

政府總部
香港下亞厘畢道



GOVERNMENT SECRETARIAT
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8 April 2010

Urgent by Hand

The Hon Miriam LAU Kin-ye, GBS, JP
Chairman of the House Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear *Miriam*,

Senior Judicial Appointments

I write to inform you that in accordance with Article 88 of the Basic Law, the Chief Executive has accepted the recommendations of the Judicial Officers Recommendation Commission (JORC) to appoint -

- (a) Mr. Justice Geoffrey Ma Tao-li as the Chief Justice of the Court of Final Appeal ("CJ"); and
- (b) Mr. Justice Robert Tang Ching, Mr. Justice Frank Stock and Mr. Justice Michael John Hartmann as non-permanent Hong Kong judges to the Court of Final Appeal ("HKNPJ").

The Chief Executive will announce his acceptance of the JORC's recommendations this afternoon. Advance copies of the press statements on the above appointments are at **Annex A** and **Annex B** respectively for Members'

reference. I should be grateful if Members could observe the confidentiality of the issue, pending the Chief Executive's public announcement.

Pursuant to Article 90 of the Basic Law, the Chief Executive shall obtain the endorsement of the Legislative Council (LegCo) of the appointments. Following the procedure for endorsement of judicial appointment of judges agreed by the House Committee in May 2003, papers on the appointment of the CJ and HKNPJs are at **Annex C** and **Annex D** respectively for Members' reference. Subject to the deliberation of the House Committee, the Administration will move motions to seek LegCo's endorsement of the appointments at the earliest opportunity.

Yours sincerely,
Jennifer Mak

(Miss Jennifer Mak)
Director of Administration

c.c. All LegCo Members

Press Statement

**Senior Judicial Appointment:
Chief Justice of the Court of Final Appeal**

The Chief Executive, Mr. Donald Tsang, has accepted the recommendation of the Judicial Officers Recommendation Commission (“JORC”) on the appointment of the Honourable Mr. Geoffrey MA Tao-li (“Mr. Justice Ma”), Chief Judge of the High Court, as the Chief Justice of the Court of Final Appeal with effect from 1 September.

Mr. Tsang said, “I am pleased to accept the JORC’s recommendation on the appointment of Mr. Justice Ma as the Chief Justice of the Court of Final Appeal. Mr. Justice Ma is an outstanding lawyer with exceptional judicial, professional and personal qualities. He is a man of high integrity and commands strong respect within and outside the Judiciary, including that of the legal profession. Having served with distinction as Chief Judge of the High Court for nearly seven years, Mr. Justice Ma also has proven administrative and leadership qualities.”

“An independent Judiciary has been and will remain a cornerstone of Hong Kong’s stability and prosperity. The people of Hong Kong have high expectations of the Judiciary in upholding the rule of law, ensuring the fair and efficient administration of justice and safeguarding the rights and freedoms of the individual. I am confident that Mr. Justice Ma will discharge his duties as head of the Judiciary with distinction.”

Article 88 of the Basic Law provides that the Chief Executive shall appoint judges of the courts of the HKSAR on the recommendation of

an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors. The commission, JORC, consists of the incumbent Chief Justice, the Honourable Andrew Li Kwok-nang, as Chairman, the Secretary for Justice, and seven other members (two judges, one barrister appointed after consultation with the Bar Council of the Hong Kong Bar Association, one solicitor appointed after consultation with the Council of the Law Society of Hong Kong and three persons not connected with the practice of law).

Article 90 of the Basic Law provides that the Chief Executive shall obtain the endorsement of the Legislative Council on the appointments of the judges of the Court of Final Appeal, including the Chief Justice. The Administration will seek the endorsement of the Legislative Council of the recommended appointment in due course.

The curriculum vitae of Mr. Justice Ma is attached.

Curriculum Vitae
of The Honourable Mr. Justice Geoffrey MA Tao-li
Chief Judge of the High Court

1. Personal Background

Mr. Justice Geoffrey MA Tao-li (“Mr. Justice Ma”) was born in Hong Kong on 11 January 1956. He is married to Madam Justice Maria Candace YUEN. They have one daughter.

2. Education

Mr. Justice Ma received his education in England at a young age. He obtained the degree of Bachelor of Laws from the Birmingham University in 1977. He obtained his Bar Final Part 2 from the College of Law in 1978.

3. Legal Experience

Mr. Justice Ma was called to the English Bar at Gray’s Inn in 1978, to the Hong Kong Bar in 1980, to the Bar of the State of Victoria in Australia in 1983 and to the Bar of Singapore in 1990. He was appointed Queen’s Counsel in 1993. He was appointed a Recorder of the High Court in November 2000. He was made an Honorary Bencher of Gray’s Inn in 2004.

Mr. Justice Ma was in private practice since 1978 until he joined the Judiciary as a Judge of the Court of First Instance of the High Court (“CFI Judge”) in December 2001.

Mr. Justice Ma has wide legal experience in various areas of the civil law. His main areas of practice were: arbitration, commercial (including shipping, admiralty, banking, insurance), company, building, administrative and constitutional law.

Mr. Justice Ma was also legal consultant to Messrs. David Chong & Co., Singapore, Advocates & Solicitors. He was the head of litigation, shipping and admiralty departments.

4. Judicial Experience

Mr. Justice Ma was appointed a Recorder of the High Court in November 2000 until his appointment as a CFI Judge in December 2001. He heard cases involving various aspects of civil law.

Mr. Justice Ma was appointed a Justice of Appeal of the Court of Appeal of the High Court in November 2002. He heard both criminal and civil appeals, including judicial review cases.

Mr. Justice Ma was appointed as the Chief Judge of the High Court in July 2003. As the Court Leader of the High Court, Mr. Justice Ma leads the High Court both judicially and administratively. He presides in the Court of Appeal and deals with the important appeals before that court. He is responsible for the administration of the High Court. He has to ensure the smooth operation of the High Court and the efficient utilization of judicial resources and court time, and to advise the Chief Justice on policies, legislation and practices relating to the High Court. He has statutory powers and duties under various Ordinances. These include the Legal Practitioners Ordinance under which he has the power to admit barristers and solicitors. He is responsible for the implementation of Civil Justice Reform and the monitoring of the working of the reformed system.

5. Services and Activities related to the Legal Field

1982-84 1992-96	Member, Bar Council of the Hong Kong Bar Association
1987-96	Adjudicator, Registration of Persons Tribunal, Hong Kong
1987- Present	Honorary Lecturer, Department of Professional Legal Education, University of Hong Kong
1991-2001	Member, Criminal and Law Enforcement Injuries Compensation Board
1992-94	Member, Steering Committee for the Eleventh International Congress of Maritime Arbitrators
1993- 2001	Member, Civil Court Users Committee of the Judiciary

1997- Present	Member, Appointment Advisory Board of the Hong Kong International Arbitration Centre (“HKIAC”)
1998- Present	Member, HKIAC Arbitration Ordinance Review Committee
2000-2001	Member, Working Party on Civil Justice Reform
2004-2009	Chairman, Steering Committee on Civil Justice Reform
2009- Present	Chairman, Monitoring Committee on Civil Justice Reform

6. **Publications**

Mr. Justice Ma was contributing Editor to the Hong Kong Civil Procedure 2002. He had also contributed to “Litigation in the Commercial List”: 2002 Law Lectures for Practitioners. He is the Editor in Chief of “Arbitration in Hong Kong: A Practical Guide” (published 2003) and “Professional Conduct and Risk Management in Hong Kong” (published 2007).

