

立法會

Legislative Council

LC Paper No. CB(2)1439/09-10(01)

Ref : CB2/HS/1/09

Background brief prepared by the Legislative Council Secretariat

Subcommittee on Proposed Senior Judicial Appointments

Purpose

This paper provides background information on the procedure for endorsement of senior judicial appointment by the Legislative Council ("LegCo") under Article 73(7) of the Basic Law ("BL 73(7)"). It also gives a brief account of the recent discussions held by the Panel on Administration of Justice and Legal Services ("the AJLS Panel") on the procedures and working timetable to fill the anticipated vacancy of the Chief Justice of the Court of Final Appeal ("CJ").

Relevant provisions of the Basic law and the Hong Kong Court of Final Appeal Ordinance (Cap. 484)

2. BL 48(6) confers on the Chief Executive ("CE") the power and function to appoint judges of the courts at all levels in accordance with legal procedures. In accordance with BL 88, judges shall be appointed by CE on the recommendation of an independent commission, namely, the Judicial Officers Recommendation Commission ("JORC"). Section 6(1) of the Hong Kong Court of Final Appeal ("CFA") Ordinance also provides that CJ shall be appointed by CE acting in accordance with the recommendation of JORC.

3. In the case of the appointment of judges of CFA and the Chief Judge of the High Court, BL 90 provides that CE shall, in addition to following the procedures prescribed in BL 88, obtain the endorsement of LegCo. Subject to the endorsement of LegCo, CE shall report such appointment to the Standing Committee of the National People's Congress for the record. BL 73(7) correspondingly confers on LegCo the power and function to endorse the appointment of CFA judges and the Chief Judge of High Court. Such procedure is also stipulated in section 7A of the Hong Kong CFA Ordinance.

JORC

Membership

4. Pursuant to BL88 and the JORC Ordinance (Cap. 92), JORC is entrusted with the function of making recommendations to CE regarding the appointment of judges. As prescribed in the Ordinance, JORC consists of CJ as the Chairman, the Secretary for

Justice ("SJ") and seven other members appointed by CE consisting of two judges, one barrister, one solicitor and three other persons who are not connected with the practice of law. CE is required by the JORC Ordinance to consult the Council of the Hong Kong Bar Association and the Council of the Law Society of Hong Kong regarding the appointment of the barrister and the solicitor respectively.

5. Section 4 of the JORC Ordinance provides that a person shall not be appointed to be a member of the Commission if he is a LegCo Member; or he holds a pensionable office (other than the office of a judge) the emoluments whereof are payable wholly or partly out of public revenue, unless he is on leave prior to retirement and has already received official notification of the pension which will be payable to him for service which comprised service in the office or post of which he is the holder.

6. The current membership of JORC is in **Appendix I**.

Operation of JORC

Procedure

7. The procedure and voting requirements of JORC are laid down in the JORC Ordinance. The Chairman and no fewer than six other members may exercise and perform any of the functions, powers and duties of JORC. For the purposes of any meeting of JORC, if CJ is unable to act as Chairman, those members present at that meeting may by resolution appoint any of their member to act in his place and in so acting to exercise and perform all the functions of the Chairman at that meeting. If any appointed member is absent from Hong Kong or is unable to act, CE may appoint another person to act temporarily as a member.

Voting requirements

8. At a meeting of JORC, a resolution is effective if -
- (a) where seven members are present, at least five vote in favour;
 - (b) where eight members are present, at least six vote in favour; and
 - (c) where nine members are present, at least seven vote in favour.

Disclosure of interests

9. The JORC Ordinance provides that where JORC is exercising its functions in relation to the filling of vacancies in judicial offices as specified in Schedule 1 to the JORC Ordinance or to the extension of the term of office of CJ under section 14 of the Hong Kong CFA Ordinance, a member who is or may reasonably be regarded as a candidate for selection to fill any such vacancy or whose term of office is being considered for extension shall disclose whether or not, if he were to be selected or if the

extension of his term of office were to be recommended, he is willing to accept appointment or the extension, and that disclosure shall be recorded in the minutes of JORC's meeting. A member who discloses a willingness to accept an appointment or extension shall not take part in any deliberation of JORC with respect to that appointment or extension and shall not vote on any question concerning the same; and shall, with respect to any deliberation of JORC concerning that appointment or extension as the case may be and any question concerning the same, be treated as being unable to act.

