

司法人員 推薦委員會報告

Judicial Officers Recommendation Commission Report

1997 - 2002

目錄 Contents

前言

Foreword	i
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章 Chapter	頁 Pages
1 司法人員推薦委員會 The Judicial Officers Recommendation Commission	1 – 7
2 委員會的工作 Work of the Commission	8 – 14
3 終審法院首席法官及終審法院 Chief Justice and the Court of Final Appeal	15 – 21
4 高等法院 High Court	22 – 31
5 區域法院及土地審裁處 District Court and Lands Tribunal	32 – 37
6 裁判法院、審裁處及死因裁判法庭 Magistrates' Courts, Tribunals and Coroner's Court	38 – 45

附錄

Appendix

1 2001年7月1日至2003年6月30日任期內司法人員推薦委員會主席及委員的簡歷	46 – 49
Bio-data of the Chairman and Members of the Judicial Officers Recommendation Commission for the term 1 July 2001 to 30 June 2003	
2 各項司法職位的法定專業資格	50 – 56
Statutory Professional Qualifications for Various Judicial Offices	

前言 Foreword

在一國兩制的原則下，一個獨立的、能維護法治的司法機關對於香港來說是至為重要的。獲任命的法官¹必須正直不阿、精於法律。故此，選拔司法人才的工作是極為重要的。

2. 根據《基本法》，香港特別行政區法院的法官，須得到由本地的法官、法律界人士及其他方面的知名人士組成的獨立委員會推薦，並由行政長官任命。1997年7月1日，司法人員推薦委員會成立。這個委員會就是《基本法》中預期會設立的獨立委員會。

3. 發表司法人員推薦委員會報告，旨在交代委員會的重要工作。由於本報告是委員會成立以來第一份報告，因此所包括的時段較長，為期五年半，由1997年7月1日起至2002年12月31日止。

4. 本報告首兩章簡述了委員會的組成和工作，餘下四章則紀錄了自從1997年7月1日起，行政長官按委員會的推薦而作出過的有關各級法院的任命。報告的附錄刊載了委員會今屆委員的簡歷，以及各個司法職位所需資歷的相關法定條文。

5. 希望這份報告能令你對委員會的工作有多一點的認識。



司法人員推薦委員會主席
終審法院首席法官 李國能

An independent Judiciary upholding the rule of law is of cardinal importance to Hong Kong under the principle of one country two systems. It is crucial that judges¹ appointed are of complete integrity and high standards of professional competence. The work in relation to judicial appointments is accordingly of great importance.

2. Under the Basic Law, judges of the courts of the Hong Kong Special Administrative Region shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors. On 1 July 1997, the Judicial Officers Recommendation Commission was established as the independent commission contemplated by the Basic Law.

3. The objective of publishing a report of the Judicial Officers Recommendation Commission is to give an account of the important work of the Commission. This, being its first report, covers a relatively long period of five and a half years, from 1 July 1997 to 31 December 2002.

4. The first two chapters give an overview of the constitution and work of the Commission. The remaining four chapters set out the appointments made by the Chief Executive on the recommendation of the Commission to different levels of court since 1 July 1997. The appendices provide the bio-data of current members of the Commission and set out relevant statutory provisions concerning the qualifications for various judicial offices.

5. I hope you will enjoy reading this report and that you will have a better understanding of the work of the Commission.



Andrew Li
Chief Justice
Chairman of the Judicial Officers Recommendation Commission

¹ “法官”在此包括“法官”和“司法人員”。
The reference to “Judges” includes both Judges and Judicial Officers.

司法人員推薦委員會的組成

1.1 《基本法》第四十八(六)條賦予行政長官在依照法定程序下任免各級法院法官的職權。根據《基本法》第八十八條，香港特別行政區（“香港特區”）法院的法官，須得到由本地法官、法律界人士及其他方面的知名人士組成的獨立委員會推薦，並由行政長官任命。

1.2 司法人員推薦委員會（“委員會”或“推薦委員會”）是《基本法》第八十八條預期會設立的獨立委員會。委員會於1997年7月1日根據香港法例第92章《司法人員推薦委員會條例》成立，取替了昔日的司法人員敘用委員會。

推薦委員會的職能

1.3 根據《司法人員推薦委員會條例》，委員會的職能乃就以下事項向行政長官提供意見或作出推薦——

- (a) 司法職位空缺的填補；
- (b) 司法人員就服務條件提出的申述，而該申述又經由行政長官轉介予委員會；及
- (c) 影響司法人員而可予訂明或可由行政長官轉介予委員會的任何事項。

1.4 所有司法職位均納入委員會的職權範圍，這些職位已詳列於《司法人員推薦委員會條例》附表1。

Constitution of JORC

1.1 Article 48(6) of the Basic Law confers on the Chief Executive the power and function to appoint or remove judges of the courts at all levels in accordance with legal procedures. Article 88 of the Basic Law provides that judges of the courts of the Hong Kong Special Administrative Region ("HKSAR") shall be appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors.

1.2 The Judicial Officers Recommendation Commission ("the Commission" or "JORC") is the independent commission contemplated by Article 88 of the Basic Law. It was established on 1 July 1997 under the Judicial Officers Recommendation Commission Ordinance (Cap. 92) ("the JORC Ordinance") in place of the then Judicial Service Commission.

Functions of JORC

1.3 Under the JORC Ordinance, the functions of the Commission are to advise and make recommendations to the Chief Executive regarding —

- (a) the filling of vacancies in judicial offices;
- (b) such representations from a judicial officer concerning conditions of service as may be referred to it by the Chief Executive; and
- (c) any matter affecting judicial officers which may be prescribed or which the Chief Executive may refer to the Commission.

1.4 All Judicial Offices are within the purview of the Commission. They are specified in Schedule 1 to the JORC Ordinance.

推薦委員會的委員

組成及委任

1.5 按照《司法人員推薦委員會條例》，委員會由終審法院首席法官出任主席，委員則包括律政司司長及其他七名由行政長官委任的人士。這七名委員包括兩名法官、一名大律師、一名律師，及三名與法律執業無關的人士。

1.6 有關委任大律師及律師方面，行政長官須按《司法人員推薦委員會條例》分別諮詢香港大律師公會執行委員會及香港律師會理事會，但行政長官可以委任其他沒有獲得該等專業團體推薦的人士。

1.7 根據《司法人員推薦委員會條例》，獲委任的委員可向行政長官給予書面通知而辭職，以及須在任職兩年後離職，但有資格再獲委任。

無資格獲委任的人士

1.8 《司法人員推薦委員會條例》規定以下人士不得獲委任成為委員會委員——立法會議員或出任可享有退休金的職位（除法官職位外）的人，而該職位的薪酬全部或部分是由公共收入支付的，除非他是正在退休前度假，並已就其現時所出任的職位或職守的服務期所會付給他的退休金款額，獲得正式通知者，則屬例外。

Membership of JORC

Composition and Appointment

1.5 As prescribed by the JORC Ordinance, the Commission consists of the Chief Justice as the Chairman, the Secretary for Justice and seven other members appointed by the Chief Executive, including two judges, one barrister, one solicitor and three other persons who are not connected with the practice of law.

1.6 The Chief Executive is required by the JORC Ordinance to consult the Bar Council of the Hong Kong Bar Association and the Council of the Law Society of Hong Kong regarding the appointment of the barrister and the solicitor respectively. The Chief Executive may however appoint a person other than a person recommended by the respective professional bodies.

1.7 As provided by the JORC Ordinance, an appointed member may resign his office by notice in writing to the Chief Executive and shall vacate his office after two years, but shall be eligible for re-appointment.

Certain Persons Ineligible

1.8 The JORC Ordinance provides that a person shall not be appointed to be a member of the Commission if he is a member of the Legislative Council; or he holds a pensionable office (other than the office of a judge) the emoluments whereof are payable wholly or partly out of public revenue, unless he is on leave prior to retirement and has already received official notification of the pension which will be payable to him for service which comprised service in the office or post of which he is the holder.

第一章 CHAPTER 1

自1997年7月1日曾擔任委員的人士

1.9 自1997年7月1日以來曾擔任委員會委員的人士如下 ——

Membership Since 1 July 1997

1.9 Members of the Commission since 1 July 1997 are listed below ——

	委 任 期 Terms of appointment		
	1997年7月1日 — 1999年6月30日 1 July 1997 — 30 June 1999	1999年7月1日 — 2001年6月30日 1 July 1999 — 30 June 2001	2001年7月1日 — 2003年6月30日 1 July 2001 — 30 June 2003
當然主席及當然委員 Ex officio chairman and member			
終審法院首席法官李國能（主席） The Honourable Chief Justice Andrew LI Kwok-nang (Chairman)	✓	✓	✓
梁愛詩女士, GBM, JP（律政司司長） The Honourable Elsie LEUNG Oi-sie, GBM, JP (Secretary for Justice)	✓	✓	✓
法官 Judges			
陳兆愷法官 The Honourable Mr Justice Patrick CHAN Siu-oi	✓	✓	✓
黎守律法官 The Honourable Mr Justice Gerald Paul NAZARETH	✓	（直至2000年1月25日） (until 25 January 2000)	—
彭鍵基法官 The Honourable Mr Justice PANG Kin-kee	—	（由2000年1月27日起） (w.e.f. 27 January 2000)	✓
大律師及律師 Barrister and solicitor			
李志喜資深大律師, JP Miss Gladys Veronica LI Chi-hei, SC, JP (barrister)	✓	✓	✓
吳斌律師, JP Mr Roderick B WOO, JP (solicitor)	✓	✓	—
蔡克剛律師, JP Mr Herbert TSOI Hak-kong, JP (solicitor)	—	—	✓
與法律執業無關的人士 Persons not connected with the practice of law			
馮國經博士, GBS Dr Victor FUNG Kwok-king, GBS	✓	✓	✓
陳永棋先生, GBS, JP Mr CHAN Wing-kee, GBS, JP	✓	✓	✓
鄭維健博士, GBS, JP Dr Edgar CHENG Wai-kin, GBS, JP	（直至1998年12月30日） (until 30 December 1998)	—	—
張信剛教授, GBS, JP Professor CHANG Hsin-kang, GBS, JP	（由1999年2月1日起） (w.e.f. 1 February 1999)	✓	✓

1.10 現任主席及委員的簡歷載於附錄一。

1.10 Bio-data of the Chairman and members of the current term are at Appendix 1.

程序及表決規則

程序

1.11 委員會的程序及表決規則均由《司法人員推薦委員會條例》規管。主席連同不少於六名其他委員可行使及執行委員會的任何職能、權力及職責。為委員會任何會議的目的，如終審法院首席法官不能執行主席職務，出席該次會議的委員可藉決議委任他們其中任何一人署理其職務，並於如此署理職務時，於該會議中行使並履行主席的所有職能。如任何獲委任的委員不在香港或不能執行委員職務，行政長官可委任另一人暫時署理該委員的職務。

表決規則

1.12 在委員會會議中，以下的決議即屬有效——

- (a) 凡有7名委員出席時，最少有5票表決贊成；
- (b) 凡有8名委員出席時，最少有6票表決贊成；及
- (c) 凡有9名委員出席時，最少有7票表決贊成。

書面決議

1.13 在並無會議舉行的情況下，委員會的決議可藉將決議草案連同表決表格，交予委員傳閱而由委員表決；可藉委員在表決表格上簽署及將其交回委員會秘書而表決；及在以下情況，即屬有效——

- (a) 凡有7名委員在表決表格上簽署時，最少有5票表決贊成；
- (b) 凡有8名委員在表決表格上簽署時，最少有6票表決贊成；及

Procedure and Voting Requirements

Procedure

1.11 The procedure and voting requirements of the Commission are laid down in the JORC Ordinance. The Chairman and no fewer than six other members may exercise and perform any of the functions, powers and duties of the Commission. For the purposes of any meeting of the Commission, if the Chief Justice is unable to act as Chairman, those members present at that meeting may by resolution appoint any of their number to act in his place and in so acting to exercise and perform all the functions of the Chairman at that meeting. If any appointed member is absent from Hong Kong or is unable to act, the Chief Executive may appoint another person to act temporarily as a member.

Voting Requirements

1.12 At a meeting of the Commission, a resolution is effective if —

- (a) where 7 members are present, at least 5 vote in favour;
- (b) where 8 members are present, at least 6 vote in favour; and
- (c) where 9 members are present, at least 7 vote in favour.

Written Resolutions

1.13 A resolution of the Commission without a meeting may be put to the vote of the members by circulating a draft of the resolution with a voting paper; may be voted on by a member by signing the voting paper and returning it to the Secretary to the Commission; and is effective if —

- (a) where 7 members sign the voting paper, at least 5 votes are in favour;
- (b) where 8 members sign the voting paper, at least 6 votes are in favour; and

第一章 CHAPTER 1

(c) 凡有9名委員在表決表格上簽署時，最少有7票表決贊成。

1.14 即使有第1.13段的規定，如有任何委員在表決表格上，通知秘書謂該決議應在會議上討論，則決議即屬無效。

披露權益

1.15 《司法人員推薦委員會條例》載有有關披露權益的條文。凡委員會正就《香港終審法院條例》（第484章）第7及8條（條文有關委任終審法院的常任法官和非常任香港法官）所指的空缺填補，或就該條例第14條所指的終審法院首席法官的任期延期，而行使其職能，則被視為或可合理地視為填補有關空缺的候選人的委員，或其任期正獲考慮延期的委員，須披露假若獲選或任期獲推薦延期，他是否願意接受委任或延期，而該項披露須記錄於委員會的會議紀錄內。表示願意接受委任或延期的委員，不得參與委員會就該委任或延期所作的任何商議，亦不得就有關上述事項的任何問題表決；及就委員會對該委任或延期（視屬何情況而定）作出的任何商議或有關上述事項的問題而言，被視為不能執行委員職務。

1.16 雖然法例並無規定，但委員會在其他情況下實際上也有應用類似的披露權益的規則。過去在填補高等法院首席法官的空缺和上訴法庭的空缺時，亦有應用這些規則。

(c) where 9 members sign the voting paper, at least 7 votes are in favour.

1.14 Notwithstanding paragraph 1.13, a resolution is not effective where any member notifies the Secretary, on the voting paper, that the resolution should be discussed at a meeting.

Disclosure of Interests

1.15 The JORC Ordinance contains provisions relating to the disclosure of interests. Where the Commission is exercising its functions in relation to the filling of vacancies under sections 7 and 8 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) (which provide for the appointment of permanent judges and non-permanent Hong Kong judges of the Court of Final Appeal) or to the extension of the term of office of the Chief Justice under section 14 of that Ordinance, a member who is or may reasonably be regarded as a candidate for selection to fill any such vacancy or whose term of office is being considered for extension shall disclose whether or not, if he were to be selected or if the extension of his term of office were to be recommended, he is willing to accept appointment or the extension, and that disclosure shall be recorded in the minutes of the Commission's meeting. A member who discloses a willingness to accept an appointment or extension shall not take part in any deliberation of the Commission with respect to that appointment or extension and shall not vote on any question concerning the same; and shall, with respect to any deliberation of the Commission concerning that appointment or extension as the case may be and any question concerning the same, be treated as being unable to act.

