

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

The following is the full text of an address by the Hon Chief Justice Geoffrey Ma Tao-li at the Ceremony for the Admission of the New Senior Counsel today (May 21):

On behalf of the Judiciary, I extend a warm welcome to all of you to today's ceremony on the occasion of the appointment of three Senior Counsel. It marks a significant milestone in their lives and in the lives of their families and friends. We congratulate them.

The appointment of Senior Counsel is always a matter of considerable public interest. Senior Counsel are of course well respected by the legal profession as a whole and by the judges, but the public also looks to them for leadership and guidance. I am here not just referring to the considerable expertise and ability that Senior Counsel possess in their professional practice. The fabric of Hong Kong society, and indeed its success, depends to a significant extent on the existence of the rule of law and on its recognition by everyone in our society. The key persons ensuring the continued existence of this very real and living concept, include the leaders of the legal profession. While the duty owed to the public by lawyers is to uphold the rule of law, explain to the public exactly what this means and also to play their part in the administration of justice, it is the leaders who, by example and encouragement, show the way. Apart from the conduct of cases, this is also manifested by, for example, providing pro bono services or continuing the tradition which existed during my years at the Bar of doing at least one legal aid case a year, serving in one or more capacities in the Hong Kong Bar Association (which acts in the public interest), perhaps even becoming a judge eventually.

The appointment of Senior Counsel, a duty that is imposed on the Chief Justice by statute, becomes then a very important exercise to ensure that only those who are the most qualified and at the very top of their profession are appointed. The main criteria are ability, suitability and integrity - all three are equally important. Consultation is with the judges, the Chairman of the Bar and the President of the Law Society.

Each of the new Senior Counsel this morning fulfil the criteria I have just mentioned. They all have the promise to become leaders of the Bar in all senses. They will in the years to come, as they have in the past, become examples for others to follow and set the highest standards of the professionalism, integrity and conduct that is expected of barristers.

Mr Graham Harris is an exemplary and very experienced practitioner in the field of criminal law. In the eyes of many people I have consulted, his application for silk has been long overdue. Mr Stewart Wong is a civil practitioner, specialising in the area of

revenue law where he already enjoys a justifiably formidable reputation. Ms Linda Chan's reputation as a specialist in insolvency law counsel is equally impressive: she will do great credit to the insolvency bar. I have no doubt that Mr Harris, Mr Wong and Ms Chan will be tremendous successes; they all have strong support from all whom I have consulted. I wish you all well and I will be charting your progress keenly. You will do the Inner Bar proud.

I hope you will not follow in the footsteps of the first Queen's Counsel appointed for Hong Kong, Mr Edward Hutchison Pollard (he took silk in 1865). On June 27, 1867, no doubt buoyed at the prospect of going away on holiday, in the course of conducting a sale of goods case, Mr Pollard decided to engage in a series of arguments and traded offensive remarks with the Chief Justice. This resulted in his being found in contempt of court on six charges. He was suspended and fined \$200. He appealed to the Privy Council which allowed his appeal and the case, which is reported as *Edward Hutchison Pollard v The Chief Justice of the Supreme Court of Hong Kong* (1868) 2 LRPC 106, is authority for the principle that no person can be found in contempt of court, without first being heard. When I said earlier that I hope you will not follow Mr Pollard's example, my point was of course I hope you will never have cause to sue the Chief Justice. Mr Pollard was by all accounts a nasty man, a description that does not apply to Mr Harris nor Mr Wong, and certainly not Ms Chan. A postscript to the case: parties of the sale of goods case went to arbitration.

Lastly, I would like to make reference again to the families and friends of our new Senior Counsel, most of whom are present today. Mr Harris, Mr Wong and Ms Chan will be the first to acknowledge that without your encouragement, support and most of all, love, they would be nowhere near where they find themselves today. Special mention must go to the spouses: Alphaia Harris, Rosana Wong and Quincy Tam. I should also acknowledge the presence today of the parents: Mr George Harris, Mrs Wong Siu-lun, and Mr and Mrs Chan Yen-cheung.

As the three of you enter the Inner Bar, today is one of life's very best days for you. Do enjoy it, make the most of it and realise its significance in the years to come. Once again, I extend to you my warmest congratulations.

Ends/Saturday, May 21, 2011
Issued at HKT 11:18

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