

香港特別行政區政府
政務司司長辦公室轄下行政署



The Government of
The Hong Kong Special Administrative Region
Administration Wing,
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8 May 2025

Dr the Hon Starry LEE Wai-king, GBS, JP
Chairman of the House Committee
Legislative Council
Room 1002, Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Chairman,

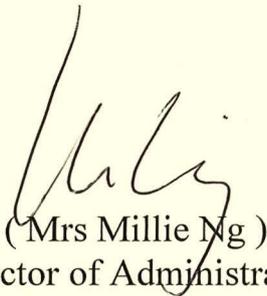
Senior Judicial Appointment

I write to inform you that the Chief Executive has accepted the recommendation of the Judicial Officers Recommendation Commission (JORC) on the appointment of the Honourable Sir William Gillow Gibbes Austen YOUNG, KNZM, KC as a non-permanent judge from another common law jurisdiction (CLNPJ) of the Court of Final Appeal. Subject to the endorsement of the Legislative Council (LegCo), the Chief Executive will make the appointment under Article 88 of the Basic Law.

The Chief Executive will announce his acceptance of the JORC's recommendation today. An advance copy of the press statement on the above appointment is at **Enclosure A** for Members' reference. I should be grateful if Members could observe the confidentiality of the issue, pending the Chief Executive's public announcement.

Pursuant to Article 90 of the Basic Law, the Chief Executive shall obtain the endorsement of LegCo of the appointment. Following the procedures for endorsement of appointment of judges agreed by the House Committee, a paper on the appointment of the CLNPJ is at **Enclosure B** for Members' reference. Subject to the deliberation of the House Committee, the Government will move a motion to seek LegCo's endorsement of the appointment at the earliest opportunity.

Yours sincerely,



(Mrs Millie Ng)

Director of Administration

Encl.

c.c. All LegCo Members
Clerk to the House Committee

Press Statement

Senior judicial appointment: non-permanent judge from another common law jurisdiction of the Court of Final Appeal

The Chief Executive, Mr John Lee, has accepted the recommendation of the Judicial Officers Recommendation Commission (JORC) on the appointment of the Honourable Sir William Gillow Gibbes Austen Young as a non-permanent judge from another common law jurisdiction of the Court of Final Appeal. Subject to the endorsement of the Legislative Council, the Chief Executive will make the appointment under Article 88 of the Basic Law and section 9 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484).

Mr Lee said, “I am pleased to accept the JORC’s recommendation on the appointment of Sir William Young as a non-permanent judge from another common law jurisdiction of the Court of Final Appeal. Sir William Young retired from the judicial office of Permanent Judge of the Supreme Court of New Zealand, New Zealand’s final court of appeal, in April 2022. He is a judge of eminent standing and reputation. I am confident that he will contribute substantively to the Court of Final Appeal.”

“With the appointment of Sir William Young, the list of non-permanent judges from other common law jurisdictions will consist of six eminent judges from the United Kingdom, Australia and New Zealand. The presence of these esteemed overseas jurists as non-permanent judges of the Court of Final Appeal is a manifestation of the independence of the Judiciary in the Hong Kong Special Administrative Region (HKSAR) as protected by the Basic Law. Their participation demonstrates a high degree of confidence in the HKSAR’s judicial system, and enables Hong Kong to maintain strong links with other common law jurisdictions. I am fully confident that these distinguished jurists from overseas with profound judicial experience will remain as a unique strength of the HKSAR’s judicial system.”

Article 90 of the Basic Law and section 7A of the Ordinance provide that the Chief Executive shall obtain the endorsement of the Legislative Council on the appointment of judges of the Court of Final Appeal. The Government will seek the endorsement of the Legislative Council of the recommended appointment in due course.

The curriculum vitae of Sir William Young is at the Annex.

**Curriculum Vitae of
the Honourable Sir William Gillow Gibbes Austen YOUNG, KNZM, KC**

1. Personal Background

Sir William Young is a New Zealand citizen. He was born in New Zealand on 14 April 1952. He and his wife now live in Christchurch.

2. Education

Sir William Young was educated at Christ's College, the University of Canterbury and the University of Cambridge. He obtained the degree of Bachelor of Law (with first class honours) at the University of Canterbury in 1974 and the degree of Doctor of Philosophy at the University of Cambridge in 1978.

