

JORC Report 2018

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 2018 provides an account of the work of the JORC during 2018.

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 2018, the Chief Executive re-appointed a member of JORC and appointed five new members to JORC for a term of up to two years until 30 June 2020. The membership in 2018 is listed below –

Ex officio chairman and member

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

The Honourable Ms. Teresa CHENG Yeuk-wah, GBS, SC, JP (Secretary for Justice)

Judges

The Honourable Mr. Justice Robert TANG Ching, GBM, SBS
(from 1 July 2014 to 30 June 2016)
(from 1 July 2016 to 30 June 2018)

The Honourable Mr. Justice Andrew CHEUNG Kui-nung
(from 1 July 2012 to 30 June 2014)
(from 1 July 2014 to 30 June 2016)
(from 1 July 2016 to 30 June 2018)
(from 1 July 2018 to 30 June 2020)

The Honourable Madam Justice Carlye CHU Fun-ling
(from 1 July 2018 to 30 June 2020)

Barrister and solicitor

Ms. Winnie TAM Wan-chi, SC, JP (barrister)
(from 1 July 2016 to 30 June 2018)

Mr. Philip John DYKES, SC (barrister)
(from 1 July 2018 to 30 June 2020)

Mr. Stephen HUNG Wan-shun (solicitor)
(from 1 July 2015 to 30 June 2017)
(from 1 July 2017 to 30 June 2019)

Persons not connected with the practice of law

Dr. Christopher CHENG Wai-chee, GBS, OBE, JP
(from 1 July 2012 to 30 June 2014)
(from 1 July 2014 to 30 June 2016)
(from 1 July 2016 to 30 June 2018)

Professor Tony CHAN Fan-cheong, JP
(from 1 July 2017 to 30 June 2019)

Ms. Anita FUNG Yuen-mei, BBS, JP
(from 1 July 2017 to 30 June 2019)

Mrs. Pamela CHAN WONG Shui, BBS, JP
(from 1 July 2018 to 30 June 2020)

Professor LIU Pak-wai, SBS, JP
(from 21 December 2018 to 30 June 2020)

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 2018, five meetings were held at which 24 papers were discussed, and 13 resolutions were passed making recommendations on judicial appointments, four recommendations relating to extension of term of office beyond the normal retiring age, nine recommendations on further extension of term of office, nine recommendations relating to further employment and transfer to permanent and pensionable terms and 10 recommendations on renewal of contract. In addition, a paper was circulated for consideration, resulting in the passage of one resolution on renewal of contract.

Recommendations on Judicial Appointments made in 2018

1. In the year 2018, JORC made a total of 13 recommendations on judicial appointments – one to the Court of Final Appeal, 11 to the High Court and one to the District Court. Details are shown in the tables below.

Court of Final Appeal	High Court			
Judge from Another Common Law Jurisdiction	Justice of Appeal of the Court of Appeal	Judge of the Court of First Instance	Registrar of the High Court	Recorder of the Court of First Instance
1	2	6	1	2

District Court
Principal Family Court Judge
1

2. In addition, JORC made four recommendations relating to extension of term of office beyond the normal retiring age and nine recommendations on further extension of term of office. Details are shown in the table below.

High Court		Magistrates' Courts		
Justice of Appeal of the Court of Appeal	Judge of the Court of First Instance	Principal Magistrate	Magistrate	Special Magistrate
3	3	5	1	1

3. Moreover, JORC made nine recommendations relating to further employment and transfer to permanent and pensionable terms. Details are shown in the table below.

Magistrates' Courts
Magistrate
9

4. Furthermore, JORC made 11 recommendations on renewal of contract. Details are shown in the table below.

District Court / Lands Tribunal	Magistrates' Courts	
Member, Lands Tribunal	Magistrate	Special Magistrate
1	9	1

Judicial Appointments made in 2018

Court of Final Appeal

1. On the recommendation of JORC, the Chief Executive appointed Mr. Justice Andrew CHEUNG Kui-nung as Permanent Judge of the Court of Final Appeal with effect from 25 October 2018.
2. On the recommendation of JORC, the Chief Executive appointed Mr. Justice Robert TANG Ching as Non-Permanent Hong Kong Judge of the Court of Final Appeal for three years from 25 October 2018 to 24 October 2021.
3. On the recommendation of JORC, the Chief Executive appointed The Right Honourable the Baroness HALE of Richmond and The Right Honourable Beverley MCLACHLIN, P.C. as Non-Permanent Judges from other common law jurisdictions of the Court of Final Appeal for three years from 30 July 2018 to 29 July 2021.

