

# 1993 target for court ruled out

By SHIRLEY YAM

THE Government cannot set up a Court of Final Appeal in Hongkong by 1993, citing strong opposition among legislators and lawyers to the structure agreed by the British and Chinese governments.

The Secretary for Constitutional Affairs, Mr Michael Sze Cho-cheung, said the "political reality" was that the 1993 target was unlikely to be achievable.

He remained adamant

the agreement would be implemented.

The administration, however, is understood to be concerned about possible complications in negotiations with both China and the legal profession on outstanding issues on the judiciary following the political conflict.

Among the crucial items to be put to the Legislative Council in the bill on the Court of Final Appeal are its jurisdiction and the appointment of judges.

It would be difficult for councillors, who voted in support of greater flexibility for the court to appoint overseas judges, to revise their decision in a few months' time.

Mr Sze declined to give a

date on when the bill would be tabled to the legislature.

This is despite the fact that officials, including his predecessor Mr Michael Suen Ming-yeung, told legislators last October that it would be ready by April.

Government officials told legislators that they have given up a proposal to have two overseas and three local judges in the Court of Final Appeal in order to facilitate the early establishment of the court.

The Sino-British Joint Liaison Group (JLG) agreed that the court should comprise four local judges and one overseas judge and be established in the territory by 1997.

"I don't see much differ-

ence if we can establish it by 1994," said Mr Sze.

Admitting the Court of Final Appeal controversy was a "setback", Mr Sze was confident that the bill would be adopted when it came to the council.

"People voted down the proposal at a particular time, faced with a particular situation, with a particular motion," he said.

"They will be presented with something in a different way. I think they will look at it again.

"Our opinions do change, Hongkong does change, the world changes. Yesterday we said goodbye to the Soviet Union. I am hopeful that some changes may occur."

In response, Bar Associa-

tion chairman Mr Anthony Rogers questioned how the Government could go back to the JLG to discuss other outstanding issues for the judiciary without settling the controversy on composition.

"Timing is not the key of the issue. More important is the composition and the freedom of the court in getting overseas judges as needed," he said.

Mr Rogers said the profession was ready to give their opinion.

"We will respond to any question asked by the administration. But what is the point of consulting us, if the Government will not listen to our views and stick to what they have said as on the composition."