

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

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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 16):

Chief Justice, members of the Judiciary, Chairman of the Bar (Hong Kong Bar Association), President of the Law Society (The Law Society of Hong Kong), 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 six new silks: Mr Charles Chan, Mr Eugene Yim, Mr Martin Wong, Mr Calvin Cheuk, Ms Bonnie Cheng and Mr Charles Hollander.

Their appointments demonstrate the strength of the Hong Kong Bar in diversified areas of legal practice. Charles Chan specialises in criminal law. Eugene is an expert on family law. Martin has a general civil and criminal practice with an interest in medico-legal cases. Calvin specialises in construction dispute resolution. Bonnie has a broad civil practice including constitutional and administrative law. Charles Hollander is a well-known London silk.

I was told that Charles Chan is a loving father. When the Bar's delegation visited Beijing last year, he was most excited about the visit to Pop Mart, where he bought many Labubu products for his entire family, in particular, his daughters. Eugene is a diehard fan of Tottenham Hotspur so much so that almost each and every piece of his casual wear is Hotspur sportswear. I am afraid Eugene may need to share his luck with his favourite team to help it stay in the Premier League! As to Bonnie, her successful legal practice has directly contributed to a happy marriage. She was one of the counsel acting for the Commission of Inquiry into Excess Lead Found in Drinking Water in 2015. I was informed that it was in the course of the Inquiry that she developed a romantic relationship with Kevin, who was one of the instructing solicitors and is now her husband. I am naturally most delighted that Martin's application is successful because he is my former chamber-mate in Parkside Chambers. While there may be many reasons for his success, I firmly believe one reason is that he took over my room in Parkside which seems to have very good feng shui! Charles Hollander is well known for his authoritative text on documentary evidence. What is perhaps less well known is that he is also a very serious tennis player. I have not been able to discover anything that can be described as interesting about Calvin. But I am sure my learned friend Jose will have something to say owing to his much better intelligence collecting skills.

On a more serious note, today is a pertinent occasion for us to remind ourselves of the

significance of the institution of Senior Counsel (SC). When Hong Kong was under the British colonial rule, King's Counsel or Queen's Counsel (QC) were appointed under the Governor's prerogative power on the recommendation of the Chief Justice. The first QC, Mr Edward Hutchison Pollard, was appointed in 1865. The first Chinese QC appointed was Sir Oswald Cheung in 1965. Appointment of Queen's Counsel was replaced by the appointment of Senior Counsel pursuant to s.31A of the Legal Practitioners Ordinance (LPO), which was added by s.7 of the Legal Services Legislation (Miscellaneous Amendments) Ordinance 1997. This was a critical step in ensuring the preservation and continuation of the common law system upon China's resumption of the exercise of sovereignty over Hong Kong on July 1, 1997. The common law system, unquestionably, is one of the most important unique strengths enjoyed by Hong Kong under the principle of "one country, two systems".

As prescribed by the statutory criteria set out in s.31A of the LPO, Senior Counsel are advocates with the requisite experience, who, in the opinion of the Chief Justice, have sufficient ability and standing, and sufficient knowledge of the law. In the present context, advocates represent a special class of lawyers who have chosen to specialise in court advocacy work, rather than other areas of legal practice. In short, the title of Senior Counsel is a recognition of the skill, experience and reputation of a court advocate.

It is vital to bear in mind the crucial importance and indispensable role of court advocacy under our common law system. In *Senguta v Holmes* [2002] EWCA Civ 1104, Laws LJ held in [38] that anyone who has "some knowledge of the legal culture... would know of the central place accorded to oral argument in our common law adversarial system"; this is important "because oral argument is perhaps the most powerful force there is, in our legal process, to promote a change of mind by a judge. That judges in fact change their minds under the influence of oral argument is not an arcane feature of the system; it is at the centre of it". In the same case, Keene LJ held at [47] that listening to oral argument "is a fundamental part of our system of justice and it is a process which as a matter of common experience can be markedly more effective than written argument".

Advocates discharging their professional duties in open court play an extremely important role in maintaining people's confidence in our legal and judicial system. They will test the reliability and credibility of witnesses by cross examination. They will assist the court to apply the law properly and accurately by debating with their opponents and engaging in intellectual exchanges with the bench. In some cases, their submissions would contribute to the development of common law jurisprudence in court judgments. Insofar as parties to the court proceedings are concerned, they are much more likely to accept the court's decisions, even if against them, if they can hear and see that the judgment follows from their advocates having had a proper opportunity to put their case

to the judge or jury in a physical courtroom, and they can see and hear that the court has engaged with the issues. What is extremely important is the public character of court hearings subject to a few exceptions. Any person is permitted and able to see how justice is actually administered, and may reassure himself or herself, based on personal observations of, among other things, the active participation of advocates in the whole process, that the parties' right to be heard are fully respected, there is a fair hearing and the court has exercised its judicial power independently by focusing on the evidence and the law only without any extraneous consideration. In short, court advocates play an essential role to ensure that justice can and will indeed be seen to be done, which is critical in maintaining people's overall confidence in our legal and judicial system.

The appointment of Senior Counsel should not be regarded as an award. It is a recognition of the importance that we attach to court advocacy, and an acknowledgement to those very few who have made substantial contributions to the advancement of this core element of our common law system.

The statutory criteria for appointment make it clear that to have sufficient ability and knowledge of the law is insufficient. It also requires sufficient standing (聲望); in other words, good reputation. Integrity is, therefore, highly essential. It is both common sense and life experience that it takes time, and very often a long time, to build reputation. There is no wonder why another distinct statutory criterion is the possession of requisite experience, namely, not less than 10 years' practice.

Let me share with you some telling statistics. For the five years between 2022 and 2026, 21 silks were appointed. The length of practice before their appointments as SC calculated from the date when they were called to the Bar ranged from 15 to 32 years. The average length was 20.84 years. I have excluded Mr Charles Hollander and Mr Victor Joffe because they had already been appointed as QC in England long before they were appointed as SC in Hong Kong. The reality is that a good advocate would need to practise much longer than the statutory minimum period before he or she has any real chance of being appointed as Senior Counsel.

As guaranteed by the Basic Law, Hong Kong's common law system shall continue to apply. That being the case, the significance that we attach to court advocacy must be maintained. The present institution of Senior Counsel, which highlights the significance and contribution of court advocacy, is a credible and respectable system that has stood the test of time. It ought to be cherished and safeguarded. The appointment of six new silks today speaks volumes of not only the strength of the Bar, but also our commitment to the pursuit of integrity and excellence in court advocacy.

On this note, I would like to conclude by extending my congratulations once again to the six new silks and wishing them every success.

Ends/Saturday, May 16, 2026