保證應貫穿整條路徑。遴選標準、受督導培訓、分階段評核及持續司法教育，必須確保擴大人才庫不會稀釋司法質素。候選人獲任命後，專業發展、倫理問責、上訴審查及經妥善設計的制度層面表現監察，亦應持續支持高標準。這些機制必須在保障司法獨立的安排下運作，絕不能成為影響司法裁決實質內容或結果的工具。

主導原則應維持「參考，而非移植；補充，而非取代」。香港可調整並採用較早、更結構化的司法人才發展工具，但司法獨立、普通法裁判、擇優遴選、《基本法》任命框架及司法人員推薦委員會的關鍵角色必須保持不變。

因此，本報告的核心立場是：

香港法官短缺是「需求」問題，受過法律訓練的人才是潛在「供應」，而一套保障周全、具質素保證且與普通法相容的職業法官培訓路徑，就是連接兩者的橋樑。

附錄 A：WJP 司法管轄區補充摘要

本附錄保留一份司法管轄區層面的 WJP 摘要表，以提高透明度。詳細迴歸及分項指標表應保留於工作數據集或補充材料，而非在主報告重複呈現。

附錄表 A1：部分司法管轄區、法律體系分類及 WJP 整體分數縱向摘要

司法管轄區	法律體系	2016年分數	2025年分數	2016至2025年平均值	2016至2025年變化
澳洲	普通法	0.810	0.800	0.800	-0.010
加拿大	普通法	0.810	0.790	0.803	-0.020
中國香港特別行政區	普通法	0.780	0.720	0.748	-0.060
印度	普通法	0.520	0.490	0.504	-0.030
牙買加	普通法	0.580	0.570	0.572	-0.010
馬來西亞	普通法	0.540	0.570	0.562	0.030
新西蘭	普通法	0.830	0.830	0.829	0.000
新加坡	普通法	0.820	0.780	0.790	-0.040
英國	普通法	0.810	0.780	0.792	-0.030
美國	普通法	0.740	0.680	0.710	-0.060
奧地利	大陸法系	0.840	0.790	0.810	-0.050
比利時	大陸法系	0.790	0.780	0.784	-0.010
法國	大陸法系	0.720	0.720	0.728	0.000
德國	大陸法系	0.840	0.830	0.836	-0.010
意大利	大陸法系	0.650	0.660	0.659	0.010
日本	大陸法系	0.780	0.780	0.786	0.000
韓國	大陸法系	0.730	0.740	0.733	0.010
荷蘭	大陸法系	0.860	0.820	0.837	-0.040
葡萄牙	大陸法系	0.720	0.670	0.697	-0.050
西班牙	大陸法系	0.700	0.710	0.717	0.010

資料來源：作者按WJP法治指數歷史數據及WJP 2024–2025年公布資料計算；法律體系按本報告採用的普通法／大陸法系二元分類。

附錄 B：民事／商事一審可比性的方法說明

第 6 節的金融中心比較屬方向性容量比較，而非法院制度或效率排名。表 10 選取各司法區域官方資料中最接近的一審民事案件入稟及處理數據；表 11 顯示相關法院單位的方向性變化。年度處理率均以「報告期內已處理／終結案件數 ÷ 同期新收案件數」計算，以維持計算形式一致；但法院管轄權、案件組合及統計口徑並不完全相同，因此不能理解為實質上完全「同分母」或同質案件比較。當法院同時處理較早年度待決案件時，年度處理率可高於 100%。

附錄表 B1 第 6 節採用的可比性規則

可比性規則	第6節的應用	原因
在可行情況下採用民事／商事一審工作	美國聯邦民事案件、香港原訟法庭民事司法管轄權，以及新加坡民事原訴程序	民事及商業爭議是金融中心法院容量最接近的共同類別。
使用一致計算形式的年度處理率	紐約、香港、新加坡及加州北區均以報告期內已處理／終結案件數除以同期新收案件數計算	維持計算形式一致，但不宣稱法院管轄權、案件組合或案件複雜度相同。
排除缺乏足夠方向性產出數據的司法管轄區	沒有可合理對照的已處理案件數或可銜接數列者，不納入數字比較表	避免「不適用」欄位、虛假精確度，以及營造來源數據實際上不能支持的比較印象。
把民事／商事比較與刑事瓶頸分析分開	第6節比較民事／商事容量，而前文保留香港刑事案件等候時間證據	避免民事等候時間指標掩蓋香港嚴重的刑事案件等候壓力。
解釋年度處理率高於100%的情況	報告年度的終結／已處理案件可包括較早年度入稟的待決案件	高於100%表示待決案件存量淨減少，不代表當年新收案件中有超過100%『結案』。

資料來源：作者按第6節使用的官方法院統計公布方法作方法整理。

附錄 C：綜合司法壓力指數（CJPI）的建構方法

綜合司法壓力指數（CJPI）是作者自行建構的診斷性指數，用以衡量 2016 至 2025 年間香港整體司法壓力的方向及強度。它不是香港司法機構公布的官方指數。其目的，是把多項工作量及等候時間指標整合成一個摘要量度，讓不同年份的司法壓力更容易比較。

1. 納入的指標

CJPI 使用四項指標：

1. 新收案件總數：衡量每年向香港法院及審裁處提出的新收案件總數。
 2. 每名在任 JJO 的新收案件數：衡量相對於實際在任司法人力工作量壓力，計算方法為新收案件總數除以實際填補的法官及司法人員人數。
 3. 原訟法庭刑事案件等候時間：衡量原訟法庭刑事案件排期表的等候時間壓力。
 4. 區域法院刑事案件等候時間：衡量區域法院刑事案件的等候時間壓力。
- 選取這四項指標，是因為它們分別捕捉司法壓力的不同面向：總體需求、每名在任司法人員的工作量、高等法院層面的嚴重刑事案件排期壓力，以及區域法院刑事案件排期壓力。

2. 基準年指數化

以 2016 年為基準年，每項指標均轉換為指數，並把 2016 年設定為 100。

計算公式為：

$$\text{第 } t \text{ 年的指標指數} = (\text{第 } t \text{ 年的指標值} \div \text{2016 年的指標值}) \times 100。$$

例如，2025 年新收案件總數指數的計算為：

$$536,566 / 478,562 \times 100 = 112.1。$$

這表示 2025 年新收案件總數約較 2016 年高 12.1%。

其餘三項指標採用相同方法。由於四項均屬「壓力指標」，數值愈高代表壓力愈大，因此毋須反向編碼。

3. 每名在任 JJO 新收案件數的計算

每名在任 JJO 新收案件數的計算方法為：

$$\text{第 } t \text{ 年每名在任 JJO 新收案件數} = \text{第 } t \text{ 年新收案件總數} \div \text{第 } t \text{ 年實際填補的 JJO 人數}。$$

例如，2025 年：

$$536,566 / 160 = 3,354。$$

其後把每年數字與 2016 年基準比較，計算每名在任 JJO 新收案件指數：

$$3,354 / 2,954 \times 100 = 113.5。$$

這顯示 2025 年每名在任 JJO 平均新收案件數約較 2016 年高 13.5%。

4. 綜合指數公式

CJPI 以四項分指數的幾何平均數計算：

$$\text{第 } t \text{ 年的 CJPI} = \sqrt[4]{\text{「新收案件總數指數} \times \text{每名在任 JJO 新收案件指數} \times \text{原訟法庭刑事案件等候時間指數} \times \text{區域法院刑事案件等候時間指數」}}$$

採用幾何平均數而非簡單算術平均數，是為減低單一極大分項主導整體指數的風險；亦把四項指標視

為相互關連的系統性壓力維度，而非機械地把四個數字相加。

5. 例子：2025 年計算

2025 年的四項分指數為：

- 新收案件總數指數：112.1
- 每名在任 JJO 新收案件指數：113.5
- 原訟法庭刑事案件等候時間指數：126.5
- 區域法院刑事案件等候時間指數：285.6

因此，CJPI 為：

$(112.1 \times 113.5 \times 126.5 \times 285.6)$ 的四次方根 = 146.4。

這表示 2025 年的綜合司法壓力水平約較 2016 年基準高 46.4%。

6. 解讀區間

以下解讀區間屬描述性，而非官方門檻：

CJPI範圍	解讀
低於95	低於基準
95至低於100	接近基準
100至低於115	輕微上升
115至低於130	中度上升
130至低於150	高壓力
150或以上	嚴重壓力

這些區間只用以協助讀者理解指數的方向及嚴重程度，不應視為官方績效標準。

7. 限制

CJPI 是診斷工具，而非司法表現的完整量度。它不衡量判決質素、程序公平、案件複雜程度、檢控官或辯方律師的可用性、法院登記處容量、法庭供應、司法支援人員、科技使用或和解行為。

CJPI 聚焦刑事案件等候時間，是因為證據顯示最嚴重惡化出現在刑事案件。民事等候時間沒有納入綜合指數，因為所選民事排期在研究期間相對穩定，且 2025 年原訟法庭民事 151 日低於 180 日目標、區域法院民事 113 日低於 120 日目標。CJPI 不是司法機構的官方績效指標，亦不應取代各法院服務承諾的個別目標。

因此，該指數應與主報告中詳細的案件量、人手及等候時間表一併閱讀。其價值在於概括整體壓力方向，而不是取代各法院層面的分析。

附錄 D：WJP 首十名及首 50 名比較數據說明

本附錄記錄第 7 及第 8 節所使用的兩層 WJP 證據。2025 年首十名截面顯示法律體系構成，並以官方司法資料說明首四名各自不同的任命前法院內經驗、督導或培育安排；整體表格則計算九個 WJP 版本的首 50 名席次。兩層證據均不能證明因果關係，亦不直接衡量個別法官質素。

附錄 D 首先依據已公布的 2025 年排名：丹麥（1）、挪威（2）、芬蘭（3）、瑞典（4）、新西蘭（5）、德國（6）、盧森堡（7）、愛爾蘭（8）、荷蘭（9）及愛沙尼亞（10）。按本報告分類，其中八個屬大陸法系、兩個屬普通法。首四名的人才培育路徑則另以官方法院資料說明。

附錄表 D1：第 7 及第 8 節使用的整體證據

WJP 指標	大陸法系	普通法	混合法系	重點
整體法治指數	266 (59.1%)	126 (28.0%)	58 (12.9%)	大陸法系在整體法治高分席次中佔最大比例。
秩序與安全	302 (67.1%)	110 (24.4%)	38 (8.4%)	大陸法系在「秩序與安全」高分席次中佔最大比例。

資料來源：作者根據兩份上載的十年 WJP 首 50 名整體表（整體法治指數及秩序與安全）計算。WJP 資料集提供分數及排名；法律體系分類由作者按本報告分析目的編碼。

解讀：2025 年首十名截面與九個版本的整體數據用途不同。首十名截面顯示，首十名中八個按本報告分類屬大陸法系，而首四名各有不同形式的任命前法院內經驗、司法督導或培育安排；整體數據則顯示大陸法系在高排名席次中的高度代表性跨年持續。應作出的推論是「相容性及比較相關性」，而非因果優越性。法律體系及人才培育分類仍只是分析上的簡化標籤，並應連同第 13 節所述限制一併閱讀。

附錄 E：研究限制

本報告有若干限制。第一，在可取得的官方資料來源中，沒有 2025 年全年已處理案件總數，因此沒有計算 2025 年年度處理率。本報告仍使用 2025 年案件量數字，但相應的已處理案件及年度處理率保留為「不適用」，以免呈現無法由引用資料核實的數字。

第二，本報告採用的司法職位與私人執業薪酬差距基準截至 2020 年。該資料仍有價值，因為它說明高級司法職位所面對的結構性招聘挑戰，但不應被描述為 2025 或 2026 年薪酬差距的直接證明。

第三，國際金融中心法院比較涉及不同司法管轄區、法院管轄權、案件組合及統計公布方式。因此，表 10 及表 11 只應理解為方向性容量比較，而不是效率排名。年度處理率採用一致計算形式，但不表示各地案件完全可比；當法院同時處理舊有待決案件及新收案件時，年度處理率亦可高於 100%。

第四，WJP 數據衡量制度層面的法治結果，並不直接衡量個別法官質素或某種培訓路徑的因果效果。「2025 年首十名中有八個按本報告分類屬大陸法系」是描述性結果；首四名則各有不同形式的任命前

法院內經驗、督導或培育安排。四地制度在法律地位、入職要求、權限及培訓形式上並不相同，不能視為同一種制度，亦不能由此推論永久任命。

第五，普通法 / 大陸法系的二分是一種分析上的理想型。法律體系可能包含混合元素，北歐制度亦有獨特特徵，而兩大法律體系內均存在多種招聘及培訓機制。本報告所稱「任命前法院內經驗 / 結構化培育」，只泛指在正式或永久任命前進入法院職位、司法實務或培訓安排；它不等於法律畢業後立即獲任命，亦不等於自動晉升至常任法官。

第六，職業法官建議屬制度性、前瞻性改革，不能即時消除現有等候時間壓力。其貢獻在長期：擴大具司法能力的候選人庫、為年輕法律人才建立可信的公共服務職涯路徑，並強化未來司法運作能力。

參考資料

Administrative Office of the United States Courts. (2025a). *Federal Court Management Statistics, June 2025*. U.S. Courts.

<https://www.uscourts.gov/data-news/reports/statistical-reports/federal-court-management-statistics/federal-court-management-statistics-june-2025>

Administrative Office of the United States Courts. (2025b). *Table C-1—U.S. District Courts—Civil cases filed, terminated, and pending, by jurisdiction, during the 12-month period ending December 31, 2025*. U.S. Courts. <https://www.uscourts.gov/data-news/data-tables/2025/12/31/statistical-tables-federal-judiciary/c-1>

Administrative Office of the United States Courts. (2025c). *Table N/A—U.S. District Courts—Combined civil and criminal Federal Court Management Statistics, June 30, 2025*. U.S. Courts. <https://www.uscourts.gov/data-news/data-tables/2025/06/30/federal-court-management-statistics/n-a-1>

Architectural Services Department. (n.d.). *Construction of a District Court Building at Caroline Hill Road* (Project code 033LJ). Government of the Hong Kong Special Administrative Region. Retrieved July 29, 2026, from <https://www.archsd.gov.hk/en/projects/capital-projects-under-detail/033LJ.html>

Danish Courts. (n.d.). *Dommerfuldmægtig ved domstolene* [Deputy judge at the courts]. <https://www.domstol.dk/om-os/job/jobtyper/dommerfuldmaegtig-ved-domstolene/>

École nationale de la magistrature. (2026). *International judicial training catalogue 2026*. https://www.enm.justice.fr/api/getFile/sites/default/files/2026-03/Catalogue_DI_EN_2026_Web.pdf

European Commission. (n.d.). *Initial training of judges and prosecutors in the European Union: Austria*. European e-Justice Portal. Retrieved July 29, 2026, from https://e-justice.europa.eu/topics/training-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/at_en

European Judicial Training Network. (n.d.-a). *Austria: Federal Ministry of Justice*. <https://ejtn.eu/office/austria-federal-ministry-of-justice/>

European Judicial Training Network. (n.d.-b). *Belgium: Judicial Training Institute*. <https://ejtn.eu/office/belgium-judicial-training-institute/>

European Judicial Training Network. (n.d.-c). *Netherlands: Training and Study Centre for the Judiciary*. <https://ejtn.eu/office/netherlands-training-and-study-centre-for-the-judiciary/>

Federal Ministry of Justice, Germany. (n.d.). *German Judiciary Act (Deutsches Richtergesetz—DRiG)*. https://www.gesetze-im-internet.de/englisch_drig/

Finnish Courts. (n.d.). *Judicial Training Board*. <https://www.tuomioistuimet.fi/en/courts/judicial-training-board/>

Finnish Courts. (n.d.). *Court of law as employer*. <https://www.tuomioistuimet.fi/en/judiciary/court-of-law-as-employer/>

High Council of Justice, Belgium. (n.d.). *The High Council of Justice*. <https://csj.be/admin/storage/hrj/o0026b.pdf>

Hong Kong Judiciary. (n.d.). *e-Courts: Integrated Court Case Management System*. https://www.judiciary.hk/en/e_courts/index.html

Hong Kong Judiciary. (2022). *Leaflet on the Integrated Court Case Management System*. https://www.judiciary.hk/doc/en/e_courts/L_iCMSgeneral_e.pdf

Hong Kong Judiciary. (2025a). *Caseload, case disposal and waiting time at different court levels. In Hong Kong Judiciary Annual Report 2024*. https://www.judiciary.hk/en/publications/annu_rept_2024r/eng/caseload_oa.html

Hong Kong Judiciary. (2025b). *Hong Kong Judiciary Annual Report 2024*. https://www.judiciary.hk/en/publications/annu_rept_2024r/eng/home.html

Hong Kong Judiciary. (n.d.-a). *The District Court: Performance Pledge*. https://www.judiciary.hk/en/court_services_facilities/dc.html

Hong Kong Judiciary. (n.d.-b). *High Court: Performance Pledge*. https://www.judiciary.hk/en/court_services_facilities/hc.html

Judiciary Administration. (2025, September 15). *Waiting times for court proceedings* (LC Paper No. CB(2)1718/2025(04)). Legislative Council of the Hong Kong Special Administrative Region. <https://www.legco.gov.hk/yr2025/english/panels/ajls/papers/ajls20250915cb2-1718-4-e.pdf>

Judiciary of England and Wales. (2026, March 25). *Commercial Court annual report 2024—2025*. Courts and Tribunals Judiciary. <https://www.judiciary.uk/guidance-and-resources/commercial-court-annual-report-2024-2025/>

National Courts Administration of Finland. (n.d.). *Development of competence in the judiciary*. Finnish Courts. <https://www.tuomioistuimet.fi/en/courts/national-courts-administration/about-us/tasks-and-activities/development-of-competence-in-the-judiciary/>

Norwegian Courts Administration. (n.d.). *Bli dommerfullmektig* [Become a deputy judge]. <https://www.domstol.no/no/ledige-stillinger/bli-dommerfullmektig/>

Singapore Courts. (2024, November 4). *SG Courts Annual Report 2023*. <https://www.judiciary.gov.sg/news-and-resources/publications/publication-details/sg-courts-annual-report-2023>

Singapore Courts. (2025, October 30). *SG Courts Annual Report 2024*. <https://www.judiciary.gov.sg/news-and-resources/publications/publication-details/sg-courts-annual-report-2024>

