From the Chairman

Since the advent of 2010, the term “post-80’s generation” has continued to make headlines and is heard everywhere in Hong Kong. Different sectors may have some specific interpretation of the term, but generally speaking, the term itself stands for the generation who are born between 1980 and 1989. Whether they like it or not, the “post-80’s generation” has been branded as a generation with certain characteristics that make them stand out in the society.

Amongst young barristers (“YBs”) and pupils, many are from the “post-80’s generation”. Like our peers, YBs are tagged with certain characteristics and often attract special attention from others on our competence, advocacy skills and future. With the recent extension of higher rights of audience to solicitors and the implementation of the Civil Justice Reform, the issue of the livelihood and survival of YBs has come into the limelight all the more. Members of the Young Barristers Committee (“YBC”) and I have been repeatedly asked this same question by members of the public, law students and the press in the past few months.

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Dear Diary 日記

The Young Barristers Committee 2010-2011

Top row (from left to right): Arthur Lam, Isaac Chan, Sabrina Ho, May Chung, Selina Kung, Annie Leung, Esther Chan, Johnny Fok, William Liu, Felix Li
Bottom row (from left to right): Queenie Lau, Gloria Tse, Jolie Chao, Kevin Li, Ann Lui

In absentia: Alfred Cheng, Tony Ko, Vincent Lung, Kay Seo
Of course, our committee members cannot speak for everyone, but we believe that YBs and pupils are all generally well-informed about these new challenges ahead and are highly motivated in equipping ourselves so to remain competitive and adaptive. Indeed many YBs have taken steps to take Masters courses, mediation and arbitration courses, and a significant number of YBs are now accredited arbitrators and mediators. Although the Bar is essential to the justice system and to the community, we are at the same time exploring every opportunity to stay competitive and develop our career.

Last Autumn, with the assistance and support of the Chairman of the Bar, members of the Bar Council and Andrew Mak, Chairman of the Special Committee on Mainland Affairs, the Bar Secretariat and representatives of the Legal Affairs Department of the Liaison Office of the Central People’s Government, the YBC organized its experimental official visit to Shanghai between 31 October 2009 and 1 November 2009. Given its experimental nature, the delegation comprised of only about 20 YBs and pupils. During the trip, the delegation paid official visits to and met representatives of various institutions and organizations including Legislative Affairs Working Committee, Standing Committee of Shanghai Municipal People’s Congress, Shanghai Municipal Bureau of Justice, Shanghai No. 2 Intermediate People’s Court, China International Economic & Trade Arbitration Commission, Shanghai Commission, Law Faculty of Fudan University and Shanghai Bar Association. The trip itself was an event full of fun and laughter and a great opportunity for YBs and pupils to mingle together. We strongly encourage YBs to participate in interflow activities such as international law conferences in the future and embrace these opportunities to gain a global perspective.

When reading this issue of Buzz, one will certainly notice that we are having more Chinese articles than before. Participants of the Shanghai Trip are going to share with readers bits and pieces of our trip and information as to various courses and examination which YBs can consider taking. Other articles of interest include those on pupillage, which is especially topical as pupillage reform is one of the key issues that the Bar aims to address this year. We hope you would find this issue as enjoyable as always, and hope to have your feedback, especially in relation to pupillage reform.

Last but not least, I would like to take this opportunity to thank all my committee members for their hard work and patience throughout the year and extend my warmest welcome to our new committee members, Vincent Lung, Kay Seto, Selina Kung, Arthur Lam and Sabrina Ho.

Jolie Chao

From the Editor

It would not have been possible to publish this edition of Buzz without the creativity, hard work and dedication of the Editorial Committee and all those who have contributed articles. Many thanks to you all.

On behalf of the Editorial Committee, I would also like to thank members of the Bar and pupils for their continued support of Buzz. We have enjoyed reporting on the activities organised by the YBC and other topics of interest, and in this edition of Buzz, we are especially pleased to share the YBC’s experiences during a trip to Shanghai in October/November 2009.

Queenie Lau

Editorial Board

Editor in Chief
Queenie Lau
**Introduction 前言**

From 29 October 2009 to 1 November 2009, Andrew Mak, Chairman of the Special Committee on Mainland Affairs, led a delegation of young barristers to Shanghai, China. The delegation of young barristers consisted of Jolie Chao, Chairman of the YBC, nine committee members of the YBC, six other YBs and a previous Vice-Chairman of the YBC.