3. Legal Experience

In 1975, Sir William Young was admitted as a barrister and solicitor of the then Supreme Court (now known as the High Court) of New Zealand. He practised as a barrister and solicitor in the family firm, RA Young Hunter & Co, from 1978 (following his study in Cambridge) until 1988. Between 1988 and 1997, he practised as a barrister. He was appointed Queen's Counsel in 1991. His practice was very general and included crime (defending and also prosecuting for the Serious Fraud Office), competition law and tax (acting mainly for the Commissioner of Inland Revenue).

4. Judicial Experience

Sir William Young became a Judge of the High Court of New Zealand in December 1997. He was appointed a Judge of the Court of Appeal in 2004 and became the President of the Court of Appeal in 2006. In 2010, he was promoted to the Supreme Court of New Zealand¹, New Zealand's final court of appeal, as a Permanent Judge until April 2022

¹ The Supreme Court of New Zealand is the highest court in the judicial system of New Zealand.

(when he reached the statutory retirement age) and as an acting-judge from April 2022 for another two years.

Since his retirement as a Permanent Judge of the Supreme Court of New Zealand, he has sat on the final appellate courts of Seychelles, Samoa and Fiji.

5. Services and Activities related to Law

While in legal practice, Sir William Young participated extensively in the activities of the New Zealand Law Society and served on its Council. He was also President of the Canterbury District Law Society.

As a Judge, Sir William Young was heavily involved in judicial training and education. He was the primary author of Criminal Jury Trials Bench Book published by the Institute of Judicial Studies of the Judiciary of New Zealand.

6. Other Activities

Sir William Young was the chair of the Royal Commission of Inquiry into the terrorist attack on two Christchurch mosques in New Zealand on 15 March 2019 which reported in November 2020.

**APPOINTMENT OF NON-PERMANENT JUDGE
OF THE COURT OF FINAL APPEAL –
JUDGE FROM ANOTHER COMMON LAW JURISDICTION**

INTRODUCTION

Pursuant to Article 90 of the Basic Law of the Hong Kong Special Administrative Region (“HKSAR”) and section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) (“the Ordinance”), the Government intends to give notice in due course to move a motion to obtain the endorsement of the Legislative Council (“LegCo”) for the appointment of the Honourable Sir William Gillow Gibbes Austen YOUNG, KNZM, KC (“Sir William Young”) to the Court of Final Appeal (“CFA”) as a non-permanent judge from another common law jurisdiction (“CLNPJ”). The curriculum vitae of Sir William Young is at *Appendix 1*.

Appendix 1

BACKGROUND

The Court of Final Appeal

2. The CFA is the final appellate court in Hong Kong. The CFA hears appeals in civil and criminal matters and may confirm, reverse or vary decisions of the lower courts.

3. The CFA consists of the Chief Justice and the permanent judges (“PJs”). Non-permanent judges may be invited to sit. There are two lists of non-permanent judges –

- (a) the list of non-permanent Hong Kong judges (“HKNPJs”); and
- (b) the list of CLNPJs.

Section 10 of the Ordinance sets a ceiling of 30 on the total number of persons holding office as non-permanent judges at any one time.

4. In accordance with section 16 of the Ordinance, the CFA is constituted by five judges when hearing and determining appeals as follows –

- (a) the Chief Justice or a PJ designated to sit in his place under subsection (2);

- (b) three PJs nominated by the Chief Justice; and
- (c) one HKNPJ or one CLNPJ (selected by the Chief Justice and invited by the CFA).

Where the Chief Justice is not available to hear an appeal, he should designate a PJ to preside at the appeal in his place. Where a sufficient number of PJs are not available to hear an appeal, the Chief Justice should nominate a HKNPJ to sit in place of a PJ.

Duties, Requirements and Qualifications for CLNPJs

Duties

5. The duty of a non-permanent judge is to hear civil and criminal appeals in the CFA. The CFA deals with appeals in –

- (a) any civil cause or matter that falls under the civil jurisdiction of the CFA under Part II of the Ordinance and any other law, as provided for in section 21 of the Ordinance; and
- (b) any criminal cause or matter that falls under the criminal jurisdiction of the CFA under Part III of the Ordinance, as provided for in section 30 of the Ordinance.