7. **Other Public Services**

1994-2001	Member, Hong Kong Futures Exchange Disciplinary Appeal Tribunal
1994-98	Member, then Vice-Chairman, Management Committee of the Consumer Legal Action Fund
1994-2001	Chairman, Appeal Tribunal Panel (Buildings)
1997-2000	Deputy Chairman, Board of Review (Inland Revenue)
1999-2001	Deputy Chairman, Securities and Futures Commission (“SFC”) Appeals Panel
1999-2001	Deputy Chairman, SFC Takeovers Appeal Committee

Press Statement

Senior Judicial Appointments:

Non-Permanent Hong Kong Judges of the Court of Final Appeal

The Chief Executive, Mr. Donald Tsang, has accepted the recommendations of the Judicial Officers Recommendation Commission (“JORC”) on the appointment of the Honourable Mr. Justice Robert TANG Ching (“Mr. Justice Tang”), the Honourable Mr. Justice Frank STOCK (“Mr. Justice Stock”) and the Honourable Mr. Justice Michael John HARTMANN (“Mr. Justice Hartmann”), serving Justices of Appeal of the Court of Appeal of the High Court, as non-permanent Hong Kong judges to the Court of Final Appeal. Subject to the endorsement of the Legislative Council, the Chief Executive will make the appointments under Article 88 of the Basic Law.

Mr. Tsang said, “I am pleased to accept the JORC’s recommendations on the appointment of Mr. Justice Tang, Mr. Justice Stock and Mr. Justice Hartmann as non-permanent Hong Kong judges to the Court of Final Appeal. The three judges are outstanding lawyers who have considerable experience in handling criminal and civil cases including constitutional cases. Their appointments will increase the number of non-permanent Hong Kong judges from three to six and will provide the much-needed flexibility in deployment to deal with the caseload of the Court of Final Appeal.”

Article 88 of the Basic Law provides that the Chief Executive shall appoint judges of the courts of the HKSAR on the recommendation of an independent commission composed of local judges, persons from the

legal profession and eminent persons from other sectors. The commission, JORC, consists of the incumbent Chief Justice, the Honourable Andrew Li Kwok-nang, as Chairman, the Secretary for Justice, and seven other members (two judges, one barrister appointed after consultation with the Bar Council of the Hong Kong Bar Association, one solicitor appointed after consultation with the Council of the Law Society of Hong Kong and three persons not connected with the practice of law).

Article 90 of the Basic Law provides that the Chief Executive shall obtain the endorsement of the Legislative Council on the appointments of the judges of the Court of Final Appeal. The Administration will seek the endorsement of the Legislative Council of the recommended appointments in due course.

The curriculum vitae of the recommended appointees are attached.

Curriculum Vitae
of The Honourable Mr. Justice Robert TANG Ching
Vice President and Justice of Appeal
of the Court of Appeal of the High Court

1. Personal Background

Mr. Justice Robert TANG Ching (“Mr. Justice Tang”) was born in Shanghai on 7 January 1947. He is married and has two children.

2. Education

Mr. Justice Tang received his legal education in England and obtained the degree of Bachelor of Laws from the Birmingham University in 1969.

3. Legal Experience

Mr. Justice Tang was called to the English Bar at Gray’s Inn in 1969, to the Hong Kong Bar in 1970, to the Bar of the State of Victoria in Australia in 1984 and to the Bar of the State of New York in 1986. He was appointed Queen’s Counsel in 1986. He was admitted as a Barrister in Singapore in 1992. Mr. Justice Tang was one of the most senior members of the Bar and had been Chairman of the Bar Association. He has great experience in the civil field and had a very successful civil practice. Mr. Justice Tang was in private practice since 1970 until he joined the Judiciary as a Judge of the Court of First Instance of the High Court (“CFI Judge”) on 2 April 2004.

4. Judicial Experience

Mr. Justice Tang deputized in the District Court in 1982 and in the High Court in 1986, and had been appointed as one of the first Recorders of the Court of First Instance of the High Court in September 1995 until his appointment as a CFI Judge in April 2004. Mr. Justice Tang was appointed Justice of Appeal of the Court of Appeal of the High Court on 3 January 2005. He was appointed Vice-President of the Court of Appeal on 1 November 2006.

5. Services and Activities related to the Legal Field

1978-92	Criminal and Law Enforcement Injuries Compensation Boards (1978-86 Member, 1986-92 Chairman)
1983-87	Member, Judicial Service Commission
1985-Present	Council Member, Hong Kong International Arbitration Centre
1988-90	Chairman, The Hong Kong Bar Association
1988-90	Member, Standing Committee on Legal Aid

6. Awards

Mr. Justice Tang was honoured with the award of the Silver Bauhinia Star in 2004.

7. Other Public Services

1989-93	Member, Independent Police Complaints Council
1991-2000	Town Planning Appeal Board (1991-96 Deputy Chairman, 1996-2000 Chairman)
1992-93	Member (Alternate), The Takeovers and Mergers Panel
1993-99	Securities and Futures Appeal Panel (1993-95 Deputy Chairman, 1995-99 Chairman)
1994-98	Chairman, Takeovers Appeal Committee
1995-97	Member, Appeal Board on Public Meetings and Processions
1996-Present	Chairman, The S.K. Yee Medical Foundation

1998-2004	Non-Executive Director, Mandatory Provident Fund Schemes Authority
2000-2004	Chairman, Independent Police Complaints Council
2000-2004	Member, ICAC Complaints Committee
2001-2004	Member, Exchange Fund Advisory Committee, Hong Kong Monetary Authority

Curriculum Vitae
of The Honourable Mr. Justice Frank STOCK
Vice President and Justice of Appeal
of the Court of Appeal of the High Court

1. Personal Background

Mr. Justice Frank STOCK (“Mr. Justice Stock”) was born in Zimbabwe (then Rhodesia) on 15 June 1945. He is married, has two children and three grandchildren.

2. Education

Mr. Justice Stock received his tertiary education in England and obtained a Bachelor of Laws degree from the University of Liverpool in 1967.

3. Legal Experience

Mr. Justice Stock was called to the Bar in England and Wales in 1968. After 10 years in private practice, he came to Hong Kong in 1978 and joined the then Legal Department as Crown Counsel. He rapidly gained promotion within the Department, to Senior Crown Counsel in 1979, to Deputy Principal Crown Counsel in 1980 and to Principal Crown Counsel in 1984. He was admitted as Barrister and Solicitor in the State of Victoria in Australia in 1983 and called to the Hong Kong Bar in 1984. He was appointed Queen’s Counsel in 1985. He became the Solicitor General in 1987. He deputized in the High Court during 1991-92.

4. Judicial Experience

Mr. Justice Stock was appointed as a Judge of the Court of First Instance of the High Court (“CFI Judge”) in May 1992 and a Justice of Appeal of the Court of Appeal of the High Court in October 2000. He was appointed Vice-President of the Court of Appeal on 7 July 2009. Mr. Justice Stock has some 18 years of judicial experience in the High Court. He is capable of handling both criminal and civil cases. As a CFI Judge, he initially handled mainly criminal cases and later also heard administrative law cases. He had been the judge in charge of the Administrative and Constitutional Law List. He drafted and was then in charge of the updating of the Criminal Manual

for Judges. Mr. Justice Stock has considerable experience in both criminal and civil cases and has considerable expertise in the growing area of public law. Mr. Justice Stock will reach the retirement age of 65 on 15 June 2010 and his service has been extended for three years until 14 June 2013.