This was the first overseas trip organised by the YBC (and hopefully the first of many), and our aim was to learn more about the PRC legal system and judicial departments and organisations in Shanghai. We were fortunate to be able to enjoy a programme specially organised not only by Andrew Mak and the Bar Secretariat, but also the Legal Affairs Department of the Liaison Office of the Central People’s Government in HKSAR. Prior to the trip, members of our delegation had researched each of the governmental departments and organisations we were visiting, but it was very valuable to have the opportunity to meet face-to-face with various officials, lawyers and professors.

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**DAY 1: 29 October 2009 (Thursday)**

On 29 October 2009, we all headed to Shanghai, some of us rushing straight from Court to catch our flights.

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We began the day by visiting the Legislative Affairs Working Committee of the Standing Committee of Shanghai Municipal People’s Congress. Next, we met with representatives from the Shanghai Bureau of Justice, who kindly hosted a lunch for us.

In the afternoon, we were able to see the criminal courts of Shanghai firsthand at the Shanghai No. 2 Intermediate People’s Court before ending the day by learning about alternative dispute resolution at CIETAC Shanghai.

Visit to Legislative Affairs Working Committee, Standing Committee of Shanghai Municipal People’s Congress

Visit to Legislative Affairs Working Committee, Standing Committee of Shanghai Municipal People’s Congress

代表團一行於2009年10月30日上午9時左右來到位於人民廣場的上海市人民代表大會 (“上海市人大”)大樓，跟上海市人大屬下主管立法工作的法制工作委員會的領導見面。委員會主任張凌向各位新晉大律師們介紹了法工委的工作。

大陸的法例由《立法法》規定分為法律、行政法規、地方性規章以及地方規章等幾種。上海市人大擁有制定地方性規章的權利。地方性規章通常用於規範法律沒有規定的一些現行性質的問題，以及某些當地特定的事件，但作為下位法的那種地方性規章等上位法抵觸。立法程序有詳細的規定，一般經過提出草案、審議、修改、再審，再修改等多個步驟之後由人大常委委員會通過。時間約為6個月左右。上海市人大每年大概要制定10件不同的規章。

張主任特別強調了在立法的過程當中群眾參與的重要性。上海市人大會將法律草案公佈以接受市民的意見。但具體參與度受立法本身特點。如老百姓比較感興趣的《控告條例》以及食糧大貨方面的立法公眾參與度就比較高。張主任在回答問題中還指出立法過程中他們也會借鑑一下其他地方的立法經驗，不過以兄弟省市為主，其他國家為輔。

王鴻 (Clark Wang) 杜中 (Ken To)
Visit to Shanghai Municipal Bureau of Justice 拜訪上海司法局

We visited Shanghai Municipal Bureau of Justice on 30 October 2009. We were received by Mr Liu Zhongding (劉忠定先生), Deputy General Director of the Bureau, who gave us an introduction to the organisation and areas of responsibility of the Bureau.

The Bureau is the principal organ of Shanghai Municipal People’s Government responsible for managing and supervising a variety of legal and correctional services institutions in Shanghai – examples range from law firms and law schools to prisons and drug treatment centres. In recent years, the Bureau has played a pivotal role in promoting and implementing the People’s Mediation System (人民調解制) throughout the 17 districts and 1 county in Shanghai.

In light of the Civil Justice Reform and the increasing use of mediation as an alternative dispute resolution procedure in Hong Kong, we were particularly interested to learn how the People’s Mediation System has been operating in Shanghai.

We were told that the system found its roots in early 1980s when mediation committees were set up in cities and towns as part of the country’s economic reform. Mediation was seen to be an independent and cost-effective means of dispute resolution. Since then, the People’s Mediation System in Shanghai has developed rapidly with mediation committees specialising in different areas: traffic accident disputes, medical disputes, employment disputes and consumer disputes.

There are now around 200,000 cases handled by the 5,000-odd People’s Mediators in Shanghai annually. The People’s Mediators have all received professional training in mediation and are responsible for dispute resolution in every town, district and county. There are also Court Mediation Committees at the different levels of court. Before parties commence litigation, they are encouraged by the Shanghai courts to refer their cases to the Court Mediation Committees, with the incentive that litigation costs could be saved or even waived should mediation fail and court proceedings are subsequently commenced.

