

SJ's address at Ceremony for the Admission of the New Senior Counsel (English only)

The following is the speech by the Secretary for Justice, Mr Wong Yan Lung, SC, at the Ceremony for the Admission of the New Senior Counsel today (May 19):

Chief Justice, my Lords, my Ladies and other members of the Judiciary,

On behalf of myself and my Department, I would like to congratulate Mr Li Chau-yuen, Mr Robert Pang, Mr Eugene Fung and Mr Charles Manzoni upon their appointment as Senior Counsel.

This is the 7th Formal Call of Senior Counsel I have attended, since I became Secretary for Justice in October 2005. Over the past seven years, including the four additions today, I have witnessed the appointment of 26 Senior Counsel. They include Mr Ramanathan, the current Chairman of the Bar; Miss Winnie Tam, the vice-chairman; Mr Coleman, the former Chairman; and several members of the Bar Council, and more importantly two judges, Mr Justice Bharwaney and Mr Justice Harris. Seen against the diversity of their expertise, their pursuits, and their career paths, this array of silks exemplifies the best qualities and tradition of the barrister's profession.

In my position as a government minister, and one having responsibility for the administration of justice, and as a major user of the barristers' services myself, I have to say there is more opportunity to look at the wider picture of public needs and interests, as opposed to individual cases. It provides me with additional perspectives regarding the importance of silks.

A judge in New South Wales said this when welcoming new silks last November:

"The appointment of Senior Counsel provides a public identification of barristers whose standing and achievements justify an expectation, on the part of persons needing the services of a barrister and on the part of the judiciary and public, that they will provide outstanding service as advocates and advisers, to the good of the administration of justice in this State."

All for the good of the administration of justice. Senior Counsel excel not only as outstanding barristers and examples to other advocates. They are the bulwark in upholding the rule of law in Hong Kong. We all know why we have chosen to retain the wig: it is not to show off any legal aristocracy, but to signify the continuation of the common law tradition, the adherence to the rule of law and proper administration of justice, despite rapid changes in the macro political and economic landscape, and rising above different political beliefs or personal ambitions. We trust our counsel for their ability to pierce through information, to apply their expertise in the law, and to effectively articulate their views and submissions. We also trust our counsel for their independence, integrity and honesty. What makes Hong Kong unique as a city in China and in the world, what enables Hong Kong not to be marginalised against the massive economic growth in the Mainland: it is the law and the uncompromising standards of the law. And Senior Counsel are among the key players and stakeholders.

Things are changing and changing fast in the provision of legal services in Hong Kong and worldwide. There are the mega trends which cannot be resisted. Mediation, for example, is changing the entire culture of dispute resolution, and also drying up some areas of litigation practice. Then there is international arbitration, epitomising the globalisation of legal services, where the local lawyers would be competing against their counterparts from all other jurisdictions. And also the Mainland dimensions, where increasingly the command of Putonghua is not just a bonus but a necessity.

We need the senior members of the Bar to look at the bigger agenda, to see beyond the immediate to the far end of the changing legal landscape, and to provide leadership and to consider professional development and preparation for the future. There is no room for complacency. One just needs to look around to see the experience of others in Europe.

Counsel is precious. The Old Testament Proverbs have this to say: "Counsel is mine, and sound wisdom: I am understanding; I have strength." Not only do the judges rely on counsel. As a client, and as an administrator of public justice, encountering challenging legal issues of highest importance and complexity, I crave good counsel from good counsel. Give me counsel. Give me Senior Counsel, who is not only excellent but also available, and whose fees are not so very high as to land me with the onus to apply for additional funding from the Legislative Council.

The need for Senior Counsel's quality service is not confined to the legal arena. The community of Hong Kong need the silks. Some Senior Counsel who provide valuable services to the legislature and different public bodies have become household names in Hong Kong. And one or two of them are more famous than others lately. And increasingly where the work in certain public bodies cannot be undertaken or sufficiently undertaken by judges or retired judges, the community look to the Senior Counsel for help, because your rank provides the assurance of ability and integrity.

