

JORC Report 2012

The work of the Judicial Officers Recommendation Commission (“JORC”) is set out in two separate reports. First, a report entitled “Judicial Officers Recommendation Commission” is published to provide an overall account of the JORC, identifying the different levels of court within its responsibility. Secondly, an annual report is published to report on the work of the JORC during the year.

This JORC Report 2012 provides an account of the work of the JORC during 2012.

In an effort to contribute to the protection of the environment, we will only upload both Reports on our [Website](#).

Geoffrey Ma
Chief Justice
Chairman of the Judicial Officers Recommendation Commission

Membership of JORC

1. In 2012, the Chief Executive re-appointed one member of JORC and appointed three new members to JORC for a term of up to two years until 30 June 2014. The membership in 2012 is listed below –

Ex officio chairman and member

The Honourable Chief Justice Geoffrey MA Tao-li, GBM (Chairman)

The Honourable WONG Yan Lung, GBM, SC, JP (Secretary for Justice)
(up to 30 June 2012)

The Honourable Rimsy YUEN Kwok-keung, SC, JP (Secretary for Justice)
(from 1 July 2012)

Judges

The Honourable Mr. Justice Roberto Alexandre Vieira RIBEIRO
(from 1 July 2010 to 30 June 2012)
(from 1 July 2012 to 30 June 2014)

The Honourable Mr. Justice Louis TONG Po-sun
(from 1 July 2010 to 30 June 2012)

The Honourable Mr. Justice Andrew CHEUNG Kui-nung
(from 1 July 2012 to 30 June 2014)

Barrister and solicitor

Mr. Rimsy YUEN, SC, JP (barrister)
(from 1 July 2011 to 26 June 2012)

Mr. Kumar RAMANATHAN, SC (barrister)
(from 4 August 2012 to 30 June 2014)

Mr. Huen WONG, JP (solicitor)
(from 1 July 2011 to 30 June 2013)

Persons not connected with the practice of law

Professor Joseph SUNG, SBS, JP
(from 1 July 2011 to 30 June 2013)

Mrs Eleanor LING, SBS, OBE, JP
(from 1 July 2011 to 30 June 2013)

Dr Edgar CHENG Wai-kin, GBS, JP
(from 1 July 2010 to 30 June 2012)

Mr Christopher CHENG Wai-chee, GBS, OBE, JP
(from 1 July 2012 to 30 June 2014)

Secretary of JORC

2. Miss Emma LAU Yin-wah, the current holder of the Judiciary Administrator post, has been appointed as the JORC Secretary since 15 June 2005.

Work of JORC

1. Discussions and decisions on recommendations on judicial appointments were made usually through meetings and occasionally by circulation of papers. In the year 2012, four meetings were held at which 17 papers were discussed with 76 resolutions passed making recommendations on judicial appointments. In addition, one paper was circulated for consideration, resulting in the passage of one resolution without a meeting.

Recommendations on Judicial Appointments made in 2012

1. In the year 2012, JORC made a total of 60 recommendations on judicial appointments – three to the Court of Final Appeal, 14 to the High Court, 24 to the District Court and 19 to the Magistrates' Courts. Details are shown in the table below.

Court of Final Appeal			High Court			District Court	
Permanent Judge	Non-permanent Hong Kong Judge	Judge from Another Common Law Jurisdiction	Justice of Appeal of the Court of Appeal	Judge of the Court of First Instance	Recorder of the Court of First Instance	Chief District Judge	District Judge
1	1	1	2	10	2	1	23

Magistrates' Courts	
Magistrate	Special Magistrate
14	5

2. In addition, JORC made three recommendations relating to extension of term of office beyond the normal retiring age (that is whether to extend and if so for how long). Details are shown in the table below.

High Court	
Justice of Appeal of the Court of Appeal	Judge of the Court of First Instance
1	2

3. Moreover, JORC made 14 recommendations on renewal of contracts. Details are shown in the table below.

Magistrates' Courts	
Magistrate	Special Magistrate
11	3

Judicial Appointments made in 2012

Court of Final Appeal

1. On the recommendation of JORC, the Chief Executive appointed The Honourable Mr. Justice Robert TANG Ching as Permanent Judge of the Court of Final Appeal for three years from 25 October 2012 to 24 October 2015.
2. On the recommendation of JORC, the Chief Executive appointed The Honourable Mr. Justice Syed Kemal Shah BOKHARY as Non-permanent Hong Kong Judge of the Court of Final Appeal for three years from 25 October 2012 to 24 October 2015.
3. On the recommendation of JORC, the Chief Executive appointed The Right Honourable The Lord PHILLIPS of Worth Matravers as Non-permanent Judge from another common law jurisdiction of the Court of Final Appeal for three years from 1 October 2012 to 30 September 2015.