10. Members may wish to note that in reply to a written question raised by Ms Emily LAU at the Council meeting on 19 May 1999, the then Chief Secretary for Administration explained that, in addition to the above statutory requirement, judges on JORC would not participate in deliberations on filling of vacancies if he was or might reasonably be regarded as a candidate for filling the vacancies. It had been the practice of JORC members to declare their personal association, if any, with any candidate being considered for appointment, and any possible interest in matters laid before JORC.

Appointment of the incumbent CJ in 1997

11. In April 1997, the CE Office announced the membership of JORC for a two-year term to take effect on 1 July 1997. Since the relevant Ordinances on the appointment of CJ would not come into effect until 1 July 1997, JORC (Designate) was tasked to complete preparatory work before 1 July 1997 in order to ensure the timely establishment of the Judiciary of the Hong Kong Special Administrative Region. Its first task was to make recommendations to CE in respect of the appointment of CJ. On 20 May 1997, JORC (Designate) unanimously recommended that Mr Andrew LI be appointed CJ. On 24 May 1997, the then SJ moved a motion to seek support from the Council for Mr LI to be appointed as CJ and the motion was passed on the same day.

12. When moving the motion, the then SJ informed the Council that JORC had considered over 140 people who possessed the qualifications laid down in section 12 of the Hong Kong CFA Ordinance. These included serving Justices of Appeal, serving HC Judges, barristers who had practised as a barrister or solicitor in Hong Kong for at least 10 years (including those in private practice or working for the then Legal Department), retired CJ, retired Justices of Appeal and retired judges of HC who qualified under the terms of BL.

13. According to the then SJ, JORC, on the basis of feedback from the senior members of the Bench and the professions, had amplified the qualities for the appointment to embrace the following -

- (a) personal qualities of honesty, integrity, industry, independence and intellectual capacity;

- (b) outstanding competence as a lawyer and the ability to project a sense of professional excellence;
- (c) judicial qualities of mastery of facts and law, clear, concise and convincing expression and the ability to develop the law consistently with principle and practical needs;
- (d) vision, drive and leadership qualities which would set a clear direction for the Judiciary; and
- (e) the ability to work with people and to engender respect and trust from members of the Judiciary and the legal profession so that together with them he could lead the development of CFA and the legal system to achieve the necessary local and international respect.

14. The then SJ further pointed out that, to prevent any possible suggestion of interference in the process of judicial appointments, she had decided not to, and in fact did not, exercise her right to nominate candidate at any stage of the proceedings, nor did any of the lay members of JORC nominate any candidate. The recommendation of Mr Andrew LI was made by JORC unanimously.

Procedure for endorsement of appointment of judges by LegCo under BL73(7)

Options for the endorsement procedure put forward by the AJLS Panel for consultation

15. In June 2001, the AJLS Panel commenced a review of the process of appointment of judges with a view to looking into how LegCo could properly discharge its constitutional duty under BL, and how the system of appointment of judges might be improved to achieve greater transparency and accountability while ensuring judicial independence.

16. In its Consultation Paper on Process of Appointment of Judges published in December 2001, the AJLS Panel put forward three options for the procedure for LegCo to endorse judicial appointment under BL 73(7), namely: (a) the "Normal Procedure" under which the power of endorsement would be exercised under the already established practice and procedure of LegCo with more information to be provided by the Administration on a judicial appointment; (b) the "Expanded Normal Procedure" which expanded on the "Normal Procedure" but allowed for a prior established procedure to deal with controversial cases; and (c) the "Special Procedure" which proposed to adopt, albeit in modified form, certain features of the system in the United States ("US"), e.g. the practice of the Senate Judiciary Committee of holding open hearings to question nominees.

