

立法會
Legislative Council

Ref : CB2/HS/2/05

LC Paper No. CB(2)1418/05-06
(These minutes have been seen
by the Administration)

Subcommittee on Proposed Senior Judicial Appointment

Minutes of meeting
held on Thursday, 16 February 2006 at 10:45 am
in Conference Room B of the Legislative Council Building

Members present : Hon Margaret NG (Chairman)
Hon James TO Kun-sun
Hon Miriam LAU Kin-yee, GBS, JP
Hon Audrey EU Yuet-mee, SC, JP

Members absent : Hon Martin LEE Chu-ming, SC, JP
Hon LI Kwok-ying, MH
Hon Alan LEONG Kah-kit, SC

Public Officers attending : Item II
The Administration
Miss Eliza LEE
Deputy Director of Administration
Mrs Alice CHEUNG
Assistant Director of Administration
Judiciary Administration
Miss Emma LAU
Judiciary Administrator
Ms Sally WONG
Deputy Judiciary Administrator (Development)
Miss Vega WONG
Assistant Judiciary Administrator (Development)

Clerk in attendance : Mrs Percy MA
Chief Council Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Ms Amy YU
Council Secretary (2)3

Action

I. Election of Chairman

Ms Margaret NG was elected Chairman of the Subcommittee.

II. Meeting with the Administration

(LC Paper No. CB(2)1133/05-06(02) – Background brief prepared by the Legislative Council Secretariat

LC Paper No. CB(2)1133/05-06(03) – Director of Administration's letter dated 6 January 2006 to the Chairman of the House Committee on "Senior Judicial Appointment")

2. The Subcommittee deliberated (index of proceedings attached at **Annex**).
3. The Subcommittee noted that while there were one barrister and one solicitor sitting on the Judicial Officers Recommendation Commission, they were appointed by the Chief Executive in their personal capacity. To facilitate the deliberation of the Subcommittee, members agreed that the two legal professional bodies be invited to give their views on the recommended appointment in writing as soon as possible, and in any case within one month.
4. The Judiciary Administration was requested to provide the following for the consideration of the Subcommittee –
 - (a) copies of the publications of Mr Michael McHugh AC; and
 - (b) a list of serving non-permanent common law judges of the Court of Final Appeal (CFA), with information on their date of appointment to CFA and, where applicable, their date of retirement as judges in other common law jurisdictions.

5. Noting that the Administration intended to move the motion for obtaining the endorsement of the Legislative Council on the recommended appointment at the earliest opportunity within this legislative session, members agreed that the next meeting would be arranged when the written views from the two legal professional bodies and the information from the Judiciary Administration were available.
6. The meeting ended at 11:08 am.

Council Business Division 2
Legislative Council Secretariat
15 March 2006

**Proceedings of meeting of the
Subcommittee on Proposed Senior Judicial Appointment
on Thursday, 16 February 2006 at 10:45 am
in Conference Room B of the Legislative Council Building**

Time Marker	Speaker(s)	Subject(s)	Action required
000934 – 001002	Ms Margaret NG Mr James TO Ms Miriam LAU	Election of Chairman of Subcommittee	
001003 – 001404	Chairman Admin/ Judiciary Administration Mr James TO Ms Miriam LAU	Invitation for views from the two legal professional bodies on the recommended appointment	The Law Society and the Bar Association to provide written views
001405 – 001914	Ms Miriam LAU Admin/ Judiciary Administration Chairman	Concern about the tendency of appointing retired judges as non-permanent common law judges of the Court of Final Appeal (CFA) Judiciary Administration's advice that due to the relatively small number of judges in the appellate courts in Australia and New Zealand, it was the policy of these appellate courts not to make available their serving judges to serve concurrently in other jurisdictions. In view of this, non-permanent common law judges of CFA who were appointed from these two jurisdictions were retired judges Information on the date of appointment of serving non-permanent common law judges to CFA and, where applicable, their date of retirement as judges in other common law jurisdictions	Judiciary Administration to provide the information for reference
001915 – 002010	Chairman Admin/ Judiciary Administration	Publications of Mr Michael McHugh AC	Judiciary Administration to provide copies of the publications for reference
002011 – 002245	Chairman Admin/ Judiciary Administration Ms Miriam LAU	Timing for moving motion for obtaining the endorsement of LegCo on the judicial appointment; and date of the next meeting	

Note : The audio records of the above proceedings are kept at the LegCo Library