At the time of writing this letter, my second term as the Bar Chairman is coming to an end. I would like to take this opportunity to review some of the events that happened during this term and share with you some of my thoughts.

Admittedly, my re-election in January 2008 did not go as smoothly as I would like to see. Following my appointment as a member of the CPPCC (Guangdong), a controversy arose as to whether there is any conflict between the role of Bar Chairman and that of a CPPCC member. There were also concerns as to whether the independence of the Bar and its role in maintaining the rule of law would be affected. Not only were there heated discussions at the last AGM, the incident was widely covered by the mass media.

I appreciate that issues of such an unprecedented nature would generate differences of opinion. However, we live in a changing world and should be prepared to think and act outside the traditional box. More importantly, what took place since the AGM have demonstrated that the Bar’s independence and its role in maintaining the rule of law have not been adversely affected despite my dual position as the Bar Chairman and a CPPCC member. In particular, the Bar continues to act and to speak out as and when necessary on issues concerning the rule of law. For instance, on the race discrimination bill, the Bar made representations to both the Government and the UN Committee on the Elimination of Racial Discrimination in March this year. In July, the Bar issued a press statement stressing the importance of judicial independence following public discussions regarding certain remarks made by Vice-President Xi Jinping during his visit to Hong Kong. More recently, the Bar expressed its views on the police guideline of handling searches of detainees. On the international level, the Bar was a signatory to a joint statement on the deterioration of the rule of law in Zimbabwe during the World Bar Conference 2008 held in Dublin and Belfast.

As the world changes, the environment within which the legal profession operates also changes. The Bars around the world are equipping themselves to espouse new challenges and so should we. In this issue, there is an article written by Mr. Geoffrey Yos Q.C., the former Chairman of the Bar Council of England and Wales, after his official visit to Hong Kong in April this year. Although the situation in England and that in Hong Kong are vastly different and the reforms implemented in England have attracted a vast divergence of views, Geoffrey’s observations do provide food for thought on the future of the Bar.

On top of challenges that the entire Bar faces, competition and quality are two of the issues that most concern our Young Bar. Throughout the past two terms, efforts were made with a view to tackling these issues and to assist our junior members on livelihood issues. Regrettably, what the Bar can do is limited due to the complexity of the issues involved as well as the limited resources the Bar can command. With the onset of the financial crisis that is affecting the world, the impact on the Young Bar will soon be felt (if not already felt). I hope the next Bar Council will be able to offer more assistance to the Young Bar so as to help them in resolving their difficulties.

Last but certainly not least, I wish to express my utmost gratitude to the members of the Bar Council, the members of the Bar’s various Special Committees, the Bar Secretariat and those who have assisted me or the Bar Council in the past year. Without their hard work and contribution, the Bar Council would not be in a position to handle the affairs of the Bar.

Rimsky Yuen, S.C.
Chairman
December 2008
主席的信

當我寫這封信時，我作為香港大律師公
會主席的第二屆任期即將屆滿。我希望藉
此機會回顧一些在任內發生的事情，
並與大家分享一些我的想法。

二零零八年一月，我競選連任的過程
委實不如以往般順利。我被委任為廣東省
政協委員後，引發了香港大律師公會主席
與政協委員角色有無衝突的爭議。香港大
律師公會的獨立性和維護法治的角色有
否受到影響亦備受關注，此事件不時在去屆
會員大會中引起激烈的討論，亦被媒體廣
泛報導。

我理解這些無前例的情況必然引起
不同的意見。但既然我們處於一個多變的
世界，則應在傳統框架以外去思考和
行事。更重要的是，上屆會員大會後所發
生的事情顯示香港大律師公會的獨立性和
維護法治的角色仍在不同程度上產生影響。
尤其是香港大律師公會在有需要的時候，仍
然繼續就涉及法治的議題作出發言和採取行動。
例如，香港大律師公會就羅氏訴宗法案在今年
三月分別向香港政府和聯合國解除種族歧
視委員會表達意見。七月時國家副主席習近平訪港期間的某次公開
討論，香港大律師公會發表了一份聲明，
強調司法獨立的重要性。最近，香港大律
師公會就警員被扣留者維權的指引亦發
表了意見。在國際層面上，於二零零八年
在東柏林和維爾納斯塔舉行的世界大律師
會議期間，香港大律師公會簽署了關於津
巴布韋的情況聲明的聯合聲明。

世界在轉變，法律專業的執業環境亦
同時在變。世界各地的大律師正在積極准
備迎接新的挑戰。我們也必須不斷地作
出準備。今期會刊刊登了英格蘭及威爾斯
大律師公會前主席Geoffrey Vos教授大
律師在今年四月訪問香港後所寫的文章。
雖然英國和香港的情況大有不同，在英國
就法律服務業的改革，亦引起各方面不
同的意見，但Geoffrey的觀察對於香港
大律師的未來發展提供了一些值得思考的
地方。

除了整體大律師所面對的各項挑
戰外，實實和競爭也是我們嶄新大律師特別
切身的問題。在過往兩年，為了解決這些
議題和在生計方面協助新晉會員，公會作
出了努力。首先，由於議題的複雜性和
香港大律師公會的資源有限，公會可以改
進的事項不多。目前影響全世界的金融危機
對新晉大律師的影響將會很快產生效應。
我希望屆屆香港大律師公會的執委會能為
新晉大律師提供更多的協助，以幫助解決
他們的困難。

最後，我謹在此向香港大律師公會
執委會的委員，公會轄下委員會成員，
香港大律師公會秘書處和在過往一年曾
協助我們或公會執委會的工作的同仁致以深
切的感謝。沒有他們的努力和貢獻，公會執委
會不可能成功地完成公會的任務。

袁國強資深大律師
主席
二零零八年十二月
A quick glance at the major events that had happened in Hong Kong in 2008 has given us the experience of prosperity and joyful moments, and in the same year, the taste of anxiety and uncertainty. The rapid change around us is a great challenge to one’s sense of security.