1.16 Although not required by law, the Commission has in practice applied similar requirements for disclosure of interests to other situations. The situations where such requirements have been relevant have been the filling of vacancies of the office of the Chief Judge of the High Court and vacancies of the Court of Appeal.

秘書

1.17 根據《司法人員推薦委員會條例》，委員會秘書須為公職人員，並須由行政長官委任。委員會秘書不得為委員會委員。

1.18 自委員會成立以來，行政長官曾委任以下人士出任秘書一職，他們均擔任司法機構政務長的職位 ——

戴婉瑩女士, JP
Ms Alice TAI Yuen-ying, JP

葉澤民先生, JP
Mr Nicholas YEK Chek-ming, JP

徐志強先生
Mr Wilfred TSUI Chi-keung

關於推薦委員會運作的法定條文

1.19 《司法人員推薦委員會條例》載有以下有關委員會運作的條文 ——

- (a) 根據條例，凡作出以下行徑，即屬違法 ——
- (i) 故意向委員會或任何委員提供虛假資料（第8條）；
 - (ii) 如未經行政長官許可，向任何未獲授權的人發布或披露在根據《司法人員推薦委員會條例》或與該條例有關的執行職責的過程中所知悉的任何文件、通訊或資料的內容或部分內容，或在執行職責的過程以外發布或披露該等內容（第11條）；及
 - (iii) 影響或企圖影響委員會的決定或任何委員（第12條）。

Secretary

1.17 Under the JORC Ordinance, the Secretary to the Commission shall be a public officer appointed by the Chief Executive. The Secretary shall not be a member of the Commission.

1.18 Since the establishment of the Commission, the Chief Executive has appointed the following holders of the Judiciary Administrator post as the Secretary —

（由1997年7月1日起至1999年3月30日止）
(from 1 July 1997 to 30 March 1999)

（由1999年3月31日起至1999年6月14日止）
(from 31 March 1999 to 14 June 1999)

（由1999年6月15日起）
(since 15 June 1999)

Statutory Provisions Relating to the Operation of JORC

1.19 The JORC Ordinance contains the following provisions relating to the operation of the Commission —

- (a) It is an offence under the Ordinance to —
- (i) wilfully give false information to the Commission or any member (section 8);
 - (ii) publish or disclose, without the permission of the Chief Executive, to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information which has come to his knowledge in the course of his duties under or in connection with the JORC Ordinance (section 11); and
 - (iii) influence or attempt to influence a decision of the Commission or any member (section 12).

第一章 CHAPTER 1

- (b) 委員會在行使其職能或履行其職責時向行政長官或終審法院首席法官提交的報告、陳述書或其他通訊均為享有特權的通訊，不得強制將其在任何法律訴訟程序中呈堂（第9條）。
 - (c) 在針對委員會委員就其執行委員職責時作出的任何作為的法律行動或訴訟中，該委員會委員享有的保障及特權，與法官執行其職務作出作為時所享有的保障及特權相同（第10條）。
- (b) Reports, statements or other communications which the Commission may in the exercise of its functions or the discharge of its duties make to the Chief Executive or to the Chief Justice shall be privileged in that its production may not be compelled in any legal proceedings (section 9).
 - (c) A member of the Commission shall have the same protection and privileges in proceedings brought against him for any act done in the execution of his duty as such member as a judge has when acting in the execution of his office (section 10).

推薦委員會的工作

2.1 委員會於1997年7月1日正式開始運作。有關推薦的討論及決定通常都是通過會議進行的，但有時也會藉傳閱文件方式進行。由1997年7月1日起至2002年12月31日止，委員會共進行了二十三次會議。此外，共傳閱了八份文件，供各委員考慮。結果在沒有進行會議的情況下通過了14項決議。以下〈表一〉載列了逐年統計數字。

〈表一〉：會議及文件的傳閱
Table 1: Meetings and Circulation of Papers

	1997 ²	1998	1999	2000	2001	2002
開會次數 No. of meetings	4	5	4	4	3	3
傳閱文件的份數 No. of papers circulated	1	—	—	4	1	2

² 由1997年7月1日起至1997年12月31日止。
Covers the period from 1 July 1997 to 31 December 1997.

2.2 委員會除了推薦人選出任司法職位外，也會就在任的司法人員的任期應否延長提出建議。此外，在裁判官及區域法院法官職級以下的司法人員申請將聘用條件轉為常額及可享退休金條款時，和在他們申請續約時，委員會也會提出建議。以下〈表二〉載列了委員會推薦人選出任各級法院司法職位的次數。〈表三〉則載列了委員會於同期就非司法職位任命的事宜提出建議的次數。

Work of JORC

2.1 The Commission formally commenced operation on 1 July 1997. Discussions and decisions on recommendations were made usually through meetings and occasionally by circulation of papers. From 1 July 1997 to 31 December 2002, 23 meetings were held. In addition, eight papers were circulated for consideration resulting in the passing of 14 resolutions without a meeting. A statistical breakdown is given at Table 1 below.

2.2 Apart from judicial appointments, the Commission made recommendations on extensions of service. Further, in respect of Magistrates and Judicial Officers below District Judge level, it made recommendations on applications for transfer to permanent and pensionable terms and on renewal of contract. Breakdowns of the recommendations made by the Commission on appointments to different levels of courts and on matters other than appointments during the same period are shown at Table 2 and Table 3 respectively.

第二章 CHAPTER 2

〈表二〉：推薦人選出任司法職位的次數³

Table 2: Recommendations on Judicial Appointments³

	終審法院 Court of Final Appeal			高等法院 High Court					區域法院 District Court		裁判法院及審裁處 Magistracies (Mag) & Tribunals		
	首席法官 Chief Justice	常任法官 Permanent Judge	非常任法官 Non-permanent Judge	高等法院 首席法官 Chief Judge/ High Court	上訴法庭 法官 Justice of Appeal	原訟法庭法官 Judge of Court of First Instance	特委法官 Recorder	聆案官 Master	區域法院法官 District Judge	聆案官 Master	土地審裁處 審裁成員 Member, Lands Tribunal	裁判官 Mag	特委裁判官 Special Mag
1997⁴	1	3	17	1	3	5	6	1	6			14	1
1998						2	3		6			10	
1999					4	3		5	4			11	
2000		2	5	1	2	2	8	3	4	1		12	2
2001					1	2	3		1				
2002					3						2	7	

³ 凡於1997年7月1日前已在任，而獲任命於1997年7月1日起繼續在其原位任職的法官及司法人員，則不計算在內。
Appointments of judges and judicial officers serving before 1 July 1997 to continue to serve in the same offices from 1 July 1997 are not included.

⁴ 由1997年7月1日起至1997年12月31日止。
Covers the period from 1 July 1997 to 31 December 1997.

〈表三〉：就非司法職位任命的事宜提供建議的次數

Table 3: Recommendations on Matters Other Than Appointment

作出建議的範疇 Subject of Recommendations	1997 ⁵	1998	1999	2000	2001	2002
轉為常額及可享退休金條款聘用 Transfer to permanent and pensionable terms	2	4	6	1	3	7
合約續期 Renewal of contract	8	4	9	12	9	8
延長任期 Extension of service	10	7	4	4	2	
通過試任關限 ⁶ Passage of trial bar ⁶		1	1	1	1	

⁵ 由1997年7月1日起至1997年12月31日止。
Covers the period from 1 July 1997 to 31 December 1997.

⁶ 在1999年12月前從公務員隊伍招聘的裁判官都是以試任形式任命的。從1999年12月起已停止採用這種任命形式。1999年12月以後，從公務員隊伍招聘的裁判官須先辭去公務員職位，方可接受司法機構的任命。
Magistrates recruited from the civil service prior to December 1999 were appointed on trial. This practice ceased in December 1999. Magistrates recruited from the civil service after December 1999 have been required to resign from the civil service before taking up their appointments with the Judiciary.

推薦委員會運作的檢討

2.3 2002年，司法機構與推薦委員會就推薦委員會在任命法官方面的運作進行檢討。是次檢討的背景如下。

2.4 在2001年6月，立法會司法及法律事務委員會（“事務委員會”）就任命法官的程序開始進行檢討。在2001年12月，事務委員會發表了《任命法官的程序諮詢文件》，徵求公眾（尤其是法律界人士）對諮詢文件中提出的事項的意見。在2002年9月，事務委員會發表了一份《任命法官的程序報告》，當中刊載了一些建議。

2.5 鑑於事務委員會該份最終報告，司法機構與推薦委員會就推薦委員會在幾方面的運作進行檢討。檢討的範圍如下——

- (a) 推薦委員會的前身，即司法人員敘用委員會（“敘用委員會”）在1997年7月1日前曾發表年報。委員會應否每年發表類似的報告；
- (b) 應否把公開招聘的做法擴展至高等法院或以上級別法院的司法職位空缺；及
- (c) 應否覆檢《司法人員推薦委員會條例》第11(1)條，以便提高推薦委員會運作的透明度（這條文禁止向未獲授權人士發布及披露資料）。

2.6 關於事務委員會的報告中提及的其他有關推薦委員會委員及表決的事項，司法機構與委員會注意到該等事項主要屬於行政機關處理的政策範疇。

2.7 司法機構與推薦委員會所作檢討的結果如下。

Review of JORC's Operation

2.3 In 2002, the Judiciary, together with JORC, conducted a review of JORC's operation concerning the appointment of judges. The background to this review was as follows.

2.4 In June 2001, the Panel on Administration of Justice and Legal Services ("the AJLS Panel") of the Legislative Council commenced a review of the process of appointment of judges. In December 2001, the AJLS Panel published a Consultation Paper on the Process of Appointment of Judges to seek the views of the public, in particular the legal profession, on the issues identified. In September 2002, the AJLS Panel published its final Report on Process of Appointment of Judges which contained a number of recommendations.

2.5 The Judiciary, together with JORC, conducted a review of JORC's operation on a number of issues in the light of the AJLS Panel's final report. The scope of the review was as follows —

- (a) whether the Commission should publish an annual report similar to the annual reports published by the previous Judicial Service Commission ("JSC") prior to 1 July 1997;
- (b) whether open recruitment should be extended to judicial vacancies at the High Court level and above; and
- (c) whether section 11(1) of the JORC Ordinance should be reviewed with a view to enhancing the transparency of the operation of the JORC (this provision prohibits the publication and disclosure of information to unauthorized persons).

2.6 It was noted that other issues in the AJLS Panel's report concerning the membership and the voting of the Commission were considered to be essentially matters of policy for the Administration.

2.7 The outcome of the review by the Judiciary, together with JORC, is set out below.

第二章 CHAPTER 2

發表推薦委員會年報

2.8 以往的敍用委員會於1976至1982年期間每年均發表《主席報告》，概述該敍用委員會的組織及職能，以及在報告年度所作出或曾考慮的任命。1982年後便再沒有發表這些報告。

2.9 事務委員會建議推薦委員會發表類似敍用委員會的年報。

2.10 司法機構/推薦委員會經檢討後決定由2002年起，每年將會發表年報。

為高等法院及以上級別法院的司法職位空缺作公開招聘

2.11 一直以來，公開招聘的做法只限於區域法院及以下級別法院的司法職位空缺。

2.12 事務委員會建議把公開招聘的做法擴展至高等法院及以上級別法院的司法職位空缺。

2.13 把公開招聘的做法擴展至區域法院以上的級別法院存有利弊。司法機構 / 推薦委員會經參考其他普通法適用地區現行的做法，及考慮過香港的情況，得出以下結論——

(a) 公開招聘不適宜擴展至審理上訴的法庭的法官任命，即高等法院上訴法庭的職位；高等法院首席法官的任命；以及終審法院的常任及非常任法官的任命。這個結論主要基於以下的考慮因素——

(i) 由於這些任命涉及高層次的職位，因此接受任命者通常都必須具有司法經驗，包括短期的司法

Publication of Annual Report by JORC

2.8 It was noted that the previous JSC published a Chairman's annual report from 1976 to 1982, giving a general account of the composition and functions of the JSC, and the appointments considered during the period covered. This practice stopped after 1982.

2.9 The AJLS Panel recommended that JORC should publish an annual report similar to the annual reports published by the JSC.

2.10 The Judiciary/JORC review decided that an annual report should be published, starting from 2002.

Open Recruitment for Judicial Vacancies at High Court and Above

2.11 Open recruitment was hitherto limited to judicial vacancies at and below the District Court level.

2.12 The AJLS Panel recommended that open recruitment should be extended to judicial vacancies at the High Court level and above.

2.13 It was noted that there are pros and cons to the extension of open recruitment beyond the District Court. Having made reference to existing practices in other common law jurisdictions, and considered the circumstances in Hong Kong, the Judiciary/JORC review considered that —

(a) It would not be appropriate to extend open recruitment to appointments to the appellate courts, namely the Court of Appeal of the High Court, the appointment of the Chief Judge of the High Court and those of the Permanent Judges and Non-permanent Judges of the Court of Final Appeal. The major considerations were as follows —

(i) For appointments at such senior levels, the appointees should usually have previous judicial experience, including temporary judicial experience. In considering appointments to these positions, candidates would be identified from the pool of persons who (1) satisfied the

經驗。在甄選過程中，推薦委員會會從下列人士中作出挑選——

(1)符合法定資格要求者；及(2)在適當級別的法院曾具有司法經驗（包括短期司法經驗）者。至於終審法院的非常任法官，他們通常都是香港司法機構已退休的資深法官，或是屬於其他普通法司法管轄區聲名顯赫的法官（包括已退休的法官）。這些人選毋須經過公開招聘程序也可以物色得到。

(ii) 鑑於這些任命涉及高層次的職位，以及香港屬於一個規模較小的司法管轄區，上述(i)的安排在實行上會較公開招聘的做法有效得多。

(iii) 據了解，其他普通法司法管轄區（如英國、澳洲及紐西蘭等地）的審理上訴的法院都不採取公開招聘的方式任命法官。

(b) 高等法院原訟法庭的司法職位空缺則適宜作公開招聘。這個結論主要基於以下的考慮因素——

(i) 在聘用原訟法庭的法官時，人選可能從司法機構內部，或從司法機構以外的兩個法律界組別作出考慮。由於合資格的人選越來越多，而且為了提高招聘程序的透明度，把公開招聘方式擴展至這些空缺也可能是一個明智的做法。

(ii) 在一些其他普通法司法管轄區（如英國及紐西蘭），原訟法庭的司法職位空缺是用某種廣告形式公開招聘的。將這些職位以廣告

statutory requirements; and (2) have previous (including temporary) judicial experience at the appropriate levels of court. As far as Non-permanent Judges of the Court of Final Appeal are concerned, they are either retired senior judges of the Hong Kong Judiciary or eminent judges (including retired judges) from other common law jurisdictions. The candidates could be identified without going through the process of open recruitment.

(ii) For appointments at such senior levels and in a relatively small jurisdiction like Hong Kong, the arrangement at (i) above would work much better than open recruitment in practice.

(iii) It was understood that open recruitment is not adopted for the appellate courts in other common law jurisdictions such as the United Kingdom, Australia and New Zealand.

