

SC/CR 1/1/9 Pt.7

CB2/HS/2/05

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1 March 2006

Mrs Percy Ma
Clerk to Subcommittee
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Mrs Ma,

**Subcommittee on Proposed Senior Judicial Appointment
Meeting of 16 February 2006**

I refer to the above Subcommittee meeting, and the information requested by Members as set out in paragraph 4 of the draft minutes of the meeting.

Paragraph 4(a) of the Draft Minutes

2. Please find enclosed the following publications of Mr Michael McHugh AC -

- (a) The book entitled, *The Liability of Employers in Damages for Personal Injury*, 2nd ed., (1979) (with H.H. Glass and F.M. Douglas);
- (b) The article “*The Law-Making Function of the Judicial Process – Parts I and II*” (1987) in *The Australian Law Journal*, Vol. 62 pp15-31 and pp116-127;

- (c) The article “*The Judicial Method*” (1998) in The Australian Law Journal, Vol. 73, pp37-51;
- (d) The article “*Tensions Between the Executive and the Judiciary*” (2002) in The Australian Law Journal, Vol. 76, pp567-580;
- (e) The article, “*The Strengths of the Weakest Arm*” (2004) in Australian Bar Review, Vol. 25, pp181-194; and
- (f) 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)*”.

3. As regards the publication of Mr Justice Gault DCNZM, I enclose “*Gault on Commercial Law*” (1994) in three volumes for Members’ reference.

4. The publications in paragraphs 2 (a) to (e) and 3 above are borrowed from the Judiciary Library for Members’ reference. I should be grateful if you would return these Library copies to us after use.

Paragraph 4(b) of the Draft Minutes

5. As regards the list of servicing non-permanent common law judges of the Court of Final Appeal (“CFA”), the information on their date of appointment to the CFA and, where applicable, their year/date of retirement as a judge in the other common law jurisdiction is set out below

Servicing Non-permanent Common Law Judges of the CFA	Home Jurisdiction	Date of Appointment to CFA	Year/Date of Retirement in Home Jurisdiction
1. The Hon Sir Anthony MASON	Australia	28.7.1997	1995
2. The Rt Hon the Lord COOKE of Thorndon	New Zealand	28.7.1997	1996

Serving Non-permanent Common Law Judges of the CFA	Home Jurisdiction	Date of Appointment to CFA	Year/Date of Retirement in Home Jurisdiction
3. The Rt Hon the Lord HOFFMANN	United Kingdom	12.1.1998	Not applicable as Lord Hoffman is a serving Law Lord in the UK.
4. The Hon Sir Gerard BRENNAN	Australia	28.7.2000	1998
5. The Rt Hon Sir Thomas EICHELBAUM	New Zealand	28.7.2000	1999
6. The Rt Hon the Lord MILLETT	United Kingdom	28.7.2000	11.1.2004
7. The Rt Hon the Lord WOOLF of Barnes	United Kingdom	28.7.2003	30.9.2005
8. The Rt Hon the Lord SCOTT of Foscote	United Kingdom	28.7.2003	Not applicable as Lord Scott is a serving Law Lord in the UK
9. The Rt Hon Sir Ivor RICHARDSON	New Zealand	28.7.2003	2002

Yours sincerely,

(Miss Vega Wong)
for Judiciary Administrator

c.c. D of Adm (Attn: Mrs Alice Cheung) w/o Encl.