

JORC Report 2013

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 2013 provides an account of the work of the JORC during 2013.

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 2013, the Chief Executive re-appointed three members of JORC for a term of up to two years until 30 June 2015. The membership in 2013 is listed below –

Ex officio chairman and member

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

The Honourable Rimsky YUEN Kwok-keung, SC, JP (Secretary for Justice)

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 Andrew CHEUNG Kui-nung
(from 1 July 2012 to 30 June 2014)

Barrister and solicitor

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)
(from 1 July 2013 to 30 June 2015)

Persons not connected with the practice of law

Professor Joseph SUNG, SBS, JP
(from 1 July 2011 to 30 June 2013)
(from 1 July 2013 to 30 June 2015)

Mrs Eleanor LING, SBS, OBE, JP
(from 1 July 2011 to 30 June 2013)
(from 1 July 2013 to 30 June 2015)

Dr 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 2013, three meetings were held at which –

- (a) 27 resolutions were passed making recommendations on judicial appointments;
- (b) two resolutions were passed endorsing policies relating to judicial appointments; and
- (c) one resolution was passed in relation to Section 8 of the Judicial Officers (Tenure of Office) Ordinance (Cap. 433).

In addition, one resolution was passed by circulation.

Recommendations on Judicial Appointments made in 2013

1. In the year 2013, JORC made a total of 24 recommendations on judicial appointments – four to the Court of Final Appeal, 12* to the High Court, two to the District Court and six to the Magistrates' Courts. Details are shown in the table below.

Court of Final Appeal			High 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	
1	1	2	1	2	
			President, Lands Tribunal	President and Deputy President, Competition Tribunal	Recorder of the Court of First Instance
			3*	2	4

District Court	Magistrates' Courts
Member, Lands Tribunal	Principal Magistrate
2	6

* Including one resolution in relation to the proposed deferment of the effective date of appointment.

2. In addition, JORC made two 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.

Magistrates' Courts
Magistrate
2

3. Moreover, JORC made one recommendation on renewal of contract. Details are shown in the table below.

Magistrates' Courts
Magistrate
1

Judicial Appointments made in 2013

Court of Final Appeal

1. On the recommendation of JORC, the Chief Executive appointed The Honourable Mr. Justice Joseph Paul FOK as Permanent Judge of the Court of Final Appeal with effect from 21 October 2013.
2. On the recommendation of JORC, the Chief Executive appointed The Honourable Mr. Justice Patrick CHAN Siu-oi as Non-permanent Hong Kong Judge of the Court of Final Appeal for three years from 21 October 2013 to 20 October 2016.
3. On the recommendation of JORC, the Chief Executive appointed The Honourable James SPIGELMAN and The Honourable William GUMMOW as Non-permanent Judges from other common law jurisdictions of the Court of Final Appeal for three years from 29 July 2013 to 28 July 2016.

High Court

4. On the recommendation of JORC, the Chief Executive appointed The Honourable Mr. Justice Andrew Colin MACRAE as Justice of Appeal of the Court of Appeal of the High Court with effect from 21 October 2013.
5. On the recommendation of JORC, the Chief Executive appointed the following four persons as Judges of the Court of First Instance of the High Court –

Name

With effect from 11 January 2013

Mr. Godfrey LAM Wan-ho, SC

With effect from 1 February 2013

Mr. Peter NG Kar-fai, SC

With effect from 16 September 2013

Mr. Kevin Paul ZERVOS, SC

With effect from 15 November 2013

Her Honour Judge Anthea PANG Po-kam

6. On the recommendation of JORC, the Chief Executive appointed Mr. Justice Louis CHAN Kong-yiu as the President of the Lands Tribunal with effect from 2 December 2013.

7. On the recommendation of JORC, the Chief Executive appointed Mr. Justice Godfrey LAM Wah-ho as the President of the Competition Tribunal and Madam Justice Queeny AU YEUNG Kwai-yue as the Deputy President of the Competition Tribunal for three years with effect from 1 August 2013.