Do not be tight-fisted with your time. Be ready to serve this community on a different plane. Choose areas where your expertise as Senior Counsel will make a difference. I am not talking about politics necessarily, but about serving the public in different ways by your legal expertise or other capabilities buttressed with your experience and stature in the legal profession. There is great satisfaction in giving your own labour for a good cause.

The New Silks

Before I turn to the new silks, I gather that the BBC is running a TV series called "the Silk", using the competition for silk by junior barristers as the main plot to reflect the fiercely competitive nature of the Bar. I understand one of the criticisms by the Daily Telegraph is that "the characters featured are a little more youthful than their real-life counterparts". So I wonder how the new silks fair on that score. But honestly one cannot really tell their age or how much hair they still have, when their heads and half of their faces are so tightly covered by the full-bottom wigs.

Mr Li Chau-yuen has an extensive civil practice with expertise in land, building landlord and tenant disputes and many other fields. His resilience and perseverance as an advocate are well-known, and I have had the privilege of having Mr Li as my tough and worthy opponent in many cases during my private practice days. I have to say leaving the court room sometimes was felt like leaving the boxing ring. I should mention that according to reliable sources, Mr Li is the latest alumnus of St. Joseph's College to take silk. This renowned school is apparently the nursing ground for legal eagles of Hong Kong. With the addition of Mr Li the school has produced at least seven Senior Counsel, according to the website of the college's Old Boys Association. The only disclosure I can make is that the Chairman of the Bar and Mr Justice Bharwaney are among the magnificent seven. And I will leave the audience to figure out who the others are. But rest assured that my Department does not keep any black list depicting the silks' background or their "black materials".

Mr Robert Pang has a mixed and versatile practice. Apart from his membership in various special committees of the Bar Association, Council of the Duty Lawyer Service, and more professional and service groups, his commitment to the legal profession and to the community is most prominently seen from

his exemplary track record for pro bono work through the Bar Free Legal Service. Mr Pang did two Court of Final Appeal cases on a pro bono basis, one involving the right to silence and the other on sentencing with respect to pre-arrest assistance to authorities. He appeared in both cases without a leader and won both.

Mr Eugene Fung is well-known for his high power practice in the areas of tax, trust and probate, insolvency and commercial law. He was junior counsel in a number of landmark revenue law cases, and had also written extensively over the years on important legal subjects in leading law journals both at home and overseas. His expertise in the law is so well recognised internationally that he had been instructed as an expert on Hong Kong Law two times in proceedings before the High Court of Singapore. Between 1998 and 2007, he served at the University of Hong Kong first as a guest lecturer and then as Honorary Associate Professor. I was given to understand that he was an extremely popular teacher particularly among the female students, and many hearts were understandably broken when he announced his marriage to another equally brilliant barrister in 2004. Despite his heavy professional commitment, Mr Fung also turns his expertise into valuable service for the community by serving, inter alia, as a member of the Financial Reporting Review Panel and as an Adjudicator of the Registration of Persons Tribunal since 2010.

Mr Charles Manzoni took a somewhat different career path. He started off as a mechanical and electrical engineer working in a multi-national blue chip industrial company, before he was qualified as a lawyer in the UK. With his dual professional background, he excelled in the specialist practice of professional negligence and insurance with a strong focus on technology and engineering industries. He was appointed Queen's Counsel in the UK in 2009. With a wide range of ADR qualifications, Mr Manzoni has been engaged in numerous international and domestic arbitrations in addition to acting as a mediator and conciliator in cross-border disputes.

Conclusion

Finally, Chief Justice, it is eminently suitable this is the formal call of Senior Counsel and not senior barristers. For a barrister is merely someone qualified to practise at the Bar, whereas "Counsel" refers to a barrister who is actually instructed on a particular case. So counsel is a barrister gainfully employed with briefs. And senior counsel are barristers very gainfully employed with very handsome briefs.

So congratulations again to all of you. On this joyous occasion, I must not finish without paying tribute to the families of the new silks. Without your support and sacrifice they would not have reached the apex of their career today. So the accolade is yours too.

Chief Justice, on behalf of myself and my Department, I wish the new silks every success in their practice at the inner Bar.

Ends/Saturday, May 19, 2012