Singapore Department of Statistics. (2026). *Workload statistics of Supreme Court, State Courts and Family Justice Courts, annual* [Data set]. data.gov.sg. Retrieved July 29, 2026, from https://data.gov.sg/datasets/d_126d6f58c18f565242425800f88b34b8/view

Smart Government Innovation Lab. (n.d.). *Major IT projects of the Government*. Digital Policy Office, Government of the Hong Kong Special Administrative Region. Retrieved July 29, 2026, from https://www.smartlab.gov.hk/en/major_it_project

Supreme Court of Japan. (n.d.). *The Legal Training and Research Institute of Japan*. https://www.courts.go.jp/english/institute_01/institute/index.html

Swedish Courts. (2026). *Utbildningsprogram för fiskaler* [Training programme for assistant judges]. <https://www.domstol.se/domstolsakademin/vara-utbildningar2/utbildningsprogram-for-fiskaler/>

Swedish Courts. (n.d.). *Domamämnden* [Judicial Appointments Board]. <https://www.domstol.se/en/domamamnden/>

World Bank. (n.d.). *World Bank country and lending groups*. Retrieved July 29, 2026, from <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>

World Justice Project. (2025a). *WJP Rule of Law Index 2025*. <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIndex2025.pdf>

World Justice Project. (2025b). *WJP Rule of Law Index 2025 global press release*. <https://worldjusticeproject.org/news/wjp-rule-law-index-2025-global-press-release>

World Justice Project. (2025c). *WJP Rule of Law Index: Global insights 2025*. <https://worldjusticeproject.org/rule-of-law-index/global/2025/wjp-index>

Executive Summary



Executive Summary

- **Hong Kong is facing sustained pressure on its judicial capacity.** Over the past decade, caseloads have remained high, while the number of substantively filled Judges and Judicial Officers (JJO) posts has not increased correspondingly. In 2025, 160 JJO posts were substantively filled, slightly fewer than the 162 in 2016, while the vacancy rate remained at 24.2%. These trends suggest that the problem is not merely a short-term recruitment difficulty, but a more structural shortage of judges and judicial officers.
- **The pressure is concentrated mainly in criminal work.** In 2025, the waiting time for District Court criminal cases reached 337 days, substantially above the Judiciary's 100-day target, while the Court of First Instance criminal waiting time remained high at 368 days. By contrast, the selected civil fixture-list indicators remained within the Judiciary's respective targets. Measures to strengthen court capacity should therefore focus on the areas experiencing the greatest pressure rather than assume that all areas of court work face the same degree of delay.
- **The traditional practice-to-Bench model remains valuable, but it has limitations in developing future judges.** Recruiting judges from experienced Senior Counsel, barristers and solicitors helps ensure professional competence, litigation experience and familiarity with adversarial procedure. However, the Judiciary generally competes with private practice for judicial candidates only at a relatively late stage in their careers, by which time successful practitioners may have strong professional and financial incentives to remain in private practice. The remuneration gap between private practice and judicial office is only one indicative factor; workload, professional autonomy, career preference and personal timing are also important. Deputy and temporary judicial resources, court facilities and technology can relieve some operational pressure, but they cannot create a stable and sustainable future supply of permanent judges.
- **Lessons from international comparison.** Data from selected international financial centres indicate that Hong Kong courts carry a substantial first-instance civil workload. Among the top ten jurisdictions in the 2025 WJP Rule of Law Index, eight are classified as civil-law systems. The four highest-ranked jurisdictions—Denmark, Norway, Finland and Sweden—have different institutional arrangements, but all provide some form of court-based practical experience, judicial supervision and structured training for potential judicial talent before permanent judicial appointment. The fact

that these four jurisdictions are civil-law systems does not, by itself, prove that any particular legal system or training model produces stronger rule-of-law outcomes. However, WJP data over the past decade also show that civil-law jurisdictions are strongly represented among high-performing rule-of-law systems. This is sufficient to support a more limited conclusion: structured judicial talent development can coexist with strong rule-of-law performance.

- **Public opinion indicates cautious openness towards judicial training.** A telephone survey of Hong Kong residents asked whether respondents agreed that Hong Kong should draw reference from countries such as Germany and France by allowing outstanding law graduates, after assessment, to receive structured training and progressively develop towards full-time judicial careers. The territory-wide survey recorded a mean score of 4.09 on a seven-point scale, with those leaning towards support slightly outnumbering those opposed or expressing reservations. The findings suggest that there is room for serious public discussion, while substantial reservations remain. Public opinion should therefore be understood as background evidence on policy acceptability rather than as endorsement of any particular institutional model.
- **Institutional safeguards.** A judicial talent development pathway could include competitive selection, paid court-based positions, supervised court work, mentoring, judgment-writing training, judicial ethics education and staged assessment. However, common-law precedent and legal reasoning, adversarial procedure, open justice, judicial independence, the Basic Law appointment framework and the role of the Judicial Officers Recommendation Commission must all be preserved. Participation in training must not amount to appointment; progressive development must not mean automatic promotion; and court-based training or exposure must not confer final adjudicative authority.
- **Institutional option and implementation.** A prudent approach to introducing an additional judicial training pathway would be to begin with a limited pilot. Selected candidates could first be appointed to positions such as judicial assistants, legal researchers, registry officers, tribunal support and case-management roles, with early emphasis on criminal procedure and trial management in light of the local evidence. Any expansion should depend on independent evaluation of candidate quality, judicial capacity, waiting-time outcomes and the effectiveness of institutional safeguards. The guiding principles remain: "reference, not transplant; supplement, not replacement".

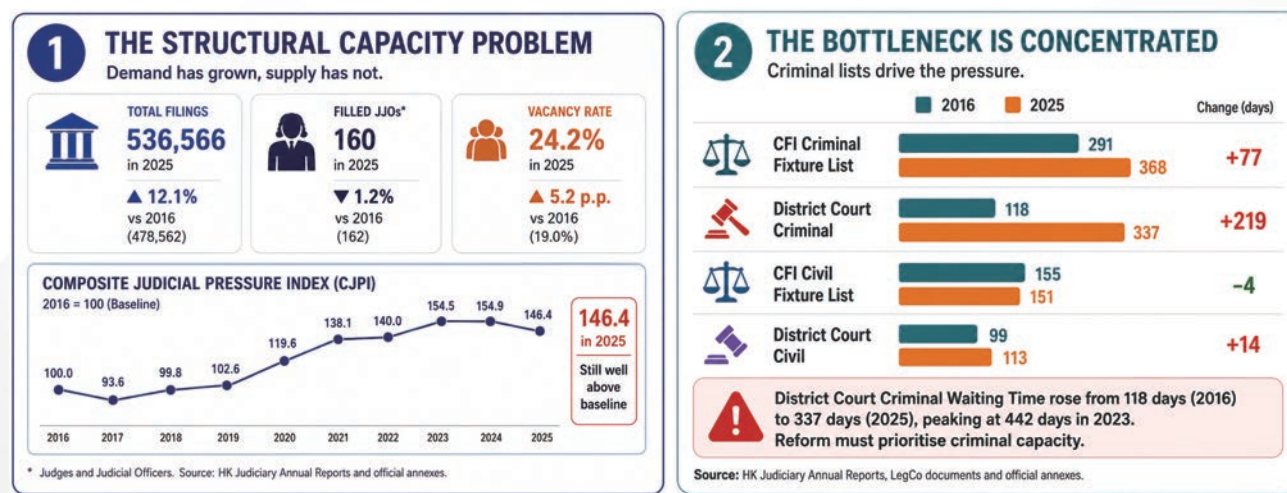
Table ES1. Condensed longitudinal findings, 2016 — 2025

Indicator	2016	Latest year	Change	Interpretation
Total filings	478,562	536,566	+58,004 (+12.1%)	High-volume environment persisted; 2024 was the decade peak.
Disposals	459,578	537,391 (2024)	+77,813 to 2024	Annual clearance remained below 100% in several years; the cited source set does not provide a full-year 2025 disposal total.
Substantively filled JJOs	162	160	-2	Filled judicial strength did not rise with caseload over the decade.
Vacancy rate	19.0%	24.2%	+5.2 p.p.	Vacancy pressure remained structural.
CFI criminal waiting time	291 days	368 days	+77 days	2025: 368 days. The High Court Performance Pledge currently does not state an equivalent numerical target; the relevant measure and target remain under review.
District Court criminal waiting time	118 days	337 days	+219 days	2025: 337 days, about 3.4 times the Judiciary's 100-day target; improved from the 442-day peak in 2023.
CFI civil fixture waiting time	155 days	151 days	-4 days	2025: 151 days, below the Judiciary's 180-day target.
District Court civil fixture waiting time	99 days	113 days	+14 days	2025: 113 days, below the Judiciary's 120-day target.
Composite Judicial Pressure Index	100.0	146.4	+46.4 index points	Composite pressure remained high in 2025 after reaching severe levels in 2023–2024.

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes and related public sources. The Composite Judicial Pressure Index is an author-constructed diagnostic index; see Appendix C.

This executive table shows that the report's assessment of Hong Kong's judicial capacity does not rest on a single statistic. Caseload remains above the 2016 baseline, substantively filled judicial strength has not risen in step with workload, vacancies remain elevated, and the clearest waiting-time pressure is concentrated in criminal cases. The CJPI has also remained elevated since 2020. These indicators first support the need for long-term capacity planning; the choice of any particular talent model must then be assessed against financial-centre comparisons, judicial-talent comparisons, rule-of-law safeguards and Hong Kong's institutional conditions.

Figure ES2. Executive infographic dashboard: structural capacity pressure and reform logic



3 PAY GAP REALITY: LATE-CAREER CONVERSION CANNOT BE ASSUMED

Judicial pay compared with private practice (%)

Judicial Post	Corresponding Private Post	2010	2015	2020
 Magistrate	Junior counsel (5–15 years)	7%	-16%	19%
	Solicitor (5–15 years)	13%	20%	45%
 District Judge	Junior counsel (14–24 years)	10%	-4%	7%
	Solicitor (14–24 years)	10%	-4%	19%
 CFI Judge	Senior counsel (18–28 years)	-42%	-60%	-48%



Senior judicial pay remains substantially below senior counsel benchmarks.

A supplementary career-judge pathway reduces overreliance on late-career conversion.



Sources: HK Judiciary Annual Reports, LegCo documents and official annexes.
Latest benchmark used in this report: 2020.

4 FROM PROBLEM TO SOLUTION: THE CAREER-JUDGE PATHWAY

Build the pipeline early, train deliberately, appoint on merit.



Training is not appointment. Judicial independence and standards remain paramount.

PRINCIPLES THAT REMAIN UNCHANGED



Basic Law



Judicial Independence



Common Law System



Open Justice



JORC & Merit Appointment

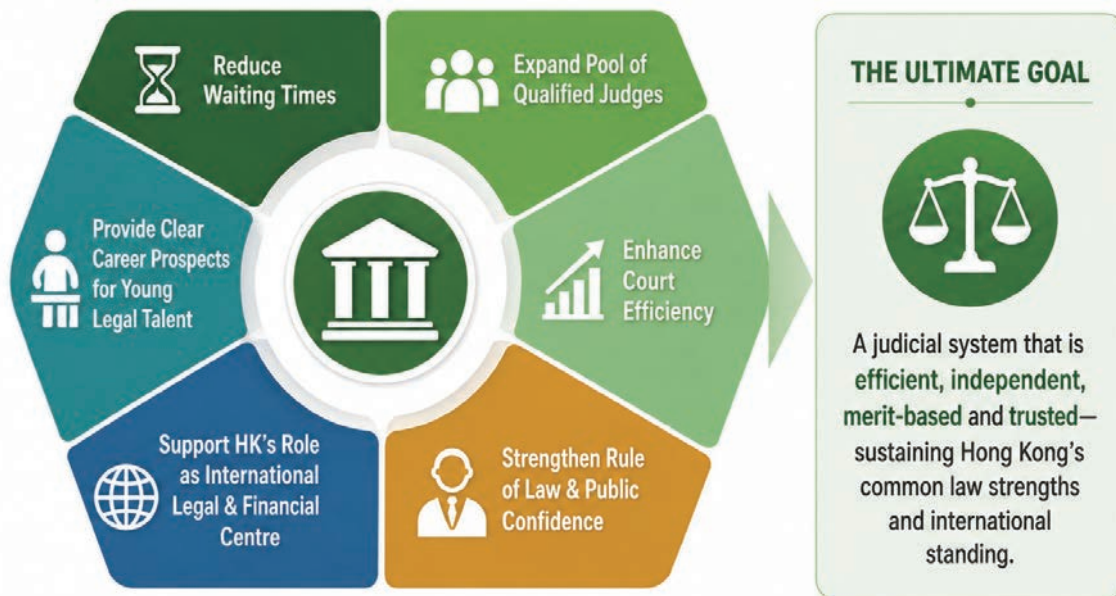


Precedent & Adversarial System

Source: Author's synthesis of international practices and Hong Kong constitutional framework.

5 EXPECTED OUTCOMES: A STRONGER AND MORE SUSTAINABLE JUDICIARY

Long-term benefits for Hong Kong, under One Country, Two Systems.



Source: Author's synthesis.

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes and WJP calculations used in this report.

A hand holds a magnifying glass over an open book. The background is dark blue with a digital overlay of glowing lines, nodes, and document icons, suggesting a research or data environment. The text "Research Questions" is centered in white, bold font.

Research Questions

Research Questions

1. What is the scale and nature of Hong Kong's judicial manpower and capacity problem, as reflected by caseload, filled judicial strength, vacancies and waiting-time indicators?
2. Where is the capacity bottleneck most concentrated, and why do criminal waiting-time trends require targeted rather than indiscriminate reform?
3. How do legal-market incentives and the existing solicitor/barrister-to-Bench recruitment model constrain judicial recruitment?
4. Why does Hong Kong's role as an international financial centre and common-law legal hub make judicial capacity institutionally significant?
5. What do the 2025 WJP top-ten pattern and the 2016—2025 top-50 aggregate evidence show, and not show, about legal family, judicial formation and high rule-of-law performance?
6. How do high-rule-of-law jurisdictions such as Denmark, Norway, Finland and Sweden organise court-based experience, judicial supervision, progressive responsibility and training before permanent or ordinary judicial appointment, and which functional elements could Hong Kong safely examine?
7. How should a Hong Kong-compatible career-judge pathway be designed to expand the future judicial talent pool while preserving common-law adjudication, judicial independence and constitutional appointment safeguards?

1. Research Design and Methodology

This report uses a mixed qualitative and quantitative design. The qualitative part examines Hong Kong's constitutional framework, common-law identity, legal-profession structure, recruitment incentives and the safeguards required for any judicial-talent development pathway. It compares two ideal-type supply models: later lateral recruitment after many years in legal practice, which is common in many common-law systems, and earlier accumulation of judicial experience through court-based roles, supervised practice, training and competency assessment in a number of other jurisdictions. The quantitative part uses Hong Kong's judicial-efficiency data, selected international financial-centre court indicators and WJP rule-of-law data.

The report does not rely on one statistic. Its analysis is cumulative. Caseload shows demand; substantively filled judicial strength and vacancies show available supply; waiting time shows where pressure is concentrated; pay-gap and pipeline evidence provide context on recruitment incentives. The 2025 WJP top-ten snapshot shows the legal-family composition of highly ranked jurisdictions and examines the top four jurisdictions' court-based experience and development arrangements before permanent or ordinary appointment. Nine editions of top-50 data provide a longer-run descriptive background.

The most important methodological rule is caution. Hong Kong court indicators, international court-unit indicators, legal-family classifications, judicial-development classifications and WJP indicators measure different concepts and cannot be combined into a causal ranking. Table 10 selects the closest available official first-instance civil filing and disposal data across the selected jurisdictions. Its annual clearance rates use a consistent calculation, but the courts' jurisdictions and case mixes are not the same. Table 11 provides directional trend signals only and is not an efficiency ranking. WJP evidence likewise cannot prove that a particular training pathway directly causes stronger rule-of-law outcomes.

Table 1. Research indicators and data coverage

Indicator	Definition	Coverage	Caveat
Caseload	Total cases filed with all local courts and tribunals	2016-2025	Full-year 2025 available from GIA Annex A.
Disposal	Total cases disposed of	2016-2024	Full-year 2025 total disposal was not available in the source set; the updated brief gives end-June 2025 only.
Annual clearance rate	Cases disposed of during the reporting period divided by filings during the same period	2016-2024	Operational indicator of annual output relative to incoming work; not the proportion of the same cohort of newly filed cases completed in-year, and not a measure of adjudicative quality.
Manpower	Establishment, substantively filled JJOs and vacancies	2016-2025	Uses establishment and strength reported by JSSCS / LegCo sources.
Waiting time	Average waiting time by court/list type	2016-2025	A performance indicator; not equivalent to total time from filing to judgment.

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes and related public sources.

Table 1 explains the role of each form of evidence. Caseload and disposals describe workload and output. The annual clearance rate (disposals divided by filings) describes output relative to incoming work during the reporting period; it is not the proportion of that same year's newly filed cases completed within the year. Manpower data describe actual serving capacity, and waiting-time data show where delay is concentrated. None of these measures evaluates whether judicial decisions are legally correct; they describe the operational capacity of the court system.

2. Research Background and Conceptual Framework: Career-Judge Development as a Supply-and-Demand Solution

2.1 Research Background

Hong Kong's judicial manpower problem is best understood as a supply-and-demand mismatch. On the demand side, courts face high caseloads, persistent vacancies, concentrated criminal waiting-time pressure and rising expectations from the public, businesses and international legal users. On the supply side, Hong Kong has many legally trained people, including law students, recent graduates and junior legal professionals. The difficulty is that the existing system does not connect this younger talent pool to the future judicial pipeline early enough.

The traditional common-law route has real strengths. Judges are normally recruited from experienced barristers and solicitors, so they bring courtroom experience, professional maturity, practical litigation knowledge and familiarity with adversarial advocacy. These strengths should be preserved. The weakness is timing. Serious judicial consideration usually comes only after many years of practice, by which time successful lawyers may already have high income expectations, established practices and professional autonomy outside the Bench.

This creates two losses. First, the courts may not have enough future candidates ready when vacancies arise. Second, capable young legal talent has no visible route towards judicial work. A career-judge pathway would not put inexperienced graduates on the Bench. It would identify promising candidates earlier, train them progressively, assess them rigorously and prepare them over time for possible future appointment.

