

**The Chairman's Speech at the**  
**Appointment Ceremony of Senior Counsel**

**11 June 2016**

Chief Justice, Secretary for Justice, Honourable Judges, Mr President, Honourable Guests, fellow members of the legal profession, ladies and gentlemen:

It gives me great pleasure in this perfect setting to welcome to the Inner Bar a small but highly selective batch of three of our distinguished members, Richard Khaw Wei-kiang, Jose Antonio Maurellet and Robert Alexander Stock, and last but not least, the first woman government silk, **Anna Lai Yuen-kee**.

Within the Prosecutions Division of the Department of Justice, Anna has long been regarded as the “rising star”. The fact that she has been entrusted with some of the most difficult high-profile cases ever prosecuted in the Hong Kong courts is testimony to the considerable trust and respect she commands in the department. Examples include the trials of the so-called “milkshake murder” case and the “fung shui master forgery” case in which Anna worked alongside David Perry QC, and the recent “Dream Bear case” in which she was reported to have displayed admirable skills in sessions of intense cross-examination.

To the private criminal Bar, Anna is not just another prosecutor, but a respected, if not feared, opponent. She has been praised as being able, fearless and utterly

well-prepared. These are high praises to earn from members of the private Bar as her adversaries who would have been put under intense pressure to fight tooth and nail not to see their clients go down.

On the other hand, the pressure shouldered by the prosecutor particularly in cases with a high public profile is not be underestimated. It is not about having to “win”, but more importantly to do justice even at the risk of not delivering a result involving a conviction. The line between doing one’s best and yet not overstepping the line of fairness as a prosecutor must be extremely difficult to draw at times. I have been reliably informed that Anna’s secret to finding balance outside work is by doting over her two dogs. Her latest acquisition is a pram which she uses to take herself for a stroll while the dog sits in it and watches the world go by. If ever a dog is heard barking in a courtroom where Anna is prosecuting, do not panic. It is just her cell phone left on by mistake. The ringtone is that of one of her own dogs barking.

For a woman prosecutor to have sustained a continued rise in her career to the rank of silk , it would have required a considerable amount of devotion, industry, stamina, tenacity and principled execution in the course of carrying out her duties. Her appointment to silk today is a most befitting tribute to these qualities. I have no doubt that Anna will continue to serve as a role model for many a woman advocate both in the public and private sector.



**Richard Khaw** was called to the Bar in 1993 after obtaining an LLB degree and PCLL from City University. He then pursued a further degree at Cambridge University as a scholarship recipient. He has practiced for a number years from the Chambers of Ronny Wong SC before he joined Temple Chambers in 2004.

From his profile on the chambers website, it is evident that Richard has developed for himself an excellent civil and commercial practice that can best be described as being as well-rounded as is his physique. It is no secret that he loves food and makes it an area of focus in career development alongside competition law.

Richard has earned himself a well-deserved reputation also as the King of Karaoke of the Bar. This is not to be confused with an expression such as the “king of karaoke bar”.

Richard’s coveted title, however, is of a serious kind. With an astonishingly wide repertoire sung passionately to such a high standard, it is evident that he takes singing seriously, and is not to be likened to lawyers whose career development admittedly depend upon frequenting karaoke bars of a certain kind, and sharing selfies of their night life in chat groups.

For further and better particulars of how good he is, it suffices to say that as recently as last year, Richard earned the Bar a much needed lift in its social and professional image at the annual Singing Contest of

the RSCP, a highly competitive contest amongst Hong Kong's professional groups, by taking the First Prize in one category. His duet performance with barrister Abigail Wong was the highlight of the evening. This has helped to revamp the long-standing general image of barristers misunderstood as mere workaholics who are boring, unsociable, untalented, and probably pitch-blind. I am pleased to report that the good efforts have been continued this year with admirable generosity from both Richard and Jose Maurellet. With their generous sponsorship of pre-competition singing lessons, the Bar's duet team made up of two young barristers took the title yet again in this year's contest, with Paul Shieh present as the cheer leader but restrained from taking the stage as a singer.

Apart from his outstanding extra-curricular contributions, Richard continues to serve on the Bar's various committees and initiatives, including as a lecturer in the course on common law jointly taught by the Hong Kong Bar to students of Peking University, and in mentoring selected students in their internships served in barristers chambers in Hong Kong. I am deeply grateful to the help he has always willingly given to the Bar, and look forward to being entertained again by his singing.

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By all accounts, **Alexander Stock** is a perfect gentleman, and a quiet and serious person. But for his surname, one could hardly begin to associate him with one of our Non-Permanent Judges of the Court of



Final Appeal, who is well-known for his hilarious stories and for his practical jokes on his colleagues outside the courtroom.

Alex is the younger of two sons born to the Stock family. According to unconfirmed historical material, his birth came as a disappointment to his brother Daniel, who when told his mother was pregnant and asked if he wanted a baby sister or a baby brother, Daniel expressed his preference... for a rabbit.

Alex was educated in Island School in Hong Kong in his formative years, and then Oxford University. His choice of college was eyebrow-raising in a way, as Somerville took no boys before his year. The perceived advantage could be that there was less competition in qualifying for the college rowing team. If that was what was factored in, it worked. Getting up for the regular rowing practice sessions at 5am in the morning proved not to be a challenge for the highly disciplined Alex. I was assured by my source that it had nothing to do with the fact that he was the only boy in the team.

