

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 11):

Chief Justice, members of the Judiciary, Chairman of the Bar Association, 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 three new silks, Mr Benson Tsoi, Ms Frances Lok and Miss Queenie Lau. Their appointment as Senior Counsel is well deserved.

Let me start with Benson. I am particularly delighted at the appointment of Benson because we were chamber-mates at Parkside Chambers for many years before I joined the Government. He is one of the very few members in Parkside who specialises in criminal law practice. He is plainly a smart guy with great sense of humour even though he sometimes appears to be a bit cocky. What I still fail to understand is why he chose to hang a disproportionately big deer head with antlers on the wall of his relatively small room. This may well be a reflection of his sizeable ego.

Fortunately, his strange taste on indoor decoration is compensated by his wise choice on spouse. As you should all know, I am referring to Frances, who has a very successful civil law practice. Frances and Benson were truly made for each other. After their appointment has been announced, I wrote to Benson and asked whether there was anything that he wished me to say, or not to say, at this ceremony. In his surprisingly long reply, he started by saying, "Re Frances - she is boring so not much to say about her". He went on telling me that, in fact, they met in the small tutorial class in HKU's PCLL; and they started dating in the afternoon after their Bar Scholarship interviews. Benson then became very bitter by complaining that, among the seven interviewees on that occasion, six succeeded but he was not one of them. Similar to what they did on this occasion, they procured their call to the Bar in the same court on the same day on March 3, 2007, before Mr Justice Johnson Lam (as he then was). Benson told me that, due to their different areas of practice, they never appeared in the same court since then until today. At the end of his email, he made a most extraordinary request as follows, "I would really appreciate it if you can emphasise I remain two minutes more senior to Frances", in particular, when he had copied his email to Frances.

Perhaps not too surprisingly, Frances came back with a reply within an hour or so. Unlike Benson, her email was short and sharp. This is what she said, "To set the record straight, I strongly dispute that Benson is two minutes more senior to me. I believe it was only one minute, hence it is highly arguable that the de minimis rule applies."

The order of seniority of Senior Counsel is apparently a matter of public interest. As the guardian of public interest in my present capacity, I had considered very seriously

whether I should take out a formal application to invite the Chief Justice to rule on this matter as a preliminary issue this morning. However, since both the Judiciary and the Department of Justice are promoting mediation vigorously, I have decided to try to mediate the dispute between Frances and Benson by offering a small piece of advice to Benson. Benson, as a seasoned criminal justice practitioner, you must appreciate the significance of exercising your right to silence at critical moments. I can tell you from my personal experience that the motto "Silence is golden" applies not only to criminal suspects but also husbands in general.

Turning to Queenie, apart from having a very successful civil practice, everyone who knows her would agree that she is a most likeable and cheerful lady. She is also an extremely good photographer judging from the photos she posted on her Facebook from time to time. Queenie reminded me that, when I was still in my private practice, she had acted as my junior but also against me; and when I sat as a Deputy Judge, she had appeared before me. I must say that the experiences were equally pleasant irrespective of the different capacities we met each other in our professional life. Queenie, maybe you should consider to join the Department of Justice so that you may work with me again in yet another capacity.

This is indeed a joyful week for the Hong Kong legal community. Apart from today's ceremony, there are at least three matters that are worth celebrating. First and foremost, on Wednesday, the Legislative Council resolved to endorse the appointment of the Honourable Mr Justice Allsop as a Non-Permanent Judge of our Court of Final Appeal. The second and third matters are that the International Council for Commercial Arbitration (ICCA) Congress 2024 and the Mediation Week were both very successfully held this week. The ICCA 2024 had attracted more than 1 400 participants coming from more than 70 jurisdictions. All participants spoke extremely highly of the event. As to the Mediation Week, more than 2 000 people took part in person or online in various thematic events, including the use of mediation to resolve school, employment, consumer and family disputes. These events are important to strengthen Hong Kong's status as an international legal and dispute resolution services centre, and to promote access to justice and the rule of law in Hong Kong.

While a lot of people had contributed to the success of these events, there is no doubt that Senior Counsel plays an indispensable role. Suffice for me to give a few examples. ICCA 2024 was hosted by HKIAC (Hong Kong International Arbitration Centre) in which Rimsky Yuen, SC, was a co-chairman. Anthony Neoh, SC, Teresa Cheng, SC, Winnie Tam, SC, and Victor Dawes, SC, spoke on numerous official and side events of ICCA 2024. Turning to the Mediation Week, I am indeed most grateful to Queenie who was the moderator in a panel discussion in the consumer mediation seminar. I hope to be forgiven for not naming others.

The point that I wish to make is that, as is often said, appointment of Senior Counsel is more than a recognition of the appointee's ability and integrity. It carries a legitimate expectation and perhaps a duty that the appointee shall make good use of his or her legal expertise and standing in society to promote and strengthen the rule of law in different

ways in addition to his or her own legal practice. It is essential to bear in mind that providing public service in different manners is very often extremely time consuming and requires a lot of efforts. It is most desirable, if not necessary, for each and every Senior Counsel to contribute in some ways so that the heavy burden would not fall on the shoulders of a few more enthusiastic members. As I repeatedly said, a strong and respectable independent Bar is crucial to preserving the rule of law based on our common law system, which is a unique advantage of Hong Kong under the principle of "one country, two systems" that we cannot afford losing. Our Bar will only be strong and respectable if its members, in particular senior members, are seen to be not only competent lawyers but also passionate fellow citizens who are willing to sacrifice for the well-being of society as a whole. I do count on Benson, Frances and Queenie to set good examples.

On this note, may I wish all three of you all the best and every success. Thank you.

Ends/Saturday, May 11, 2024