In the legal arena, the Civil Justice Reform measures that are to be implemented in a few months’ time will bring fundamental changes to civil litigation procedures. Some people may still be concerned about the impact that the changes may bring. Looking at the contents of the Reform, the thoughts and preparation that judges have put in and the legal professionals’ active participation and contribution in proffering views, one should have some confidence in the Reform.

Walking past the Legislative Council building, the blindfolded Statue of Themis can be seen holding a pair of scales up above. The Statue has witnessed cases tried in the then High Court building as well as the current legislative debate and law-making process. One day, it may even see the Court of Final Appeal enter this building. The Statue is a symbol of the cornerstone upheld by the Bar – the Rule of Law. In this issue, we shall introduce some historical and architectural trivia of the Legislative Council building. Together with the article on the Court of Final Appeal building published in the last issue, do you have any insights on these two buildings that are closely related to the legal profession?

The article written by Geoffrey Vos QC after his official visit to Hong Kong referred to the relationship between law and politics. Moreover, he also expressed his views on regulatory reform to legal structure and practices in Hong Kong. Any recommendation from you on this topic?

No doubt, the Bar shall and will continue to maintain the high quality of legal services provided, and continue to uphold and promote the Rule of Law. The photographs in this issue are evidence of the efforts of the Bar to provide continuous training internally to maintain our high quality as well as the Bar’s efforts in civic education.

In your leisure, why not try reading the two books reviewed in this issue (namely The Black Swan and The Appeal). Alternatively, the short quiz in this issue is a good way to test your knowledge about the Hong Kong legal profession.

I would like to express my sincere gratitude to the time and efforts spent by the editorial committee: Wilson, Barbara, CW, Helen, Debora and Abigail. Thanks also to Derek for photographing the Legislative Council building.

Elaine Liu

Elaine Liu
Back to the Future 回到未來
from the Old Supreme Court to the Legislative Council Building and back again
走進穿梭舊最高法院和立法會大樓的時光隧道

On occasion, this author had mused whether if given the power of speech and the right of audience, the Former French Mission Building wouldn’t have complained gruffly about how it had been short-changed out of the laid-back retirement it enjoyed, after a colorful legal career that was supposed to have ended in the 1980s.

One could just imagine how it must have gotten quite content to watch the world go by from that shaded nook atop Battery Path, for downwinds and eastwards into the gong and throng of Central is where the action is – and where another building of immense historic significance stands.

Arguably the most photographed and/or filmed heritage site in Hong Kong, the Legislative Council Building ("the Building") should be unfamiliar to none. There also ought to be only a rare few amongst us who are unaware that the Building had originally been the Supreme Court in the last century.

And built as one it is. In order to give the neoclassical granite structure a "fitting dignity", its designers Aston Webb and Ingress Bell (the then consulting architects to the Crown Agents of the Colonies who were also responsible for several other noted works of British architecture, like the facade of the Buckingham Palace and the Victoria and Albert Museum) had employed what they called a "colossal order...embracing the two storeys and crowning the whole by a dome."

筆者曾懷奇想，幻想假如舊高院大樓
擁有說話的能力而又有幸得爾聞，它是否會氣
呼地大發牢騷，抱怨自八十年代結束了精彩的
司法生涯後，原本享受的悠閒退休生活是如何被
剝奪了。

我們也可以想像這所位於炮台山頂端的古
老大樓，於九七年前的若干年來是怎樣在樹陰
下觀風賞風下熙來攘往的情景；而它往東遠眺那位
於中環心臟的另一棟具歷史價值的標誌外所發生
的推舉紛爭的同時，又如何培養出冷靜世情的
心境。

所說的標誌，自是本港著名的歷史古
跡——立法會大樓（以下簡稱「議會大樓」）。
筆者相信大部分讀者都知道，在一九八三年的
建築和它的設計師亞歷山大·費伯（Aston Webb）及英格

Milestones in History 歷史點滴

1898 • The Legislative Council resolved to build the "new Law Courts" on land that had been reclaimed at the waterfront of Hong Kong Island.

1903 • Foundation stone laid on 12 November by the then Governor Sir Henry Blake (1898-1903). To form the foundations, hundreds of Chinese fir tree trunks were driven into the reclaimed ground so that the Building is in effect "floating" on a timber raft, and a huge bail-and-cistern system was installed to ensure that the ground water level remained constant.

1912 • The Supreme Court was opened on 15 January by the then Governor Sir Frederick Lugard (1907-1912). Although construction had begun in 1907, the process had been delayed by the death of the contractor in November 1904, as well as an insufficient supply of suitable granite and trained stonemasons.