High Court

4. On the recommendation of JORC, the Chief Executive appointed the following two persons as Justices of Appeal of the Court of Appeal of the High Court -

Name

With effect from 16 August 2012

The Honourable Mr. Justice Johnson LAM Man-hon

With effect from 28 November 2012

The Honourable Mr. Justice Aarif Tyebjee BARMA

5. On the recommendation of JORC, the Chief Executive appointed the following seven persons as Judges of the Court of First Instance of the High Court –

Name

With effect from 16 August 2012

Madam Registrar Queeny AU YEUNG Kwai-yue
His Honour Judge Patrick LI Hon-leung
Her Honour Judge Esther TOH Lye-ping

His Honour Judge Louis CHAN Kong-yiu
His Honour Judge Andrew CHAN Hing-wai
Her Honour Judge Mimmie CHAN Mei-lan

With effect from 1 November 2012

Mr. Anthony CHAN Kin-keung, SC

6. On the recommendation of JORC, the Chief Executive re-appointed Mr. Anderson CHOW Ka-ming, SC as a Recorder of the Court of First Instance of the High Court for three years from 1 January 2013 to 31 December 2015.

District Court

7. On the recommendation of JORC, the Chief Executive appointed His Honour Judge Tony POON Siu-tung as the Chief District Judge with effect from 17 September 2012.

8. On the recommendation of JORC, the Chief Executive appointed the following 13 persons as District Judges –

Name

With effect from 17 September 2012

Mr. KWOK Wai-kin
Mr. Josiah LAM Wai-kuen
Mr. Anthony KWOK Kai-on
Mr. David John DUFTON
Mr. SHAM Siu-man
Ms. Amanda Jane WOODCOCK
Mr. HUI Ka-ho
Mr. Jack WONG Kin-tong
Ms. Katherine LO Kit-yee
Mr. Johnny CHAN Jong-herng
Mr. Gary LAM Kar-yan

With effect from 13 November 2012

Mr. Andrew LI Shu-yuk
Mr. Herbert AU-YEUNG Ho-wing

Magistrates' Courts

9. On the recommendation of JORC, the Chief Executive appointed the following 13 persons as Magistrates –

Name

With effect from 17 September 2012

Mr. LI Chi-ho
Ms. Susan WONG
Ms. Winnie LAU Yee-wan
Mr. Daniel TANG Siu-hung
Mr. David CHEUNG Chi-wai
Mr. CHENG Lim-chi
Ms. Michelle LAM Mei-sze
Mr. David CHUM Yau-fong
Mr. Timon SHUM Kei-leong
Mr. KO Wai-hung
Miss HO Wai-yang

With effect from 13 November 2012

Ms. CHEUNG Kit-yee
Ms. June CHEUNG Tin-ngan

10. On the recommendation of JORC, the Chief Executive appointed the following five persons as Special Magistrates –

Name

With effect from 14 May 2012

Mr. SO Kai-cheung
Miss HO Lai-ming
Miss LAU Suk-han
Mr. LI Chi-ho
Ms. LEUNG Ka-kie

Bio-data of the Chairman and Members of JORC

Chairman

The Honourable Chief Justice Geoffrey MA Tao-li, GBM

Chief Justice Ma was appointed Chief Justice of the Hong Kong Court of Final Appeal on 1 September 2010.

Chief Justice Ma joined the Judiciary as Judge of the Court of First Instance of the High Court in 2001. He was appointed Justice of Appeal of the Court of Appeal of the High Court in 2002, and Chief Judge of the High Court in 2003.

Chief Justice Ma graduated with an LL.B from Birmingham University in 1977. He completed his Bar Finals in 1978. He was called to the English Bar (Gray's Inn) in 1978, the Hong Kong Bar in 1980, the Bar of the State of Victoria in Australia in 1983 and the Bar of Singapore in 1990. He was appointed Queen's Counsel in 1993. He was made an Honorary Bencher of Gray's Inn in 2004. He was admitted to the degree of Doctor of Laws (*honoris causa*) by the University of Birmingham in 2011. He was awarded the Grand Bauhinia Medal by the Government in June 2012 and was granted an Honorary Fellowship by Harris Manchester College of the University of Oxford in November 2012.

