

## **Speech by Chairman of the Hong Kong Bar Association for Senior Counsel Admission Ceremony 2023**

1. Chief Justice, Judges, Secretary for Justice, President of the Law Society, colleagues and friends.
2. The ceremony for admission of Senior Counsel is an important event for the legal profession in Hong Kong. Whilst we gather in our ceremonial outfit to celebrate the success of the 4 new silks, I hope I can be forgiven for spending a few minutes on something close to our hearts and have important relationship with this occasion.
3. The challenges faced by those of us involved in the administration of justice always deserve serious attention, and although Hong Kong is not alone on this subject, many issues faced by us are unique. I want to take this opportunity to highlight three examples.
4. Attacks against our judges and judicial officers continue. Just over a week ago, the two branches of the profession together with the Department of Justice all issued statements condemning those in the US Congress calling for sanctions on our NSL designated judges. The interference is unacceptable and was sternly deplored and condemned by all of us.
5. Second, complaints against members of the Bar involved in representing unpopular defendants are also not stopping. Some members of our society continue to associate our members with the lay clients they represent. These attacks should not be encouraged or

tolerated especially when the right for representation in court is guaranteed by Article 35 of the Basic Law.

6. Finally, in every jurisdiction where there is national security legislation, there are discussion on how the fundamental rights of citizens are affected. How to strike the right balance between safeguarding national security and maintaining our fundamental rights is an important subject that the Court and those prosecuting will have to grapple with. The situation could be delicate and fluid, and could sometimes give rise to genuinely held concerns. In particular, the public should be entitled to exercise their freedom of speech so long as the law is observed, as this is guaranteed by Article 27 of the Basic Law, and this will be conducive to the right balance being attained. Perceived erosion will haunt Hong Kong and affect our status as an International Finance Centre and dispute resolution hub.
  
7. In times of changes and uncertainties, we hope the Bar Association can be the constant. To play our role in promoting the rule of law and the administration of justice. And if we are going to continue to do so, our members will have to step up. Leaders of the Bar will have to set an example and shoulder the additional responsibility in serving the profession and our community. It is tempting to just focus on your next brief as we are trained to give our cases our full attention. But for the institution to survive and to thrive, we will just have to “up our game” and I am sure we can count on the leadership of the new members to the Inner Bar.

## **The 4 new silks**

8. On that note, I am happy to report that I have every confidence that our 4 new silks possess the necessary qualities to discharge these important roles.
9. We are often asked by our judges to identify the common grounds in our submissions first and I shall start with identifying what is in common between them.
10. First, this is a proud day for the Faculty of Law of the University of Hong Kong. Anthony, Mike and Chris were all graduates of the LLB programme before they went abroad for their postgraduate studies. Bruce did it the other way around and obtained his BA in the University of Toronto before returning to Hong Kong to commence his legal studies in a programme jointly organized by HKU and MMU. So all 4 of them began their legal studies in Hong Kong.
11. Second, our new silks were all recognized as rising stars from their early days in the Bar. Anthony, Mike and Chris were all proud recipients of the Bar Scholarship. Bruce joined the Bar before the establishment of the scholarship but his talent was identified when he was still a young junior when the great Gary Plowman SC invited Bruce to join his chambers after having led Bruce.
12. I now turned to the most obvious and important similarities between them. Some would argue that this goes to show that they are fearless,

and others would say they are foolish. Each of them decided to marry another member of the legal profession. I will have to say that this is of course to be commended because this is exactly what the Chief Justice, the Secretary for Justice and the Chairman of the Bar did.

13. In **Bruce Tse's** case, it definitely goes to show that he is fearless. As we are all aware, he is not the only criminal lawyer in his household. And one piece of the sound advice to be given to any young criminal barristers is that you do not mess with Her Honour Judge Adriana Tse. "No Nonsense" is how a senior member of the Bar described her honour and I am sure Bruce will not disagree.
14. When I first met Bruce over 20 years ago, he was a chain smoker and he kindly given me a lift back to Central from the Fanling Magistrates' Court in his brand-new Porsche when we both finished a case there. He has now quit smoking, took up swimming and train almost every day and often spotted driving a 7-seater around town with his family. Being kept on a very short leash has its upside.
15. I should also mention that the full-bottom wig that Bruce is wearing today was first used in this building 49 years ago when his father-in-law the late Mr Justice Charles Ching was called to the Inner Bar.
16. In **Anthony Chan's case**, it was the first matrimony between two Bar Scholars. As is well known, his wife Janet Ho is also a member of the same chambers. Their young son Andrew (who is with us today), must have all the right DNA to thrive in the Bar. When the 2 of them started going out, they were understandably low-key in chambers thinking

nobody knew but of course we all knew very soon. Interestingly, the first person who broke the silence was our tea lady who announced in the pantry one day – 何小姐日日都嚟陳生間房食飯.

17. In **Mike Lui's case**, he has really gone a long way for someone who did not want to study law. He was a science student and was best at mathematics. He chose architecture as his first choice because, in his own words “architects look cool” and he thought reading was not really required for architectural studies. He was very disappointed when he was offered a place at the Faculty of Law instead. The Bar should really thank the Architecture Department at HKU for forcing Mike to join a profession that is not as “cool” but their loss is certainly our gain.
18. Mike is someone who has a humble background. He was brought up in Diamond Hill squatters until he was 6. The family lived on Comprehensive Social Security Assistance until he was 18. He accepted an offer to join a City Firm as a trainee solicitor as the family needed the money. His good sense eventually prevailed, and he joined the Bar because, in his words: “being a barrister looks cool. I did not care about money anyway because I had been the poorest”.
19. Mike has certainly gone a long way and he also had the good fortune of marrying Simmy who was a litigation solicitor before she went in-house.
20. In **Chris Chain's case**, we know Chris is not the only eminent member of the Hong Kong Bar in his family. Many of us are familiar with his uncle Benjamin who is a well-respected practitioner. I am still

suffering from the scare of appearing against him when I was a baby junior.

21. I am sure nobody has broken Chris' record of being the youngest undergraduate law student at the University of Hong Kong as he was only 16 years old when he started his legal studies and he is now the youngest silk in the Hong Kong Bar.
22. I have tasked my Vice Chairman Jose Maurellet to dig up some of Chris' dirt to entertain everyone today. In the best tradition of the Bar, Jose did absolutely nothing and simply delegated this task to a junior, and that is John Hui. John was also absolutely useless and the information he gathered would bore you to death. I can only conclude that Chris Chain either lives a very boring life or have very loyal friends in chambers.
23. Chris is blessed to have two lovely daughters. His wife Kelly was also a litigation solicitor. She has excellent taste in barristers. I am not talking about Chris. I am referring to the fact that she instructed me on one of her last cases before she left the firm to look after the young family.
24. My lords and my lady, I have placed considerable emphasis on the families of the 4 new silks. I am sure that all of us will agree that this is a big day for their families too. To succeed in the Bar has never been easy and each of them is blessed to have loving and supportive families behind them.

25. On behalf of the Bar, I offer my warmest congratulations to the new silks and their families. I wish them every success in their careers in the years to come.

Dated: 20 May 2023

Victor Dawes SC  
Chairman  
Hong Kong Bar Association