1941-1945 • At all times between its opening and 1978, the Building housed the Supreme Court except for a brief period during Japanese occupation in World War II, when the Building became the headquarters of the Hong Kong Military Police.

1978 • Construction work of the Mass Transit Railway System caused the ground beneath the Building to subside and led to cracks in its structure. This forced the closure of the Building and relocation of the Supreme Court to temporary quarters.
By the time of its completion in 1912, the monumental structure came to be surrounded by towering Ionic-style columns, a royally carved pediment, a steelwork supported dome and not to mention the largest courtrooms in the whole of the British Empire.

**Bigger + grander = better?**

Notwithstanding the extensive degree of planning and care that had been invested into converting the French Mission Building for the purpose which it now serves, it is quite probable that nobody was quite fully prepared for the nature, profile and volume of cases that have come before their Lordships at the Court of Final Appeal, with the result that the sufficiency of existing space and facilities – for the immediate users of both the Bar and Bench, as well as the public at large – have been called to question.

And so, when the Tamar Project came to be unveiled and it became known that the Legislative Council was to be moved to the brand new Government Headquarters in Central, suggestions that some consideration might be given to relocating the CFA to the Building came to surface... after all, where better to relocate the CFA than a building which was indeed designed as the highest Court of law of the land?

Indeed, compared to the red-cheeked, sturdy grandpa of a mansion that the former French Mission Building happens to be, the Building (as overseen by the sombre, sword-wielding statue of the Lady of Justice atop the pediment) certainly gives off an air of stately aloofness and stern discipline – rather fitting qualities one would expect in a Court of this order.

Beyond that, the question of what values and functions needs to be served by modern-day Justice are perhaps questions for a later date. This piece continues where the previous article on the CFA Building (see the September 2007 edition of the Bar Newsletter) left off, and hopes to interest and enlighten our readers about the Building and its place in Hong Kong’s legal heritage.

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**1983–1985** The fate of the Building became certain in 1983, after the Executive Council decided that it should be converted to house the Legislative Council. Conversion and renovation works took 2 years to complete, and at a cost of some HK$36 million. The Building was declared an official monument of Hong Kong in 1984 following the signing of the Sino-British Joint Declaration, and formally opened as the Legislative Council Building on 30 October, 1985.

於1878年2月28日，當時立法會決議通過建立“新的法院”（亦即當時最高法院大樓）。該大樓的建築工程於1900年開始，於1903年由當時首任港督卜力爵士（1907-1912）奠基，由於缺乏合適的花崗岩及石匠，以及承建商逝世等原因而數度延誤興建該大樓的工程。最後，該大樓於1912年1月15日由當時的港督嘉道理為大樓主持啟用典禮。
**Architectural Trivia 建築特色**

**The Pediment 巧奪天工的三角楣飾**

Situated at the central section of the Building facing Statue Square, the pediment is inscribed “Erected AD MDCCXX” (Erected AD 1910) and ornately carved with the British Royal Coat of Arms. This is flanked by the figures of Mercy and Truth, and beneath is the motto of the Sovereign, “Dieu et mon droit” (God and my right).

The facade towards the square’s central entryway has a triangular pediment, below which the motto “Erected AD MDCCXX” (公元1910年豎立）. In the pediment, there is a pair of scales in her right hand (representing fairness) and a sword in her left (symbol of power). Whilst many a disappointed litigant might have bitterly remarked that the Goddess was blind to rights and wrongs of the world, that she is blindfolded rather signifies impartiality and fairness to all.

The Goddess of Justice is portrayed with a long, flowing white robe, holding a sword and scales. She stands atop a pedestal, symbolizing her authority and divinity. The Goddess is depicted bending over slightly, her gaze directed downwards, perhaps in contemplation or readiness to dispense justice.

**Statue of Themis 泰米斯女神雕像 — 法律精神的象徵**

On the top of the pediment is a 2.7 m high Statue of Justice, being a replica of the exact same found at the Old Bailey criminal courts in London. Represented in Grecian mythology by the Goddess Themis. The Goddess is depicted with a pair of scales in her right hand (representing fairness) and a sword in her left (a symbol of power). Whilst many a disappointed litigant might have bitterly remarked that the Goddess was blind to rights and wrongs of the world, that she is blindfolded rather signifies impartiality and fairness to all.

The statue of Themis is a long-standing figure in judicial systems across the world. She is often depicted with a sword and scales, a representation of the need for a balance between power and justice. The Goddess of Justice is portrayed as bending over slightly, her gaze directed downwards, perhaps in contemplation or readiness to dispense justice.

**Far Eastern characteristics 摂合中西建築風格**

A touch of the Orient is manifested in the sweeping arcades on the ground floor, as well as the expansive balconies on the floor above – both designed to prevent direct sunlight from shining into the Building and to diffuse heat (given the sub-tropical climate of Hong Kong). The overhead roof is covered by double-layered Chinese tiles and the carved teak brackets supporting the eaves are also styled in the Chinese tradition.

The roof design incorporates elements of both Western and Eastern architecture, creating a unique blend that reflects the multicultural nature of Hong Kong. The use of Chinese tiles and teak brackets not only adds to the aesthetic appeal but also serves a practical purpose in managing the heat and sunlight in the building.

