

The Student Union of The Chinese University of Hong Kong
The Judicial Appointment Commission Ordinance

(Drafted on 2nd March 2017)

(Amended on 11th September 2017)

This Ordinance aims to establish The Judicial Appointment Commission.

1. Short Title

This Ordinance may be cited as “The Judicial Appointment Commission Ordinance”.

2. The Judicial Appointment Commission

- (1) A Judicial Appointment Commission shall be established.
- (2) The Judicial Appointment Commission shall be composed of the following members:
 - (a) The Chief Justice of the Judicial Committee [Chairperson];
 - (b) In addition to the Chief Justice of the Judicial Committee, a certain number of Members of the Judicial Committee appointed by the Judicial Committee —
 - (i) If the number of serving Members of the Judicial Committee is less than 5, the designated number shall be the number of serving Judicial Committee members;
 - (ii) if the number of serving Members of the Judicial Committee is not less than 5 but less than 9, the designated number shall be 4;
 - (iii) if the number of serving Members of the Judicial Committee is not less than 9, the designated number shall be 8;
 - (c) A certain number of public officers elected among the persons specified in the Schedule, presided over by the Chairperson of the Judicial Appointment Commission.
 - (d) A certain number of Full Members appointed by the Council among the full members who applied to serve as a Commissioner; and
 - (e) If (5) applies, a number of Council Members.
- (3) "A certain number" under (2)(c) of this Section—
 - (a) Shall be up to 4, if the Judicial Committee appoints 4 or fewer Members of the Judicial Committee as members;
 - (b) Shall be up to 8, if the Judiciary Committee appoints 8 Members of the Judicial Committee as members.
- (4) "A certain number" under (2)(d) of this Section—
 - (a) Shall be up to 2, if the Judicial Committee appoints 4 or fewer Members of the Judicial Committee as members;
 - (b) Shall be up to 4, if the Judiciary Committee appoints 8 Members of the Judicial Committee as members.

- (5) (a) If the number of the Members of the Judiciary Committee in office is less than 4, the number of Council member selected by lot to become Judicial Appointment Commission members is calculated as follows —
Number of such Council members = 4 – current Members of the Judiciary Committee
- (b) The Council member stated in (5)(a) shall not include any person who is also a public official under (2)(c).
- (6) Members of the Judicial Committee, Council members, Executive Committee members, Student Press Publication Committee member and Campus Radio Editorial Board members shall not, apply to serve as a member in the Judicial Appointment Commission through the term of (2)(d).
- (7) In the event of vacancy in the post of the Chief Justice of the Judicial Committee, the Chairperson of The Council shall be the Acting Chairperson of the Judicial Appointment Commission.
- (8) A resolution shall be valid when passed through a Judicial Appointment Commission meeting or when circulated and approved by not less than two-thirds of the Judicial Appointment Commission members if without a meeting.

3. Function

The Judicial Appointment Commission shall nominate Appointees to The Council regarding the filling of vacancies of posts in the Judicial Committee.

4. Judicial Independence

When exercising its functions, the Judicial Appointment Commission must maintain political neutrality as well as obeying and upholding judicial independence.

5. Selection of Judicial Committee

- (1) Unless otherwise specified in this Section, the Judicial Appointment Commission must invite any Full Member who intends to serve as a Member of the Judicial Committee, to submit application in January, April, July, October, and put forward the deadline of accepting such application.
- (2) Within 7 days after the number of the Members of the Judicial Committee decreases to less than 7, the Judicial Appointment Commission must invite any Full Member who intends to serve as a Member of the Judicial Committee to submit application, and put forward the deadline of accepting such application.
- (3) After the deadline of such application, the Judicial Appointment Commission shall complete selection and voting on whether to nominate to appoint that Full Member as a Member of the Judicial Committee promptly.
- (4) The period from inviting Full Members to submit application until voting shall not exceed 2 months.

- (5) The Chairperson of the Judicial Appointment Commission must submit a List of Appointees to The Council, consisting the names of all Appointees who have been nominated to appoint to serve as Members of the Judicial Committee within 7 days after the voting.
- (6) Selection shall be based on capability.

