

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

The following is the address by the Secretary for Justice, Mr Paul Lam, SC, at the Ceremony for the Admission of the New Senior Counsel today (May 20):

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 wish to extend my warmest congratulations to the four new silks, Mr Bruce Tse, Mr Anthony Chan, Mr Mike Lui and Mr Christopher Chain. Their appointment as Senior Counsel shows that their ability and integrity are well known and recognised. In order to enable you to have a better idea, or a more complete picture as to who they are, I have tried to collect information about them from my colleagues in the Department of Justice and my friends at the Bar. But since such information is largely hearsay in nature, I wish to disclaim liability in case what I am going to say turns out to be untrue or inaccurate.

Let me start with Bruce. Bruce specialises in criminal matters. We were both the former pupils of Mr Warren Chan. Bruce is extremely hard working. My colleagues complained that he would call advising counsel at 12 midnight or even 1am to discuss cases when prosecuting on fiat. In court, he loves to use examples to illustrate his arguments; and hence, I was told that his pet phrase (口頭禪) is, in Cantonese, "舉個例" (i.e. for example). During court breaks, and before or after court, he is often seen drinking coffee/milk tea and smoking at the same time.

Turning to Anthony, Anthony has a broad civil practice with an emphasis on public law and commercial law. He had been instructed by the Department of Justice to appear in many public law cases. One of my good friends at the Bar described him, perhaps not very kindly, as a very "old biscuit" (老餅) because since he was 20 he has been looking the same as now. I will definitely seek Anthony's advice on how come he can preserve his appearance so successfully. He undoubtedly bears all the hallmarks of a gentleman. Having said that, appearance might be deceptive. What surprises me the most is that my colleagues told me Anthony is a loyal fan of a male artist, Ekin Cheng (鄭伊健). Ekin Cheng is, of course, most famous for the role he played and songs he sang in a series of films relating to the underworld in Hong Kong.

Mike has a general civil and criminal practice. He appeared for the Government in both public law cases and other civil matters. I was told he excelled in mathematics and had won many mathematics prizes. He is described as a perfectionist, and loves winning. He is also very good at playing basketball. On one occasion, he wanted to win a basketball competition so badly that he hired an expensive basketball coach but, unfortunately, no one but Mike himself turned up at the training session. Whether his team won the game remains a mystery.

Christopher specialises in commercial and company litigation. He had also appeared for the Government in civil matters. My colleagues said he is very diligent, efficient and approachable. He wrote me a long letter in reply to my congratulation message. What was unexpected is that, in the letter, he reassured me very tactfully that I had made the right choice to leave private practice. He did so by reminding me that we were against each other in a case before the Court of Appeal; the judges gave me a hard time; he won, and I lost.

On a more serious note, today undoubtedly marks the beginning of a new chapter in the life and career of the four new silks. Senior Counsel are often depicted in movies and television dramas as upper class people enjoying a good life. Because of your ability and diligence, fame and wealth are well deserved. But they are not really the matters that should make you proud.

My learned friend, Chairman of the Bar, Mr Victor Dawes, SC, said jokingly at the Bar Scholarship Presentation Ceremony about 10 days ago that the Hong Kong Bar is an endangered species. What he meant is that the Hong Kong Bar is a rare species since very few common law jurisdictions retain a divided legal profession. However, the Bar is not an endangered species as if it were facing a real risk of extinction.

Leaders of our country have said repeatedly that the principle of "one country, two systems" is good policy that must be adhered to in the long run. They have also emphasised time and again that one of the unique advantages of Hong Kong is our common law system, and that it must be maintained and developed.

As a matter of fact, about one third of the world's population live in jurisdictions governed by the common law. One may, therefore, ask why is our common law system considered to be a unique advantage when common law is not unique to Hong Kong? Our legal system is unique in the sense that Hong Kong is the only place within China that practises the common law. It is an advantage because our common law system has a long history and enjoys a very high reputation around the world. It is a renowned common law system with Hong Kong characteristics under the principle of "one country, two systems".

The existence of a strong and independent Bar is an essential component of our distinctive common law system. It must follow that to maintain a strong and independent Bar will be critical to the preservation and development of our common law system. A strong and independent Bar entails a self-regulatory legal profession that commands the trust and respect of people both within and outside Hong Kong. This is where Senior Counsel play a special role.

To begin with, as leaders of the Bar, Senior Counsel shall of course set good examples to junior members on how to provide legal services and discharge professional duties in an utmost competent and dignified manner. But more importantly, it is crucial for Senior Counsel to take the lead to show to people that we have a strong sense of community. We

need to let people know and believe that top lawyers are not living in an ivory tower, who are only interested in pursuing their personal goals. Instead, we are ready and willing to sacrifice our time and income, and to contribute our legal expertise for the common good of society. I would strongly encourage you to provide public services whenever there are such opportunities.

We are living at an unusual and challenging time in history. It will be naïve and dangerous to overlook the harsh reality that not all people wish to see the continuous success of our legal system. We have seen and heard false accusations, as well as malicious threats, being made against members of the Judiciary and the legal profession. They are apparently aimed at undermining people's trust and confidence in Hong Kong's legal and judicial system, and deterring judicial officers and legal professionals from discharging their professional duties.

Members of the legal profession must speak out together loudly and clearly to defend our legal and judicial system. The words of Senior Counsel, who are known to be respectable members of the independent Bar, will be particularly weighty and reassuring to the general public. It is important to ensure that people will not be misled or lose confidence in our legal and judicial system. It is equally important to show to our enemies our solidarity, resilience and determination to rise up to challenges, and that we will not be deterred.

I am very confident that the four new silks will meet these expectations. On this happy occasion, I wish to end by wishing you all the best and every success.

Ends/Saturday, May 20, 2023