(b) Open recruitment should be extended to judicial vacancies at the Court of First Instance of the High Court. The major considerations were as follows —

(i) For appointments at the Court of First Instance level, both internal candidates of the Judiciary and external candidates from both branches of the legal profession might be considered. Given the growing size of the pool of eligible candidates and for the purpose of greater transparency in the recruitment process, it might be advisable to extend the open recruitment process to such vacancies.

(ii) In some other common law jurisdictions such as the United Kingdom and New Zealand, it was noted that judicial vacancies at the Court of First Instance level are put to some form of open advertisement. It was observed that putting those positions to open advertisement would enhance the transparency and the perception of transparency of such process.

形式公開招聘不單可以提高招聘程序的透明度，也可讓人覺得這個程序具有透明度。

覆檢《司法人員推薦委員會條例》第11(1)條

2.14 根據《司法人員推薦委員會條例》第11(1)條——

"委員會任何委員或其他人如未經行政長官許可，向任何未獲授權的人發布或披露他在根據本條例或與本條例有關的執行職責的過程中所知悉的任何文件、通訊或資料的內容或部分內容，或在其執行職責的過程以外發布或披露該等內容，即屬犯罪，一經定罪，可處罰款港幣2,000元及監禁1年。"

2.15 事務委員會建議司法機構覆檢《司法人員推薦委員會條例》第11(1)條，以提高推薦委員會運作的透明度。

2.16 司法機構/推薦委員會的檢討考慮了以下各點——

- (a) 第11(1)條禁止推薦委員會委員在未經行政長官許可下向任何未獲授權的人發布和披露資料；例如推薦委員會的文件及會議紀錄，以及其內容，均不得發布和披露。
- (b) 無論是第11(1)條，或是其他條文，都沒有載有阻止或限制推薦委員會委員以他們認為合適的方式作出持續諮詢的規定。在這情況下，委員可以收集資料，在他需要作出考慮司法任命（包括升遷）時，加以應用。收集有關工作表現的資料時，應以持平及客

Review of Section 11(1) of the JORC Ordinance

2.14 Section 11 (1) of the JORC Ordinance provides —

"Any member of the Commission or other person who, without the permission of the Chief Executive, publishes or discloses to any unauthorized person or otherwise than in the course of duty the contents or any part of the contents of any document, communication or information whatsoever which has come to his knowledge in the course of his duties under or in connexion with this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine of \$2,000 and to imprisonment for 1 year."

2.15 The AJLS Panel recommended that section 11(1) of the JORC Ordinance should be reviewed by the Judiciary with a view to enhancing the transparency of the operation of the Commission.

2.16 The Judiciary/JORC review considered that —

- (a) Section 11(1) prohibits the publication and disclosure of information by any JORC member to any unauthorized person without the permission of the Chief Executive. For example, JORC papers and minutes and the information therein could not be published or disclosed.
- (b) There is nothing in section 11(1) or otherwise to preclude or inhibit a JORC member from undertaking consultation on a continuous basis in such manner as the member thinks fit. In this way, the member could build up information which would enable him to deal with judicial appointments including promotions as they arise. For it to be as helpful as possible the information on performance would be gathered with particulars over a period of time in a fair and objective manner.

第二章 CHAPTER 2

觀的態度，及在一段相當的時間內觀察工作表現詳情，才可把所得資料發揮最大的效用。

- (c) 《司法人員推薦委員會條例》第11(1)條與《公務員敘用委員會條例》（第93章）第12(1)條的用詞相類似。由於有關任命及升遷的工作性質敏感，因此這兩條條文確認規管該等工作的資料的保密性的需要。

2.17 司法機構/推薦委員會檢討後認為毋須對《司法人員推薦委員會條例》第11(1)條的條文提出修訂。

- (c) Section 11(1) of the JORC Ordinance is in similar terms to section 12(1) of the Public Service Commission Ordinance (Cap. 93). These provisions recognize that there is a need for confidentiality, having regard to the nature of the work involved in appointments and promotions.

2.17 The Judiciary/JORC review concluded that there was no need to suggest any changes to section 11(1) of the JORC Ordinance.

終審法院首席法官

職務及責任

3.1 《香港終審法院條例》(第484章)第6條規定，終審法院首席法官是司法機構之首，負責司法機構的行政管理及執行其他合法地委予他的職能。根據《香港終審法院條例》的規定，終審法院首席法官須出任終審法院審判庭庭長。

憲法及法例規定

3.2 《基本法》第九十條及《香港終審法院條例》第6條規定，終審法院首席法官須由在外國無居留權的香港特區永久性居民中的中國公民擔任。

3.3 終審法院首席法官所需具備的法定專業資格，在《香港終審法院條例》第12(1)及(2)條中已經訂明（見附錄二）。

自1997年7月1日作出的任命

3.4 根據司法人員推薦委員會的建議，行政長官委任李國能先生為香港特別行政區第一任終審法院首席法官，任期由1997年7月1日起生效。

3.5 根據《基本法》及《香港終審法院條例》的規定，行政長官已就該項委任徵得立法會⁷同意，及已將該委任報中華人民共和國全國人民代表大會常務委員會備案。

Chief Justice

Duties and Responsibilities

3.1 The Hong Kong Court of Final Appeal Ordinance (Cap. 484) provides in section 6 that the Chief Justice shall be the head of the Judiciary and shall be charged with the administration of the Judiciary and such other functions as may be lawfully conferred on him. Under the Hong Kong Court of Final Appeal Ordinance, the Chief Justice shall be President of the Court.

Constitutional and Statutory Requirements

3.2 Article 90 of the Basic Law and section 6 of the Hong Kong Court of Final Appeal Ordinance stipulate that the Chief Justice of the Court of Final Appeal shall be a Chinese citizen who is a permanent resident of the HKSAR with no right of abode in any foreign country.

3.3 The statutory professional qualifications for the Chief Justice are stipulated in sections 12(1) and (2) of the Hong Kong Court of Final Appeal Ordinance (see Appendix 2).

Appointment Made Since 1 July 1997

3.4 On the recommendation of JORC, the Chief Executive appointed Mr Andrew LI Kwok-nang as the first Chief Justice of the Hong Kong Special Administrative Region. The appointment took effect from 1 July 1997.

3.5 In accordance with provisions of the Basic Law and the Hong Kong Court of Final Appeal Ordinance, the Chief Executive obtained the endorsement of the Legislative Council⁷ of the appointment and reported this appointment to the Standing Committee of the National People's Congress of the People's Republic of China for the record.

⁷ 《香港終審法院條例》第7A(2)條規定，就該條而言，“立法會”指立法會，但在臨時立法會存續期內則指臨時立法會。Section 7A(2) of the Hong Kong Court of Final Appeal Ordinance provides that for the purposes of that section, “Legislative Council” means the Legislative Council but during the existence of the Provisional Legislative Council means the Provisional Legislative Council.

終審法院

3.6 終審法院於1997年7月1日根據《基本法》第十九條成立。該條文規定，香港特區享有獨立的司法權，包括終審權。終審法院是香港級別最高的上訴法院，具有根據《香港終審法院條例》賦予它的司法管轄權。

3.7 根據《香港終審法院條例》規定，終審法院成員包括終審法院首席法官及三位常任法官。終審法院可根據需要邀請非常任香港法官及/或其他普通法適用地區的非常任法官參加終審法院的審判。

3.8 根據《香港終審法院條例》規定，上訴須由終審法院審判庭聆訊及裁決，而終審法院審判庭須由以下成員組成——

- (a) 終審法院首席法官，或如他由於某一因以致未能出庭聆訊上訴，則由一名指定的常任法官代替他參加審判；
- (b) 3名由首席法官委派的常任法官；及
- (c) 由首席法官挑選並由終審法院邀請的1名非常任香港法官或1名其他普通法適用地區法官。

常任法官

法例規定

3.9 常任法官所須具備的法定專業資格，在《香港終審法院條例》第12(1)及(2)條已經訂明（見附錄二）。

自1997年7月1日作出的任命

3.10 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為終審法院常任法官——

Court of Final Appeal

3.6 The Court of Final Appeal was established on 1 July 1997 pursuant to Article 19 of the Basic Law, which provides that the HKSAR shall be vested with independent judicial power, including that of final adjudication. It is the highest appellate court in Hong Kong and has jurisdiction in respect of matters conferred on it by the Hong Kong Court of Final Appeal Ordinance.

3.7 In accordance with the Hong Kong Court of Final Appeal Ordinance, the Court of Final Appeal consists of the Chief Justice and three Permanent Judges. The Court of Final Appeal may as required invite non-permanent Hong Kong Judges and/or non-permanent judges from other common law jurisdictions to sit on the Court.

3.8 Under the Hong Kong Court of Final Appeal Ordinance, an appeal shall be heard and determined by the Court of Final Appeal constituted as follows —

- (a) the Chief Justice or a permanent judge designated to sit in his place where the Chief Justice is not available for any cause to hear an appeal;
- (b) three permanent judges nominated by the Chief Justice; and
- (c) one non-permanent Hong Kong judge or one judge from another common law jurisdiction selected by the Chief Justice and invited by the Court.

Permanent Judges

Statutory Requirements

3.9 The statutory professional qualifications for the permanent judges are stipulated under sections 12(1) and (2) of the Hong Kong Court of Final Appeal Ordinance (see Appendix 2).

Appointments Made Since 1 July 1997

3.10 On the recommendation of JORC, the Chief Executive appointed the following persons as permanent judges of the Court of Final Appeal since 1 July 1997 —

第三章 CHAPTER 3

姓名
Name

烈顯倫法官
The Honourable Mr Justice Henry Denis
LITTON

沈澄法官
The Honourable Mr Justice Charles Arthur
CHING

包致金法官
The Honourable Mr Justice Syed Kemal
Shah BOKHARY

陳兆愷法官
The Honourable Mr Justice Patrick CHAN
Siu-oi

李義法官
The Honourable Mr Justice Roberto
Alexandre Vieira RIBEIRO

任命生效日期
Effective Date of Appointment

1997年7月1日
(烈顯倫法官已於2000年9月14日退休)
1 July 1997
(Mr Justice Litton retired on 14 September 2000)

1997年7月1日
(沈澄法官於2000年10月7日開始退休前休假，
於2000年11月30日逝世)
1 July 1997
(Mr Justice Ching commenced leave on retirement
on 7 October 2000 and passed away on 30
November 2000)

1997年7月1日
1 July 1997

2000年9月1日
1 September 2000

2000年9月1日
1 September 2000

3.11 根據《基本法》及《香港終審法院條例》的規定，行政長官已就該等委任徵得立法會同意，及已將該等委任報中華人民共和國全國人民代表大會常務委員會備案。

非常任法官

3.12 《香港終審法院條例》規定，設一“非常任香港法官名單”及一“其他普通法適用地區法官名單”，及限制擔任非常任法官職位的人士的總人數不得超逾30名。

3.11 In accordance with provisions of the Basic Law and the Hong Kong Court of Final Appeal Ordinance, the Chief Executive obtained the endorsement of the Legislative Council of these appointments and reported these appointments to the Standing Committee of the National People's Congress of the People's Republic of China for the record.

Non-permanent Judges

3.12 The Hong Kong Court of Final Appeal Ordinance provides for a list of non-permanent Hong Kong judges and a list of non-permanent judges from other common law jurisdictions, and sets a ceiling of 30 on the total number of persons holding offices as non-permanent judges.

第三章 CHAPTER 3

3.13 根據《香港終審法院條例》的規定，非常任法官的任期為3年，但行政長官可根據終審法院首席法官的建議，將非常任法官的任期延續一次或一次以上，每次續期為3年。

法例規定

3.14 非常任香港法官所須具備的法定專業資格，在《香港終審法院條例》第12(3)條已經訂明（見附錄二）。

3.15 來自其他普通法適用地區的非常任法官所需具備的法定專業資格，在《香港終審法院條例》第12(4)條已經訂明（見附錄二）。

自1997年7月1日作出的任命

3.16 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為終審法院非常任法官——

姓名
Name

(a) 非常任香港法官 Non-permanent Hong Kong Judges

羅弼時爵士
Sir Denys Tudor Emil ROBERTS

赫健士爵士
Sir Alan Armstrong HUGGINS

麥慕年先生
Mr Art Michael MCMULLIN

康士爵士
Sir Derek CONS

3.13 In accordance with the Hong Kong Court of Final Appeal 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.

Statutory Requirements

3.14 The statutory professional qualifications for non-permanent Hong Kong judges are stipulated under section 12(3) of the Hong Kong Court of Final Appeal Ordinance (see Appendix 2).

3.15 The statutory professional qualifications for non-permanent judges from other common law jurisdictions are stipulated in section 12(4) of the Hong Kong Court of Final Appeal Ordinance (see Appendix 2).

Appointments Made Since 1 July 1997

3.16 On the recommendation of JORC, the Chief Executive appointed the following persons as non-permanent judges of the Court of Final Appeal since 1 July 1997 —

首次任期⁸
First term of appointment⁸

1997年7月28日— 2000年7月27日*
28 July 1997—27 July 2000*

1997年7月28日— 2000年7月27日*
28 July 1997—27 July 2000*

1997年7月28日— 2000年7月27日*
28 July 1997—27 July 2000*

1997年7月28日— 2000年7月27日*
28 July 1997—27 July 2000*

⁸ 有*標記的非常任法官，行政長官已根據終審法院首席法官的建議把他們的任期續期3年。見第3.13段。
For those Non-permanent Judges with an asterisk, their terms of appointment have been extended by another 3-year period by the Chief Executive acting in accordance with the recommendation of the Chief Justice. See para. 3.13.

第三章 CHAPTER 3

<u>姓名</u> <u>Name</u>	<u>首次任期</u> ⁸ <u>First term of appointment</u> ⁸
邵祺先生 Mr William James SILKE	1997年7月28日—2000年7月27日* 28 July 1997—27 July 2000*
傅雅德先生 Mr Kutlu Tekin FUAD	1997年7月28日—2000年7月27日* 28 July 1997—27 July 2000*
郭樂富先生 Mr Philip Gerard CLOUGH	1997年7月28日—2000年7月27日* 28 July 1997—27 July 2000*
麥德高先生 Mr Neil MACDOUGALL	1997年7月28日—2000年7月27日* 28 July 1997—27 July 2000*
鮑偉華爵士 Sir Noel Plunkett POWER	1997年7月28日—2000年7月27日* 28 July 1997—27 July 2000*
黎守律先生 Mr Gerald Paul NAZARETH	1997年7月28日—2000年7月27日* 28 July 1997—27 July 2000*
馬天敏先生 Mr John Barry MORTIMER	1997年7月28日—2000年7月27日* 28 July 1997—27 July 2000*
烈顯倫先生 Mr Henry Denis LITTON	2000年9月14日—2003年9月13日 14 September 2000—13 September 2003
沈澄先生 Mr Charles Arthur CHING	2000年10月7日—2003年10月6日 ⁹ 7 October 2000—6 October 2003 ⁹
(b) <u>其他普通法適用地區法官</u> <u>Judges from Other Common Law Jurisdictions</u>	
梅師賢爵士 The Honourable Sir Anthony MASON	1997年7月28日—2000年7月27日* 28 July 1997 to 27 July 2000*
顧安國勳爵 The Right Honourable the Lord COOKE of Thorndon	1997年7月28日—2000年7月27日* 28 July 1997 to 27 July 2000*
沈穆善爵士 The Right Honourable Sir Edward SOMERS	1997年7月28日—2000年7月27日* ⁹ 28 July 1997 to 27 July 2000* ⁹
杜偉舜爵士 The Honourable Sir Daryl DAWSON	1997年9月1日—2000年8月31日* 1 September 1997—31 August 2000*

⁸ 有*標記的非常任法官，行政長官已根據終審法院首席法官的建議把他們的任期續期3年。見第3.13段。
For those Non-permanent Judges with an asterisk, their terms of appointment have been extended by another 3-year period by the Chief Executive acting in accordance with the recommendation of the Chief Justice. See para. 3.13.