Through the dialogue between Mr Liu together with his colleagues, we were able to gain insight into the PRC legal system and the practice of mediation in Shanghai.

Johnny Fok  Kay Seto

Mediation in Hong Kong

Mediation has become a source of work for many YBs after the Civil Justice Reform (“CJR”). There are several organisations that regularly arrange mediation courses. One of the courses that members of the Bar (and the Judiciary) commonly attend is that of CEDR. Although CEDR is based in the UK, it regularly runs courses in Hong Kong. Bar Circulars advertise various CEDR courses, and more information can also be obtained from CEDR’s website (www.cedr.co.uk) or by contacting CEDR directly.

Another possible avenue would be to be accredited by the HKIAC. To become an accredited mediator on the HKIAC’s General Panel of Mediators, there are 3 stages: completion of a recognised 40-hour mediation course, mediate or co-mediate in 2 actual or simulated cases, and finally an assessment (which may include an interview). The HKIAC has a separate scheme for those who would like to be included on the HKIAC’s Family Panel of Mediators.

Further details can be found on http://www.hkiac.org

Vincent Lung
Visit to Shanghai No. 2 Intermediate People’s Court 拜訪上海市第二中級人民法院

我們於2009年10月30日拜訪了上海市第二中级人民法院，並與法院的民事庭庭長林曉鋒先生及上海市司法局辦公室副主任瞿國強先生進行會面和交流。

刑事審訊

法院先安排我們旁聽一宗走私、販賣、運輸及製造毒品的刑事審訊。案件由一名審判長、一名審判員及一名人民審判員審理。人民審判員的角色就像香港的陪審員一樣，代表公眾有權參與審訊的過程及判決。

審訊開始時，審判長確認被告的身份後，控罪先由公訴人讀出，然後由被告答辯。被告並不承認罪名，公訴人便讀出案情的經過。然後由法官問被告，問完無休後由被告的代表律師進行「覆問」。案情較為複雜，但審訊過程並不複雜。相對香港同類的刑事案件，當地的審訊程序是明顯地較簡單。由於行程緊，我們未能旁聽判決的結果。

會面及交流

我們與民事庭庭長會面及交流。法院庭長為我們簡單地介紹市二級人民法院的運作及功能。法院是由五個部門組成，分別是辦公室、研究室、政治部、監察室以及法官支隊，負責審理公約廿個個的民事、商事及行政等案件。法院會依法辦理指定管轄事項，與有關中級人民法院協調與各地法院之間的業務聯繫及執行事項的屬地或轉送高級人民法院。

法院將案件分類為普通民事案件、房地產、金融及投資糾紛、破產、知識產權、以及涉及港澳台的案件，分派不同的法庭處理。法院亦設有執行庭，負責執行生效裁判的文書，包括調解知產判決和仲裁機構作出的仲裁裁決的案件等等。至於審訊過程所需時間，庭長解釋所有的案件都有一個審理的期限。刑事一審、二審的案件有一個半個月的時限。民刑事、民商事及知產一審的案件是六個月，而二審則只有三個月。以上的案件均可按需要依法延長審理。

及後，參觀大樓後，為我們當院長及法官的代表分享了我們本地的審訊過程，尤其民事司法改革的順例對整個司法及審訊程序的影響，法院的代表亦對香港司法改革長遠的影響深感興趣。來回若舉辦類似的交流，可再次繞過這個議題再作分享。

李穎兒 (Amanda WY Lee) 龔晴晴 (Selina Kung)

Visit to CIE TAC Shanghai 拜訪中國國際商貿仲裁委員會上海分會

我們訪問CIE TAC上海分會的最後一個單位，是中國國際貿易仲裁委員會（CIE TAC）的上海分會。CIE TAC上海分會成立於1990年3月15日，為現時聯會中較早成立的之一，基於上海在國內經濟上的位置戰略，上海分會受理的仲裁案件數量不斷上升，種類亦非常國際化。

自2008年為例，CIE TAC共處理1230宗案件，而上海分會所佔其中的742宗，爭議金額約壹百億元計，涉外仲裁而言，即雙方當時人最少一方不涉及內法人，當事人最多來自香港。由此可見，港人於中國商務活動中產生的爭議解決服務的需求暴增。

