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3 March 2009

Miss Flora Tai
Clerk to Panel on Administration of Justice and Legal Services
Legislative Council
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Miss Tai,

**Panel on Administration of Justice and Legal Services
Meeting on 13 January 2009**

**Item VI – Statutory and non-statutory appointments of judges for
extra-judiciary functions**

As a follow-up to the request made at the above meeting, we have, in consultation with relevant bureaux, set out at **Annex** information on the extra resources currently provided by the Administration to the Judiciary for appointments of judges to offices outside the Judiciary. As for the other request for review of the appointments of judges to offices outside the Judiciary, we will revert to the Panel once we are ready to do so.

A handwritten signature in black ink, appearing to read 'Arthur Au'.

(Arthur Au)

for Director of Administration

Encl.

Extra Resources provided by the Administration to the Judiciary

A. Outside offices where the work is similar in nature to judicial work

Item	Office	Statutory Provision	Incumbent Judge and Judicial Officer	Extra resources provided to the Judiciary
1.	Chairman, Clearing and Settlement Systems Appeals Tribunal	Clearing and Settlement Systems Ordinance (s.34 of Cap. 584)	The Honourable Mr Justice Stone	<p>Financial resources are provided to enable the Judiciary to make suitable arrangements to cover the judicial duties of the Chairman, Clearing and Settlement Systems Appeals Tribunal when he has to attend to work related to the Tribunal.</p> <p>The financial resources are calculated on the basis of the time spent on Tribunal work and at the daily rate of honorarium (\$8,435) for a Deputy Judge of the Court of First Instance of the High Court (“Deputy CFI Judge”).</p>
2.	Chairman, Insider Dealing Tribunal	Securities (Insider Dealing) Ordinance (repealed) (s.2 and s.15 of Cap. 395)	The Honourable Mr Justice Saunders	One post of Judge of the Court of First Instance of the High Court (“CFI Judge”) was created, with funding for the post provided to the Judiciary, to serve as Chairman of the Insider Dealing Tribunal.
3.	Chairman, Market Misconduct Tribunal	Securities and Futures Ordinance (s.245, s.251 & Sch.9 of Cap.571)	The Honourable Mr Justice Lunn	Financial resources equivalent to one post of CFI Judge was provided to the Judiciary for the operation of the Market Misconduct Tribunal.
4.	Chairman, Securities and Futures Appeals Tribunal	Securities and Futures Ordinance (s.215, s.216 & Sch.8 of Cap.571)	<p>The Honourable Mr Justice Stone (Up to 31.3.2009)</p> <p>The Honourable Mr Justice Saunders (From 1.1.2009)</p>	Financial resources are provided to enable the Judiciary to make suitable arrangements to cover the judicial duties of the Chairman, Securities and Futures Appeals Tribunal when he has to attend to work related to the Tribunal.

Item	Office	Statutory Provision	Incumbent Judge and Judicial Officer	Extra resources provided to the Judiciary
				The financial resources are calculated on the basis of the time spent on Tribunal work and at the daily rate of honorarium (\$8,435) for a Deputy CFI Judge.

B. Outside offices where the work is non-judicial

Item	Office	Statutory Provision	Incumbent Judge and Judicial Officer	Extra resources provided to the Judiciary
1.	Commissioner on Interception of Communications and Surveillance	Interception of Communications and Surveillance Ordinance (s.39 of Cap. 589)	The Honourable Mr Justice Woo, VP	Two posts of CFI Judge were created, with funding for the posts provided to the Judiciary, to cope with the additional responsibilities arising from the implementation of the new regulatory regime for interception of communications and covert surveillance conducted by law enforcement agencies after the enactment of the Interception of Communications and Surveillance Ordinance.
2.	Panel Judge	Interception of Communications and Surveillance Ordinance (s.6 of Cap. 589)	The Honourable Mr Justice Pang The Honourable Mr Justice Suffiad The Honourable Mr Justice Chung	See item (1) above
3.	Chairman, Electoral Affairs Commission	Electoral Affairs Commission Ordinance (s.3 of Cap. 541)	The Honourable Mr Justice Pang	Financial resources are provided to enable the Judiciary to make suitable arrangements to cover the judicial duties of the Chairman, Electoral Affairs Commission when he has to

Item	Office	Statutory Provision	Incumbent Judge and Judicial Officer	Extra resources provided to the Judiciary
				<p>attend to work related to the Commission.</p> <p>The financial resources are calculated on the basis of the time spent on the work of the Commission and at the daily rate of honorarium (\$8,435) for a Deputy CFI Judge.</p>

March 2009