17. The AJLS Panel noted that the Judiciary, the Bar Association and the Law Society were in favour of the "Normal Procedure", subject to adequate information to be provided to LegCo by the Administration on the judicial nominees. They considered

that the "Special Procedure" was inappropriate for Hong Kong, for the reasons that the US system would politicise the process of judicial appointment, and deter suitable candidates from being considered for appointment. The Administration also shared the Judiciary's objection to the "Special Procedure".

Procedure for LegCo's endorsement agreed by the House Committee ("HC")

18. In its Report on Process of Appointment of Judges published in September 2002, the AJLS Panel recommended to HC that the "Normal Procedure" be adopted. Having considered the view of the Committee on Rules of Procedure that proposals for the appointment of judges were not policy matters that could be referred to Panels for discussion, the AJLS Panel recommended the following procedure for endorsement of appointment of judges by LegCo under BL 73(7) which was endorsed by HC on 16 May 2003 and 28 May 2004—

- (a) the Administration advises HC of the acceptance by CE of the recommendation of JORC and provides sufficient information on the recommended judicial appointee(s) to LegCo (this should take place before CE makes any public announcement of his acceptance of the recommendation);
- (b) it would be for HC to decide whether or not a subcommittee should be appointed;
- (c) the subcommittee, if appointed, discusses the matter as soon as possible;
- (d) the subcommittee reports its deliberation to HC;
- (e) the Administration gives notice of a motion to seek the endorsement of LegCo of the recommended appointment;
- (f) the motion is moved, debated and voted on at a Council meeting; and
- (g) if the motion is passed by the Council, CE makes the appointment.

19. The AJLS Panel also recommended that in seeking LegCo's endorsement of a judicial appointment under BL73(7), the information provided by the Administration should include as many as possible the items contained in the questionnaire set by the US Senate Judiciary Committee and the application form for appointment as Justice of the High Court in the United Kingdom (Appendices II and III to LC Paper No. CB(2)2448/08-09(01) issued on 7 September 2009). In this connection, the Judiciary had agreed that in future appointment exercises, JORC would be asked to consider the appropriate information that should be supplied to CE, to enable CE to supply sufficient information to LegCo.

Appointment exercises since the adoption of the procedure for endorsement of judicial appointment by LegCo under BL 73(7)

The appointment exercise in 2003

20. The procedure for endorsement of judicial appointment by LegCo set out in paragraph 18 was adopted for the first time for the appointment exercise in July 2003. A Subcommittee was formed to consider the proposed judicial appointments of three non-permanent common law judges to CFA and the Chief Judge of the High Court. The Subcommittee held one meeting with the Administration and the Judiciary Administration to discuss the proposed judicial appointments and related issues.

21. In that appointment exercise, the curriculum vitae of the recommended appointees provided by the Administration had covered various aspects, including personal background, education, legal experience, judicial experience, services and activities, awards, and publications. In response to the Subcommittee's request, the Administration had provided the following supplementary information for members' reference –

- (a) copies of major publications of the recommended appointees; and
- (b) a selection of judgments given by the recommended appointees.

22. Having considered all the available information, the Subcommittee agreed that the recommended appointees had extensive legal and judicial experience and eminent standing and supported the proposed appointments, which were subsequently endorsed by LegCo on 3 July 2003.

The appointment exercise in 2006

23. In her letter dated 6 January 2006 to the HC Chairman, the Director of Administration advised that CE had accepted the recommendation of JORC on the appointment of two non-permanent common law judges to CFA. Attached to the letter were –

- (a) an advance copy of the press statement on the appointment; and
- (b) a paper entitled "Appointment of Non-Permanent Judges to the Court of Final Appeal" which contained the curriculum vitae of the proposed appointees and information on the relevant appointment exercise.