本港的仲裁員如何把握機會，開拓國內的仲裁市場？難道我們可從CIE TAC上海分會對外開放及改革的過程及目標彜探一二。

自CIE TAC成立以來，仲裁規則經6次修改，有關仲裁員的資格規定亦不斷改善，務求與國際各仲裁機構的標準相若。至現時為止，CIE TAC認可的仲裁員已近千名，其中四十位是屬於全職的。雖然根據中國《仲裁法》的規定，仲裁員必須有八年的專業經驗才能申請成為仲裁員，但CIE TAC的仲裁規則有擁護雙方的原則，只要雙方同意任用其非資格的退休人士為仲裁員。所以，本港的仲裁員有一定的優勢，爭取成為涉香港資金或香港法律的仲裁程序的仲裁員，擴寬自己的業務範圍。

從CIE TAC上海分會的簡短介紹中，我們得知現時內法院審判院的爭議解決辦法有不可輕視的增長潛力。港商在商界仲裁應利用這幾年的時間趕緊裝備自己，藉以衝出香港，爭奪國內經濟發展的機會，開拓商務意識的業務。

鄭頌平 (Alfred Cheng) 廖東利 (Tony Ko)

Arbitration – CIE TAC and appointment as arbitrators generally

It is possible for parties to a CIE TAC arbitration to appoint a non-CIE TAC panel member as arbitrator by consent. While the chances of YBs being currently appointed are rather remote, it is an avenue worth exploring as seniority grows.

YBs may also apply to be on the Panel of Arbitrators of the Hong Kong International Arbitration Centre (HKIAC). The qualifications and experience requirements to be on the Panel of Arbitrators are much lower than that to be enrolled on the Panel of Arbitrators (which requires substantial experience in arbitration). Details can be found on www.hkiac.org.

Vincent Lung
Professors and students at Fudan University and members of the Shanghai Bar Association's Working Committee of Young Lawyers generously gave up their time on a Saturday morning to meet with our delegation.

Visit to School of Law, Fudan University 拜訪復旦大學法律系

On 31 October 2009, our delegation paid a visit to the Fudan University School of Law. The Fudan University School of Law is located on the beautiful new campus of Jiangwan. Founded in 1929, it has emerged as one of the most elite law faculties in China. The faculty's research and curriculum cover a broad range of legal topics, including constitutional law, civil and criminal law, environmental law, international law and economic law.

When we arrived at the Fudan University School of Law, we were warmly greeted by Professor Zhang Guangjie (張光傑教授) (Vice Dean of the School of Law), Professor Liu Xigui and two law students. The main area of research and teaching for Professor Zhang is jurisprudence, whereas for Professor Liu, criminology.

In the course of discussion, certain YB delegates expressed an interest in taking the PRC National Judicial Examination (中國國家司法考試). Professor Zhang said he understood the difficulty faced by overseas lawyers (including Hong Kong lawyers) when they sat the exam. He indicated that Fudan University would be willing to conduct intensive training courses for members of the Hong Kong Bar who would wish to take the exam. Delegates agreed that this was an area which merited further discussion and follow-up.

We also had an interesting discussion with the two professors, where we were all able to discuss the similarities and differences between the criminal justice systems in Shanghai and in Hong Kong, since we had been fortunate enough to see part of a criminal trial in the Shanghai No. 2 Intermediate Court.

All YB delegates are very grateful for the hospitality with which they were received by the faculty and students at Fudan, and especially for the opportunity to find out more about PRC National Judicial Examination.

Ann Lui Vincent Lung

The China National Judicial Examination

The China National Judicial Examination (中國國家司法考試) is a prerequisite for qualifying as a PRC-qualified lawyer. It is held in mid-September annually. Any bachelor's degree holder of any discipline is eligible to take the examination. It is usually possible to take the exam in Hong Kong, but it depends on the number of applicants. The exam has the reputation of having a very low passing rate, usually around 20% in recent years.

It is a closed book exam and has 4 papers. The first 3 papers each contains 100 multiple choice questions. These questions cover literally all subjects taught in an LLB course in China. Paper 1 focuses on the theoretical subjects such as legal theory and constitution. Paper 2 is mainly on criminal law and administrative law. Civil and commercial law is the subject of Paper 3. On the other hand, Paper 4 is different and is an essay question paper which is not restricted to any particular subjects. Candidates may write the answer in either simplified or traditional Chinese.

