

Speech for 11 June 2022

1. Chief Justice, my lords, my ladies, Secretary for Justice, President of the Law Society, colleagues and friends.

Introduction

2. The annual appointment of Senior Counsel is no doubt one of the most significant events for the legal profession in Hong Kong. It is also an important event for the community as we gather here today to celebrate the success of the 5 new silks.
3. The Chairman of the Bar is usually expected to provide a bit of entertainment; to tell a few war stories about the new members of the inner bar; to reveal obscure personality traits in order to create a bit of embarrassment. It is a delicate exercise – if I am too frank and too much is revealed – the Chief Justice may start regretting his decisions.
4. But if I may keep the new silks in suspense for a few more minutes and start on a more serious note.

A survey of members of this club

5. Since the establishment of the HKSAR in 1997, a total of 108 Senior Counsel have been appointed if we are to include the 5 today.

6. The Inner Bar was described by at least one senior member as “the most exclusive club in Hong Kong”. In a speech delivered by Wong Yan Lung SC when he was the Secretary for Justice back in [2008], he reminded all of us that the most important objectives of this club must be to serve its non-members.
7. Have members of this club appointed over the past 25 years discharged their obligations? I did a bit of digging as this is a good opportunity to look at the role played by them in serving the community in different capacities.
8. Of the 108 members, 18 have been appointed to the High Court bench over the years. Notably, Mr Justice Fok PJ is sitting in our CFA; Justices Macrae, Barma, Zervos, McWalters, Chow and Godfrey Lam were promoted to the Court of Appeal over the years.
9. 3 members became government ministers and were appointed as Secretary for Justice; 4 took up the position of Director of Public Prosecution.
10. Many chaired important statutory or public bodies. Jat Sew-Tong SC and Madam Secretary sitting on my right chaired the Minimum Wage Commission. Jat Sew Tong SC also chaired the Independent Police Complaints Council. Ambrose Ho SC and

Winnie Tam SC chaired the Communications Authority. Paul Lam SC chaired the Consumer Council.

11. 8 of us went on to become Chairman of the Bar. And other members will forgive me for not being able to name the important roles played by them in many other statutory bodies, boards and tribunals.
12. It is of course not for us to decide whether we have done enough. But what I am sure is that the role played by the senior members has provided inspiration and set good examples for the new silks and other members of the Bar.

Serving the Bar

13. The independence of the Bar provides us with the flexibility and the freedom to serve the community in many different ways. I would also like to take this opportunity to emphasize that we should do our very best to demonstrate that the existence of a self-regulated independent bar is in the public interest.
14. Although we have a small pool of dedicated staff in the Bar Secretariat, most of whom have been working with us for over 2 decades, we also have to rely heavily on the time and dedication of members of the Bar in order to meet our challenges.

15. I want to highlight in particular the work on disciplinary matters. We have a hardworking committee chaired by Stewart Wong SC who ensures that all complaints against our members are dealt with expeditiously and fairly. A separate pool of members are responsible for prosecuting these cases after investigation. We also have experienced members sitting in the Barristers Disciplinary Tribunal ensuring a high standard of adjudication. The system has worked well over the years but participation by members is crucial.
16. I urge our new silks and other experienced members to be generous with their time. The smooth operation of our disciplinary process is vital in maintaining public confidence in the integrity of the Bar.
17. Training our young members is another area where experienced practitioners are obliged to help. Barristers are specialist advocates. The Advocacy Training Council was founded with the aims of promoting a high standard of advocacy and best practice in advocacy training. As is well-known, Mr Justice Coleman took the lead in this organization and was its founding Chairman. We have also had considerable help from the judiciary in training our young members. In addition to training our own members, we have branched out to provide specialist advocacy training to government departments and prosecutors in

other disciplinary tribunals. Our skills should be passed on and I urge you not to be tight-fisted with your time.

Diversity

18. Turning to the new silks. It is readily apparent that the 5 came in different sizes and shapes. You just have to put Tony Li next to Sara Tong – the contrast cannot be clearer.
19. On a more serious note, seen against the diversity of their experience, their pursuits, and their career paths, this array of silks exemplifies the best qualities and tradition of the barrister's profession.

Mairead Rattigan

20. It is well known that Mairead Rattigan is not the only member of the Rattigan family in the legal profession. Her brother Patrick is an accomplished solicitor. I can attest that he is someone with an excellent taste on choice of counsel and has instructed me on a number of occasions.
21. It is also well known that Mairead spent most of her court time in the Family Court in Wai Chai. However, what should not be forgotten is that she is not the first member in the Rattigan family making history in our family court.

22. Senior members will recall appearing before His Honour Judge Michael Rattigan in the 14th Floor of the High Court Building. This, I was told, is where the family Court used to be.
23. Apart from being an accomplished Matrimonial practitioner, I discovered that Mairead is also an excellent rider. She could not get enough of her horses when she was a young lady and ended up riding for Hong Kong and has competed at international events.
24. In those days, Judge Rattigan drove her to Beas River religiously every weekend including when there were Saturday sittings in the Fanling Magistracy. Thanks to Mairead the Judge was almost late on a number of occasions and her riding activities almost got in the way of the proper discharge of judicial functions.

