

SJ's address at Ceremony for the Admission of the New Senior Counsel (English only)

The following is the address by the Secretary for Justice, Ms Teresa Cheng, SC, at the Ceremony for the Admission of the New Senior Counsel today (June 22):

Chief Justice, Members of the Judiciary, Chairman of the Bar, President of the Law Society, Fellow Members of the Legal Profession, Distinguished Guests, Ladies and Gentlemen,

On behalf of the Department of Justice (DoJ), I wish to extend the heartiest and warmest congratulations to the four counsel taking silk today. Such well-deserved recognition is not only a testimony to their professionalism, but also an inspiration to all young barristers.

The call to the inner bar is unquestionably an immense honour. Yet, the rank of Senior Counsel also carries with it onerous burdens. All will justifiably have higher expectation on their work and advocacy given their eminent standing. The two-letter post-nominal is held in high regard as they must use their advocacy skills and professional knowledge to discharge their overriding duty to the Court conscientiously in a way conducive to the public interest and in the pursuit of justice.

Outside the courtroom, the public will equally count on Senior Counsel's readiness to uphold the rule of law, which must not just be referred to but practiced. The public will look to them for defending against any misguided attacks on our legal and judicial systems.

In a stark contrast to last year, all new silks appointed today have a predominantly civil practice. Yet, one may still find diversity among the four of them. Particularly, I am pleased to note the gender parity. Whilst this year is not one that has the highest number of female silks appointed, it is the first year ever that one sees the same number of male and female counsel taking silk – a perfect symmetry of the Yin and Yang.

Another form of diversity is manifested in their different career paths. Some were called to the Hong Kong Bar early in their careers, while the others were "late converts". In 2013, Lord Sumption had an interesting debate with Professor Graham Virgo of the University of Cambridge on the motion of "Those who wish to practise law should not study law at university". If we are to have a debate on "Those who wish to take silk should not begin their careers as barristers", we will have a win-win situation. Today, we have solid proof that one can be successful at the Bar in either way and the result is a tie of 2 to 2.

Perhaps yet another form of diversity and symmetry can be found in the

fact that two of them are practising in chambers in Admiralty to the east of this CFA building and the other two to the west in Central. Whichever side they are on, I trust they consider themselves fortunate that chambers have not yet followed the lead of some international law firms in moving to Quarry Bay!

Against this background for inclusiveness, it would be customary for me to briefly introduce each of our new silks and share with you some anecdotes that they may or may not wish me to tell.

Ms Eva Sit Yat-wah

Eva is well known for her robust and persuasive advocacy skills which command immense respect among her peers. She is a quick thinker and advocate while on her feet in court.

DoJ had the benefit of Eva's advice on various cases, including those involving Basic Law issues. Most notably, she represented the HKSAR Government in the landmark case of *Vallejos v Commissioner of Registration* (2013) concerning the right of abode of foreign domestic helpers, as a junior to Lord Pannick QC and Anderson Chow SC (as his Lordship then was).

Apart from constitutional matters, Eva also has expertise in environmental law, mastering the technical intricacies in matters such as the construction of a third runway for the airport, municipal waste incinerator near Shek Kwu Chau, and the Hong Kong-Zhuhai-Macau Bridge.

While ladies, and indeed gentlemen, at the Bar struggle with keeping fit in view of the long working hours, intense stress and lack of exercise, Eva seems to have her secret tricks in staying fit and slim. She is also known for her good fashion sense and must be pleased to have a new piece of silk garment added to her wardrobe.

Mr Jenkin Suen

Jenkin has always been a high achiever in terms of academic credentials, as evidenced by his impressive collection of 16 scholarships and prizes. After seeing the light and switched from the solicitor branch of the profession to the Bar, Jenkin has established a broad civil practice. He also represented the Government in some high profile judicial review cases including the well-known Legislative Council oath taking cases.

Behind every successful man, there stands a woman. Jenkin is lucky to have three fervent supporters, his loving wife and two daughters. To Jenkin, they are weighty in the important decisions in his life.

He chose Oxford rather than Harvard for his master's degree because his "dream girl", now his wife Anny, was going to study for an LL.M. in London. They share the same interest and later on studied together for the part-time programme of Master of Arts in Literary and Cultural Studies at the University of Hong Kong. Apparently with Anny's help in taking notes for him in all the courses, Jenkin managed to complete the degree with distinction.

Ms Rachel Lam Yan-kay

Rachel, acclaimed as an eloquent, passionate and yet calm advocate, has a solid practice in commercial matters, including insolvency, company and securities laws.

