

on 13 January 2009

**Panel of Administration of Justice and Legal Services  
Statutory and Non-statutory Appointments of Judges  
to Offices outside the Judiciary**

**PURPOSE**

This paper seeks to provide information relating to the Administration's appointment of judges to offices outside the Judiciary ("outside offices").

**APPOINTMENT OF JUDGES TO OUTSIDE OFFICES**

2. The appointments are listed under four headings –
- \_\_\_\_\_ (a) outside offices where the work is similar in nature to judicial work (Annex A);
  - \_\_\_\_\_ (b) outside offices where the work is concerned with persons serving sentences (Annex B);
  - \_\_\_\_\_ (c) serving on bodies concerned with law reform, legal education and the like (Annex C); and
  - \_\_\_\_\_ (d) outside offices where the work is non-judicial (Annex D).

**ADVICE SOUGHT**

3. Members are requested to note the content of this paper.

Judiciary Administration  
January 2009

## Outside offices where the work is similar in nature to judicial work

Statutory Appointments

Item	Office	Statutory Provision	Appointment Authority	Statutory Requirement on Eligible Judge	No. of Appointment	Incumbent Judge and Judicial Officer
1.	Chairman, Clearing and Settlement Systems Appeals Tribunal	Clearing and Settlement Systems Ordinance (s.34 of Cap. 584)	Chief Executive on the recommendation of the Chief Justice	(a) a judge, or a deputy judge, of the Court of First Instance; (b) a former Justice of Appeal of the Court of Appeal; or (c) a former judge, or a former deputy judge, of the Court of First Instance.	1	The Honourable Mr Justice Stone
2.	Chairman, Insider Dealing Tribunal	Securities (Insider Dealing) Ordinance (repealed) (s.2 and s.15 of Cap. 395) <sup>1</sup>	Chief Executive on the recommendation of the Chief Justice	(a) a judge or a deputy judge of the Court of First Instance; (b) a former judge or a former deputy judge of the Court of First Instance; or (c) a former judge or a former deputy judge of the High Court of Justice which was in operation before 1.7.1997.	1	The Honourable Mr Justice Saunders
3.	Chairman, Market Misconduct Tribunal	Securities and Futures Ordinance (s.245, s.251 & Sch.9 of Cap.571)	Chief Executive on the recommendation of the Chief Justice	(a) a judge or a deputy judge of the Court of First Instance; (b) a former Justice of Appeal of the Court of Appeal; (c) a former judge or a former deputy judge of the Court of First Instance.	1	The Honourable Mr Justice Lunn
4.	Chairman, Securities and Futures Appeals Tribunal	Securities and Futures Ordinance (s.215, s.216 & Sch.8 of Cap.571)	Chief Executive on the recommendation of the Chief Justice	(a) a judge or deputy judge of the Court of First Instance; (b) a former Justice of Appeal of the Court of Appeal; (c) a former judge or a former deputy judge of the Court of First Instance.	2	The Honourable Mr Justice Stone (Up to 31.3.2009)
						The Honourable Mr Justice Saunders (From 1.1.2009)
5.	Chairman, Mental Health Review Tribunal	Mental Health Ordinance (s.59A of Cap. 136)	Chief Executive	A chairman appointed by the Chief Executive and having such legal experience as the Chief Executive considers suitable.	1	Mr Au Selwyn Hason, See-hin

<sup>1</sup> As the Ordinance has been repealed, the work (involving the completion of outstanding cases) is winding down.

