

立法會
Legislative Council

LC Paper No. CB(2)2407/02-03

(These minutes have been
seen by the Administration)

Ref : CB2/H/S/2/02

**Subcommittee on
proposed senior judicial appointments**

**Minutes of the meeting
held on Tuesday, 27 May 2003 at 1:00 pm
in Conference Room B of the Legislative Council Building**

Members present : Hon Martin LEE Chu-ming, SC, JP (Chairman)
Hon Margaret NG
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, JP

Public Officers attending : Mr Wilfred TSUI
Judiciary Administrator

Miss Emma LAU
Deputy Judiciary Administrator (Development)

Mr Andrew H Y WONG
Director of Administration

Miss Eliza LEE
Deputy Director of Administration

Mr CHAN Yum-min, James
Assistant Director of Administration

Clerk in attendance : Mrs Percy MA
Chief Assistant Secretary (2)3

Staff in attendance : Mr Arthur CHEUNG
Senior Assistant Legal Adviser 2

Action

Mr Paul WOO
Senior Assistant Secretary (2)3

Action

I. Election of Chairman

Mr Martin LEE was elected Chairman of the Subcommittee.

II. Meeting with the Administration

(LC Paper No. CB(2)2135/02-03

2. The Chairman and Miss Margaret NG said that they supported the proposed appointments of Mr Justice Geoffrey MA as the Chief Judge of the High Court; and The Right Honourable The Lord Woolf of Barnes, the Right Honourable The Lord Scott of Foscote and The Right Honourable Sir Ivor Richardson as non-permanent judges of the Court of Final Appeal.

3. Director of Administration advised members that the Administration intended to move the motion for obtaining the endorsement of the Legislative Council on the appointments at the Council meeting on 2 July 2003.

Follow-up actions required of the Judiciary

4. The Judiciary Administration was requested to provide the following information for the consideration of the Subcommittee by 31 May 2003 -

- (a) information on (i) major cases represented by Mr Justice Geoffrey MA before he was appointed to judicial office; (ii) major cases tried by Mr Justice MA after he was appointed to judicial office; and (iii) major publications, important speeches and commentaries of Mr Justice MA on issues of wide public interest;
- (b) important publications of and major cases tried by the three recommended non-permanent judges of the Court of Final Appeal;
- (c) the ranking of the Justices of Appeal, judges of the Court of First Instance, recorders of the High Court and deputy judges of the High Court referred to in paragraph 6 of Annex C to the Director of Administration's letter dated 2 May 2003 (LC Paper No. CB(2)2135/02-03(04));
- (d) the number of Vice Presidents in the Court of Appeal of the High Court and existing vacancy, if any;

Action

- (e) explanation of the listing arrangements of the Court of Appeal;
- (f) explanation of the considerations leading to the Judiciary's policy that the following arrangements would be put in place if the recommended appointment of Mr Justice MA was to take effect -
 - (i) Mr Justice MA and Madam Justice YUEN would not sit together in the same division of the Court of Appeal would continue; and
 - (ii) Mr Justice MA would not deal with any matter concerning Madam Justice YUEN and all matters concerning her would be dealt with by the Chief Justice; and
- (g) explanation of the consequences for not following the arrangements set out in (f) above.

(Post-meeting note: The written response from the Judiciary Administration was circulated vide LC Paper No. CB(2)2305/02-03 on 2 June 2003.)

The way forward

5. Members agreed that the information provided by the Judiciary Administration should be circulated for members' consideration when available. Members who wished to have another meeting would be requested to inform the Clerk by a specified date. If no suggestion to hold a further meeting was received from members by the deadline, the Subcommittee would report its deliberations to the House Committee on 13 June 2003.

(Post-meeting note : The Subcommittee reported its deliberations to the House Committee on 13 June 2003.)

6. The meeting ended at 2:00 pm.

Council Business Division 2
Legislative Council Secretariat
23 June 2003

**Proceedings of the meeting of the Subcommittee on
proposed senior judicial appointments
on Tuesday, 27 May 2003 at 1:00 pm
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000017	Mr Martin LEE/ Miss Margaret NG/ Mr Jasper TSANG	Election of Chairman of Subcommittee	
000018 - 000412	Chairman/ Miss Margaret NG/ Administration	Letter dated 2 May 2003 from the Administration to Chairman of the House Committee on the proposed senior judicial appointments. (LC Paper No. CB(2)2135/02-03(04))	
000413 - 000608	Miss Margaret NG	Support of the legal profession for the proposed senior judicial appointments.	
000609 - 000910	Ms Emily LAU/ Chairman	Previous major cases represented or tried by Mr Justice Geoffrey MA; and Major publications, speeches and commentaries of Mr Justice MA on issues of wide public interest.	Admin to provide the information for reference.
000911 - 001535	Miss Margaret NG/ Chairman/ Ms Emily LAU/ Administration	Important publications of and major cases tried by the three recommended Judges of the Court of Final Appeal.	Admin to provide the information for reference.
001536 - 001826	Mr Jasper TSANG/ Administration/ Chairman	Judicial experience of Mr Justice MA.	
001827 - 002012	Ms Emily LAU/ Administration	Major cases represented by Mr Justice MA before he was appointed to judicial office and major cases tried by him after he was appointed to judicial office.	
002013 - 002438	Miss Margaret NG/ Chairman	Major publications of Lord Woolf of Barnes.	

002439 - 002956	Ms Emily LAU/ Chairman/ Administration	<p>Considerations leading to the arrangements that -</p> <p>(a) Mr Justice MA and Madam Justice YUEN would not sit together in the same division of the Court of Appeal; and</p> <p>(b) Mr Justice MA would not deal with any matter concerning Madam Justice YUEN and all matters concerning her would be dealt with by the Chief Justice.</p> <p>(Paragraph 8 of Annex C to the Director of Administration's letter dated 2 May 2003)</p>	Admin to respond in writing.
002957 - 003310	Miss Margaret NG/ Administration/ Chairman	<p>Listing arrangements of the Court of Appeal of the High Court;</p> <p>Number of Vice Presidents in the Court of Appeal and existing vacancy, if any; and</p> <p>Ranking of the Justices of Appeal, judges of the Court of First Instance, recorders of the High Court and deputy judges of the High Court.</p>	Admin to respond in writing.
003311 - 003720	Ms Emily LAU/ Chairman/ Miss Margaret NG/ Administration	Objectives of the arrangements set out in Paragraph 8 of Annex C to the Director of Administration's letter and the consequences for not following such arrangements.	Admin to respond in writing.
003721 - 004155	Chairman/ Administration/ Miss Margaret NG/ Ms Emily LAU/ Mr Jasper TSANG	<p>Timing for moving motion for obtaining the endorsement of LegCo on the judicial appointments; and</p> <p>Submission of the Subcommittee's report to the House Committee.</p>	