Apart from building up a strong legal practice, Rachel is a respectable role model for giving back to society. She has taken up public duties, including serving as a member of the Competition Commission. Amid her busy schedule as a highly sought-after junior, Rachel has gone beyond making charitable donations by devoting considerable time and efforts to a number of charitable organisations.

She is a board member of Viva Network (Hong Kong) Limited and Invenio Foundation Limited, which are charities dedicated to eradicating children poverty and abuse, and empowering them through education.

Mr Laurence Li Lu-jen

Laurence is widely recognised as an expert in financial law. He joined the Securities and Futures Commission in 1999 where he took part in the drafting of the Securities and Futures Ordinance.

With this background, after he joined the Bar in 2006, he continues to focus on financial, banking, commercial, company and securities laws.

In addition to a successful legal practice, Laurence has been active in serving the community, with a remarkable list of public appointments. As the Chairman of the Financial Services Development Council, he is a strong supporter for the development of Fintech, and I hope, very soon, of LawTech too. He is well-deservedly hailed by the media as the "King of Public Offices".

With a reputation beyond Hong Kong, Laurence has served as a Judge at the Regulatory Tribunal of the Qatar Financial Centre since 2011.

Laurence is also involved in philanthropic and community endeavours, such as being the convenor of the "30S Group", an organisation gathering young professionals to make suggestions for current issues; as well as a member of the Governing Team of "Light Be Social Realty", an NGO matching kindhearted landlord and families in need for flat with lower-than-market-rent.

My Lords and my Ladies, before I finish, I must extend my congratulations to the families of the new silks, who have no doubt given unwavering support and encouragement to them, without which they would not have reached the pinnacle of their careers today. This is a day of joy and pride for all of them.

On this note, it remains for me to wish the new silks every success in their practice at the inner Bar.

Red flag hoisted at Lo So Shing Beach

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (June 22) that due to big waves, the red flag has been hoisted at Lo So Shing Beach in Islands District. Beach-goers are advised not to swim at the beach.

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

The following is issued on behalf of the Judiciary:

The following is the full text of an address by the Chief Justice of the Court of Final Appeal, Mr Geoffrey Ma Tao-li, at the Ceremony for the Admission of the New Senior Counsel today (June 22):

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

I again extend a welcome to you in this special ceremony to mark the occasion of the admission to the rank of Senior Counsel of Ms Eva Sit, Mr Jenkin Suen, Ms Rachel Lam and Mr Laurence Li. I warmly congratulate each of them, their families, friends and their professional colleagues. The occasion marks a personal milestone in their careers, the full significance of which can only really be understood by them. It is also an occasion of great joy because their personal triumph is shared and witnessed by their loved ones, their colleagues and friends, and by a respectful Bench of judges who, I can assure you, hold you in the highest esteem.

For me, your appointment as Senior Counsel of course acknowledges you already have stellar practices but this is really just the starting point and marks the minimum threshold (albeit a very high one) to becoming a leader of the Bar (as all Senior Counsel are). Beyond this threshold are other qualities which are relevant to considering the role that leaders of the Bar, indeed the legal profession, are expected to assume in the community. In this context, it is important to look to the future. Your past achievements are

there for all to see but the community is keen to know just what contribution you will from now on be making to the community in your new role. Whatever may have been the traditional view of what it meant to take silk – and many people in the past have regarded this merely as a badge of honour which propelled one's practice to another level – it is now certainly expected that a person with the initials "SC" after their name will discharge responsibilities and have duties to further community interests.

Such community interests may come in different forms but one aspect of the public interest that is uncontroversial is the promotion of the rule of law and the proper, unbiased understanding of it. Much has been written, debated and said about the rule of law but fundamentally it means the existence and enforcement by an independent judiciary of laws that respect human dignity and effort in a way that recognises legal content, legal substance and the spirit of the law.

The importance of the rule of law in Hong Kong is discussed almost on a daily basis. The community wishes to be reassured that it truly exists in Hong Kong. How does one go about that? I have long maintained that it is not enough simply to say it exists and then expect (or hope) that the listener sufficiently respects or likes you to take your word for it. This is no basis to convince the target audience of something as important as the rule of law. One needs to convince by persuading the listener to analyse the question and then come up with conclusions based on objective, empirical factors.

Each person who wants to look at the concept of the rule of law in a dispassionate (meaning objective) way should have a list of factors to make an evaluation. In 2015, I was asked by the Bar of England and Wales to deliver the annual International Rule of Law Lecture. The title of my lecture was "Strength and Fragility in Tandem: The Rule of Law in Hong Kong". In that lecture, I listed six indicators of the rule of law as far as the independence of the judiciary and the administration of justice in Hong Kong are concerned. I have often referred to them since then. They are not meant to be exhaustive but they are the factors I regard as important:

(1) First, the transparency of the legal system. The public in Hong Kong is able to attend and observe any court proceedings from the Magistrates' Courts to the Court of Final Appeal, save in a very few exceptional circumstances where confidentiality is necessary, such as where the identity of children is involved.