Ex officio member

The Honourable Rimsky YUEN Kwok-keung, SC, JP (from 1 July 2012)

Mr. Yuen was appointed Secretary for Justice with effect from 1 July 2012. He was a barrister in private practice before joining the Government, specialising in commercial disputes. He also served as an arbitrator in international arbitrations and a mediator in commercial disputes.

Mr. Yuen was appointed Senior Counsel in 2003 and a Recorder of the Court of First Instance of the High Court in 2006.

Mr. Yuen had also been involved in various public duties, including Member of the Judicial Officers Recommendation Commission (which Mr. Yuen continues to serve in his capacity as Secretary for Justice), Non-Official Member of the Independent Commission against Corruption Advisory Committee on Corruption, Chairman of the Transport Advisory Committee, Non-executive Director of Mandatory Provident Fund Schemes Authority and Council Member of the Hong Kong Institute of Education.

The Honourable WONG Yan Lung, GBM, SC, JP (up to 30 June 2012)

Mr. Wong graduated from University of Cambridge and was conferred Bachelor of Arts (Law) and Master of Arts (Law) Degrees. In 1987, he was called to the Bar in England and Wales and in the same year he was also called to the Bar in Hong Kong. He was appointed as Senior Counsel in Hong Kong in 2002. In October 2005, Mr. Wong was appointed as Secretary for Justice. During his tenure as the Secretary for Justice (up to 30 June 2012), he headed the Department of Justice which has, among other staff, about 300 lawyers. He was the Chairman of the Law Reform Commission and the Deputy Chairman of the Fight Crime Committee. Before his appointment as the Secretary for Justice, he was a lawyer in private practice. He sat as Deputy High Court Judge of the Court of First Instance in July and August in 2003, and was a Council member of the Council of the Hong Kong Bar Association on multiple terms in the period between 1989 and 2005 and Chairman of the Special Committee on Legal Education of the Hong Kong Bar Association from 2003 to 2005. He was elected as a Master of the Bench of Middle Temple in October 2007 and was conferred an Honorary Fellowship by Magdalene College, University of Cambridge, in 2009.

Members

The Honourable Mr. Justice Roberto Alexandre Vieira RIBEIRO

Mr. Justice Ribeiro was conferred the degrees of Bachelor of Laws and Master of Laws from the London School of Economics in 1971 and 1972 respectively. In 1978, he was called to the Bar at the Inner Temple and also to the Bar in Hong Kong. He was appointed Queen's Counsel in 1990. In 1995, he was admitted as Advocate and Solicitor in Singapore. Mr. Justice Ribeiro was in private practice before joining the Judiciary as a Judge of the Court of First Instance of the High Court in 1999. He was appointed a Justice of Appeal of the Court of Appeal of the High Court in 2000. Since September 2000, he has been a Permanent Judge of the Court of Final Appeal. He is an Honorary Bencher of the Inner Temple and an Honorary Fellow of the London School of Economics. He has also been made a Chevalier de la Legion d'Honneur.

The Honourable Mr. Justice Andrew CHEUNG Kui-nung (from 1 July 2012)

Mr. Justice Cheung was conferred the Bachelor of Laws degree and the Postgraduate Certificate in Laws from the University of Hong Kong in 1983 and 1984 respectively. In 1985, he was conferred the Master of Laws degree from Harvard University. He was called to the Bar in Hong Kong in 1985 and admitted as Advocate and Solicitor of the Supreme Court of Singapore in 1995. Mr. Justice Cheung was in private practice before joining the Judiciary as a District Judge in 2001. He was appointed a Judge of the Court of First Instance of the High Court in 2003. Since 2011, he has been the Chief Judge of the High Court. Whilst a Judge of the Court of First Instance, Mr. Justice Cheung was the Probate Judge and later the Judge in charge of the Constitutional and Administrative Law List. He is the Chairman of the High Court Rules Committee, District Court Rules Committee, Criminal Procedure Rules Committee, Civil Justice Reform Monitoring Committee, and Working Group on Civil Matters and Working Group on E-services under the Committee on Information Technology. He is a member of the Chief Justice's Committee on Judicial Remuneration, Committee on Information Technology and Working Group in the Use of Chinese.