Basic Law Requirements

6. Article 92 of the Basic Law stipulates that 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.

Statutory Qualifications

7. Section 12(4) of the Ordinance provides that a person shall be eligible to be appointed as a CLNPJ if he is –

- (a) a judge or retired judge of a court of unlimited jurisdiction in either civil or criminal matters in another common law jurisdiction;
- (b) a person who is ordinarily resident outside Hong Kong; and

- (c) a person who has never been a judge of the High Court, a District Judge or a permanent magistrate, in Hong Kong.

Tenure of Office of Non-Permanent Judges

8. Under section 14(4) of the Ordinance, a non-permanent judge shall hold office for a term of three years but that term may be extended for one or more periods of three years by the Chief Executive acting in accordance with the recommendation of the Chief Justice. Under section 14(3) of the Ordinance, there is no retirement age for a non-permanent judge.

Constitutional and Legal Framework for the Appointment

Chief Executive

9. Article 48(6) of the Basic Law confers on the Chief Executive the power and function to appoint judges of the courts at all levels in accordance with legal procedures.

10. Article 88 of the Basic Law provides that judges of the courts of the HKSAR shall be appointed by the Chief Executive on the recommendation of an independent commission. The Judicial Officers Recommendation Commission (“JORC”) is the statutory body constituted by the Judicial Officers Recommendation Commission Ordinance (Cap. 92) (“JORC Ordinance”) to perform the functions of the independent commission referred to in Article 88 of the Basic Law.

11. In the case of the appointment of CFA judges, 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 LegCo and report such appointment to the Standing Committee of the National People’s Congress for the record. These requirements in relation to CFA judges are also stipulated in section 7A of the Ordinance.

JORC

12. Pursuant to Article 88 of the Basic Law and the JORC Ordinance, the JORC is entrusted with the function of making recommendations to the Chief Executive regarding the appointment of judges. The JORC consists of the Chief Justice as the Chairman, the Secretary for Justice and seven other members appointed by the

Chief Executive (two judges, one barrister appointed after consultation with the Bar Council of the Hong Kong Bar Association, one solicitor appointed after consultation with the Council of the Law Society of Hong Kong and three persons not connected with the practice of law). Under section 3(3A) of the JORC Ordinance, a resolution at a meeting of the JORC is not effective if there are more than two votes which are not in favour. Under section 3(5)(c) of the JORC Ordinance, a resolution by circulation without a meeting of JORC is not effective if there are more than two signed votes which are not in favour. The recommendation of the JORC is then communicated to the Chief Executive.

LegCo

13. Article 73(7) of the Basic Law confers on the LegCo the power and function to endorse the appointment of CFA judges. Article 90 of the Basic Law provides that the Chief Executive shall obtain the endorsement of the LegCo for the appointment of CFA judges.

14. The system of judicial appointment for CFA judges thus provides for the Chief Executive to make an appointment on the recommendation of an independent commission, viz. the JORC, as laid down in Article 88 of the Basic Law, and to obtain the endorsement of the LegCo for the appointment under Article 90 of the Basic Law.

CURRENT APPOINTMENT EXERCISE

JORC's Recommendation

15. Pursuant to Article 88 of the Basic Law and section 6(a) of the JORC Ordinance, the JORC has recommended the appointment of Sir William Young as a CLNPJ of the CFA for a term of three years. The recommendation has been communicated to the Chief Executive.

The Chief Executive's Acceptance of the JORC's Recommendation

16. In accordance with Article 88 of the Basic Law and section 9(2) of the Ordinance, the Chief Executive has accepted the recommendation of the JORC on the appointment of Sir William Young as a CLNPJ of the CFA. Subject to the endorsement of the LegCo pursuant to Article 90 of the Basic Law and section 7A of the Ordinance, the Chief Executive will make the recommended appointment.

The JORC Process

17. The JORC considered the recommendation of the person to be appointed as a CLNPJ through circulation of paper in April 2025. The resolution has met the statutory requirement on the number of signed votes which are in favour and is therefore considered effective in accordance with section 3(5) of the JORC Ordinance.

Statutory Disclosure

18. In view of the qualifications required of CLNPJs under section 12(4) of the Ordinance (as detailed in paragraph 7 above), none of the members of the JORC could reasonably be regarded as a candidate for the CLNPJ position and they had not been invited, under section 3(5B) of the JORC Ordinance, to declare their interest in filling such position.