2.2 The Time Lag and Supply Constraints of the Practice-to-Bench Model

The principal strength of the traditional common-law practice-to-Bench model is that candidates are considered for judicial office after accumulating substantial legal experience. But where caseload remains high, substantively filled judicial strength does not increase in step, and senior practitioners have good reasons to remain in established professional careers, reliance on this route as the sole long-term source may create limits in timing and supply predictability. Hong Kong's data make these three factors worth considering together.

Other jurisdictions provide different comparative approaches, but they should not be reduced to a single model. Denmark, Norway, Finland and Sweden each use different combinations of court-based posts, judicial work, supervision, training or competency assessment through which some legally qualified or already experienced candidates develop judicial capability before permanent or ordinary appointment. Their legal status, prior-experience requirements and authority differ. They should not be understood as "law graduates becoming judges immediately", nor do they establish that their judges are inherently superior.

Accordingly, this report treats earlier judicial-talent development as a supplementary option for evaluation, not a predetermined answer. Hong Kong should preserve lateral appointment from outstanding barristers and solicitors. If a preparatory pathway is added, its role should be limited to earlier identification, development and observation of candidates, clearly separated from final judicial appointment and adjudicative authority.

2.3 The Institutional Sensitivity under One Country, Two Systems

The proposal must be handled carefully because Hong Kong's common-law system is central to One Country, Two Systems. Any reference to civil-law institutional practice may be misunderstood as an attempt to replace the common-law system. The report therefore draws a clear line between learning from training methods and changing the legal system.

The report uses one consistent principle: reference, not transplant. Hong Kong may learn from selected civil-law practices in judicial training, mentoring and assessment. It should not adopt civil-law adjudication or alter the common-law foundations of Hong Kong's courts. A legal system is defined by sources of law, precedent, procedure, judicial independence, appointment safeguards and the method of legal reasoning. A training pathway is different. It is a way to prepare people for possible future judicial work.

The proposed reform does not require Hong Kong to abandon precedent, adversarial procedure, open justice, judicial independence, the Basic Law appointment framework or the Judicial Officers Recommendation Commission. It would create pre-appointment stages such as judicial assistantship, legal research, registry exposure, case-management training, tribunal support, supervised drafting, ethics education and specialist training. Only candidates who meet high standards after sustained assessment should become eligible for appointment consideration.

2.4 Conceptual Framework of the Study

The conceptual framework is simple. The demand side is the need for sufficient judges and judicial officers to process cases, manage hearings, write judgments, handle procedural applications and maintain public confidence in timely justice. When caseload remains high, vacancies persist and waiting times lengthen, demand for judicial manpower becomes more urgent.

The supply side is the pool of legally trained talent. Hong Kong produces graduates and junior legal professionals with legal knowledge and public-service potential. But without an early and credible judicial career pathway, that supply cannot be developed into future judicial candidates in a planned way.

The missing element is the bridge between demand and supply. A career-judge pathway would act as that bridge. It would enlarge the long-term pool of judicially capable candidates, give young legal talent a visible public-service route and protect judicial quality through staged assessment.

2.5 Working Proposition and Comparative Question

The working proposition examined in this report is whether Hong Kong can establish an earlier, merit-based, competitive and staged judicial-talent development pathway without altering the common-law system, judicial independence or the existing constitutional appointment framework. The analysis does not assume that participants should be appointed; it asks whether such a preparatory mechanism could enlarge the future pool of qualified candidates.

In one sentence: Hong Kong's judge shortage is first a court demand-and-capacity problem, while legally trained people are the potential supply. The comparative question is whether a supervised, assessable institutional bridge, separate from appointment, can be created—not whether law graduates should be placed directly on the Bench.

3. Hong Kong's Judicial Manpower and Workload Pressure

The manpower issue becomes clear only when several indicators are read together. A vacancy rate alone is insufficient. A court system may cope with vacancies if caseload is low, annual output keeps pace with filings and waiting times remain controlled. Hong Kong's data show a more complex picture: filings remain high, substantively filled judicial strength has not risen in step with workload, and criminal waiting times have deteriorated materially.

Table 2. Total cases filed, disposed and annual clearance rate, 2016-2025

Year	Cases filed	Cases disposed	Annual clearance rate
2016	478,562	459,578	96.0%
2017	485,762	473,098	97.4%
2018	502,770	482,310	95.9%
2019	513,148	509,385	99.3%
2020	460,003	422,508	91.8%
2021	510,388	508,704	99.7%
2022	513,615	484,188	94.3%
2023	542,904	527,319	97.1%
2024	552,166	537,391	97.3%
2025	536,566	N.A.	N.A.

Source: Author's compilation from Hong Kong Judiciary Annual Reports 2016–2025 and HKSAR Government, LCQ18: Measures to expedite the handling of court cases, Annex A, 6 May 2026. The 2025 disposal figure was not available in the cited source set.

Figure 1 and Table 2 show continuing high workload. Total filings rose from 478,562 cases in 2016 to 536,566 in 2025, with a decade peak of 552,166 in 2024. The "annual clearance rate" in the table is calculated as cases disposed during the year divided by filings during the same period. It describes annual output relative to incoming work and does not mean that the same proportion of that year's newly filed cases was completed within the year. Because the cited sources do not provide a full-year 2025 aggregate disposal total, the corresponding 2025 fields remain N.A.

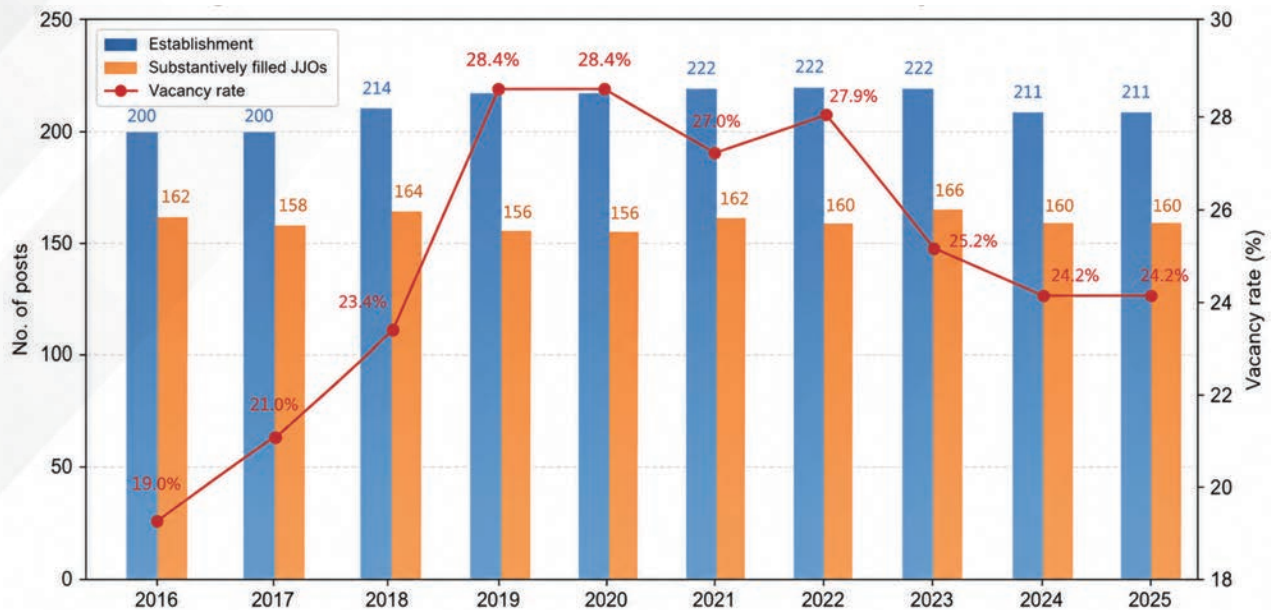
Table 3. Judicial establishment, filled posts and implied workload pressure, 2016-2025

Year	Establishment	Filled JJOs	Vacant posts	Vacancy rate	Filings per filled JJO
2016	200	162	38	19.0%	2,954
2017	200	158	42	21.0%	3,074
2018	214	164	50	23.4%	3,066
2019	218	156	62	28.4%	3,289
2020	218	156	62	28.4%	2,949
2021	222	162	60	27.0%	3,151
2022	222	160	62	27.9%	3,210
2023	222	166	56	25.2%	3,271
2024	211	160	51	24.2%	3,451
2025	211	160	51	24.2%	3,354

Source: Author's compilation from the Standing Committee on Judicial Salaries and Conditions of Service, Reports on Judicial Remuneration Review 2016–2024; Hong Kong Judiciary, Judiciary Administrator's Speaking Notes at the Special Finance Committee Meeting on the 2025–26 Estimates of Expenditure, 7 April 2025; and annual case-filing figures in Table 2. Vacant posts, vacancy rate and filings per filled JJO are author's calculations.

Table 3 distinguishes authorised posts from actual serving strength. Establishment refers to approved judicial posts. Filled JJOs refer to the judges and judicial officers actually serving. Filled strength was 162 in 2016 and 160 in 2025. In other words, the Judiciary did not gain a larger permanent working judicial workforce over the decade. At the same time, filings per filled JJO rose from 2,954 to 3,354. This shows a widening gap between workload demand and effective manpower supply.

Figure 2. Judicial Establishment, Filled JJOs and Vacancy Rate, 2016-2025



Source: LegCo Research Office ISSH16/2023, JSSCS judicial remuneration review reports and updated official-figures brief. 2025 uses the 211-post / 160-serving-JJO figure stated in the updated official-figures brief.

Figure 2 makes the manpower gap visible. Authorised establishment increased from 200 posts in 2016 to 222 posts between 2021 and 2023, but substantively filled JJOs did not rise in the same way. The practical message is simple: a post improves capacity only when it is filled by a serving judge or judicial officer.

The vacancy rate rose from 19.0% in 2016 to 28.4% in 2019 and 2020. It later improved to 24.2% in 2024 and 2025, but it remained above the 2016 level. The reduction in establishment from 222 posts to 211 posts in 2024 should also be read carefully. A lower vacancy rate can partly reflect a smaller authorised establishment, not necessarily a major increase in serving judicial strength.

The main message is that authorised establishment becomes judicial capacity only when posts are actually filled by suitable serving judges or judicial officers. The local data therefore first point to the need for a more stable and predictable talent supply. Which talent-development mechanism, if any, should be adopted is considered later against the comparative evidence and institutional safeguards.

4. Waiting-Time Evidence: The Bottleneck Is Concentrated

Waiting-time data matter because they show how capacity pressure is experienced by litigants, defendants, victims, witnesses, lawyers and the public. Hong Kong's data show that the most serious deterioration is not evenly spread across all court work. It is concentrated in criminal waiting times.

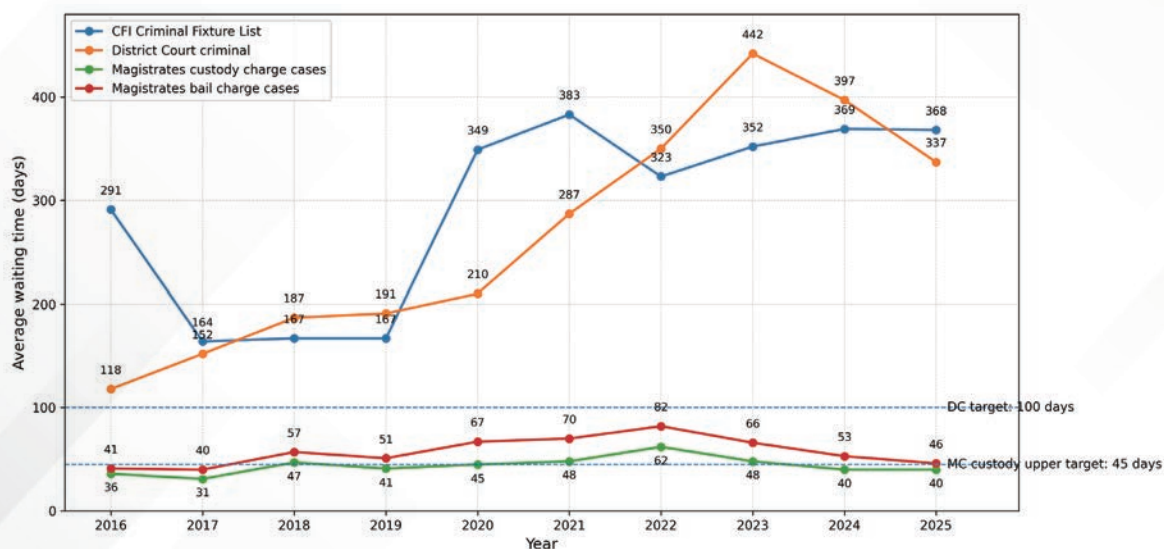
Table 4. Selected criminal waiting times, 2016-2025

Year	CFI Criminal Fixture List	District Court criminal	MC charge cases: custody	MC charge cases: bail
2016	291	118	36	41
2017	164	152	31	40
2018	167	187	47	57
2019	167	191	41	51
2020	349	210	45	67
2021	383	287	48	70
2022	323	350	62	82
2023	352	442	48	66
2024	369	397	40	53
2025	368	337	40	46

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents (Administration of Justice and Legal Services), official government annexes, and the Hong Kong Judiciary's District Court and High Court Performance Pledges. See Appendix C.

Table 4 identifies the clearest pressure point: the District Court criminal list. Waiting time increased from 118 days in 2016 to 337 days in 2025, after peaking at 442 days in 2023. The Judiciary's District Court Performance Pledge sets a 100-day target from a defendant's first appearance in the District Court to trial; the 2025 figure of 337 days was therefore about 3.4 times that target. The Court of First Instance criminal fixture list rose from 291 days to 368 days. The High Court Performance Pledge currently does not state an equivalent numerical target for that measure; the relevant measure and target remain under review. These figures indicate that the clearest concern is criminal procedure and trial capacity, rather than an across-the-board deterioration in all case types.

Figure 3. Selected Criminal Waiting Time, 2016-2025



Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents (Administration of Justice and Legal Services), official government annexes, and the Hong Kong Judiciary Performance Pledges.

Table 5. Selected civil fixture-list waiting times, 2016-2025

Year	CFI Civil Fixture List (Days)	District Court Civil Fixture List(Days)
2016	155	99
2017	163	102
2018	168	95
2019	173	95
2020	166	105
2021	176	108
2022	178	116
2023	158	115
2024	172	110
2025	151	113

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes, and the Hong Kong Judiciary's High Court and District Court Performance Pledges.

Table 5 shows a different picture. The CFI civil fixture list improved slightly from 155 days in 2016 to 151 days in 2025, below the Judiciary's 180-day target. The District Court civil fixture list increased from 99 days to 113 days, also below its 120-day target. Civil fixture performance is therefore broadly controlled, while the clearest bottleneck is in criminal cases, especially the District Court criminal list. This supports a targeted capacity analysis rather than describing all court work as deteriorating across the board.

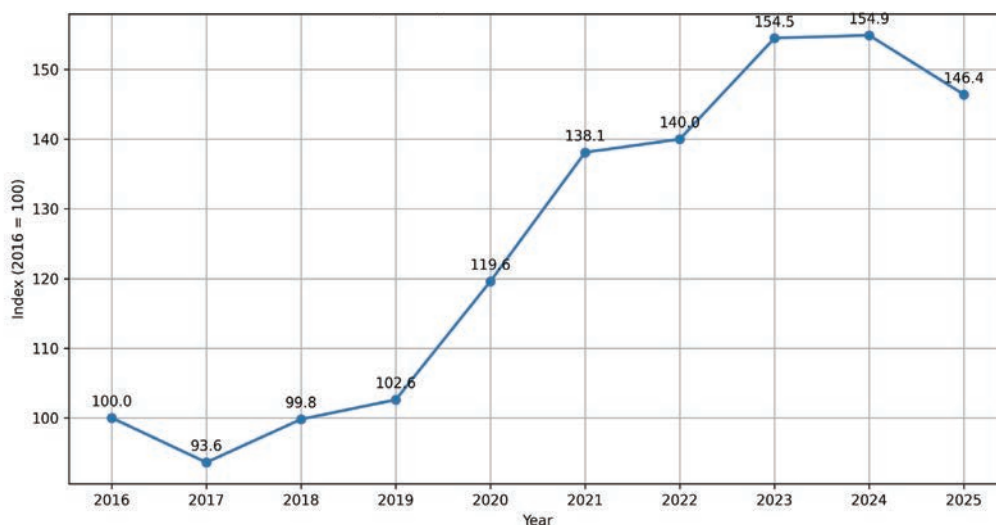
Table 6. Composite Judicial Pressure Index (CJPI), 2016-2025

Year	Total filings index	Filings per serving JJO index	CFI criminal waiting-time index	District Court criminal waiting-time index	CJPI	Interpretation
2016	100.0	100.0	100.0	100.0	100.0	Baseline
2017	101.5	104.1	56.4	128.8	93.6	Below baseline
2018	105.1	103.8	57.4	158.5	99.8	Around baseline
2019	107.2	111.3	57.4	161.9	102.6	Mild increase
2020	96.1	99.8	119.9	178.0	119.6	Moderate increase
2021	106.6	106.7	131.6	243.2	138.1	High pressure
2022	107.3	108.7	111.0	296.6	140.0	High pressure
2023	113.4	110.7	121.0	374.6	154.5	Severe pressure
2024	115.4	116.8	126.8	336.4	154.9	Severe pressure
2025	112.1	113.5	126.5	285.6	146.4	High pressure

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes and related public sources.

Table 6 summarises the pressure through the Composite Judicial Pressure Index. The CJPI combines total filings, filings per serving JJO, CFI criminal waiting time and District Court criminal waiting time. It rose sharply after 2020, reached severe-pressure levels in 2023 and 2024, and remained high in 2025. This supports a durable capacity-building strategy rather than short-term ad hoc relief.

Figure 4. Composite Judicial Pressure Index, 2016-2025



Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes and related public sources. For the calculation of the Index, see Appendix C. Methodology for Constructing the Composite Judicial Pressure Index (CJPI).

Table 6 and Figure 4 use 2016 as the baseline year, with 2016 set at 100. A score above 100 means that composite pressure was higher than the 2016 baseline. A score below 100 means that composite pressure was lower.