After completing a master degree in laws at Cambridge, Alex commenced pupillage in Fountain Court. It took him no time to work out that much better opportunities lay ahead in Hong Kong. He was right again. Like Richard, he ended up doing pupillage with Anselmo Reyes. That proved to be the best thing he could have done. Through working as a pupil on a case in which his pupil master was instructed, he met his lovely wife Kasin, who was at

the time a trainee solicitor of firm instructing. Like stories found in operas, the two slaves met and fell in love, except the storyline has been a happy one ever since. They are now blissfully married with two lovely girls doted over by their grandfather, who from time to time has to be sternly told off by Alex for his not-so-appropriate jokes cracked in front of his young grand-daughters.

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**Jose Maurellet** is the quintessential Hong Kong Eurasian of mixed French, Spanish and Chinese descent. His perfect Cantonese was honed from early days as he developed a taste for TVB soaps and local entertainment shows such as 歡樂今宵 while staying with his maternal grand-parents. Growing up through the 90's, he confessed his idols were 周慧敏 and Leon Lai.

After graduating from the French International School, he was awarded a place at Oxford to read law. While in his first year at Oxford, he applied for mini-pupillages to a number of Hong Kong "Queen's Counsel" (as they were then called), one of whom was Andrew Li. In May 1997, he received a letter from Andrew's chambers that read as follows : "As you may be aware Mr Li QC has been appointed Chief Justice designate of the Court of Final Appeal and your application therefore cannot be proceeded with."

Little did he know that upon completion of PCLL at Hong Kong University, Andrew was to chair the



committee that would make him one of the first batch of budding barristers to be awarded the Bar Scholarship.

Jose is known to be an information hoarder, no doubt spurred by the lesson he learned in failing to be informed of the appointment of the Chief Justice designate. Though fluent in French, English and spoken Cantonese, his thirst for staying on the pulse of all things that are happening around him could not be quenched simply by watching local TV and checking out chat room news. Before the days of “Google translate by scanning” he used to instruct a secretary to read into a Dictaphone for his consumption those articles he found interesting (judging by the pictures) in gossip magazines.

Jose is widely regarded as able and practical, sociable, alert and affable, which probably accounts for his large professional following and personal network. Judging from his profile on chambers website, Jose enjoys what can only be described as an extremely successful practice which is wide and varied. With these unique personal qualities, no one would doubt that he would have enjoyed equal success as a solicitor. In fact, during his year in PCLL, Jose had planned to join a City firm. The Bar would have lost such an outstanding advocate as Jose but for the good counsel of Professor Richard Wu, his tutor at the time. As he did with some other high flyers, He went out of his way to strongly encourage Jose to pursue a career at the Bar rather than to join the other branch of the profession. Jose’s subsequent decision proves to be

one of the best decisions he has made for himself, thanks to Professor Wu.

Jose wishes to give special thanks to his parents, and his dear wife, his tower of strength Nadine, and their two lovely children Claire and Alex. Claire has already indicated her intention to become a barrister, and has every confidence that she will win if up against daddy as her opponent.

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In recent times more than ever before, the Bar is facing up to the global developments that drive fundamental changes in the landscape of legal practice in every legal profession around the world. While not forced into practical fusion or stricken by withdrawal of public funds amongst other challenges, the Hong Kong Bar is not immune to the ripple effect spreading across the jurisdictions. Those external changes call for urgent attention and updating, not so much of the actual rules that shape our professional practice, but of the mindset of our members, demanding a vision to be formed of where we are heading. It is in these times that vision, innovation, confidence, and a deep empathy for the interest of the junior Bar is most needed from the senior rank of the profession.

Our continuous drive for a broader outlook, higher standards, and a more dynamic scope of practice must at all times be guided by uncompromising adherence to the fundamentals of the rule of law. In promoting the Bar as an independent professional body, we are in



fact promoting none other than justice and the rule of law – justice to be achieved through legal skills to assist the proper administration of justice, and the rule of law to be upheld through speaking out fearlessly in support of it, particularly of the independence of the judiciary. I consider these the core duties of the Bar whichever way our practice develops.

There are those who believe the granting of the higher right of audience to solicitors who pass an assessment spells the beginning of the end of the independent Bar. Websites of law firms with members having attained the status of solicitor-advocate say so. I beg to differ. Given the unique situation in Hong Kong, the continued existence of a strong and independent Bar is not only to be tolerated while it lasts, but to be encouraged and ensured for the public interest.

Next, as a way of promoting the practice of the firm, it is often said that once there is an in-house solicitor-advocate available, there is no point in hiring barristers for advocacy work in courts, and it will save an unnecessary layer of costs. Quite apart from the alleged saving of costs being illusory where division of labour is expected, I would point out that there remains serious issues of potential or actual conflict of interest whenever a firm instructs its own member as an advocate - and I note the Law Society's code of conduct governing solicitor advocates permits it.

Conflict plainly arises from the firm's manifest interest in channeling court advocacy work to the in-house solicitor advocate rather than to offer to the

client objective recommendations from a much wider choice of barrister advocates who may be more suited to doing the work, and would better be able to retain their objectivity in advising the client. These issues do not arise out of competition between the two branches. Ultimately, what is at the core of the issue is whether this apparent conflict is conducive to the proper administration of justice.

As for the eligibility of solicitor advocates to appointment as silk, subject to closer examination of the issues I have adverted to, the question will not begin to arise for consideration unless and until there is ample evidence of the regular and widespread exercise of such right over a sustained period of years from the qualification of the first batch in 2013. I have been informed that to date, the exercise of such right in truly contentious hearings in the higher courts are few and far between.

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To the new President of the Law Society I extend my best wishes on his recent assumption of office, and look forward to working with him as partners, each making contributions according to our duty within the branch of profession of our own choice, to the common good of the legal profession and the Hong Kong public.

Last, but certainly not least, may I extend my warmest congratulations to the four new silks and their families for their outstanding achievements, with my best wishes to each for a long and successful career.