JORC's Considerations

The Non-Permanent Judges

19. The JORC noted that there are nine non-permanent judges at present comprising four HKNPJs and five CLNPJs. A list of the nine non-permanent judges is at *Appendix 2*.

Appendix 2

20. The list of five CLNPJs comprises retired judges from the United Kingdom and Australia. A CLNPJ is normally required to come to Hong Kong for a period of four weeks at a time. In the past three years or so (January 2022 to March 2025), all the five CLNPJs were selected to sit on the CFA.

Caseload of the CFA

21. The JORC noted the statistics on applications for leave to appeal and substantive appeals in the past four years from 2021 to 2024 as set out in *Appendix 3*. Applications for leave to appeal are dealt with by the Appeal Committee¹. The volume of applications for leave to appeal is an indicator of the likely caseload of substantive appeals which will come

Appendix 3

¹ Section 18 of the Ordinance stipulates that the power of the CFA to hear and determine any application for leave to appeal shall be exercised by the Appeal Committee, consisting of the Chief Justice and two PJs nominated by the Chief Justice or three PJs nominated by the Chief Justice. Where a sufficient number of PJ is not available to hear and determine an application, the Chief Justice nominates a HKNPJ to sit in place of a PJ.

before the CFA. While the number of substantive appeals remains steady each year, the CFA has to cope with a generally heavy caseload bearing in mind the relatively small number of PJs².

Judicial Manpower Position

22. The JORC noted that the CFA is functioning effectively and properly. It has been the CFA's established practice since 1 July 1997 that, the "5th judge" (please refer to paragraph 4(c) above) is drawn from the list of CLNPJs to hear substantive appeals.

23. There are practical constraints on arrangements for the five CLNPJs to come to Hong Kong for four weeks to sit on the CFA each year. All of the CLNPJs have extensive professional commitments including arbitration, mediation and/or lecturing work for which they are in huge demand. Owing to their various commitments, quite a number of them may not be able to manage a four-week period once a year. There are also other logistical considerations in inviting CLNPJs to sit on the CFA. For instance, the relevant judge may simply be unavailable to sit on the CFA during the timeslot in which he is asked to sit. In addition, since most of the judges have expertise in different areas of law, it is desirable to appoint more CLNPJs with expertise in different areas of law to better cover the range of cases that may come before the Court.

24. The JORC noted that it is important that substantive appeals are heard within a reasonable time. Bearing in mind that the Chief Justice intends to continue to invite a CLNPJ as the "5th judge" for hearing appeals (please refer to paragraph 4(c) above), it will facilitate the listing of cases considerably if the pool is enlarged. The number of CLNPJs should be increased to provide greater flexibility in handling the caseload and ensure the effective operation of the CFA.

Proposed Appointment

25. The JORC has supported the proposed appointment of Sir William Young as CLNPJ of the CFA. Specifically, Sir William Young retired from the judicial office of Permanent Judge of the Supreme Court of New Zealand³, New Zealand's final court of appeal, in April 2022. He is a

² There are currently three PJs of the CFA.

³ The Supreme Court of New Zealand is the highest court in the judicial system of New Zealand.

judge of eminent standing and reputation and his appointment will be a great asset to the CFA.

JORC's Resolution

26. The JORC resolved to recommend to the Chief Executive the appointment of Sir William Young as a CLNPJ for a term of three years. If Sir William Young is appointed, the total number of CLNPJs will be increased to six.

The Chief Executive's Acceptance of the Recommendation

27. The Chief Executive has accepted the recommendation of the JORC.

ENDORSEMENT OF THE LEGISLATIVE COUNCIL

28. Subject to the endorsement of the LegCo, the Chief Executive will make the recommended appointment and will report the appointment to the Standing Committee of the National People's Congress for the record.

Administration Wing
Chief Secretary for Administration's Office
May 2025

The Honourable Sir William Gillow Gibbes Austen YOUNG, KNZM, KC
(“Sir William Young”)

1. Personal Background

Sir William Young is a New Zealand citizen. He was born in New Zealand on 14 April 1952. He and his wife now live in Christchurch.