**Outside offices where the work is concerned with persons serving sentences**

**Statutory Appointments**

<b>Item</b>	<b>Office</b>	<b>Statutory Provision</b>	<b>Appointment Authority</b>	<b>Statutory Requirement on Eligible Judge</b>	<b>No. of Appointment</b>	<b>Incumbent Judge and Judicial Officer</b>
1.	President, Long-term Prison Sentences Review Board	Long-term Prison Sentences Review Ordinance (s.6 of Cap. 524)	Chief Executive	Judges or former judges of the Court of First Instance	2	The Honourable Mr Justice Yeung, JA
	Deputy President, Long-term Prison Sentences Review Board					The Honourable Mr Justice Tong
2.	Chairman, Release under Supervision Board	Prisoners (Release Under Supervision) Ordinance (s.3 of Cap. 325)	Chief Executive	A person who holds or has held judicial office	1	The Honourable Mr Justice Tong

## Serving on bodies concerned with law reform, legal education and the like

Statutory Appointment

Item	Office	Statutory Provision	Appointment Authority	Statutory Requirement on Eligible Judge	No. of Appointment	Incumbent Judge and Judicial Officer
1.	Member, Standing Committee on Legal Education and Training	Legal Practitioners Ordinance (s. 74(A)(3) of Cap. 159)	Chief Executive on the nomination of the Chief Justice	Nil	2	The Honourable Mr Justice Chan, PJ The Honourable Mr Justice Suffiad

Non-Statutory Appointments

Item	Office	Appointment Authority	No. of Appointment	Incumbent Judge and Judicial Officer
1.	Member, Standing Committee on Young Offenders Under Fight Crime Committee	Secretary for Security	1	Mr Lau Wing-shing, Denis
2.	Member, Law Reform Commission	Law Reform Commission – Chief Executive	2	The Honourable Chief Justice Andrew Li The Honourable Mr Justice Chan, PJ
	Chairman, Law Reform Commission Juries Sub-committee	Sub-committees – Secretary for Justice	9	The Honourable Mr Justice Woo, VP
	Member, Law Reform Commission Juries Sub-committee			The Honourable Mr Justice Stock, JA The Honourable Mr Justice Pang The Honourable Mr Justice Tong
	Chairman, Law Reform Commission Hearsay in Criminal Proceedings Sub-committee			The Honourable Mr Justice Stock, JA
	Member, Law Reform Commission Hearsay in Criminal Proceedings Sub-committee			The Honourable Mr Justice Wright
	Member, Law Reform Commission Class Actions Sub-committee			The Honourable Mr Justice Barma
	Member, Law Reform Commission Review of Sexual Offences Sub-committee			The Honourable Mrs Justice Barnes
	Member, Law Reform Commission Causing or Allowing the Death of a Child Sub-committee			The Honourable Mr Justice Saunders
3.	Member, Secretary for Justice's Working Group on Mediation			Secretary for Justice

## Outside offices where the work is non-judicial

Statutory Appointments

Item	Office	Statutory Provision	Appointment Authority	Statutory Requirement on Eligible Judge	No. of Appointment	Incumbent Judge and Judicial Officer
1.	Commissioner on Interception of Communications and Surveillance	Interception of Communications and Surveillance Ordinance (s.39 of Cap. 589)	Chief Executive on the recommendation of the Chief Justice	(a) a Justice of Appeal of the Court of Appeal; (b) a judge of the Court of First Instance; (c) a former permanent judge of the Court of Final Appeal; (d) a former Justice of Appeal of the Court of Appeal; or (e) a former judge of the Court of First Instance.	1	The Honourable Mr Justice Woo, VP
2.	Panel Judge, Interception of Communications and Surveillance	Interception of Communications and Surveillance Ordinance (s.6 of Cap. 589)	Chief Executive on the recommendation of the Chief Justice	A judge of the Court of First Instance	3	The Honourable Mr Justice Pang The Honourable Mr Justice Suffiad The Honourable Mr Justice Chung
3.	Chairman, Electoral Affairs Commission	Electoral Affairs Commission Ordinance (s.3 of Cap. 541)	Chief Executive in consultation with the Chief Justice	A judge of the High Court	1	The Honourable Mr Justice Pang

Non-Statutory Appointments

Item	Office	Appointment Authority	No. of Appointment	Incumbent Judge and Judicial Officer
1.	Chairman, Advisory Committee on Post-office Employment for Former Chief Executives and Politically Appointed Officials	Chief Executive	1	The Honourable Mr Justice Pang
2.	Chairman, Advisory Committee on Post-service Employment of Civil Servants	Chief Executive	1	The Honourable Mr Justice Pang