The Honourable Mr. Justice Louis TONG Po-sun (up to 30 June 2012)

Mr. Justice Tong obtained the Bachelor of Arts Degree from York University Canada, in 1978. He was conferred the Bachelor of Laws degree and the Postgraduate Certificate in Laws from the University of Hong Kong, and in

1985, he was called to the Bar in Hong Kong. He was in private practice from 1985 to 1990. He joined the Judiciary as a Magistrate in 1991. He was appointed Principal Magistrate in 1997, and Chief Magistrate in 1998. In October 2000, he was appointed a Judge of the Court of First Instance of the High Court. Mr. Justice Tong was the Chairman of the Release under Supervision Board and the Deputy President of the Long-term Prison Sentences Review Board. He was a member of the Sub-committee on Juries, Law Reform Commission. He is now the Chairman of the Society of Rehabilitation and Crime Prevention.

**Mr. Rimsky Yuen, SC, JP
(up to 26 June 2012)**

Mr. Yuen was a practising Senior Counsel. He obtained his Bachelor of Laws degree in 1986 and Postgraduate Certificate in Laws in 1987, both from the University of Hong Kong. He was called to the Hong Kong Bar in 1987. In 2003, he was appointed Senior Counsel. In 2006, he was appointed a Recorder of the Court of First Instance of the High Court. Mr. Yuen was the Chairman of the Hong Kong Bar Association from 2007 to 2009. He was the Chairman of the Transport Advisory Committee, non-official member of the Independent Commission against Corruption Advisory Committee on Corruption, council member of the Hong Kong Institute of Education and non-executive director of Mandatory Provident Fund Schemes Authority.

**Mr. Kumar RAMANATHAN, SC
(from 4 August 2012)**

Mr. Ramanathan is a practising Senior Counsel. He obtained his Bachelor of Laws degree in 1976 and the Postgraduate Certificate in Laws in 1977, both from the University of Hong Kong. He was called to the Hong Kong Bar in 1978 and has been in private practice since. In 2009, he was appointed Senior Counsel. He is an accredited mediator of CEDR since 2009. He has been a member of the Board of Review since 2004. He is currently the Chairman of the Appeal Tribunal Panel (Buildings Ordinance) and of the Disciplinary Tribunal of the Hong Kong Institute of Chartered Public Accountants. He was the Chairman of the Hong Kong Bar Association from 2011 to 2013. Mr. Ramanathan is also a director of the Hong Kong Mediation Accreditation Association Limited. He was appointed to the panel of arbitrators of the South China International Economic and Trade Arbitration Commission/Shenzhen Court of International Arbitration.

Mr. Albert Wong Kwai-huen, JP

Mr. Huen Wong has practised as a solicitor since 1985. He was a Senior Crown Counsel of the Legal Department in 1988 before he joined the private practice and later became the China Managing Partner of a London based and a New York based international law firms until 2011 when he became a consultant. Mr. Wong was the President of the Law Society of Hong Kong in 2009-2011. He is currently the Chairman of the Hong Kong International Arbitration Centre and the Copyright Tribunal. He is a Deputy Chairman of the Board of Review (Inland Revenue Ordinance) and a Member of the Board of the Airport Authority and the Hospital Authority. Mr. Wong is a member of the Appeals Tribunal of the Hong Kong Federation of Insurers and the Disciplinary Panel of the Hong Kong Institute of Certified Public Accounts. He is a member of the Board of the Faculty of Law of the University of Hong Kong, the PCLL Academic Board of the City University and Chinese University of Hong Kong, a member of the Court of the City University of Hong Kong and an Adjunct Professor of Shue Yan University.

Professor Joseph SUNG, SBS, JP

Professor Joseph J.Y. Sung, Mok Hing Yiu Professor of Medicine, has been Vice-Chancellor and President of The Chinese University of Hong Kong (CUHK) since 2010. Professor Sung graduated from the University of Hong Kong in 1983 with the Bachelor of Medicine and Bachelor of Surgery (MB, BS) degrees. He was conferred a PhD in biomedical sciences by the University of Calgary in 1992, and Doctor in Medicine (MD) by CUHK in 1997. In 2011, Professor Sung was elected to the Chinese Academy of Engineering (CAE) as an Academician in recognition of his contributions in the field of gastroenterology. Professor Sung also holds fellowships and memberships from many professional societies and associations: he is a Fellow of Hong Kong College of Physicians (FHKCP), Fellow of Hong Kong Academy of Medicine (FHKAM), Fellow of Royal College of Physicians (FRCP Edinburgh, London, Glasgow), Fellow of American College of Gastroenterology (FACG), Fellow of Royal Australian College of Physicians (FRACP), Fellow of Royal College of Physician (FRCP Thailand), and Fellow of American Gastroenterological Association (FAGA).

