

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 Geoffrey Ma Tao-li, at the Ceremony for the Admission of the New Senior Counsel today (June 9):

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

I extend a warm welcome to you on the occasion of the admission to the rank of Senior Counsel of Ms Maggie Wong, Mr Edwin Choy, Mr Jin Pao and Mr Derek Chan. Today is a day of personal triumph for them and the happiness of the occasion is made all the more so by the presence of family and friends. I extend to them in particular a warm welcome and congratulations as well. You know more than most the dedication, industry, sacrifice and sometimes even disappointment and heartache that have been experienced by the four newest members of the Inner Bar to get to this important day in their lives.

However, it is the new chapter in their professional lives that we also celebrate on this occasion of their taking silk. My own silk gown, which I wear today, was first worn almost exactly 25 years ago when I, together with four others, including the Head of Chambers where Ms Wong and Mr Chan practise, took silk. The practice of law has perhaps changed little. Neither has the tradition of public service and devotion to the public interest.

The context of Hong Kong and the public perception of the role of the law, and the greater awareness of issues relating to the rule of law, have however dramatically changed. There can be little doubt that particularly since 1997, there has been a considerably much deeper understanding of how the law affects everyone's daily lives and, more important, everyone's future. As members of the community increasingly grasp the concept of fundamental rights – the constant, almost daily, references to the Basic Law and the Bill of Rights demonstrate this – there must inevitably be clashes of rights and opinions. I have often spoken of the phenomenon of apparently reasonable points of view – in legal terms, the engagement of different rights or even facets of the same right – pulling in diametrically opposite directions. The important word here is "reasonable". It is the task of the courts to adjudicate on these different points of view and they do so in accordance with the law, legal principle and the spirit of the law. This responsibility of the courts, to decide legal disputes before them in accordance with the law, is simple enough to state, and to all of you in this Court, it may seem obvious. However, particularly in recent years, it would appear that some members of the community lose sight of this. This often happens when cases come before the courts having their origins in

controversial political, economic or social events. These are the types of situation where most people will have strong views and the way they view the law will be synonymous with the result of the particular matter before the court. Their perception and even confidence in the legal system become largely, if not wholly, dependent on the result. One will then in these circumstances quite easily lose sight of the fundamental point that courts deal only with the law. One completely forgets also that only two qualities are stated in the Basic Law for the appointment of judges: judicial and professional qualities. Their views, political or otherwise, or any other aspect, do not enter into it.

I have just returned from a speaking tour of Australia, where one of the topics of the talks I gave was the criticism of judges. Within this theme was the necessity of properly informing the public of how the law operates. It is critical to the viability of any legal system that it truly enjoys the confidence of the community. Without this confidence, the system – however good it is and however lauded it is by others – will have failed.

It is in the above context that the role of the leaders of the legal profession comes into play. By leaders I include leaders of both barristers and solicitors. Leading Counsel all play a critical part in promoting the system of law in Hong Kong; this is also a recognition of the responsibility to understand and promote the rule of law itself. The Inner Bar now number over 100, not including the Senior Counsel in the Department of Justice. They are leaders of the Bar not just in the cases that they take up for their clients, but also in providing leadership to enable the community to understand the operation of the law. I cannot emphasise enough the importance of this latter aspect. In a talk I gave in London two years ago at the 2016 Presidential Address of the Bentham Association I referred to the Bar as an "Old, Honourable and Distinguished Friend". It is precisely that.

I return to the main event of this morning. We are here primarily to congratulate the success of Ms Wong, Mr Choy, Mr Pao and Mr Chan. Maggie Wong, Edwin Choy and Derek Chan are all criminal practitioners of the very highest standing, reputation and ability. Jin Pao is a civil practitioner, with an emphasis in recent years on public law. He too, like the others, enjoys a formidable reputation. You will hear more about them presently, but I make a brief mention of Ms Wong. Not only is she the product of Sacred Heart Canossian College, she also numbers 100 on the list of Senior Counsel in Hong Kong.

Once again, I congratulate the four new Senior Counsel and their family and friends, and wish you every success and happiness in all your future endeavours.