24. At the meeting of 13 January 2006, a subcommittee was formed by HC to consider the proposed judicial appointments. The Subcommittee held one meeting with the Administration and the Judiciary Administration to discuss the proposed judicial appointment and related issues. At the Subcommittee's request, the Administration had provided additional information on the appointees. The

Subcommittee supported the proposed appointments, which were subsequently endorsed by LegCo on 3 May 2006.

The appointment exercise in 2008

25. In her letter dated 7 November 2008 to the HC Chairman, the Director of Administration advised that CE had accepted the recommendation of JORC on the appointment of three non-permanent common law judges to CFA. Attached to the letter were also –

- (a) an advance copy of the press statement on the appointment; and
- (b) a paper entitled "Appointment of Non-Permanent Judges to the Court of Final Appeal".

26. The letter was considered at the HC meeting on 14 November 2008. Members did not raise objection to the proposed appointments, which were subsequently endorsed by LegCo on 7 January 2009.

Recent discussions held by the AJLS Panel on the procedures and working timetable to fill the anticipated vacancy of CJ

Working timetable

27. In connection with the impending retirement of the incumbent CJ, the AJLS Panel discussed with the Administration the procedures and working timetable to fill the anticipated vacancy at its meeting on 23 November 2009. The Administration advised that according to the Judiciary, JORC aimed to make a recommendation to CE as soon as possible within the first quarter of 2010. The Administration planned to seek the LegCo's endorsement of the appointment as early as possible, tentatively around the second quarter of 2010 in accordance with the procedures agreed by HC in May 2003. It was hoped that the LegCo's endorsement could be obtained within the current legislative session so that the appointment of the new CJ could be effected in time to tie in with the retirement of the incumbent CJ on 31 August 2010. The major issues raised by members at that meeting are summarized in the following paragraphs.

Procedure for endorsement of judicial appointments by LegCo

28. Panel members in general were of the view that the process of judicial appointments should not be politicised as it would violate the fundamental principle of separation of powers. They considered that LegCo should exercise its power of endorsement prudently and that judicial appointments should best be left to JORC, a body with legal professionals as members best equipped to consider the judicial qualities of a candidate. LegCo's power to endorse judicial appointments was substantive in that it could act as the final gatekeeper to stop a judicial appointment

which was manifestly contrary to public interest. However, such power should only be exercised in exceptional circumstances, and it should be a constitutional convention for LegCo to accept nominations made by JORC. Panel members, however, noted that there was a suggestion that given the importance of the post of CJ, LegCo Members should have the opportunity to meet with the candidate recommended for appointment as the next CJ before deciding whether to endorse the appointment.

29. The Bar Association advised that it was its firm view that no arrangement should be made for recommended judicial appointees to be questioned by LegCo Members as to their suitability for appointment. It was not intended that LegCo should duplicate the elaborate process JORC had gone through in coming up with the recommendation. Hence, LegCo should as a matter of convention accept the recommendation of JORC. The Bar Association considered that LegCo might consider not endorsing an appointment only if it considered that the relevant information provided by the Administration had failed to identify the nominee recommended by JORC as an appropriate candidate for appointment.

30. Members in general considered that the Administration should provide as much information on a recommended candidate as possible so that LegCo could consider the appointment on an informed basis. The Administration informed the AJLS Panel that in the appointment exercises conducted after the AJLS Panel's review of the process of appointment of judges in 2002, the curriculum vitae of the recommended appointees provided by the Administration had covered more information, including personal background, education, legal experience, judicial experience, services and activities, awards, and publications.

Membership of SJ on JORC

31. Members noted that during the AJLS Panel's review of the process of appointment of judges, both the Bar Association and the Law Society had expressed the view that it was not appropriate for SJ, being one of the Principal Officials under the Accountability System, to be a member of JORC. Dr Margaret NG and Ms Emily LAU were of the view that SJ, a political appointee under the Accountability System, should not participate in the appointment process of judges. They were concerned that in the event that the candidate proposed by JORC was highly controversial, the membership of SJ on JORC might further complicate the matter. Mr TAM Yiu-chung, however, did not consider that there was any problem with SJ's membership on JORC. Noting that the then SJ had not exercised her right to nominate any candidate for the appointment of CJ, Mr TAM asked whether SJ would follow the same practice in the upcoming appointment exercise.

