

The following is the full text of an address by the Honourable Chief Justice Geoffrey Ma Tao-li at the Ceremony for the Admission of the New Senior Counsel today (June 11):

Secretary for Justice, Chairman of the Bar, President of the Law Society, fellow judges, ladies and gentlemen,

I extend a warm welcome to all of you on the occasion of the call to the Inner Bar today of four distinguished barristers. To Ms Anna Lai, Mr Richard Khaw, Mr José-Antonio Maurellet and Mr Alexander Stock, and your families and friends, I add my congratulations to the many congratulations you have already received. Today is the first occasion in which the Ceremony has been held in the Court of Final Appeal. This will continue in the years to come.

The institution of Senior Counsel, originating as it does in Hong Kong from the English tradition of Queen's Counsel, is an established feature of the Common Law. For me, it is representative of those features of the Common Law that stand out: independence, impartiality, a pursuit of justice and above all, the promotion of the rule of law. The Bar strongly and visibly advocates these important features of our community. The leaders of the Bar are the Senior Counsel. One of the tangible indicators of the existence of the rule of law in a community is the standard and reputation of the Bar, and within the Bar, of its leaders. Accordingly, it is from the ranks of Senior Counsel that appointments have been made in recent years from the legal profession to the High Court.

I recognise instantly that the provision of legal services also has a business side to it. The Law Society, for its part, has as a significant part of its functions, the promotion of legal services as a business. But that is not the facet of legal practice which I would like to highlight today.

The rule of law has, as a fundamental objective, the pursuit of justice. This involves the concept of justice according to the law and its spirit. The spirit of the law involves an adherence to principles of integrity and independence. In a world now often critical of established institutions and the work they do, one must be steadfast to apply the law in an even handed and principled manner, and to be seen to be doing just that. Hong Kong's courts now face more than any other time in their history challenges which sometimes assume significant political and social dimensions. Recent events, even those of the past few weeks, have demonstrated a polarisation of views within the community on the work of the courts. I take this opportunity to reiterate the approach of the courts - the same as that of lawyers - namely, that legal issues and disputes are resolved by an

application of the law and her spirit, and nothing else. The statue of Themis (one of the Delphic Oracles, representing justice) standing on the top of this court building, proudly blindfolded, is a lasting testament to the independence of approach needed to resolve legal disputes. This is saying the obvious but it seems that now more than ever the community needs to be reassured of this.

I return therefore to one of the responsibilities of lawyers and a reminder that as leaders of the Bar, Senior Counsel do assume the mantle of ensuring that there is no undermining of the fundamentals comprising the rule of law. The law is not only what you want it to be, it is there for everybody and includes a respect for other people's rights. I know our new Senior Counsel will, as other leaders have done in the past and continue to do so, recognise their enhanced role upon taking silk.

Ms Anna Lai has served the community as a police officer and now in the Department of Justice. She has always discharged her responsibilities to the best of her ability, and has done so fairly and without fear or favour. She is devoted to her work and to the interests of Hong Kong. She is extremely highly regarded by all her peers and colleagues, and rightly so.

Like Ms Lai, Mr Richard Khaw is a person of the highest integrity. Others will speak of his considerable professional abilities. I would like, however, to emphasise his community spirit. He takes a great interest in educating young people in Hong Kong to appreciate the rule of law. He devotes much time in the Mainland giving talks about the Common Law and its operation in Hong Kong.

Mr José-Antonio Maurellet, born when I was just starting practice at the Bar myself, is a staunch supporter of the Bar, of its ideals and of the true role of the advocate. Mr Maurellet began practice at the Bar about the same time as I left it. Through the years I have seen a young, enthusiastic lawyer mature into an experienced and skilful advocate, and more than that, one who without doubt acknowledges the wider role played by barristers in the community.

Historically, the very best commercial lawyers have also been great public law figures - Lord Mansfield, Lord Bingham of Cornhill to name two. I do not know why this should be so; perhaps it is the need for integrity and equity in commercial affairs as being essential to the maintenance of confidence that readily translates to the concept of justice in public law. Mr Alexander Stock, whose father Mr Justice Stock NPJ sits on the Bench today, is a commercial practitioner of the highest quality but is also recognised as a strong public lawyer.

There can be no controversy about this year's appointments to the rank of Senior Counsel. Their appointments are welcomed by all. They will each distinguish

themselves in the years to come. I take this opportunity to congratulate them again. Themis, like us all in this Court, is proud of them.

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