Letter from the Chairman

Since the last edition of Buzz, it has been a busy six months for the YBC under the leadership of Jolie Chao. Jolie has now graduated from being a YB and therefore left the YBC, and I am pleased to take up the role of Chairman.

I would like to begin by briefly sharing my hopes for the YBC. All that the YBC has been doing already, I would like to continue. What I would particularly like to focus on, however, is to find out more about the challenges that YBs face and to explore whether there are ways that the YBC and the Bar Council can help. It is often said that it is becoming harder and harder for YBs to survive, but often the discussion stops there and little more is known or discussed. As the former Chief Justice said at the recent Bar Mess, no one owes YBs a living, but at the same time some of the present YBs will come to hold key positions in the future. At the first YBC ExCo meeting this year, we talked about the significance of YBs not as an end in itself, but because YBs form a huge proportion of the Bar, and the strength of the Bar is important not only for its survival but also for ensuring a strong judiciary in the future. I am keen to find out more about the views of YBs and pupils whilst also bearing in mind the interests and needs of those who are considering joining the Bar.
On 19 October, 2010, the YBC organised a forum to
gather views on pupillage reform as well as broader issues
concerning YBs more generally, with much of the discussion
springing from ideas that the Hon. Mr Justice Reyes kindly
shared with YBs on 14 September, 2010 entitled “The Future
of the Young Bar”. I hope that dialogue and discussion will
continue. I urge YBs and pupils to voice their views when
the YBC organises events to gather opinions. They are also
welcome to talk to any member of the YBC individually about
specific concerns or ideas that they may have. If they do not
come forward, no one can know what they are thinking.

Turning to review what the YBC has done over the past few
months, I am happy to report that upon the invitation of
Mr Andrew Mak, the Chairman of the Bar’s Special Committee
on Mainland Affairs, several past and present members of the
YBC (including Elaine Liu, Jolie Chao, Derek Chan,
Isaac Chan, Ann Lui, Kay Seto, Gloria Tse, Tim Wong and me)
went to Shanghai with other representatives of the Bar to help
out at the Legal Services Forum jointly organised by the Bar
Association, Law Society and Department of Justice on 5 July,
2010. Other YBs also attended the Forum, and have written
articles about some of the sessions held that day.

Other YBC events include His Honour Judge Yau’s talk,
“Practical Tips and Advocacy in Criminal Trials”, on 22
June, 2010 as well as the abovementioned talk by the Hon.
Mr Justice Reyes on the “Future of the Young Bar” on 14
September, 2010, and the ever-popular Christmas Drinks at
the China Club on 2 December, 2010.

Further, the YBC has continued to serve the universities in
Hong Kong by giving talks to students, sharing about life at
the Bar and explaining how to apply for pupillage, and also
taking part in the Law Fair on 22 January, 2011. The YBC
represented the Bar at the Stanley International Dragon Boat
Championships on 16 June, 2010 with a slightly new twist this
year as we actively recruited student members of the Bar
Association to join our team, thus furthering our relationship
with the universities. We also formed a team to participate
in the Caring Cooking Competition organised by the Law
Society on 6 November, 2010, pitching ourselves against a
team from the Bar Council led by Mr Russell Coleman SC.

A new event especially worth mentioning is that for the
first time, the YBC took part in an international conference
abroad. Upon the invitation of the London Young Lawyers
Group, Young Barristers’ Committee (England & Wales),
European Young Bar Association and The Law Society of
England and Wales, and with the generous support of the
Bar Council, Alfred Cheng and I were pleased to be able
to represent the YBs of Hong Kong at the International
Weekend in London from 23 to 26 September, 2010. Alfred
will share more about the trip in a separate article, and I
have also put together some photographs of our visit to
the Supreme Court, where we met the Right Hon. the Lord
Rodger of Earlsferry, but I would like to take this opportunity
to mention our visit to Brick Court Chambers.

The reputation of Brick Court Chambers precedes it, and it
is well-known that Brick Court houses many of the greatest
legal minds in a wide range of areas. Perhaps less well-known
however is the value that Brick Court places on family. Ms
Jemima Stratford QC and Mr Ian Moyler, Senior Clerk, who
hosted our visit, told us how much their Chambers objected
to the Right Hon. the Baroness Hale of Richmond’s comment
in September 2010 that “the Bar is the least family friendly
profession in the world”. They emphasised that if a member of
Chambers (be it a mother or a father) wanted to spend
time with family, that would be ensured. The clerks would
take it into account when arranging work. They were proud
that everyone at Brick Court who had had a baby had stayed
on at Chambers.

I was interested that a top set of chambers like Brick Court
can manage family life so well and that this is something that
it takes pride in. People often perceive Hong Kong as a fast-
paced city with a work-life imbalance, and I believe that the
approach and philosophy of Brick Court Chambers is a good
reminder to us as we reflect upon our aspirations.