Clark Wang
Visit to Shanghai Bar Association 拜訪上海市律師協會

香港新晉大律師代表團專程拜訪上海市律師協會青年律師工作委員會 “青工委”。青工委的主要職務是組織與指導上海市青年律師（年齡在40歲以下者）開設活動，會員共22名。會長兼主任為劉正東。

青工委成立的目標如下：

1. 促進上海市青年律師與其他省市青年律師及組織之間的學術交流；
2. 正視青年律師普遍存在的生存及發展問題；
3. 優化青年律師的成長環境，提高其執業水平；及
4. 組織青年精英律師，提高青年律師在社會中的形象和凝聚力。

青工委以「青年律師聯誼會」、「青年律師專業化建設信息庫」及「青年法律人沙龍」作為其三大平台，開展各式各樣的活動：「青年律師聯誼會」選出60名優秀青年律師，並與他們分享其成長成才的經驗。至於「青年律師專業化建設信息庫」則負責專業交流、技能技巧方面的研討，例如培訓青年公正人員。「青年法律人沙龍」專注舉辦文娛活動，更為律師提供心理疏導等支援服務。

青工委委員於會上跟代表團分享上海市青年律師在發展上所面對的困難和挑戰。上海市每年有千多名青年投身律師行業，各省精英也跑到上海市當律師，故此當地青年律師要面對的挑戰實在不少。

上海市青年律師可分為「家養」（受雇）及「野生」（創業）兩種，因此，青年律師們第一個要面對的抉擇便是他們究竟應受雇於外資公司、國企或內資事務所，還是自己創業呢？選定了，他們在發展上仍會遇上三方面的困難：首先是如何盡快學習成為一位好律師。當感到知識陳舊時，律師便必須再進修，或出國交流學習。這方面，上海市律師協會已成立了「律師學院」，繼續為律師提供培訓。其次是客源的問題——客戶從哪裏來？哪裏可找到業務？最後，是確定發展方向，究竟應該作一般性還是專業化的發展呢？

看來，上海跟香港的青年律師所面對的困難是大同小異的。期望在未來的交流中，兩地可以互學互考和更深入討論支援青年律師的方法。

梁慧敏 (Annie Leung) 謝雅穎 (Gloria Tse)
**Lunch hosted by the Bar at Three on the Bund 香港大律師公會回請午宴**

To thank all the judicial departments and organisations in Shanghai who had allowed us to visit them, we invited them to lunch at Three on the Bund as a token of our thanks before we returned to Hong Kong.

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**A Final Note 總結**

A report on our trip to Shanghai would not be complete without mentioning the lighter side of the trip as well. Despite having a packed schedule, we managed to find time for some sightseeing. Here were some of the stops we made:

**Wang Bao He Hairy Crab Dinner 王寶和大閘蟹宴**

Andrew Mak insisted on treating us to dinner at the famous Wang Bao He Restaurant (王寶和) at 603 Fu Zhou Road, and it turned out to be one of the most memorable and delicious meals on the trip. We enjoyed a scrumptious crab feast with each and every dish featuring Shanghai’s famous hairy crab in a different form, including wrapped in dumplings, stewed tofu, and of course, in its simplest and best incarnation, steamed and eaten whole with a ginger and black vinegar sauce.

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**Sightseeing at the Bund 夜遊上海灘**

We also found time to take a stroll along the riverside promenade, taking in the sights and sounds of old and new Shanghai. The promenade offered a marvellous view of Pudong's skyscrapers, spectacularly lit up and dazzling at night. During our walk, we stumbled upon a Hong Kong export, a famous dessert restaurant, and could not resist going in for dessert. We posed quite a challenge for the waiters and waitresses who had some difficulty arranging seats for a party of close to 20 people!
Zhujiajiao (朱家角)
Zhujiajiao is one of China’s oldest water towns and is known as the “Venice of the Orient”. It boasts a signature five-arch bridge spanning the Cao Gang River (漕港河). This ancient trading hub served as an important distribution centre for silk, porcelain, crafts and grain for the surrounding countryside, and many of the buildings that can be seen there date back to the Ming and Qing dynasties. We rode on canal gondolas to get a view of the town from the water, snapping scenic photos on the way. Some of us bought delicious stewed pork knuckles to bring back to Hong Kong as gifts. At the oldest and longest stone bridge in town, Fangsheng Bridge (放生橋), we purchased small fish in plastic bags from some elderly local ladies and released the fish into the river for good luck. (We did suspect, though, that the fish would get caught and sold again after their release!)