High Court

4. On the recommendation of JORC, the Chief Executive appointed Mr. Justice Kevin Paul ZERVOS as Justice of Appeal of the Court of Appeal of the High Court with effect from 30 July 2018.
5. On the recommendation of JORC, the Chief Executive appointed Mr. Registrar Simon KWANG Cheok-weung as Registrar of the High Court with effect from 10 September 2018.
6. On the recommendation of JORC, the Chief Executive appointed the following three persons as Recorders of the Court of First Instance of the High Court for three years from 1 February 2018 to 31 January 2021 –

Name

Mr. Eugene FUNG Ting-sek, SC
Mr. Charles Peter MANZONI, SC
Ms. Yvonne CHENG Wai-sum, SC

District Court

7. On the recommendation of JORC, the Chief Executive appointed Mr. Clement LEE Hing-nin as District Judge with effect from 2 January 2018.

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. He was made an Honorary Bencher of the Middle Temple and was admitted to the degree of Doctor of Laws (*honoris causa*) by the Chinese University of Hong Kong in 2016. He was conferred the degree of Doctor of Laws (*honoris causa*) by the University of Hong Kong in 2019.

Chief Justice Ma is a Patron of the Bingham Centre for the Rule of Law; he is also a Patron of the International Advocacy Training Council.

Ex officio member

Secretary for Justice, The Honourable Teresa CHENG Yeuk-wah, GBS, SC, JP

Ms. Teresa Cheng, SC, was appointed Secretary for Justice on January 6, 2018. She was a Senior Counsel in private practice before joining the Government. She is also a chartered engineer and chartered arbitrator. She was frequently engaged as arbitrator or counsel in complex international commercial or investment disputes.

Ms. Cheng was one of the founders and Chairman of the Asian Academy of International Law. She is a Past Vice President of the International Council of Commercial Arbitration, Past Vice President of the ICC International Court of Arbitration and Past Chairperson of Hong Kong International Arbitration Centre. In 2008, she became the first Asian woman elected through a global election as President of the Chartered Institute of Arbitrators. She served as Deputy Judge / Recorder in the Court of First Instance of the High Court of Hong Kong from 2011 to 2017. She is a member of the International Centre for Settlement of Investment Disputes Panel of Arbitrators, and was a member of the World Bank's Sanctions Board.

Ms. Cheng is a Fellow of King's College in London, and was the Course Director of the International Arbitration and Dispute Settlement Course at the Law School of Tsinghua University in Beijing.

Members

The Honourable Mr. Justice Robert TANG Ching, GBM, SBS

Mr. Justice Tang was appointed a Queen's Counsel in 1986 and became a Senior Counsel in 1997. He was a Recorder of the Court of First Instance from September 1995 until his appointment as a Judge of the Court of First Instance in April 2004. He was appointed a Justice of Appeal in January 2005 and a Vice President of the Court of Appeal in November 2006. He was appointed a Non-Permanent Hong Kong Judge of the Court of Final Appeal in September 2010. In October 2012, Mr. Justice Tang was appointed a Permanent Judge of the Court of Final Appeal. In October 2018, he was appointed a Non-Permanent Hong Kong Judge of the Court of Final Appeal.

Whilst in private practice, Mr. Justice Tang was at various times, the Chairman of the Hong Kong Bar Association, the Criminal and Law Enforcement Injuries Compensation Boards, the Independent Police Complaints Council, the Town Planning Appeal Board, the Takeovers and Mergers Panel, and the Securities and Futures Appeal Panel. He was also at various times, a member of the Judicial Service Commission, the Appeal Board on Public Meetings and Processions, the ICAC Complaints Committee and the Exchange Fund Advisory Committee of the Hong Kong Monetary Authority, and a non-Executive Director of the Mandatory Provident Fund Schemes Authority.

The Honourable Mr. Justice Andrew CHEUNG Kui-nung

Mr. Justice Cheung read law at the University of Hong Kong, graduating with a Bachelor of Laws degree in 1983 and a Postgraduate Certificate in Laws in 1984. In 1985, he obtained a Master of Laws degree from Harvard Law School. He was called to the Hong Kong Bar in the same year, and in 1995 he was admitted as an Advocate and Solicitor of the Supreme Court of Singapore.