Finally, I introduce the highlight of this edition of Buzz: an
interview with our former Chief Justice. It was at the
cocktail before the Bar Mess that was held in Chief Justice
Li’s honour that Isaac Chan and I approached him for an
interview, and little did we know that he would be talking
extensively about YBs during his speech. We are privileged
to have some further food for thought from Chief Justice Li
on a topic that is clearly close to his heart.

Queenie Lau
Interview with The Honourable Chief Justice Andrew Li, Chief Justice of Hong Kong Court of Final Appeal (1997-2010)

For members of the Bar, last year was marked by a number of major changes, amongst which was the Honourable Chief Justice Andrew Li’s retirement from his tenure as the head of the Judiciary in August 2010. The former Chief Justice’s departure from the CFA bench signifies an end to a tremendously successful legal and judicial career of one of the most accomplished men of our times. Li CJ is greatly admired by members of the legal profession as well as the wider community for his integrity, vision, and dedication. Queenie Lau, Isaac Chan and Kay Seto had the honour of meeting with the “Son of Hong Kong” in February this year to discuss the past, the present, and the future.

Becoming counsel

Q: What attracted Li CJ to a career at the Bar?
A: I have been interested in court work ever since I was a teenager. I came to know about what happened in the courtrooms from the media and also when I visited my uncle who was a judge at that time. It was the debate in court which attracted me to join the Bar.

Q: What does Li CJ think about fresh graduates pursuing a first career before joining the Bar?
A: I worked as a journalist in the gap year before university and in the summer vacation between my first and the second year at Cambridge. Having a career in another field before joining the Bar may give one experience that would be both interesting and relevant to one’s career at the Bar. Lord Bingham read history. Lord Denning was a mathematician. As a barrister, you must have broad learning and perspectives. You are not just a technician. That is what Justice Felix Frankfurter of the United States Supreme Court, who had been a Professor at Harvard, wrote in his famous letter, “Advice to a Young Man Interested in Going into Law”. But I am of course not discouraging people from reading Law!

Q: Can Li CJ tell us about his days as a pupil?
A: I did pupillage with Andrew Leggatt1 and Peter Millett2, and happened to be the last pupil to both of them as they took silk immediately afterwards. Pupillage to me was an interesting but rigorous exercise. I was asked to do my pupilmasters’ sets of papers before they did them and to treat the work as if it were my own. It was still in the days when the shift to greater reliance on written arguments had not taken place, and the paperwork that I did mainly involved pleadings and advice. My pupilmaster could sometimes adopt at least part of my work, but not always, and I would always compare his work with mine. It was teaching by example.

Q: What does Li CJ regard as the most important element in pupillage training?
A: The most important aspect of pupillage is for a pupilmaster to communicate to the pupil a true sense of professionalism. Everything must be done to the most exacting standards, both in terms of professional standards and ethics. Again, it is teaching by example.

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1 who became Leggatt LJ of the English Court of Appeal
2 who became Lord Millett of the House of Lords, and Lord Millet NPJ of the Hong Kong Court of Final Appeal
As a judge

Q: What is Li CJ's most memorable case during his term as Chief Justice?

A: The right of abode case is my most memorable case during my time as Chief Justice. It was the first Basic Law case reaching the CFA. The controversy caused by that case had an important effect. All concerned, both in Mainland China and Hong Kong, appreciate that whilst the Standing Committee has the power to interpret the Basic Law, and that such interpretation is binding in Hong Kong, that power should only be considered for exercise in the most exceptional circumstances.

To: YBs and pupils

Q: Could Li CJ say a few words to the YBs and pupils nowadays?

A: In life, opportunities come along. If you don’t take advantage of them, they may not come again. It would be awful if later on in life, you kick yourself for not working harder during your earlier years at the Bar and you regret that you could have done better. At least, one should be able to say to oneself that I have done my best.

Treat every piece of work as if your professional life depends on it. Your performance is judged by many professionals, including the judge, your instructing solicitors, your opponent, and your opponent’s solicitors. Word gets around quickly in this relatively small jurisdiction. You can build a reputation but you can also lose one relatively quickly.

So aim high and try your best. You must have passion in your work. At the same time, you must maintain high ethical standards.

For our readers who appreciate the value of history, it must be especially rewarding to have discovered in this issue of Buzz an account given by our former Chief Justice of his early days at the Bar, life on the bench, and his thoughts on the legal system and the rule of law. Li CJ has left behind a legacy which is truly remarkable; his work has contributed immensely to our legal system and has shaped the future of our community in immeasurably important ways, and as YBs we are especially grateful.

The YBC wishes Li CJ a happy retirement, and we hope that in between law teaching and the races, he can spare a few moments to read this.