32. The Administration responded that apart from being the principal adviser on legal matters to the Government, SJ was also endowed with the constitutional role of being the guardian of public interest in the administration of justice and the upholder of the rule of law. In addition, SJ had the overall responsibility for DoJ which was one of the three major court users. It was essential that SJ remained a member of JORC to

fulfil his important roles in these various respects. The Administration further explained that the approach taken by the then SJ was a reflection of the special circumstances at the time when the motion for the appointment of the incumbent CJ was moved in the Provisional Legislative Council in 1997. At that time, the then SJ designate had not yet taken up office. The incumbent SJ had, however, been in office for quite some time and was in a position to participate in the appointment process himself, including, if he thought fit, suggesting names for JORC's consideration.

33. Mr LEUNG Kwok-hung expressed concern about the voting power of SJ on JORC. The Administration explained that according to the voting requirements of JORC as laid down in section 3(3A) of the JORC Ordinance (Cap. 92), a resolution at a meeting of JORC was effective if (a) where seven members were present, at least five voted in favour; (b) where eight members were present, at least six voted in favour; and (c) where nine members were present, at least seven voted in favour. In other words, more than two dissenting votes were required to vote down a resolution of JORC on a recommended appointment. However, the deliberations of JORC were confidential and details of its voting results would not be disclosed.

Latest development

34. The Director of Administration wrote to the HC Chairman on 8 April 2010 advising that CE has accepted the recommendation of JORC to appoint -

- (a) Mr Justice Geoffrey MA Tao-li as CJ; and
- (b) Mr Justice Robert Tang Ching, Mr Justice Frank Stock and Mr Justice Michael John Hartmann as non-permanent Hong Kong judges to CFA.

35. At the HC meeting on 16 April 2010, members agreed to appoint a subcommittee to consider the proposed senior judicial appointments. Members further agreed that should the subcommittee wishes to meet with the candidates recommended for appointment, it should revert to HC beforehand.

Relevant papers

36. A list of relevant papers available on the LegCo website (<http://www.legco.gov.hk>) is in **Appendix II**.

Current membership of the Judicial Officers Recommendation Commission

Ex officio chairman and member

The Honourable Chief Justice Andrew LI Kwok-nang, GBM (Chairman)

The Honourable WONG Yan-lung, SC, JP (Secretary for Justice)

Judges

The Honourable Mr Justice Roberto Alexandre Vieira RIBEIRO

The Honourable Mr Justice Louis TONG Po-sun

Barrister and solicitor

Mr Rimsky YUEN Kwok-keung, SC (barrister)

Mr Michael John Lintern-Smith (solicitor)