The CJPI did not move in a straight line. It fell to 93.6 in 2017 and returned close to baseline at 99.8 in 2018. From 2019 onwards, it began to rise, and the increase became much clearer after 2020.

The most serious period was 2023 and 2024. The index reached 154.5 in 2023 and 154.9 in 2024, meaning that composite judicial pressure was more than 50% above the 2016 baseline. This was not caused by one figure alone. It reflected high filings, heavier filings per serving JJO, sustained CFI criminal waiting-time pressure and especially the sharp deterioration in District Court criminal waiting time.

By 2025, the CJPI eased to 146.4, mainly because District Court criminal waiting time fell from its peak. But 146.4 was still far above the 2016 baseline. The improvement therefore does not mean the problem disappeared. It means pressure moved from severe to still high.

The local indicators therefore point to a need for long-term capacity planning rather than reliance on short-term relief alone. Talent supply, criminal-list management, court support, case management, facilities and technology all need to work together. Whether Hong Kong should add a new judicial-talent development pathway is considered only after the comparative and rule-of-law safeguard analysis in Sections 6 to 10.

5. The Time Lag and Supply Constraints in the Existing Judicial Talent Pipeline

The traditional common-law model recruits judges mainly from experienced practitioners, and its strengths are important: candidates typically bring litigation experience, professional maturity and familiarity with adversarial procedure. The issue is not the route itself. The concern is that, if it is the only long-term source of talent, the Judiciary often encounters potential candidates only at a relatively late career stage, making future supply harder to predict.

This creates a "pipeline time lag". Under the traditional route, capable lawyers generally need to accumulate many years of professional experience before seriously entering the pool for judicial appointment. Earlier preparatory talent development could be evaluated as a supplementary option for identifying, training and observing potential candidates sooner. Whether it should be used, how it should operate and whether any individual should ultimately be appointed are separate questions.

Table 7. Official pay-gap benchmark between selected judicial posts and private practitioners

Judicial post	Corresponding private post	2010	2015	2020
Magistrate	Junior counsel (5-15 years)	7%	-16%	19%
Magistrate	Solicitor (5-15 years)	13%	20%	45%
District Judge	Junior counsel (14-24 years)	10%	-4%	7%
District Judge	Solicitor (14-24 years)	10%	-4%	19%
CFI Judge	Senior counsel (18-28 years)	-42%	-60%	-48%

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes and related public sources. The latest pay-gap benchmark used in this report is 2020; the absence of a 2025/2026 equivalent is treated as a limitation.

Table 7 compares selected judicial posts with broadly corresponding private-practice benchmarks in 2010, 2015 and 2020. A positive figure means the judicial post paid more than the comparator; a negative figure means it paid less. The official benchmark for a Court of First Instance Judge against Senior Counsel was -42% in 2010, -60% in 2015 and -48% in 2020. These figures should be treated only as historical, indicative context on recruitment incentives. This report has no equivalent 2025/2026 benchmark and therefore does not present them as direct proof of the current pay gap.

Table 7 cannot prove that salary is the only cause of recruitment difficulty. Workload, professional autonomy, career preference, public scrutiny, private-practice flexibility and personal timing also matter. The narrower observation supported by the evidence is that Hong Kong cannot assume that all qualified senior practitioners will naturally move to the Judiciary whenever vacancies arise; long-term talent supply therefore contains uncertainty.

Table 8. External deputy / temporary judicial resources, 2016-2025

Year	External deputy judicial resources / indicative figure
2016	27
2017	35
2018	23
2019	33
2020	41
2021	35
2022	45
2023	40
2024	40
2025	40

Source: Author's synthesis from Hong Kong Judiciary Annual Reports, Legislative Council documents, official government annexes and related public sources.

Deputy and temporary judicial resources are useful for short-term relief. But they do not by themselves produce the next generation of full-time judges. They should therefore complement, not replace, a long-term career-judge pipeline.

Table 9. Operational capacity measures: facilities and technology

Area	Latest official position	Efficiency relevance
New District Court Building	Expected late 2027 / early 2028	Longer-term facility expansion for District Court, Family Court and Lands Tribunal.
Courtrooms	53 current locations -> 70 new building	Improves physical listing capacity.
Chambers	56 current locations -> 82 new building	Supports judicial and case-management work.
High Court interim facilities	Six courtrooms and facilities on LG4/F commissioned in 2024; Queensway Government Offices space prepared by late 2025	Short- to medium-term capacity enhancement.
iCMS	Around 649,000 new cases initiated under iCMS by 30 July 2025; about 69% of relevant new cases	Electronic filing and case-management infrastructure.
Remote hearings	Remote Hearing Ordinance in operation from 28 March 2025; over 2,300 remote hearings conducted	Provides legal basis and operational flexibility.

Source: Compiled by the author from Hong Kong Judiciary Annual Reports.

Table 9 shows that Hong Kong's capacity strategy cannot be limited to judge numbers. Even if more judges are appointed, the courts still need courtrooms, chambers, registry space, digital systems and support staff. The planned New District Court Building and interim High Court facilities are therefore important parts of the capacity picture.

Technology also matters. The Integrated Court Case Management System and remote hearings can improve filing, document handling, case management and hearing flexibility. But facilities and technology cannot replace trained judges and judicial officers. The policy implication is that manpower planning and operational-capacity planning should move together.

Sections 6 to 8 connect the local capacity analysis with comparative evidence. Section 6 compares

workload and annual clearance rates for selected international financial-centre court units while expressly recognising differences in jurisdiction, case mix and statistical reporting. Section 7 compares court-based experience and judicial-talent development before permanent or ordinary appointment in high-rule-of-law jurisdictions. Section 8 then uses WJP Order and Security as a further descriptive check. These sections provide comparative context and test compatibility; they do not pre-judge a particular Hong Kong institutional solution.

6. International Financial-Centre Court Capacity: Directional Comparison and Hong Kong Context

Hong Kong's judicial manpower challenge should be assessed against its role as an international financial centre. A financial centre depends not only on banks, capital markets, listing rules and professional services, but also on courts that can process disputes in a timely, reliable and credible manner. For commercial users, the practical question is whether serious civil and commercial disputes can be handled by an adequately staffed court system without prolonged delay.

The financial-centre comparison uses the closest available official first-instance civil filing and disposal data. Table 10 compares the U.S. District Court for the Southern District of New York, the civil jurisdiction of Hong Kong's Court of First Instance, the Singapore Supreme Court's Civil Originating Processes, and the U.S. District Court for the Northern District of California. Table 11 adds a longer-term directional view of the relevant court units. Because their jurisdiction, case mix and statistical reporting are not identical, both tables are directional capacity comparisons, not efficiency rankings. London is not included in the numerical comparison. Although its Commercial Court is institutionally important, the available official report does not publish a directly connectable disposal figure using the same calculation form as new claims, nor a connectable ten-year series. Excluding London avoids creating a false impression of comparability from materially different reporting bases.

Table 10. Directional capacity comparison of selected civil first-instance court units in financial centres (non-ranking)

Place	Selected first-instance civil court unit	Reporting period	Judicial workload: civil/commercial filings or cases issued	Civil/commercial disposals or terminations	Annual clearance rate
New York	U.S. District Court, Southern District of New York – civil cases	2025	11,176 civil cases filed	10,442 civil cases terminated	93.4%
Hong Kong	Hong Kong Court of First Instance, High Court – civil jurisdiction	2024	20,001 civil first-instance cases filed	16,501 civil first-instance cases disposed	82.5%
Singapore	Singapore Supreme Court – Civil Originating Processes	2024	8,562 civil originating processes filed	7,549 civil originating processes disposed	88.2%
Calif. N.D.	U.S. District Court, Northern District of California – civil cases	2025	10,783 civil cases filed	7,437 civil cases terminated	69.0%

Source: Author's calculation from official court statistics. U.S. civil filings and terminations are taken from U.S. Courts Table C-1, "Civil Cases Filed, Terminated, and Pending, by Jurisdiction," and median civil disposition times from Federal Court Management Statistics, December 2025. Hong Kong figures are calculated from the Hong Kong Judiciary Annual Report 2024. Singapore figures are calculated from the Singapore Courts Annual Report 2024.

6.1 What the directional civil first-instance comparison shows

First, the selected Hong Kong court unit has a comparatively high volume of civil first-instance filings. In 2024, the civil jurisdiction of the Court of First Instance recorded 20,001 civil first-instance filings, above the selected figures for New York, Singapore and the Northern District of California. Because jurisdiction and case mix differ, this should not be read as an efficiency comparison; it shows that the selected Hong Kong court unit carries a substantial first-instance civil workload.

Second, the selected Hong Kong court unit's annual clearance rate was below New York and Singapore. In 2024, the CFI civil jurisdiction disposed of 16,501 civil first-instance cases against 20,001 filings, an annual clearance rate of about 82.5%. Using the same calculation form, New York recorded 93.4%, Singapore 88.2% and the Northern District of California 69.0%. A rate below 100% means that disposals during the reporting period did not fully keep pace with incoming cases. It is not the "case-completion percentage" for that same cohort of newly filed cases, and it does not imply that case complexity is identical across jurisdictions.

Third, Hong Kong's civil waiting-time indicator is broadly controlled but should not be read alone. The CFI civil fixture-list waiting time remained within the Judiciary's 180-day target. Civil waiting time is only one part of the capacity picture; earlier sections show that the clearer local bottleneck is in criminal cases, especially the District Court criminal list.

6.2 Ten-year direction: a non-ranking comparison

A latest-year comparison is not enough. Table 11 therefore asks a narrower directional question: did workload in the selected court unit rise or fall over the available period, and did the latest annual output keep pace with incoming work? Since jurisdictions publish different court units and case categories, Table 11 should be treated as a contextual trend signal rather than a directly comparable efficiency ranking.

Table 11. Ten-year workload direction and latest annual clearance signals for selected financial-centre court units (directional, non-ranking comparison)

Place	Selected court unit	Baseline caseload	Latest caseload	Change	Latest annual clearance signal (non-ranking)
New York	Southern District of New York	2016: 13,074	2025: 12,309	-5.9%	2025 annual clearance rate about 99.7%
Hong Kong	Court of First Instance of the High Court	2016: 20,291	2024: 22,163	+9.2%	2024 annual clearance rate about 83.7%; criminal fixture list 369 days
Singapore	Supreme Court of Singapore	2016: 14,538	2024: 13,383	-7.9%	Latest available annual clearance rate about 99%
Calif. N.D.	Northern District of California	2016: 7,981	2025: 12,027	+50.7%	2025 annual clearance rate about 109.2% (including disposal of older pending cases; net pending stock fell)

Source and methodology: Data are compiled from the Administrative Office of the U.S. Courts, the Hong Kong Judiciary and the Singapore Courts. This report uses "annual clearance rate" for disposals/terminations during the reporting period divided by filings during the same period. Where courts also dispose of pending cases filed in earlier years, the annual clearance rate may exceed 100%. A rate above 100% indicates a net reduction in the stock of pending cases during that period, not the disposal of non-existent cases.

Table 11 provides directional background only. The selected Hong Kong CFI workload increased over the relevant period, annual output in the latest year did not fully keep pace with incoming work, and criminal waiting-time pressure persisted. The comparison must be read together with Hong Kong's vacancy and waiting-time evidence and cannot stand alone as an international efficiency ranking.

The selected New York federal court unit did not show workload growth over the broad period and its latest annual output broadly matched incoming work. The selected Singapore Supreme Court workload declined and its latest available annual clearance rate was close to parity. The Northern District of California differed: workload rose sharply and 2025 terminations exceeded new filings, producing an annual clearance rate of about 109.2%. This occurs because terminations include pending cases filed in earlier years; the amount above 100% represents a net reduction in pending stock.

The comparison shows that Hong Kong is not the only financial centre facing workload pressure. Hong Kong's particular context is the combination of a heavy workload in the selected civil first-instance court unit, an annual clearance rate below full parity, persistent judicial vacancies and longer criminal waiting times. This is a broader court-capacity context, not the result of a single international ranking.

6.3 Why Court Capacity Matters to an International Financial Centre

The combined evidence supports a balanced reading. Hong Kong's civil fixture-list waiting time remains within the Judiciary's targets, so it would be inaccurate to describe all court work as generally delayed. At

the same time, the selected civil first-instance court unit carries a substantial workload, annual disposals did not fully keep pace with filings, and criminal waiting times remain long. The indicators should be interpreted separately and then considered together as a capacity picture.

For an international financial centre, courts able to resolve major disputes fairly, professionally and within a reasonable time form part of the legal and economic infrastructure. If incoming work persistently exceeds annual disposals, pending-case pressure can grow. Prolonged criminal waiting times or persistent judicial vacancies may also affect users' perceptions of operational capacity. Manpower, case management, facilities and digital support therefore require integrated planning.

The financial-centre comparison does not by itself yield an answer on a particular judicial-talent model. Its narrower implication is that court service demand must be matched by adequate manpower, expertise, case management, facilities and support capacity. Hong Kong should consider these operational requirements together when assessing long-term judicial-manpower arrangements.

6.4 Implications of the Comparison for Judicial Talent Planning

Hong Kong's traditional route of recruiting judges from experienced barristers and solicitors remains indispensable because it brings professional maturity, litigation experience and practical common-law judgment. The evidence in Section 6 does not prove that Hong Kong must adopt any specific additional system. It shows only that, where workload, annual output, criminal waiting time and persistent vacancies combine, the stability of long-term talent supply belongs in capacity planning.

Section 6 therefore defines service demand rather than advancing a solution prematurely. Whether earlier identification or development of judicial talent is appropriate should be considered only after the specific jurisdictional comparisons in Section 7 and the rule-of-law compatibility and safeguard analysis in Section 8.

The central message is that Hong Kong's judicial-talent planning should move in step with court-service demand, but institutional choices should be made only after comparative evidence, common-law characteristics, judicial independence and appointment safeguards have all been fully considered.

In summary, Table 10 provides the closest available directional snapshot of first-instance civil capacity, while Table 11 shows longer-term directions of workload and annual output. The Northern District of California's rate above 100% reflects disposal of older pending cases. These data do not constitute a court-efficiency ranking; read alongside Hong Kong's persistent vacancies and criminal waiting times, they describe a combination of capacity pressures.

Judicial Talent Development in High-Rule-of-Law Jurisdictions: WJP Top-Ten and Top-50 Context



7. Judicial Talent Development in High-Rule-of-Law Jurisdictions: WJP Top-Ten and Top-50 Context

The purpose of Section 7 is not to decide whether common law or civil law is superior. It separates two questions: how judges adjudicate, and when and how future judicial talent acquires court-based experience. Hong Kong must preserve common-law adjudication. The comparative inquiry instead examines court-based roles, supervision, training, progressive responsibility and competency assessment before permanent or ordinary appointment in other high-rule-of-law jurisdictions.

The 2025 WJP Rule of Law Index ranking provides context. Under this report's classification, eight of the top ten are civil-law jurisdictions and the top four are Denmark, Norway, Finland and Sweden. Each has a different form of court-based experience or development before permanent or ordinary appointment, but the systems are not identical: some involve time-limited deputy-judge posts, others assistant-judge programmes or more developed judicial-training sequences. They are therefore treated as functional comparators, not as a single institutional type.

The inference remains deliberately limited. The WJP top-ten pattern and the longer-run top-50 data cannot prove that civil law, career judges or a particular training mechanism causes stronger rule-of-law performance. They support compatibility and comparator relevance only: more structured court-based experience or judicial-talent development before permanent appointment can coexist with high rule-of-law performance.

7.1 The 2025 top ten: eight civil-law jurisdictions

The 2025 WJP Rule of Law Index ranks Denmark, Norway, Finland, Sweden, New Zealand, Germany, Luxembourg, Ireland, the Netherlands and Estonia as the top ten jurisdictions. Under the classification adopted in this report, Denmark, Norway, Finland, Sweden, Germany, Luxembourg, the Netherlands and Estonia are civil-law jurisdictions; New Zealand and Ireland are common-law jurisdictions. Civil-law systems therefore account for eight of the top ten positions, and the first four positions are all held by civil-law jurisdictions.

The top four illustrate four different arrangements. Denmark's deputy-judge basic training normally lasts about three years and combines court work, theoretical modules, supervised civil and criminal work,

learning objectives and course assessment, followed by later assessment of suitability for judicial office. Norway's deputy judges hold time-limited court posts; candidates generally already have legal work experience and work under the guidance of judges or court leadership, with authority expanding as training and experience develop. Finland has a three-year assistant-judge programme and a Judicial Training Board, with relevant junior judicial-training posts requiring prior judicial work experience and competitive selection. Sweden's four-year fiskal training combines rotations in higher and lower courts with Judicial Training Academy courses; completion can lead to assessor status but not automatic appointment as an ordinary judge.

The four systems differ in legal status, entry-experience requirements, training form and candidate authority. The most accurate common description is that judicial capability is developed before permanent or ordinary appointment through some combination of court-based roles or judicial work, supervision, progressive responsibility, training and competency assessment. Completing such training or service does not itself confer automatic ordinary judicial appointment.

Table 12. WJP Rule of Law Index 2025 top ten: legal family and judicial-formation relevance

Rank	Jurisdiction	Legal family (report coding)	Judicial-formation relevance
1	Denmark	Civil law	About three years of deputy-judge basic training: court work and theoretical modules, supervised civil/criminal work, learning objectives and course assessment; followed by later judicial-suitability assessment.
2	Norway	Civil law	Time-limited deputy-judge post (normally up to two years, extendable to three): candidates generally already have legal work experience, work under judicial/court-leadership guidance, and gain broader authority with training and experience.
3	Finland	Civil law	Three-year assistant-judge programme plus Judicial Training Board; relevant junior judicial-training posts require prior judicial work experience and competitive selection, with training/assessment separated from final appointment.
4	Sweden	Civil law	Four-year fiskal training: rotations in higher/lower courts and Judicial Training Academy courses; completion can lead to assessor status but not automatic appointment as an ordinary judge.
5	New Zealand	Common law	Predominantly lateral/open appointment from experienced legal practice; no comparable career-judge programme.
6	Germany	Civil law	State examinations and preparatory legal training support structured career entry into the judiciary.
7	Luxembourg	Civil law	Included in the eight-of-ten legal-family count; not relied on for the top-four training-route claim.
8	Ireland	Common law	Judicial appointment principally draws on experienced practising lawyers.
9	Netherlands	Civil law	Structured initial judicial training and continuing professional education.
10	Estonia	Civil law	Included in the eight-of-ten legal-family count; not relied on for the top-four training-route claim.

