

## CHAIRMAN'S REPORT 2023

### Introduction

1. 2023 has been another eventful year for the Hong Kong Bar. As we moved away from the pandemic, we have been able to reconnect with the international communities and our contacts in the Mainland. But let me start by giving you an account of our work back home first.

### The Secretariat

2. Legal professionals in many overseas jurisdictions are not self-regulated. In Hong Kong, our licensing and disciplinary functions are vested with the Hong Kong Bar Association (“HKBA”) pursuant to the Legal Practitioners Ordinance (Cap. 159). We firmly believe that the ability to regulate our members is critical in maintaining the independence of the Bar.
3. In this regard, whilst we have a number of dedicated staff, there is a need to modernise the Secretariat to cope with the challenges. Following the retirement of Dora Chan in September, Bonnie Chiu has joined us as our new Director of Administration and Development. Bonnie is a qualified solicitor and is also vastly experienced in the field of journalism and communication. She was an associate professor at the Department of Journalism at Hong Kong Baptist University before joining us. We believe the experience she brings with her will enable us to cope with the challenges we face going ahead.
4. In terms of our staff, we bid farewell to Charles Tsang, who has been with us for 7 years. Until early 2022, Charles was the only full-time staff dealing with disciplinary matters shouldering very heavy responsibilities. I want to thank Charles for his contribution and wish him all the best for the future. We have since been able to recruit Cecilia Tam and Denise Wong, who are both qualified solicitors to join our disciplinary team. I am confident that our new team will be able to discharge our disciplinary functions in the most efficient manner.

5. In addition, Melody Lau and Karen Koo have recently joined the Secretariat to strengthen our administrative functions. They will also be able to assist in the activities that we have planned for our 75<sup>th</sup> Anniversary. They have hit the ground running and are already fully occupied with their work.
6. I also want to take this opportunity to thank our other loyal staff who has been with us for years. Their workload over the past year have been considerable and we will do what we can to provide further support to them in the coming year.

### **Overseas Engagements**

7. Over the past year, together with members of the Bar Council, I have had the opportunities to speak in a number of overseas conferences and events in London, Paris, Helsinki, Singapore, Kuala Lumpur and Bengaluru. The international community relies on the Bar to give them a fair and accurate view on the situation regarding rule of law and administration of justice in Hong Kong. We have been able to maintain close contacts with overseas bar leaders throughout the past year.
8. I am particularly grateful to the English Bar for inviting me to address the participants at their Opening of Legal Year in London in October 2023 where we discussed the importance of an independent legal profession and the impact on the rule of law. It is important to remind the World of the existence of a strong and independent bar in Hong Kong, and we will continue to do so in the coming year.
9. We have continued to engage with the overseas non-permanent judges sitting in our Court of Final Appeal. Their contribution to the administration of justice in Hong Kong needs no repetition and I am grateful to all of them for making time for us to enable us to pass on the views of our members on a wide range of issues affecting our legal system.
10. We have also continued to engage with international organisations including the International Bar Association, Commonwealth Law Association and

LawAsia. We have and will continue to encourage our junior members to participate in the various committees in these organisations.

11. I am grateful to our members who took time out of their practice to participate in overseas conferences and in particular the generosity of those who paid for the expenses out of their own pocket.

### **Mainland Engagements**

12. With the reopening of the border after the pandemic, members have been able to travel to the Mainland and we have also welcomed an unprecedented number of visitors from our counterparts.
13. In April, the Bar resumed our official annual visit to Beijing for the first time since 2017. As I have reported after the visit, we were able to have frank and candid discussions with central government representatives on a wide range of topics including Article 23 and the National Security Law. We firmly believe that it is in the interest of Hong Kong and the independent bar to continue to have these discussions.
14. In the past year, we have also resumed our common law programme with Peking University that has been suspended for a number of years. Scholarships were offered to the top students who spent 2 weeks with our members in Hong Kong over the summer.
15. We have also started another common law programme with the East China University of Political Science and Law in Shanghai. We will also be welcoming the first group of students from Shanghai in the chambers of our members this summer for mini-pupillages.
16. The Bar has been encouraged to provide training and education to law students and young lawyers in the Mainland to equip them with the ability to handle foreign related cases. We have since been approached by a number of institutions and law associations in the Mainland inviting us to provide training on common law.