⁹ 沈澄先生及沈穆善爵士分別在2000年11月30日及2002年6月3日逝世。
Mr Charles Arthur CHING and The Right Honourable Sir Edward SOMERS passed away on 30 November 2000 and 3 June 2002 respectively.

第三章 CHAPTER 3

姓名
Name

首次任期⁸
First term of appointment⁸

李啟新勳爵
The Right Honourable the Lord
NICHOLLS of Birkenhead

1998年1月12日— 2001年1月11日*
12 January 1998—11 January 2001*

賀輔明勳爵
The Right Honourable the Lord
HOFFMANN

1998年1月12日— 2001年1月11日*
12 January 1998—11 January 2001*

布仁立爵士
The Honourable Sir Gerard
BRENNAN

2000年7月28日— 2003年7月27日
28 July 2000—27 July 2003

艾俊彬爵士
The Right Honourable Sir Thomas
EICHELBAUM

2000年7月28日— 2003年7月27日
28 July 2000—27 July 2003

苗禮治勳爵
The Right Honourable the Lord
MILLETT

2000年7月28日— 2003年7月27日
28 July 2000—27 July 2003

3.17 根據《基本法》及《香港終審法院條例》的規定，行政長官已就該等委任徵得立法會同意，及已將該等委任報中華人民共和國全國人民代表大會常務委員會備案。

3.17 In accordance with provisions of the Basic Law and the Hong Kong Court of Final Appeal Ordinance, the Chief Executive obtained the endorsement of the Legislative Council of these appointments and reported these appointments to the Standing Committee of the National People's Congress of the People's Republic of China for the record.

終審法院司法常務官

Registrar, Court of Final Appeal

3.18 根據《香港終審法院條例》的規定，終審法院司法常務官負責管理終審法院登記處。

3.18 In accordance with the Hong Kong Court of Final Appeal Ordinance, the Registrar, Court of Final Appeal shall be in charge of the Registry of the Court of Final Appeal.

法例規定

Statutory Requirements

3.19 《香港終審法院條例》第42(2)條規定，終審法院司法常務官所須具備的資格與委任高等法院司法常務官所要求者相同（見附錄二）。

3.19 Under section 42(2) of the Hong Kong Court of Final Appeal Ordinance, the Registrar, Court of Final Appeal shall possess the same qualifications as are required for appointment as the Registrar of the High Court (see Appendix 2).

⁸ 有*標記的非常任法官，行政長官已根據終審法院首席法官的建議把他們的任期續期3年。見第3.13段。
For those Non-permanent Judges with an asterisk, their terms of appointment have been extended by another 3-year period by the Chief Executive acting in accordance with the recommendation of the Chief Justice. See para. 3.13.

第三章 CHAPTER 3

自1997年7月1日作出的任命

3.20 根據司法人員推薦委員會的建議，行政長官已委任鄔禮賢先生為終審法院司法常務官，任期由1997年7月1日起生效¹⁰。

Appointment Made Since 1 July 1997

3.20 On the recommendation of JORC, the Chief Executive appointed Mr Edward Timothy Starbuck WOOLLEY as Registrar, Court of Final Appeal with effect from 1 July 1997 ¹⁰.

¹⁰ 在終審法院司法常務官被調派履行其他司法職務期間，終審法院首席法官根據《香港終審法院條例》第 42(5) 條的規定，曾委派其他人員署理其職務。

During the periods when the Registrar, Court of Final Appeal was deployed to perform other judicial duties, the Chief Justice had appointed various persons to act in his place in accordance with section 42(5) of the Hong Kong Court of Final Appeal Ordinance.

高等法院

4.1 高等法院由上訴法庭和原訟法庭組成，其司法管轄權分別在《高等法院條例》（第4章）第13及12條訂明。

4.2 高等法院上訴法庭審理的案件，有不服原訟法庭或區域法院所作出的民事或刑事判決而提出的上訴，亦有不服土地審裁處的判決而提出的上訴。上訴法庭亦就各下級法院提交的法律問題作出裁決。

4.3 原訟法庭的民事及刑事管轄權均沒有限制。原訟法庭亦有上訴管轄權，審理不服裁判法院或若干審裁處的裁定而提出的上訴。

高等法院首席法官

職務及責任

4.4 高等法院首席法官是高等法院的領導，也是上訴法庭的庭長。高等法院首席法官負責高等法院的行政管理，向統領司法機構的終審法院首席法官負責，確保司法資源和法庭時間能夠有效地運用，並就高等法院的運作和發展方面的政策事宜，向終審法院首席法官提供意見。

憲法及法例規定

4.5 《基本法》第九十條規定，高等法院首席法官應由在外國無居留權的香港特區永久性居民中的中國公民擔任。

4.6 高等法院首席法官所需具備的法定專業資格，與高等法院法官的專業資格相同。有關規定已在《高等法院條例》第9條中訂明（見附錄二）。

High Court

4.1 The High Court comprises the Court of Appeal and the Court of First Instance. Their jurisdictions are prescribed in sections 13 and 12 of the High Court Ordinance (Cap. 4) respectively.

4.2 The Court of Appeal hears appeals in civil and criminal matters from the Court of First Instance and the District Court, as well as appeals from the Lands Tribunal. It also makes rulings on questions of law referred to it by lower courts.

4.3 The Court of First Instance has unlimited jurisdiction in both civil and criminal matters. It also operates as an appeal court for cases from Magistrates' Courts and a number of tribunals.

Chief Judge of the High Court

Duties and Responsibilities

4.4 The Chief Judge of the High Court is the Court Leader of the High Court and the President of the Court of Appeal. He is responsible for the administration of the High Court and is accountable to the Chief Justice who is the head of the Judiciary. He is responsible for ensuring the efficient utilization of judicial resources and court time, and for advising the Chief Justice on matters of policy concerning the operation and development of the High Court.

Constitutional and Statutory Requirements

4.5 Article 90 of the Basic Law provides that the Chief Judge of the High Court shall be a Chinese citizen who is a permanent resident of the HKSAR with no right of abode in any foreign country.

4.6 The statutory professional qualifications for the Chief Judge of the High Court are the same as those for a Judge of the High Court. These are stipulated in section 9 of the High Court Ordinance (see Appendix 2).

第四章 CHAPTER 4

自1997年7月1日作出的任命

4.7 根據司法人員推薦委員會的建議，行政長官已委任以下人士為高等法院首席法官——

姓名
Name

陳兆愷法官
The Honourable Mr Justice Patrick
CHAN Siu-oi

梁紹中法官
The Honourable Mr Justice Arthur
LEONG Shiu-chung

4.8 根據《基本法》的規定，行政長官已就該等委任徵得立法會同意，並已將該等委任報中華人民共和國全國人民代表大會常務委員會備案。

上訴法庭法官

職務及責任

4.9 上訴法庭法官負責聆訊向上訴法庭提出的刑事及民事上訴案件。如有需要，上訴法庭法官可在高等法院原訟法庭開庭並以原訟法庭法官身分進行聆訊。

法例規定

4.10 高等法院法官（包括上訴法庭法官）所需具備的法定專業資格，在《高等法院條例》第9條已經訂明（見附錄二）。

Appointments Made Since 1 July 1997

4.7 On the recommendation of JORC, the Chief Executive appointed the following persons as the Chief Judge of the High Court —

任命生效日期
Effective Date of Appointment

1997年7月1日
(陳兆愷法官於2000年9月1日獲委任為終審法院常任法官)
1 July 1997
(Mr Justice Chan was appointed Permanent Judge of the Court of Final Appeal on 1 September 2000)

2001年1月1日
1 January 2001

4.8 In accordance with provisions of the Basic Law, the Chief Executive obtained the endorsement of the Legislative Council of these appointments and reported these appointments to the Standing Committee of the National People's Congress of the People's Republic of China for the record.

Justices of Appeal

Duties and Responsibilities

4.9 The duty of a Justice of Appeal is to hear criminal and civil appeals in the Court of Appeal. As circumstances necessitate, he may also be asked to sit as an additional Judge of the Court of First Instance of the High Court.

Statutory Requirements

4.10 The statutory professional qualifications for a judge of the High Court (which includes a Justice of Appeal) are stipulated in section 9 of the High Court Ordinance (see Appendix 2).

第四章 CHAPTER 4

自1997年7月1日作出的任命

4.11 根據司法人員推薦委員會的建議，自1997年7月1日以來行政長官已委任下列人士為高等法院上訴法庭法官 ——

Appointments Made Since 1 July 1997

4.11 On the recommendation of the JORC, the Chief Executive appointed the following persons as Justices of Appeal of the High Court since 1 July 1997 —

姓名

Name

任命生效日期

Effective Date of Appointment

司徒冕法官

The Honourable Mr Justice Michael
STUART-MOORE

1997年12月1日

1 December 1997

羅傑志法官

The Honourable Mr Justice Anthony
Gordon ROGERS

1997年12月1日

1 December 1997

梁紹中法官

The Honourable Mr Justice Arthur
LEONG Shiu-chung

1997年12月1日

(梁紹中法官於2001年1月1日獲委任為高等法院首席法官)

1 December 1997

(Mr Justice Leong was appointed Chief Judge of the High Court on 1 January 2001)

祁彥輝法官

The Honourable Mr Justice Brian
Richard KEITH

1999年6月7日

(祁彥輝法官已於2001年9月30日離任)

7 June 1999

(Mr Justice Keith left the judicial service on 30 September 2001)

王見秋法官

The Honourable Mr Justice Michael
WONG Kin-chow

1999年6月7日

(王見秋法官已於2001年12月10日退休)

7 June 1999

(Mr Justice Wong retired on 10 December 2001)

胡國興法官

The Honourable Mr Justice WOO
Kwok-hing

2000年1月21日

21 January 2000

李義法官

The Honourable Mr Justice Roberto
Alexandre Vieira RIBEIRO

2000年1月27日

(李義法官於2000年9月1日獲委任為終審法院常任法官)

27 January 2000

(Mr Justice Ribeiro was appointed Permanent Judge of the Court of Final Appeal on 1 September 2000)

司徒敬法官

The Honourable Mr Justice Frank
STOCK

2000年10月3日

3 October 2000

第四章 CHAPTER 4

<u>姓名</u> <u>Name</u>	<u>任命生效日期</u> <u>Effective Date of Appointment</u>
郭美超法官 The Honourable Mrs Justice Doreen LE PICHON	2000年10月3日 3 October 2000
張澤祐法官 The Honourable Mr Justice Peter CHEUNG Chak-yau	2001年7月23日 23 July 2001
楊振權法官 The Honourable Mr Justice Wally YEUNG Chun-kuen	2002年5月6日 6 May 2002
袁家寧法官 The Honourable Madam Justice Maria Candace YUEN Ka-ning	2002年5月6日 6 May 2002
馬道立法官 The Honourable Mr Justice Geoffrey MA Tao-li	2002年11月15日 15 November 2002

原訟法庭法官

職務及責任

4.12 原訟法庭法官負責聆訊原訟法庭司法管轄權限內的刑事及民事案件，以及聆訊不服裁判法院及審裁處的裁定而提出的上訴。

法例規定

4.13 高等法院法官（包括原訟法庭法官）所需具備的法定專業資格，在《高等法院條例》第9條中已經訂明（見附錄二）。

自1997年7月1日作出的任命

4.14 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為原訟法庭法官 ——

Judges of the Court of First Instance

Duties and Responsibilities

4.12 A Judge of the Court of First Instance is responsible for the hearing of criminal and civil cases which are within the Court of First Instance's jurisdiction and for hearing appeals from Magistrates' Courts and Tribunals.

Statutory Requirements

4.13 The statutory professional qualifications for a judge of the High Court (which includes a judge of the Court of First Instance) are stipulated in section 9 of the High Court Ordinance (see Appendix 2).

Appointments Made Since 1 July 1997

4.14 On the recommendation of JORC, the Chief Executive appointed the following persons as Judges of the Court of First Instance since 1 July 1997 —

第四章 CHAPTER 4

<u>姓名</u> <u>Name</u>	<u>任命生效日期</u> <u>Effective Date of Appointment</u>
袁家寧女士 Ms Maria Candace YUEN Ka-ning	1997年12月1日 (袁家寧法官於2002年5月6日獲委任為上訴法庭法官) 1 December 1997 (Madam Justice Yuen was appointed Justice of Appeal on 6 May 2002)
貝珊法官 Her Honour Judge Clare-Marie BEESON	1997年12月1日 1 December 1997
阮雲道先生 Mr Peter NGUYEN Van Tu	1998年2月4日 4 February 1998
夏正民法官 His Honour Judge Michael John HARTMANN	1998年3月2日 2 March 1998
石輝先生 Mr Azizul Rahman SUFFIAD	1998年3月2日 2 March 1998
施鈞年資深大律師 Mr Arjan Heera SAKHRANI, SC	1998年4月15日 15 April 1998
翟克信法官 His Honour Judge Colin Graham JACKSON	1999年6月7日 7 June 1999
馬永新法官 His Honour Judge Gareth John LUGAR-MAWSON	1999年6月7日 7 June 1999
鍾安德法官 His Honour Judge Andrew CHUNG On-tak	1999年6月7日 7 June 1999
李義資深大律師 Mr Roberto Alexandre Vieira RIBEIRO, SC	1999年7月19日 (李義法官於2000年1月27日獲委任為上訴法庭法官，及於 2000年9月1日獲委任為終審法院常任法官) 19 July 1999 (Mr Justice Ribeiro was appointed Justice of Appeal on 27 January 2000 and Permanent Judge of the Court of Final Appeal on 1 September 2000)
朱芬齡女士 Ms Carlye CHU Fun-ling	2000年10月3日 3 October 2000

第四章 CHAPTER 4

姓名

Name

湯寶臣先生

Mr Louis TONG Po-sun

關淑馨女士

Miss Susan KWAN Shuk-hing

馬道立資深大律師

Mr Geoffrey MA Tao-li, SC

任命生效日期

Effective Date of Appointment

2000年10月3日

3 October 2000

2001年5月2日

2 May 2001

2001年12月3日

(馬道立法官於2002年11月15日獲委任為上訴法庭法官)

3 December 2001

(Mr Justice Ma was appointed Justice of Appeal on 15 November 2002)

原訟法庭法官的公開招聘

4.15 按照司法機構及司法人員推薦委員會對該推薦委員會的運作進行的檢討所得的結果（見本報告第二章），首次公開招聘原訟法庭法官已於2002年11月舉行。

Open Recruitment Exercise for Judges of the Court of First Instance

4.15 Pursuant to the outcome of the review of JORC's operation conducted by the Judiciary and JORC as set out in Chapter 2 of this Report, the first open recruitment exercise for judges of the Court of First Instance of the High Court was launched in November 2002.

