

立法會
Legislative Council

LC Paper No. CB(4)1755/20-21
(These minutes have been seen
by the Judiciary Administration
and the Administration)

Ref: CB4/HS/3/20

Subcommittee on Proposed Senior Judicial Appointment
(Formed on 21 May 2021)

Minutes of meeting held on
Monday, 7 June 2021, at 10:45 am
in Conference Room 3 of the Legislative Council Complex

Members present : Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)
Hon Mrs Regina IP LAU Suk-ye, GBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon Holden CHOW Ho-ding

Members absent : Hon Paul TSE Wai-chun, JP
Hon Elizabeth QUAT, BBS, JP

Public Officers attending : **Agenda item II**

Administration Wing, Chief Secretary for
Administration's Office

Mr Daniel CHENG, JP
Director of Administration

Ms Vivian CHEUNG
Deputy Director of Administration (2) (Acting)

Judiciary Administration

Ms Esther LEUNG, 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 Clara TAM
Senior Assistant Legal Adviser 2

Miss Janice HO
Council Secretary (4)6

Ms Emily LIU
Legislative Assistant (4)6

Action

I. Election of Chairman

Dr Priscilla LEUNG, the member who had the highest precedence among members present at the meeting, presided over the election of the Chairman. She invited nominations for the chairmanship of the Subcommittee.

2. Mr Holden CHOW nominated Dr Priscilla LEUNG and the nomination was seconded by Dr Junius HO. Dr Priscilla LEUNG accepted the nomination. As Dr LEUNG was nominated for the office, Mrs Regina IP, the member who had the highest precedence among the members not nominated for the office, presided over the election of chairman. There being no other nomination, Dr LEUNG was elected as the Chairman of the Subcommittee. Dr LEUNG then took the chair.

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

II. Meeting with the Administration

[LC Paper No. CB(4)1065/20-21(01) to (02) and File Reference
AW-275-010-005-004]

4. The Subcommittee deliberated on the proposed appointment of the Honourable Mr Justice Johnson LAM Man-hon ("Mr Justice LAM") as a Permanent Judge of the Court of Final Appeal ("the proposed senior judicial appointment") (index of proceedings attached at **Annex**).

5. The Chairman concluded that the Subcommittee unanimously supported the proposed senior judicial appointment, and had completed its deliberation on this matter.

(Post-meeting note: The Chairman briefed Members on the deliberations of the Subcommittee at the meeting of the House Committee held on 18 June 2021.)

III. Any other business

6. There being no other business, the meeting ended at 11:40 am.

**Subcommittee on Proposed Senior Judicial Appointment
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**Proceedings of meeting
held on Monday, 7 June 2021, at 10:45 am
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Time Marker	Speaker(s)	Subject(s)	Action required
Agenda Item I - Election of Chairman			
000542-000745	Dr Priscilla LEUNG Mrs Regina IP Mr Holden CHOW	Election of Chairman	
Agenda Item II - Meeting with the Administration			
000745-001050	Chairman Director of Administration ("DoA")	Briefing by the Administration on the proposed appointment of Mr Justice Johnson LAM Man-hon ("Mr Justice LAM") as a Permanent Judge ("PJ") of the Court of Final Appeal ("CFA") ("the proposed senior judicial appointment")	
001050-001454	Mr Holden CHOW Secretary, Judicial Officers Recommendation Commission ("SJORC")	Support for the proposed senior judicial appointment Enquiries about the Judiciary's application of information technology and its communication and exchanges with the Mainland	
001454-002727	Dr Junius HO Chairman SJORC DoA	Support for the proposed senior judicial appointment Enquiry and views on the composition of CFA for hearing and determining an appeal as a constitutional issue Discussions on the appointment of judges from different common law jurisdictions as non-permanent judges from other common law jurisdictions ("CLNPJs") of CFA	
002727-003115	Chairman	Support for the proposed senior judicial appointment Appreciation of the Judiciary Administration's efforts in providing a list of major judgments by	

Time Marker	Speaker(s)	Subject(s)	Action required
		Mr Justice LAM and suggestions on the future arrangement	
003115-004633	Mr Holden CHOW Chairman SJORC DoA	<p>Discussions on the principle of political neutrality of candidates for senior judicial appointments</p> <p>Request for information on the composition of the non-permanent judges at CFA ("NPJs") at present.</p> <p>Views on the timing to review the necessity of having an NPJ for a quorate CFA and the Chief Justice's discretion to decide on the composition of CFA as stipulated in the Hong Kong CFA Ordinance (Cap. 484)</p> <p>Concerns about candidates expressing views on socially or politically sensitive issues in high profile</p> <p>Discussions on the political pressure on CLNPJs already appointed and the interference with individual judges' decisions on whether to accept appointment as CLNPJs</p>	
004633-005618	Chairman Dr Junius HO	<p>Reiteration of view that the number of PJs and non-permanent Hong Kong judges could be increased</p> <p>Suggestion of appointing CLNPJs from common law jurisdictions other than those where the serving CLNPJs come from</p> <p>View on the important function of the Legislative Council to consider any proposed senior judicial appointments referred to it from a political perspective</p> <p>Emphasis on the view that inviting a non-permanent Hong Kong judge or CLNPJ to sit on CFA should be on an ad hoc basis as the need arose, rather than a standing practice</p>	
Agenda Item III - Any other business			
005618-005708	The Chairman	Closing remarks	

Council Business Division 4
Legislative Council Secretariat
22 November 2021