

立法會
Legislative Council

LC Paper No. CB(4)868/19-20
(These minutes have been seen
by the Judiciary Administration
and the Administration)

Ref: CB4/HS/1/19

Subcommittee on Proposed Senior Judicial Appointment

**Minutes of meeting held on
Tuesday, 26 May 2020, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Members present : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP(Chairman)
Hon Abraham SHEK Lai-him, GBS, JP
Hon Jeffrey LAM Kin-fung, GBS, JP
Hon CHAN Kin-por, GBS, JP
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Elizabeth QUAT, BBS, JP
Hon CHUNG Kwok-pan

Member attending : Hon Dennis KWOK Wing-hang

Members absent : Dr Hon Junius HO Kwan-yiu, JP
Hon CHEUNG Kwok-kwan, JP

Public Officers attending : **Agenda item II**
Administration Wing, Chief Secretary for
Administration's Office

Ms Esther LEUNG, JP
Director of Administration

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

Judiciary Administration

Miss Emma LAU, JP
Secretary
Judicial Officers Recommendation Commission

Mr Jock TAM
Assistant Judiciary Administrator (Corporate
Services)

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

Staff in attendance : Ms Vanessa CHENG
Assistant Legal Adviser 5

Mr Ambrose LEUNG
Senior Council Secretary (4)6

Ms Emily LIU
Legislative Assistant (4)6

Action

I. Election of Chairman

Mr Abraham SHEK, the member who had the highest precedence among members present at the meeting, presided over the election of the Chairman. He invited nominations for the chairmanship of the Subcommittee.

2. Mr Jeffrey LAM nominated Dr Priscilla LEUNG and the nomination was seconded by Mr CHAN Kin-por. Dr LEUNG accepted the nomination. There being no other nominations, Dr LEUNG was elected Chairman of the Subcommittee.

3. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[LC Paper No. CB(4)614/19-20(01) and File Reference AW-275-010-005-004]

4. The Subcommittee deliberated (index of proceedings attached at **Annex**).
5. The Chairman concluded that the Subcommittee unanimously supported the proposed appointment of Mr Justice Andrew CHEUNG Kui-nung as the new Chief Justice of the Court of Final Appeal, and had completed its deliberation on this matter.

III. Any other business

6. There being no other business, the meeting ended at 10:14 am.

Council Business Division 4
Legislative Council Secretariat
21 August 2020

Subcommittee on Proposed Senior Judicial Appointment

**Proceedings of meeting
held on Tuesday, 26 May 2020, at 9:00 am
in Conference Room 1 of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
Agenda Item I — Election of Chairman			
000344 – 000615	Mr Abraham SHEK Mr Jeffrey LAM Mr CHAN Kin-por Dr Priscilla LEUNG	Election of Chairman	
Agenda Item II — Meeting with the Administration			
000616 – 001007	Chairman Director of Administration	The Administration briefed members on the proposed appointment of Mr Justice CHEUNG as the new Chief Justice of the Court of Final Appeal ("CJ") ("the proposed senior judicial appointment).	
001008 – 001635	Chairman Mrs Regina IP Secretary to Judicial Officers Recommendation Commission ("SJORC") Mr CHAN Kin-por	Mrs IP's indication of support for the proposed senior judicial appointment and enquiries on matters relating to the procedure adopted by the Judicial Officers Recommendation Commission ("JORC") for selecting candidates for recommendation for appointment, in particular the nationality requirement under Article 90 of the Basic Law ("BL") ("the nationality requirement"). SJORC's elaboration on the details of the selection process. Mr CHAN's views and enquiries regarding the professional qualifications and nationality requirement, and SJORC's replies.	
001636 – 001937	Mrs Regina IP SJORC	Mrs IP's enquiries on the factors and professional qualities of candidates considered by JORC in the selection process and her suggestion that judicial temperament should be taken into account. SJORC's advice that judges and judicial officers ("JJOs") had been chosen on the basis of their judicial and professional qualities in accordance with BL 92.	

Time Marker	Speaker(s)	Subject(s)	Action required
001938 – 002618	Chairman	The Chairman's indication of support for the proposed senior judicial appointment and expectations for the new CJ.	
002619 – 003132	Mr Paul TSE	Mr TSE's views regarding the key attributes of JJOs with reference to a recent statement made by the incumbent CJ on the reasons of sentence delivered by a District Judge.	
003133 – 003705	Mrs Regina IP SJORC Mr CHAN Kin-por	<p>Mrs IP's concerns about possible delays to the appointment process for the candidate to make arrangements for fulfilling the nationality requirement, and suggestion that only those who had fulfilled the nationality requirement be shortlisted.</p> <p>Mrs IP's suggestion that the political neutrality of a candidate should also be taken into account when considering his/her suitability for judicial appointment or promotion.</p> <p>SJORC's response.</p> <p>Mr CHAN's concurrence with Mrs IP's remarks.</p>	
003706 – 004110	Chairman Mr Abraham SHEK	<p>The Chairman's views on the procedure of shortlisting candidates.</p> <p>Mr SHEK's views about the terms of reference of the Subcommittee on Proposed Senior Judicial Appointment.</p>	
004111 – 004515	SJORC	SJORC's elaboration on detailed procedure of the shortlisting of candidates.	
004516 – 005002	Ms Elizabeth QUAT SJORC	<p>Ms QUAT's indication of support for the proposed senior judicial appointment and her view that fulfilling the nationality requirement should be a pre-condition for candidates to be shortlisted.</p> <p>SJORC's advice on how the procedure adopted by JORC had come about.</p>	
005003 – 010117	Mr Dennis KWOK Chairman Mr Paul TSE	Mr KWOK's views that the Legislative Council ("LegCo") should as a matter of convention accept the recommendation of JORC, unless it considered that the relevant information provided by the Administration failed to identify the nominee as an appropriate candidate.	

Time Marker	Speaker(s)	Subject(s)	Action required
		Mr TSE's views on LegCo's role under BL 73(7), and supported free discussion to examine relevant matters in connection with the proposed senior judicial appointment.	
010118 – 010422	Mr CHAN Kin-por SJORC	Mr CHAN's reiteration of his views that JORC should consider only those candidates who could fulfil the nationality requirement be shortlisted. SJORC's responses.	
010423 – 011429	Chairman Ms Elizabeth QUAT SJORC	Ms QUAT's expectations on the new CJ, including ensuring public confidence in the impartiality of the Judiciary and the introduction of measures to speed up clearing the backlog of cases. SJORC's responses.	
011430 – 011748	Chairman	The question that the Subcommittee supported the Administration to move a motion to seek the Council's endorsement of appointing Mr Justice CHEUNG as the new CJ was put and agreed to.	
Agenda Item III — Any other business			
011749 – 011756	Chairman	Closing remarks	