

**立法會**  
***Legislative Council***

LC Paper No. CB(4)1239/18-19  
(These minutes have been seen  
by the Administration)

Ref: CB4/BC/1/18

**Bills Committee on Judicial Officers (Extension of Retirement Age)  
(Amendment) Bill 2019**

**Minutes of the second meeting held on  
Tuesday, 30 April 2019, at 4:30 pm  
in Conference Room 3 of the Legislative Council Complex**

**Members present :** Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)  
Dr Hon Junius HO Kwan-yiu, JP  
Hon Holden CHOW Ho-ding  
Hon CHEUNG Kwok-kwan, JP

**Member absent :** Hon Dennis KWOK Wing-hang

**Public officers attending :** **Agenda item I**  
  
Administration Wing, Chief Secretary for  
Administration's Office

Ms Jennifer CHAN, JP  
Deputy Director of Administration (2)

Judiciary Administration

Miss Patricia SO, JP  
Deputy Judiciary Administrator (Development)

Ms Wendy CHEUNG  
Assistant Judiciary Administrator (Development) 1

Mrs Connie NGAN  
Assistant Judiciary Administrator (Corporate  
Services)

Miss Winki LAM  
Senior Administrative Officer (Development) 1

Miss Queenie LEUNG  
Chief Judiciary Executive (Judges and Judicial  
Officers)

Department of Justice

Ms Karmen KWOK  
Senior Assistant Law Draftsman (Acting)

Mr Wallance NG  
Government Counsel

**Clerk in attendance :** Mr Lemuel WOO  
Chief Council Secretary (4)6

**Staff in attendance :** Mr YICK Wing-kin  
Senior Assistant Legal Adviser 2

Miss Katherine CHAN  
Council Secretary (4)6

Ms Emily LIU  
Legislative Assistant (4)6

Action

**I. Meeting with the Administration**

[LC Paper Nos. CB(4)706/18-19(03), CB(4)757/18-19(01),  
CB(4)776/18-19(01) and (02), CB(4)776/18-19(03),  
CB(4)788/18-19(01), and CB(3)426/18-19, File Ref:  
AW-275-010-010-005, LC Paper Nos. LS56/18-19 and  
CB(4)706/18-19(01) and (02)]

Discussion

The Bills Committee deliberated (index of proceedings in **Appendix**).

Continuation of clause-by-clause examination of the Judicial Officers  
(Extension of Retirement Age) (Amendment) Bill 2019

2. The Bills Committee continued clause-by-clause examination of the Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019 ("the Bill") from clause 6 and examined up to clause 12 of the Bill before the end of the meeting.

**II. Any other business**

3. There being no other business, the meeting ended at 6:16 pm.

Council Business Division 4  
Legislative Council Secretariat  
26 September 2019

**Proceedings of the second meeting of  
the Bills Committee on Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019  
on Tuesday, 30 April 2019, at 4:30 pm  
in Conference Room 3 of the Legislative Council Complex**

| <b>Time marker</b>                                     | <b>Speaker</b>  | <b>Subject(s)</b>   | <b>Action required</b> |
|--|---|---|------------------------|
| <i>Agenda item I – Meeting with the Administration</i> |   |   |                        |
| 000835 – 001125  | Chairman  | Opening remarks   |                        |
| 001126 – 001906  | Chairman<br>Administration<br>Judiciary<br>Administration<br>("JA")<br>Senior Assistant<br>Legal Adviser 2<br>("SALA2") | Briefing by JA on the Administration/JA's response [LC Paper No. CB(4)757/18-19(01)] to the letter dated 1 April 2019 from SALA2 [LC Paper No. CB(4)706/18-19(03)]<br><br>JA's clarification of its response to SALA2's enquiry about the transitional arrangements for certain Judges and Judicial Officers ("JJOs") and their entitlement to opting for the extension arrangement |                        |
| 001907 – 003555  | Chairman<br>Dr Junius HO<br>Administration<br>JA  | Discussion on JA's response [LC Paper No. CB(4)776/18-19(02)] to the list of follow-up actions arising from the discussion at the previous meeting on 3 April 2019 [LC Paper No. CB(4)776/18-19(01)]<br><br>Dr HO's suggestions on measures to address the judicial manpower shortage   |                        |
| 003556 – 005341  | Chairman<br>JA  | The Chairman's suggestions on measures to attract new blood to join as JJOs and to groom and retain existing talent in the Judiciary  |                        |
| 005342 - 005924  | Chairman<br>Dr Junius HO<br>JA  | Dr HO's views on the composition of the Judicial Officers Recommendation Commission ("JORC") and the prohibition against Judges' return to private practice   |                        |
| 005925 – 010258  | Chairman  | The Chairman's views on measures to relieve the administrative work of JJOs on extended terms of office, the judicial recruitment process, and the composition of JORC  |                        |