Johnny Ma

25. Johnny Ma is someone I see every week as he is our Honorary Secretary. Those of you who have served on the Bar Council will know that this is a difficult job requiring a lot of dedication and time. Those who have worked with Johnny will know that he is probably one of the most reliable persons in the Bar. The Council simply cannot function without Johnny.
26. One would have thought that given the close contact, it was easy for me to dig up some dirt and create a bit of embarrassment. I

have delegated this task to our Vice-Chairman Jose Maurallet SC, who is of course in the same set of chambers as Johnny. Our friends will know that Jose is arguably the most informed person in the Bar. All that I can say is this - Jose you are absolutely useless. Apart from telling me that Johnny is a lovely man, he reported that Johnny's chamber-mates had nothing to report.

27. In desperation, I turned to Johnny's better half as the 3 of us did our PCLL together. I begged her to reveal stories that were never told and tell me what Johnny is really like. And she had this to say:

“He is one of the kindest persons I have met. Generous and sincere to all the people around him. Never calculates nor expects rewards from others. He will do the things he believes to be correct. Has great patience and is always humble. I have never heard him saying anything bad about anyone.”

28. This is not exactly what I was looking for, but we can all see what sort of person Johnny is.

Sara Tong

29. We now turn to Sara Tong. Sara had a false start in her legal career. After graduating from Cambridge, she was trained as a solicitor at Linklaters. Amongst Sara's peers at Linklaters were Norman Nip who took silk last year and Her Honour Judge

Winnie Tsui who also joined the bar after a few years with the firm. The partners of that firm must be kicking themselves for not retaining these talents but the Bar cannot complain.

30. Those of us in Temple Chamber know that we do not mess with Sara for multiple reasons but I shall not go into that.

31. She is described by many colleagues as the most hardworking person in the Bar. One of her pupils had this to say:

“Sara always arrives earlier than her pupils and by the time they arrive; she will already have done more than most people would do in a day; had 3 breakfasts during the night; gone for a long long run; gotten into chambers, and cranked out a whole bunch of work”.

32. She also organizes regular hikes with her pupils that usually involves meeting at 7am on a Saturday morning in Tung Chung or Sai Kung. The pupils are keen to turn up but I was told that it is not always attributable to their interest in hiking.

Tony Li

33. Tony is the only new silk from the criminal bar this year. Like Johnny Ma, he attended Queen’s College in Hong Kong during his secondary years. He then moved to Australia for university. In Australia, he did a number of summer jobs including working for a cosmetic and skin care products dot-com company to give

comments on products. We only need to take a look at Tony to understand why he was not retained after the summer.

34. Like some of us, he started his criminal practice in the Magistracies, and did a lot of traffic related cases. He obviously had a lot of success. One of his solicitors gave him a silver plate with the Chinese characters “車神” engraved. He claimed that this has created a false impression that he drove like Lewis Hamilton which was not the case.
35. However, I was reliably informed by some of his pupils that he actually managed to take up multiple magistracy briefs on the same morning in his early years and he was never late suggesting that this has something to do with his driving skills.
36. When I probed further, he claimed privilege against self-incrimination.

Victor Joffe

37. Finally, we turn to the most junior person in terms of number of years of practice in Hong Kong.
38. I first came across Victor Joffe when he was admitted to the Hong Kong Bar to argue the *Waddington* case in the Court of Appeal in 2006. He was already a leading practitioner in the Companies Court in London practicing from Serle Court. His

work on minority shareholders rights was already cited regularly in our Companies Court.

39. He fell in love with Hong Kong after appearing before our Court of Appeal – the Court was obviously too kind to him.
40. He was called to the Hong Kong Bar in 2011. He survived a 3-month pupillage with John Bleach SC. I am reliably informed by a number of solicitors that John suddenly got a large number of briefs to advise on company law matters in the 3 months but he claimed that it had nothing to do with Victor Joffe.
41. There is one vulnerability on Victor's part that I can reveal this morning. Due to his colour blindness, he was unable to fulfil his childhood ambition of being a pilot. What is perhaps more significant is that any pleading amended more than once will cause him serious confusion.
42. Hong Kong has treated Victor with kindness. This is where he met his fiancée Anne. Their wedding has been postponed 3 times due to COVID. This is obviously a happy year for Victor and we sincerely hope you can also tie the knot this autumn.
43. So congratulations again to all of you. On this happy occasion, I cannot finish without paying tribute to the families of the 5 new silks. I am sure that without your support and sacrifices, they would not be able to achieve what they have today.

44. On behalf of the Bar, I wish the new silks every success in their practice at the inner bar.

Dated 11 June 2022

Victor Dawes SC
Chairman of the Bar