

立法會
Legislative Council

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Tel : 2869 9205

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 2 July 2003

Proposed resolution under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China

I forward for Members' consideration a proposed resolution which the Chief Secretary for Administration will move at the Council meeting of 2 July 2003 under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. The President has directed that "it be printed in the terms in which it was handed in" on the Agenda of the Council.

2. The speech, in the English version, which the Chief Secretary for Administration will deliver when moving the proposed resolution, is also attached. The Chinese version of the speech will be issued as soon as it is available.

(Ray CHAN)
for Clerk to the Legislative Council

Encl.

BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION OF THE PEOPLE'S REPUBLIC OF CHINA

RESOLUTION

(Under Article 73(7) of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China)

RESOLVED that the appointment of the Honourable Mr. Justice
Geoffrey MA Tao-li as the Chief Judge of the High Court be
endorsed.

Speech by the Chief Secretary for Administration
The Honourable Donald TSANG, GBM, JP
in the Legislative Council on 2 July 2003

Resolution under Article 73(7) of the Basic Law
Appointment of the Chief Judge of the High Court

Madam President,

I move that this Council endorses the appointment of Mr. Justice Geoffrey MA Tao-li as the Chief Judge of the High Court.

2. On 2 May 2003, the Administration informed the House Committee that the Chief Executive had accepted the recommendation of the Judicial Officers Recommendation Commission (JORC) on this appointment.

3. Representatives from the Administration and the Secretary to the JORC attended the meeting of the House Committee Subcommittee held on 27 May to respond to Members' questions on the recommended appointment. They also provided further information on this appointment to the Subcommittee following that meeting.

The Current Appointment Exercise

4. The Chief Judge of the High Court is the court leader of the High Court. He is also the President of the Court of Appeal. The current Chief Judge of the High Court, Mr. Justice Arthur Leong, will

retire on 14 July 2003. The post will then fall vacant.

5. Articles 90 and 92 of the Basic Law, read together with section 9 of the High Court Ordinance, spell out the required qualification of the Chief Judge of the High Court.

6. The JORC is fully satisfied that Mr. Justice Ma has met these qualifications. It has recommended to the Chief Executive that he appoints Mr. Justice Ma as the Chief Judge of the High Court.

The Appointee

7. Mr. Justice Geoffrey Ma, currently a Justice of Appeal of the Court of Appeal, has been serving in the Judiciary since December 2001. He is highly respected by members of the Judiciary and by the legal profession for his integrity, competence in law and judicial temperament. Mr. Justice Ma has confirmed to the Chief Justice that he is willing and able to take up the post of the Chief Judge of the High Court, and to comply with the eligibility requirements including the requirement of Chinese Nationality with no right of abode in any foreign country.

Acceptance of the Recommendation

8. The Chief Executive is happy to accept the recommendation of the JORC, and subject to the endorsement of the Legislative Council, will make the appointment. So I invite Members to endorse this appointment.