Source: World Justice Project, WJP Rule of Law Index 2025; author's legal-family classification; and official court and judicial-training materials from Denmark, Norway, Finland and Sweden. Note: "pre-appointment court-based experience/structured development" is used broadly for court posts, judicial work or training arrangements before permanent or ordinary appointment. Legal status and authority differ across jurisdictions; it does not mean automatic judicial appointment after law school.

7.2 Common-Law Lateral Recruitment and Earlier Court-Based Development: An Ideal-Type Contrast

The distinction is best understood as an ideal-type contrast.¹ In many common-law systems, the main route is lateral recruitment: a lawyer first develops as an advocate, solicitor, public lawyer or legal officer and is considered for the Bench only after substantial professional experience.² Judicial induction and continuing education then follow appointment. The model's principal strength is mature practical judgment and deep adversarial experience.

Its pipeline weakness is timing and predictability. The judiciary competes late for lawyers who may already have successful practices, higher earnings, professional autonomy and personal reasons not to change careers. The system can produce excellent judges, but it does not necessarily create a stable, observable or expandable future pool.

A second group of systems invests earlier in judicial-talent development through competitive entry, court traineeships, assistant or deputy judge posts, judicial-training institutions, supervised work and competency assessment before permanent or ordinary appointment. Potential advantages include earlier observation of judicial aptitude and more predictable manpower planning. If judicial independence and appointment safeguards are weak, risks can include bureaucratic conformity, closed career progression or administrative influence.

This distinction is only an analytical ideal type, not a complete classification of every jurisdiction. Nordic systems have distinctive traditions; Norwegian deputy judges exercise judicial functions within authorised limits; some civil-law jurisdictions use open recruitment; and common-law jurisdictions increasingly rely on judicial assistants, induction and continuing education. The more useful comparison concerns the timing of talent-development intervention, the extent of court-based practice, supervision, competency assessment and appointment safeguards—not the legal-family label by itself.

1 An "ideal type" is an analytical model used to highlight important institutional differences; it is not a claim that every jurisdiction fits neatly into one of two categories. Judicial systems classified as common law or civil law frequently contain mixed recruitment practices. Sweden, for example, maintains a structured judicial-training route but also permits experienced lawyers without a traditional court background to enter through an alternative *adjungerat rätts* route. The categories should therefore be used to compare dominant patterns, not as rigid descriptions of every appointment.

2 "Lateral recruitment" means entry into judicial office from an established legal career rather than progression through a judicial civil service beginning soon after legal education. England and Wales illustrates this pattern: District Judge candidates must possess at least five years of appropriate professional legal experience, while other judicial exercises commonly require five or seven years of post-qualification experience. Selection is conducted through open, merit-based competition by the independent Judicial Appointments Commission. The reference to advocates, solicitors, public lawyers and legal officers is deliberately broad because common-law judiciaries are not recruited exclusively from courtroom barristers.

7.3 Functional Elements Observable in Structured Judicial-Talent Development

For Hong Kong's talent-supply question, the most useful comparative features are not other jurisdictions adjudicative methods but functional tools: competitive screening, salaried court-based roles, supervised legal research or drafting, registry and case-management work, mentoring, judicial ethics, specialist modules, progressive responsibility and competency assessment.

If Hong Kong studies any of these tools, they must be localised functionally and selectively. Common-law sources, precedent, adversarial procedure, open justice, judicial independence and existing constitutional appointment safeguards must not change because of a talent-development architecture. Administrative assessment must likewise never reward preferred outcomes, political positions or institutional convenience.

Common-law lateral recruitment and earlier court-based development provide complementary information. The former demonstrates the value of mature professional experience; the latter offers tools for early identification, sustained observation and manpower planning. Section 7 identifies these tools only. Whether Hong Kong should establish a second preparatory pathway is considered later after local evidence, WJP compatibility and institutional safeguards are integrated.

If Hong Kong ultimately adopts a supplementary pathway, the central institutional boundary is that appointment from experienced practice remains in place; preparatory development creates no entitlement to appointment; and final judicial appointment remains independent, merit-based and constitutionally separate from training and administrative management.

7.4 What the aggregate top-50 evidence shows

The aggregate table records the legal-system classification of jurisdictions occupying the top 50 positions in nine WJP Rule of Law Index editions: 2016, 2017—2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025. Each edition contributes 50 ranked positions, producing 450 placements. It complements the 2025 top-ten snapshot by showing representation over time.

Legal-family classification is used as analytical shorthand, not as a value judgment. "Civil law " includes the Nordic jurisdictions for this report's comparative coding, while recognising their distinctive legal traditions. "Direct or structured route " refers to entry into a court-based formation role, traineeship or judicial programme before permanent appointment. It does not imply that a graduate automatically

becomes a tenured judge.

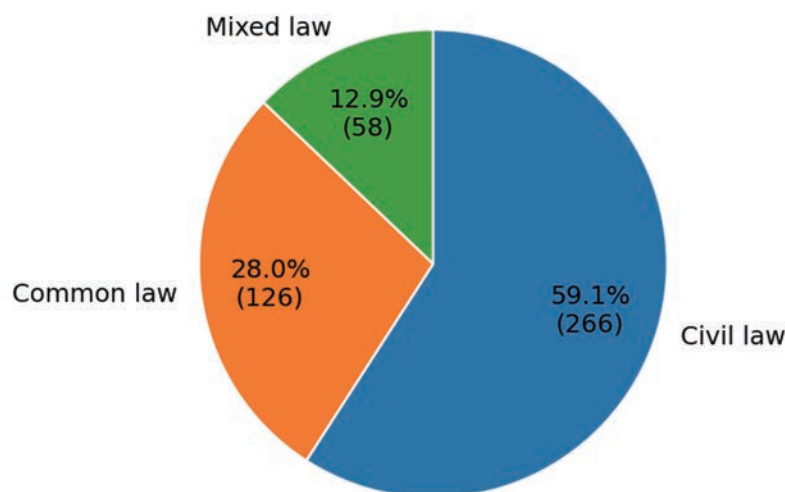
These classifications are used to test only two limited propositions: whether high WJP rankings are exclusive to common-law systems, and whether more structured pre-appointment court experience is necessarily incompatible with high rule-of-law performance. They are not complete descriptions of any legal order and cannot establish the inherent superiority of a legal family or training pathway.

Table 13. Aggregate legal-system representation in WJP Rule of Law Index top 50, 2016-2025

Legal-system category	Top-50 placements	Share of all top-50 placements	Public-facing interpretation
Civil law	266	59.1%	Largest share of high-scoring placements
Common law	126	28.0%	Important but smaller share than civil law in this aggregate table
Mixed law	58	12.9%	Meaningful minority share
Total	450	100.0%	Nine editions x 50 placements

Source: Author's calculation from the "10-year Aggregate Rule of Law Index top 50 and civil and common law jurisdictions" table. The WJP dataset supplies the ranking and scores; legal-system classification is author-coded for the purpose of this report.

Figure 5. Legal-system composition of WJP Rule of Law Index top-50 placements, 2016-2025



Share of 450 top-50 placements across nine WJP editions

Source: Author's visualization based on Table 13. Figures show shares of 450 top-50 placements across nine WJP editions.

Figure 5 shows that, across 450 top-50 placements in nine WJP editions, civil-law jurisdictions account for the largest share, while common-law and mixed-law jurisdictions also remain important components of the high-performing group. This is a descriptive distribution. The point is not that civil law causes higher WJP scores, but that high rule-of-law performance is not confined to common-law systems.

The descriptive pattern is clear. Civil-law jurisdictions account for nearly three-fifths of all top-50 placements.

Common-law jurisdictions account for slightly more than one quarter. Mixed-law jurisdictions account for the remaining share. Table 13 gives the precise count, while Figure 5 makes the distribution visually apparent.

The precise proposition supported by Table 13 is that, over the selected period and under this report's classification, civil-law jurisdictions account for the largest share of WJP Rule of Law Index top-50 placements. This describes representation; it is not a causal judgment about legal-system superiority or the effect of judicial training.

This proposition must be used carefully. Top-50 placements do not isolate the causes of high scores. Rule-of-law performance is shaped by judicial independence, public integrity, legal culture, administrative capacity, access to justice, enforcement, economic conditions and political institutions. Table 13 can therefore challenge a simplified assumption that strong rule-of-law performance is exclusive to common-law systems; it cannot prove civil-law superiority.

7.5 The Role of WJP Evidence in This Report

The WJP evidence matters because it separates legal-system identity from talent-pipeline design. Hong Kong's common-law identity concerns precedent, adversarial procedure, open justice, independent adjudication, reasoned judgments and constitutional appointment safeguards. Judicial formation concerns when candidates are identified, what supervised experience they receive, how aptitude is assessed and whether a future supply can be planned.

A structured route can be common-law in substance. Its curriculum can centre on Hong Kong precedent, statutory interpretation, evidence, adversarial procedure, judgment writing, case management and judicial ethics. Borrowing the architecture of staged formation does not import civil-law codes, inquisitorial procedure or a bureaucratic entitlement to promotion.

The WJP Rule of the Law Index data therefore change the form of the comparative question, not Hong Kong's legal-system identity: can supervised court practice, mentoring, progressive responsibility, staged assessment and continuing development exist under judicial independence and Hong Kong's constitutional safeguards? WJP Rule of the Law Index provides background on compatibility; it cannot determine which concrete institutional model Hong Kong should adopt.

7.6 The proper inference

The strongest inference is not causal. WJP Rule of the Law Index does not measure the route by which each individual judge was recruited or trained, and rule-of-law performance reflects many institutional, economic and political factors. The evidence cannot establish that career judges are better or that judicial schools produce higher scores.

The defensible inference is one of compatibility and comparator relevance. Civil-law jurisdictions are strongly represented among high WJP Rule of the Law Index placements, while the top four in 2025 each have different forms of pre-appointment court-based experience, supervision or development. Earlier and more structured talent development is therefore not inherently inconsistent with judicial independence, legal quality or high rule-of-law performance.

That inference is sufficient for comparative purposes. Whether Hong Kong needs reform should be judged primarily from its own manpower, workload and waiting-time evidence. International comparison identifies institutional tools and tests compatibility; it should not use WJP Rule of the Law Index rankings to endorse a particular policy outcome.

7.7 Institutional Implications of the Comparison

Section 7 identifies a set of tools for Hong Kong to evaluate, not a predetermined model: competitive entry, court-based roles, judicial supervision, supervised drafting, rotations, progressive responsibility, specialist training, ethics education, written assessment and continuing education. Whether any tool should be adopted must be assessed against Hong Kong's common law, judicial independence, appointment safeguards and actual manpower needs.

The safeguards are equally important. Training must not equal appointment; candidates must not acquire final adjudicative authority by administrative progression; the curriculum must be common-law in substance; selection and progression must be transparent and merit-based; and final appointment must remain separate under the Basic Law framework and the Judicial Officers Recommendation Commission process.

In summary, eight of the 2025 WJP Rule of the Law Index top ten are classified in this report as civil-law jurisdictions; the top four each have different forms of pre-appointment court-based experience or development; and the nine-edition aggregate shows civil-law jurisdictions accounting for the largest share of high-scoring placements over time. These results establish compatibility and comparator relevance only, not causation or institutional superiority.

8. WJP Order and Security Evidence: A Second Descriptive Compatibility Check

The WJP Overall Rule of Law Index provides a broad picture of institutional performance. Order and Security provides a more specific test. It is one of the core subcategories of the WJP Rule of Law Index and reflects whether a society can maintain public order, control crime, limit civil conflict and prevent private violence as a means of resolving grievances.

Order and Security matters to this report because it is a public-facing dimension of the rule of law. A legal system cannot rely only on formal court structure or professional legal doctrine. It must also sustain social stability, personal security and public confidence. For Hong Kong, a city whose international role depends on safety, legal reliability and commercial predictability, this dimension is highly relevant.

Using the legal-family classification in Section 7, the WJP Order and Security data also show civil-law jurisdictions accounting for a large share of high-performing placements. This distribution cannot establish a causal connection between judicial training and public order. Its narrower role is a second descriptive check on whether more structured judicial-talent development is visibly incompatible with high performance in another core rule-of-law dimension.

8.1 What the Order and Security aggregate evidence shows

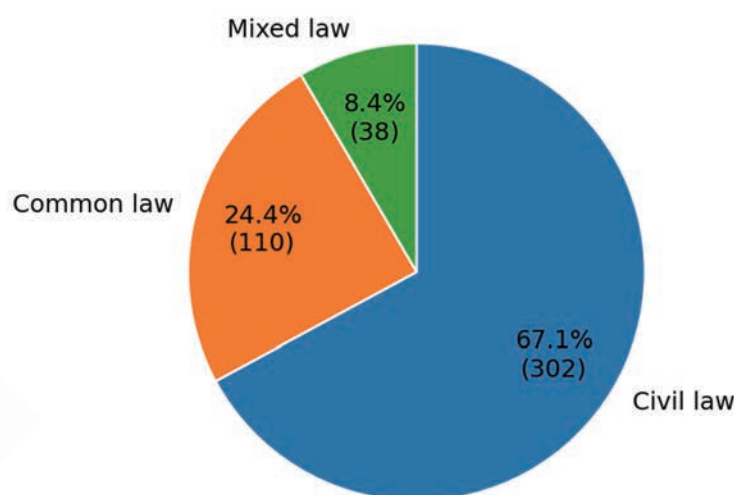
The aggregate data table records the legal-system classification of jurisdictions occupying the top 50 positions in WJP Order and Security across the same selected WJP editions. Each edition contributes 50 ranked positions. Across nine editions, the total number of top-50 placements is therefore 450.

**Table 14. Aggregate legal-system representation in
WJP Order and Security top 50, 2016-2025**

Legal-system category	Top-50 placements	Share of all top-50 placements	Public-facing interpretation
Civil law	302	67.1%	Largest share of high-scoring placements in this subcategory
Common law	110	24.4%	Important but smaller share than civil law in this aggregate table
Mixed law	38	8.4%	Smaller minority share
Total	450	100.0%	Nine editions x 50 placements

Source: Author's calculation from the "10-year Aggregate Order and Security top 50 and common and civil law jurisdiction" table. The WJP dataset supplies the ranking and scores; legal-system classification is author-coded for the purpose of this report.

Figure 6. Legal-system composition of WJP Order and Security top-50 placements, 2016-2025



Share of 450 top-50 placements across nine WJP editions

Source: Author's visualization based on Table 14. Figures show shares of 450 top-50 placements across nine WJP editions.

Figure 6 shows civil-law jurisdictions accounting for the largest share of Order and Security top-50 placements. This remains a descriptive distribution because Order and Security is shaped by policing, public administration, social trust, crime levels and wider institutional conditions, and cannot be attributed to judicial training.

The pattern is even stronger than the overall Rule of Law Index table. Civil-law jurisdictions account for about two-thirds of all top-50 placements in Order and Security. Common-law jurisdictions account for about one quarter. Mixed-law jurisdictions account for less than one tenth. Table 14 gives the precise count, while Figure 6 shows the composition visually.

The precise public-facing statement is that, over the selected period and under this report's classification, civil-law jurisdictions account for a larger share of WJP Order and Security top-50 placements than common-law jurisdictions. This does not mean that a legal family or judicial-training model causes stronger order-and-security outcomes.

This statement also requires caution. Order and Security reflects policing, social trust, crime control, public administration, economic stability, civic culture and political order, among other conditions. It is not a direct measure of judicial training. The evidence supports only the observation that civil-law jurisdictions are not structurally under-represented in this core rule-of-law subcategory.

8.2 The Role of Order and Security in This Report

Order and Security does not measure court operation as directly as civil or criminal justice indicators, so this report does not use it as an effectiveness measure for judicial recruitment or training. Its role is narrower: a cross-check within the broader rule-of-law context.

Courts, criminal procedure, law-enforcement institutions, public administration and public confidence interact within a wider legal order. A jurisdiction's high Order and Security score therefore cannot be attributed to its judicial-training model. Equally, the existence of a talent-development tool in a civil-law jurisdiction does not by itself show that the tool must be adverse to the rule of law.

The Order and Security data do not support a direct link between a civil-law label and weaker order, safety or public confidence. Civil-law jurisdictions in fact account for the largest share of the top-50 placements, but this is a representation finding, not causal evidence.

For Hong Kong's comparative analysis, the more appropriate question is whether any talent-development tool can be safely localised under common law, the Basic Law appointment framework and safeguards for judicial independence, rather than where the tool first appeared.

8.3 The proper inference

The Order and Security evidence should be interpreted in three steps. First, high WJP Order and Security performance is not exclusive to common-law jurisdictions. Civil-law jurisdictions account for 302 out of 450 top-50 placements, or 67.1%.

Second, civil-law institutional traditions are compatible with strong public-order and security outcomes at the system level. This matters because many civil-law jurisdictions use more structured judicial career formation than Hong Kong.

Third, these data cannot predict the rule-of-law effect of Hong Kong adopting any particular training architecture. Whether a reform affects the rule of law depends on judicial independence, appointment safeguards, due process, common-law adjudication and concrete institutional design. WJP therefore provides compatibility background, not a forecast of reform outcomes.

The evidence should not be used to claim that "civil-law jurisdictions have stronger public order because

they use career judges ", nor should it be reversed into an assumption that every structured pathway is necessarily safe. The more accurate proposition is that civil-law jurisdictions are highly represented among strong performers in this core rule-of-law subcategory, so legal-family labels alone are insufficient to predict the rule-of-law effect of a talent-development mechanism.

8.4 Relationship with Hong Kong's Institutional Options

If Hong Kong ultimately studies or pilots a supplementary judicial-talent development pathway, the more accurate description is a "common-law judicial-talent development system ", not the transplant of another legal system.

Such an option should not alter Hong Kong's sources of law, court procedure, legal reasoning, appointment framework or constitutional safeguards. Its role would be limited to creating structured opportunities before formal appointment for legally trained people to enter court-related roles, receive supervised practical experience, develop written reasoning and case-management skills, and undergo competency and ethics assessment over time.

Appointment would remain separate. Candidates who enter the pathway should not become judges by administrative progression. They should not exercise final adjudicative power merely because they join the pathway. Final appointment must remain merit-based and subject to Hong Kong's established constitutional process.