Queenie Lau Isaac Chan Kay Seto Joyce Chan
「香港法律服務論壇」

由香港律政司主辦，香港貿易發展局、香港大律師公會、
香港律師會及香港國際仲裁中心，及國際商會國際仲裁
院協辦的「香港法律服務論壇」，於2010年7月6日
在上海浦東香格里拉大酒店盛宴堂舉行。此論壇的主題是
「香港法律服務－環球視野」，目的在於推廣香港作為
法律及解決糾紛中心的重要角色。這論壇匯聚具國際經驗的
香港執業律師、大律師和仲裁員、探討了多方面的法律實
務問題。而參與人士包括江浙三角洲內的內地及外資工商
企業、內地執業律師及企業法律顧問，以及相關的內地官
員。現在就讓几位曾出席該論壇的新晉大律師，跟我們分
享他們參與論壇的所見所聞。

麥漢基 (William Mak)

第一環節：「國際貿易及投資的風險管理」

論壇第一個環節的主題是「國際貿易及投資的風險管理」
(Risk Management in International Trade and Investment)，由
香港律師會內地法律事務委員會副主席及首席全體事務所合夥人林月明律師
（Ms Emily Lam），以及香港律師會前理事
會成員及薛阿森岑律師行高級合夥人薛建平律師 (Mr Peter Sii) 主講。

首先，林月明律師為會眾講解「進出口貿易風險管理」這個議題。她解釋了外貿企業所面臨的各種風險，分別來自合作
夥伴，市場，結算，政策變化，運輸業及合同。其後，她逐一講解每種風險的建議防範措施及需注意的事項，使與會者
進一步了解到防范未然的重要性。此外，她簡介了如何建立一支專門的風險管理小組，及香港作為外貿市場平台的好
處和對業界所提供的保障。最後，她說明了良好，有效及全盤的風險管理能為進出口貿易帶來的益處。

這環節的第二位講者為薛建平律師，其議題為「國際投資及企業併購的法律問題」。他首先向會眾說明「走出去」
戰略在現時內地企業不斷壯大的環境下，已成一個大趨勢，並討論了兩項有關的議題。此外，他探討了外貿、投
資和併購的現狀和挑戰，說明中國將面臨新一輪的貿易壁壘。薛律師接著解釋了價值鏈觀念的形成與戰略調整，
並討論了近期趨勢及戰略調整的一些實例。其後，他提醒與會者在併購與投資時需注意的事項，包括一般和特
殊的法律問題。最終，薛律師分析了香港作為中國企業「走出去」的平台和跳板，和香港律師們能扮演的角色。

對於是次的滬港兩地交流，感謝公會的悉心安排。相信經過這次交流後，內地的法律和商界從業員都能夠進一步了解香
港司法制度的特色，熟悉香港作為外貿市場平台的好處，及對香港現時提供的法律服務有更深入的認識。這次研討會
成功促進了兩地的交流，並為兩地的法律和商界從業員帶來了莫大的幫助。

郭榮鏗 (Dennis Kwok)

第二環節：「企業融資及管治」

論壇第二個環節的主題是「企業融資及管治」 (Corporate Finance and Governance)，分別由孖士打律師行合伙人趙詠
德律師 (Ms Jacqueline Chiu)、周家明資深大律師 (Mr Anderson Chow SC)，以及大律師公會副主席楊家雄資深大律師
（Mr Keith Yeung SC）主講。

這環節首先由趙詠德律師主講，議題為「在香港籌措資金的法律問題」。她先向與會者解釋了私人及公開招商兩種
香港主要的融資模式的機制，以及相關的法律問題。她分析了為何香港迄今仍被國際視為亞洲最吸引創業投資基金
（venture capital）和私募基金（private equity）的地方，並指出近年許多基金投資在香港的投資環境，並解釋了基金
投資者在香港投資的主要原因。此外，趙律師亦解剖了香港法律制度對香港企業上市的法律規定，從而影響企業的
資格和程序，以及相關的監管架構和規格等等。

接著，周家明資深大律師向會眾講解在香港設立有限公司及其董事的法律責任，讓與會者認識到在香港的法律責任，
以及公司董事的責任，以及有沒有履行這些責任的後果等。除此之外，周家明資深大律師亦扼要地

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說明了根據《公司條例》、《證券及期貨條例》，以及香港聯交所《上市規則》，有那些規管公司及其董事的辦法，包括撤消資格（disqualification）、審查公司事務（inspection），以及紀律聆訊（disciplinary proceedings）。

這環節最後由楊家雄資深大律師講解「內幕交易」的嚴重性，以及相關的法律監管和預防方法。他指出，假如在香港上市的公司的內幕人士（包括董事及大股東等），使用未經公布的財政敏感信息，來進行內幕交易以獲取利潤，他們就很可能違反《證券及期貨條例》，而這個行為屬刑事罪行。楊資深大律師進一步舉例說明何謂典型的內幕交易行為；簡介上市公

