

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

The following is the address by the Secretary for Justice, Mr Paul Lam, SC, at the Ceremony for the Admission of the New Senior Counsel today (June 7):

Chief Justice, members of the Judiciary, Chairman of the Bar (Hong Kong Bar Association), President of the Law Society (Law Society of Hong Kong), fellow members of the legal profession, distinguished guests, ladies and gentlemen,

On behalf of the Department of Justice, I wish to extend my warmest congratulations to the three new silks: Ms Catrina Lam, Ms Priscilia Lam and Mr Timothy Parker. Their appointments as Senior Counsel are undoubtedly well deserved.

I have to confess that I had a mixed feeling upon seeing their names in the press release of the Judiciary. On the one hand, I noted at once that the family name of two of the appointees is "Lam" (ㄌㄚˊㄇㄣˊ). I am, naturally, very proud and pleased that the "Lams" seem to be doing quite well in the legal field. Other prominent examples would include eminent members of the Judiciary such as Johnson Lam PJ and Godfrey Lam JA. On the other hand, I was a bit concerned that this is second year in a row that there are more female appointees than male!

Catrina has a very successful practice mainly in the area of commercial and competition law. For those of you who know the Chinese names of Catrina and me, apart from having the same family name, the second character is also identical i.e. "ㄞㄣ". Very shortly after the Judiciary's announcement, I received a WeChat message from a lawyer friend on the Mainland asking very seriously whether Catrina is my younger sister!

Priscilia, as we all know, specialises in criminal law. The Department of Justice has instructed her to prosecute in many important criminal cases. When I was preparing this speech, I asked one of my colleagues in the Prosecution Division whether there is anything funny or interesting that I can say about Priscilia. To my disappointment, the answer that I received is that "Sorry, I tried and tried, scratched my head, but I just can't think of anything funny." Perhaps I have not asked the right person. Anyhow, it is well known that Priscilia is very sporty; and is very good at kick boxing, snowboarding and wake surfing. At one point, I was very tempted to consult Zervos JA, who is, as we all know, the dear husband of Priscilia, on the level of her kick boxing skills as he might have some first-hand experience but, on reflection, that did not appear to be a good idea at all!

As to Timothy, he has a general civil practice and is particularly recognised for his expertise in public law and constitutional matters. I was told that his son, Graham, was born last month. So, coupled with his

appointment as Senior Counsel, this is what we would say in Chinese: "double happiness".

Apart from today's ceremony, there were two other significant legal events in the past week or so. First, last Wednesday, the Legislative Council approved the appointment of Sir William Young, an eminent former judge of the Supreme Court of New Zealand, as a foreign non-permanent judge of the Court of Final Appeal. Second, about a week ago on May 30, 33 countries including China signed the Convention on the Establishment of the International Organization for Mediation in Hong Kong. Representatives from around other 40 countries and 20 international organisations also attended the ceremony. These encouraging developments demonstrate that Hong Kong's status as an international legal and dispute resolution services centre is strongly supported and acknowledged by our country and the international community.

Hong Kong's success in this respect so far is attributed to our common law system, which is indeed one of the most important and distinctive advantages enjoyed by Hong Kong under the principle of "one country, two systems". While we must do our best to preserve and enhance the essential features and core values of our common law system, it is vital not to overlook many challenges ahead. Senior Counsel, as leaders of our strong and independent bar, are expected and required to play proactive and leading roles in overcoming these challenges. For the present purpose, I would like to mention three of them.

The first challenge is how to use technological innovations to promote efficiency, but without compromising the integrity, of judicial proceedings. I wish to quote from an English decision handed down yesterday in *Ayinde, R (On the Application of) v Qatar National Bank QPSC & Anor* [2025] EWHC 1383 (Admin) "Artificial intelligence is a tool that carries with it risks as well as opportunities. Its use must take place therefore with an appropriate degree of oversight, and within a regulatory framework that ensures compliance with well-established professional and ethical standards if public confidence in the administration of justice is to be maintained... In the context of legal research, the risks of using artificial intelligence are now well known. Freely available generative artificial intelligence tools, trained on a large language model such as ChatGPT are not capable of conducting reliable legal research. Such tools can produce apparently coherent and plausible responses to prompts, but those coherent and plausible responses may turn out to be entirely incorrect. The responses may make confident assertions that are simply untrue. They may cite sources that do not exist. They may purport to quote passages from a genuine source that do not appear in that source. Those who use artificial intelligence to conduct legal research notwithstanding these risks have a professional duty therefore to check the accuracy of such research... There are serious implications for the administration of justice and public confidence in the justice system if artificial intelligence is misused. In those circumstances, practical and effective measures must now be taken by those within the legal profession with individual leadership responsibilities (such as heads of chambers and managing partners) and by those with the responsibility for regulating the provision of legal services. Those measures must ensure that every individual

currently providing legal services within this jurisdiction (whenever and wherever they were qualified to do so) understands and complies with their professional and ethical obligations and their duties to the court if using artificial intelligence." It is clear that these important remarks apply equally to Hong Kong.

The second challenge is how to enhance the synergy between our common law system and the Mainland legal system under the principle of "one country, two systems". To maintain Hong Kong's unique attractiveness as a "super connector" and "super value-adder" between China and the rest of the world in the provision of legal and dispute resolution services, it is essential to review, and improve on, the existing mutual legal assistance arrangements in civil and commercial matters continuously. All of them are concerned with either judicial or arbitration proceedings in which counsel are usually heavily involved. On the other hand, there is a huge and growing demand on the Mainland for capacity building on international legal practice. A good recent example is the Legal Services Forum, which included a mock arbitration, held in Xi'an about two weeks ago in late May, which was attended by a large number of Mainland lawyers not just from Shaanxi but many other neighbouring provinces and regions in Western China. One of the most sought-after topics in these capacity building programmes is the skill and etiquette of oral advocacy, which is something that Senior Counsel are renowned for.

The third challenge is to maintain Hong Kong's international image regarding its rule of law. We have to face the music. For whatever reasons, many people outside Hong Kong do not have a proper and complete understanding of the present state of the rule of law, and the actual operation of our legal and judicial systems, in Hong Kong. Nowadays, perception is reality. A negative perception, no matter how misplaced, is liable to impair people's trust and confidence in Hong Kong as an international legal and dispute resolution services centre. Senior Counsel, owing to their status as respectable and independent legal professionals as well as skillful advocates, are best positioned to tell the good and true story of Hong Kong in this regard.

These challenges must, of course, be overcome by different branches of the legal profession of Hong Kong together. But, as I said earlier and for reasons that I explained, it is reasonably expected that Senior Counsel, as an institution representing the cream of our profession, should take the lead to do so. I sincerely hope that the three new silks would join the efforts in this respect.

On this note, may I wish all three of you all the best and every success. Thank you.