

ADMISSION OF SENIOR COUNSEL
12TH May 2007
THE BAR CHAIRMAN'S SPEECH

Chief Justice, Secretary for Justice, Honourable Judges, Mr. President, Honourable Guests, Ladies and Gentlemen:

1. On behalf of the Bar, may I extend our warmest congratulations to Barrie and Ashley for their achievement.
2. Taking silk means becoming part of a great tradition, a tradition with over 400 years of history and a tradition spreading across many jurisdictions. Take the case of Hong Kong, the first appointment of Queen's Counsel took place in 1865, if not earlier.
3. In these 400 years, the institution of silk has undergone substantial changes both in England and in other common law jurisdictions. Notwithstanding these changes, the values embodied by the institution of silk have not diminished. Not only is the appointment a recognition of professional eminence and standing, it is a mark of excellence and of an expectation that the individual will consistently perform to the highest standards.
4. In the case of Barrie and Ashley, their appointments as Senior Counsel are more than well deserved.
5. Barrie was born and raised in New Zealand. After university, he practised in New Zealand for 4 years before coming to Hong Kong. When he joined the Attorney General's Chambers in March 1978, Barrie was the youngest Crown Counsel ever employed. He left the A.G's Chambers and commenced private practice in May 1984. Before long, Barrie established his name in areas including commercial disputes, taxation and property litigation.
6. My Lord, in the I.T. industry, one measures the success of websites by reference to hit-rate. In the entertainment industry, one gauges the popularity of artistes by counting the number of appearances on TV or movie. By parity of reason, one can have some idea of a barrister's practice by looking at the

cases he did. When I checked the Judiciary's website a few days ago and typed in the word Barlow. The search result is: Barrie appeared in no less than 250 cases collected in the Judiciary's website. Indeed, if one flips through either the Hong Kong Law Report or Hong Kong Cases, one will notice that Barrie's name appears in almost every volume of the local law reports.

7. Ashley, on the other hand, was brought up and educated in England. He was admitted as a solicitor in England and Wales in 1972. After a year with Denton Hall, Ashley joined the London firm Pickering Kenyon and became a partner thereof in 1975. Two years later, Ashley left the firm and came to Hong Kong. If one wants to know the importance of Ashley to his former firm, one only needs to find out what happened to that firm after his departure – and the answer is, the firm went bust!
8. Since Ashley came to Hong Kong in 1977, he had been a partner of 3 leading solicitors firm, namely: JSM, Turner Kenneth Brown and Wilde Sapte.
9. In 1996, Ashley made, if I may say, the right decision in his life. He quitted the other branch of the legal profession and joined the Bar. Ashley started practice in January 1997 and specialised in commercial litigation and arbitration. Armed with his profound litigation experience, Ashley established himself as an outstanding advocate in no time.
10. Although Ashley has only been in the Bar for slightly over 10 years, the result is equally astonishing if you search for cases he did in the past decade. A recent showpiece of Ashley's advocacy is the CFA appeal, the judgment of which becomes the landmark decision in Hong Kong on the law of maintenance and champerty.
11. Apart from being an achievement, the appointment as Senior Counsel brings with it both challenges and responsibilities.
12. Taking silk amounts to starting a new chapter in one's career. No one knows what lies ahead in this new path, except that challenges is a certainty. Senior Counsel in Hong Kong face not only healthy competition amongst their peers, but also competition from overseas.

13. In the year 2006, there were a total of 32 applications for admission of overseas silk. The Bar consented to 27 of them, and a total of 28 overseas silk were admitted to conduct cases in Hong Kong.
14. This year, up till yesterday, there are already 19 applications for admission of overseas silk and the Bar has consented to 16 of them.
15. In recent months, there are suggestions that the Hong Kong Bar is operating like a closed shop. However, the figures speak for themselves. The Bar has in the past, and will in future continue to, put public interest above everything else.
16. Taking silk also means taking up a bundle of responsibilities: including the responsibility to maintain the distinguished tradition of the Inner Bar, the responsibility to give back to the Bar and the society, as well as the responsibility to uphold the rule of law.
17. In the silk appointment ceremony in 2002, the then Bar Chairman Mr. Alan Leong SC concluded his speech by quoting the advice given to Spiderman by his uncle: WITH GREATER POWER COME GREATER RESPONSIBILITIES. I cannot figure out the co-relation, if any, between the appointment of silk and Spiderman movie. I only know that the movie Spiderman III is now being shown in almost every cinema, which perhaps serves as a timely reminder of the advice WITH GREATER POWER COME GREATER RESPONSIBILITIES.
18. I have no doubt that both Barrie and Ashley will appreciate the new responsibilities that come with their appointment. I equally have no doubt that they will take up and discharge their new responsibilities in the best tradition of the Inner Bar.

Rimsky Yuen, S.C.
Chairman
12th May 2007