司於防止「內幕交易」發生的法定責任；介紹香港相關的法律和行商的專家（如律師及特許公司秘書）；以及建議上市公司如何訂立內部政策、行為守則和指引，以及相關的風險。

我實在感謝大律師公會給我機會參與這次滙港兩地的交流，以至有幸能聽取資歷深厚的講者的寶貴見解和經驗。他們的分享和建議簡明實用，形象和態度均非常專業。我相信除了本人獲益良多之外，有份出席今次研討會的內地法律和商界人士也能認識到香港司法制度的獨特和優越性，內地企業選擇在香港籌資資金的好處，以及在港法律人才所能提供的專業協助。我期待大律師公會將來繼續舉辦如此有意義的交流。

第三環節：「選擇香港為解決爭議地」

論壇第三個環節的講者分別為香港特區政府律政司副律政司員潘英光先生（Mr Frank Poon），前香港大律師公會主席高浩文資深大律師（Mr Russell Coleman SC）及史密夫律師事務所合伙人庄敬文律師（Mr Graeme Johnston）。他們一起探討了「選擇香港為解決爭議地」這議題，而此環節的主持人為香港國際仲裁中心主席莫士博士（Dr Michael Moser）。

潘英光先生首先指出香港作為解決商業爭議地的優勢—香港擁有穩健及獨立的法律制度及法治精神。此外，香港除擁有本土經驗豐富的專業人士，亦有來自世界各地的專家。更重要的，是香港能提供雙語服務。再者，地理上香港位於亞洲的中心，具有完備的交通及通訊設施，是進出中國大陸的門戶。無論國內人士選擇以香港作為訴訟或仲裁之處，香港確實有其非常優勝的地方。有關訴訟方面，香港有高效率處理複雜商業案件的法院，其判決可於普通法地區執行，亦可於內地及其他有互惠安排的地區執行。而在香港仲裁之優勢包括—香港有高度專業的仲裁人員及仲裁機構，方便用家的仲裁法律，及有可予執行、有約束力的裁決。

這環節的第二講者高浩文資深大律師為各位講解如何商討及草擬仲裁條款。他一如以往，先以談笑風生的形式營造輕鬆氣氛，繼而講解保障保障契約上的權利及義務的仲裁條款之要素—其基本要求、執行制度、仲裁員之選擇等等。

最後，庄敬文律師為大家講解選擇有關管轄法律及解決爭議地的議題。他先概括解釋何謂爭端適用法律及爭端解決地，繼而詳盡比較各長短處。經過分析各爭端解決地的特點，在香港仲裁的優勝地方確實顯著，其獨特的優點包括：

1. 很多在香港的律師和仲裁員能使用普通話，並了解中國內地的情況；
2. 香港具有高質素的仲裁機構（香港國際仲裁中心和國際商會國際仲裁院）和合理的成本；
3. 香港地理位置上離內地較近，並且是中國的一部分；
4. 香港仲裁具有強大的法律基礎和法庭支持。

在此次論壇中，各參與者的反應非常熱烈，在論壇中踊躍發問。他們於論壇環節的小休及午飯時候，都爭取機會發問。這顯出了他們對於在香港進行解決商業爭議，抱有極大的興趣。
Session 4: Dispute Resolution in Practice – A Case Study

The 4th session of the day was entitled “Dispute Resolution in Practice - A Case Study”. The session used a series of case studies to illustrate the more practical issues likely to arise in a typical dispute resolution.

Somewhat different to prior sessions involving a presentation followed by Q&As, this session was carried out almost entirely in a Q&A format. Moderated by Ms Teresa Cheng SC (Vice Chairman of the HKIAC), questions from the floor were deftly answered by Mr Neil Kaplan QC (Past Chairman of HKIAC), Mr Philip Yang (Past Chairman of HKIAC) and Mr Peter Thorp (Managing Partner of Allen & Overy).

Mr Kaplan provided a useful introduction to some of the strategic considerations that a client will need to take into account when choosing an appropriate mechanism amongst Mediation, Arbitration or Litigation. In particular he focused upon the considerations to be noted when drafting an ADR clause, including the need for and contents of a dispute resolution clause, the relevant jurisdiction, language, tiered dispute resolution clauses and using interim stages of adjudication. Mr Yang provided an overview of the various procedural and evidentiary issues related to arbitration while Mr Thorp provided an overview of arbitration in Hong Kong focusing on the advantages of arbitration, procedure, enforceability and litigation procedure.

The session provided an opportunity for the attendees to wrap up the day with questions relating to such issues as the difference between ad hoc and institutional arbitrations, crossover mediator/arbitrator roles, and the enforcement of Hong Kong awards in China.

Simson Chu
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BUZZ 8

THOMSON REUTERS

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The majority of the crowd responding to the 2010 Bar Dragon Boat Team recruiting circular probably came because of the promise of free snacks and drinks. Of those that eventually joined, most were lured by the velvety charm of the past team. Perhaps it was our naivety, but we should have scrutinized the enticements that there would be "just a couple of practices" and "it's a great way to get a tan!" The rest, without a doubt, thought dragon boats had motors.