Mr. Justice Cheung was in private practice in Hong Kong before joining the Judiciary as a District Judge in 2001. He started deputising as a Deputy High Court Judge in December 2001 and was appointed a Judge of the Court of First Instance of the High Court in 2003. Mr. Justice Cheung was made the Probate Judge in 2004 and the Judge in charge of the Constitutional and Administrative Law List in 2008.

In 2011, Mr. Justice Cheung was appointed the Chief Judge of the High Court and became the President of the Court of Appeal of the High Court.

Mr. Justice Cheung chairs or is a member of various committees and working parties within the Judiciary. He is also a member of the Law Reform Commission.

Mr. Justice Cheung is an Honorary Bencher of Lincoln's Inn.

The Honourable Madam Justice Carlye CHU Fun-ling

Madam Justice Chu graduated from the University of Hong Kong with a Bachelor of Laws in 1982 and a Postgraduate Certificate in Laws in 1983. In 1985, she obtained a Master of Laws from London School of Economics and Political Science. She obtained a Master of Social Sciences in Criminology from the University of Hong Kong in 1994.

Madam Justice Chu was called to the Hong Kong Bar in 1983. She was in private practice before joining the Judiciary in 1991 as a Magistrate. She was appointed District Judge in 1995, Deputy Registrar of the High Court in 1997, Registrar of the High Court in 1999 and Judge of the Court of First Instance of the High Court in 2000. She was appointed a Justice of Appeal in 2011.

Madam Justice Chu has served on various committees and working parties within the Judiciary. She is an Honorary Lecturer in the Department of Professional Legal Education of the Faculty of law of the University of Hong Kong.

Ms. Winnie TAM Wan-chi, SC, JP

Ms. Winnie Tam SC was the Chairman of the Hong Kong Bar (January 2015 – January 2017), and has served on the Council or committees of the Hong Kong Bar Association for many years. Ms. Tam was appointed Senior Counsel in 2006. Her practice spans a wide range of litigation and arbitration in commercial and civil matters with an emphasis in intellectual property law. She is a panel arbitrator of the Hong Kong International Arbitration Centre, CIETAC, and the Shenzhen International Arbitration Centre. She is a fellow of the Hong Kong Institute of Arbitrators. In 2015 she was appointed a Recorder of the Court of First Instance of the High Court of Hong Kong SAR. Ms. Tam was called to the English Bar in 1988, and was elected a bencher of the Middle Temple in 2015. She has maintained her connection with the English Bar as an overseas member of 8 New Square. Ms. Tam is also admitted as an Advocate and Solicitor of the Supreme Court of Singapore and the Australian Capital Territory.

In 2015 she was appointed a member of the working group to consider new legislation on the arbitrability of IP rights. She is a frequent speaker in international events on intellectual property and arbitration, and performs an active role in sharing knowledge in the common law system in mainland China. She currently holds positions as Adjunct Professor in the East China University of Political Science and Law, Shanghai and Law School of the Shanghai University of Finance and Economics.

Ms. Tam holds a number of current roles in public service and charities, including Chairman of the Communications Authority, Member of the Board of Trustees of the Hong Kong Jockey Club Music and Dance Fund, Hong Kong Tourism Board and the Board of West Kowloon Cultural District Authority, Chief Executive's Council of Advisers on Innovation and Strategic Development and the Law Reform Commission.

Mr. Philip John DYKES, SC

Mr. Dykes studied English Language & Literature at Lincoln College, Oxford but decided to become a barrister in 1975, his last year at university. He joined Lincoln's Inn and was called to the Bar in 1977. After pupillage in Manchester, he joined chambers there and practised on the Northern Circuit for seven years. He had a general common law practice.

In 1985 Mr. Dykes joined the Attorney General's Chambers in Hong Kong as a Crown Counsel. After a spell as a prosecutor he moved to the Legal Policy Division, which served the Solicitor General and Attorney General.

In 1989 Mr. Dykes was appointed an Assistant Solicitor General with special responsibilities for producing a Bill of Rights. In the next two years Mr. Dykes worked with the drafting team that eventually produced the Hong Kong Bill of Rights Ordinance. He also advised policy branches and government departments on the likely impact of the new law.

Mr. Dykes was for a time part of the Hong Kong government contingent on the British side in the Sino-British Joint Liaison Group. He was also a member of the United Kingdom delegation reporting to the United Nations Human Rights Committee in 1991 on the implementation of the International Covenant on Civil and Political Rights as it applied to Hong Kong.