The combination of Grecian and Far Eastern elements in the design of the Legislative Council Building highlights the cultural diversity and the harmonious coexistence of different architectural traditions in Hong Kong.
Notable changes over the years
百年蛻變

Entrances 入口

Amongst the three entrances facing Statue Square, the middle was originally prisoners' entrance, whereas the other two were for the general public. Those two entrances facing Jackson Road were for registrars and clerical staff on one hand, and judges on the other.

Nowadays, only the public entrances facing Statue Square remain in use and for this purpose. The two entrances facing Jackson Road have been respectively designated as staff and current Members' entrances.

面向皇后像廣場有三個入口，中央的一個原是囚犯入口，其餘兩側是該大樓的公眾入口。該大樓另一側面向民健道的入口曾分別是司法常務官及文員入口和法官入口。立案局遷入該大樓後，不僅停用了囚犯入口，面向民健道的入口亦成為了議員入口及職員入口。其餘兩個入口至今仍用作公眾入口。

1st Floor 一樓

Back in colonial times, the Building had only three courtrooms all of which rose through the 1st and 2nd Floors. This changed in the 1950s, when extra floors were inserted at the 2nd Floor level to accommodate extra courtrooms and ancillary rooms. Although it was proposed in the 60's to insert an extra floor under the dome, this plan was shelved for fear that the extra weight might damage the foundations. By the 1970s, there were all in all 7 courtrooms on the 1st and 2nd floors and the Large Court had been converted into the library. It was following reconfiguring alterations in 1984 that the library was reconvened into the Council Chamber.

在該大樓用作最高法院時，設於一樓的三個法庭樓高兩層。在五十年代，二樓兩側的法庭內曾加建樓層，以增設法庭及附屬房間。在六十年代，有人大議在二樓頂下設的大法庭加建樓層。不過，由於懼怕此舉會使地基結構負荷過重，此項建議未被採納。經過多番改建後，該大樓一樓及二樓共設有七個法庭，在七十年代，曾改建大法庭為圖書館。該大樓於1984年更改內部配置後，重大改變之一，就是把圖書館改建為會議廳。

Ground Floor 地下

The ground floor during the Supreme Court years consisted of the Land and Registrar's offices, facilities for the public and prisoners. After World War II, some of these rooms were converted into three additional courtrooms.

When the Building came to house the Legislative Council, the ground floor was converted to the use of office accommodation for the staff of the Legco Secretariat. Some rooms were then turned into Members' Rooms in 2003.

當該大樓用作最高法院時，地下設有田土庭及司法常務官辦公室、服務市民的樓層，以及接收囚犯的設施。二次大戰後，地下部分辦公室改建為三個法庭。該大樓自成1949年大樓以來，地下使用作立法會祕書處職員的辦公地方。在2003年年初，部分職員辦公室改建成為貴賓室。
Back to the Future? – a few thoughts

Given the relative abundance of space and extensive experience in converting the Building to suit the needs of the times, it would seem that a backwards engineering exercise to restore the Building to its former use might not be as difficult as one would expect.

However, where re-location of the CFA is concerned, the considerations are by no means straightforward given that even from a purely utilitarian perspective, the workload of the CFA and the number of visiting judges do fluctuate, which in turn makes it difficult to forecast what would be the optimum user needs of the Judiciary. Besides, past experience has shown that adhering to the maxim that "justice needs to be seen in order to be done" is again easier said than done. Time and time again, the current facilities at the CFA building have been taxed to their utmost when cases of great public interest were heard. Clearly, a broad perspective needs to be adopted, not just from a user point-of-view but also from the vantage point of the public.

In this regard, it is a comfort to know that the Building, with its weighty historical value and careful preservation by the government, is probably in a better position than many heritage sites in Hong Kong. As it were, the main pieces of legislation for heritage conservation in Hong Kong are the Antiquities and Monuments Ordinance (Cap 53) ("the AMO") and the Environmental Impact Assessment Ordinance (Cap 499) ("the EIAO"), neither of which can prevent a heritage site from being demolished or damaged by a private owner if the same has not been/not yet declared a "monument, historical building or archaeological or palaeontological site or structure" by
Gazette under section 3 of the AMO, or “a site of cultural heritage” as defined in Schedule 1 of the EIAO (whereby the EIAO’s definition of “a site of cultural heritage” is dependent on the AMO having first made the said classification). Given the number of potential sites requiring classification in Hong Kong (up to 1400) and the inevitably slow and possibly complicated processes involved, it is indeed prevented to prevent a controversy like that which arose over King Yin Lei on Stubbs Road last September from reoccurring.

But conserve we must, especially in a world of change. Hopefully, with increased awareness on the part of the government and greater engagement of the public in discussions on heritage conservation matters (as more recently manifested in the government’s campaign to invite proposals on sustainable urban renewal of ageing local districts), more thought might be put into reviewing the statutory mechanisms in place for heritage conservation purposes, if not more resources to speed up the classification process, so that more pieces of Hong Kong’s history can be preserved to inspire future generations.