We began our journey with typical Sunday practices at Stanley beach. Without failure, we were rained on and almost killed by lightning, with only our "seamen" acumen saving us from tipping over. We were comforted by our fearless co-captain Lester's t-shirt quotes, especially "CENSORED BY BUZZ", and his stock of oranges to stave off scurvy. After a gruelling regimen of 3 practices, we were race ready.

The morning of the races on 15 June, 2010, arrived and the team gathered in high spirits. The beach was littered with participants; eager teams stretching, discussing strategy and waxing fibreglass paddles. Cheers pierced the air when a team learned of success; quiet sobbing and consolations followed the losing teams. The sweet harmonies of competition were in the air!

As always, through the generosity of the Bar, there was a pleasure boat awaiting us. On board were our faithful fans bearing gifts for the team: custom made baby blue t-shirts, a buffet lunch, soft drinks and liquor – a pleasure boat indeed.

As our race neared, our cheerful demeanours turned serious. Our soundtrack of 90's rock and themes from the TV show Glee were turned down, chicken wings were devoutly ravished and conversations stopped mid-sentence. There was, after all, work to be done.

Our fans gave us our final encouragement and we were off back to the beach, back to the battleground. We assembled on shore like minutemen, took instructions from our captains, Lester and Emma, and embarked for our boat. Unfortunately, our sage planning did not take into account the crowded beach and we spent 20 minutes sifting through the densely packed terrain. It was midway through our trek that we heard our team name projected over the microphones. We had exactly 1 minute to reach our boat, or we would be disqualified! The team made a frantic dash and reached the boat in time to hear our neighbouring team hailing from Michigan University disqualified.

As we sat together paddling out to the start, we began to feel like a team. We fed off each other's energy, paddled in perfect unison; we all wore bright baby blue shirts. We were a team. Every stroke reminded us of all our hard work; every time we looked around we saw a teammate with whom we had shared a laugh, a drink, even an orange. It was exactly every obstacle we had overcome that made us that much stronger. As we raised our paddles awaiting the starting gun, there was no question in anyone's mind that we were definitely in this as a team.

In the end, we didn't care what adjectives described us. It didn't matter that we ranked in the top co-ed category, beating last year's team. It didn't matter that we were the best legal association in the entire races, beating the Law Society team in the final race (by a LOT). What mattered most was that we never fell in the water.

Vicky Chung  Gregory Leung
YBC Talk: Practical Tips and Advocacy in Criminal Trials by His Honour Judge Yau

With a view to helping YBs in their practice, the YBC has been organising various practice-related talks by inviting judges to be our guest speakers. On the evening of 22 June, 2010, His Honour Judge Yau kindly offered to deliver to YBs a talk entitled “Practical Tips and Advocacy in Criminal Trials”. The talk focused on giving practical tips to YBs, such as the importance of learning the facts of the case thoroughly and making known to the court the issues in dispute at the outset of a trial. Further, topics including common problems faced by counsel, not only when defending clients but also when prosecuting on fiat, were discussed among attendees. His Honour Judge Yau also generously shared some of his views on how YBs can better equip themselves in the conduct of criminal trials.

Towards the end of the talk, YBs were invited to share their experiences and to discuss the problems they had run into in the past. The feedback of the talk was encouraging. All those who attended, especially those who had yet to conduct their first criminal trial, agreed that the talk had been both informative and useful.

Esther Chan

YBC Talk: The Future of the Young Bar by the Hon. Mr Justice Reyes

The livelihood of YBs has always been a topic of much discussion. YBs were privileged to be graced by the presence of the Hon. Mr Justice Reyes, who delivered an informative talk entitled “The Future of the Young Bar”, on 14 September, 2010. The topics covered included the higher rights of audience, thoughts on paid pupillage, as well as structural changes and liberalisation of the Bar Code to embrace the future of the young Bar. Various ideas were thrown out for discussion, for example: Would it help if packages could be obtained from banks to help those starting new sets of chambers? Are there provisions in the Code of Conduct which may no longer be necessary and which may assist YBs if they are removed? The response was overwhelming and those who attended found the talk thought-provoking. The talk was followed by an informal drinks gathering at L16 organised by the YBC. The get-together allowed those who attended an invaluable opportunity to mingle with fellow members and pupils, and most of all, a chance to relax after work!

Esther Chan
The recommendations made by the Special Committee on Pupillage Reform ("the Committee") as published in circular no. 095/10 ("the Circular") have undoubtedly aroused the interest of many. As a clear sign of dedication to the future development of the Bar, almost 30 YBs put their heads together at the YBC forum held on 19 October, 2010 ("the Forum") and had a robust discussion on the proposals of the Committee.

Those who attended made insightful comments over various aspects of the proposed reform. Two areas attracted most of the attention during the forum, namely financial assistance/reward to be provided to pupils, and the overall quality control mechanism over those who wish to take pupils.