Mr. Dykes left government service at the end of 1991 and went into private practice. He was one of the last barristers to be appointed Queen's Counsel in 1997. He served on the Bar Council for many years and became its Chairman in 2005 and served for 2 years. He was elected Chairman for the third time in January 2018 and the fourth time in January 2019.

Mr. Dykes has developed a practice in constitutional and administrative law. He has appeared for both applicants and respondents in judicial review proceedings, including cases before the Privy Council before 1997 and the Court of Final Appeal after then. Mr. Dykes has an established practice in immigration law, appearing first for Vietnamese refugees and asylum seekers in the early 1990's and then later for Mainlanders seeking to establish their status as permanent residents under the Basic Law. More recently he has been involved in several cases concerning persons who have claimed protection against refoulement under the United Nations Convention Against Torture.

Mr. Dykes has appeared in cases concerning mutual legal assistance, including extradition matters. He has also handled election cases ranging from petition cases to constitutional challenges on restrictions on voting and standing for election. Mr. Dykes also undertakes disciplinary cases and other regulatory work. He appears occasionally in the Court of Appeal and Court of First Instance in criminal appeals.

Mr. Stephen HUNG Wan-shun

Mr. Stephen Hung has been a member of Council of the Law Society of Hong Kong (“the Law Society”) since 2003. Mr. Hung was elected as President of the Law Society from August 2014 to May 2016. Mr. Hung holds the office of Past President at present. He is currently the Chairman of the Law Society’s Legal Education Committee.

As a representative of the Law Society, Mr. Hung serves on the PCLL Academic Board of the University of Hong Kong, Chinese University of Hong Kong and City University of Hong Kong.

In his own capacity, Mr. Hung serves on the Hong Kong Examinations and Assessment Authority, the Communications Authority, the Law Reform Commission, Sub-committee on Causing or Allowing the Death of a Child, and Lump Sum Grant Steering Committee, the Professional Services Advancement Support Scheme Vetting Committee, and the Financial Reporting Council.

Mr. Hung is an Adjunct Professor of Law of Hong Kong Shue Yan University and the Law School of Beijing Normal University. He is also a Visiting Professor of the Faculty of International Law of China University of Political Science and Law in Beijing, China.

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

Dr. Cheng is the Chairman of Wing Tai Properties Limited, an Independent Non-executive Director of the following companies: New World Services Holdings Limited and The Hongkong and Shanghai Banking Corporation Limited.

Dr. Cheng serves as a member of the Board of Overseers at Columbia Business School, and a member on the President's Council on International Activities of the Yale University.

Dr. Cheng has a keen interest in the public services. He is the former Chairman of the Hong Kong General Chamber of Commerce. A former member of the Council of The University of Hong Kong (Chairman of its Human Resources Policy Committee), steward of the Hong Kong Jockey Club and the International Advisory Board of The Hong Kong Polytechnic University. 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. Dr. Cheng was conferred the degree of Doctor of Social Sciences *honoris causa* by The University of Hong Kong and Doctor of Business Administration *honoris causa* by The Hong Kong Polytechnic University.

Professor Tony CHAN Fan-cheong, JP

Professor Tony F. Chan assumed his role as the third president of KAUST in September 2018 after nearly a decade as president of The Hong Kong University of Science and Technology (HKUST). HKUST's global visibility and recognition significantly increased during his leadership.

Before joining HKUST, President Chan was Assistant Director of the Mathematical and Physical Sciences Directorate at the US National Science Foundation (NSF) from 2006 to 2009.

President Chan received his PhD in Computer Science from Stanford University. He taught and worked at Yale University and UCLA respectively, and was the Assistant Director of the Mathematical and Physical Sciences Directorate at the US National Science Foundation (NSF).

President Chan is an elected member of the US National Academy of Engineering (NAE), an elected Fellow of the Institute of Electrical and Electronic Engineers (IEEE) and an elected fellow of both the Society for Industrial and Applied Mathematics (SIAM) and the American Association for the Advancement of Science (AAAS). He was one of the world's most cited mathematicians.

President Chan is currently member of the United States Committee of 100. He is also a Founding Member and Board Director of The Hong Kong Academy of Sciences (ASHK), the President of the Hong Kong Institution of Science (HKIS), a fellow of the Hong Kong Academy of Engineering Sciences (HKAES), and a member of the Committee on Innovation, Technology and Re-industrialisation (CITR) of the Hong Kong SAR Government.