Finally… 結語
Our trip was a great success due to the organisation and assistance of many people. We would like to take this opportunity to thank Andrew Mak and the Special Committee on Mainland Affairs, the Bar Secretariat and the Liaison Office of the Central People’s Government in HKSAR. We especially extend our warmest thanks to Mr Feng Qinghu (馮清虎) and Mr Deng Bin (鄧斌) of the Liaison Office, and in particular Mr Deng Bin who kindly gave up his time to come with us on the trip. We would not have been able to enjoy such a colourful programme without them, and the trip also would not have gone so smoothly.

May Chung  Queenie Lau
As is tradition, we gathered with members of the Judiciary, members of the Bar and pupils for a drink shortly before Christmas. We were especially pleased that the Hon Chief Justice Andrew Li, GBM was able to come.

Queenie Lau

YBC Talk: Common Criminal Briefs for YBs — What to expect and what to look out for

The aim of the talk was to share with YBs some matters they should look out and prepare for in common criminal briefs that YBs would encounter. The topics covered in the talk include legal visits, first appearances in the Magistracy and District Court, and P'TRs. Rather than delivering the talk as a lecture, YBs who attended the talk actively shared with the other attendees their experiences, the difficulties that they faced and the (mis)treatment that they sometimes received. Such sharing served as a cautionary tale to those who have yet to encounter a similar situation.

The group then discussed potential ways of solving, or at least mitigating, the problems that bestowed upon others; it was emphasized that there is not necessarily one right way of handling a situation and what worked for one may not work for another. On occasion the group came to the conclusion that the problem could not be solved and YBs can only be comforted by the knowledge of what to expect; the matter at hand must be confronted with guile and, when the hammer comes down, with tin helmets.

All in all the talk was a useful sharing exercise and every YB came away satisfied, knowing that they were not the only ones with all the seemingly unsolvable problems in their criminal practice as a YB.

Derek Chan

Derek Chan and Joseph Lee share their views and experiences with YBs.
The YBC was pleased to take part in the Hong Kong Law Fair 2010 on 30 January 2010. Each year, many law students visit the Law Fair to help them make career decisions, and we were able to provide some information about the Bar as well as share our experiences as YBs.

May Chung
The 6th Hong Kong Bar Association Debating Competition finally drew to an end on 28 February 2010, again with overwhelming support from the secondary schools. This year’s competition was very keen, and all participating schools sent their best debaters to compete for the trophies.

After several rounds of elimination, Diocesan Girls’ School and South Island School argued the motion “The rule against Double Jeopardy should be changed to allow the prosecution to apply to have an acquittal quashed and a person retried” in the final round of the English Division before the Honourable Mr Justice Ma, CJHC, one of the Bar Association’s Vice-Chairmen Kumar Ramanathan S.C. and Martin Lee S.C. DGS forcefully fought for the House by imposing certain barriers before the prosecution could apply for a retrial, which was countered by South Island School with fierce attack on possible infringement of human rights. The outcome of the debate did not come apparent to the audience until the concluding speaker of DGS, Miss Jody Luk, who rested the case for the House. Miss Luk also managed to impress all the adjudicators with her performance and was awarded the Best Debator.

It was also encouraging to see a new participant in the YBC Debating Competitions, Tsuen Wan Public Ho Chuen Yiu Memorial College, join us in the final round of the Chinese Division. They faced Valtorta College and had to convince the house that Hong Kong should establish a register of persons who commit sexual offences against those who are under age (“應在本港設立侵犯未成年人的性罪犯名冊”). Protection of children was the main stance of those in proposition, whilst the opposition put up stigmatisation as their shield. The audience was extremely impressed with the arguments and clearly torn between the compelling arguments from both sides. After a long recess, our adjudicators, the Honourable Mr Justice Au, one of the Bar Association’s Vice-Chairmen Keith Yeung S.C. and Lisa Wong S.C. were finally able to come to the unanimous conclusion that Tsuen Wan Public Ho Chuen Yiu Memorial College should take crown. The First Speakers (劉健玲 and 伍潔榆) of the 2 teams happily shared their awards as the Best Debaters.