5. Services and Activities related to the Legal Field

1993-95	Chairman, Insider Dealing Tribunal
2001-2009	Chairman, Sub-committee on Hearsay in Criminal Proceedings, Law Reform Commission
2003-Present	Member, Sub-committee on Juries, Law Reform Commission
2001-2009	Member, Judicial Studies Board
2003-Present	Member, Criminal Procedures Rules Committee
2004	Elected Honorary Bencher of Lincoln's Inn

6. Publications

Mr. Justice Stock was formerly the Editor-in-Chief of Archbold Hong Kong. He has delivered several conference speeches. The paper "Human Rights Litigation in the Hong Kong Special Administrative Region" was adapted for publication in the Oxford University Commonwealth Law Journal in 2001. His speech at the Commonwealth Law Conference 2009 was entitled "Judicial Activism and the Separation of Powers".

Curriculum Vitae
of The Honourable Mr. Justice Michael John HARTMANN
Justice of Appeal
of the Court of Appeal of the High Court

1. Personal Background

Mr. Justice Michael John HARTMANN (“Mr. Justice Hartmann”) was born in Mumbai, India on 24 July 1944. He is married and has two children.

2. Education

Mr. Justice Hartmann was educated in England and Zimbabwe (then Rhodesia). He obtained a Bachelor of Laws degree from the University of London (obtained at the University College of Rhodesia, an external college of London) in 1967.

3. Legal Experience

Mr. Justice Hartmann was admitted as an attorney, notary public and conveyancer in Zimbabwe in 1971, practising as a partner in a firm in the capital city. He came to Hong Kong in 1983 and joined the then Legal Department as Crown Counsel. He was promoted to Senior Crown Counsel in 1984 and became a Deputy Principal Crown Counsel in 1989 until he left the Government in 1991.

4. Judicial Experience

Mr. Justice Hartmann was appointed as a District Judge in November 1991. He was appointed as a Judge of the Court of First Instance of the High Court in March 1998 and was elevated to Justice of Appeal of the Court of Appeal of the High Court in September 2008. Mr. Justice Hartmann has some 18 years of judicial experience including over 10 years as a Judge of the High Court. He is capable of handling both criminal and civil cases. He has rich experience and expertise in a number of specialized areas of the law, namely family and public and constitutional law. Mr. Justice Hartmann reached the retirement age of 65 on 24 July 2009 and his service has been extended for three years until 23 July 2012.

5. Services and Activities related to the Legal Field

1998-2000	Chairman, Insider Dealing Tribunal
1999-Present	Chairman, Steering Committee on Family Mediation
1999-Present	Chairman, Steering Committee on the Pilot Scheme for the Reform of Ancillary Relief Procedures
2000-2004	Member, Working Party on Civil Justice Reform
2004-Present	Member, Steering Committee on Civil Justice Reform

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APPOINTMENT OF THE CHIEF JUSTICE OF THE COURT OF FINAL APPEAL

INTRODUCTION

Pursuant to Article 90 of the Basic Law and section 7A of the Hong Kong Court of Final Appeal Ordinance (the Hong Kong CFA Ordinance) (Cap. 484), the Administration intends to give notice in due course to move a motion to obtain the endorsement of the Legislative Council of the appointment of the Honourable Mr. Justice Geoffrey MA Tao-li (Mr Justice Ma), Chief Judge of the High Court, as the Chief Justice of the Court of Final Appeal with effect from 1 September 2010, after the incumbent Chief Justice ceases service on 31 August 2010. The curriculum vitae of Mr. Justice Ma is at Appendix.

Appendix

BACKGROUND

The Court of Final Appeal

2. The Court of Final Appeal (CFA) is the final appellate court in Hong Kong. The CFA hears appeals in civil and criminal matters and may confirm, reverse or vary the decision of the lower courts.

3. The CFA consists of the Chief Justice and the permanent judges. Non-permanent judges may be invited to sit. There are two lists of non-permanent judges -

- (a) the list of non-permanent Hong Kong judges; and
- (b) the list of judges from other common law jurisdictions.

4. In accordance with section 16 of the Hong Kong CFA Ordinance, the CFA is constituted by five judges when hearing and determining appeals, as follows -

- (a) the Chief Justice or a permanent judge designated to sit in his place under subsection (2);
- (b) three permanent judges; and
- (c) one non-permanent Hong Kong judge or one non-permanent judge from another common law jurisdiction (selected by the Chief Justice and invited by the Court).

Duties, Qualifications and Requirements for the Chief Justice

Duties

5. Section 6(2) of the Hong Kong CFA Ordinance provides that the Chief Justice shall be the head of the Judiciary and shall be charged with the administration of the Judiciary and such other functions as may from time to time be lawfully conferred on him.

6. In summary, the Chief Justice has the following duties -

- (a) Judicial Duties: under section 16(2) of the Hong Kong CFA Ordinance, the Chief Justice is the President of the CFA. The CFA deals with appeals in -
 - (i) any civil cause or matter that falls under the civil jurisdiction of the CFA as provided for in sections 21 and 22 of the Hong Kong CFA Ordinance; and
 - (ii) any criminal cause or matter that falls under the criminal jurisdiction of the CFA as provided for in sections 30 and 31 of the Hong Kong CFA Ordinance.
- (b) Administrative duties: under section 6(2) of the Hong Kong CFA Ordinance, the Chief Justice is the head of the Judiciary and is charged with the administration of the Judiciary. His responsibility for the administration of the Judiciary involves all levels of court and all aspects of its administration.
- (c) Statutory duties: the Chief Justice is vested with various statutory powers and functions, including those concerning the making of subsidiary legislation and the regulation of the legal profession.

Qualifications

Basic Law Requirements

7. Article 92 of the Basic Law provides that judges of the Hong Kong Special Administrative Region (HKSAR) shall be chosen on the basis of their judicial and professional qualities.

Eligibility Requirements

(A) Professional Requirements

8. Section 12(1) of the Hong Kong CFA Ordinance provides that a person shall be eligible to be appointed as the Chief Justice if he is -

- (a) a permanent judge;
- (b) the Chief Judge of the High Court;
- (c) a Justice of Appeal;
- (d) a judge of the Court of First Instance; or
- (e) a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years.

(B) Nationality Requirement

9. Article 90 of the Basic Law stipulates that the Chief Justice shall be a Chinese citizen who is a permanent resident of the HKSAR with no right of abode in any foreign country. This requirement is reflected in section 6(1A) of the Hong Kong CFA Ordinance.

10. A candidate must meet the eligibility requirements laid down by law, i.e. both the professional and nationality requirements as set out at paragraphs 8 and 9 for appointment as Chief Justice.