The core safeguard is to separate "talent development " from "judicial appointment and adjudicative authority ". Hong Kong can study more structured development methods, but whether any option preserves judicial independence and common-law characteristics depends on its safeguards and cannot be assumed from WJP data.

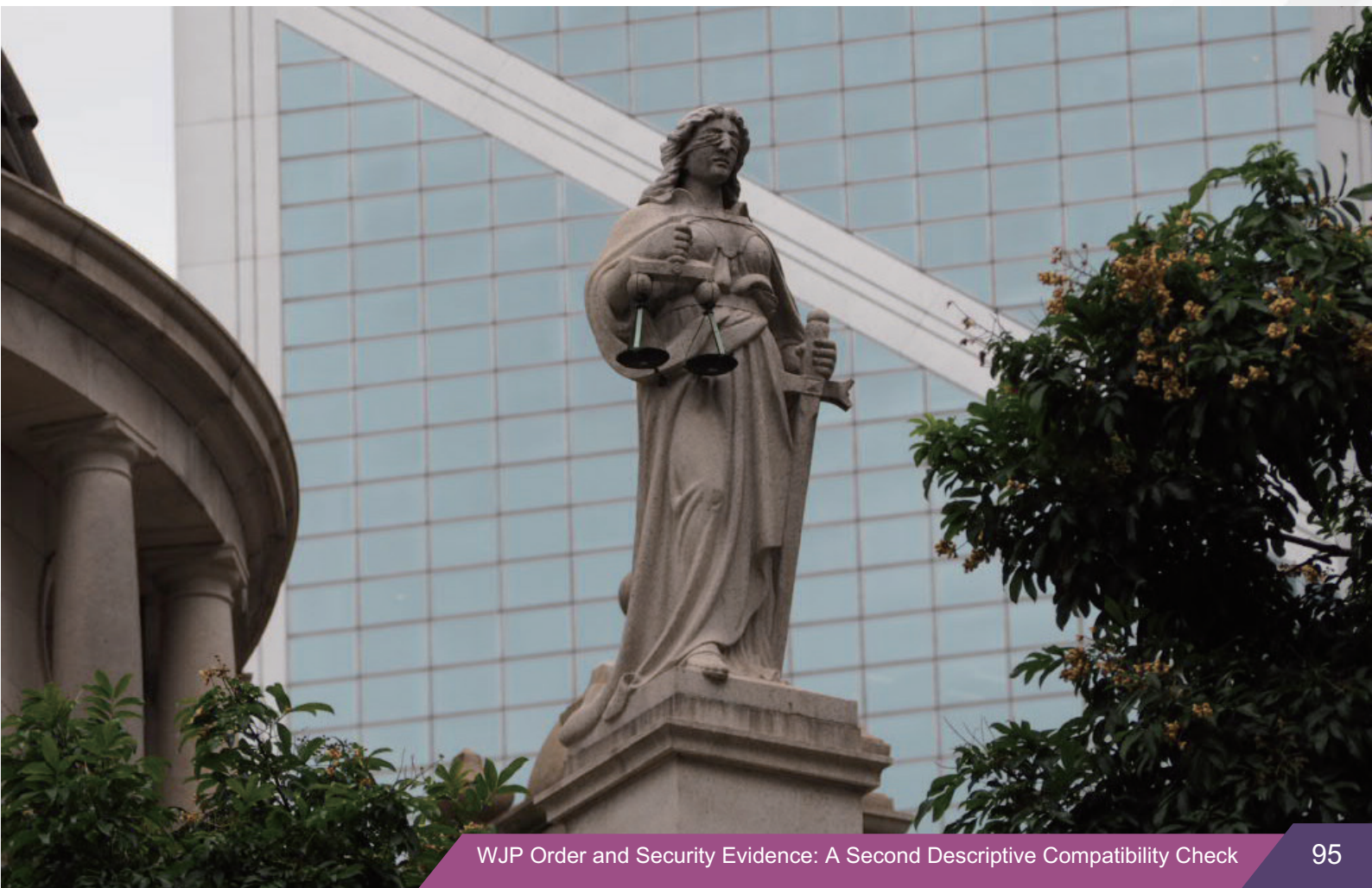
8.5 Conclusion on the Question of Rule-of-Law Impact

The WJP Order and Security evidence complements the overall rule-of-law context in Section 7: under this report's classification, civil-law jurisdictions also account for a large share of strong placements in this core subcategory. This shows only that high rule-of-law and high order-and-security performance are not exclusive to common-law systems.

For Hong Kong, WJP cannot answer whether a particular reform will necessarily improve or damage the rule of law. The more reliable tests are whether an option preserves judicial independence, common-law legal reasoning and procedure, merit-based appointment, the Basic Law framework and the decisive role of the Judicial Officers Recommendation Commission.

A Hong Kong-compatible pathway should therefore include the following safeguards: training must be separate from appointment; candidates must not exercise final adjudicative power merely because they enter the pathway; selection must be competitive and merit-based; the curriculum must be grounded in common-law reasoning, precedent, evidence, adversarial procedure, open justice and judicial ethics; progression must be staged and independently assessed; appointment must remain under the Basic Law framework and the Judicial Officers Recommendation Commission process; judicial independence must remain untouched.

In short, the conclusion from Sections 7 and 8 is compatibility, not causation. Legal-family labels are insufficient to determine the effect of a talent-development mechanism. What requires assessment is whether the specific training, authority, evaluation and appointment arrangements can operate within Hong Kong's constitutional safeguards.



9. Public Opinion Context: Cautious Openness to a Career-Judge Pathway

Public opinion provides an important backdrop to this research. In a territory-wide telephone survey conducted by the Hong Kong Institute of Asia-Pacific Studies at The Chinese University of Hong Kong between 25 June and 16 July 2026, 1,002 Hong Kong residents aged 18 or above were interviewed using a dual-frame random sampling method covering both landline and mobile numbers. The results were weighted by age and gender to better reflect Hong Kong's adult population.

Respondents were asked whether Hong Kong should consider drawing reference from countries such as Germany and France by allowing outstanding law graduates, after assessment, to enter structured training towards a full-time judicial career. On a seven-point scale, the mean score was 4.09, slightly above the neutral midpoint of 4. Among respondents who gave a substantive rating from 1 to 7, 41.6% gave a score of 5—7, compared with 36.0% who gave a score of 1—3, while 14.8% selected the midpoint. A further 7.6% of valid respondents said they did not know or found the question difficult to answer.

These findings should not be interpreted as overwhelming public endorsement of a career-judge system. Rather, they indicate cautious but meaningful openness to considering an alternative judicial talent pathway, alongside substantial public reservations. This is precisely why the policy question should not be framed as whether Hong Kong should simply transplant a civil-law judicial model. The more relevant question is whether Hong Kong can design its own supplementary pathway—drawing reference from structured judicial training, early talent identification, mentoring and staged assessment—while preserving common-law reasoning, judicial independence, merit-based appointment and the existing constitutional safeguards.

The survey therefore reinforces the central approach of this report: "reference, not transplant." Public opinion suggests that there is room for serious discussion, but that any reform must be carefully designed, clearly explained and accompanied by strong safeguards. The proposal examined in this report is accordingly not to place inexperienced graduates directly on the Bench, nor to replace Hong Kong's traditional recruitment of experienced legal practitioners. It is to consider whether a structured, long-term judicial talent pipeline can enlarge the future pool of qualified candidates while maintaining the standards and institutional characteristics that underpin confidence in Hong Kong's common-law judicial system.

10. Policy Synthesis: From Comparative Evidence to Hong Kong's Institutional Options

Only at this stage does the report integrate local evidence and comparative material into institutional options. Hong Kong's own data first establish a long-term capacity and talent-supply issue; financial-centre comparisons provide directional court-capacity context; WJP evidence supports compatibility only; and Denmark, Norway, Finland and Sweden illustrate different forms of pre-appointment court experience, supervision, progressive responsibility and training. Taken together, Hong Kong can study a supplementary talent-development pathway separated from appointment, but whether and how to implement it must remain subject to common law, judicial independence and existing constitutional safeguards.

The report summarises the direction for study as "reference, not transplant; supplement, not replace." The traditional route of appointing judges from experienced legal practice should remain. Any additional route, if adopted, would identify, develop and observe talent earlier without creating a right to appointment. Potential tools include salaried court roles, judicial supervision, mentoring, supervised drafting, case-management rotations, staged assessment and continuing development. What must not be transplanted includes changes to common-law adjudication, automatic career progression or any administrative control capable of weakening judicial independence.

Table 15. Principal Concerns, Comparative Evidence and Required Safeguards for a Hong Kong Institutional Option

Principal concern	What the comparative evidence can show	Safeguard for Hong Kong
A Hong Kong-compatible career judge system may undermine common law.	Eight of the 2025 WJP top ten are classified in this report as civil-law jurisdictions; the top four each have different forms of pre-appointment court-based experience/development. This supports compatibility with high rule-of-law performance, not institutional superiority.	Keep curriculum, procedure and reasoning common-law; preserve Basic Law and JORC appointment safeguards.
Career judges may lack practical experience.	A Hong Kong option need not appoint law graduates directly as judges. Judicial-assistant, legal-research, registry, case-management and other supervised court roles can be designed as preparatory stages.	No automatic appointment; progression must remain merit-based and independently assessed.
The reform may weaken judicial independence.	Rule-of-law quality depends heavily on independence, corruption control and due process, not legal family alone.	The Basic Law appointment framework and JORC safeguards must remain decisive.

Principal concern	What the comparative evidence can show	Safeguard for Hong Kong
International confidence may be damaged.	The financial-centre comparison shows only that court capacity forms part of the competitiveness context. Stronger manpower, case management, facilities and digital support can sustain court-service capacity, but the comparison itself cannot predict changes in international confidence.	Publish judicial-capacity indicators, specialist-list data and waiting-time performance.
The reform may be perceived as civil-law transplantation.	The value of the comparators lies in pre-appointment court practice, supervision, progressive responsibility and training tools—not in adopting their adjudicative methods or legal systems.	Use the explicit principle “reference, not transplant” and define direct training as formation without automatic appointment.

Source: Author's analysis based on Hong Kong institutional framework, financial-centre capacity data and WJP evidence.

Table 15 converts common concerns into institutional-design questions. Two distinctions are central: "development" is not "appointment", and "training architecture" is not "legal method". Comparative evidence supplies institutional tools and compatibility background only; any Hong Kong model remains bounded by common-law reasoning, adversarial procedure, open justice, independent adjudication and existing appointment safeguards.

11. Specific Judicial-Talent Comparisons and Hong Kong Safeguards

The 2025 WJP top four provide four different examples of court-based experience or talent development before permanent or ordinary appointment. None should be transplanted wholesale, but recurring elements can be observed: court-based roles or judicial work, supervision by experienced judges or court leadership, progressively greater responsibility as competence develops, and formal training or competency assessment. These are talent-development tools, not wholesale models of legal system or judicial appointment.

Denmark's deputy-judge basic training normally lasts about three years and combines practical court work with theoretical modules, including supervised civil and criminal work, learning objectives and course assessment. Later suitability assessment for judicial office remains separate. The Hong Kong lesson is that a court role can have clear development objectives and competency-assessment functions without creating automatic ordinary judicial appointment (Danish Courts, n.d.).

Norway's dommerfullmektig is a time-limited deputy-judge post, normally for up to two years and extendable to three in specified circumstances. Official materials indicate that candidates generally already have legal work experience. Under judicial or court-leadership guidance and authorisation, deputy judges can hear cases, with authority expanding alongside training and experience. It is better understood as a time-limited judicial post with progressive responsibility than as the same type of formal future-judge training programme found in Sweden (Norwegian Courts Administration, n.d.).

In Finland, the Judicial Training Board and court administration coordinate judicial training, including a three-year assistant-judge programme. Official entry materials indicate that relevant junior judicial-training posts require general judicial eligibility, at least three years of judicial-service experience and success in a pre-selection examination. The institutional lesson is that training and competency assessment can be formalised while remaining separate from final permanent judicial appointment (Finnish Courts, n.d.-a; National Courts Administration of Finland, n.d.).

Sweden's four-year fiskal judicial-training sequence combines rotations in higher and lower courts with Judicial Training Academy courses. Completion of the full sequence can lead to assessor status, but it does not automatically make the candidate an ordinary judge. Ordinary judicial posts must still be

separately applied for and are subject to the independent Domarnämnden selection/recommendation process. The lesson is that transparent court rotations, a formal learning sequence and ordinary judicial appointment can be kept clearly distinct (Swedish Courts, 2026; Swedish Courts, n.d.).

Germany, the Netherlands, Japan, France, Austria and Belgium provide additional reference points on legal qualifications, judicial-training institutions, practical training, suitability assessment and continuing education. These examples broaden the range of observable policy tools; they do not support Hong Kong adopting another legal system wholesale.

The comparative analysis also defines what Hong Kong should not borrow. No pathway should become an automatic administrative ladder into judicial office; training institutions must not direct adjudication; and performance assessment must not reward political preference, administrative satisfaction or predetermined case outcomes. Final appointment, tenure safeguards, adjudicative independence and open justice must be protected.

The common observable principle is rigorous development, not the early conferral of unrestricted judicial authority. Comparator systems use qualification requirements, competitive selection, court-based practice, judicial supervision, ethics and written-reasoning assessment, continuing education and institutional safeguards, but the legal status and authority of participants differ.

The common lesson is disciplined formation, not early judicial power. Stronger systems use rigorous qualification, competitive selection, supervised practical work, ethical assessment, written reasoning, continuing education and institutional safeguards. Hong Kong can use these techniques to expand its candidate pool while retaining the experienced-practitioner route and constitutional appointment process.

Safeguard 1: training must not equal appointment. Entry into the pathway should give candidates access to judicial assistant, legal research, registry, tribunal support, case-management, supervised drafting and court-exposure roles. It should not give them judicial power. Candidates should not decide cases, impose sentences or exercise final adjudicative authority merely because they have entered the pathway.

Safeguard 2: selection must be competitive and merit-based. Candidates should be assessed on legal knowledge, analytical ability, written reasoning, ethical judgment, independence of mind, procedural discipline, language ability, public-service motivation, maturity, temperament and ability to handle

pressure.

Safeguard 3: the curriculum must be common-law in substance. Training should focus on precedent, statutory interpretation, adversarial procedure, evidence, open justice, procedural fairness, judgment writing, case management, judicial ethics and reasoned decision-making. Comparative experience may inform the structure of training, but the content must remain grounded in Hong Kong's common-law method.

Safeguard 4: assessment must be staged. Candidates should pass through entry screening, court exposure, supervised drafting, criminal and civil procedure training, specialist tracks, ethical assessment, written evaluation, performance review and final eligibility assessment. Advancement should never be automatic.

Safeguard 5: training and appointment must remain constitutionally separate. The pathway should create a better-prepared pool of possible candidates. It should not replace the Basic Law appointment framework, judicial independence, JORC or the requirement that judicial appointments be made on merit.

Safeguard 6: training should continue after appointment. Judges and judicial officers need continuing education on procedure, ethics, judgment writing, technology, specialist lists, court administration and emerging social and commercial issues.

Table 16. International lessons for Hong Kong's training, selection and appointment safeguards

International practice	Lesson for Hong Kong	Hong Kong-compatible safeguard
Denmark: about three years of deputy-judge basic training combining supervised court work, theoretical modules, learning objectives and course assessment; followed by later judicial-suitability assessment.	Court-based roles can have clear development objectives and competency-assessment functions without creating automatic ordinary appointment.	Use supervised rotations, written work, ethics modules and periodic assessment; no automatic appointment.
Norway: time-limited deputy-judge post, normally up to two years and extendable to three; candidates generally already have legal work experience and hear cases under guidance and authorisation.	Progressive responsibility and clear authority boundaries allow judicial practice to deepen with competence. The arrangement should not be simplified as the same formal future-judge training programme found in Sweden.	If Hong Kong studies progressive responsibility, authority must be clearly defined and judicially supervised; training or service experience itself must create no right to ordinary appointment.

International practice	Lesson for Hong Kong	Hong Kong-compatible safeguard
Finland: Judicial Training Board and three-year assistant-judge programme; relevant junior judicial-training posts require at least three years of judicial-service experience and success in a pre-selection examination.	Entry qualifications, training, competency assessment and final appointment can be institutionally separated.	Create an independent professional training and assessment framework linked to, but separate from, JORC appointment.
Sweden: four-year <u>fiskal</u> training with higher/lower court rotations and academy courses; completion leads to assessor status, while ordinary judges must still apply separately and undergo Domarnämnden selection/recommendation.	Transparent court rotations, a formal learning sequence and ordinary judicial appointment can be clearly separated.	Publish stages, competencies and assessment criteria; ground every stage in Hong Kong common law.
Germany and Netherlands: rigorous qualification and structured initial/continuing formation	Strong entry standards and lifelong education support professional quality.	Require competitive legal assessment and continuing judicial education without bureaucratic promotion rights.
Japan and other comparative systems: institutional training with practical exposure and ethics	Judicial formation should connect doctrine, court operations, professional ethics and practical judgment.	Use chambers, registry, tribunal and specialist rotations under judicial supervision.

Source: Author's synthesis from official judicial-training materials of Denmark, Norway, Finland, Sweden, Germany, the Netherlands and Japan, read together with WJP Rule of Law Index context and Hong Kong's common-law institutional framework.

The top-four examples clarify the distinction between direct formation and automatic appointment. Candidates enter structured court-based roles, but their powers are supervised, limited or progressively expanded; completion does not by itself displace final appointment safeguards. Hong Kong should use the Hong Kong Judicial Institute as the institutional foundation for post-appointment education while developing a separate preparatory pathway for prospective candidates. That pathway can provide common-law research, supervised drafting, registry and case-management exposure, ethics, mentoring and specialist training without creating any entitlement to appointment.

The comparison of the top four also shows that there is no single relationship between court-based experience, training and ordinary appointment. Denmark, Finland and Sweden use different training sequences, while Norwegian deputy judges hold time-limited posts that may exercise judicial functions within authorised limits. The common feature is court-based practice, supervision or competency assessment before permanent or ordinary appointment, without that experience itself creating an automatic right to ordinary appointment. If Hong Kong studies a preparatory pathway, candidate authority must be defined separately and final appointment must remain distinct under the Judicial Officers Recommendation Commission process.