I would like to take this opportunity to thank my sub-committee members, students from the HKU, the adjudicators and those who have helped tremendously.

Kevin Li
On 20 May 2010, YBC interviewed Graham Harris, who is well-known for being a friendly and caring pupilmaster, and one of his numerous (approaching 100!) pupils, Selina Kung. They share with YBs their pleasant memories of pupillage and their understanding of the unique pupilmaster-pupil relationship.

G: Graham Harris
S: Selina Kung (former pupil to Graham)

YBC: Can you tell us something about your pupillage?

G: I did my pupillage training in 1975. It was easier to get pupillage then. But we had to pay our pupilmaster for the pupillage in those days. We usually spent the full twelve months with one pupilmaster only, and would therefore choose a pupilmaster with a general practice.

A 12-month pupillage with one single pupilmaster allows the two to know each other really well. It was beneficial to the building up of the pupil and pupilmaster relation.

I believe the pupil and pupilmaster relationship is unique. It is all about trust, and appropriate closeness.

However, things have changed. Nowadays, people normally do their pupillages in a slot of 3 months, which I think is not long enough. If you follow a senior junior, you could only follow 1 or 2 cases.

YBC: How would you suggest dealing with such challenges?

G: Extension of pupillage is an option. Many pupils these days extend their pupillages. They usually have an extension of 6 months which gives them more exposure in an 18-month long pupillage. However, a 2-year pupillage may not be conducive because the pupil would have minimal income for the 2 years while serving as a pupil, and that would deter quite a number of good candidates.

YBC: When did you take your first pupil?

G: I took my first pupil when I was in private practice in 1994.

YBC: How do you pick your pupils?

G: I don’t set stringent requirements. I believe everyone deserves a chance.

YBC: Do you think there is sufficient information for the pupils to choose pupilmasters?

G: I think the Bar is considering putting more information on the websites for university students. Perhaps we could organise more visits to law schools to give the students more firsthand information about the profession.

On the other hand, I think that if one really wants to join the Bar, he should have the foresight and initiative to find out more about the profession.

YBC: How do you “train up” your pupils?

G: I don’t particularly like setting tasks for them. I think the pupils would learn more from the interesting true stories that I share with them.

I always ask my pupil what they think both on tactics and law.

I don’t usually set them drafting tasks. I give them some little forensic work because I have my own style of presentation and writing.

S: Pupillage with Graham was very different from other pupilmasters.

The others were very intensive and were filled with drafting.

But I don’t feel that I have learnt less with Graham, rather, I think my time as his pupil completed my pupillage in another aspect.

G: To be a good barrister, you need to understand what ordinary people think. You need to have experience in life.

I once had a female pupil. We were going to the Kowlon Magistracy in Sham Shui Po the next morning. I asked her to wait for me at the Admiralty MTR station and we would go there together. That night, the pupil’s parents called me and said that their chauffeur driven car would pick us up the next day. Their daughter had not taken public transport before and they did not allow her to do so, as it would be dangerous.

But in my view, such an approach does not work. To be a good barrister, you need to learn how ordinary people take and live. This is essential for helping your client to feel confident about putting his case in your hands.

YBC: How to build a close relationship with your pupils?

G: I take my pupils to lunch every day. During their pupillage with me, we are just like buddies. I want them to treat me as their uncle or friend. But not father, I am not that old!

We could share our views on matters beyond the law. They can share with me their problems with family, work or other matters.

Some say that I am too informal, and there is too much fun in my teaching. I guess that is a matter of style. I am not a big fan of school-master-and-pupil type of pupillage. I want my pupil to tell me anything they have in mind. To me, there is never a stupid question from my pupil. After all, I believe pupillage is supposed to be interesting and fun.

S: It’s about developing the proper and positive attitude. Graham’s patience has particularly struck me, and I have learnt about that from him.

YBC: Do your pupils sit in your room?

G: Yes! That’s a better way. He could learn through observing. He might observe me shaking hands with the client to make him feel more relaxed in the conference room. He might want to do the same when in practice.

I don’t mean that he should copy me 100% as everyone should have his own style. However, if he is given a chance to observe, he has a way to follow. Further, he may observe from his other pupilmasters and he may well add his own thoughts.