Persons not connected with the practice of law

Professor Lap-Chee TSUI

Dr Rosanna WONG Yick-ming, JP

Dr Edgar CHENG Wai-kin, GBS, JP

Subcommittee on Proposed Senior Judicial Appointments

Relevant documents

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
|--|---------------------|---|
| Provisional Legislative Council | 24 May 1997 | Motion moved by the Secretary for Justice on the "Appointment of the Chief Justice of the Court of Final Appeal of the Hong Kong Special Administrative Region" http://www.legco.gov.hk/yr97-98/english/counmtg/hansard/970524fe.htm |
| | 19 May 1999 | A written question raised by Hon Emily LAU on "Appointments to the Judicial Officers Recommendation Commission" http://www.legco.gov.hk/yr98-99/english/counmtg/hansard/990519fe.htm |
| Panel on Administration of Justice and Legal Services ("AJLS Panel") | 28 November 2000 | Research Reports on the process of appointment of judges in some foreign countries: the United States [RP01/00-01] http://www.legco.gov.hk/yr00-01/english/library/erp01.pdf |
| | | Research Reports on the process of appointment of judges in some foreign countries: the United Kingdom [RP02/00-01] http://www.legco.gov.hk/yr00-01/english/library/erp02.pdf Minutes of meeting [LC Paper No. CB(2)657/00-01] http://www.legco.gov.hk/yr00-01/english/panels/ajls/minutes/aj281100.pdf |
| | 24 April 2001 | Research Reports on the process of appointment of judges in Hong Kong since 1976 [RP07/00-01] http://www.legco.gov.hk/yr00-01/english/library/001rp_7.pdf |
| | | Research Reports on the process of appointment of judges in some foreign countries: Canada [RP08/00-01] http://www.legco.gov.hk/yr00-01/english/library/001rp8.pdf |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
|----------------|---------------------|---|
| | | <p>A supplementary information note on the process of appointment of judges in some foreign countries: the United States [IN12/00-01] http://www.legco.gov.hk/yr00-01/english/library/001in12.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2138/00-01] http://www.legco.gov.hk/yr00-01/english/panels/ajls/minutes/aj240401.pdf</p> |
| | 15 May 2001 | <p>Research Reports on the process of appointment of judges in some foreign countries - An overall comparison on the process of appointment of judges in UK, USA, Canada and Hong Kong [RP12/00-01] http://www.legco.gov.hk/yr00-01/english/library/001rp12.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)152/01-02] http://www.legco.gov.hk/yr00-01/english/panels/ajls/minutes/aj150501.pdf</p> |
| | -- | <p>Consultation Paper on Process of Appointment of Judges published by the AJLS Panel on 12 December 2001 ("the Consultation Paper") [LC Paper No. CB(2)662/01-02] http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/ajcb2-consult-e.pdf</p> |
| | 22 April 2002 | <p>Submission from the Director of Administration on the Consultation Paper [LC Paper No. CB(2)1617/01-02(02)] http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0422cb2-1617-2e.pdf</p> <p>Submission from the Judiciary Administration on the Consultation Paper [LC Paper No. CB(2)1617/01-02(03)] http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0422cb2-1617-3e.pdf</p> |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
|----------------|---------------------|--|
| | | <p>Submission from the Hong Kong Bar Association on the Consultation Paper [LC Paper No. CB(2)1624/01-02(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0422-1624-1e-scan.pdf</p> <p>Submission from the Law Society of Hong Kong on the Consultation Paper [LC Paper No. CB(2)1617/01-02(04)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0422-1617-4e-scan.pdf</p> <p>Submission from Mr Tony YUEN Tat-tong [LC Paper No. CB(2)1617/01-02(05)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0422cb2-1617-5e.pdf</p> <p>Summary of written submissions on the Consultation Paper [LC Paper No. CB(2)1624/01-02(02)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0422cb2-1624-2e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2545/01-02] http://www.legco.gov.hk/yr01-02/english/panels/ajls/minutes/aj020422.pdf</p> |
| | -- | <p>A supplemental response dated 31 May 2002 from the Bar Council on "Process of appointment of judges" [LC Paper No. CB(2)2350/01-02(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0624cb2-2350-1e-scan.pdf</p> |
| | 22 July 2002 | <p>Paper prepared by the Legislative Council ("LegCo") Secretariat on the process of appointment of judges [LC Paper No. CB(2)2544/01-02(01)] http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0712cb2-2544-1e.pdf</p> |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
|---------------------------------|---------------------|--|
| | | <p>Paper prepared by Legal Service Division on "Rules of Procedure for the Endorsement of the Appointment of Judges under Article 73(7) of the Basic Law" [LC Paper No. LS123/01-02] http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/aj0712cb2-ls123-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)119/02-03] http://www.legco.gov.hk/yr01-02/english/panels/ajls/minutes/aj020722.pdf</p> |
| | -- | <p>Report on Process of Appointment of Judges prepared by the AJLS Panel [issued vide LC Paper No. CB(2)2798/01-02 on 20 September 2002] http://www.legco.gov.hk/yr01-02/english/panels/ajls/papers/ajcb2-paj-e.pdf</p> |
| Committee on Rules of Procedure | 6 March 2003 | <p>Progress Report of the Committee on Rules of Procedure for the period from July 2002 to June 2003 (pages 16 to18) http://www.legco.gov.hk/yr02-03/english/procedur/reports/ropcb3-rpt-0709-e.pdf</p> |