Constitutional and Legal Framework for the Appointment

The Chief Executive

11. Article 48(6) of the Basic Law confers on the Chief Executive the power and function to appoint judges in accordance with legal

procedures. Article 88 of the Basic Law provides that judges of the courts of the HKSAR shall be appointed by the Chief Executive on the recommendation of an independent commission. The Judicial Officers Recommendation Commission (JORC) is the statutory body constituted by the Judicial Officers Recommendation Commission Ordinance (the JORC Ordinance) (Cap. 92) to perform the functions of the independent commission referred to in Article 88 of the Basic Law. In the case of the appointment of CFA judges (including the Chief Justice), Article 90 of the Basic Law provides that the Chief Executive shall, in addition to following the procedures prescribed in Article 88, obtain the endorsement of the Legislative Council. The Chief Executive shall also report such appointment to the Standing Committee of the National People's Congress for the record under Article 90 of the Basic Law. These requirements in relation to CFA judges are also stipulated in section 7A of the Hong Kong CFA Ordinance.

Judicial Officers Recommendation Commission

12. Pursuant to Article 88 of the Basic Law and the JORC Ordinance, the JORC is entrusted with the function of making recommendations to the Chief Executive regarding the appointment of judges. The JORC consists of the Chief Justice as the Chairman, the Secretary for Justice and seven other members appointed by the Chief Executive (two judges, one barrister appointed after consultation with the Bar Council of the Hong Kong Bar Association, one solicitor appointed after consultation with the Council of the Law Society of Hong Kong and three persons not connected with the practice of law). Under section 3(3A) of the JORC Ordinance, a resolution is not effective if there are more than two votes not in favour. The recommendation of the JORC is then communicated to the Chief Executive.

The Legislative Council

13. Article 73(7) of the Basic Law confers on the Legislative Council the power and function to endorse the appointment of CFA judges (including the Chief Justice). Article 90 of the Basic Law provides that the Chief Executive shall obtain the endorsement of the Legislative Council for the appointment of CFA judges (including the Chief Justice).

14. Thus, the system of judicial appointment provides for the Chief Executive to make an appointment on the recommendation of an independent commission, viz the JORC, as laid down in Article 88 of the Basic Law, and to obtain the endorsement of the Legislative Council of the appointment of CFA judges (including the Chief Justice) under Article 90 of the Basic Law.

THE CURRENT APPOINTMENT EXERCISE

The JORC's Recommendation

15. Pursuant to Article 88 of the Basic Law and section 6(a) of the JORC Ordinance, the JORC has recommended the appointment of Mr. Justice Ma as the Chief Justice of the CFA with effect from 1 September 2010. The recommendation has been communicated to the Chief Executive.

The Chief Executive's Acceptance of the JORC's Recommendation

16. In accordance with Article 88 of the Basic Law and section 6(1) of the Hong Kong CFA Ordinance, the Chief Executive has accepted the recommendation of the JORC on the appointment of Mr. Justice Ma as the Chief Justice of the CFA with effect from 1 September 2010. Subject to the endorsement of the Legislative Council pursuant to Article 90 of the Basic Law and section 7A of the Hong Kong CFA Ordinance, the Chief Executive will make the recommended appointment.

The JORC Process

The JORC Meetings

17. The JORC had held four meetings during the last quarter of 2009 and the first quarter of 2010 to consider the recommendation of the person to be appointed as the next Chief Justice.

Quorum

18. A quorum as required by section 3(3) of the JORC Ordinance was present at each of the four JORC meetings at which the recommended appointment was considered.

Statutory Disclosure

19. Since a permanent judge, a judge of the Court of First Instance or a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years is eligible to be appointed as the Chief Justice, four members of the JORC, namely -

- (a) Mr. Justice Roberto Alexandre Vieira RIBEIRO, permanent judge;
- (b) Mr. Justice Louis TONG, judge of the Court of First Instance;
- (c) Mr. WONG Yan-lung, Secretary for Justice; and
- (d) Mr. Rimsky YUEN, Senior Counsel,

are or may reasonably have been regarded as eligible candidates.

20. For the purpose of section 3(5B) of the JORC Ordinance, each of them had been asked to indicate in writing whether he wished to be considered as a candidate for appointment as the Chief Justice. All of them replied in the negative. Hence, all members were issued with the relevant papers and took part in the deliberations on the matter.

The First and Second JORC Meetings

21. At these two meetings, the JORC noted and decided on various matters as described in paragraphs 22 to 26 below.

22. The JORC noted the duties of the Chief Justice as described in paragraphs 5 and 6 and the eligibility requirements for appointment as described in paragraphs 8 and 9 above.

23. The JORC decided on the procedures for considering the recommendation of the person to be appointed as the next Chief Justice, which were followed in the selection process as described in paragraphs 24 to 39 below.

24. Having regard to the duties of the Chief Justice, the JORC decided on the appointment criteria set out below for considering the recommendation for appointment of the Chief Justice -

- (a) the person should be a person of high integrity, and should be able to command strong respect within and outside the Judiciary, including that of the legal profession;
- (b) the person, whether a judge or a barrister, should be an outstanding lawyer, and should be able to play a leading role in the development of jurisprudence as President of the CFA; and

- (c) the person should have proven leadership and administrative abilities or should have the potential of having such abilities, with a view to discharging the responsibilities as head of the Judiciary charged with its administration.

25. The JORC decided to draw up a long list of persons who comply with the professional eligibility requirements for the appointment (and leaving aside the nationality requirement) to be circulated to JORC members. The JORC noted that the long list was to be compiled by consolidating the list of eligible judges drawn up by the Judiciary and the lists of eligible barristers provided by the Hong Kong Bar Association, the Department of Justice and the Legal Aid Department.

26. The JORC also noted that prior to the third meeting, subject to the confidentiality provisions in the JORC Ordinance, the Chief Justice, the Secretary for Justice and the barrister and solicitor members ("the two professional Members") would conduct such consultations with Judges, Law Officers in the Department of Justice and barristers and solicitors respectively as they considered appropriate for dealing with the recommendation for appointment of the Chief Justice.

After the First and Second JORC Meetings

27. After the first and second meetings, in accordance with the agreed procedures, consultations were carried out and the long list was compiled and circulated to JORC members as described in paragraphs 28 to 31 below.

Consultations Carried Out

28. In accordance with the agreed procedures, the Chief Justice conducted appropriate consultations with Judges within the Judiciary.

29. In accordance with the agreed procedures, the Secretary for Justice consulted the Law Officers in the Department of Justice.

30. In accordance with the agreed procedures, the two professional Members conducted consultations with barristers and solicitors respectively as they considered appropriate. Pursuant to their requests, the Bar Council and the Law Society Council each issued a circular to its members, inviting them to give their views on the appointment of the next Chief Justice to the respective professional Members of the JORC directly.

Compilation of the Long List

31. In accordance with the agreed procedures, the long list of persons who comply with the professional eligibility requirements was compiled by consolidating the list of eligible judges drawn up by the Judiciary and the lists of eligible barristers provided by the Hong Kong Bar Association, the Department of Justice and the Legal Aid Department. The long list was circulated to JORC members before the third meeting.

The Third JORC Meeting

32. At the third meeting, the JORC considered the long list and arrived at a short list of persons as described in paragraphs 33 to 34 below.

33. The JORC noted that the long list had 739 names of persons who comply with the professional eligibility requirements. Excluding the four JORC members who had made declarations (paragraphs 19 and 20 above), the number of persons on the long list was 735.

