



HONG KONG BAR ASSOCIATION

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17th February 2011

Ms. Flora Tai
Clerk to Panel
Panel on Administration of Justice and Legal Services
Legislative Council Building
8 Jackson Road, Central
Hong Kong.

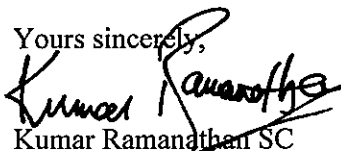
Dear Ms. Tai

Re: Membership of Secretary for Justice in the Judicial Officers Recommendation Commission

I refer to your letter of 28th January 2011 inviting the representation from the Hong Kong Bar Association on the captioned subject, for the Panel on Administration of Justice and Legal Services to be held on 28th February 2011.

The Bar Association last considered the issue in 2002 in response to a consultation paper from the Legislative Council. On that occasion, there was a strong feeling within the Bar that in order to ensure the independence of the judiciary and the appearance of lack of political influence in the appointment of judges, it is more appropriate to have a representative of the Department of Justice, rather than the Secretary for Justice himself/herself, serving as a member of the Judicial Officers Recommendation Commission. There was also a sizeable number of barristers in the membership of the Bar Association expressing the view that the Secretary for Justice, being a member of the Executive, should not be a member of the JORC.

The Bar Council, given the shortness of time, has not been in a position to consult its membership on this issue. However, the Bar Council takes the view after discussion that the sentiments of the membership now are not expected to be materially different from those gauged in 2002.

Yours sincerely,

Kumar Ramanathan SC
Chairman

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