

CJ's address at Ceremony for the Admission of the New Senior Counsel

The following is issued on behalf of the Judiciary:

The following is the full text of an address by the Chief Justice of the Court of Final Appeal, Mr Andrew Cheung Kui-nung, at the Ceremony for the Admission of the New Senior Counsel today (May 29):

Secretary for Justice, Chairman of the Bar, President of the Law Society, fellow judges, ladies and gentlemen,

It gives me great pleasure to extend to all of you, on behalf of my colleagues, a very warm welcome to this annual ceremony to mark the occasion of the admission to the rank of Senior Counsel of Mr Philip Chau, Mr M C Law, Mr Norman Nip and Ms Vinci Lam. Together, the new silks cover to a significant extent the breath of legal practice in Hong Kong in both the civil and criminal fields. They would add further strength to the senior Bar.

To our new silks, we would like to extend to you our sincere and warmest congratulations on your appointment as Senior Counsel. Your appointments are hard-earned, well-deserved and popular. This marks not only an end to an important stage of your professional career at the Bar, but even more importantly, a starting point and threshold of your becoming a leader of the Bar. This new stage of your career is not only important to you and your clients, but also of great potential importance and significance to the Bar as an established institution in our society and indeed to society at large. I have every reason to believe that you will continue to develop yourself professionally and rise to the challenges and opportunities that this new stage of your professional career brings with it.

Not only is this an extremely happy occasion for you, it is also an occasion of great joy to your loved ones, your families, colleagues and friends. And indeed I can see happy faces all around you – those of your spouses and children, parents and family members, colleagues and friends. I am sure they all feel, most justifiably, proud of your achievement and happy for you. Indeed your appointments represent a reward to their unfailing love, timely encouragement, generous help and unceasing patience over the years towards you. It is simply right and fitting that they are present today to witness this occasion and to share with you your joy and happiness upon your admission to the rank of Senior Counsel.

The appointment of Senior Counsel is a discretionary power vested in the Chief Justice by law. Whilst the common law institution of Senior Counsel is steeped in tradition going back centuries, it is a substantive rank specifically provided for by statute in modern day Hong Kong. The power of appointment, like all public law powers, must be exercised for the furthering of the public interest. Indeed it is this public interest that underscores

the unique status and responsibilities of the rank of Senior Counsel. These responsibilities include, it has been pointed out, setting and maintaining the highest professional standards of integrity and competence, carrying on the fine traditions of the Bar and its commitment to the rule of law which is a cornerstone of our society, setting an example to and helping pupils and young practitioners, contributing to the affairs of the Bar and making time available for public service when called on.

When making an appointment for silk, the Chief Justice therefore looks for candidates who have by their practice at the junior bar demonstrated not only their depth of expertise and eminence in their areas of practice but also characters, qualities, abilities and potentials that make them suitable persons to discharge the responsibilities I have just outlined in the service of the public interest. The rank of Senior Counsel is therefore both a badge of excellence and a badge of responsibility. As a mark of distinction, it represents a public recognition by the Judiciary and the legal profession of an appointee's achievements to date, of his or her excellence, experience and expertise. As a badge of responsibility, it denotes our community's trust and expectation that an appointee will put his or her excellence and experience to good use by faithfully discharging the responsibilities placed on them, thereby serving the public interest.

Amongst the responsibilities outlined, the first and foremost responsibility of a Senior Counsel is to set and maintain the highest professional standards of integrity and competence. In our common law system, the courts place great reliance on the assistance of counsel in the administration of justice. Senior Counsel are role models for our junior bar. A Senior Counsel must set an example in terms of his or her integrity, ability and respect for the law when arguing cases before the courts. Judges are entitled to expect a high quality of assistance from Senior Counsel in court, and they are entitled to expect that such assistance is reliable. Likewise, juniors, instructing solicitors, lay clients and the general public expect our Senior Counsel to display a very high standard of competence, advocacy and integrity. Amongst other things, this would help boost public confidence in our legal system and the proper discharge of the courts' function in the administration of justice.

A second responsibility that is worthy of a specific mention today is that as leaders of the Bar, Senior Counsel are expected to contribute to the affairs of the Bar, particularly in the training and nurturing of junior members of the Bar, whether of their Chambers or not, and helping them in establishing their practice at the Bar. Senior Counsel are also expected to make time available for public service when called upon. By reason of their training and experience, and even more importantly, by reason of the characters, qualities and abilities that they possess, Senior Counsel are valuable members not only of the Bar but of our community. In our highly developed and sophisticated society, there are many public functions and roles that require the service of our Senior Counsel. A Senior Counsel must therefore be public spirited and be ready to make professional and personal sacrifices by taking on public duties in the service of our society. Amongst other things, I hope it is not too premature to point out, the community

looks very much to the rank of Senior Counsel to help fill the ranks of the Judiciary.

In Hong Kong, our judges administer justice strictly in accordance with the law, without fear or favour, self-interest or deceit. The judicial power is exercised independently by the courts, not subject to any interference. Repeated and gratuitous questioning of the Judiciary's independence, whether domestic or from abroad, which is based on nothing but disagreement with court decisions, is damaging to the rule of law and maintenance of public confidence in our courts. As leaders of the Bar, who know from intimate first-hand experience how the courts actually function even in the most difficult and controversial of cases, Senior Counsel bear the responsibility, whenever the opportunity arises, of speaking up for the Judiciary, not only in protection of judicial independence, but also in defence of its local and international reputation as an independent judiciary. This is very much in the public interest and for the good of Hong Kong.

Our four appointees today are equally split in their areas of practice, two being on the civil side and the other two on the criminal side. Of the two criminal practitioners, Mr Chau is in private practice specialising in criminal trial work, and Ms Lam is a Deputy Director of Public Prosecutions appearing frequently in our appellate courts. Both are held in very high regard by the judges before whom they frequently appear. As for our two new civil silks, they were among the cream of our junior bar, and enjoy extremely large and successful practices in their respective areas of specialty. Mr Law has a general civil and commercial practice, focusing on cross-border disputes, company and other general civil matters. Mr Nips practice focuses on securities and regulatory, banking, commercial, company and insurance litigation. You will no doubt hear more about their practices in the addresses to follow. Suffice it to say, they are welcome addition to the Inner Bar and I am delighted by their appointments.

To our new Senior Counsel, I would repeat that the judges, the legal profession and our society have high expectations of you, and I am confident that you will rise to the challenges ahead. I congratulate all of you, your families, colleagues and friends once again. It is a special day for all of you, for all of us on the bench and for the Hong Kong community. Thank you.