34. In accordance with the agreed procedures, the JORC went through the long list of persons and agreed that eight persons should be placed on the short list (not in any order of priority) for further consideration, having regard to the appointment criteria (paragraph 24 above) and with the benefit of inputs from the Chief Justice, the Secretary for Justice and the two professional Members in the light of the consultations they had conducted.

After the Third JORC Meeting

35. After the third meeting, in accordance with the agreed procedures, the Chief Justice ascertained from each of the eight persons on the short list whether (a) he is willing to serve; and (b) he complies or is able and willing to comply with the nationality eligibility requirement in Article 90 of the Basic Law (i.e. Chinese citizen who is a permanent resident of the HKSAR with no right of abode in any foreign country) if appointed.

The Fourth JORC Meeting

36. At the fourth meeting, the JORC noted matters as described in paragraph 37 and, after detailed consideration, decided on the person to recommend for appointment as the next Chief Justice as described in paragraphs 38 to 39 below.

37. The Chief Justice informed JORC members that of the eight persons on the short list, three were not willing to serve. The remaining five persons all responded to the questions in (a) and (b) at paragraph 35 above in the affirmative.

38. In accordance with the agreed procedures, the JORC gave detailed consideration to the suitability of the five persons by reference to the appointment criteria (paragraph 24 above).

39. After discussion, the JORC decided to recommend the appointment of Mr. Justice Ma, Chief Judge of the High Court, as the next Chief Justice. In putting forward the recommendation, the JORC considered Mr. Justice Ma the most suitable candidate having regard to the appointment criteria -

- (a) he is a man of high integrity and commands strong respect within and outside the Judiciary;
- (b) he is an outstanding lawyer. He was a leading Senior Counsel at the Bar and has been an outstanding Judge. He would be able to play a leading role in the development of jurisprudence as President of the CFA; and
- (c) he has proven administrative and leadership qualities. He has served with distinction as Chief Judge of the High Court for nearly seven years.

The Chief Executive's Acceptance of the Recommendation

40. The Chief Executive noted that Mr. Justice Ma complies with the eligibility requirements including the requirement of Chinese nationality with no right of abode in any foreign country and that he had confirmed to the Chief Justice that he is willing to serve as the Chief Justice.

41. The Chief Executive was satisfied that the resolution of the JORC on the above recommended appointment was effective in accordance with section 3(3A) of the JORC Ordinance and that the procedure was proper and appropriate. The Chief Executive was informed that in putting forward the recommendation, the JORC considered Mr. Justice Ma the most suitable candidate having regard to the appointment criteria (paragraph 39 above). The Chief Executive therefore accepted the recommendation of the JORC.

42. Mr. Justice Ma is the spouse of Madam Justice Maria Candace YUEN (Madam Justice Yuen), Justice of Appeal of the Court of Appeal of the High Court. If Mr. Justice Ma is appointed as Chief Justice, the Judiciary will introduce the following safeguards: (a) Mr Justice Ma will not hear any appeals from cases in which Madam Justice Yuen has sat; and (b) Mr Justice Ma will not deal with any administrative matter concerning Madam Justice Yuen. Such matters would be dealt with (a) by the Chief Judge of the High Court; or (b) where they are required to be handled by the Chief Justice, by the person who at the time would have been appointed Acting Chief Justice in accordance with section 5(6) or 5(7) of the Hong Kong CFA Ordinance had the Chief Justice been absent.

ENDORSEMENT OF THE LEGISLATIVE COUNCIL

43. Subject to the endorsement of the Legislative Council, the Chief Executive will make the recommended appointment, which will take effect on 1 September 2010 after the incumbent Chief Justice ceases service on 31 August 2010. The Chief Executive will report the appointment to the Standing Committee of the National People's Congress for the record.

Administration Wing
Chief Secretary for Administration's Office
April 2010

**Curriculum Vitae
of The Honourable Mr. Justice Geoffrey MA Tao-li
Chief Judge of the High Court**

1. Personal Background

Mr. Justice Geoffrey MA Tao-li (Mr Justice Ma) was born in Hong Kong on 11 January 1956. He is married to Madam Justice Maria Candace YUEN. They have one daughter.

2. Education

Mr. Justice Ma received his education in England at a young age. He obtained the degree of Bachelor of Laws from the Birmingham University in 1977. He obtained his Bar Final Part 2 from the College of Law in 1978.

3. Legal Experience

Mr. Justice Ma was called to the English Bar at Gray's Inn in 1978, to the Hong Kong Bar in 1980, to the Bar of the State of Victoria in Australia in 1983 and to the Bar of Singapore in 1990. He was appointed Queen's Counsel in 1993. He was appointed a Recorder of the High Court in November 2000. He was made an Honorary Bencher of Gray's Inn in 2004.

Mr. Justice Ma was in private practice since 1978 until he joined the Judiciary as a Judge of the Court of First Instance of the High Court (CFI Judge) in December 2001.

Mr. Justice Ma has wide legal experience in various areas of the civil law. His main areas of practice were: arbitration, commercial (including shipping, admiralty, banking, insurance), company, building, administrative and constitutional law.

Mr. Justice Ma was also legal consultant to Messrs. David Chong & Co., Singapore, Advocates & Solicitors. He was the head of litigation, shipping and admiralty departments.

4. Judicial Experience

Mr. Justice Ma was appointed a Recorder of the High Court in November 2000 until his appointment as a CFI Judge in December 2001. He heard cases involving various aspects of civil law.

Mr. Justice Ma was appointed a Justice of Appeal of the Court of Appeal of the High Court in November 2002. He heard both criminal and civil appeals, including judicial review cases.

Mr. Justice Ma was appointed as the Chief Judge of the High Court in July 2003. As the Court Leader of the High Court, Mr. Justice Ma leads the High Court both judicially and administratively. He presides in the Court of Appeal and deals with the important appeals before that court. He is responsible for the administration of the High Court. He has to ensure the smooth operation of the High Court and the efficient utilization of judicial resources and court time, and to advise the Chief Justice on policies, legislation and practices relating to the High Court. He has statutory powers and duties under various Ordinances. These include the Legal Practitioners Ordinance under which he has the power to admit barristers and solicitors. He is responsible for the implementation of Civil Justice Reform and the monitoring of the working of the reformed system.

5. Services and Activities related to the Legal Field

1982-84 1992-96	Member, Bar Council of the Hong Kong Bar Association
1987-96	Adjudicator, Registration of Persons Tribunal, Hong Kong
1987- Present	Honorary Lecturer, Department of Professional Legal Education, University of Hong Kong
1991-2001	Member, Criminal and Law Enforcement Injuries Compensation Board
1992-94	Member, Steering Committee for the Eleventh International Congress of Maritime Arbitrators
1993- 2001	Member, Civil Court Users Committee of the Judiciary

1997- Present	Member, Appointment Advisory Board of the Hong Kong International Arbitration Centre (HKIAC)
1998- Present	Member, HKIAC Arbitration Ordinance Review Committee
2000-2001	Member, Working Party on Civil Justice Reform
2004-2009	Chairman, Steering Committee on Civil Justice Reform
2009- Present	Chairman, Monitoring Committee on Civil Justice Reform

6. **Publications**

Mr. Justice Ma was contributing Editor to the Hong Kong Civil Procedure 2002. He had also contributed to “Litigation in the Commercial List”: 2002 Law Lectures for Practitioners. He is the Editor in Chief of “Arbitration in Hong Kong: A Practical Guide” (published 2003) and “Professional Conduct and Risk Management in Hong Kong” (published 2007).

