

Address by the Chief Justice at the Ceremony for the Admission of New Silks

On behalf of my colleagues, I would like to extend to all of you a warm welcome to this annual ceremony for the appointment of Senior Counsel. I am delighted that there are six appointments this year. Together, the new silks cover substantially the breadth of legal practice in Hong Kong in both the civil and criminal fields. And they would add strength to the senior bar.

We would like to extend to you, Mr Barretto, Mr Westbrook, Mr Smith, Mr Wong, Mr Reyes and Mr Blanchflower, our sincere and heartiest congratulations on achieving the rank of Senior Counsel. Your appointments are hard earned and well deserved. This marks the end of an important stage of your professional career and at the same time ushers in the beginning of a most challenging stage. I am sure that you will continue to develop so as to realize your full potential as a professional lawyer and advocate.

Throughout your career, you have no doubt enjoyed continuing encouragement and unstinting support from your families who had to make allowances and sacrifices, especially in terms of time with the family. Today, they must be very happy and very proud of you. To them, we also wish to extend our warmest congratulations.

The rank of Senior Counsel, previously Queen's Counsel, is a well established one. Previously, the appointments were made under the Governor's prerogative power on the recommendation of the Chief Justice. Since 1997, the appointments have been made under statute. The statute lays down the eligibility requirements and confers on the Chief Justice the discretionary power to make the appointments exercisable only after consultation with the Chairman of the Bar Council and the President of the Law Society. And I would like to take this opportunity to acknowledge and thank the Chairman and the President and their predecessors for their contribution in this consultation process.

Whatever may be the position in the different circumstances of other jurisdictions, I believe that the rank of Senior Counsel is an important part of the structure of the Bar and the legal profession in Hong Kong and that the system and process of appointment have been working satisfactorily.

The rank of Senior Counsel should not be regarded as a relic from the colonial era. In the new order, it remains a substantive rank. It is a recognition of past achievements and even more importantly, carries challenging responsibilities for the future. These

responsibilities are onerous and on this occasion, it is right that we should all be reminded of them. They include : Setting and maintaining the highest professional standards of integrity and competence, carrying on the fine traditions of the Bar and its commitment to the rule of law which is greatly valued by the community, setting an example to and helping pupils and young practitioners, contributing to the affairs of the Bar and making time available for public service when called on.

Today, I would like to refer to two matters relating to the responsibilities of Senior Counsel as leaders of the Bar.

First, I would like to emphasize that in our adversarial system, judges at all levels of court rely to a great extent on the quality of the advocacy before them. They expect and are entitled to expect that when counsel advance propositions before them, whether of fact or law, these propositions can be justified by the evidence and the authorities. Since judges will rely on these propositions, it is important that counsel advancing them do so only after thorough research and preparation. Senior Counsel have a responsibility to set and maintain the highest standards in this regard.

Secondly, Senior Counsel as leaders of the Bar should contribute to developing and implementing a vision for the Bar in the long term. The 21st century will bring rapid changes and the community will have rising expectations of the legal profession. In the coming years, the Bar will face many challenging issues which will impact on its future. These range from issues such as changes to the Code of Conduct, and improving the standards of entrants and practitioners, to issues such as civil justice reform, and reforms in legal education.

For a profession to retain its vigour, those who are responsible for its governance must have a vision of its development in the long term in the context of the community it serves. In doing so, they would have to deal with and overcome the pressures and tensions which may arise from self interests which tend to focus on the short term. Senior Counsel as leaders of the Bar have a responsibility to assist in this process to ensure that the Bar continues to serve the community and be respected by it.

The judges, the legal profession and the community have high expectations of Senior Counsel and I am confident that you will rise to the challenges ahead and will not disappoint them. With these remarks, I wish you, on behalf of the Bench, every happiness and success in your careers as Senior Counsel.

5 May 2001