

Press Statement [to be issued by the Administration on 10 May 2000 at 5:00pm]

***Appointment of Judges to the Court of Final Appeal (CFA)***

The HKSAR Chief Executive, Mr. Tung Chee Hwa, has, on the unanimous recommendation of the Judicial Officer's Recommendation Commission (JORC), appointed Mr. Justice Patrick Chan and Mr. Justice Ribeiro as permanent judges of the CFA, Mr. Justice Litton and Mr. Justice Ching as non-permanent Hong Kong judges of the CFA, and Sir Gerard Brennan, Sir Thomas Eichelbaum and Lord Millett as non-permanent CFA judges from other common law jurisdictions.

The Chief Executive has made these appointments in exercise of his duty under Article 88 of the Basic Law.

The Government Spokesman said, "Article 90 of the Basic Law and Section 7A of the Hong Kong Court of Final Appeal Ordinance provide that the Chief Executive shall obtain the endorsement of the Legislative Council on the appointment of judges of the Court of Final Appeal."

The Chief Secretary for Administration will on 31 May move a motion to seek the endorsement of the Legislative Council on these appointments for them to take effect in the next few months.

***Permanent Judges of the CFA***

The Chief Executive said, "Mr. Justice Patrick Chan, currently Chief Judge of the High Court, is highly respected by members of the Judiciary, the profession and the community for his utmost integrity and his distinguished judicial qualities. I am particularly pleased to note that Mr. Justice Patrick Chan would be the first locally trained law graduate to reach the CFA."

"Mr. Justice Ribeiro is a distinguished Justice of Appeal and was an outstanding legal practitioner before he joined the bench.

"I am pleased to accept the JORC's recommendation on the appointment of Mr Justice Chan and Mr Justice Ribeiro."

Mr. Justice Patrick Chan and Mr. Justice Ribeiro are appointed to fill the vacancies which will arise from the resignation of Mr. Justice Litton and the retirement of Mr. Justice Ching.

"Mr. Justice Litton has tendered his resignation as a permanent judge of the CFA with effect from 14 September 2000. I understand that he feels that at this stage in life, he must now give priority to his family commitments and members of his family are settled overseas. I respect Mr. Justice Litton's decision, but his contribution as a permanent judge of the CFA will be sadly missed," said Mr. Tung.

"Mr. Justice Ching will have completed his tenure of office as a permanent judge of the CFA and will retire in October 2000."

"The rule of law and an independent Judiciary are of vital importance to the HKSAR. The establishment and standing of the CFA at the apex of the Judiciary is of the utmost importance to Hong Kong.

"Mr. Justice Litton and Mr. Justice Ching have played a key role in the early years of the CFA as two of the founding judges. They have made enormous contribution to the Judiciary and the development of Hong Kong's legal system. We are fortunate to have judges of their stature serving on the CFA in its formative years and we are most grateful for their contribution to its work. I am sure that this appreciation is shared by the community."

#### ***Non-permanent Hong Kong Judges of the CFA***

"I am delighted that Mr. Justice Litton and Mr. Justice Ching are willing to serve as non-permanent Hong Kong judges upon their ceasing as permanent judges. I am pleased to accept the JORC's recommendation on their appointments as non-permanent judges of the CFA. I am confident that they will continue to make invaluable contribution to the development of the Judiciary in their new capacities."

*Non-permanent Judges from other common law jurisdictions*

"I am also delighted with the JORC's recommendation on the appointment of Sir Gerald Brennan, Sir Thomas Eichelbaum and Lord Millett as non-permanent judges of the CFA from other common law jurisdictions. Sir Gerald Brennan is the immediate past Chief Justice of Australia and Sir Thomas Eichelbaum is the immediate past Chief Justice of New Zealand. Lord Millett is a serving Law Lord. All the three appointees have pre-eminent reputations not only in their respective jurisdictions but also throughout the common law world."

"The JORC has recommended candidates of the highest quality for the posts. With such an outstanding team, I am confident that the CFA will continue to gain in stature and reputation in the years to come."

The curriculum vitae of Mr. Justice Patrick Chan, Mr. Justice Ribeiro, Mr. Justice Litton, Mr. Justice Ching, Sir Gerald Brennan, Sir Thomas Eichelbaum and Lord Millett follow.

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