17. Promoting the independent bar in the Mainland is something that the Bar Council has been doing for over 30 years and we will capitalise on the progress we have made to create further opportunities for our members.
18. A number of our members participated in the 3-year Pilot Scheme permitting eligible Hong Kong and Macao legal practitioners to practise in the nine Mainland cities in the Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”) in 2020. The GBA Legal Professional Examination (“GBA Examination”) has been held three times, once in each of 2021, 2022 and 2023. A number of our members have successfully obtained the practice licence as GBA lawyers.
19. Active discussions were held over the past year with various stakeholders on refining the relevant arrangements going ahead. Following the decision of the Standing Committee of the National People’s Congress on 1 September 2023 to extend the Pilot Scheme for three more years from 5 October 2023 to 4 October 2026, the State Council published the detailed measures for the extended Pilot Scheme on 28 September 2023 (“New Pilot Measures”). The New Pilot Measures set out the requirements in obtaining the licence to practise as a GBA lawyer. The major change is that the post qualification experience threshold has been lowered from 5 years to 3 years. We believe this will facilitate members who are interested in developing their practice in the GBA.
20. Our Code of Conduct has been amended to enable our members to join law firms in the GBA and measures have been put in place to maintain the independence of those members in respect of their practice Hong Kong. I want to thank the Bar’s Committee on Code of Conduct for their hard work in this regard.

### **Young Barristers**

21. Creating opportunities for our young members has always been one of our priorities. Through the leadership of Angel Wong, our YBC has had an eventful year. In addition to working together with various NGOs to explore further collaboration, they have also organised their first major advocacy

conference in November 2023. A number of eminent speakers from other jurisdictions joined us in passing on their experience to our young members and participants from other jurisdictions. I want to thank Murray Gleeson NPJ, Zervos JA and Coleman J. in particular for their support and for speaking at the conference.

## **2024**

22. Throughout 2023, we attended a total of 10 meetings at the Panel of Administration of Justice and Legal Services in the Legislative Council giving our comments on various issues to do with rule of law and administration of justice. We are acutely aware of the important societal role we have in the rule of law and administration of justice in Hong Kong. 2024 will be a particularly important year given the imminent consultation on Article 23 and the important NSL trials that are being heard. This has been an important consideration on the part of the office bearers in deciding to put ourselves forward to serve for another year. I hope I can count on the continued support of our members in grappling with these issues in the coming year. The Bar will make the best use of the expertise of our members in commenting on the draft of the proposed Article 23 legislation when it becomes available.
23. The HKBA will be celebrating our 75<sup>th</sup> birthday in 2024. We will be kicking off the celebrations in the near future and I look forward to updating our members on the details soon. We have already secured the venue for our gala dinner for 1 November 2024, so please mark your diary for this event.
24. The HKBA has played a significant role in Hong Kong over the past 75 years despite the many challenges we faced. We will continue to explore ways to modernise and ensure that we play an instrumental role for the people of Hong Kong going ahead.
25. Finally, I would like to thank members of the Bar Council for their hard work and support throughout 2023. We have tackled delicate issues together and remained united throughout. I would also like to thank the officer bearers in particular for their dedication given the heavy workload and commitments.

I will be counting on them as well as our members for your support in the coming year.

26. On behalf of the Bar Council, I wish you a fulfilling 2024 and a peaceful and healthy Year of Dragon.

Victor Dawes SC  
Chairman of the Hong Kong Bar Association

Dated 11 January 2024