Mrs Eleanor Ling , SBS, OBE, JP

Mrs Eleanor Ling began her career as a management trainee at Jardine Matheson in 1969 upon her graduation from the University of Hong Kong. She is currently an Advisor to Jardine Matheson Limited, a position she has held since her retirement as Director of Jardine Pacific.

Parallel to her commercial career, Mrs Ling has been involved in public service and community affairs. She had served as a Member of the (then) Judicial Service Commission (1992 to 1997) and is a Member of the Law Reform Commission and a Member of the Higher Rights Assessment Board. She is also a Member of the Executive Committee & the General Committee of the Employers' Federation of Hong Kong, Chairman of the Keswick Foundation, Governor of the Maggie Cancer Caring Foundation, Court Member of the City University of Hong Kong, Vice Chairman of Musica Viva Limited and a Vice-Patron of the Community Chest of Hong Kong.

Over the years she has held positions in statutory organisations including : Chairman of Queen Elizabeth Hospital (1996 to 2006), Member of the Hospital Authority (1991 to 2005), Member of the Medical Council (2003 to 2009), Member of the Barristers' Disciplinary Tribunal (1998 to 2012), Member of the Managing Board of the Kowloon Canton Railway Corporation (1991 to 1997) ,Trustee & Chairman of the Hospital Authority Provident Fund Scheme (2002 to 2006), appointed Member of the Urban Council (1987 to 1995) and Member of the Vocational Training Council (2002 to 2006).

Dr Edgar CHENG Wai-kin, GBS, JP (up to 30 June 2012)

Dr Cheng is the Chairman of The World-Wide Investment Company Limited. He is a member of the 11th Chinese People's Political Consultative Conference National Committee. Dr Cheng started his academic career in the medical profession and later joined the business sector in the late 1980s. He held important positions in a number of listed and private companies, including serving as an independent non-executive director of both CNOOC Limited and Shui On Land Limited, as Non-Executive Director and Vice-Chairman in the Hang Seng Bank from 1989 to 1998, as Director of the Hong Kong Futures Exchange Limited from 1991 to 1994, as Council Member from 1991 to 1994 and then as Chairman of the Council of the Stock Exchange of Hong Kong Limited from 1994 to 1997, as Vice President of the International Federation of Stock Exchanges in 1997, as Chairman of University Grants Committee from 1998 to 1999 and as Head of the Government's Central Policy Unit from 1999 to 2001, as Vice Chairman from 2003 to 2007 and then as Chairman of the Council for Sustainable Development from 2007 to 2009 and as Member of the Council from 2002 to 2003 and as Chairman of the Council of the Chinese University of Hong Kong from 2003 to 2009.

Mr. Christopher CHENG Wai-chee, GBS, OBE, JP
(from 1 July 2012)

Mr. Cheng is the Chairman of Wing Tai Properties Limited, an Independent Non-executive Director of the following listed public companies: New World Services Holdings Limited, New World China Land Limited, Kingboard Chemical Holdings Limited and DBS Group Holdings Limited (Singapore).

Mr. Cheng has a keen interest in the public services. He is currently a member of the Hong Kong Government Exchange Fund Advisory Committee (Chairman of its Governance Committee), a member of the Council of The University of Hong Kong (Chairman of its Human Resources Policy Committee) and a steward of the Hong Kong Jockey Club. He also serves as a member of the Board of Overseers at Columbia Business School, the Board of Temasek Foundation CLG Limited, and a member on the President's Council on International Activities of the Yale University.

Mr. Cheng is the former Chairman of the Hong Kong General Chamber of Commerce. He was formerly a Non-executive Director of Securities and Futures Commission, Chairman of Standing Committee on Judicial Salaries & Conditions of Service and a member of Public Service Commission. Mr. Cheng was conferred the degree of Doctor of Social Sciences *honoris causa* by The University of Hong Kong.