Abigail Wong
Photos by Derek Chan

Thanks and acknowledgements

1) Gracious thanks to the Legislative Council Secretariat who gave permission for photos to be taken of the interior of the Building, to Mr Simon Wong (Chief Public Information Officer) and the various members of staff of the Legislative Council Secretariat for facilitating the photo shoot and supplying historical information.

2) Thanks again to Mr. S.L. Lam (Senior Maintenance Surveyor, Heritage, Architectural Services Department), for his personal insights into the issue.

3) Information on the Building’s history comes from “The Legislative Council Building” in The Commemorative Booklet for the Opening of the Legislative Council Building (1985, Hong Kong Government Information Services Department) and Information Note on the Legislative Council Building (prepared by Simon Li of the Research and Library Services Division of the Legislative Council Secretariat in May 2003).

上述對該大樓的歷史背景的資料描述，取自《立法局新址揭幕紀念冊》（1985年，香港政府新聞處出版）以及《資料摘要——立法會大樓》（由立法會秘書處資料研究及圖書館服務部的李志輝先生於2003年5月撰寫。）

QUIZ

1. Do you know which magistracy was the first magistracy in Hong Kong?

2. Do you know when female barristers were allowed to wear long trousers in Court?

3. Do you know that there was more than just one district court in Hong Kong in the past?

See answers on page 19. 答案見19頁
The Delivery of Legal Services in Hong Kong

 Outsiders should never meddle in the politics of other countries. But in some cases, this happens involuntarily. I was privileged to be invited by the Hong Kong Government to conduct a series of meetings with Government ministers and officials, legislators, judges, and lawyers.

 The experience was enlightening. I concluded, in broad terms, that the delivery of Hong Kong legal services required significant modernisation, but that politics may be holding back the necessary progress.

 The legal and political community appeared to me to be bound up with universal franchise. The Basic Law envisages that there will be universal franchise, and the Beijing Government has recently announced that it will support elections for the post of Chief Executive in 2017, and for all seats in LegCo in 2020. The pan-democratic parties object to the delay, but I doubt much can now be done about that. They are also mistrustful of Beijing’s intentions as to the kind of democracy that will emerge. But, for what it is worth, I formed the impression that, if the DAB and the pan-democratic parties were to sit down together tomorrow, they could readily agree on a mutually acceptable blueprint for the elections in 2017 and 2020. I would expect Beijing then to approve what they had agreed. The problem is only finding the leaders that will negotiate such an agreement. My impression is that the pan-democratic movement desperately needs a strong leader behind whom it can coalesce, and perhaps the DAB likewise.

 This issue is distracting politicians and lawyers from the challenges facing the region. Hong Kong exists as a trading centre. It must export itself and its services. It now has a golden opportunity to form the bridge between Mainland China and the outside world. It has a common language and a common culture. Hong Kong has a strong tradition in the common law, which China needs to cement its trading relations with investors and trading partners overseas. But Hong Kong’s conservative practices are holding it back from making the best of its common law tradition, and the politics is impeding the lawyers in moving forward.

 In England, Sir David Clementi’s report of 2004 recommended that regulation of the legal profession should

 be separated from representation, and that alternative business structures should be permitted so as to provide flexibility in the way legal services are delivered to a sophisticated consumer and business clientele. The English legal profession was deeply suspicious of Clementi, but has now broadly swung behind the fundamental reforms encapsulated in the Legal Services Act 2007, realising that they will promote exports of legal services. Despite dire warnings by opponents of change in England, the removal of restrictive practices has strengthened the profession and benefited the public it serves.

 I am convinced that Hong Kong lawyers should embrace regulatory change. Court procedures are in the course of reform – and these updates must be welcomed – unlimited and disproportionate oral argument and cross-examination cannot survive. Provided advocates know the limits in advance, there is no injustice in restricting cases to an affordable timescale. Lawyers can and should compete on merit. The reputation of Hong Kong’s lawyers is high, and they match the best that the UK, Singapore and the US can offer. What is needed is confidence. To change, one needs to be confident about the future, and about one’s own ability to take a leading role in that future. Hong Kong’s legal profession must have the leadership and vision to look forward.

 Reform to legal structures and practices will drive Hong Kong’s economic growth, and should be led by the profession itself.

 Lawyers should ask the Government to appoint a leading Hong Kong figure to consider urgent regulatory reform. The UK’s solutions will not necessarily be appropriate in Hong Kong. Its position in China is crucial to the formation of practices that will best suit it for the 21st century. But one thing is certain, if Hong Kong lawyers are to flourish in future, and if they are to improve their competitive position in world markets using the gift of the common law to do so, they must grasp this opportunity right now.

