

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

The following is the address by the Secretary for Justice, Mr Rimsky Yuen, SC, at the Ceremony for the Admission of the New Senior Counsel today (June 10):

Chief Justice, members of the Judiciary, Chairman of the Bar, President of the Law Society, fellow members of the legal profession, distinguished guests, ladies and gentlemen,

On behalf of the Department of Justice, I would like to extend our warmest congratulations to Mr Abraham Chan on his well-deserved appointment as Senior Counsel.

As members of the legal profession know, it is the tradition on this occasion to give a brief account of the background and achievements of the newly appointed Senior Counsel. At the Formal Call of Senior Counsel of last year, I said that I were more than happy to perform such a task, because it is perhaps the only occasion "where one can, in open court, say whatever one wants to say about the new silks, good or bad, without running the risk of being sued for defamation".

Today, of course I remain happy to follow this tradition. However, this year is rather different. In the past, there were usually several newly appointed Senior Counsel. The time available to tell their anecdotal stories was therefore limited. This year, however, we only have one new silk. Accordingly, there is considerably more time to focus on our only new silk, including his little known stories (whether true or rumoured). So, Abraham, nothing personal, I am just following the tradition. Besides, you have a chance to reply, even though you may exercise your right to remain silent.

Let me start with Abraham's academic achievements. Abraham read law at University of London and obtained his Bachelor of Law. He then proceeded to further his study at Oxford University where he obtained his Bachelor of Civil Law and MPhil in Law. In those early days, Abraham had already developed a strong passion in public law. Called to the Bar in both Hong Kong and the UK in 2000, he was awarded various scholarships and prizes, including the Hong Kong Bar Scholarship and the Hong Kong Middle Temple Society Advocacy Scholarship.

Abraham has been a high flyer ever since he started practice, and has a remarkable civil practice covering a wide range of areas with emphasis on commercial disputes as well as public law litigation. As early as in 2010, Abraham's advocacy and performance as an amicus curiae before the Court of Final Appeal was highly complimented by Lord Millet [note]. In more recent times, Abraham has acted in many high profile cases, especially in the public law context. Key examples include, but are not limited to, constitutional challenge of the Comprehensive Social Security Assistance scheme, election and immigration matters, as well as representing the Government in the Inquiry concerning drinking water.

Notwithstanding his busy practice and his unfailing discharge of duties as a caring father of two kids, Abraham devotes considerable time to performing public duties. For instance, he is a member of the Bar Council and also served at the Bar Association's Special Committee on Constitutional Affairs and Human Rights.

As a barrister, Abraham is a superb advocate learned in the law. As a person, Abraham is a perfect gentleman. As a gentleman, of course proper attire is very crucial. For those who are into gentleman's suits (especially British style), the expression "Saville Row suit" would be no stranger. According to information obtained from the Internet, Saville

Row suits stand for "bespoke tailoring for men", and is "a byword for unequalled quality". Apparently, well-known figures such as Winston Churchill, Prince Charles and Jude Law are great fans of Saville Row suits. Why is it so special? Apparently, it requires at least 50 hours of hand labour into each set of two pieces suit. Are they expensive? You can obtain the answer from the Internet.

You may wonder why I change the topic from law and advocacy to gentleman's suit? I can assure you that I am not digressing from the relevant to the irrelevant. Abraham is a man of many different talents. Apart from his expertise in lawsuits, Abraham is also a practising expert in gentleman's suits. According to information obtained from his close friends, Abraham has at least (and I emphasize "at least") 50 sets of Saville Row suit. For those who are going to attend the reception at the Hong Kong Club shortly after this ceremony, perhaps you may like to pay a little attention to the suit that Abraham puts on. I beg it would be yet another Saville Row suit! And you may of course decide for yourself whether Abraham looks better in a Saville Row suit than Jude Law.

Yes, Saville Row suit is very British. But Abraham, like Hong Kong, is a classic example of East meets West. One of Abraham's favourite food is rice cooked in the Chinese style. And let me say this. Although Abraham has always been slim and elegant, please do not under-estimate the quantity of rice he can take. He once has a Chinese nickname which can be literally translated as "Chan Nine Bowls", meaning that this Mr Chan can take as many as nine regular bowls of rice at one single meal. No wonder his caring wife always has to ensure that there is sufficient reserve of rice at home.

My Lords and My Ladies, the institution of silk is a long standing tradition in the common law legal system. Not only does it have a history of more than four centuries, it is part of the important institution of independent Bar. The notion

of an independent judiciary is well recognized as extremely important in maintaining the rule of law. The notion of an independent Bar is, if I may suggest, no less important. The key reasons, among others, are as follows.

First, the rule of law cannot be maintained unless there is effective access to justice. Article 35 of the Basic Law provides the guarantee that Hong Kong residents shall have the right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies. The existence of an independent Bar is pivotal in ensuring effective access to justice.

Second, an independent Bar is in a good position to speak out and defend the rule of law whenever circumstances require it to do so. In a common law jurisdiction like Hong Kong and at times when things may become highly politically charged, the tradition of the Bar to speak out to defend the rule of law is extremely important.

To avoid the risk of being drawn into political or social controversies, judges generally (and understandably) refrain from defending themselves publicly even when their judgments generate public debates or controversies in the community. The voice of an independent Bar, who has no interest to serve but to defend the rule of law from a legal and apolitical angle, is of particular value in such circumstances. Members of the public may or may not agree to the views of the Bar. But that is not the point. The importance is that the Bar should come out to provide objective observations so as to facilitate informed and balanced discussions in the community.

Senior Counsel, as leaders of the Bar, have every duty to ensure that the fine tradition and the unique strength of an independent Bar are maintained. Given Mr Abraham Chan's expertise, integrity and reputation, I have no doubt

that he will, together with other members of the Bar and the Department of Justice, does his part in maintaining the rule of law, which is the most fundamental spirit of our legal system.

On this note, it remains for me to once again convey my wholehearted congratulations to Mr Abraham Chan on his appointment as Senior Counsel, and wish him every success in his new chapter of life.

Thank You.

Note: See *Lau Shuk Ching Peggy v Ma Hing Lam (aka Wingo Ma) & Ors.* [2010] 3 HKLRD 247, at para. 22.

Ends/Saturday, June 10, 2017