

SJ's address at Senior Counsel Admission Ceremony (English only)

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The following is the address by the Secretary for Justice, Ms Teresa Cheng, SC, at the Senior Counsel Admission Ceremony today (June 11):

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,

This Admission Ceremony signifies the public recognition by the Judiciary and the legal profession of the expertise and excellence of each of you, the five new silks who are called to the inner bar today. It also reminds you of the added responsibilities and duties the judiciary, the legal profession and the general public expect of you as a Senior Counsel. In this era where much misguided information or statements are made both locally and internationally about our legal and judicial systems, we count on you, amongst others, to boldly refute such false allegations and explain clearly and rationally to the world the actual practice of the rule of law in Hong Kong.

The rule of law in Hong Kong will be strengthened with you, together with the rest of the legal profession, playing a crucial role in its promotion and development. The recognition of your achievements in today's ceremony will also inspire others to strive for excellence and aspire to follow in your footsteps, thereby nurturing and developing a strong professional and independent legal profession.

We have just heard the Registrar of the High Court read out the Instrument of Appointment, which references the eligibility requirements of taking silk as set out in section 31A of the Legal Practitioners Ordinance. These requirements include, in particular, having "sufficient ability and standing", and "sufficient knowledge of the law". Indeed, the qualities befitting and expected of a Senior Counsel includes being an expert in their particular field of law, being recognised as such by peers and the legal community, and also being a skilled advocate, demonstrating excellence in oral advocacy.

The amendments made to section 31A last year permit legal officers, be they solicitors or barristers, who have satisfied the eligibility requirements, to be considered for appointment as Senior Counsel as a recognition of their competence. This amendment illustrates the fairness, inclusiveness and merits-based approach of this appointment system, a phenomenon that Hong Kong is proud of.

This year we have the highest number of silks being appointed since 2015, and the silks being admitted this year pushes the number of members at the inner bar into three digits for the first time. However, there is still much to be desired in the number of women taking silk. I recall I was the fifth female silk and, with Mairéad and Sara, there are now 12 female silks out of 104 silks on the bar list, representing around 11.5 per cent of the entire inner bar. This can be compared with female barristers comprising 31 per cent out of 1,491 juniors at the bar. Interestingly, six out of 12 female silks have been called in the past five years. While figures are figures, what is important is that appointments align with the merit-based selection principle and is in the public interest.

My Lords, my ladies, as required by tradition, I will now say a few words about each of the new members.

Ms Mairéad Mary Rattigan

Mairéad is a seasoned family law specialist with over three decades of experience, and I have no doubt that she will bring the much needed family law knowledge and expertise to the inner bar. Mairéad was also involved in the first matrimonial financial dispute to be resolved under the Hong Kong Private Family Adjudication Pilot Scheme, an alternative dispute resolution option for parties going through a divorce for resolving their financial disputes. Not only is Mairéad a family law expert, she also has extensive expertise in company and commercial law - a potent combination in handling pre- and post-nuptial settlements involving companies and family trusts. A very lucrative practice indeed.

Mr Johnny Ma Ka-chun

Johnny is no stranger to colleagues at the Department of Justice, being a "Senior Junior Counsel" with extensive experience in working with top silks and the Department of Justice in a variety of cases in constitutional and administrative law matters. I am told he is like a fish in water, whatever that means, when involved in high-profile and landmark cases. My colleagues describe him as a gentle and calm advocate, tackling questions from the bench with care and tact and importantly knowing when to sensibly concede.

Johnny also serves as Honorary Secretary and Treasurer of the Bar Council. I am

sure that he will continue to contribute to the development of the bar and the legal profession henceforth, and encourages others to do so as well.

In chambers, he is well-known for his generosity in taking juniors and staff out for lunches and dinners. I heard recently he is subjected to a prohibitive injunction issued by his better-half to stay clear of alcohol. I wonder why?

Ms Sara Tong See-pui

Next we have Sara. Sara has a broad general civil practice covering commercial, company and probate work, in addition to working with the Department on judicial review matters. Sara is a very skilled advocate, putting forward her arguments forcefully with great perseverance - a formidable opponent, I would say. She is always well prepared, being readily responsive to questions raised by the Bench or issues brought up by her opponent.

Sara has also been heavily involved in community service, serving in various governmental statutory appeal boards and tribunals, and has also been involved in training the next generation of lawyers since 2018 through teaching Administrative Law at the University of Hong Kong.

Mr Tony Li Chung-yin

Tony is our youngest silk this year and the only silk this year that practices in regulatory offences, criminal trial and appeal work. I am told that he predominantly sits at the bar table on the defendant's side, perhaps we can persuade him to prosecute more cases in the future. He has nonetheless shown an interest in judicial work, having sat as a Deputy Magistrate in 2018 and 2019 and a Deputy District Judge in 2021. I am sure he will be welcome wherever he goes.

Mr Victor Howard Joffe

Last but certainly not the least, we have Victor, previously called to the inner bar in England & Wales in 2001. Victor is indeed a leader in company law, given his co-authorship of the leading textbook on the law relating to minority shareholders. Suffice it to say that I am very happy to see that he has called Hong Kong his home when he commenced full practice at the Hong Kong Bar in 2011 and I am sure he will consider that the post nominal letters "SC" is a welcome addition to the letters "QC"

already present behind his name!

Chief Justice, my Lords, my Ladies. On behalf of the Department of Justice, may I once again congratulate and warmly welcome our five new silks to the inner bar. I also wish to take this opportunity to wish them all every success as they embrace their new position as leaders and role models in the profession and as they soar to new heights.

Ends/Saturday, June 11, 2022