YBC: What are the best memories with your pupils?

G: There are a lot of good memories! They mostly come the birthday parties my pupils organise for me every year! I keep good contact with my pupils in leisure time. They become part of my life. It gives me satisfaction seeing them succeed, getting married, having children, undergoing different stages of their lives.

Indeed, some of my pupils are my former pupils’ children! That gives me a strong connection with their entire family.

Sabrina Ho Selina Kung
Dear Diary,

How time flies - I have already completed 6 months of pupillage! I think this would be a good time for me to reflect on what I have done over the past few months as a pupil.

I still recall vividly the first week of my pupillage. I felt quite lost! As instructed by my pupilmaster, I spent the first two days reading bundles and skeleton submissions in preparation for a court hearing. Back then, I remember I was too shy to ask my pupilmaster questions about the case. During the hearing, however, I soon realised that I was barely able to follow the legal arguments. It was a very frustrating experience. After the hearing was over, I raised my questions about the case with my pupilmaster, who patiently went over and discuss each and every question with me. I gained a much better understanding of the case through that discussion.

Looking back, I now realise that it was the discussion which "broke the ice" between me and my pupilmaster. Since then, the most enjoyable part of my pupillage has been engaging in legal discussions with my pupilmaster on a daily basis. His insights are always inspiring. Apart from that, I also enjoy receiving feedback from my pupilmaster on my written work, which allows me to identify my shortcomings in drafting and legal reasoning.

With time, my pupilmaster and I have developed a close professional and personal relationship. Professionally, not only has he encouraged me to develop my independent thinking by our discussions of legal issues, he has also taught me the importance of integrity - he has been a great role model. Outside work, he shows concern about my health and work-life balance. As he always says, a barrister's work can get very stressful, so it is absolutely vital to keep a balanced lifestyle!

It is time for me to say goodbye to my pupilmaster. I am most grateful to him for his guidance during the past 6 months. Hopefully, with what I have learned during these 6 months of pupillage, I will be better equipped to become a barrister. For the time being, I await with anticipation my forthcoming pupillage with my new pupilmaster - here I come, Pupilmaster!

BABY BARRISTER
Dear Diary, 

This is my fifth year of call. I am very excited that I will soon be able to contribute to the profession by taking on my first pupil.

It has always been my aspiration (ever since I was a pupil) to become a good pupilmaster. When I was a pupil, I had the privilege of being taken care of by my excellent pupilmasters, who were intelligent and inspiring. In the old days, we usually worked with only one or two pupilmasters during our one-year pupillage training, meaning that we would spend more time with each pupilmaster. I guess that was one of the reasons why it was easier for me to develop close bonds with my pupil masters: a “parent-child” relationship, as my pupilmaster once said.

I believe that my primary duty as a pupilmaster would be to instill into my pupil a sense of integrity. My pupil could always learn how to draft pleadings or skeletons from Bullen & Leake or from reading others’ draftings, but he would only be able to learn about the proper attitude of being a barrister through observing how I conduct myself as a professional.

When I interviewed my pupil, he gave me the impression that he is a bit shy. I hope that he will become more outspoken, as he will only be able to learn by actively asking questions. Most importantly, if he does not tell me what his difficulties are, or what area he wants to explore, it will be very difficult for me to guess. I am not sure if I should keep asking him as to his progress and whether he has questions, as I might give him too much pressure by doing so.

My pupil sent me an email a week ago and asked if there was anything he should read before starting pupillage. I was impressed by that: it showed he had an enthusiasm to learn. This is a quality which every barrister should have. I did not ask him to prepare anything before coming; instead, I asked him to enjoy his holiday. He will soon find out that holidays are precious and rare for barristers!

I have cleared a corner of my conference table (which had been covered with bundles and papers ever since I moved into this room) to give him a place to work. I think my pupil will learn much more by sitting with me in my room. He will be able to listen to me discussing cases with solicitors, he can ask me questions freely and we can chat a bit when we have some leisure time. The only problem is that I will not be able to play music too loudly or check Facebook or chat on MSN (at least not that often); after all, I need to be a role model for my pupil!

My secretary just told me that my pupil has arrived. I should go out to give him a warm welcome.

NEWBIE PUPILMASTER

Sabrina Ho Kay Seto