高等法院特委法官

職務及責任

4.16 特委法官通常是從事私人執業的大律師，每年內有數星期在法院開庭聆訊。特委法官具有並可行使原訟法庭法官的所有司法管轄權、權力及特權，亦具有並須執行原訟法庭法官的所有職責。

Recorders of the High Court

Duties and Responsibilities

4.16 Recorders are practitioners in private practice who usually sit for a few weeks in a year. A Recorder has and may exercise all the jurisdiction, powers and privileges and perform all the duties of a judge of the Court of First Instance.

法例規定

4.17 特委法官所需具備的法定專業資格，與根據《高等法院條例》第9(1)或9(1A)條委任高等法院法官所要求者相同（見附錄二）。

Statutory Requirements

4.17 The statutory professional qualifications for appointment of Recorders are the same as for High Court Judges as stipulated under section 9(1) or 9(1A) of the High Court Ordinance (see Appendix 2).

第四章 CHAPTER 4

自1997年7月1日作出的任命

4.18 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為高等法院特委法官——

Appointments Made Since 1 July 1997

4.18 On the recommendation of JORC, the Chief Executive appointed the following persons as Recorders of the High Court since 1 July 1997 —

姓名 Name	首次任期 First Term of Appointment	第二次任期 Second Term of Appointment
李義資深大律師 Mr Roberto Alexandre Vieira RIBEIRO, SC	1997年12月1日—1999年7月18日 (李義先生於1999年7月19日獲委任為原訟法庭法官時即終止出任特委法官) 1 December 1997—18 July 1999 (Mr Ribeiro ceased to be a Recorder upon his appointment as Judge of the Court of First Instance on 19 July 1999)	—
羅正威資深大律師 Mr Robert George KOTEWALL, SC	1997年12月1日—2000年11月30日 1 December 1997—30 November 2000	—
郭慶偉資深大律師 Mr Kenneth KWOK Hing-wai, SC	1997年12月1日—2000年11月30日 1 December 1997—30 November 2000	2000年12月1日—2003年11月30日 1 December 2000—30 November 2003
梁冰濂資深大律師 Miss Jacqueline Pamela LEONG, SC	1997年12月1日—2000年11月30日 1 December 1997—30 November 2000	2000年12月1日—2003年11月30日 1 December 2000—30 November 2003
駱應淦資深大律師 Mr Lawrence LOK Ying-kam, SC	1997年12月1日—2000年11月30日 1 December 1997—30 November 2000	2000年12月1日—2003年11月30日 1 December 2000—30 November 2003
王正宇資深大律師 Mr WONG Ching-yue, SC	1997年12月1日—2000年11月30日 1 December 1997—30 November 2000	2000年12月1日—2003年11月30日 1 December 2000—30 November 2003
陳景生資深大律師 Mr Edward CHAN King-sang, SC	1998年9月25日—2001年9月24日 25 September 1998—24 September 2001	2001年9月25日—2004年9月24日 25 September 2001—24 September 2004

第四章 CHAPTER 4

姓名 Name	首次任期 First Term of Appointment	第二次任期 Second Term of Appointment
鄧國楨資深大律師, JP Mr Robert TANG Ching, SC, JP	1998年9月25日—2001年9月24日 25 September 1998—24 September 2001	2001年9月25日— 2004年9月24日 25 September 2001—24 September 2004
黃福鑫資深大律師, JP Mr Ronny WONG Fook- hum, SC, JP	1998年9月25日—2001年9月24日 25 September 1998—24 September 2001	2001年9月25日— 2004年9月24日 25 September 2001—24 September 2004
倫明高資深大律師 Mr Michael Victor LUNN, SC	2000年12月1日—2003年11月30日 1 December 2000—30 November 2003	—
李志喜資深大律師, JP Miss Gladys Veronica LI Chi-hei, SC, JP	2000年12月1日—2003年11月30日 1 December 2000—30 November 2003	—
馬道立資深大律師 Mr Geoffrey MA Tao-li, SC	2000年12月1日—2001年12月2日 (馬道立先生於2001年12月3日獲委 任為原訟法庭法官時即終止出任特 委法官) 1 December 2000—2 December 2001 (Mr Ma ceased to be a Recorder upon his appointment as Judge of the Court of First Instance on 3 December 2001)	—
廖長城資深大律師, JP Mr Andrew LIAO Cheung-sing, SC, JP	2000年12月1日—2002年6月23日 1 December 2000—23 June 2002	—

高等法院聆案官

職務及責任

4.19 高等法院司法常務官、高級副司法常務官和副司法常務官行使高等法院原訟法庭部份民事管轄權。他們執行的司法職務，包括在內庭聆訊非正審或簡易程序的申請，以及在法庭公開進行損害賠償評估及審理互爭權利的訴訟等。他們亦以訟費

Masters of the High Court

Duties and Responsibilities

4.19 The Registrar, Senior Deputy Registrars and Deputy Registrars exercise part of the civil jurisdiction of the Court of First Instance. They carry out judicial duties such as hearing interlocutory and summary applications in chambers and conducting assessment of damages and interpleader trials in court. They also exercise the jurisdiction of a Taxing Master, Admiralty Registrar,

第四章 CHAPTER 4

評定聆案官、海事訴訟司法常務官、民事上訴案司法常務官和刑事上訴案司法常務官身份，分別行使有關的司法管轄權。此外，他們還承擔一些職務，包括受委任錄取證據、處理不服法律援助署署長拒絕給予法律援助而提出的上訴，或監督在香港送達域外司法文書的程序等。他們亦負責管理遺產承辦的事宜和陪審員名單。

4.20 除此之外，高等法院司法常務官還負責管理高等法院訴訟人儲存金、小額錢債審裁處訴訟人儲存金和勞資審裁處訴訟人儲存金，又以當然遺產管理官和精神病患者財產賬目聆案官的身份，管理遺產管理官賬目和精神病患者財產賬目。高等法院司法常務官亦負責備存大律師、律師和公證人的專業名冊。

專業資格

4.21 高等法院聆案官的委任資格為必須具有至少10年作為大律師或律師的專業經驗者。

自1997年7月1日作出的任命

4.22 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為高等法院司法常務官、高等法院高級副司法常務官及高等法院副司法常務官——

Registrar of Civil Appeals and Registrar of Criminal Appeals. Furthermore, they have duties including taking evidence on commission, determining appeals against the decisions of the Director of Legal Aid on applications for legal aid, and supervising the service of foreign process in Hong Kong. They are also responsible for probate administration and the jury list.

4.20 In addition, the Registrar, High Court administers the High Court Suitors' Funds, the Small Claims Tribunal Suitors' Funds, the Labour Tribunal Suitors' Funds as well as the Master-in-Lunacy Account and the Official Administrator's Account in his ex officio capacity as Official Administrator and Master-in-Lunacy. He also keeps the professional Rolls of Barristers, Solicitors and Notaries Public.

Professional Qualifications

4.21 Ten years' professional experience as a barrister or solicitor has been adopted as the minimum requirement for appointment as a Master of the High Court.

Appointments Made Since 1 July 1997

4.22 On the recommendation of JORC, the Chief Executive appointed the following persons as Registrar, High Court, Senior Deputy Registrar, High Court, and Deputy Registrar, High Court since 1 July 1997 —

第四章 CHAPTER 4

<u>姓名</u> <u>Name</u>	<u>任命生效日期</u> <u>Effective Date of Appointment</u>
(a) <u>高等法院司法常務官</u> <u>Registrar, High Court</u>	
朱芬齡女士 Ms Carlye CHU Fun-ling	1999年6月7日 (朱芬齡女士於2000年10月3日獲委任為原訟法庭法官) 7 June 1999 (Ms Chu was appointed Judge of the Court of First Instance on 3 October 2000)
陳爵法官 His Honour Judge Christopher CHAN Cheuk	2000年10月3日 3 October 2000
(b) <u>高等法院高級副司法常務官</u> ¹¹ <u>Senior Deputy Registrar, High Court</u> ¹¹	
朱芬齡法官 Her Honour Judge Carlye CHU Fun-ling	1997年12月1日 (朱芬齡女士於1999年6月7日獲委任為高等法院司法常務官，及於2000年10月3日獲委任為原訟法庭法官) 1 December 1997 (Ms Chu was appointed Registrar, High Court on 7 June 1999 and Judge of the Court of First Instance on 3 October 2000)
(c) <u>高等法院副司法常務官</u> ¹¹ <u>Deputy Registrar, High Court</u> ¹¹	
潘兆初先生 Mr POON Shiu-chor	1999年6月7日 7 June 1999
關淑馨女士 Miss Susan KWAN Shuk-hing	1999年10月4日 (關淑馨女士於2001年5月2日獲委任為原訟法庭法官) 4 October 1999 (Miss Kwan was appointed Judge of the Court of First Instance on 2 May 2001)
何志賢先生 Mr Andy HO Chi-yin	2000年1月21日 21 January 2000
關家靜法官 Her Honour Judge Betty KWAN Ka-ching	2000年11月13日 13 November 2000
龍劍雲先生 Mr LUNG Kim-wan	2000年11月13日 13 November 2000

¹¹ 於1999年3月設立高等法院副司法常務官一新職級。原來的高等法院副司法常務官改稱為高等法院高級副司法常務官。
In March 1999, a new rank of Deputy Registrar, High Court was created. The then Deputy Registrar, High Court was retitled Senior Deputy Registrar, High Court.

區域法院

5.1 區域法院根據《區域法院條例》（第336章）成立，司法管轄範圍有刑事和民事兩方面，民事方面包括婚姻訴訟管轄。此外，區域法院亦根據多項條例，對各審裁處和法定團體行使有限的上訴管轄權。家事法庭是區域法院內的一個專責法庭。

區域法院首席法官

職務及責任

5.2 區域法院首席法官是區域法院的領導。他除了要履行區域法院法官的職務外，還需要負責區域法院的行政管理，並向統領司法機構的終審法院首席法官負責。他亦負責確保司法資源和法庭時間能夠有效地運用，並負責就區域法院的運作和發展方面的政策事宜向終審法院首席法官提供意見。

法例規定

5.3 區域法院首席法官所需具備的法定專業資格，與根據《區域法院條例》第5條委任區域法院法官所要求者相同（見附錄二）。

自1997年7月1日作出的任命

5.4 根據司法人員推薦委員會的建議，行政長官已委任下列人士為區域法院首席法官——

District Court

5.1 The District Court is established under the District Court Ordinance (Cap. 336). It has both criminal and civil jurisdictions, including matrimonial jurisdiction. It also exercises limited appellate jurisdiction from tribunals and statutory bodies conferred on it by various ordinances. The Family Court is a specialized court within the District Court.

Chief District Judge

Duties and Responsibilities

5.2 The Chief District Judge is the Court Leader of the District Court. Apart from performing the duties of a District Judge, the Chief District Judge is responsible for the administration of the District Court and is accountable to the Chief Justice who is the head of the Judiciary. He is responsible for ensuring the efficient utilization of judicial resources and court time, and for advising the Chief Justice on matters of policy concerning the operation and development of the District Court.

Statutory Requirements

5.3 The statutory professional qualifications for the Chief District Judge are the same as those for a District Judge which are stipulated in section 5 of the District Court Ordinance (see Appendix 2).

Appointments Made Since 1 July 1997

5.4 On the recommendation of JORC, the Chief Executive appointed the following persons as Chief District Judge —

第五章 CHAPTER 5

姓名

Name

韓敬善法官

His Honour Judge Richard Neville HAWKES

任命生效日期

Effective Date of Appointment

1999年3月19日

(韓敬善法官於2001年7月1日退休，於2001年8月6日逝世)

19 March 1999

(Judge Hawkes retired on 1 July 2001 and passed away on 6 August 2001)

馮驊法官

His Honour Judge Barnabas FUNG Wah

2001年5月16日

16 May 2001

區域法院法官

職務及責任

5.5 區域法院的民事及刑事管轄權都是有限的。區域法院法官負責聆訊區域法院的案件，作出判決。刑事管轄權方面，區域法院法官最高可判處的監禁刑期為7年。自2000年9月1日起，區域法院一般民事訴訟的申索限額已增至港幣60萬元，並擬進一步增至港幣100萬元。

法例規定

5.6 區域法院法官所須具備的法定專業資格，在《區域法院條例》第5條已經訂明（見附錄二）。

自1997年7月1日作出的任命

5.7 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為區域法院法官——

姓名

Name

杜淮峰先生

Mr Anthony TO Kwai-fung

張慧玲女士

Mrs Judianna Wai-ling BARNES

任命生效日期

Effective Date of Appointment

1997年12月1日

1 December 1997

1997年12月1日

1 December 1997

District Judges

Duties and Responsibilities

5.5 The responsibilities of a District Judge are to adjudicate upon cases heard in the District Court which has a limited criminal and civil jurisdiction. As far as criminal jurisdiction is concerned, the maximum sentence that can be imposed by a District Judge is seven years' imprisonment. Since 1 September 2000, the general civil jurisdiction of the District Court has been raised to \$600,000. A further increase to \$1 million is being proposed.

Statutory Requirements

5.6 The statutory professional qualifications for appointment as a District Judge are stipulated in section 5 of the District Court Ordinance (see Appendix 2).

Appointments Made Since 1 July 1997

5.7 On the recommendation of JORC, the Chief Executive appointed the following persons as District Judges since 1 July 1997 —

第五章 CHAPTER 5

<u>姓名</u> <u>Name</u>	<u>任命生效日期</u> <u>Effective Date of Appointment</u>
周兆熊先生 Mr Stephen CHOW Siu-hung	1997年12月1日 1 December 1997
郭靄誠先生 Mr Ian Erland CARLSON	1997年12月1日 1 December 1997
賴磐德先生 Mr Peter John LINE	1997年12月1日 1 December 1997
杜麗冰女士 Ms Esther TOH Lye-ping	1997年12月1日 1 December 1997
馮驊先生 Mr Barnabas FUNG Wah	1998年9月7日 (馮驊法官於2001年5月16日獲委任為區域法院首席法官) 7 September 1998 (Judge Fung was appointed Chief District Judge on 16 May 2001)
容耀榮先生 Mr YUNG Yiu-wing	1998年9月7日 7 September 1998
韋毅志先生 Mr Alan Raymond WRIGHT	1998年9月7日 7 September 1998
丁雅賢先生 Mr Richard Gregory DAY	1998年9月7日 7 September 1998
潘敏琦女士 Miss Maggie POON Man-kay	1998年9月7日 7 September 1998
陳爵先生 Mr Christopher CHAN Cheuk	1998年11月2日 (陳爵法官於2000年10月3日獲委任為高等法院司法常務官) 2 November 1998 (Judge Chan was appointed Registrar, High Court on 3 October 2000)
源麗華女士 Ms Mary YUEN Lai-wah	2000年1月21日 21 January 2000
辛達誠先生 Mr John Lonsdale SAUNDERS	2000年1月21日 21 January 2000
彭偉昌先生 Mr Derek PANG Wai-cheong	2000年2月21日 21 February 2000
簡士勳先生 Mr Stephen John GEISER	2001年1月22日 22 January 2001
陸啟康先生 Mr David LOK	2001年1月22日 22 January 2001

第五章 CHAPTER 5

姓名

Name

林文瀚先生

Mr Johnson LAM Man-hon

張舉能先生

Mr Andrew CHEUNG Kui-nung

任命生效日期

Effective Date of Appointment

2001年4月17日

17 April 2001

2001年6月18日

18 June 2001

區域法院聆案官

職務及責任

5.8 區域法院司法常務官及區域法院副司法常務官兩個新職級於2000年6月設立，使區域法院建立了聆案官制度。區域法院司法常務官具有，並行使區域法院法官於內庭聆訊非正審申請和處理所有事務的同等權力及司法管轄權。此外，他亦負責處理準司法職務及行政事宜，包括管理區域法院訴訟人儲存金。

委任資格要求

5.9 委任區域法院司法常務官及區域法院副司法常務官所需具備的資格並沒有法例訂明。前者的職位通常由主任裁判官出任，而後者則由裁判官在相互調派的安排下出任。

自1997年7月1日作出的任命

5.10 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為區域法院司法常務官 ——

姓名

Name

歐陽桂如女士

Ms Queeny AU YEUNG Kwai-yue

Masters of the District Court

Duties and Responsibilities

5.8 In June 2000, two new ranks of Registrar, District Court and Deputy Registrar, District Court were created to set up a Master system in the District Court. The Registrar, District Court has the same power to hear and determine all interlocutory applications, transact all businesses and exercise all the authority and jurisdiction that may be transacted and exercised by a District Judge in chambers. In addition, he undertakes quasi-judicial and administrative duties which include administering the District Court Suitors' Funds.