Despite the differences in opinion on whether it should be made compulsory or remain voluntary, financial support was widely agreed to be a desirable feature in the pupillage system. Financial incentive will become increasingly important in attracting talents to join the Bar, especially at a time when the rate of increase in the number of YBs seems to have exceeded the rate of increase in the number of cases.

The second commonly advocated reason for providing financial support to pupils is its indirect effect in improving the quality control mechanism over pupilmasters. It was a common sentiment expressed at the forum that one's willingness (or the lack thereof) to provide financial assistance is a manifestation of one's degree of devotion to nurturing new barristers. It was also strongly suggested by some that measures should be adopted to promote a culture for remunerating pupils for work of value.

Other than those in relation to the pupillage reform, many general issues concerning the practice of YBs were also eagerly discussed and debated. Those issues included the need to restrict the use of the premises in which chambers are set up, and the justification for prohibiting conferences being held in solicitors' firms.

After the Forum, the YBC summarised the views expressed in the Forum and submitted a short note to the Committee for its consideration.

The YBC is dedicated to facilitating the YBs' participation in the general development of the Bar. No doubt the Forum is only the first of many steps to come.

Isaac Chan

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International Weekend 2010

Visit to the Supreme Court, UK

The London Young Lawyers Group, Young Barristers' Committee (England & Wales), European Young Bar Association and The Law Society of England and Wales organised the International Weekend 2010 between 23 and 26 September, 2010. During the trip, we visited the relatively recently established Supreme Court. In October 2009, the Supreme Court replaced the Appellate Committee of the House of Lords as the highest court in the UK.

Although any member of the public can visit the Supreme Court, we had the additional privilege of meeting the Right Hon. Lord Rodger of Earlsferry. Lord Rodger explained that when planning for the new Supreme Court, various locations had been considered, for example Somerset House, but the present building (formerly the Middlesex Guildhall) was decided upon in large part because of its excellent location. The Supreme Court (the judiciary), the Houses of Parliament (the Legislature), Westminster Abbey (the Church) and the Treasury (the Executive) form a quadrangle around Parliament Square, and are a symbol of the UK's separation of powers.

The layout of the courtrooms inside the Supreme Court has also been carefully arranged. The seating has been designed so that the judges, the lawyers and the public all sit on the same level. Lord Rodger shared with us that he sees court hearings as being intellectual debates between judges and counsel rather than occasions for long speeches by barristers.

Queenie Lau
Promoting the Bar by media skills – how and why?

The official conference at the International Weekend 2010 opened with a talk by Steve Rudaini and Catherine Reed of the Law Society Press Office on press and media skills training for lawyers.

This was a particularly apt topic for barristers in Hong Kong. Traditionally, it seems to be acknowledged that the Bar can and should maintain its professionalism and reputation by keeping a low profile. Dealing with the media, and hence the public, did not come as a prerequisite to leading a successful practice.

Yet nowadays the public and the media are becoming more interested and indeed inquisitive about barristers’ work, particularly court proceedings. The recent relaxation of the Bar Code on practice promotion provides a suitable opportunity to reassess whether there ought to be any change in the way the Bar deals with the media.

It is useful to know what media professionals think are effective communication skills, so that the Bar can have an informed consideration as to whether, and how its attitude towards the media should change.

Steve and Catherine stressed that passive reporting would not work for lawyers. This is more so for the Bar. Passive reporting involves the media coming up to barristers with questions when a particular issue arises. There is no strong reason for the media to prefer the Bar over the solicitors – and thus the opportunity to be exposed in the media depends on availability and individual relationships with the media.

In Hong Kong, passive reporting accounts for most of the Bar’s exposure in the media. In fact, this explains why the media approaches only a sectional part of the Bar most of the time. Since the exposure is restricted to answering the exact questions posed, it cannot help the proper promotion of the Bar as a profession or individual barristers with their expertise.

So what works better for the Bar? Steve and Catherine introduced the idea of active reporting. This does not necessarily mean increasing direct and immediate communication with the media. Rather, it aims at building up a target group of audience who may be interested in the Bar’s work, or in receiving the information.

It is suggested that the first step may involve issuing press releases or case synopsis. This may become particularly useful for YBs in Hong Kong. Preparing a case synopsis is straightforward and requires the least amount of new skills from a barrister. With the advent of websites, these can be conveniently made available to the public. Also, it targets both instructing solicitors and the media alike. Solicitors may use this information to identify whether there is any YB experienced in a particular area of litigation, instead of searching for one through word of mouth.

The second step of active reporting, Steve and Catherine suggested, would be writing articles. These may be written for the media generally, or for specialised journals. Although it appears to be difficult for YBs to tap into such opportunities, they in fact exist in Hong Kong, albeit in a slightly different form. For example, there are a number of private providers of solicitors’ CPD courses. YBs with specialised knowledge in a particular area of law can avail themselves as speakers for those courses. With genuine insight and knowledge, this provides a good forum to make one’s name known to solicitors.

