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From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 7 July 2021

**Proposed resolution under Article 73(7) of the Basic Law and
section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484)
on appointment of a permanent judge of
the Court of Final Appeal**

The Chief Secretary for Administration will move the above proposed resolution (**Appendix 1**) at the above meeting. The President has directed that the proposed resolution be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech which the Chief Secretary for Administration will deliver when moving the proposed resolution is in **Appendix 2**.

(Miranda HON)
for Clerk to the Legislative Council

Encls.

**Basic Law of the Hong Kong Special Administrative
Region of the People's Republic of China
and
Hong Kong Court of Final Appeal Ordinance**

Resolution

(Under Article 73(7) of the Basic Law of the Hong Kong Special
Administrative Region of the People's Republic of China and section 7A of
the Hong Kong Court of Final Appeal Ordinance (Cap. 484))

Resolved that the appointment of the Honourable Mr. Justice Johnson Lam
Man-hon as a permanent judge of the Hong Kong Court of Final Appeal
pursuant to section 7 of the Hong Kong Court of Final Appeal Ordinance
(Cap. 484) be endorsed.

(Translation)

**Speech by the Chief Secretary for Administration
at the meeting of the Legislative Council on 7 July 2021**

**Resolution under Article 73(7) of the Basic Law and
Section 7A of the Hong Kong Court of Final Appeal Ordinance
(Cap. 484)**

Appointment of Permanent Judge of the Court of Final Appeal

Mr President,

I move that the motion under my name, as printed in the Agenda, be passed, that is, this Council endorses the appointment of the Honourable Mr Justice Johnson Lam Man-hon as a permanent judge of the Court of Final Appeal (CFA).

Constitutional and statutory framework

2. The CFA is the final appellate court in Hong Kong, hearing both civil and criminal appeals. It consists of the Chief Justice (CJ) and the permanent judges. Non-permanent judges may be invited to sit and they may come from Hong Kong or other common law jurisdictions. When hearing and determining appeals, the CFA is constituted by five judges, comprising the CJ, three permanent judges, and one non-permanent Hong Kong judge or one non-permanent judge from another common law jurisdiction.

3. Article 88 of the Basic Law provides that judges of the courts of the Hong Kong Special Administrative Region (HKSAR) shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors. The Judicial Officers Recommendation Commission (JORC) is the statutory body constituted by the Judicial Officers Recommendation Commission Ordinance (Cap. 92) to perform the functions of the independent commission referred to in Article 88 of the Basic Law. Pursuant to Article 92 of the Basic Law, judges of the HKSAR shall be chosen on

the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions.

4. In the case of the appointment of judges of the CFA, Article 90 of the Basic Law provides that the Chief Executive shall, in addition to following the procedures prescribed in Article 88 of the Basic Law, obtain the endorsement of the Legislative Council (LegCo) and report such appointment to the Standing Committee of the National People's Congress for the record.

The current appointment

5. With regard to the current appointment exercise, the JORC has recommended to the Chief Executive the appointment of Mr Justice Lam, Vice-President and Justice of Appeal of the Court of Appeal of the High Court, as a permanent judge of the CFA for filling a vacancy arising from the appointment of CJ as from 11 January 2021. Mr Justice Lam joined the Judiciary in 2001 and was appointed as a Vice-President of the Court of Appeal of the High Court in 2013. He is an all-rounded appellate Judge who possesses rich experience and expertise in handling civil cases of all types, including in particular public law and constitutional law cases. His judgments are well-reasoned and balanced. They are regularly reported in the law reports and cited in arguments and judgments. Mr Justice Lam also has extensive experience in steering reforms to improve on the administration of justice.

6. The Chief Executive has accepted the recommendation of the JORC on the appointment of Mr Justice Lam as a permanent judge. Subject to the endorsement of this Council, the appointment shall take effect within July 2021.

7. In accordance with the procedures previously endorsed by the House Committee of LegCo, the Government informed the House Committee on 12 May 2021 that the Chief Executive had accepted the recommendation of the JORC on this appointment. Representatives from the Government and the Secretary to the JORC attended the meeting of the Subcommittee on Proposed Senior Judicial Appointment on 7 June 2021 and answered Members' questions. I would like to

thank Dr Honourable Priscilla Leung Mei-fun, Chairman of the Subcommittee, and other Members of the Subcommittee for their support of the proposed appointment.

8. I invite Members to endorse the appointment.

-Ends-