6. Appointment of Members of the Judicial Committee

- (1) Upon reception of the List of Appointees from the Judicial Appointment Commission in accordance with 5(5) of this Ordinance, The Council shall consider it promptly; in any case, voting shall be carried out no later than 7 days after reception of recommendation list.
- (2) The Council may consider an amendment with the effect of removing any Appointee, and such amendments shall be approved by two-thirds of the Members of The Council preset. The Council shall not consider any amendment that has the effect of adding or replacing any Appointee.
- (3) In accordance to this section, the “first stage” refers to when the List of Appointees has been agreed by two-thirds or more of The Council members who are present at the meeting; the “second stage” refers to when the List has been vetoed or returned for reconsideration by the President of the Student Union, then approved again by two-thirds or more of The Council members who are present at the meeting.
- (4) In the first stage, the President of the Union must —
 - (a) Sign the List of Appointees and appoint all Appointees on the list as Members of the Judicial Committee.
 - (b) Veto the List; or
 - (c) Return the List to The Council for reconsideration.
- (5) Upon veto or return of the List of Appointees by the President of the Union, The Council shall reconsider the List promptly; In any case, voting shall be carried out no later than 7 days after veto or return of the List.
- (6) In the second stage, the President of the Union must sign the List of Appointees and appoint all Appointees on the List as Members of the Judicial Committee.
- (7) The President of the Union can only veto the List of Appointees on the basis of unsuitability of a listed Appointee to serve as committee member.
- (8) The President of the Union may only return the List of Appointees to The Council for reconsideration for the following reasons—
- (9) There is insufficient evidence that any Appointee is unsuitable to serve as a Member of the Judicial Committee; or
- (10) There is evidence that any Appointee is nominated as a Member of the Judicial Committee not on the basis of capability.
- (11) The President of the Union must state the reasons in writing when vetoing or returning the List of Appointees to The Council for reconsideration.

- (12) If any post of the Member of the Judicial Committee falls vacant due to unforeseeable circumstances, such that the number of Members of the Judicial Committee is reduced to less than 7, another Member of the Judicial Committee shall be appointed promptly to fill the vacancy within 1 month after the post fall vacant.
- (13) If any post of the Member of the Judicial Committee is about to fall vacant in foreseeable circumstances, such that the number of the Members of the Judicial Committee is reduced to less than 7, another Member of the Judicial Committee must be appointed to fill the forthcoming vacancy within 3 months before the vacancy occurs.

7. Amendments and passage

- (1) This Ordinance or any of its amendments is only valid upon the approval by The Council of the Student Union of the Chinese University of Hong Kong.
- (2) This Ordinance shall be effective immediately after the approval of The Council of the Student Union of the Chinese University of Hong Kong.
- (3) Upon consultation from the President of the Student Union of the respective Constituent College of the Chinese University of Hong Kong, the Chairperson of The Council may amend the Schedule through an announcement to accommodate the description of the Head of Justice of the Student Union of that Constituent college.

8. Interpretation

The Judiciary of the Student Union of The Chinese University of Hong Kong reserves the right of interpretation of the Ordinance.

9. Conflict

Should there be any conflict between this Ordinance and “The Constitution of The Student Union of The Chinese University of Hong Kong”, the latter shall prevail.

Note: The English Translation is for reference only.

The Judicial Appointment Commission Ordinance

Schedule: Chief of Justice of the Student Union of Constituent College of the Chinese University of Hong Kong

[Section 2]

The following persons (for the Student Union of each Constituent college of the Chinese University of Hong Kong) are hereby appointed, for the purposes of this Ordinance, as the Head of Justice of the Student Union of that Constituent college—

- (a) Chairperson of the Council of the Student Union of Chung Chi College of the Chinese University of Hong Kong;
- (b) Chairperson of the Council of the Student Union of New Asia College of the Chinese University of Hong Kong;
- (c) Chairperson of the Council of the Student Union of United College of the Chinese University of Hong Kong;
- (d) President of the Judicial Council of the Student Union of Shaw College of the Chinese University of Hong Kong;
- (e) Chairperson of the Council of the Student Union of Morningside College of the Chinese University of Hong Kong;
- (f) Chairperson of the Council of the Student Union of S. H. Ho College of the Chinese University of Hong Kong;
- (g) Chairperson of the Council of the Student Union of CW Chu College of the Chinese University of Hong Kong;
- (h) Chairperson of the Judiciary Committee of the Student Union of Wu Yee Sun College of the Chinese University of Hong Kong; and
- (i) Chairperson of the Directive Council of the Student Union of Lee Woo Sing College of the Chinese University of Hong Kong.

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