

CJ's address at Ceremony for the Admission of the New Senior Counsel (with photos)

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

It gives me great pleasure to extend a warm welcome to you in this special ceremony to mark the occasion of the admission to the rank of Senior Counsel of Ms Mairéad Rattigan, Mr Johnny Ma, Ms Sara Tong, Mr Tony Li and Mr Victor Joffe. I warmly congratulate each of them, their families, friends and their professional colleagues. Receiving the honour of taking silk sets them apart among their peers, for it represents a public recognition of their abilities as advocates and lawyers. It is a personal milestone in their professional careers and a reward for the years of hard work and dedication to the profession of their choice.

This is also an occasion to acknowledge the unfailing support and sacrifices that must have been made by their families and friends over the years, which have contributed significantly to their success today. It is simply fitting that they are here with our new silks to share in their joy and happiness upon their admission to the Inner Bar.

The common law institution of Senior Counsel is steeped in tradition going back centuries. Nonetheless, the values embodied by the institution remain just as significant and important in modern day Hong Kong under the "One Country, Two Systems" arrangement, as at other times.

The appointment of barristers and legal officers as Senior Counsel represents a process of validation for those who, due to their excellence, experience and expertise, have marked themselves out as leaders in the legal profession. Taking silk is an acknowledgment by the Judiciary and the profession of the person's deep learning in the law, outstanding competence as an advocate, and equally importantly, his or her possession of the essential qualities of integrity, honesty, industry, independence and

respect for the law. The appointment is a public recognition that the person embodies the very best qualities of the Bar.

This is of great significance to the upholding of the rule of law and due administration of justice in Hong Kong. Under the Basic Law, Hong Kong operates as a common law jurisdiction. Under our adversarial system of litigation, the courts rely on the parties and their lawyers to present and argue their respective cases, and it is essential to our legal system that judges are able to have trust and confidence in the integrity and ability of the lawyers appearing before their courts. Senior Counsel, as leaders of the Bar, are expected not only to live up to the trust and confidence reposed in them by the bench, but also to set examples for all junior members of the profession to follow. This is vital to the proper functioning of our justice system.

Likewise, the public benefits from the institution of Senior Counsel. The clear and public identification of those who are the best within the profession helps people in need of legal service in making an informed choice when instructing counsel.

Apart from their role in the administration of justice in individual cases and the training and nurturing of junior members of the Bar, Senior Counsel, as leaders of the Bar, also play an important role in maintaining and furthering the Bar's fine tradition in upholding the rule of law and judicial independence in Hong Kong. As members of the Inner Bar, Senior Counsel are in a unique position to lead and support the Bar to speak up on matters pertaining to the rule of law and judicial independence, and on other matters affecting the legal system in Hong Kong.

A further dimension of the significance of the institution of Senior Counsel under our legal system is that our system looks very much to the rank of Senior Counsel to fill the senior ranks of the Judiciary. As mentioned, achieving the rank of Senior Counsel is an acknowledgement of the person's learning in the law, competence as an advocate and possession of crucial qualities of integrity, honesty and independence, among others. These attributes substantially overlap with those required of judges. Our legal system, to

a significant extent, is designed on the premise that successful Senior Counsel, or at least some of them, would one day become judges, thereby contributing their excellence to the Judiciary for the benefit of a legal system by which they have been given so much.

All this is why the responsibility placed on the Chief Justice under Section 31A of the Legal Practitioners Ordinance to make appointments of Senior Counsel is a serious and important one. As required by law, before making an appointment, the Chief Justice has to consult with the Chairman of the Bar and the President of the Law Society, who in turn consult widely within their respective branches of the profession before offering their views. In practice, the Chief Justice also consults extensively within the Judiciary, covering all judges in the Court of Final Appeal and the High Court. External references are sought and obtained, in addition to the comprehensive information relating to an applicant's professional career and practice that is required to be included in the application form.

This brings me to the five successful applicants this year among the 17 applications that have been received. Ms Mairéad Rattigan is a leading family practitioner who is highly regarded by judges and fellow practitioners in the family field, particularly in children cases. A referee has described her as a credit to the Bar in her carefully considered and moderate presentations both inside and out of court. She is also a pioneer in the alternative dispute resolution aspect of family law, comprising Financial Dispute Resolutions and other types of structured negotiations.

Mr Johnny Ma was a leading junior in public law and probate and administration litigation. He was a popular junior in many of the high profile and complex litigation in these areas. His taking silk would enable him to take on an even more central and pivotal role in litigation in these areas of the law.

Ms Sara Tong has an exceedingly successful civil practice, with emphasis on commercial and company matters, as well as professional disciplinary work, and security

and regulatory matters. Her core lawyerly skills, as well as her industry and drive, are well known.

Mr Tony Li enjoyed strong support from the bench and the Bar for his application. He was spoken of favourably by all those who had seen him in the criminal courts. He is a highly effective defence counsel who also enjoys success in criminal appeal work.

Last but not least, Mr Victor Joffe, a leading company practitioner and the author of a well-established work on the law relating to minority shareholders, was appointed Queen's Counsel in England and Wales more than two decades ago. He has practised in Hong Kong as a member of the Hong Kong Bar for the past ten years, and is one of the "go-to" counsel in company and insolvency matters. Mr Joffe's application for silk received overwhelming support from the bench and the legal profession.

As was often pointed out on occasions of this nature, while being appointed as Senior Counsel is no doubt a significant personal achievement and cause for celebration, it is more than just a personal honour and reward. The appointment carries with it responsibility for continuing the honoured tradition and expectation of both leadership at the Bar and service to society. To our new Senior Counsel, we have high expectations of you, and I am confident that you will rise to the challenges ahead. With these remarks, on behalf of my colleagues, I wish all five of you every success and satisfaction in your careers as Senior Counsel. Thank you.

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The ceremonial proceedings for the admission of the newly appointed Senior Counsel took place at the Court of Final Appeal today (June 11). Photo shows the Chief Justice of the Court of Final Appeal, Mr Andrew Cheung Kui-nung (third right), with the newly appointed Senior Counsel Ms Mairéad Mary Rattigan (third left), Mr Johnny Ma Ka-chun (second right), Ms Sara Tong See-pui (second left), Mr Tony Li Chung-yin (first right) and Mr Victor Howard Joffe (first left).



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