

1997 warning over exodus from bench

By LINDY COURSE

TOO many experienced magistrates have been allowed to quit the Hongkong judiciary in recent years, which could jeopardise the freedom of the individual after 1997.

Magistrate Mr Robert Forrest delivered this "parting shot", when he sat for the last time on Friday after six years on the bench.

He said there was concern in many quarters that some new magistrates were too inexperienced in the court room.

Morale among expatriate magistrates has been low for some time as they have waged a long and unsuccessful

fight for improved pay and upgraded status, and there has been a high turnover in the past couple of years.

"Regrettably during the last few years, too many robust and accomplished magistrates have left the judiciary, because of inadequate pay and diminished promotional prospects.

"This drain of talents should be minimised as much as possible in the future," Mr Forrest said.

He said there was a good example of the judiciary's failure to retain good people recently, when one magistrate quit the lowest echelon

of the judiciary to take a top post in the private sector as managing director of a substantial public company.

Mr Forrest believed Hongkong must have "experienced, fearless and independent jurists" leading up to and after 1997.

"That is the only real way of guaranteeing the freedom of the individual. And without that assurance, the prosperity and stability wants, will be significantly jeopardised."

He urged that only people with considerable courtroom experience be recruited into the judiciary from now on.

He also suggested that ap-

pointments be carefully vetted as the judiciary's credibility had been affected by recent personal revelations.

Mr Forrest added that promotion should be based on merit and experience, not seniority and expediency.

The judiciary, well aware of its need to recruit more Cantonese-speaking lawyers, relaxed the qualifications for locals to become magistrates in November 1984, despite strong opposition from the Magistrates' Association which feared that this would lower the standards of the bench.

After this recruitment drive, a total of five Canton-

ese speakers were appointed which was seen as "reasonably successful", although some of them did not need to take advantage of the relaxed rules.

About 2½ years ago there was just one magistrate on local terms although four others were Cantonese-speaking out of a total of 48 magistrates.

The appointment of four local Chinese as magistrates earlier this year means that over 20 per cent of magistrates are now locals and another seven local names, mostly Chinese, are to be put forward soon.