7. **Other Public Services**

1994-2001	Member, Hong Kong Futures Exchange Disciplinary Appeal Tribunal
1994-98	Member, then Vice-Chairman, Management Committee of the Consumer Legal Action Fund
1994-2001	Chairman, Appeal Tribunal Panel (Buildings)
1997-2000	Deputy Chairman, Board of Review (Inland Revenue)
1999-2001	Deputy Chairman, Securities and Futures Commission (SFC) Appeals Panel
1999-2001	Deputy Chairman, SFC Takeovers Appeal Committee

File Ref: CSO/ADM CR 8/4/3222/85(10)

APPOINTMENT OF NON-PERMANENT HONG KONG JUDGES TO THE COURT OF FINAL APPEAL

INTRODUCTION

Pursuant to Article 90 of the Basic Law and section 7A of the Hong Kong Court of Final Appeal Ordinance (Hong Kong CFA Ordinance) (Cap. 484), the Administration intends to give notice in due course to move a motion to obtain the endorsement of the Legislative Council of the appointment of the Honourable Mr. Justice Robert TANG Ching (Mr. Justice Tang), the Honourable Mr. Justice Frank STOCK (Mr. Justice Stock) and the Honourable Mr. Justice Michael John HARTMANN (Mr. Justice Hartmann), serving Justices of Appeal of the Court of Appeal of the High Court, as non-permanent Hong Kong judges to the Court of Final Appeal. The curriculum vitae of the three Judges are at Appendix 1.

Appendix 1

BACKGROUND

The Court of Final Appeal

2. The Court of Final Appeal (CFA) is the final appellate court in Hong Kong. The CFA hears appeals in civil and criminal matters and may confirm, reverse or vary the decision of the lower courts.

3. The CFA consists of the Chief Justice and the permanent judges. Non-permanent judges may be invited to sit. There are two lists of non-permanent judges -

- (a) the list of non-permanent Hong Kong judges (“non-permanent Hong Kong judges”); and
- (b) the list of judges from other common law jurisdictions (“non-permanent common law judges”).

Section 10 of the Hong Kong CFA Ordinance sets a ceiling of 30 on the total number of persons holding office as non-permanent judges.

4. In accordance with section 16 of the Hong Kong CFA Ordinance, the CFA is constituted by five judges when hearing and determining appeals, as follows -

- (a) the Chief Justice or a permanent judge designated to sit in his place under subsection (2);
- (b) three permanent judges; and
- (c) one non-permanent Hong Kong judge or one non-permanent common law judge (selected by the Chief Justice and invited by the Court).

Where the Chief Justice is not available to sit, he shall designate a permanent judge to preside. Where a sufficient number of permanent judges are not available, the Chief Justice shall nominate a non-permanent Hong Kong judge to sit in place of a permanent judge.

Tenure of Office of Non-Permanent Judges

5. Under section 14(4) of the Hong Kong CFA Ordinance, a non-permanent judge shall hold office for a term of three years, but that term may be extended for one or more periods of three years by the Chief Executive acting in accordance with the recommendation of the Chief Justice. Under section 14(3) of the Hong Kong CFA Ordinance, there is no retirement age for a non-permanent judge.

Requirements and Qualifications for Non-permanent Hong Kong Judges

Basic Law Requirements

6. Article 92 of the Basic Law provides that judges of the Hong Kong Special Administrative Region (HKSAR) shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions.

Statutory Qualifications

7. Section 12(3) of the Hong Kong CFA Ordinance provides that a person shall be eligible to be appointed as a non-permanent Hong Kong judge if he is -

- (a) a retired Chief Judge of the High Court;
- (b) a retired Chief Justice of the CFA;
- (c) a retired permanent judge of the CFA;
- (d) a Justice or retired Justice of Appeal; or
- (e) a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years,

whether or not he is ordinarily resident in Hong Kong.

Constitutional and Legal Framework for the Appointments

The Chief Executive

8. Article 48(6) of the Basic Law confers on the Chief Executive the power and function to appoint judges in accordance with legal procedures. Article 88 of the Basic Law provides that judges of the courts of the HKSAR shall be appointed by the Chief Executive on the recommendation of an independent commission. The Judicial Officers Recommendation Commission (JORC) is the statutory body constituted by the Judicial Officers Recommendation Commission Ordinance (the JORC Ordinance) (Cap. 92) to perform the functions of the independent commission referred to in Article 88 of the Basic Law. In the case of the appointment of CFA judges, Article 90 of the Basic Law provides that the Chief Executive shall, in addition to following the procedures prescribed in Article 88, obtain the endorsement of the Legislative Council. The Chief Executive shall also report such appointment to the Standing Committee of the National People's Congress for the record under Article 90 of the Basic Law. These requirements in relation to CFA judges are also stipulated in section 7A of the Hong Kong CFA Ordinance.

Judicial Officers Recommendation Commission

9. Pursuant to Article 88 of the Basic Law and the JORC Ordinance, the JORC is entrusted with the function of making recommendations to the Chief Executive regarding the appointment of judges. The JORC consists of the Chief Justice as the Chairman, the Secretary for Justice and seven other members appointed by the Chief Executive (two judges, one barrister appointed after consultation with the Bar Council of the Hong Kong Bar Association, one solicitor appointed after consultation with the Council of the Law Society of Hong Kong and three persons not connected with the practice of law). Under section 3(3A) of the JORC Ordinance, a resolution is not effective if there are more than two votes not in favour. The recommendation of the JORC is then communicated to the Chief Executive.

The Legislative Council

10. Article 73(7) of the Basic Law confers on the Legislative Council the power and function to endorse the appointment of CFA judges. Article 90 of the Basic Law provides that the Chief Executive shall obtain the endorsement of the Legislative Council for the appointment of CFA judges.

11. Thus, the system of judicial appointment provides for the Chief Executive to make an appointment on the recommendation of an independent commission, viz the JORC, as laid down in Article 88 of the Basic Law, and to obtain the endorsement of the Legislative Council of the appointment of CFA judges under Article 90 of the Basic Law.

THE CURRENT APPOINTMENT EXERCISE

The JORC's Recommendations

12. Pursuant to Article 88 of the Basic Law and section 6(a) of the JORC Ordinance, the JORC has recommended the appointment of Mr. Justice Tang, Mr. Justice Stock and Mr. Justice Hartmann as non-permanent Hong Kong judges to the CFA. The recommendations have been communicated to the Chief Executive.

The Chief Executive's Acceptance of the JORC's Recommendations

13. In accordance with Article 88 of the Basic Law and section 8(2) of the Hong Kong CFA Ordinance, the Chief Executive has accepted the recommendations of the JORC on the appointment of Mr. Justice Tang, Mr. Justice Stock and Mr. Justice Hartmann as non-permanent Hong Kong judges to the CFA. Subject to the endorsement of the Legislative Council pursuant to Article 90 of the Basic Law and section 7A of the Hong Kong CFA Ordinance, the Chief Executive will make the recommended appointments.