 Geoffrey Vos QC
 29th April 2008
在香港法律服務之提供

外人不該干預其他國家的政治，但在某些情況下，這仍會非自願地發生。我很榮幸獲香港政府邀請，與香港政府司長及官員、立法會議員、法官及律師進行一連串的會議。

這次的經驗具啟發性，我概括地總結，香港法律服務的提供需要大大的現代化，但所需進程或會因政治的因素而推遲。

法律及政治社會似乎與普通有着密切的關係。《基本法》設想會進行普查，而北京政府最近亦宣佈將支持2017年的特首選舉及2020年立法會所有議席的重選。泛民主派反對拖延，但我質疑現在可做的實在有限。他們也提出北京的意圖，屆時出現的將是哪種民主？不過，別忘了沒有用，我有這樣的想法，假如民建聯及泛民主派明天坐下商討，他們應可就2017年及2020年選舉達成一個相互接受的藍圖，我亦預期北京會贊同他們的協議。唯一問題是，要找到負責律師協議的北青，我認為泛民主派需要一位能幹的領袖，讓運動統一，或許民建聯也一樣。

此事分散了政府及律師對香港所面臨的挑戰的注意力。香港作為一個貿易中心，必須對外推廣自己及其服務。現在正是香港成為中國大陸與世界之間的橋樑的黃金機會。香港與中國大陸有著共同語言和共同文化，香港本身亦享有深厚的普通法傳統，這正是中國加強與海外投資者及貿易夥伴的貿易關係所需要的。但香港保守的執業模式正阻礙其好好利用普通法傳統，政治亦妨礙律師前進。

在英國，Sir David Clementi在其2004年的報告中建議法律行業的規管應與法律代表分開，其他的業務架構應予允許，令不同的法律服務可彈性地提供予經驗豐富的顧客和商業客戶。英國法律界對Clementi先生的建議深信不疑，但現在都開始學習已經在《2007年法律服務法令》(Legal Services Act 2007)內的基礎改革，因他們明白到那些改革能推廣法律服務。儘管英國國內反對改革的人士曾發出嚴重警告，但排除限制性的執業模式確令法律行業更強大，也令公眾受惠。

我深信香港律師應欣然接受規則的改變，法庭程序正進行改革（這些修訂必受歡迎），無止境及過度的聆訊辯論及設置並和合時宜，假若代給人事先知道這些新的規則，適當的限制案件的處理時間便不會造成不公。律師能夠亦應該就案件的理據進行比拼，香港律師有名聲，比英、美及新加坡和美國的頂尖律師。香港律師需要的是信心，要改變，就要對未來有信心，並自信有能力在未來擔當領導角色。香港的法律界必須具備領導才能和遠見，展望未來。

法律架構及執業模式的改革將帶動香港經濟增長，而此改革應由法律界自行帶領。

律師應要求政府委任一位香港的要人物考慮急切的規則改革。英國的做法不一定適用於香港。香港在中國的位置，對營造最能配合二十一世紀的香港的執業模式非常重要。但肯定的是，香港律師希望在未來能蓬勃發展，並希望利用天賦的普通法傳統提升其在世界市場的競爭地位，就必須抓住眼前的機會。

Geoffrey Vos 御用大律師
二零零八年四月廿九日
Mediation Theatre

Front row (L-R) Mr. Justice Andrew Li, Chief Justice; Mr. Justice Geoffrey Ma, Chief Judge of the High Court; and Clive Grossman S.C.

(Mr. Justice Andrew Li, Chief Justice; Mr. Justice Geoffrey Ma, Chief Judge of the High Court; and Clive Grossman S.C.)

(L-R) Rimsky Yuen S.C., Danny McFadden - Director, Asia Initiative, CEDR; Frances Maynard - Former Director of Training, CEDR; and James South - Director of Training, CEDR.

(L-R) Rimsky Yuen S.C., Danny McFadden - Director, Asia Initiative, CEDR; Frances Maynard - Former Director of Training, CEDR; and James South - Director of Training, CEDR.

(L-R) Mona Chhoa; Danny McFadden - Director, Asia Initiative, CEDR; James South - Director of Training, CEDR; Giles Surman; Frances Maynard - Former Director of Training, CEDR; and Frederick Chan.

(L-R) Mona Chhoa; Danny McFadden - Director, Asia Initiative, CEDR; James South - Director of Training, CEDR; Giles Surman; Frances Maynard - Former Director of Training, CEDR; and Frederick Chan.

Mediation Demonstration


(Front row (L-R) Rimsky Yuen S.C., Clive Grossman S.C. and Keith Yeung.)

(L-R) mono Chhoa; Danny McFadden - Director, Asia Initiative, CEDR; James South - Director of Training, CEDR; Giles Surman; Frances Maynard - Former Director of Training, CEDR; and Frederick Chan.

(L-R) mono Chhoa; Danny McFadden - Director, Asia Initiative, CEDR; James South - Director of Training, CEDR; Giles Surman; Frances Maynard - Former Director of Training, CEDR; and Frederick Chan.
CIVIC EDUCATION

Richard Khaw and Herbert Au yeung at St Peter's Secondary School on 30 November 2007
許強強律師和歐陽浩榮律師於2007年11月30日探訪聖伯多祿中學

Bernard Mak and Catherine Wong at Kwan Tong Government Secondary School on 12 October 2007
龔家成律師和黃麗敏律師於2007年10月12日探訪官塘官立中學

Frederick Chan and Angel Mak at Hong Seng School of Commerce on 13 December 2007
陳家倫律師和麥嘉樂律師於洪森商業學堂

Chua Guan Hock S.C. at Singapore International School on 14 November 2007
蔡家輝大律師於2007年11月14日訪問新加坡國際學校

Jennifer Tsang at St Catherine's School for Girls on 7 April 2008
曾昭珍律師於2008年4月7日於聖摯靈女子中學

Paul Shieh S.C. at St Stephen's College Stanley on 20 November 2007
許家華大律師於2007年11月20日探訪位於赤柱的聖斯德望書院

