

Chairman's Report for 2009

I became Chairman in succession to Rimsky Yuen SC only as result of the fact he thought two years in the job was plenty and that neither of the then Vice-Chairmen, Robert Whitehead SC and Paul Shieh SC, wished at that time to take up the post. Those facts, and that I was elected unopposed, at least indicates that the post of Chairman is not attractive to many.

It was perhaps not ideal to be 'parachuted' into the Chairman's seat without having even been on the Bar Council during the previous year and I am, therefore, extremely grateful for the guidance and direction offered me by Robert and Paul, and the patience shown by other members of the Council whilst I came up to speed.

The past 12 months has been a busy time, but I have at least perhaps been spared some of the political hot potatoes – not to say brickbats – that were thrown at some of my predecessors.

It did not seem long into my term before the Commonwealth Law Conference was held in Hong Kong in April. The conference was extremely successful, and well attended by delegates from numerous jurisdictions. It was of some significance that the conference was held in Hong Kong even 12 years after Hong Kong ceased to be a part of the Commonwealth. It was a timely reminder that the legal professions and the rule of law continue strongly in Hong Kong. Indeed, the conference helped to firm up my own view that the existence and reputation of the Hong Kong Bar (as part of the Hong Kong legal system) must be constantly reinforced very visibly internationally.

As a result, I have travelled to several countries to take part in ceremonies and conferences in the hope that Hong Kong does not become a forgotten jurisdiction, or that the Hong Kong Bar does not become an overlooked profession. In the course of last year I travelled as Chairman to Seoul, Doha, Taipei, Kuala Lumpur, Singapore, Chicago, London, Madrid, Ho Chi Minh City, and Paris. I have occasionally noted the surprise of

lawyers from other countries that Hong Kong is not a jurisdiction which practices only Chinese law and that the courts do not conduct cases only in the Chinese language.

In these days of ready international exposure afforded by easy travel and internet access, members should be encouraged to travel to relevant conferences and similar events making the case for legal work in Hong Kong, including by barristers. It is clear that the members of overseas professional associations are certainly travelling to promote their own jurisdictions. If Hong Kong is to be a 'World City', it will in part be as a result of its legal system, and the players in that system must be seen on the world stage.

In Hong Kong, it has been business as usual for the Bar Council. There has been the day-to-day administration and regulation of the profession. The reports of the various individual Special Committees can show the kinds of activities in which they are engaged.

We have as usual been involved in a series of public consultations as regards potential or draft legislation on a wide variety of topics. The view of the Bar Council is also often sought in relation to a number of other matters, for example the proposed scheme for drug testing of students in schools.

Considerable time has been spent in liaising with the Law Society to provide a joint professions approach to the question of the new administrative scheme for CAT claimants being proposed (and now put in place) by the Security Bureau. Not all of the points that we made were taken on board, and I could not help feeling at times that there seemed to be an in-built desire on the part of the Security Bureau to keep its cards extremely (that is, excessively) close to its chest. Nevertheless, a very well-attended and well-taught training session for lawyers to assist in the screening of CAT claims was conducted in December. We shall see if the rather low DLS rates for this work – on which the Security Bureau have insisted – will attract enough lawyers to make a real dent in the number of outstanding claims.

As members will remember, 2009 was also a celebratory year, culminating in the Bar Mess held to celebrate the 60th Anniversary of the foundation of the Hong Kong Bar Association. The Bar Mess was, I think, the largest ever by number of members attending – nearly 300, including guests. It was a great evening, with delightful ‘vignette speeches’ by many former Chairmen, a wonderful face-changing act, live music, good food and wine. The organisers, to whom all credit was given on the evening, put on a great show.

There was also a very successful Bar Mess held in February, and I hope that both events identified that our profession can be, as it should be, one of considerable collegiality and fraternity. It would not be right to think the Bar is or should be all about parties, but I believe the collegiate atmosphere amongst our members is one of the most enjoyable aspects of this profession, and one of real practical benefit in the preparation and presentation of cases in the administration of justice.

Talking of dinners, I have attended numerous cocktails and dinners, representing the Bar at the annual or special events of other professional and similar bodies. September and October were especially hectic as celebrations of the 60th Anniversary of the establishment of the PRC reached almost feverish heights.

It is fair to say that the role of Chairman eats up time which might otherwise be spent in real practice, or with family and friends, but I have found the past year rather rewarding. I have read a number of interesting papers that would not ordinarily have come across my desk, and I have had the chance to meet and talk with large number of interesting people in Hong Kong and elsewhere.

As we enter the new year, there are now almost 1,100 practising barristers. Nevertheless, I must note the sad fact that some members passed away in the last year, including two distinguished Life Members, Albert Sanguinetti and Robert Wei SC.

With the growing number of practitioners, it is a growing task for the Bar Council and the Bar Secretariat to administrate and regulate those members. We are lucky that we have dedicated secretariat staff to ensure that the profession is competently run. Considerable strides have been taken over the last months in updating the IT systems. There may still be room for some internal reorganisation or rationalisation to achieve greater efficiency, and this is something for the next Bar Council to explore. In the meantime, I would express my personal thanks to all the staff for their enormous help (and their patience in providing the necessary reminders to do things!)

I would also like to express my thanks to all the members of the Bar Council, the members of the Special Committees, and other members of the Bar who have given their time and effort over the past year. Quite simply, without this unstinting volunteering of time and effort, only a small fraction of what has been achieved would have been possible.

I would also wish all members of the Bar a happy and healthy year ahead.

Russell Coleman SC

8th January 2010