8. On the recommendation of JORC, the Chief Executive appointed the following four persons as Recorders of the Court of First Instance of the High Court for three years from 1 March 2013 to 29 February 2016 –

Name

Mr. Jason POW Wing-nin, SC
Ms. Lisa WONG Kwok-ying, SC
Mr. Russell Adam COLEMAN, SC
Mr. Anthony Kenneth HOUGHTON, SC

District Court

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

Name

With effect from 7 January 2013

Mr. LEE Wan-tang
Mr. Wilson CHAN Ka-shun
Dr. Harold LEONG Kwok-on
Mr. Kent YEE Kai-siu

With effect from 28 May 2013

Mr. Roy YU Mun-kee
Mr. PANG Chung-ping

10. On the recommendation of JORC, the Chief Executive appointed Mr. Lawrence PANG Ho-chuen as a Member, Lands Tribunal with effect from 11 June 2013.

Magistrates' Courts

11. On the recommendation of JORC, the Chief Executive appointed the following six persons as Principal Magistrates –

Name

With effect from 12 April 2013

Mr. Clement LEE Hing-nin
Ms. Bina CHAINRAI
Mr. Timothy Harry CASEWELL
Mr. Peter LAW Tak-chuen
Ms. Bernadette WOO Huey-fang
Mr. Simon LUI Kin-man

12. On the recommendation of JORC, the Chief Executive appointed Miss WONG Sze-lai as Magistrate with effect from 7 January 2013.

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 conferred 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

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.

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

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, Working Group on the Use of Chinese, and Governing Body of the Hong Kong Judicial Institute.

Mr. Kumar RAMANATHAN, SC

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 and the Chairman of the Appeal Tribunal Panel (Buildings Ordinance) for a number of years. He is currently a Chairman 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 is the Past President and currently a council member of the Law Society of Hong Kong. He is also the Past Chairman and currently a council member of the Hong Kong International Arbitration Centre. Mr. Wong is the Chairman of the Copyright Tribunal and a Deputy Chairman of the Board of Review (Inland Revenue Ordinance). Mr. Wong is a Member of the Board of the Airport Authority and the Hospital Authority. He also serves as 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 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 a Senior Professor of Practice of the 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

Upon graduation from the University of Hong Kong in 1969, Mrs Ling joined the Jardine Group as a management trainee. In the ensuing years she served in many executive positions before retiring as an Advisor to Jardine Matheson Limited at the end of 2013.

In parallel with her commercial career, Mrs Ling has been active in public service and community affairs. She is a Member of the Law Reform Commission and a Member of the Higher Rights Assessment Board. She is also a Governor of the Maggie Cancer Caring Foundation, Governor of the Keswick Foundation, Vice Chairman of Musica Viva Limited, Court Member of the City University of Hong Kong and Vice-Patron of the Community Chest of Hong Kong.

Over the years she held positions in many non-profit organisations including : Member of the Judicial Service Commission (1992 to 1997), Chairman of Queen Elizabeth Hospital (1996 to 2006), Council Member of the Employers' Federation of Hong Kong (1987 to 2013), Board Member of the Hospital Authority (1991 to 2005), Trustee & Chairman of the Hospital Authority Provident Fund Scheme (2002 to 2006), Board Member of the Kowloon Canton Railway Corporation (1991 to 1997), Member of the Medical Council of Hong Kong (2003 to 2009), Appointed Member of the Urban Council (1987 to 1995) and Member of the Vocational Training Council (2002 to 2006).

Mr. Christopher CHENG Wai-chee, GBS, OBE, JP

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 The Hongkong and Shanghai Banking Corporation Limited.

Mr. Cheng has a keen interest in the public services. He is currently 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 the Hong Kong Government Exchange Fund Advisory Committee (Chairman of its Governance Committee) and Public Service Commission. Mr. Cheng was conferred the degree of Doctor of Social Sciences *honoris causa* by The University of Hong Kong.