12. Proposed Hong Kong-Compatible Supplementary Judicial-Talent Development Pathway

After the local data, financial-centre comparison, judicial-talent comparison and rule-of-law safeguard analysis, this report sets out a supplementary option for policy discussion. It would not abolish appointment from experienced legal practice. It would add an earlier, supervised, selective and appointment-separated talent-development mechanism. If implemented, it should be competitive, salaried, transparent and rigorous, and it must clearly create no entitlement to judicial appointment.

The design should respond to local evidence. Because the strongest waiting-time deterioration is concentrated in criminal cases, an initial pilot could give early emphasis to criminal procedure, evidence, trial management, sentencing, bail/custody and case-flow control. Civil, commercial, insolvency, arbitration, family and public-law tracks also have long-term value, but should be developed progressively according to demonstrated capacity needs.

Table 17. Proposed Hong Kong-compatible career judge system

Stage	Mechanism	Purpose	Safeguard
1. Entry and screening	Competitive entry into judicial assistant, legal researcher, registry, tribunal support or case-management roles.	Identify promising law graduates, recent graduates and junior legal professionals with public-service motivation and legal aptitude.	Entry into the pathway is not appointment as a judge. Candidates receive training and assessment only.
2. Core court exposure	Rotation through chambers support, registry work, procedural applications, legal research, judgment-drafting assistance and supervised case-management tasks.	Develop practical understanding of court operations, judicial ethics, legal reasoning, written work and procedural discipline.	Work remains supervised. Candidates do not exercise final adjudicative authority.
3. Criminal and trial-capacity track	Specialised exposure to criminal procedure, evidence, sentencing, trial management, bail/custody issues and case-list control.	Respond directly to the strongest empirical bottleneck: criminal waiting-time pressure in the District Court and Court of First Instance.	Only experienced candidates proceed. Training is supervised by judges and subject to ethics and performance review.
4. Civil, commercial and public-law tracks	Specialist training in civil procedure, commercial disputes, insolvency, arbitration, public law, family and other high-demand areas.	Support Hong Kong's role as a financial and legal-services centre while ensuring balanced judicial capacity across court lists.	Specialisation follows core training and should not replace general judicial competence.
5. Eligibility and appointment consideration	After years of assessment, selected candidates may become eligible for consideration under the existing constitutional appointment framework.	Create a larger and better-prepared pool of future judicial candidates.	Appointments remain merit-based and subject to the Basic Law, judicial independence and the Judicial Officers Recommendation Commission process.

Source: Author's proposed design based on Hong Kong manpower evidence, criminal waiting-time pressure, financial-centre capacity concerns and comparative career-judiciary experience.

Table 17 shows that the core of the pathway is not to lower the threshold for judicial appointment, but to move talent identification, court-based experience and competency assessment earlier. Participation in training is not appointment; progressive development is not automatic promotion; and court exposure is not final adjudicative authority.

13. Reform Package and Implementation Roadmap

A judicial-talent development pathway should not be introduced as an isolated recruitment measure. It should be coordinated with manpower, training, infrastructure, case management, data monitoring and public communication. The initial focus should be the clearest criminal-capacity bottleneck, with other specialist areas assessed progressively against evidence. Any expansion should remain conditional on judicial quality, independence and demonstrated operational effectiveness.

Table 18. Reform package derived from the evidence

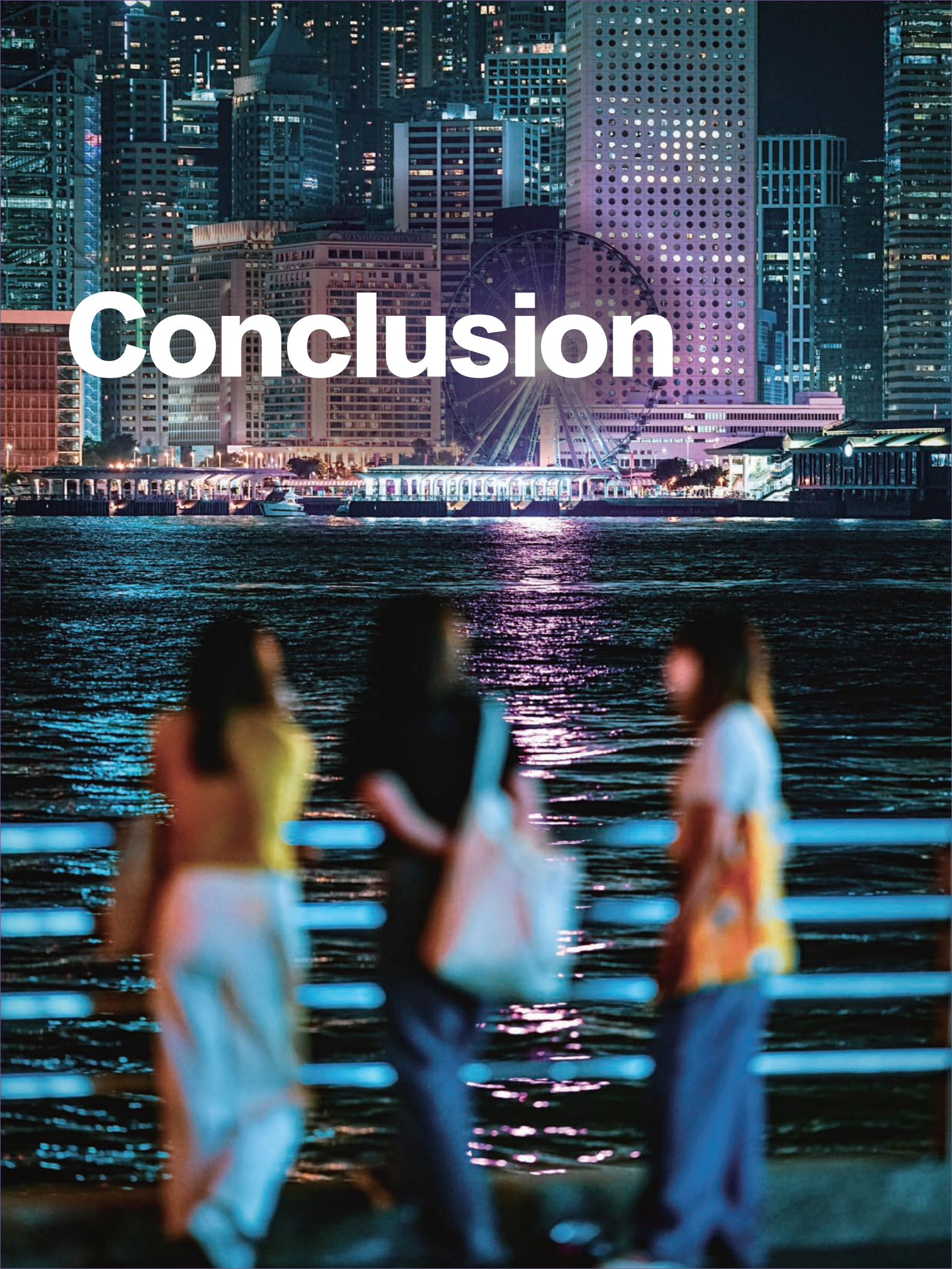
Policy area	Recommendation	Evidence basis
Judicial manpower pipeline	Create a supplementary career-judge pathway for law graduates, recent graduates and junior legal professionals.	Filled JJOs remained broadly flat while case volume stayed high.
Criminal-list capacity	Prioritise criminal procedure, evidence, sentencing and trial-management training in the early specialist stage.	District Court criminal waiting time rose from 118 days to 337 days; CFI criminal waiting time rose from 291 days to 368 days.
Existing practitioner route	Preserve the solicitor/barrister-to-Bench route while reducing overreliance on late-career conversion.	Pay-gap and private-market incentives make late-career recruitment uncertain.
Court infrastructure and support	Align judge training with courtrooms, chambers, registry capacity, iCMS, remote hearings and judicial support staff.	Operational capacity depends on people, facilities, technology and case-management systems.
Comparative learning	Draw reference from selected civil-law career-judiciary practices, but do not transplant the civil-law model.	WJP evidence weakens legal-family stereotypes but does not prove direct causation.
Public communication	Frame the reform as a common-law-compatible talent pipeline under One Country, Two Systems.	Institutional sensitivity requires clear safeguards and consistent language.

Source: Author's synthesis from Hong Kong judicial-efficiency data, financial-centre comparison and WJP evidence.

Table 19. Implementation roadmap

Timeframe	Action	Expected effect	Indicator
Short term: 2026-2027	Establish a judicial talent-pipeline task force; design role descriptions, selection criteria and ethics rules for pathway entry posts.	Create institutional ownership and avoid ad hoc design.	Approved framework, published pathway standards and pilot role structure.
Pilot stage: 2027-2029	Launch pilot judicial assistant, legal researcher, registry and case-management posts, with criminal-list exposure prioritised.	Begin converting young legal talent into trained court-capacity support.	Number of entrants, retention rate, assessment outcomes and supervisor feedback.
Expansion stage: 2029-2032	Add specialist tracks in criminal, civil, commercial, public-law and family work; introduce structured mentoring and written-work assessment.	Build a wider and more specialised pool of future judicial candidates.	Track completion, specialist exposure, written-work quality and ethical assessment.
Review stage: 2032 onward	Evaluate pathway impact on recruitment pool, vacancy pressure, support capacity and waiting-time indicators.	Decide whether to expand, modify or narrow the pathway.	Vacancy rate, waiting times, candidate quality, appointment outcomes and public accountability reports.

Source: Author's proposed roadmap based on the evidence and safeguards discussed in this report.



Conclusion

14. Conclusion

This report first examined whether Hong Kong's judicial-manpower difficulty is merely a temporary staffing issue or a structural capacity problem requiring a longer-term talent strategy; it then used financial-centre, judicial-talent and WJP evidence as comparative background, and only after that assessed institutional options. The local evidence shows that the challenge is not limited to individual vacancies: court demand has remained high, substantively filled judicial strength has not increased correspondingly, and criminal waiting times deserve particular attention.

14.1 Answers to the Research Questions

Research Question 1: What is the scale and nature of Hong Kong's judicial manpower and capacity problem?

Hong Kong's judicial manpower problem is structural, measurable and sustained. Over the period examined, court filings remained high while the number of substantively filled judges and judicial officers remained broadly unchanged. Persistent vacancies, rising workload per serving judicial officer and elevated composite pressure show that the problem cannot be explained by short-term recruitment fluctuations alone. It reflects a continuing mismatch between court-service demand and permanent judicial capacity.

Research Question 2: Where is the capacity bottleneck most concentrated?

The clearest pressure is concentrated in criminal waiting times. In 2025, the District Court criminal figure was 337 days—about 3.4 times the Judiciary's 100-day target. The CFI criminal fixture-list figure was 368 days; an equivalent numerical High Court target is currently not specified and remains under review. By contrast, the CFI civil figure of 151 days was below the 180-day target and the District Court civil figure of 113 days was below the 120-day target. Capacity analysis should therefore be targeted rather than treating every case category as deteriorating equally.

Research Question 3: How does the existing solicitor- and barrister-to-Bench model constrain judicial recruitment?

The traditional common-law route remains indispensable because it produces judges with professional maturity, litigation experience, practical judgment and familiarity with adversarial procedure. Its structural limitation is timing and predictability. Candidates are usually considered only after substantial professional experience, when successful practitioners may already have established careers, higher earnings, professional autonomy and personal reasons not to enter judicial service. Hong Kong therefore does not

suffer from a general absence of legal talent; it lacks an earlier and more systematic mechanism for identifying, preparing and observing potential future judicial candidates.

Research Question 4: Why is judicial capacity important to Hong Kong's role as an international financial centre and common-law legal hub?

Judicial capacity forms part of Hong Kong's legal and economic infrastructure. Businesses, investors, creditors, legal practitioners and the public depend on courts that resolve disputes fairly, professionally and within a reasonable time. Cross-financial-centre data cannot be used as an efficiency ranking, but the directional comparison shows that the selected Hong Kong court unit carries a substantial workload and that latest annual output did not fully keep pace with incoming work. These indicators should be read together with Hong Kong's vacancy and criminal waiting-time evidence.

Research Question 5: What do the WJP top-ten and top-50 findings show about legal family, judicial formation and rule-of-law performance?

The 2025 WJP top ten includes eight jurisdictions classified in this report as civil-law systems. The top four—Denmark, Norway, Finland and Sweden—each have different forms of pre-appointment court-based experience, judicial supervision or talent development; they are not a single institutional model. Across the nine WJP editions examined, civil-law jurisdictions also account for the largest aggregate share of top-50 placements.

These findings do not prove that civil law, career judges, judicial schools or any single talent pathway causes stronger rule-of-law outcomes. Their narrower and defensible significance is that more structured court-based experience or talent development before permanent appointment can coexist with high rule-of-law performance. WJP therefore provides compatibility background in this report, not causal evidence of reform effectiveness.

Research Question 6: Why are high-rule-of-law jurisdictions relevant comparators, and what can Hong Kong observe?

These jurisdictions are relevant because the comparison concerns the timing of judicial-talent development, court-based experience, supervision, progressive responsibility, competency assessment and supply predictability. Common-law jurisdictions demonstrate the value of appointing experienced practitioners. High-rule-of-law jurisdictions such as Denmark, Norway, Finland and Sweden provide

different tools for developing judicial capability before permanent or ordinary appointment. The comparison is about functional elements that may be safely localised, not choosing a legal family.

Hong Kong may study competitive screening, salaried court-based roles, judicial supervision, supervised judgment drafting, registry and case-management rotations, mentoring, specialist training, ethics education, progressive responsibility and staged competency assessment. It should not alter common-law adjudication, adversarial procedure, open justice or existing appointment safeguards, nor create a route in which administrative assessment or automatic promotion confers judicial office.

Research Question 7: How should a Hong Kong-compatible career-judge pathway be designed?

Within the policy option considered in this report, the pathway should be supplementary, staged, merit-based and separated from final appointment. Recruitment from experienced barristers and solicitors should remain a core route. If an earlier preparatory track is added, judicial-assistant, legal-research, registry, tribunal-support, case-management and supervised-drafting roles could be used to develop talent.

Candidates should receive progressively more demanding court exposure, specialist training and structured assessment. Entry into the pathway must not guarantee judicial appointment or confer final adjudicative authority. Training, assessment and appointment must remain institutionally separate. Final appointment should continue to depend on merit, judicial suitability and the existing constitutional process under the Basic Law and the Judicial Officers Recommendation Commission.

The pathway should also incorporate a clear system of quality assurance for judicial competence and performance. Before appointment, this should include transparent competency standards, supervised work, written assessments, ethics evaluation, judgment-writing exercises and repeated observation over time. After appointment, quality assurance should rely on judicial induction, continuing education, mentoring, appellate guidance, established complaint and disciplinary mechanisms, and regular review of system-level indicators such as timeliness, case management and training needs.

Such quality assurance must be designed carefully. It should strengthen competence, consistency and professional development without compromising adjudicative independence. Judges should not be assessed according to whether their decisions satisfy the executive, achieve predetermined outcomes or meet crude disposal quotas. The correctness of individual decisions must remain subject to the judicial process, particularly reasoned judgments and appellate review, rather than administrative performance scoring.

14.2 Central Policy Position

This report recommends that a Hong Kong-compatible judicial-talent development pathway, clearly separated from appointment, be considered as a policy pilot option and as a supplementary long-term talent pipeline alongside the traditional practice-to-Bench route.

The reform should preserve the traditional practice-to-Bench route while creating an additional mechanism for identifying and developing judicially capable legal talent earlier. Its curriculum and professional culture should remain firmly grounded in common-law reasoning, precedent, statutory interpretation, evidence, adversarial procedure, open justice, judgment writing, case management and judicial ethics.

If piloted, the pathway should initially focus on the areas where local capacity pressure is clearest, especially criminal procedure and trial management, before progressively supporting civil, commercial, public-law and other specialist judicial capabilities. It should begin on a limited scale, use transparent indicators and independent evaluation to examine candidate quality, vacancies, court-support capacity, waiting times and institutional safeguards, and expand only where the results justify doing so.

Quality assurance should operate throughout the pathway. Selection standards, supervised training, staged assessment and continuing judicial education should ensure that expanding the talent pool does not dilute judicial quality. Once candidates enter judicial office, professional development, ethical accountability, appellate review and appropriately designed system-level performance monitoring should continue to support high standards. These mechanisms must remain under judicially independent arrangements and must never become instruments for influencing the substance or outcome of judicial decisions.

The governing principle should remain “reference, not transplant; supplement, not replace.” Hong Kong may adapt earlier and more structured judicial-talent development tools, but judicial independence, common-law adjudication, merit-based selection, the Basic Law appointment framework and the decisive role of the Judicial Officers Recommendation Commission must remain unchanged.

The report’s central position is therefore:

Hong Kong faces a shortage in judicial capacity, while legally trained talent represents a potential source of future judges. A carefully designed career-judge pathway, supported by strong safeguards, rigorous quality assurance and full compatibility with the common-law system, can bridge the gap between the two.

Appendix A : Supplementary WJP Jurisdiction Summary

This appendix retains one jurisdiction-level WJP summary table for transparency. Detailed regression and subfactor tables should be kept in the working dataset or supplementary materials rather than repeated in the main report.

Appendix Table A1. Selected jurisdictions, legal-system classification and longitudinal WJP Overall Score summary

Jurisdiction	Legal system	2016 score	2025 score	2016-2025 average	Change 2016-2025
Australia	Common Law	0.810	0.800	0.800	-0.010
Canada	Common Law	0.810	0.790	0.803	-0.020
Hong Kong SAR, China	Common Law	0.780	0.720	0.748	-0.060
India	Common Law	0.520	0.490	0.504	-0.030
Jamaica	Common Law	0.580	0.570	0.572	-0.010
Malaysia	Common Law	0.540	0.570	0.562	0.030
New Zealand	Common Law	0.830	0.830	0.829	0.000
Singapore	Common Law	0.820	0.780	0.790	-0.040
United Kingdom	Common Law	0.810	0.780	0.792	-0.030
United States	Common Law	0.740	0.680	0.710	-0.060
Austria	Civil Law	0.840	0.790	0.810	-0.050
Belgium	Civil Law	0.790	0.780	0.784	-0.010
France	Civil Law	0.720	0.720	0.728	0.000
Germany	Civil Law	0.840	0.830	0.836	-0.010
Italy	Civil Law	0.650	0.660	0.659	0.010
Japan	Civil Law	0.780	0.780	0.786	0.000
Korea, Rep.	Civil Law	0.730	0.740	0.733	0.010
Netherlands	Civil Law	0.860	0.820	0.837	-0.040
Portugal	Civil Law	0.720	0.670	0.697	-0.050
Spain	Civil Law	0.700	0.710	0.717	0.010

Source: Author's calculations from WJP Rule of Law Index historical data and WJP 2024-2025 published materials; legal-system classification is binary common-law/civil-law as adopted in this report.