It is certainly not enough for individual YBs to instil incentive and to implement a change in attitude about practice promotion. In view of the loose association of barristers in Chambers, ultimately the Bar Council has a heavy role in leading any change of attitude. To mitigate the sectional choice of barristers by the media, the Bar Council can look into the need to recruit a full time press officer. It may also be helpful to provide assistance to individual barristers facing media enquiries. Proper guidelines may be designed to institutionalise the Bar’s attitude towards the media. YBs stand to benefit the most if the Bar Council takes up the task to provide a positive atmosphere for practice promotion.

Alfred Cheng
Exploiting new opportunities for Hong Kong barristers

The second day of the official program of the International Weekend ended with a talk by Ms Amanda Pinto QC on International Access to the Bar of England & Wales, and how barristers can be directly instructed.

Ms Pinto QC introduced the services that the English Bar could offer to clients internationally. It is of course well known that barristers can be directly instructed (although perhaps more common to be instructed through a solicitors firm) in arbitration and mediation cases. But a less-talked-about source of work for English barristers is giving advice on both contentious and non-contentious work overseas. It may seem inconceivable that an English barrister would be instructed for such contentious cases, but Ms Pinto QC stressed that the English Bar could add value with its forensic and analytical expertise.

The Hong Kong Bar is certainly given a similar opportunity to vastly expand its business now. Given the growing demand for legal services from the Mainland, Hong Kong barristers occupy a unique position to offer advisory work on contentious and non-contentious matters with a Mainland component. This is even more so for barristers who can effectively implement their skills in both English and Chinese (including Putonghua). Even if one cannot actually feel such an influx of work, the possibility is high and cannot be neglected simply by complacency. YBs will benefit if this business opportunity can be properly exploited.

For instance, in November 2010, a delegation of the Mainland Affairs Committee and the YBC visited the city of Hangzhou where they delivered a presentation on the Hong Kong legal services to the Hangzhou Lawyers Association. The presentation was well received, with the attending Hangzhou lawyers expressing keen interest in the wide range of legal services provided by Hong Kong barristers in litigation, mediation as well as arbitration. The delegation observed that the prospective demand for Hong Kong barristers in facilitating transactions and resolving disputes with a Mainland component is certainly high and should be actively explored.

More work for the Bar as a whole will indirectly benefit YBs at the minimum. And with more senior members of the Bar adhering to the well-established fraternity, YBs can certainly assist more senior members with any new business opportunity, or they can receive the invaluable forensic and analytical skills accumulated by the senior members actually giving the advice.

Yet the new business opportunity can only be properly exploited if there is an institutionalised effort in promoting the Bar in that respect. The Hong Kong Bar seems to be trailing behind its English counterpart. The English Bar Council prepares useful materials ranging from basic information about the English Bar to different lists of barristers specialising in different areas of work. It is high time for the Hong Kong Bar to proactively reach out to the potential market, and think collectively about how this can be achieved.

Alfred Cheng Kay Seto
University Visits

The YBC has been continuing the duty to reach out to law students and this year we have chosen “pupillage applications” as our topic, the reason being that many students have indicated that they find it difficult in general to learn more about life at the Bar. In particular, students are interested in finding more about how to and what to look for in a pupilmaster.

During the three respective visits to the School of Continuing and Professional Studies of the Chinese University of Hong Kong (CUSCS), the Chinese University of Hong Kong main campus and the University of Hong Kong main campus, the YBC had the opportunity to meet students in their respective LLB, PCLL and JD year-groups, and more importantly to answer their various queries on pupillage in a casual and practical manner. Equipped with an informative power-point presentation, the YBC explained to students the various channels they could use in reaching the Bar, including the Hong Kong Bar Association website, individual chambers websites, and indeed through the wide range of activities organised by the YBC.

Dates of visits
CUSCS – 20 September, 2010
CUHK – 7 October, 2010
HKU – 9 November, 2010

Caring Cooking Competition 2010

The Young Bar faced its toughest challenge on 6 November, 2010 – competing in the Caring Cooking Competition organized by the Law Society of Hong Kong.

When our team arrived at the Chinese Cuisine Training Institute, the place was already filled with competitors from different sectors of the legal profession and members from various charitable organisations. We could hear sounds of chopping and sautéing in every corner.

Our team was asked to cook codfish for the first dish. That did not cause too much difficulty for us. We completed the task quickly and conveniently named the dish “Are You Coddling Me?”

It was only when the organiser announced that the main ingredient for the second dish was a slab of suckling pig did the team panic. The team immediately sought assistance from our Bar Chairman, Mr Russell Coleman SC, who helpfully reminded us the golden rule in cooking: “Anything is delicious when deep-fried”. We duly followed his advice and accomplished the second task with a “pass”.

Our Bar Chairman also led the team in the competition for the Chairman’s Cup. This time, we had lamb chops on the menu. We managed to do what we do best as barristers: linking our dish with a theme. Therefore, we named the dish “Silence of the Lambs”. While one of the judges, Mr Chau Lam, congratulated us on our creativity, he sincerely advised us (and, in fact, all lawyers) to spend more time in the kitchen practising cooking.