The JORC Process

14. The JORC had held a meeting during the first quarter of 2010 to consider the recommendations of the persons to be appointed as non-permanent Hong Kong judges. The JORC noted the relevant information as described in paragraphs 17 to 21 below and decided on the persons to recommend for appointment as described in paragraphs 22 to 24 below.

Quorum

15. A quorum as required by section 3(3) of the JORC Ordinance was present at the JORC meeting at which the recommended appointments were considered.

Statutory Disclosure

16. As stated in paragraph 7 above, section 12(3) of the Hong Kong CFA Ordinance provides that a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years is eligible to be appointed as a non-permanent Hong Kong judge. The Judiciary's current policy is to consider only internal candidates for appointment to the Court of Final Appeal, including as permanent judges and non-permanent Hong Kong judges but not as Chief Justice. Therefore, the Secretary for Justice and the barrister Member of JORC from outside the Judiciary could not reasonably be regarded as candidates for the non-permanent Hong Kong judge position and they had not been invited, under section 3(5B) of the JORC Ordinance, to disclose their willingness to accept appointment to fill such position, if selected.

Present Position Regarding the Serving Non-Permanent Judges

Appendix 2

17. The JORC noted that at present, there are 14 non-permanent judges comprising three¹ non-permanent Hong Kong judges and 11 non-permanent common law judges. A list of the serving non-permanent judges is at Appendix 2.

Functioning of the CFA

Appendix 3

18. The JORC noted the caseload of the CFA in the past five years from 2004 to 2008 as set out in Appendix 3. With the caseload of appeals and applications for leave at the present level, the Chief Justice is of the view that the CFA has a heavy caseload, bearing in mind the relatively small number of permanent judges.

19. The JORC noted that under section 6(2) of the Hong Kong CFA Ordinance, the Chief Justice is the head of the Judiciary and is charged with its administration. Having regard to his administrative duties the Chief Justice is not available to sit in all the cases.

20. The JORC noted that the existing small number of three non-permanent Hong Kong judges does not allow sufficient flexibility in listing appeals. Besides, the three non-permanent Hong Kong judges are all residing outside Hong Kong. Although they are retired judges, they are not always available as they are often tied up with various commitments (including judicial duties in other jurisdictions).

21. The JORC noted that it is unsatisfactory to have only three non-permanent Hong Kong judges who are all resident outside Hong Kong and this poses some operational difficulties for the Court. It is considered necessary to increase the number of non-permanent Hong Kong judges to allow greater flexibility for dealing with the caseload.

Considerations and Recommendations

22. The JORC considered the appointment of the following eligible persons, who are serving Justices of Appeal of the Court of Appeal of the High Court, as non-permanent Hong Kong judges to the CFA -

¹ Excluding Sir Noel Plunkett POWER (whose term of appointment was for the period from 28 July 2009 to 27 July 2012) who passed away on 19 November 2009.

- (a) Mr. Justice Tang, who is presently also a Vice-President of the Court of Appeal of the High Court;
- (b) Mr. Justice Stock, who is presently also a Vice-President of the Court of Appeal of the High Court; and
- (c) Mr. Justice Hartmann.

23. The JORC considered that these three judges are outstanding lawyers who have considerable experience in handling criminal and civil cases (including constitutional cases) and are suitable to be appointed as non-permanent Hong Kong judges of the CFA. They would be useful additions to the list of non-permanent Hong Kong judges and their appointment would provide the much needed flexibility in deployment. Being serving judges in Hong Kong, they are readily available to sit in the CFA. If appointed, the total number of non-permanent Hong Kong judges will increase from three to six.

24. The JORC resolved to recommend the appointment of Mr. Justice Tang, Mr. Justice Stock and Mr. Justice Hartmann as non-permanent Hong Kong judges for a term of three years.

The Chief Executive's Acceptance of the Recommendation

25. The Chief Executive was satisfied that the resolutions of the JORC on the above recommended appointments were effective in accordance with section 3(3A) of the JORC Ordinance. The Chief Executive therefore accepted the recommendations of the JORC.

ENDORSEMENT OF THE LEGISLATIVE COUNCIL

26. Subject to the endorsement of the Legislative Council, the Chief Executive will make the recommended appointments. The intention is for the appointments to take effect in September 2010.

Administration Wing
Chief Secretary for Administration's Office
April 2010

**Curriculum Vitae
of The Honourable Mr. Justice Robert TANG Ching
Vice President and Justice of Appeal
of the Court of Appeal of the High Court**

1. Personal Background

Mr. Justice Robert TANG Ching (Mr. Justice Tang) was born in Shanghai on 7 January 1947. He is married and has two children.

2. Education

Mr. Justice Tang received his legal education in England and obtained the degree of Bachelor of Laws from the Birmingham University in 1969.

3. Legal Experience

Mr. Justice Tang was called to the English Bar at Gray's Inn in 1969, to the Hong Kong Bar in 1970, to the Bar of the State of Victoria in Australia in 1984 and to the Bar of the State of New York in 1986. He was appointed Queen's Counsel in 1986. He was admitted as a Barrister in Singapore in 1992. Mr. Justice Tang was one of the most senior members of the Bar and had been Chairman of the Bar Association. He has great experience in the civil field and had a very successful civil practice. Mr. Justice Tang was in private practice since 1970 until he joined the Judiciary as a Judge of the Court of First Instance of the High Court (CFI Judge) on 2 April 2004.

4. Judicial Experience

Mr. Justice Tang deputized in the District Court in 1982 and in the High Court in 1986, and had been appointed as one of the first Recorders of the Court of First Instance of the High Court in September 1995 until his appointment as a CFI Judge in April 2004. Mr. Justice Tang was appointed Justice of Appeal of the Court of Appeal of the High Court on 3 January 2005. He was appointed Vice-President of the Court of Appeal on 1 November 2006.

5. Services and Activities related to the Legal Field

1978-92	Criminal and Law Enforcement Injuries Compensation Boards (1978-86 Member, 1986-92 Chairman)
1983-87	Member, Judicial Service Commission
1985-Present	Council Member, Hong Kong International Arbitration Centre
1988-90	Chairman, The Hong Kong Bar Association
1988-90	Member, Standing Committee on Legal Aid

6. Awards

Mr. Justice Tang was honoured with the award of the Silver Bauhinia Star in 2004.

7. Other Public Services

1989-93	Member, Independent Police Complaints Council
1991-2000	Town Planning Appeal Board (1991-96 Deputy Chairman, 1996-2000 Chairman)
1992-93	Member (Alternate), The Takeovers and Mergers Panel
1993-99	Securities and Futures Appeal Panel (1993-95 Deputy Chairman, 1995-99 Chairman)
1994-98	Chairman, Takeovers Appeal Committee
1995-97	Member, Appeal Board on Public Meetings and Processions
1996-Present	Chairman, The S.K. Yee Medical Foundation
1998-2004	Non-Executive Director, Mandatory Provident Fund Schemes Authority

2000-2004	Chairman, Independent Police Complaints Council
2000-2004	Member, ICAC Complaints Committee
2001-2004	Member, Exchange Fund Advisory Committee, Hong Kong Monetary Authority

**Curriculum Vitae
of The Honourable Mr. Justice Frank STOCK
Vice President and Justice of Appeal
of the Court of Appeal of the High Court**

1. Personal Background

Mr. Justice Frank STOCK (Mr. Justice Stock) was born in Zimbabwe (then Rhodesia) on 15 June 1945. He is married, has two children and three grandchildren.