Appendix B : Methodological Note on Civil/Commercial First-Instance Comparability

The financial-centre comparison in Section 6 is a directional capacity comparison, not a ranking of court systems or efficiency. Table 10 selects the closest available official first-instance civil filing and disposal data; Table 11 shows directional changes in the relevant court units. Annual clearance rates are calculated consistently as disposals/terminations during the reporting period divided by filings during the same period, but the courts' jurisdiction, case mix and statistical reporting are not identical. The comparison should therefore not be understood as substantively identical denominators or homogeneous case categories. Where courts dispose of pending cases from earlier years, the annual clearance rate may exceed 100%.

Appendix Table B1. Comparability rules used in Section 6

Comparability rule	Application in Section 6	Reason
Use civil/commercial first-instance work where possible	U.S. federal civil cases, Hong Kong CFI civil jurisdiction and Singapore Civil Originating Processes	Civil and commercial disputes are the closest common category for financial-centre court capacity.
Use annual clearance rates calculated in a consistent form	New York, Hong Kong, Singapore and the Northern District of California all use disposals/terminations during the reporting period divided by filings during the same period	Maintains a consistent calculation form without claiming identical court jurisdiction, case mix or case complexity.
Exclude jurisdictions lacking adequate directional output data	Jurisdictions without a reasonably comparable disposal figure or connectable series are omitted from the numerical comparison	This avoids N.A. rows, false precision and the appearance of a comparison that the source data cannot support
Separate civil/commercial comparison from criminal bottleneck analysis	Section 6 compares civil/commercial capacity, while earlier sections retain Hong Kong criminal waiting-time evidence	This prevents civil waiting-time indicators from masking Hong Kong's serious criminal waiting-time pressure.
Explain annual clearance rates above 100%	Cases disposed/terminated in the reporting year may include pending cases filed in earlier years	A rate above 100% indicates a net reduction in pending stock; it does not mean that more than 100% of the year's new filings were 'completed'.

Source: Author's methodological synthesis based on official court statistical reporting used in Section 6.

Appendix C : Methodology for Constructing the Composite Judicial Pressure Index (CJPI)

The Composite Judicial Pressure Index (CJPI) is an author-constructed diagnostic index designed to measure the overall direction and intensity of judicial pressure in Hong Kong from 2016 to 2025. It is not an official index published by the Hong Kong Judiciary. Its purpose is to combine several workload and waiting-time indicators into one summary measure so that year-to-year judicial pressure can be compared more clearly.

1. Indicators included

The CJPI uses four indicators:

1. Total filings

This measures the total number of cases filed with Hong Kong courts and tribunals in each year.

2. Filings per serving JJO

This measures workload pressure relative to actual serving judicial manpower. It is calculated by dividing total filings by the number of substantively filled judges and judicial officers.

3. Court of First Instance criminal waiting time

This measures waiting-time pressure in the CFI Criminal Fixture List.

4. District Court criminal waiting time

This measures waiting-time pressure in the District Court criminal list.

These four indicators were selected because they capture different dimensions of judicial pressure:

total demand, workload per serving judicial officer, serious criminal-list pressure at the High Court level, and criminal-list pressure at the District Court level.

2. Base-year indexing

The year 2016 is used as the baseline year. Each indicator is converted into an index with 2016 set at 100.

The formula is:

$$\text{Indicator index in year } t = (\text{indicator value in year } t / \text{indicator value in 2016}) \times 100.$$

For example, the total filings index for 2025 is calculated as:

$$536,566 / 478,562 \times 100 = 112.1.$$

This means that total filings in 2025 were about 12.1% higher than in 2016.

The same method is applied to the other three indicators. Since all four indicators are pressure indicators, a higher value represents greater pressure. No reverse coding is required.

3. Calculation of filings per serving JJO

Filings per serving JJO are calculated as:

$$\text{Filings per serving JJO in year } t = \text{total filings in year } t / \text{substantively filled JJOs in year } t.$$

For example, in 2025:

$$536,566 / 160 = 3,354.$$

The filings-per-serving-JJO index is then calculated by comparing the annual figure with the 2016 baseline:

$$3,354 / 2,954 \times 100 = 113.5.$$

This shows that average filings per serving JJO were about 13.5% higher in 2025 than in 2016.

4. Composite index formula

The CJPI is calculated as the geometric mean of the four component indices:

CJPI in year t = the fourth root of: Total Filings Index x Filings per Serving JJO Index x CFI Criminal Waiting-Time Index x District Court Criminal Waiting-Time Index.

The geometric mean is used instead of a simple arithmetic average because it reduces the risk that one very large component will dominate the whole index. It also treats the four indicators as linked dimensions of systemic pressure rather than as separate figures to be added mechanically.

5. Example: 2025 calculation

For 2025, the four component indices are:

- Total filings index: 112.1
- Filings per serving JJO index: 113.5
- CFI criminal waiting-time index: 126.5
- District Court criminal waiting-time index: 285.6

The CJPI is therefore:

$$\text{Fourth root of } (112.1 \times 113.5 \times 126.5 \times 285.6) = 146.4.$$

This means that the composite judicial pressure level in 2025 was about 46.4% higher than the 2016 baseline.

6. Interpretation bands

The interpretation bands are descriptive rather than official thresholds:

CJPI range	Interpretation
Below 95	Below baseline
95 to below 100	Around baseline
100 to below 115	Mild increase
115 to below 130	Moderate increase
130 to below 150	High pressure
150 or above	Severe pressure

These bands are used to help readers understand the direction and severity of the index. They should not be treated as official performance standards.

7. Limitations

The CJPI is a diagnostic tool, not a complete measure of judicial performance. It does not measure the quality of judgments, fairness of proceedings, complexity of cases, availability of prosecutors or defence counsel, registry capacity, courtroom availability, judicial support staff, technology use or settlement behaviour.

The CJPI focuses on criminal waiting-time pressure because the evidence shows that the most serious deterioration occurred in criminal lists. Civil waiting-time indicators are not

included because the selected civil fixture lists were relatively stable over the period and, in 2025, the CFI civil figure of 151 days was below the 180-day target while the District Court civil figure of 113 days was below the 120-day target. The CJPI is not an official Judiciary performance measure and should not replace the individual targets in the Judiciary's Performance Pledges.

The index should therefore be read together with the detailed caseload, manpower and waiting-time tables in the main report. Its value lies in summarising the overall direction of pressure, not in replacing court-level analysis.

Appendix D : WJP Top-Ten and Top-50 Comparative Data Note

This appendix records the two layers of WJP evidence used in Sections 7 and 8. The 2025 top-ten snapshot shows legal-family composition and, using official judicial sources, describes the different pre-appointment court-based experience, supervision or development arrangements of the top four jurisdictions. The aggregate tables count top-50 placements across nine WJP editions. Neither layer proves causation or directly measures individual judicial quality.

Appendix D first relies on the published 2025 ranking: Denmark (1), Norway (2), Finland (3), Sweden (4), New Zealand (5), Germany (6), Luxembourg (7), Ireland (8), the Netherlands (9) and Estonia (10). Under the report's coding, eight are civil law and two are common law. Official court materials are used separately to describe the top four formation routes.

Appendix Table D1. Aggregate evidence used in Sections 7 and 8

WJP measure	Civil law	Common law	Mixed law	Key point
Overall Rule of Law Index	266 (59.1%)	126 (28.0%)	58 (12.9%)	Civil law occupies the largest share of high-scoring overall rule-of-law placements.
Order and Security	302 (67.1%)	110 (24.4%)	38 (8.4%)	Civil law occupies the largest share of high-scoring Order and Security placements.

Source: Author's calculation from the two uploaded 10-year aggregate WJP top-50 tables for Overall Rule of Law Index and Order and Security. The WJP dataset supplies scores and rankings; legal-system classification is author-coded for this report.

Interpretation. The 2025 top-ten snapshot and the nine-edition aggregate serve different purposes. The snapshot shows that eight of the top ten are classified in this report as civil-law jurisdictions, while the top four each have different forms of pre-appointment court-based experience, judicial supervision or development. The aggregate data show that civil-law jurisdictions' high representation among top-ranked placements persists across editions. The proper inference is compatibility and comparator relevance, not causal superiority. Legal-family and talent-development categories remain analytical shorthand and should be read

together with the limitations in Section 13.

Appendix E : Limitations

This report has several limitations. First, the accessible official source set does not provide a full-year 2025 aggregate disposal total, so no 2025 annual clearance rate is calculated. The 2025 caseload figure is used, but the corresponding disposal and annual-clearance fields remain N.A. to avoid presenting a figure that cannot be verified from the cited sources.

Second, the judicial-to-private-practice pay-gap benchmark used in this report stops at 2020. It remains useful because it illustrates the structural recruitment challenge at senior levels, but it should not be described as direct proof of the 2025 or 2026 pay gap.

Third, international financial-centre court comparisons involve different jurisdictions, court jurisdictions, case mixes and reporting practices. Tables 10 and 11 should therefore be read only as directional capacity comparisons, not efficiency rankings. Annual clearance rates use a consistent calculation form, but this does not mean that the underlying cases are substantively identical. Where courts dispose of older pending cases as well as new filings, an annual clearance rate can exceed 100%.

Fourth, WJP data measure system-level rule-of-law outcomes. They do not directly measure individual judicial quality or the causal effect of a training pathway. The statement that eight of the 2025 top ten are classified in this report as civil-law jurisdictions is descriptive. The top four each have different forms of pre-appointment court-based experience, supervision or development, with different legal status, entry requirements, authority and training arrangements. They are not one uniform model and do not imply permanent appointment.

Fifth, the common-law/civil-law distinction is an analytical ideal type. Legal systems may contain mixed elements, Nordic systems have distinctive features, and both legal families use multiple recruitment and training mechanisms. “Pre-appointment court-based experience/structured development” in this report is a broad description of court posts, judicial work or training before permanent or ordinary appointment. It does not mean immediate appointment after law school or automatic progression to ordinary judicial office.

Sixth, the career-judge proposal is institutional and prospective. It cannot remove existing waiting-time pressure immediately. Its contribution is long term: to enlarge the pool of judicially capable candidates, create a credible public-service route for young legal talent and strengthen future judicial capacity.

References

Administrative Office of the United States Courts. (2025a). *Federal Court Management Statistics, June 2025*. U.S. Courts. <https://www.uscourts.gov/data-news/reports/statistical-reports/federal-court-management-statistics/federal-court-management-statistics-june-2025>

Administrative Office of the United States Courts. (2025b). *Table C-1—U.S. District Courts—Civil cases filed, terminated, and pending, by jurisdiction, during the 12-month period ending December 31, 2025*. U.S. Courts. <https://www.uscourts.gov/data-news/data-tables/2025/12/31/statistical-tables-federal-judiciary/c-1>

Administrative Office of the United States Courts. (2025c). *Table N/A—U.S. District Courts—Combined civil and criminal Federal Court Management Statistics, June 30, 2025*. U.S. Courts. <https://www.uscourts.gov/data-news/data-tables/2025/06/30/federal-court-management-statistics/n-a-1>

Architectural Services Department. (n.d.). *Construction of a District Court Building at Caroline Hill Road* (Project code 033LJ). Government of the Hong Kong Special Administrative Region. Retrieved July 29, 2026, from <https://www.archsd.gov.hk/en/projects/capital-projects-under-detail/033LJ.html>

Danish Courts. (n.d.). *Dommerfuldmægtig ved domstolene* [Deputy judge at the courts]. <https://www.domstol.dk/om-os/job/jobtyper/dommerfuldmaegtig-ved-domstolene/>

École nationale de la magistrature. (2026). *International judicial training catalogue 2026*. https://www.enm.justice.fr/api/getFile/sites/default/files/2026-03/Catalogue_DI_EN_2026_Web.pdf

European Commission. (n.d.). *Initial training of judges and prosecutors in the European Union: Austria*. European e-Justice Portal. Retrieved July 29, 2026, from https://e-justice.europa.eu/topics/training-judicial-networks-and-agencies/training-justice-professionals/national-training-systems/initial-training-judges-and-prosecutors-european-union/at_en

European Judicial Training Network. (n.d.-a). *Austria: Federal Ministry of Justice*. <https://ejtn.eu/office/austria-federal-ministry-of-justice/>

European Judicial Training Network. (n.d.-b). *Belgium: Judicial Training Institute*. <https://ejtn.eu/office/belgium-judicial-training-institute/>

European Judicial Training Network. (n.d.-c). *Netherlands: Training and Study Centre for the Judiciary*. <https://ejtn.eu/office/netherlands-training-and-study-centre-for-the-judiciary/>

Federal Ministry of Justice, Germany. (n.d.). *German Judiciary Act (Deutsches Richtergesetz—DRiG)*. https://www.gesetze-im-internet.de/englisch_drig/

Finnish Courts. (n.d.-a). Court of law as employer. <https://www.tuomioistuimet.fi/en/judiciary/court-of-law-as-employer/>

Finnish Courts. (n.d.-b). Judicial Training Board. <https://www.tuomioistuimet.fi/en/courts/judicial-training-board/>

High Council of Justice, Belgium. (n.d.). *The High Council of Justice*. <https://csj.be/admin/storage/hrj/o0026b.pdf>

Hong Kong Judiciary. (n.d.-a). e-Courts: Integrated Court Case Management System. https://www.judiciary.hk/en/e_courts/index.html

Hong Kong Judiciary. (n.d.-b). High Court: Performance Pledge. https://www.judiciary.hk/en/court_services_facilities/hc.html

Hong Kong Judiciary. (n.d.-c). The District Court: Performance Pledge. https://www.judiciary.hk/en/court_services_facilities/dc.html

Hong Kong Judiciary. (2022). *Leaflet on the Integrated Court Case Management System*. https://www.judiciary.hk/doc/en/e_courts/L_iCMSgeneral_e.pdf

Hong Kong Judiciary. (2025a). *Caseload, case disposal and waiting time at different court levels*. In *Hong Kong Judiciary Annual Report 2024*. https://www.judiciary.hk/en/publications/annu_rept_2024r/eng/caseload_oa.html

Hong Kong Judiciary. (2025b). *Hong Kong Judiciary Annual Report 2024*. https://www.judiciary.hk/en/publications/annu_rept_2024r/eng/home.html

Judiciary Administration. (2025, September 15). *Waiting times for court proceedings* (LC Paper No. CB(2)1718/2025(04)). Legislative Council of the Hong Kong Special Administrative Region. <https://www.legco.gov.hk/yr2025/english/panels/ajls/papers/ajls20250915cb2-1718-4-e.pdf>

Judiciary of England and Wales. (2026, March 25). *Commercial Court annual report 2024—2025*. Courts and Tribunals Judiciary. <https://www.judiciary.uk/guidance-and-resources/commercial-court-annual-report-2024-2025/>

National Courts Administration of Finland. (n.d.). *Development of competence in the judiciary*. Finnish Courts. <https://www.tuomioistuimet.fi/en/courts/national-courts-administration/about-us/tasks-and-activities/development-of-competence-in-the-judiciary/>

Norwegian Courts Administration. (n.d.). *Bli dommerfullmektig* [Become a deputy judge]. <https://www.>

domstol.no/no/ledige-stillinger/bli-dommerfullmektig/

Singapore Courts. (2024, November 4). *SG Courts Annual Report 2023*. <https://www.judiciary.gov.sg/news-and-resources/publications/publication-details/sg-courts-annual-report-2023>

Singapore Courts. (2025, October 30). *SG Courts Annual Report 2024*. <https://www.judiciary.gov.sg/news-and-resources/publications/publication-details/sg-courts-annual-report-2024>

Singapore Department of Statistics. (2026). *Workload statistics of Supreme Court, State Courts and Family Justice Courts, annual* [Data set]. data.gov.sg. Retrieved July 29, 2026, from https://data.gov.sg/datasets/d_126d6f58c18f565242425800f88b34b8/view

Smart Government Innovation Lab. (n.d.). *Major IT projects of the Government*. Digital Policy Office, Government of the Hong Kong Special Administrative Region. Retrieved July 29, 2026, from https://www.smartlab.gov.hk/en/major_it_project

Supreme Court of Japan. (n.d.). *The Legal Training and Research Institute of Japan*. https://www.courts.go.jp/english/institute_01/institute/index.html

Swedish Courts. (2026). Utbildningsprogram för fiskaler [Training programme for assistant judges]. <https://www.domstol.se/domstolsakademin/vara-utbildningar2/utbildningsprogram-for-fiskaler/>

Swedish Courts. (n.d.). Domarnämnden [Judicial Appointments Board]. <https://www.domstol.se/en/domarnamnden/>

World Bank. (n.d.). *World Bank country and lending groups*. Retrieved July 29, 2026, from <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>

World Justice Project. (2025a). *WJP Rule of Law Index 2025*. <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIndex2025.pdf>

World Justice Project. (2025b). *WJP Rule of Law Index 2025 global press release*. <https://worldjusticeproject.org/news/wjp-rule-law-index-2025-global-press-release>

World Justice Project. (2025c). *WJP Rule of Law Index: Global insights 2025*. <https://worldjusticeproject.org/rule-of-law-index/global/2025/wjp-index>

Developing a Hong Kong-Compatible Career Judge System as a Judicial Talent Pipeline

A Qualitative and Quantitative Research Report on Judge Shortage,
Early-Career Legal Talent and Rule-of-Law Evidence

建立切合香港的職業法官制度作為司法人才培育梯隊：

關於法官人手短缺、培訓法律人才及維持法治的定性與定量研究報告

POD RESEARCH INSTITUTE

3/F, Kam Chung Commercial Building
19-21 Hennessy Road, Wan Chai, HK

Tel : (852) 2509 3131

Fax: (852) 2509 3130



www.facebook.com/podresearchhk



podresearch.hk