

CJ's Address at Ceremony for the Admission of the New Senior Counsel

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 (May 17):

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 of four new Senior Counsel. To Mr Pennicott, Ms Yip, Mr Leung and Mr Wong and to your families, I offer my warmest congratulations, on a day that is of significance not just to yourselves and those closest to you professionally and personally, but also to the community.

I mention the community because the appointment as Senior Counsel is a public appointment; it is not an honour that is bestowed privately by an individual organisation or individual. The appointment as a Senior Counsel is governed by statute and while the Chief Justice is under the Legal Practitioners Ordinance the person who has the duty to appoint, I do so in my official capacity after due consultation with my fellow judges, the Chairman of the Bar and the President of the Law Society. The Judiciary, the Bar and our solicitors make up the key players in the administration of justice, and it is therefore no coincidence that the appointment of Senior Counsel requires a consultation of these key players.

It is no doubt an honour to be appointed Senior Counsel, but every person who has had this honour in the past, all four of you today and those to be appointed in the future, are fully aware of your responsibilities to the community and to the public. This recognition of your enhanced role within an honourable profession – and as I have remarked in the past, the Bar is a profession and not a business – is key to the maintenance of all that we (and the community) cherish in the law.

I have had in my recent travels the privilege of seeing magnificent court buildings, and features within these majestic buildings, that try to represent in permanent form the concept of justice. Our court buildings, and in particular the Court of Final Appeal when the renovation is finally completed, will provide for Hong Kong the representation of this concept. One hears of justice within a society governed by the rule of law being a lofty ideal or of paramount importance. I have often talked in these terms myself. However, on reflection, it is really the only ideal and the only thing of importance as far as lawyers are concerned. The law is an entity that strives for, although it can never achieve, perfection. But its discipline lies in our never ending and best attempts to attain that perfection. The discipline of the law represents the attempt by lawyers (and this term of course includes

judges) to deliver to the society we serve, the reality of justice. Our new Senior Counsel are only too aware of this.

The community looks to lawyers and expects them to speak out on issues that affecting the law and justice. And when a Senior Counsel speaks out, members of the community listen and will generally respect the views that are provided. When a person is appointed as Senior Counsel, it is a representation to the world that this person understands concepts of fairness and justice, and is a person who is faithful to the law and her spirit.

The appointment of Senior Counsel also carries with it a representation of quality and excellence. Here, I am directing my remarks to that section of the public requiring the services of lawyers. Integrity is a minimum attribute for all lawyers, but the appointment of Senior Counsel represents to the world that the lawyer is one of the highest quality in his or her profession, and often in a specialist area of the law as well. Mr Ian Pennicott is an expert in construction and arbitration. He is a Queen's Counsel in England, having taken silk there in 2003. Ms Anita Yip, who was a pupil in my old chambers, is an acknowledged and respected practitioner in matrimonial law, with a formidable representation. Mr Raymond Leung has long been a recognised expert in his field of personal injury litigation, medico-legal matters and public law (in particular equal opportunities cases). Mr Anson Wong is our youngest silk (at 38) but already has an established practice in commercial and company law.

What has particularly impressed as well in the case of the four new silks is their commitment to public service. Despite the heavy demands on their time, and their high earnings as a consequence, each of them has found the time to contribute to the community. This I hope will continue.

As Senior Counsel, you will obviously be setting examples for junior barristers to follow. You will know that junior barristers are much influenced by their seniors. Never forget that, because if a poor example is set, this will only encourage poor standards at the Bar. At a time when the legal profession (and the community) face difficult challenges, high standards must be maintained. This is not a time to be complacent. The appointment of Senior Counsel is a stepping stone to greater things – it is not an end in itself – and you must try to continue to improve. The Bar is a meritocracy – merits count, not reputations.

The presence in this court of so many loved ones – family, friends and colleagues – makes today's ceremony the special one that it is every year. It is a great pleasure to see you all here. It is also very touching and it will mean a lot to the four new Senior Counsel that you are present today to share in their joy.

Today, May 17, is a special date. Sixty years ago on May 17, 1954, SCOTUS (the Supreme Court of the United States) led by Chief Justice Earl Warren handed down one of the most important cases that Court has ever heard – Brown v Board of Education. It changed the attitudes of a nation. I hope this will inspire you all as it has inspired generations of lawyers to try to attain the justice our community deserves.

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