Kent Yee and Angel Mak at Sung Lun Middle School on 21 January 2008
余家根大律師和麥嘉樂大律師於2008年1月21日探訪崇蒙中學

Visit by students from Buddha Yip Kei Nam Memorial College to the High Court and the Bar on 13 March 2008
佛教慈濟紀念中學的學生於2008年3月13日參觀高等法院和香港大律師公會
Mr. Justice Stock J.A.
高等法院上诉法庭司徒敬法官

Paul Shieh S.C. and Mr. Justice Andrew Li, Chief Justice
石永泰資深大律師與終審法院首席法官李鵬飛

Robert Whitehead S.C., Paul Shieh S.C.
and Rimsky Yuen S.C.
雲浩德資深大律師，
石永泰資深大律師
與袁國強資深大律師

Musical entertainment for the evening
樂器表演

絃樂表演
Kenny Lin, Lisa Wong S.C., Eva Sit, Paul Shieh S.C.
林潤培大律師，黃繼琛資深大律師，蘇日華大律師，
石永康資深大律師

Mr. Justice Sakhrani and Anthony Ismail
高等法院原訟法庭的法官和石永康大律師

Graham Harris
葛理志大律師

The late David MacKenzie Ross, Rani Romani from the Bar Secretariat,
Adrian Huggins S.C., His Honour Judge Longley
已故David MacKenzie Ross大律師，公會秘書處Rani Romani
Adrian Huggins資深大律師，區域法院裁判法官
FOOD AND WINE REVIEW 品酒評食

CHESA 瑞樵閣

By definition, a visit to Chesa is a treat. Our recent lunchtime excursion was no exception.

Ye Olde Swiss Cottage is the theme of this venerable institution, and long may it live. For where else in Hong Kong do you find such a cozy ambience, immaculate service, mouth-watering cuisine, and of course, a wine list unsurpassed in its breadth and depth (with prices to match)?

Consider Chesa’s closest rival, the Swiss Chalet located nearby on Hart Avenue. The signature dish in both outlets is the cheese fondue. Whilst the Swiss Chalet offers several versions of the dish (with cepes, without wine, etc.), Chesa excels in its traditional recipe, with just a touch of kirch, and Swiss white wine blending in the mixture of molten gruyere and emmental. Calories, Gromit? What calories?

With such a superb range of Alpine and Alpine-inspired dishes, the temptation is to sample as many as one humanly can. If you are new to the restaurant or Swiss cuisine, the three-course lunch set menu would be as a good introduction as any. Highlights from this varied and interesting menu include the grilled veal steak on air-dried beef spätzli with melted raclette (alright, Gromit), a wonderful combination of contrasting textures and flavours, and macaroni tossed with seafood (ever so fresh) with zucchini and chilli flakes in garlic olive oil. Off the set menu, I tasted the sautéed escargots on a bed of potato mash, which is among the best I have ever had.

To round off the meal, at the risk of incurring further disapproval of our imagined four-legged friend, we took in the decadent banana gratin with caramel sabayon with chocolate ice cream, the refreshing raspberry crème brûlée tart, and the delicious frozen cinnamon-spiced soufflé with cherry compote. The chocolate ice-cream hut with vanilla ice-cream, available from the regular menu, is the ultimate dessert treat and a sight to behold. It is so delicately crafted that it seems a pity to have to bring the house down, so to speak.

The set menu price of $260 ($300 with a glass of house wine) may not be cheap but, in my opinion, represents excellent value. It also includes coffee or tea, and petits fours. And don’t worry, no dogs (or mobile phones) are allowed in Chesa.

In the face of a mammoth wine list the size of a telephone directory, it is easy to feel completely at sea. Not to worry, for you can always turn to the very knowledgeable staff for their sound advice. Bernard, in particular, is a true wine enthusiast who will point you in the direction of inspired and unusual pairings.

With the fondue you can’t go wrong with a dry white wine with good acidity, such as a 2005 Fendant de Sion, Domaine Brüefer, Charles Bonvin Fils ($400) or a 2002 Riesling ‘Les Princes Abbés’, Domaines Schlumberger ($350).

Ling Chun Wai
冒煙的芝士麵包，是淡淡的芝士味和微酸的酒味。把它送到嘴
裡，感到很美味。要就愛芝士的，一定把這個芝士火鍋
愛死了！聽說，瑞佛閣的芝士火鍋是全香港最好吃、最有水
準的。這裡除了傳統的Fondue Vaudoise，還有加藤芝士
、煙肉、培根芝士、酸漬黃瓜、風乾牛肉或雞蛋等不
同款式的芝士火鍋任君選擇。點火除了這些配料外，還
有機會有水果如菠蘿、草莓等代替麵包，也有些變成了朱古力
火鍋，以鮮果或薑餅乾配朱古力原味來吃，想必也很美味。