Ms. Anita FUNG Yuen-mei, BBS, JP

Ms. Fung was Group General Manager of HSBC Holdings plc (2008 – 2015). She was former Chief Executive Officer Hong Kong of The Hongkong and Shanghai Banking Corporation Limited (2011 – 2015).

Through her various positions, she has actively promoted the development of Hong Kong's financial landscape as well as that of other regional markets. With her extensive experience in financial markets, she plays a key role in Renminbi (RMB) internationalisation and the development of Hong Kong as the leading offshore RMB centre.

Ms. Fung is also actively involved in Public / Government sector. She was a Member of the Financial Infrastructure Sub-Committee of the Exchange Fund Advisory Committee (EFAC) of the Hong Kong Monetary Authority (HKMA), a Non-official Member of the Hong Kong Housing Authority and a Court Member of the Hong Kong University of Science and Technology. She was also a board member of the West Kowloon Cultural District Authority. She is a Board Member of the Hong Kong Airport Authority.

Ms. Fung is an Independent Non-Executive Director of Hong Kong Exchanges and Clearing Limited, Hang Lung Properties Limited, China Construction Bank and Westpac Banking Corporation.

She obtained her Bachelor's degree in Social Science from The University of Hong Kong and Master's degree in Applied Finance from Macquarie University, Australia.

Ms. Fung was awarded the Bronze Bauhinia Star in 2013 for her valuable contributions to the development of the banking industry in Hong Kong. She was appointed Justice of Peace in 2015.

Mrs. Pamela CHAN WONG Shui, BBS, JP

Mrs. Chan is Independent Non-Executive Director of MTR Corporation since July 2013. She is Chairman of the Insurance Complaints Bureau, Vice-chairman of The Boys' and Girls' Clubs Association of Hong Kong and independent director of the Travel Industry Council of Hong Kong as well as member of the Private Columbaria Appeal Board.

Mrs. Chan was Chief Executive of the Consumer Council for 22 years. She is patron of Consumers International. Mrs. Chan had served on the board of The Community Chest of Hong Kong and is currently its Vice-Patron. She was Chairman of Hong Kong Deposit Protection Board, Deputy Chairman of the Hong Kong Baptist University Council and the Court, Chairman of the governing committee of Princess Margaret Hospital and etc.

On law related appointments, she was member of the Law Reform Commission of Hong Kong, Standing Committee on Legal Education and Training as well as Postgraduate Certificate in Laws (PCLL) Academic Boards of University of Hong Kong and City University of Hong Kong.

Professor Liu Pak-wai, SBS, JP

Professor Liu is Research Professor and Professor Emeritus at The Chinese University of Hong Kong. He was formerly Pro-Vice-Chancellor, Professor of Economics and Founding Director of the Institute of Global Economics and Finance. He is currently a member of the Advisory Board of the Faculty of Law and a member of the Governing Board of The Chinese University of Hong Kong, Shenzhen and the Shenzhen Finance Institute.

Professor Liu received his AB from Princeton University and PhD in economics from Stanford University. He was a Visiting Scholar of the Harvard-Yenching Institute (1981-82) and a Distinguished Fulbright Scholar in 2000-01.

Professor Liu is a Director of the Hong Kong Institute of Monetary Research of the Hong Kong Monetary Authority. He is an Independent Non-Executive Director of Hang Lung Group Limited, Transport International Holdings Limited and China Zheshang Bank. He was a Non-Executive Director of the Securities and Futures Commission.

Besides teaching, research and administration, Professor Liu has been active in public service. He is currently Chairman of Advisory Committee on Post-office Employment for Former Chief Executives and Politically Appointed Officials. He was a member of Chief Executive's Commission on Innovation and Technology, Commission on Strategic Development, Independent Commission on Remuneration Package and Post-office Arrangements for the Chief Executive, Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the SAR, Aviation Development Advisory Committee, Provisional Minimum Wage Commission, Independent Review Committee for the Prevention and Handling of Potential Conflicts of Interests and Working Group on Long-Term Fiscal Planning, among others.

Professor Liu was awarded the Silver Bauhinia Star in 1999 for "outstanding academic achievement and public service in Hong Kong". He was appointed Justice of Peace in 2006.