

Speech at the PCLL Opening Ceremony of the University of Hong Kong

Winnie Tam SC  
Hong Kong Bar Association Chairman

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Good morning, Professor Hor, President of the Law Society of Hong Kong, Mr Chow, distinguished guests, faculty and students:

In the height of summer 1983, an LLB graduate had just finished an eye-opening internship in what is now called the Department of Justice (“DoJ”).

She saw prosecution work at its best carried out by expatriate prosecuting counsel. She was awed by the imposing courtrooms of the High Court that have since been refurbished to become the Court of Final Appeal. By trial and error, she learned how to blend in and pretend to be a real lawyer, first by learning what not to wear and when not to speak, making a few embarrassing mistakes along the way. Day by day she overcame her feelings of insecurity in a completely English-speaking environment, one she was still struggling to come to terms with as a locally bred school girl.

After the summer, all doubts in her mind were removed, but make no mistake – the only doubt she ever had was only on which type of a barrister to become. At the beginning of the PCLL year, she resolved that she had to join “the Crown” (as they called the DoJ in those days).

More particularly, she desperately wanted to be a bilingual law draftsman after qualifying as a barrister.

This chapter of the story finishes with the girl getting nowhere trying to get a pupillage with the Crown. The system in those days did not allow pupillage to be extended to graduates other than civil servants who were sent to read law. She was told to get pupillage in private Bar before applying to the Crown as a qualified barrister.

The girl was disappointed but not defeated, but she has not looked back. The private Bar has taken her on roller coaster rides to brave new worlds.

You will have guessed by now that the girl in the story was none other than me. This story comes to mind as I have been asked to address you, who are now standing in the very same position that

I was in back in those days. Thirty years on, I feel able to share with you a few realities in preparation for life to come.

First, though you are in a final year of studies before your professional life, you are not finishing school any time soon.

For those who are thinking you are seeing the end of the tunnel, you must be reminded that the profession is where the real learning experience begins, not where it ends. A law school is not a vocational school that imparts a set of skills with which you can make a living. Instead it equips you with the tools to unlock the Pandora boxes of knowledge that you will need to open at every station of your professional life.

What differs between the academic safe haven and the real world is but the pace at which you are expected to learn. For the latter, it is even faster, and even more task-oriented.

Ten or more years down the line, you may find yourself being elevated to partner status, or being on your way to taking silk as a barrister. Again, the higher status does not bring respite. Whether you are a barrister or a solicitor, or even a judge, you will continue to find the need to learn new skills and keep up. It may be new developments in the law, new subjects of the law, developments of the market environment, and new technology that may impact upon your practice. It is a refreshing scene indeed to see the justices of appeal these days swiping their tablets to get to the page in the trial bundle and digitally annotating and indexing their markings. On the other hand, those senior lawyers whose only tool of drafting remains a dictaphone may have to think very seriously of taking a long sabbatical.

Second, the profession does not owe anyone a living, less still a successful career.

The Bar, in particular, is an elitist profession where only the fit and committed will survive. It is suited only for individuals who are constantly self-reflective, self-helping and ready to self-improve. The survival and prosperity of our profession depends on the constant maintenance of the highest level of professionalism. Despite that reality, it is disheartening to see those unsuited to sustaining a practice of a barrister hanging on to a meagre practice by feeding on publicly funded work that is distributed regardless of merits.

We believe the DoJ, the Legal Aid Department and other publicly funded organisations constantly using the service of barristers must consider themselves under the same duty to their client as any solicitor in private practice would be in their choice of counsel for any lay client. In order to balance the need of fairness with the need to ensure a proper matching of work to the barrister of suitable standing, a fair and open system may need to be put in place to gauge and review the ability and

standard of performance of barristers, and to exclude from distribution those who fall below the requisite standard.

Third, set aside time for activities other than making money.

For a path to success, some will choose the fastest road to fame and fortune, even beauty pageant. Others may choose a quiet, dignified and steady ascent. Whatever you choose, please remember that gains are measured in many more ways than money and fame. You may wish to stay balanced in a life with health and satisfaction that money cannot buy. For the last item, I commend to you to engage yourself in the service of your profession and the public. I did not plot or plan to do so when I was your age, but as it turns out it has enriched my life in ways that a successful practice alone will not do.

Time is running out, and there are much more I wish to say that I shall have to save for the next occasion, which is probably the high table dinner. However, I cannot leave this podium without acknowledging what a special day it is today. The University of Hong Kong (“HKU”) graduates have been beckoned to cast their votes, and to exercise proxies collected. Alumni are invited to vote on differing positions put forward by different camps regarding the governance of the HKU through the University Council.

There has been ample cause for the feeling of disquiet over the recent events. I fully concur with the views expressed by my predecessor Paul Shieh SC in his speech of yesterday to new undergraduate law students. In particular I share his sentiment and expression regarding the action of the students, and the stance of the public figures who were cheering them on, lending their supportive presence at the scene and engaging in a war of words with others (even those who share their views on the substantive issue) to back behaviour that was unacceptable by any standard of a civilised society.

In the best tradition of legal advocacy, we have been taught to be fearless, to be fair, to be objective, and to be measured in our use of language even when placed in the most intense adversarial position. This is because as advocates we owe an overriding duty to the court not to abuse the trust placed in us by the court, and not to mislead whether by words or our silence. I venture to suggest that this is a standard of behaviour in public speaking that veteran lawyers wielding political influence would particularly be expected to understand and observe. It is also a style of speaking that is more conducive to expressing cogent arguments and the truth rather than inciting emotive reactions. It is indeed one of the most valued legacy of our legal system that one would strive to preserve.

Last but not least, may I extend my warmest welcome to the new entrants to HKU. I would hope to see you embrace that identity with pride. To those prize winners about to be announced, I extend to them my warmest congratulations. I wish you all a very fruitful year ahead.