2. Education

Sir William Young was educated at Christ’s College, the University of Canterbury and the University of Cambridge. He obtained the degree of Bachelor of Law (with first class honours) at the University of Canterbury in 1974 and the degree of Doctor of Philosophy at the University of Cambridge in 1978.

3. Legal Experience

In 1975, Sir William Young was admitted as a barrister and solicitor of the then Supreme Court (now known as the High Court) of New Zealand. He practised as a barrister and solicitor in the family firm, RA Young Hunter & Co, from 1978 (following his study in Cambridge) until 1988. Between 1988 and 1997, he practised as a barrister. He was appointed Queen’s Counsel in 1991. His practice was very general and included crime (defending and also prosecuting for the Serious Fraud Office), competition law and tax (acting mainly for the Commissioner of Inland Revenue).

4. Judicial Experience

Sir William Young became a Judge of the High Court of New Zealand in December 1997. He was appointed a Judge of the Court of Appeal in 2004 and became the President of the Court of Appeal in 2006. In 2010, he was promoted to the Supreme Court of New Zealand¹, New Zealand’s final court of appeal, as a Permanent Judge until April 2022 (when he reached the statutory retirement age) and as an acting-judge from April 2022 for another two years.

¹ The Supreme Court of New Zealand is the highest court in the judicial system of New Zealand.

Since his retirement as a Permanent Judge of the Supreme Court of New Zealand, he has sat on the final appellate courts of Seychelles, Samoa and Fiji.

5. Services and Activities related to Law

While in legal practice, Sir William Young participated extensively in the activities of the New Zealand Law Society and served on its Council. He was also President of the Canterbury District Law Society.

As a Judge, Sir William Young was heavily involved in judicial training and education. He was the primary author of Criminal Jury Trials Bench Book published by the Institute of Judicial Studies of the Judiciary of New Zealand.

6. Other Activities

Sir William Young was the chair of the Royal Commission of Inquiry into the terrorist attack on two Christchurch mosques in New Zealand on 15 March 2019 which reported in November 2020.

List of Non-Permanent Judges of the Court of Final Appeal
(As at 1.5.2025)

A. Non-Permanent Hong Kong Judges

	Date of First Appointment	Expiry Date of Present Appointment
1. The Honourable Mr Justice Syed Kemal Shah BOKHARY	25.10.2012	24.10.2027
2. The Honourable Mr Justice Patrick CHAN Siu-oi	21.10.2013	20.10.2025
3. The Honourable Mr Justice Robert TANG Ching	25.10.2018	24.10.2027
4. The Honourable Mr Justice Frank STOCK	1.9.2010	31.8.2025

B. Non-permanent Judges from Other Common Law Jurisdictions

	Date of First Appointment	Expiry Date of Present Appointment
1. The Right Honourable The Lord HOFFMANN	12.1.1998	11.1.2028
2. The Right Honourable The Lord NEUBERGER of Abbotsbury	1.3.2009	28.2.2027
3. The Honourable Mr Justice William GUMMOW	29.7.2013	28.7.2025
4. The Honourable Mr Justice Patrick KEANE	6.4.2023	5.4.2026
5. The Honourable Mr Justice James ALLSOP	24.5.2024	23.5.2027

Appendix 3

**Caseload Statistics on the Court of Final Appeal
from 2021 to 2024**

	No. of cases											
	1.1.2021 to 31.12.2021			1.1.2022 to 31.12.2022			1.1.2023 to 31.12.2023			1.1.2024 to 31.12.2024		
	Filed	Disposed	Withdrawn									
Application for leave to appeal												
- Civil	564	539	27	670	574	17	352*	326	62	186*	572	22
- Criminal	35	69	4	58	29	2	43	46	2	43	48	1
(Total)	(599)	(608)	(31)	(728)	(603)	(19)	(395)	(372)	(64)	(229)	(620)	(23)
Substantive appeal												
- Civil	6	6	1	14	7	0	10	11	0	12	11	0
- Criminal	10	10	0	4	4	0	13	11	0	12	9	0
(Total)	(16)	(16)	(1)	(18)	(11)	(0)	(23)	(22)	(0)	(24)	(20)	(0)

* The decrease in number of applications for leave to civil appeal in 2023 and 2024 is mainly due to decrease in non-refoulement claim cases.