

立法會
Legislative Council

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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 8 June 2011

**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 8 June 2011 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 both Chinese and English, which the Chief Secretary for Administration will deliver when moving the proposed resolution is also attached.

(Mrs Justina LAM)
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 Andrew Cheung Kui-nung as the Chief Judge of the High Court of Hong Kong be endorsed.

**Speech by the Chief Secretary for Administration
at the meeting of the Legislative Council on 8 June 2011**

Resolution under Article 73(7) of the Basic Law

Appointment of the Chief Judge of the High Court

Mr. President,

I move that the motion under my name, as printed on the Agenda, be passed, that this Council endorses the appointment of the Honourable Mr. Justice Andrew Cheung Kui-nung as the Chief Judge of the High Court.

Chief Judge of the High Court

2. The Chief Judge of the High Court is the President of the Court of Appeal and the court leader of the High Court. He presides in the Court of Appeal in the more important appeals as well as other appeals. He also leads the High Court administratively and is accountable to the Chief Justice, who is the Head of the Judiciary and is charged with the administration of the Judiciary.

3. Pursuant to Article 88 of the Basic Law and the Judicial Officers Recommendation Commission Ordinance (Cap. 92), judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of the Judicial Officers Recommendation Commission (JORC). In addition, Article 90 of the Basic Law provides that

in the case of the appointment of the Chief Judge of the High Court, the Chief Executive shall obtain the endorsement of the Legislative Council.

The current appointment

4. The office of Chief Judge of the High Court became vacant on 1 September 2010 when the Honourable Chief Justice Geoffrey Ma, who was the Chief Judge of High Court immediately prior to that date, assumed the position of the Chief Justice. The Honourable Mr. Justice Robert Tang Ching, Justice of Appeal and Vice-President of the Court of Appeal of the High Court, has been acting in the office of Chief Judge of High Court to meet essential operational requirements since 1 September 2010 until the vacancy of the Chief Judge of the High Court is substantively filled.

5. The JORC has recommended to the Chief Executive the appointment of Mr. Justice Cheung as the Chief Judge of the High Court.

6. The curriculum vitae of Mr. Justice Cheung was set out in the Administration's paper issued to the Legislative Council on 11 April 2011. Mr. Justice Cheung joined the Judiciary as District Judge in 2001. He started sitting as a deputy High Court judge in December 2001 and was appointed a Judge of the Court of First Instance of the High Court in 2003.

7. Mr. Justice Cheung is a man of high integrity. He has dealt with a number of high-profile and controversial cases and commands the respect of Judges and the legal profession. He is an outstanding lawyer and has the proven ability to handle difficult and complex cases. Mr. Justice Cheung also has the potential of being a good administrator and is familiar with the administration of the High Court. The Chief Executive is pleased to accept

the JORC's recommendation on the appointment of Mr. Justice Cheung as the Chief Judge of the High Court. Subject to the endorsement of this Council, the appointment would take effect in June 2011.

8. In accordance with the procedures previously endorsed by the Legislative Council, the Administration informed the House Committee on 11 April 2011 that the Chief Executive had accepted the recommendation of the JORC on this appointment. Representatives from the Administration and the Secretary to the JORC attended the meeting of the Subcommittee on Proposed Senior Judicial Appointments set up under the House Committee on 21 April 2011 and answered Members' questions. I would like to thank Dr. Honourable Margaret Ng, Chairman of the Subcommittee, and other Members of the Subcommittee for their support of the proposed appointment.

9. I invite Members to endorse the appointment.