| Time marker        | Speaker  | Subject(s)  | Action required |
|--------------------|--|---|-----------------|
| 010259 –<br>010652 | Chairman<br>JA                                     | Continuation of clause-by-clause examination of the Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019<br><br><b>Part 3: Amendments to District Court Ordinance</b><br><br><u>Clause 6</u><br><br>The Chairman's enquiry and JA's elaboration on "Circular" in the amended section 11A(5) of the District Court Ordinance (Cap. 336)   |                 |
| 010653 –<br>010934 | Chairman<br>JA<br>Department of<br>Justice ("DoJ") | <b>Part 4: Amendments to Pension Benefits (Judicial Officers) Ordinance</b><br><br><u>Clause 7</u><br><br>The Chairman's enquiry and DoJ's elaboration on the interpretations added to section 2 of the Pension Benefits (Judicial Officers) Ordinance (Cap. 401)   |                 |
| 010935 –<br>011025 | Chairman<br>JA                                     | <u>Clause 8</u><br><br>The Chairman's enquiry and JA's recapitulation on substituting "shall" by "must" in the amended section 3(2) of Cap. 401 in order to comply with the current law drafting practice on format and style   |                 |
| 011026 –<br>012427 | Chairman<br>Dr Junius HO<br>JA<br>Clerk<br>SALA2   | <u>Clause 9</u><br><br>Dr HO's suggestions on measures to attract new blood to join as JJOs and retain experienced ones<br><br>Dr HO's enquiry and the Clerk's elaboration on the handling of amendments proposed to a bill by the Bills Committee or individual members<br><br>SALA2's enquiry and JA's elaboration on "officers engaged on non-pensionable terms" in the proposed new section 5A(4) of Cap. 401 |                 |
| 012428 –<br>013252 | Chairman<br>JA                                     | <u>Clause 10</u><br><br>The Chairman's enquiry and JA's elaboration on the normal retirement age of JJOs as mentioned in the amended section 6(1) of Cap. 401   |                 |

| <b>Time marker</b>                         | <b>Speaker</b>        | <b>Subject(s)</b>  | <b>Action required</b> |
|--|-----------------------|--|------------------------|
| 013253 –<br>013922                         | Chairman<br>JA<br>DoJ | <u>Clause 11</u><br><br>The Chairman's enquiries and elaboration by JA and DoJ on "specified officer" and "plus accrued leave" in the proposed new sections 6A(1) and 6A(3) of Cap. 401 respectively   |                        |
| 013923 –<br>015008                         | Chairman<br>JA<br>DoJ | <u>Clause 12</u><br><br>The Chairman's enquiry and DoJ's advice regarding the Chinese text of the amended sections 7(1)(a) and 7(1)(b), and the proposed new section 7(1)(ba) of Cap. 401<br><br>Discussion on the reasons why a Judicial Officer might have to retire under section 7(1)(g) of Cap. 401 |                        |
| <i>Agenda item II – Any other business</i> |                       |  |                        |
| 015009 –<br>015014                         | Chairman              | Closing remarks  |                        |