| House Committee | 16 May 2003 | <p>Report of the AJLS Panel on "Procedure for endorsement of appointment of judges by the Legislative Council under Article 73(7) of the Basic Law" [LC Paper No. CB(2)2059/02-03] http://www.legco.gov.hk/yr02-03/english/hc/papers/hc0516cb2-2059.pdf</p> <p>Director of Administration's letter dated 2 May 2003 on "Senior Judicial Appointments" [LC Paper No. CB(2)2135/02-03(04)] http://www.legco.gov.hk/yr02-03/english/hc/sub_com/hs52/papers/hs520527cb2-2135-4e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2118/02-03] http://www.legco.gov.hk/yr02-03/english/hc/minutes/hc030516.pdf</p> |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
|---|---------------------|--|
| Subcommittee on proposed senior judicial appointments under the House Committee | 27 May 2003 | <p>Director of Administration's letter dated 2 May 2003 on "Senior Judicial Appointments" [LC Paper No. CB(2)2135/02-03(04)] http://www.legco.gov.hk/yr02-03/english/hc/sub_com/hs52/papers/hs520527cb2-2135-4e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)2407/02-03] http://www.legco.gov.hk/yr02-03/english/hc/sub_com/hs52/minutes/hs520527.pdf</p> <p>Report of the Subcommittee on proposed senior judicial appointments to the House Committee on 13 June 2003 [LC Paper No. CB(2)2417/02-03] http://www.legco.gov.hk/yr02-03/english/hc/papers/hc0613cb2-2417.pdf</p> |
| Legislative Council | 3 July 2003 | <p>Motion moved by the Chief Secretary for Administration on the "Proposed resolution under Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Hong Kong Court of Final Appeal Ordinance" http://www.legco.gov.hk/yr02-03/english/counmtg/hansard/cm0703ti-translate-e.pdf</p> |
| House Committee | 28 May 2004 | <p>Minutes of meeting (paragraph 43) [LC Paper No. CB(2)2597/03-04] http://www.legco.gov.hk/yr03-04/english/hc/minutes/hc040528.pdf</p> |
| | 13 January 2006 | <p>Director of Administration's letter dated 6 January 2006 on "Senior Judicial Appointment" http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1133-3e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)936/05-06] http://www.legco.gov.hk/yr05-06/english/hc/minutes/hc060113.pdf</p> |
| Subcommittee on Proposed | 16 February 2006 | <p>Director of Administration's letter dated 6 January 2006 on "Senior Judicial Appointment"</p> |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
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| <p>Senior Judicial Appointment under the House Committee</p> | | <p>[LC Paper No. CB(2)1133/05-06(03)] http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1133-3e.pdf</p> <p>Background Brief prepared by the LegCo Secretariat [LC Paper No. CB(2)1133/05-06(02)] http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1133-2e.pdf</p> <p>Letter dated 1 March 2006 from the Judiciary Administration on the supplementary information requested by the Subcommittee at the meeting on 16 February 2006 [LC Paper No. CB(2)1288/05-06(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1288-1e.pdf</p> <p>Copy of the Inaugural Sir Anthony Mason Lecture on Constitutional Law at the University of Sydney on "The Constitutional Jurisprudence of the High Court of Australia (1989-2004)" by Mr Michael McHugh AC [LC Paper No. CB(2)1288/05-06(02)] <i>(English version only)</i> http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1288-2e-scan.pdf</p> <p>Letter dated 24 February 2006 from the Hong Kong Bar Association, in response to the invitation of the Subcommittee to express views on the proposed senior judicial appointment [LC Paper No. CB(2)1256/05-06(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1256-1e-scan.pdf</p> <p>Letter dated 28 February 2006 from the Chairman of the Subcommittee to the Hong Kong Bar Association [LC Paper No. CB(2)1280/05-06(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1280-1e-scan.pdf</p> |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
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| | | <p>Letter dated 10 March 2006 from the Law Society of Hong Kong, in response to the invitation of the Subcommittee to express views on the proposed senior judicial appointment [LC Paper No. CB(2)1397/05-06(01)] <i>(English version only)</i> http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/papers/hs520216cb2-1397-1e-scan.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)1418/05-06] http://www.legco.gov.hk/yr05-06/english/hc/sub_com/hs52/minutes/hs520216.pdf</p> <p>Report of the Subcommittee on proposed senior judicial appointments to the House Committee on 31 March 2006 [LC Paper No. CB(2)1557/05-06] http://www.legco.gov.hk/yr05-06/english/hc/papers/hc0331cb2-1557-e.pdf</p> |
| Legislative Council | 3 May 2006 | <p>Motion moved by the Chief Secretary for Administration on the "Proposed resolution under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Hong Kong Court of Final Appeal Ordinance" http://www.legco.gov.hk/yr05-06/english/counmtg/hansard/cm0503ti-translate-e.pdf</p> |
| House Committee | 14 November 2008 | <p>Director of Administration's letter dated 7 November 2008 on "Senior Judicial Appointments" [issued to Members vide LC Paper No. CB(2)242/08-09 on 7 November 2008] http://www.legco.gov.hk/yr08-09/english/hc/papers/hc1114-let081107-da-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)306/08-09] http://www.legco.gov.hk/yr08-09/english/hc/minutes/hc20081114.pdf</p> |
| Legislative Council | 7 January 2009 | <p>Motion moved by the Chief Secretary for Administration on the "Proposed resolution under the Basic Law of the Hong Kong Special</p> |