Kevin Li
On 2 December, 2010, the Hon. Mr Chief Justice Ma, the Hon. Mr Justice Peter Cheung, JA, other members of the Judiciary, and the past and present Bar Chairmen, Mr Russell Coleman SC and Mr Kumar Ramanathan SC, graced us with their presence at the retro-chic China Club, where they were joined by YBs, pupils and many prominent members of the Bar at the Pre-Christmas Drinks Party organized by the YBC.

The evening began as guests mingled in the Shanghai-style library located in the quiet end of the China Club. The room was instantly filled with laughter as guests chatted and helped themselves to delicious hors d’oeuvres and fine wine. Out on the balcony of the Old Bank of China Building, guests enjoyed a splendid view of the Central skyscrapers towering over the Legislative Council Building, where the Court of Final Appeal of the HKSAR will soon reside.

YBC drinks events have always been very popular amongst both senior and junior members of the Bar. They are also well-attended by members of the Judiciary, for such events are jolly occasions where members can let their hair down and mingle with the new and old faces of the Bar. YBC drinks are also great opportunities for pupils to meet young barristers, who can provide endless and exciting tales about their lives at the Bar, both inside and outside of Court!
In furtherance of the YBC’s commitment to promote interest amongst local and overseas law students to join the Bar and to enlighten students on life as a pupil and as a YB, the YBC once again participated in the annual Hong Kong Law Fair held this year on Saturday, 22 January, 2011 at the Hong Kong Exhibition Centre.

As in previous years, the Hong Kong Law Fair 2011 was an immensely popular event for law students, both local and abroad, who wanted to know more about the two streams of the legal profession in Hong Kong. A number of pamphlets from both the YBC and the Hong Kong Bar Association (HKBA) were handed out to interested students; they provided a wide range of information, including information on life as a YB and flowcharts on the various routes through which one can become admitted as a barrister in Hong Kong. Copies of Buzz and the HKBA Newsletter were also distributed. This was the first year in which the YBC has attempted to make use of the latest technological gadgets in promoting the Bar – two iPads were placed at our booth, which proved to be extremely valuable in answering students’ questions regarding the online Bar List, individual chambers’ websites and the HKBA website generally. This year, the YBC was also very successful in promoting the HKBA Student Membership: we ran out of Student Membership Forms at our booth and expect that a substantial number of students will be joining the HKBA as student members in the near future.

Questions from students visiting the YBC booth covered a diversity of issues of interest. Most of the questions were directed towards pupillage applications and tips on choosing pupilmasters. Some students were also interested in tenancy applications and admission procedures. Students (and indeed many parents) were also keen to know about the YBC’s views on competition and survival in the profession as a YB. An intriguing observation is that in recent years, an increasing number of qualified and practising young lawyers from the Mainland have visited the Law Fair and have in particular stopped by the Bar Association booth. Many of them were interested in the requirements and procedures for admission to the Bar as an overseas lawyer. Perhaps we could expect widening interconnections between the YBC and our Mainland counterparts in the future.

The Hong Kong Law Fair is a direct and rewarding channel for the Bar to promote interest in the field and to interact with local and overseas law students. We will continue to expand our presence in the Law Fair in the coming years.

Deanna Law

The Kukuland Mental Health Care Centre (hereinafter the “Centre”) was a psychiatric institution which specialized in treating patients who were suffering from the delusion that they were aspiring YBs (hereinafter the “Delusion”). All of these patients had one common dream, viz being successful and, hopefully, taking silk one day. As the number of patients suffering from the Delusion grew, the Centre became hard pressed for space. Doctor Kuku therefore decided to do a test on the patients, and whoever passed the test would be discharged from the Centre.

Doctor Kuku gathered all the patients in one room, drew on the wall a door (hereinafter the “Fake Door”), and said to the patients, “Ladies and Gentlemen, by the order of the Chief Executive in Council, I am pleased to announce that whoever successfully opens this door will be appointed a Senior Counsel!” While other patients tried all sorts of ways to open the Fake Door, one sat there calmly and looked at the others in disdain (hereinafter the “Odd Patient”). Doctor Kuku happily thought to himself “Thank God there is at least one I can discharge!” Doctor Kuku approached the Odd Patient, congratulated him and informed him that he was fit to be discharged. The Odd Patient, however, giggled and mumbled “These guys won’t make it — I’ve got the keys!”

Tony Ko

Young Barristers Committee
(2011-2012)
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Deanna Law (pupil)

BUZZ is committed to bringing you articles of interest both to YBs and Pupils. We welcome articles which will be of interest to all our readers. Should you have any events, stories, photos, comments or questions for BUZZ or the YBC, please send them to May Chung or Queenie Lau (contact details in the Bar List) or email us at: ybc@hkba.org

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