甜品時間：我們分別點了（1）香電焦
糕配焦糖莎巴翁及朱古力蛋糕；（2）冰凍
蛋奶酥（Soufflé）配蜜糖枇杷；及（3）紅
莓法式焦糖漿蛋糕。香電糕的配的莎巴
翁（Sabayon），其實是一種義大利甜品，
通常用於義大利芝士粉（Tiramisu）的製作
之中，但也可獨立成為一款甜品，或配
合其他甜點來吃。莎巴翁即是用熱水把
蛋泡沫化，焦糖等適當材料加入拌勻，再
至它達到濃滑及厚身泡沫的狀態。這樣
做出的莎巴翁沒有使我們失望，它很軟
滑，配合帶些果仁的香電蛋糕和朱古力
雪糕，口感非常豐富，至於蛋奶酥，一
般都是乾燥的，但今次這個冰凍蛋
奶酥，卻是冰凍的，像一抹幼滑的慕絲，
而這個慕絲，充滿著芳芬的肉桂味。喜歡
肉桂的一定不要錯過。最後，到了法式
焦糖漿蛋糕，最特別之處是它變成了一
個捲，不餅乾是一款法式焦糖捲，它加入
了鮮紅莓，使這個向來可以很甜膩的食
品變得倍又新鮮。

緊隨甜品的，就是咖啡、茶這些飲料。瑞佛閣選上四
小清( Petit Fours ) - 杏仁曲奇、朱古力曲奇等小點，保證我們
不會只喝咖啡、茶如此簡單。有了四小清，簡直覺得整間飯
都很美麗了。本來三道菜午餐，彷彿變了四道一樣。這餐三
道菜的午餐，盛惠每位 HK$260 (另加一成)，價錢尚算合理。

看看手錶，已是下午三時了！不經不覺，原來已從早悠
然地吃了一頓近三小時的午餐！是時候返回寫字樓工作了！

潘淑儀大律師

Our rating, out of a maximum of five thumbs-up:

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<th>Food</th>
<th>Service</th>
<th>Ambience</th>
<th>Price</th>
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ANSWERS TO QUIZ on page 9

1. It was the former Central Magistracy, situated at Arbuthnot
   Road, Central in about 1913, adjacent to the Central Police
   Station and the Victoria Prison. It was closed in 1979 and has
   now become a declared monument of Hong Kong.

   It is a former legal prison, named after the Duke of Buccleuch
   who was responsible for its construction. It is a significant
   example of Victorian architecture.

2. Since about 1996, female barbiers were allowed to wear
decent and suitable black long trouser suits when appearing
in Chambers hearing and fully robed in open Court. (See the

   This has allowed women to participate more fully in the legal
   profession and has helped to increase the diversity of the
   judiciary.

3. We all know that the District Court is situated in the Wanchai
Law Courts. Before it moved to where it is today, there were at
least 3 district courts in Hong Kong, one in Tsuen Wan, one in
South Kowloon and one in Wanchai.

   These district courts provided important services to the
population across Hong Kong, and they were central to the
administration of justice in the city.
BOOK REVIEWS

THE BLACK SWAN (The Impact of the Highly Improbable) by Nassim Nicholas Taleb

Only best sellers make it to Penguin Books, and The Black Swan is certainly one of them. This book has been taken by readers in the financial markets as the quintessential "I told you so" book, published just before the Sub prime crisis, the effects of which are still painfully evident. This accounts for the book's fame and wide readership. But the book is not just a "financial book," although the author was once a trader of currencies and myriad financial instruments and he draws many of the anecdotes liberally strung across the book from the financial markets. The book is in fact an exploration into the age-old question as to how one can, if at all, manage uncertainty - hence the story of the BLACK SWAN. Until black swans were found in Australia after the territory was colonized by Europeans, the common belief in Europe was that all swans were white. Herein lies the theme threading through the book. The generally accepted concepts of risk management in the financial markets, developed and sanctified by successive Nobel Prize winning studies, have been based on probability theory (which measures the probability of outcomes from games the rules of which are known) and on statistical theory (which draws conclusions from measurements historically taken). These risk management tools do not, however, show up black swans, because they are all based on measurements and assumptions which do not take account of black swans. The book is therefore a timely reminder that so called expert advice should always be taken with a pinch of the proverbial salt. It is an entertaining, thought provoking and sobering read, so the best accompanying beverage might either be coffee or better still, green tea.

Barbara Wong

THE APPEAL - a Novel by John Grisham
(Published by Doubleday - Hardback) (First Edition 2008)

Still in hardback and still prominently displayed in nearly all bookstores (in or out of airports) many months after its first publication, The Appeal is another powerful legal yarn from John Grisham, the king of American legal yarns (The Pelican Brief, The Client, to name a few). As in nearly all of Grisham's stories, they are played out in the context of the American justice system and so, like all his other stories, this is a story about justice. This time, the story starts from a murder trial, and the trial is played out in a Mississippi courtroom, which is a triumph for a group of particularly hard done by and poor plaintiffs in a case of particularly egregious environmental pollution caused by a major corporation and the plot winds its way with nail biting dramatic twists and turns to the State Supreme Court. From the opening paragraph to the final denouement, the theme like all good stories revolve around the good side and the dark side of the invisible underlying force driving the human condition. Grisham not only brings his characters to life but he also brings his reader into the dark side and good side dilemmas which face each of his characters. Life is about good and evil and life is about choices. That is the stuff of all good stories and this is a terrific read, best enjoyed over the weekend accompanied by your favourite libation, alcoholic or otherwise, and May the Force be with you!

Barbara Wong