Appointment Requirements

5.9 There are no statutory requirements on the qualifications for appointment as Registrar, District Court and Deputy Registrar, District Court. The former was normally filled by a Principal Magistrate and the latter by Magistrates under the cross-posting arrangement.

Appointment Made Since 1 July 1997

5.10 On the recommendation of JORC, the Chief Executive appointed the following person as Registrar, District Court since 1 July 1997 —

任命生效日期

Effective Date of Appointment

2001年1月22日

22 January 2001

土地審裁處

5.11 土地審裁處由庭長、土地審裁處法官及審裁成員組成。

5.12 根據《土地審裁處條例》(第17章)的規定，庭長須由高等法院法官中其中一位法官出任，並須由行政長官委任。各區域法院法官及區域法院暫委法官，均藉其所任的司法職位可出任土地審裁處法官。

土地審裁處審裁成員

職務及責任

5.13 土地審裁處審裁成員負責聆訊及裁決土地審裁處司法管轄範圍內的事宜，但法律觀點的爭辯則除外。法律觀點的爭辯通常由土地審裁處法官作出裁決。

專業資格要求

5.14 根據《土地審裁處條例》第4條的規定，土地審裁處審裁成員可由律師或專業估值師出任（見附錄二）。

5.15 由於法律觀點的爭辯通常是由土地審裁處法官處理的，所以估值師成員通常是香港測量師學會會員，或持有同等專業資格，並具有最少5年從事土地估價經驗的人士。

Lands Tribunal

5.11 The Lands Tribunal consists of the President, Presiding Officers and Members.

5.12 In accordance with the Lands Tribunal Ordinance (Cap. 17), the President shall be one of the Judges of the High Court appointed by the Chief Executive, and every District Judge and deputy District Judge shall by virtue of his office be a Presiding Officer.

Members, Lands Tribunal

Duties and Responsibilities

5.13 A member, Lands Tribunal hears and determines matters within the jurisdiction of the Lands Tribunal other than points of law, which are usually determined by the Presiding Officer.

Professional Requirements

5.14 In accordance with section 4 of the Lands Tribunal Ordinance, a member of the Lands Tribunal may be a lawyer or a professional valuer (see Appendix 2).

5.15 As points of law are usually dealt with by Presiding Officers, a valuer member is usually a Member of the Hong Kong Institute of Surveyors or holds an equivalent professional qualification, with at least five years' experience in the practice of land valuation.

第五章 CHAPTER 5

自1997年7月1日作出的任命

5.16 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為土地審裁處審裁成員 ——

姓名
Name

盧偉光先生
Mr LO Wai-kwong

林潮義先生
Mr LAM Chiu-yee

Appointments Made Since 1 July 1997

5.16 On the recommendation of JORC, the Chief Executive appointed the following persons as Members, Lands Tribunal since 1 July 1997 —

任命生效日期
Effective Date of Appointment

1997年8月19日
19 August 1997

2002年8月12日
12 August 2002

6.1 本章涵蓋裁判法院的司法任命。

6.2 自1988年後，審裁處即勞資審裁處、小額錢債審裁處、淫褻物品審裁處及死因裁判法庭的司法職位任命已經停止。有關的司法空缺改由裁判官在相互調派的安排下出任。

裁判法院

6.3 裁判法院的刑事司法管轄範圍廣泛，有權審理多類可公訴罪行和簡易程序罪行。雖然就可公訴罪行，裁判官一般只能判2年監禁，罰款則以港幣10萬元為限，但是愈來愈多條例賦予裁判官更大的權力，最高可判監禁3年，罰款亦可高達港幣500萬元。

審裁處及死因裁判法庭

6.4 勞資審裁處提供省時、簡便、廉宜的途徑，解決僱主和僱員之間的勞資糾紛。勞資審裁處申索額沒有上限，但必須在港幣8,000元以上。雙方當事人均不得由律師代表。

6.5 小額錢債審裁處採用簡單、廉宜、不拘形式的程序審理港幣5萬元或以下的申索。雙方當事人均不得由律師代表。

6.6 淫褻物品審裁處有權裁定有關物品是否屬於淫褻或不雅，或某些公開展示的物品是否屬於不雅。該審裁處亦有權將有關物品分為第一類（既非淫褻、亦非不雅）、第二類（不雅）或第三類（淫褻）。

6.1 This chapter covers judicial appointments to the Magistrates' Courts.

6.2 Appointments to judicial offices in Tribunals, namely the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal, and the Coroner's Court have ceased since 1988. Judicial vacancies thereof have been filled by the cross-posting of Magistrates instead.

The Magistrates' Courts

6.3 The Magistrates' Courts exercise criminal jurisdiction over a wide range of indictable and summary offences. Although there is a general restriction of two years' imprisonment, and a fine of \$100,000 for indictable offence, a growing number of ordinances empower Magistrates to impose sentences up to three years' imprisonment and fines up to \$5,000,000.

Tribunals and Coroner's Court

6.4 The Labour Tribunal provides a quick, informal and inexpensive means to resolve disputes between employers and employees. There is no upper limit on the amount that may be claimed but the claim has to be over \$8,000. Legal representation is not allowed.

6.5 The Small Claims Tribunal provides a simple, inexpensive and informal procedure to deal with monetary claims not exceeding \$50,000. Legal representation is not permitted.

6.6 The Obscene Articles Tribunal has jurisdiction to determine whether an article is obscene or indecent, or whether a matter publicly displayed is indecent. It also has the power to classify an article as Class I (neither obscene or indecent), Class II (an indecent article) or Class III (an obscene article).

第六章 CHAPTER 6

6.7 死因裁判法官調查在本港發生須予報告的死亡個案。若有人在官方羈押期間死亡，或原訟法庭發出死因研訊指示，又或律政司司長要求進行死因研訊，死因裁判法庭必須對有關個案進行死因研訊。

總裁判官

職務及責任

6.8 總裁判官是各裁判法院、死因裁判法庭、勞資審裁處、小額錢債審裁處及淫褻物品審裁處的領導，負責這些法院和審裁處的行政管理，並向統領司法機構的終審法院首席法官負責。總裁判官亦負責確保司法資源和法庭時間能夠有效地運用，並負責就其管轄下的法院和審裁處在運作和發展方面的政策事宜，向終審法院首席法官提供意見。

自1997年7月1日作出的任命

6.9 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為總裁判官 ——

姓名
Name

湯寶臣先生
Mr Louis TONG Po-sun

李瀚良先生
Mr Patrick LI Hon-leung

6.7 Coroners are empowered to investigate reportable deaths in Hong Kong. An inquest must be held in respect of deaths in official custody, as directed by the Court of First Instance or requested by the Secretary for Justice.

The Chief Magistrate

Duties and Responsibilities

6.8 The Chief Magistrate is the Court Leader of the Magistrates' Courts, the Coroner's Court, the Labour Tribunal, the Small Claims Tribunal and the Obscene Articles Tribunal. He is responsible for the administration of such Courts and Tribunals and is accountable to the Chief Justice who is the head of the Judiciary. He is responsible for ensuring the efficient utilization of judicial resources and court time, and advising the Chief Justice on matters of policy concerning the operation and development of the courts and tribunals under his purview.

Appointments Made Since 1 July 1997

6.9 On the recommendation of JORC, the Chief Executive appointed the following persons as Chief Magistrate since 1 July 1997 —

任命生效日期
Effective Date of Appointment

1998年3月2日
(湯寶臣先生於2000年10月3日獲委任為原訟法庭法官)
2 March 1998
(Mr Tong was appointed Judge of the Court of First Instance on 3 October 2000)

2000年10月3日
3 October 2000

主任裁判官

職務及責任

6.10 主任裁判官除了要履行裁判官的司法職務外，還須負責其主管的裁判法院的行政工作。主任裁判官亦須就各裁判法院的行政事宜向總裁判官提供意見。

自1997年7月1日作出的任命

6.11 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為主任裁判官——

姓名
Name

辛達誠先生
Mr John Lonsdale SAUNDERS

李瀚良先生
Mr Patrick LI Hon-leung

郭偉健先生
Mr KWOK Wai-kin

莊景傑先生
Mr Timothy Simon JENKINS

練錦鴻先生
Mr Ernest Michael LIN Kam-hung

唐文先生
Mr TONG Man

馬漢璋先生
Mr Andrew MA Hon-cheung

Principal Magistrates

Duties and Responsibilities

6.10 In addition to the judicial duties of a Magistrate, a Principal Magistrate has administrative responsibilities in the Magistrates' Court where he sits. Principal Magistrates are also called upon to assist the Chief Magistrate on matters relating to the administration of the Magistrates' Courts.

Appointments Made Since 1 July 1997

6.11 On the recommendation of JORC, the Chief Executive appointed the following persons as Principal Magistrates since 1 July 1997 —

任命生效日期
Effective Date of Appointment

1999年6月7日
(辛達誠先生於2000年1月21日獲委任為區域法院法官)
7 June 1999
(Mr Saunders was appointed District Judge on 21 January 2000)

1999年6月7日
(李瀚良先生於2000年10月3日獲委任為總裁判官)
7 June 1999
(Mr Li was appointed Chief Magistrate on 3 October 2000)

1999年6月7日
7 June 1999

2001年1月22日
22 January 2001

2001年1月22日
22 January 2001

2001年1月22日
22 January 2001

2001年1月22日
22 January 2001

裁判官

職務及責任

6.12 裁判官須審理各裁判法院的案件。他們亦可被派往死因裁判法庭、勞資審裁處、小額錢債審裁處及淫褻物品審裁處出任死因裁判官、勞資審裁處審裁官、小額錢債審裁處審裁官及主審裁判官，或被派往區域法院聆案官法庭出任區域法院副司法常務官。

專業資格

6.13 裁判官的委任資格為必須具有不少於5年作為大律師或律師的專業經驗的人士。

自1997年7月1日作出的任命

6.14 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為裁判官 ——

姓名

Name

周紹和先生
Mr Anthony CHOW Siu-wo

余敏奇先生
Mr Roy YU Mun-kee

施萬德先生
Mr Stephen SMOUT

林偉權先生
Mr Josiah LAM Wai-kuen

黃一鳴先生
Mr Michael WONG Yat-ming

葛倩兒女士
Ms Angela KOT Sin-yee

Magistrates

Duties and Responsibilities

6.12 Magistrates are required to try cases in the Magistrates' Courts. They may also be posted to the Coroner's Court, Labour Tribunal, Small Claims Tribunal and Obscene Articles Tribunal where they will sit as Coroners, Presiding Officers, Adjudicators and Presiding Magistrates respectively, or to the Masters' Office in the District Court where they will sit as Deputy Registrar, District Court.

Professional Qualifications

6.13 Not less than five years' professional experience as a barrister or solicitor has been adopted as the minimum requirement for appointment as a Magistrate.

Appointments Made Since 1 July 1997

6.14 On the recommendation of JORC, the Chief Executive appointed the following persons as Magistrates since 1 July 1997 —

任命生效日期

Effective Date of Appointment

1997年12月1日
1 December 1997

1997年12月1日
1 December 1997

1997年12月1日
1 December 1997

1997年12月1日
1 December 1997

1997年12月1日
1 December 1997

1997年12月1日
1 December 1997

第六章 CHAPTER 6

<u>姓名</u> <u>Name</u>	<u>任命生效日期</u> <u>Effective Date of Appointment</u>
彭中屏先生 Mr PANG Chung-ping	1997年12月1日 1 December 1997
沈小民先生 Mr SHAM Siu-man	1997年12月1日 1 December 1997
郭啟安先生 Mr Anthony KWOK Kai-on	1997年12月1日 1 December 1997
葉佐文先生 Mr Eddie YIP Chor-man	1997年12月1日 1 December 1997
胡雅文女士 Ms Amanda Jane WOODCOCK	1998年1月6日 6 January 1998
譚雅倩女士 Miss Alison Mary THOMPSON	1998年2月16日 (譚雅倩女士於1999年12月20日離職) 16 February 1998 (Miss Thompson left the judicial service on 20 December 1999)
胡周婉文女士 Mrs Mary WU CHAU Yuen-man	1998年9月7日 7 September 1998
歐士顯先生 Mr Selwyn Hason AU See-hin	1998年9月7日 7 September 1998
邱智立先生 Mr Joseph YAU Chi-lap	1998年9月7日 7 September 1998
許肇強先生 Mr Peter HUI Shiu-keung	1998年9月7日 7 September 1998
周燕珠女士 Ms Merinda CHOW Yin-chu	1998年9月7日 7 September 1998
羅雪梅女士 Mrs Katina LEVY LAW Suet-mui	1998年9月7日 7 September 1998
陳振國先生 Mr CHAN Chan-kok	1998年9月7日 7 September 1998
陳慶偉先生 Mr Andrew CHAN Hing-wai	1998年9月7日 7 September 1998
嘉理仕先生 Mr John Trevor GLASS	1998年10月7日 7 October 1998