| <u>Meeting</u> | <u>Meeting Date</u> | <u>Paper</u> |
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| | | <p>Administrative Region of the People's Republic of China and the Hong Kong Court of Final Appeal Ordinance"</p> <p>http://www.legco.gov.hk/yr08-09/english/counmtg/hansard/cm0107-translate-e.pdf</p> |
| AJLS Panel | 23 November 2009 | <p>Administration's paper on the procedures and working timetable to fill the anticipated vacancy of the Chief Justice of the Court of Final Appeal [LC Paper No. CB(2)217/09-10(01)]</p> <p>http://www.legco.gov.hk/yr09-10/english/panels/ajls/papers/aj1123cb2-217-1-e.pdf</p> <p>Background brief on "Appointment of the Chief Justice of the Court of Final Appeal" prepared by the LegCo Secretariat [LC Paper No. CB(2)308/09-10(04)]</p> <p>http://www.legco.gov.hk/yr09-10/english/panels/ajls/papers/aj1123cb2-308-4-e.pdf</p> <p>Background Brief on "Procedure for endorsement of judicial appointment by the LegCo under Article 73(7) of the Basic Law" prepared by the LegisCo Secretariat [LC Paper No. CB(2)2448/08-09(01)]</p> <p>http://www.legco.gov.hk/yr08-09/english/panels/ajls/papers/ajcb2-2448-1-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(2)787/09-10]</p> <p>http://www.legco.gov.hk/yr09-10/english/panels/ajls/minutes/aj20091123.pdf</p> |
| House Committee | 16 April 2010 | <p>Director of Administration's letter dated 8 April 2010 to the Chairman of the House Committee [issued vide LC Paper No. CB(2)1253/09-10]</p> <p>http://www.legco.gov.hk/yr09-10/english/hc/papers/hc0416-let100408-da-e.pdf</p> |