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13 June 2000

(Similar letter to the Secretary, JORC)

Mrs Carrie YAU
Director of Administration
12th floor, West Wing
Central Government Offices
Hong Kong

Dear Mrs YAU,

LegCo Panel on Administration of Justice and Legal Services

Special meeting on 17 June 2000

On behalf of the Chairman, I write to invite you and other representatives of the Administration to attend the special Panel meeting to be held at **10:00 am on Saturday, 17 June 2000 in Conference Room A** of LegCo Building to continue discussion on "Appointment of judges of the CFA". Please note that representatives of the Judicial Officers Recommendation Commission (JORC) and the Hong Kong Bar Association will also be invited to attend the meeting.

At this morning's meeting, members requested representatives of JORC and the Administration, as appropriate, to provide further information to the Panel as follows -

- (a) With reference to the content of the press statements of the Administration and the Judiciary on 10 May 2000 and section 7 of the Court of Final Appeal Ordinance (Cap. 484), to clarify whether the appointment of the seven CFA judges in the current exercise is valid and in accordance with the law; whether the appointments are made under section 7(1) or 7(2), and if 7(2), whether they should only be made after the offices in question become vacant;
- (b) to clarify whether the Chief Executive has the power not to appoint persons recommended by JORC as CFA judges and if so, under what circumstances and on what basis;

- (c) to consider the suggestion that the effective date of appointment of the CFA judges in the current exercise should be indicated in the motion or in the speech to be made by the Chief Secretary for Administration when moving the motion; and to provide a LegCo Brief and a copy of the draft speech for LegCo Members' reference in line with the usual practice;
- (d) Under the constitutional arrangements for the making of senior judicial appointments, the Chief Executive has to obtain LegCo's endorsement of his appointments. It is noted that the Chief Executive was satisfied that the recommendations of the seven appointments made by JORC in the current exercise were in order. The Administration/JORC is requested to consider the request that papers provided to the Chief Executive to facilitate his consideration of the recommendations in the current exercise should also be made available to LegCo.

I should be grateful if you could provide a bilingual paper on the information being sought **by 15 June 2000**. Please note that unless you raise objection, the paper will be distributed to the media and public, and made available on the Web Site of the Council on the Internet. In this connection, please let me have a softcopy of your paper in Winword 6.0 format.

To facilitate meeting arrangements, please let me have the names and post titles of your representatives, in English and Chinese, **by the same date**.

On arrival at the Legislative Council Building on the day of the meeting, representatives (other than the Bureau Secretary) are requested to obtain entry passes at the Security Control Post at the entrance beside the carpark before proceeding to the Waiting Lobby on the second floor. They will be invited to join the meeting when Members are ready. Please note that representatives are required to wear the entry passes at all times while in the Building and return them to the Security Control Post before leaving the Building.

With best regards,

Yours sincerely,

(Mrs Percy MA)
Clerk to Panel

c.c. Hon Margaret NG (Chairman)