第六章 CHAPTER 6

<u>姓名</u> <u>Name</u>	<u>任命生效日期</u> <u>Effective Date of Appointment</u>
麥健濤先生 Mr Colin Richard MACKINTOSH	1998年11月3日 3 November 1998
林鉅溥先生 Mr William LAM Kui-po	2000年1月21日 21 January 2000
李家齊先生 Mr Lambert LEE Ka-chai	2000年1月21日 21 January 2000
許家灝先生 Mr HUI Ka-ho	2000年1月21日 21 January 2000
黃健棠先生 Mr Jack WONG Kin-tong	2000年1月21日 21 January 2000
吳蕙芳女士 Ms Bernadette WOO Huey-fang	2000年3月1日 1 March 2000
鄺卓宏先生 Mr Simon KWANG Cheok-weung	2000年4月17日 17 April 2000
黃崇厚先生 Mr Albert WONG Sung-hau	2000年9月7日 7 September 2000
勞潔儀女士 Ms Katherine LO Kit-yee	2000年9月25日 25 September 2000
黃汝榮先生 Mr Symon WONG Yu-wing	2001年2月26日 26 February 2001
陳玲玲女士 Ms Tracy CHAN Ling-ling	2001年2月26日 26 February 2001
陳錦昌先生 Mr Rickie CHAN Kam-cheong	2001年2月26日 26 February 2001
譚利祥先生 Mr TAM Lee-cheung	2001年2月26日 26 February 2001
姚勳智先生 Mr Frankie YIU Fun-che	2001年2月26日 26 February 2001
吳承威先生 Mr William NG Sing-wai	2001年3月20日 20 March 2001
黃敬華先生 Mr WONG King-wah	2001年6月1日 1 June 2001

第六章 CHAPTER 6

<u>姓名</u> <u>Name</u>	<u>任命生效日期</u> <u>Effective Date of Appointment</u>
譚國華先生 Mr TAM Kwok-wah	2002 年7月2日 2 July 2002
陳仲衡先生 Mr Johnny CHAN Jong-herng	2002年7月2日 2 July 2002
沈智慧女士 Miss Adriana Noelle CHING	2002年7月2日 2 July 2002
嚴舜儀女士 Miss Ada YIM Shun-yee	2002年7月2日 2 July 2002
潘兆童先生 Mr POON Siu-tung	2002年7月2日 2 July 2002
高勁修先生 Mr Justin KO King-sau	2002年7月2日 2 July 2002
游德康先生 Mr Douglas YAU Tak-hong	2002年7月22日 22 July 2002

特委裁判官

職務及責任

6.15 特委裁判官審理各裁判法院的輕微罪行案件，例如非法擺賣和交通違例案件，並可判處一般不超過港幣10萬元的罰款。

專業資格

6.16 根據1998年的檢討，特委裁判官的委任資格自1999年起為須具有大律師或律師的專業法律資格，及具有5年與法律或司法工作有關的經驗。

Special Magistrates

Duties and Responsibilities

6.15 Special Magistrates are required to try relatively minor offences, such as illegal hawking and traffic offences, in the Magistrates' Courts. Their jurisdiction is generally limited to a maximum fine of \$100,000.

Professional Qualifications

6.16 Following a review in 1998, the possession of professional legal qualifications as a barrister or solicitor and five years' experience in a field relevant to legal or judicial work have been adopted as the minimum requirements for appointment as a Special Magistrate since 1999.

第六章 CHAPTER 6

自1997年7月1日作出的任命

6.17 根據司法人員推薦委員會的建議，行政長官自1997年7月1日以來已委任下列人士為特委裁判官 ——

姓名

Name

陳志儉先生

Mr CHAN Chi-kim

黃偉權先生

Mr WONG Wai-kuen

黃國輝先生

Mr Raymond WONG Kwok-fai

Appointments Made Since 1 July 1997

6.17 On the recommendation of JORC, the Chief Executive appointed the following persons as Special Magistrates since 1 July 1997 —

任命生效日期

Effective Date of Appointment

1998年2月9日

9 February 1998

2001年3月26日

26 March 2001

2001年5月2日

2 May 2001

2001年7月1日至2003年6月30日任期內司法人員推薦委員會主席及委員的簡歷
Bio-data of the Chairman and Members of the Judicial Officers Recommendation Commission for the term 1 July 2001 to 30 June 2003

主席

終審法院首席法官李國能

李國能法官持有劍橋大學文學碩士及法學碩士學位。他在1970年獲得英國大律師執業資格，在1973年獲得香港大律師執業資格，並在1988年獲委任為御用大律師。李國能法官在1997年7月1日獲委任為首任終審法院首席法官，在此之前他一直從事私人執業。他在1997年獲選為中殿律師學院名譽委員，並於1999年獲劍橋大學菲茨威廉學院頒授名譽院士名銜。他現任聖保羅男女中學校董會副主席、清華大學法律系之友慈善信托基金受托人和清華大學客座教授。

當然委員

律政司司長梁愛詩女士, GBM, JP

梁愛詩女士在1968年取得律師資格後開始私人執業。她在1988年取得香港大學法學碩士學位，並在1997年7月成為首任香港特別行政區律政司司長，掌管律政司的人員，當中包括290名律師。她現任法律改革委員會、雙語法律制度委員會和執業律師聯絡委員會的主席。

委員

終審法院常任法官陳兆愷

陳兆愷法官在1974年畢業於香港大學，獲頒法學學士學位，並在1975年取得法學專業證書。他在1976年獲得香港大律師執業資格。陳兆愷法官在1987年11月獲委任為地方法院法官，在此之前他一直從事私人執業。陳兆愷法官於1991年1月獲委任為

Chairman

The Honourable Chief Justice Andrew LI Kwok-nang

Chief Justice Li holds the degrees of Master of Arts and Master of Laws from the Cambridge University. He was called to the English Bar in 1970 and the Hong Kong Bar in 1973. In 1988, he was appointed Queen's Counsel. Chief Justice Li was in private practice before he was appointed as the first Chief Justice of the Court of Final Appeal on 1 July 1997. He was made an Honorary Bencher of the Middle Temple in 1997 and an Honorary Fellow of Fitzwilliam College Cambridge in 1999. He is the Vice Chairman of the Council of St. Paul's Co-Education College. He is a trustee of the Friends of Tsinghua University Law School Charitable Trust and a Guest Professor of the Tsinghua University.

Ex officio member

The Honourable Elsie LEUNG Oi-sie, GBM, JP

Ms Leung was qualified as a solicitor and started her practice in 1968. She obtained her LLM degree from the University of Hong Kong in 1988. She became the first Secretary for Justice of the Hong Kong Special Administrative Region in July 1997. She heads the Department of Justice which has, among other staff, 290 lawyers. She is currently the Chairman of the Law Reform Commission, the Committee on Bilingual Legal System, and the Legal Practitioners' Liaison Committee.

Members

The Honourable Mr Justice Patrick CHAN Siu-oi

Mr Justice Chan graduated from the University of Hong Kong with a Bachelor of Law degree in 1974 and a Postgraduate Certificate in Law in 1975. He was called to the Hong Kong Bar in 1976 and was in private practice until his appointment as a District Judge in November 1987. He was appointed Deputy Registrar, Supreme Court in January 1991 and a Judge of the High Court in May 1992. In July 1997, he was appointed Chief Judge of the High Court. In September 2000, he was

最高法院副經歷司，1992年5月獲委任為高等法院法官，1997年7月獲委任為高等法院首席法官，並在2000年9月獲委任為終審法院常任法官。陳兆愷法官是內殿律師學院名譽委員。他現任由終審法院首席法官設立的民事司法制度改革工作小組主席和終審法院規則委員會成員。他亦是香港大學和香港城市大學的法律專業證書改革學術委員會的成員。

高等法院法官彭鍵基

彭鍵基法官獲加拿大皇后大學頒授文學學士學位。他在1978年在英國和威爾斯獲得大律師執業資格，在1979年獲得香港大律師執業資格，並在1983年在澳洲維多利亞省取得大律師執業資格。彭鍵基法官在1985年5月加入司法機構出任裁判司，在此之前他一直從事私人執業。他於1987年8月獲委任為地方法院法官，並在1997年1月獲委任為高等法院法官。彭鍵基法官現任司法機構的香港司法人員培訓委員會、刑事法庭使用者委員會及資訊科技工作委員會委員。他亦是退休公務員就業申請諮詢委員會主席。彭法官是香港大學和香港城市大學的法學專業證書課程的總校外考試委員、香港大學專業法律教育系名譽講師、及由香港律師會主辦的海外律師資格考試的總考試委員。

李志喜資深大律師, JP

李志喜女士為執業資深大律師，持有劍橋大學文學學士學位（法學文學士榮譽學位考試）。她在1971年在英國和威爾斯取得大律師執業資格，1978年獲得香港大律師執業資格，及在1990年獲委任為御用大律師。她在1994年取得新加坡最高法院訴訟代理人 and 律師資格。李志喜女士在1994年

appointed a Permanent Judge of the Court of Final Appeal. Mr Justice Chan is an Honorary Bencher of the Inner Temple. He is the Chairman of the Chief Justice's Working Party on Civil Justice Reform and a member of the Court of Final Appeal Rules Committee. He also sits on the Academic Boards on PCLL Reform of the University of Hong Kong and the City University of Hong Kong.

The Honourable Mr Justice PANG Kin-kee

Mr Justice Pang was awarded a Bachelor of Arts degree from the Queen's University, Canada. He was called to the Bar of England and Wales in 1978, and was admitted to the Hong Kong Bar in 1979 and the Bar of the State of Victoria, Australia in 1983. Mr Justice Pang was in private practice before joining the Judiciary as Magistrate in May 1985. He was appointed District Judge in August 1987 and Judge of the High Court in January 1997. Mr Justice Pang is a member of the Judicial Studies Board, the Criminal Court Users' Committee and the Technology Working Group of the Judiciary. He is the Chairman of the Advisory Committee on Post-retirement Employment. Mr Justice Pang is the Chief External Examiner of the PCLL courses of the University of Hong Kong and the City University of Hong Kong, and is an Honorary Lecturer in the Department of Professional Legal Education of the University of Hong Kong. He is also the Chief Examiner of the Overseas Lawyers Qualification Examination conducted by the Law Society of Hong Kong.

Miss Gladys Veronica LI Chi-hei, SC, JP

Miss Li is a practising Senior Counsel. She holds the degree of Bachelor of Arts (Law Tripos) from the Cambridge University. She was called to the Bar of England and Wales in 1971 and the Hong Kong Bar in 1978. In 1990, she was appointed Queen's Counsel. She was admitted as an advocate and solicitor of the Supreme Court of Singapore in 1994. Miss Li was the Vice-Chairman and Chairman of the Hong Kong Bar Association from 1994 to 1995 and from 1995 to 1997 respectively. She is a Chairman of the Building Appeals

至1995年及1995年至1997年分別先後出任香港大律師公會副主席及主席。她現任建築物上訴審裁處主席、國際司法組織香港分會委員及主席、國際司法組織會員、香港城市大學法學學士課程副校外學術顧問、及法學學士和法學碩士考試‘香港人權’科校外考試委員。她獲委任為高等法院特委法官，由2000年12月起為期3年。

蔡克剛先生, JP

蔡克剛先生是執業律師，並為蔡克剛律師事務所合伙人。他於1976年在英國和威爾斯取得律師執業資格，並在2000年5月至2002年5月期間出任香港律師會會長。蔡克剛先生現任法律改革委員會代陷於昏迷人士作決定及預先指示小組委員會成員。他亦參予多項社會事務。

馮國經博士, GBS

馮國經博士為利豐行集團董事，持有美國麻省理工學院電機工程學學士及碩士學位，及哈佛大學商業經濟學博士學位。他現任香港機場管理局主席和香港大學校務委員會主席。他在1991年至2000年期間出任香港貿易發展局主席。馮國經博士於1995年在香港商業年獎選舉中獲頒該年的商家獎，並於1998年獲選為該年的香港傑出領袖。

陳永棋先生, GBS, JP

陳永棋先生是長江製衣廠有限公司董事總經理、長江貿易有限公司董事、香港織造有限公司董事、長江鋁業有限公司董事長及亞洲電視有限公司行政總裁。他現任香港中華廠商聯合會會長、香港工商專業聯

Tribunal. She serves as member of the Council and Chairman of 'JUSTICE', the Hong Kong Section of the International Commission of Jurists (the ICJ); Commission Member of the ICJ; Associate External Academic Advisor for Bachelor of Laws - City University of Hong Kong; and External Examiner in 'Human Rights in Hong Kong' for the LLB and LLM degree examinations. She has been appointed as High Court Recorder for 3 years from December 2000.

Mr Herbert TSOI Hak-kong, JP

Mr Tsoi is a practising solicitor and is a Partner of Tsoi Herbert & Partners. He was admitted as Solicitor in England and Wales and in Hong Kong in 1976. Mr Tsoi was the President of the Law Society of Hong Kong from May 2000 to May 2002. He is a member of the Law Reform Commission Sub-committee on Decision-making for Comatose Persons and Advance Directives. He also participates in a number of community activities.

Dr Victor FUNG Kwok-king, GBS

Dr Fung is the Group Chairman of the Li & Fung group of companies. He was awarded a Bachelor and a Master Degree in Electrical Engineering from the Massachusetts Institute of Technology, and was made a Doctorate in Business Economics from Harvard University. Dr Fung is Chairman of the Hong Kong Airport Authority and Chairman of the Hong Kong University Council. He was Chairman of the Hong Kong Trade Development Council from 1991 to 2000. Dr Fung was voted Businessman of the Year in the Hong Kong Business Awards in 1995 and was also chosen Hong Kong Leader of the Year in 1998.

Mr CHAN Wing-kee, GBS, JP

Mr Chan is the Managing Director of YangtzeKiang Garment Manufacturing Co Ltd, Director of YGM Trading Ltd, Director of Hong Kong Knitters Ltd, Chairman of YangtzeKiang Aluminium Corporation Ltd and Chief Executive Officer of Asia Television Ltd. Mr Chan is the President of Chinese Manufacturers' Association of Hong Kong, Vice-Chairman of Business

會副主席、香港貿易發展局理事及多個貿易團體的名譽主席/會長。

張信剛教授, GBS, JP

張信剛教授是香港城市大學校長及大學講座教授。他獲頒國立台灣大學土木工程理學學士學位、史丹福大學結構工程理學碩士學位和西北大學生物醫學工程哲學博士學位。他自1969年起大部份時間在美國、加拿大及法國多間大學任教。他現任香港文化委員會主席及創新科技顧問委員會成員。張信剛教授曾發表超過100篇科學論文，是2份專題研究的編者，並取得一項加拿大的專利註冊。著作有4本，亦有多篇以中文撰寫的文章。

and Professional Federation of Hong Kong, Council Member of Hong Kong Trade Development Council and honorary chairman/president of a number of trade associations.

Professor CHANG Hsin-kang, GBS, JP

Professor Chang is the President and University Professor of City University of Hong Kong. He was awarded the degrees of B.S. Civil Engineering from the National Taiwan University, M.S. Structural Engineering from Stanford University and PH. D. Biomedical Engineering from Northwestern University. Professor Chang has taught in universities since 1969, most of the years in USA, Canada and France. He is Chairman of Culture and Heritage Commission and Member of the Council of Advisors on Innovation and Technology. He has published over 100 scientific articles, is the editor of two research monographs, and holds one Canadian patent. He is also the author of 4 books and many articles in Chinese.