(2) Secondly, the public has access to the reasons for the outcome of any court proceedings. In criminal proceedings, reasons are given for the outcome in the courts (with the exception of jury trials in the Court of First Instance where reasons for verdict are not given by the jury, although the judge's directions to the jury are given in open court). Similarly in civil proceedings where the reasons for a decision made by the courts are open for the parties and the public to see. The applicable law (whether in the Basic Law, statutes or in cases decided by the courts) are all publicly accessible.

(3) Thirdly, the reasons provided for any judicial decision will precisely

reveal the thought processes of the court and enable the public to verify that all decisions have been made according to law and according to the spirit of the law.

(4) Fourthly, the system of the appointment of judges is also an important factor. In Hong Kong, recommendations for the appointment of judges at all levels (including the Chief Justice) are made by an independent commission, the Judicial Officers Recommendation Commission.

(5) Fifthly, access to justice. This is self-explanatory. It raises the question of how in practice the constitutional right to access to the courts (contained in the Basic Law and in the Bill of Rights) exists.

(6) Sixthly, the views of those persons who are in regular contact with the legal system matter. I include here in particular the views of the legal profession.

These six factors – I accept there may be more – enable an objective assessment to be made of the existence of the rule of law in Hong Kong. Each of these factors involves the legal profession, the members of which all have the duty to promote a proper understanding of the rule of law and also to stand up for it whenever it has been unfairly criticised or sought to be undermined. It goes without saying that the leaders of the legal profession have this responsibility and such leaders include especially the leaders at the Hong Kong Bar.

I entertain no doubt that our new Senior Counsel will discharge their responsibilities in this regard. This is one of the qualities going beyond what I have earlier called the minimum threshold.

Ms Eva Sit has a formidable reputation in public and company law. Even as a junior, she has been widely regarded as one of the leading barristers in Hong Kong. She also has a strong belief that the Bar and its leaders should have a societal role in promoting the rule of law and explaining this to the community. As one of her referees also said and this also needs to be emphasised, "her integrity is exemplary".

Mr Jenkin Suen specialises in public law, land and planning law and company law, and has sat as a Deputy Registrar in the High Court. He is fully aware of the wider duties and community based role which his status as a Senior Counsel will entail. He is also keen to assist younger barristers. As he puts it, "I have taken it upon myself to instil in them, by words and deeds, the paramount importance of integrity at the Bar and the overriding duties we owe to the courts".

Ms Rachel Lam, the third graduate from Oxford today (the other only studied at Harvard and Yale) has a large practice in insolvency, commercial and company litigation, as well as in the regulatory and securities field. Like the other new Senior Counsel today, she makes a point of the need to help the next generation and the community as a whole. It is also telling that she abides by that well-known quote from CS Lewis, "Integrity is doing

the right thing, even when no one is watching".

Mr Laurence Li has already established himself as perhaps the foremost practitioner in securities and regulatory law. He is the author of "Securities and Futures Ordinance: Commentary and Annotations". He also sits as a judge of the Regulatory Tribunal under the International Court in Qatar (the Court is now headed by Lord Thomas of Cwmgiedd). His integrity is also beyond question. As one of his referees puts it, "I have found him to be a person of the utmost integrity – someone whose word can be relied upon without question and somebody who truly reflects the traditions of the bar".

As we look to the future, many people (especially me) look forward to seeing how all four of you will fare and how you will contribute to the community. Hong Kong needs people like you. For me, you were all obvious choices to be appointed Senior Counsel. I once again congratulate you, your families and friends.

Special traffic arrangements for race meeting in Sha Tin tomorrow

Police advise motorists that special traffic arrangements will be implemented in Sha Tin to facilitate the race meeting tomorrow (June 23).

The arrangements will come into effect two hours before the start of the first race and will last until the crowds have dispersed after the race meeting.

Appropriate traffic signs will be put up and police will be on hand to guide motorists.

The Police also appeal to people going to Sha Tin Racecourse for the race meeting and to Happy Valley Racecourse for cross betting to make maximum use of public transport.

Parking spaces at the two racecourses are available only to holders of appropriate permits issued by Hong Kong Jockey Club and any vehicles illegally parked will be towed away.

Wan Chai Police Station Report Room and follow up service of e-Report Centre resumed

Wan Chai Police Station Report Room and follow-up service of e-Report Centre have resumed normal.