2. Education

Mr. Justice Stock received his tertiary education in England and obtained a Bachelor of Laws degree from the University of Liverpool in 1967.

3. Legal Experience

Mr. Justice Stock was called to the Bar in England and Wales in 1968. After 10 years in private practice, he came to Hong Kong in 1978 and joined the then Legal Department as Crown Counsel. He rapidly gained promotion within the Department, to Senior Crown Counsel in 1979, to Deputy Principal Crown Counsel in 1980 and to Principal Crown Counsel in 1984. He was admitted as Barrister and Solicitor in the State of Victoria in Australia in 1983 and called to the Hong Kong Bar in 1984. He was appointed Queen's Counsel in 1985. He became the Solicitor General in 1987. He deputized in the High Court during 1991-92.

4. Judicial Experience

Mr. Justice Stock was appointed as a Judge of the Court of First Instance of the High Court (CFI Judge) in May 1992 and a Justice of Appeal of the Court of Appeal of the High Court in October 2000. He was appointed Vice-President of the Court of Appeal on 7 July 2009. Mr. Justice Stock has some 18 years of judicial experience in the High Court. He is capable of handling both criminal and civil cases. As a CFI Judge, he initially handled mainly criminal cases and later also heard administrative law cases. He had been the judge in charge of the Administrative and Constitutional Law List. He drafted and was then in charge of the

updating of the Criminal Manual for Judges. Mr. Justice Stock has considerable experience in both criminal and civil cases and has considerable expertise in the growing area of public law. Mr. Justice Stock will reach the retirement age of 65 on 15 June 2010 and his service has been extended for three years until 14 June 2013.

5. Services and Activities related to the Legal Field

1993-95	Chairman, Insider Dealing Tribunal
2001-2009	Chairman, Sub-committee on Hearsay in Criminal Proceedings, Law Reform Commission
2003-Present	Member, Sub-committee on Juries, Law Reform Commission
2001-2009	Member, Judicial Studies Board
2003-Present	Member, Criminal Procedures Rules Committee
2004	Elected Honorary Bencher of Lincoln's Inn

6. Publications

Mr. Justice Stock was formerly the Editor-in-Chief of Archbold Hong Kong. He has delivered several conference speeches. The paper "Human Rights Litigation in the Hong Kong Special Administrative Region" was adapted for publication in the Oxford University Commonwealth Law Journal in 2001. His speech at the Commonwealth Law Conference 2009 was entitled "Judicial Activism and the Separation of Powers".

**Curriculum Vitae
of The Honourable Mr. Justice Michael John HARTMANN
Justice of Appeal
of the Court of Appeal of the High Court**

1. Personal Background

Mr. Justice Michael John HARTMANN (Mr. Justice Hartmann) was born in Mumbai, India on 24 July 1944. He is married and has two children.

2. Education

Mr. Justice Hartmann was educated in England and Zimbabwe (then Rhodesia). He obtained a Bachelor of Laws degree from the University of London (obtained at the University College of Rhodesia, an external college of London) in 1967.

3. Legal Experience

Mr. Justice Hartmann was admitted as an attorney, notary public and conveyancer in Zimbabwe in 1971, practising as a partner in a firm in the capital city. He came to Hong Kong in 1983 and joined the then Legal Department as Crown Counsel. He was promoted to Senior Crown Counsel in 1984 and became a Deputy Principal Crown Counsel in 1989 until he left the Government in 1991.

4. Judicial Experience

Mr. Justice Hartmann was appointed as a District Judge in November 1991. He was appointed as a Judge of the Court of First Instance of the High Court in March 1998 and was elevated to Justice of Appeal of the Court of Appeal of the High Court in September 2008. Mr. Justice Hartmann has some 18 years of judicial experience including over 10 years as a Judge of the High Court. He is capable of handling both criminal and civil cases. He has rich experience and expertise in a number of specialized areas of the law, namely family and public and constitutional law. Mr. Justice Hartmann reached the retirement age of 65 on 24 July 2009 and his service has been extended for three years until 23 July 2012.

5. Services and Activities related to the Legal Field

1998-2000	Chairman, Insider Dealing Tribunal
1999-Present	Chairman, Steering Committee on Family Mediation
1999-Present	Chairman, Steering Committee on the Pilot Scheme for the Reform of Ancillary Relief Procedures
2000-2004	Member, Working Party on Civil Justice Reform
2004-Present	Member, Steering Committee on Civil Justice Reform

List of Non-Permanent Judges of Court of Final Appeal

A. Non-permanent Hong Kong Judges

	Year Ceased to be Full-time Judge in HK	Date of First Appointment	Expiry Date of Present Appointment
1. Mr. Gerald Paul NAZARETH	2001	28.7.1997	27.7.2012
2. Mr. John Barry MORTIMER	1999	28.7.1997	27.7.2012
3. Mr. Henry Denis LITTON	2000	14.9.2000	13.9.2012

B. Non-permanent Judges from Other Common Law Jurisdictions

	Date of First Appointment	Expiry Date of Present Appointment
1. The Honourable Sir Anthony MASON	28.7.1997	27.7.2012
2. The Right Honourable the Lord HOFFMANN	12.1.1998	11.1.2013
3. The Honourable Sir Gerard BRENNAN	28.7.2000	27.7.2012
4. The Right Honourable the Lord MILLETT	28.7.2000	27.7.2012
5. The Right Honourable the Lord WOOLF of Barnes	28.7.2003	27.7.2012
6. The Right Honourable the Lord SCOTT of Foscote	28.7.2003	27.7.2012
7. Mr. Michael McHUGH	1.7.2006	30.6.2012
8. The Right Honourable Sir Thomas Munro GAULT	1.7.2006	30.6.2012
9. The Right Honourable the Lord WALKER of Gestingthorpe	1.3.2009	29.2.2012
10. The Right Honourable the Lord NEUBERGER of Abbotsbury	1.3.2009	29.2.2012
11. Mr. Murray GLEESON	1.3.2009	29.2.2012

**Statistics on the Court of Final Appeal
(from 2004 to 2008)**

	No. of cases														
	1.1.2004 to 31.12.2004			1.1.2005 to 31.12.2005			1.1.2006 to 31.12.2006			1.1.2007 to 31.12.2007			1.1.2008 to 31.12.2008		
	Filed	Disposed of	Withdrawn	Filed	Disposed of	Withdrawn	Filed	Disposed of	Withdrawn	Filed	Disposed of	Withdrawn	Filed	Disposed of	Withdrawn
Application for leave to appeal															
- Civil	26	25	0	40	39	1	50	51	4	75	62	0	82	66	1
- Criminal	65	66	1	107	87	3	63	81	1	64	61	3	76	74	3
(Total)	(91)	(91)	(1)	(147)	(126)	(4)	(113)	(132)	(5)	(139)	(123)	(3)	(158)	(140)	(4)
Substantive appeal															
- Civil	18	19	1	30	23	1	23	26	2	34	23	2	30	37	5
- Criminal	19	11	0	14	13	0	12	15	0	10	12	0	12	8	1
(Total)	(37)	(30)	(1)	(44)	(36)	(1)	(35)	(41)	(2)	(44)	(35)	(2)	(42)	(45)	(6)