

Speech by SJ at Formal Call of Senior Counsel (English only)

Following is the speech by the Secretary for Justice, Mr Wong Yan Lung, SC, at the Formal Call of Senior Counsel this morning (May 8):

Chief Justice, my Lords,

On behalf of myself and my Department, I congratulate Mr. Adrian Bell and Mr. Selwyn Yu upon their appointment as Senior Counsel. The annual appointment to the ranks of Senior Counsel of advocates of superior ability, standing and experience is a joyous occasion not just for the new Silks but also for their families, whose sacrifice and support should be publicly recognised.

Allow me, however, to proceed on a slightly more serious note today and to say something to echo what your Lordship said about expectations on the Silks. Before you frown, my Lords, do hear my mitigation.

Firstly, because there are only two new Silks this year, I have to look for other matters to say, apart from describing their practice and singing their praises.

Secondly, as this will be the last occasion for My Lord, the Chief Justice, to preside over the formal call of Senior Counsel, I believe Your Lordship may welcome some diversity in the speeches, knowing very well that the Chairman of the Bar, with his well-known wit and humour, as well as insider's information, will ensure there is no shortage of unverifiable gossips about the two new Silks followed by rapturous laughter.

Thirdly, and perhaps more importantly, since the formal call of senior counsel last year, landmarks have emerged in the landscape of the provision of legal services, which may bring about profound changes to the barrister's profession. It is perhaps not inappropriate to pause and think on what the leaders of the Bar can do.

Entry to the exclusive Inner Bar provides a goal for the junior barristers to strive to reach. It encourages counsel to aspire to a standard of excellence beyond their peers. And this pursuit of excellence both enhances the reputation of the Bar and enables it to better serve the courts and the public. It promotes

competition, increases choice and develops confidence in the legal system as a whole.

Juniors look to the Silks as demonstrators of the superior class of legal thinking and advocacy, and of the best ethical practice under the Bar's Code of Conduct. Clients and solicitors look to the Silks to provide the Rolls Royce service commensurate with the fees they pay.

In my capacity as the minister overseeing the provision of legal services, and as a client and user of the Bar's legal services, I am keenly aware of the ever increasing competitive environment facing the Bar, particularly at the more junior end. This also includes competition from outside Hong Kong, as well as the wider arena of international arbitrations. Competition leads inevitably to more commercialised attitude and mode of service.

Against such a backdrop, is quality work still being delivered? Are we providing good value for money? Are the integrity, dignity and honour of the profession being uncompromisingly upheld? Are we discharging the duty owed to the Court and the public as administrators of justice? The Silks must set the standards for the Junior Bar in these regards.

The Chairman and his Council have been doing a great job leading the Bar. However, we do look to the Silks as leaders to safeguard the core values of the Bar in a rapidly changing environment.

Earlier I mentioned the changing landscape of legal practice. For example, in January this year, the Legal Practitioners (Amendment) Bill 2009 was passed in LegCo, formally opening a new era of advocacy services in Hong Kong. Solicitor advocates are coming to the scene very soon. Their counterparts in the UK are permitted to wear wigs since 2008.

Also in January this year, Practice Direction 31 on Mediation came into effect. The Bar has been organising various courses for the members to get accredited as mediators. Greater use of mediation is but part of the Civil Justice Reform with the aim to enhance access to justice, by reducing litigation costs and speeding up dispute resolution. The court will be more proactive in considering the costs issues. Proportionality will be an important consideration.

Not every case warrants a Rolls Royce service, or an order of the court allowing recovery of costs on a Rolls Royce basis. Facilitating settlement may not necessarily be good for business for the barristers. Under the new environment, there will be little room for any abuse where the delivery of the brief determines the counsel's advice regarding settlement.

Amidst all these changes, Silks are expected to provide the Bar with the steer for the future.

There are still more areas where Silks are expected to lead by example. For instance, doing their fair share in providing pro bono services, which the Chief Justice recently reminded everyone of; offering services to public bodies, boards, tribunals, and committees, where the Silk status has long been recognised as the guarantee of competence, independence, integrity and fairness.

The readiness of the Silks to take part in public service may also pave the way of their elevation to the bench in due course. Long may that noble aspiration continue. We are truly fortunate in Hong Kong that in the past few years, we have so many top-notch Silks joining the bench, devoting their legal skills to strengthening the administration of justice in Hong Kong.

Now, back to the main business of the day. This year, we are again fortunate that the Inner Bar has acquired silks of distinction and calibre. The fact that only Mr. Bell and Mr. Yu came out successful to take silk this year means that they are the best and the most deserving among the many applicants who are already at the top of the junior Bar.

Each of them has much to contribute in his own area of expertise. It is also to their credit that each of them has also contributed to the law in areas outside their immediate areas of practice.

Mr. Adrian Bell is a long time practitioner at the Hong Kong Bar, having been admitted to it in 1981. He has a mixed criminal and civil law practice and in recent years has prosecuted regularly for my Department. He has acquired an expertise in securities work and in fact prosecuted, and prosecuted successfully, the first criminal market misconduct cases. Mr. Bell has served on the Bar Council on multiple terms and has taken part in many sub-committees' work.

Mr. Selwyn Yu was admitted to the Bar in 1990 and has practised extensively in the criminal law. He has appeared for both the prosecution and defence in a wide variety of cases and has distinguished himself by his professionalism and diligence. Like Mr. Bell, Mr. Yu has also served on the Bar Council for many years and has been a member of many sub-committees. I in fact had the privilege of serving with Mr. Yu on the Bar Council some years ago together and I had always been impressed by his dedication and insight over the Council's business.

My Lords, each of the new Silks brings to the Inner Bar a breadth of talent and a wealth of experience that will undoubtedly add distinction and honour to the rank of Senior Counsel. They will, I am sure, uphold the highest traditions of their profession. They are both counsel of integrity, learning and standing, of whom Hong Kong can be justly proud. It only remains for me to congratulate them again most warmly, and wish them every success in their practice at the Inner Bar.

Ends/Saturday, May 8, 2010