終審法院首席法官及常任法官

《香港終審法院條例》(第484章) 第12(1)及(2)條 ——

- “(1) 任何以下人士均有資格獲委任為首席法官或常任法官 ——
- (a) 高等法院首席法官、上訴法庭法官或原訟法庭法官；或
 - (b) 在香港以大律師或律師身分執業最少10年的大律師。
- (2) 即使第(1)款已有規定，任何以下人士亦有資格獲委任為首任首席法官或為常任法官，且將會在終審法院聆訊首宗上訴前獲得委任 ——
- (a) 已退休的高等法院首席法官；
 - (b) 已退休的上訴法庭法官；或
 - (c) 已退休的原訟法庭法官。”

終審法院非常任香港法官

《香港終審法院條例》(第484章) 第12(3)條 ——

- “(3) 任何以下人士均有資格獲委任為非常任香港法官，不論他是否通常居住於香港 ——
- (a) 已退休的高等法院首席法官；
 - (b) 已退休的終審法院首席法官；
 - (c) 已退休的終審法院常任法官；
 - (d) 現職或已退休的上訴法庭法官；或
 - (e) 在香港以大律師或律師身分執業最少10年的大律師。”

Chief Justice and Permanent Judges of the Court of Final Appeal

Section 12(1) and (2) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484 —

- “(1) A person shall be eligible to be appointed as the Chief Justice or as a permanent judge if he is —
- (a) the Chief Judge of the High Court, a Justice of Appeal or a judge of the Court of First Instance; or
 - (b) a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years.
- (2) Notwithstanding subsection (1) a person shall also be eligible to be appointed as the first Chief Justice to be appointed or as a permanent judge to be appointed prior to the hearing of the first appeal by the Court if he is —
- (a) a retired Chief Judge of the High Court;
 - (b) a retired Justice of Appeal; or
 - (c) a retired judge of the Court of First Instance.”

Non-permanent Hong Kong Judges of the Court of Final Appeal

Section 12(3) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484 —

- “(3) A person shall be eligible to be appointed as a non-permanent Hong Kong judge if he is —
- (a) a retired Chief Judge of the High Court;
 - (b) a retired Chief Justice of the Court;
 - (c) a retired permanent judge of the Court;
 - (d) a Justice or retired Justice of Appeal; or
 - (e) a barrister who has practised as a barrister or solicitor in Hong Kong for a period of at least 10 years,
- whether or not he is ordinarily resident in Hong Kong.”

其他普通法適用地區非常任法官

《香港終審法院條例》(第484章) 第12(4)條 ——

"(4) 任何符合以下條件的人士均有資格獲委任為其他普通法適用地區法官 ——

- (a) 屬其他普通法適用地區的民事或刑事司法管轄權不設限的法院的現職或已退休法官者；而
- (b) 他通常居住於香港以外地方；及
- (c) 他從未在香港擔任過高等法院法官、區域法院法官或常任裁判官。"

終審法院司法常務官

《香港終審法院條例》(第484章) 第42(2)條 ——

"(2) 司法常務官須由行政長官委任，而他所須具備的資格須與委任高等法院司法常務官所要求者相同。"

高等法院法官及高等法院特委法官

《高等法院條例》(第4章) 第6A(1)條 ——

"(1) 總督¹²可委任一名根據第9(1)或(1A)條有資格獲委任為高等法院法官的人為原訟法庭特委法官，任期按藉以作出該委任的文書所指明者而定。"

Non-permanent judges from Other Common Law Jurisdictions

Section 12(4) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484 —

"(4) A person shall be eligible to be appointed as a judge from another common law jurisdiction 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."

Registrar of the Court of Final Appeal

Section 42(2) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484 —

"(2) The Registrar shall be appointed by the Chief Executive and shall possess the same qualifications as are required for appointment as the Registrar of the High Court."

Judges of the High Court and Recorders of the High Court

Section 6A(1) of the High Court Ordinance, Cap. 4 —

"(1) The Governor¹² may appoint a person who is eligible to be appointed to be a judge of the High Court under section 9(1) or (1A), to be a recorder of the Court of First Instance for such period as may be specified in the instrument by which the appointment is made."

¹² 根據《香港回歸條例》(第2601章)的條文，對香港總督的提述，須解釋為對香港特別行政區行政長官的提述。
In accordance with provisions of the Hong Kong Reunification Ordinance, Cap. 2601, any reference to the Governor of Hong Kong shall be construed as a reference to the Chief Executive of the Hong Kong Special Administrative Region.

《高等法院條例》(第4章) 第9條 —

"(1) 任何人如符合以下條件，即有資格獲委任為高等法院法官 —

- (a) 該人在香港或任何其他普通法適用地區的任何法院有資格執業為出庭代訟人，而該法院是在民事或刑事事宜上具有無限司法管轄權的；或
- (b) 該人具有(a)段所述的資格，而在此之前則有資格在上述法院之一執業為律師，

而在上述任何一種情況中，該人在上述法院之一執業為出庭代訟人或律師最少已有10年。

(1A) 任何人如有資格執業為高等法院律師，並如此執業最少已有10年，亦有資格獲委任為高等法院法官。

(2) 任何人如符合以下條件，亦有資格獲委任為高等法院法官 —

- (a) 該人在香港或任何其他普通法適用地區的任何法院有資格執業為出庭代訟人，而該法院是在民事或刑事事宜上具有無限司法管轄權的；或
- (b) 該人具有(a)段所述的資格，而在此之前則有資格在上述法院之一執業為律師，

而在上述任何一種情況中，在符合第(3)款的規定下，該人最少曾有10年是 —

(i)-(iii) (由1997年第14號第2條廢除)

(iv) 按照《區域法院條例》(第336章) 第4或7條委任的區域法院法官；

Section 9 of the High Court Ordinance, Cap. 4 —

"(1) A person shall be eligible to be appointed to be a judge of the High Court if —

- (a) he is qualified to practise as an advocate in a court in Hong Kong or any other common law jurisdiction having unlimited jurisdiction either in civil or criminal matters; or
- (b) he is qualified as mentioned in paragraph (a) and prior thereto was qualified to practise as a solicitor in such a court,

and, in either case, he has for at least 10 years practised as an advocate or solicitor in such a court.

(1A) A person shall also be eligible to be appointed to be a judge of the High Court if he is qualified to practise as a solicitor of the High Court and has for at least 10 years practised as such.

(2) A person shall also be eligible to be appointed to be a judge of the High Court if —

- (a) he is qualified to practise as an advocate in a court in Hong Kong or any other common law jurisdiction having unlimited jurisdiction either in civil or criminal matters; or
- (b) he is qualified as mentioned in paragraph (a) and prior thereto was qualified to practise as a solicitor in such a court,

and, in either case, he has, subject to subsection (3), for at least 10 years —

(i)-(iii) (Repealed 14 of 1997 s. 2)

(iv) been a District Judge appointed in accordance with section 4 or 7 of the District Court Ordinance (Cap. 336);

- (v) 根據《裁判官條例》(第227章)第5條以令狀委任的常任裁判官；
- (vi) 《律政人員條例》(第87章)第2條所界定的律政人員；
- (vii) (由1993年第8號第6條廢除)
- (viii) 按照《法律援助條例》(第91章)第3條委任的法律援助署署長、副署長或助理署長或法律援助主任；
- (ix) 按照《破產條例》(第6章)第75條委任的破產管理署署長、助理破產管理署署長(法律)、助理首席律師、高級律師或律師；或
- (x) 按照《知識產權署署長(設立)條例》(第412章)第3條委任的知識產權署署長、副署長或助理署長或高級律師。

(2A) 任何人如符合以下條件，亦有資格獲委任為高等法院法官 ——

- (a) 該人是香港或任何其他普通法適用地區的任何法院的律師，而該法院是在民事或刑事事宜上具有無限司法管轄權的；
- (b) 該人最少在過去2年內及在現時(而總計最少有5年)受僱於香港官方¹³從事司法或法律工作；及

- (v) been a permanent magistrate appointed by warrant under section 5 of the Magistrates Ordinance (Cap. 227);
- (vi) been a legal officer as defined in section 2 of the Legal Officers Ordinance (Cap. 87);
- (vii) (Repealed 8 of 1993 s. 6)
- (viii) been a Director, Deputy Director, Assistant Director of Legal Aid or Legal Aid Officer appointed in accordance with section 3 of the Legal Aid Ordinance (Cap. 91);
- (ix) been an Official Receiver, Assistant Official Receiver (Legal), Assistant Principal Solicitor, Senior Solicitor or Solicitor, appointed in accordance with section 75 of the Bankruptcy Ordinance (Cap. 6); or
- (x) been a Director, Deputy Director or Assistant Director of Intellectual Property or a Senior Solicitor, appointed in accordance with section 3 of the Director of Intellectual Property (Establishment) Ordinance (Cap. 412).

(2A) A person shall also be eligible to be appointed to be a judge of the High Court if —

- (a) he is a solicitor of a court in Hong Kong or any other common law jurisdiction having unlimited jurisdiction either in civil or criminal matters;
- (b) he is and has been for the previous 2 years at least, and in aggregate for at least 5 years, employed in the service of the Crown¹³ in Hong Kong on judicial or legal work; and

¹³ 根據《香港回歸條例》(第2601章)的條文，對官方的提述，須解釋為對香港特別行政區政府的提述。
In accordance with provisions of the Hong Kong Reunification Ordinance, Cap. 2601, any reference to the Crown shall be construed as a reference to the Government of the Hong Kong Special Administrative Region.

- (c) 在符合第(4)款的規定下，該人最少曾有10年是——
 - (i) 在該等法院之一執業為出庭代訟人或律師；或
 - (ii) 受僱從事(b)段所描述的服務。
- (3) 為計算第(2)款所提述的10年期間，可將在該款第(iv)至(x)段其中任何一段範圍以內各段不足10年的期間合併計算，並可將在第(2)(a)款所提述的任何一所法院執業為出庭代訟人或律師的期間計算在內。
- (4) 為計算第(2A)(c)款所提述的10年期間，可將在第(2)款第(iv)至(x)段其中任何一段範圍以內各段不足10年的期間計算在內，並可將在第(2A)(c)款第(i)及(ii)節範圍以內的各段不足10年的期間合併計算。
- (5) 為計算第(2)款所指的10年期間，儘管《註冊總署署長（人事編制）條例》（第100章）已被廢除，擔任該已被廢除條例所指明的職位的期間仍可計算在內。"

區域法院法官

《區域法院條例》（第336章）第5條——

- "(1) 除下述的人外，任何人不得根據第4條獲委任為區域法院法官——
- (a) 該人在香港或任何其他普通法適用地區的任何法院有資格執業為出庭代訟人或律師，而該法院是在民事或刑事方面具有無限司法管轄權的；及

- (c) he has, subject to subsection (4), for at least 10 years either —
 - (i) practised as an advocate or solicitor in such a court; or
 - (ii) been employed in such service as is described in paragraph (b).

- (3) For the purposes of calculating the period of 10 years referred to in subsection (2), periods of less than 10 years falling within any of paragraphs (iv) to (x) of that subsection may be combined, and there may be included in such period, any period of practice as an advocate or solicitor in any of the courts referred to in subsection (2)(a).
- (4) For the purposes of calculating the period of 10 years referred to in subsection (2A)(c) there may be included any period of less than 10 years falling within any of paragraphs (iv) to (x) of subsection (2), and periods of less than 10 years falling within subparagraphs (i) and (ii) of subsection (2A)(c) may be combined.
- (5) For the purposes of calculating the period of 10 years under subsection (2), periods served in an office specified in the repealed Registrar General (Establishment) Ordinance (Cap. 100) may be taken into account notwithstanding the repeal of that Ordinance."

District Judges

Section 5 of the District Court Ordinance, Cap. 336—

- "(1) No person shall be appointed to be a District Judge under section 4 unless —
- (a) he is qualified to practise as an advocate or as a solicitor in a court in Hong Kong or any other common law jurisdiction having unlimited jurisdiction either in civil or criminal matters; and

- (b) 自具有如此的資格後，該人已在一段不少於 5 年的期間或在不同期間而合共不少於5年的期間是——
- (i) 在該等法院之一執業為出庭代訟人或律師；或
 - (ii)-(iv) (由1997年第14號第3條廢除)
 - (v) 根據《裁判官條例》(第227章) 第5條以令狀委任的常任裁判官；或
 - (vi) 《律政人員條例》(第87章) 第2條所界定的律政人員；或
 - (vii) (由1993年第8號第26條廢除)
 - (viii) 按照《法律援助條例》(第91章) 第3條委任的法律援助署署長、副署長、助理署長或法律援助主任；或
 - (ix) 按照《破產條例》(第6章) 第75條委任的破產管理署署長、助理破產管理署署長(法律)、助理首席律師、高級律師或律師；或
 - (x) 按照《知識產權署署長(設立)條例》(第412章) 第3條委任的知識產權署署長、副署長或助理署長或高級律師。
- (2) 為計算上述的5年期間，可將在第(1)款(b)段各節範圍以內各段不足5年的期間合併計算。
- (3) 為計算根據第(1)款的5年期間，儘管《註冊總署署長(人事編制)條例》
- (b) since becoming so qualified he has for a period of or periods totalling not less than 5 years —
- (i) practised as an advocate or solicitor in such a court; or
 - (ii)-(iv) (Repealed 14 of 1997 s. 3)
 - (v) been a permanent magistrate appointed by warrant under section 5 of the Magistrates Ordinance (Cap. 227); or
 - (vi) been a legal officer as defined in section 2 of the Legal Officers Ordinance (Cap. 87); or
 - (vii) (Repealed 8 of 1993 s. 26)
 - (viii) been a Director, Deputy Director, Assistant Director of Legal Aid or Legal Aid Officer appointed in accordance with section 3 of the Legal Aid Ordinance (Cap. 91); or
 - (ix) been an Official Receiver, Assistant Official Receiver (Legal), Assistant Principal Solicitor, Senior Solicitor or Solicitor, appointed in accordance with section 75 of the Bankruptcy Ordinance (Cap. 6); or
 - (x) been a Director, Deputy Director or Assistant Director of Intellectual Property or a Senior Solicitor, appointed in accordance with section 3 of the Director of Intellectual Property (Establishment) Ordinance (Cap. 412).
- (2) For the purpose of calculating such period of 5 years, periods of less than 5 years falling within any of the sub-paragraphs of paragraph (b) of subsection (1) may be combined.
- (3) For the purposes of calculating the period of 5 years under subsection (1), periods served in an office specified in the repealed Registrar General (Establishment) Ordinance (Cap. 100) appointment to which was restricted to legally qualified persons

(第100章)已予廢除，但曾擔任該已被廢除條例所指明而只限由具有法律專業資格的人擔任的職位的期間，亦可計算在內。”

土地審裁處審裁成員

《土地審裁處條例》(第17章)第4條 —

- “(4) 除第(2)及(3)款及第6A條另有規定外，審裁處的成員須為由行政長官所委任的符合以下說明的人士 —
- (a) 具有法律專業資格；或
 - (b) 行政長官認為是在從事土地估價方面或在關乎審裁處法律程序的某些其他範疇具備足夠經驗出任審裁處成員的。”

may be taken into account notwithstanding the repeal of that Ordinance."

Members, Lands Tribunal

Section 4 of the Lands Tribunal Ordinance, Cap. 17 —

- "(4) Subject to subsections (2) and (3) and section 6A, members of the Tribunal shall be such persons appointed by the Chief Executive who are —
- (a) qualified in law; or
 - (b) in the opinion of the Chief Executive, sufficiently experienced in the practice of land valuation or some other subject relevant to the proceedings of the Tribunal to sit as members of the Tribunal."