

**The Chairman's Speech at the
Appointment Ceremony of Senior Counsel**

2 May 2015

Chief Justice, Secretary for Justice, Honourable Judges, Mr President,
Honourable Guests, fellow members of the legal profession, ladies and
gentlemen -

Today's appointment ceremony is not only a joyous occasion, but a milestone
in the history of Hong Kong in many ways.

First, we are witnessing a record number of 10 Senior Counsel appointed in a
single year. This is the largest ever batch in the history of Hong Kong.

Second, for the private Bar, the appointments made today will see the number
of Senior Counsel in private practice rising to a total of ninety-nine.

Third, working forward from the statistics provided by my predecessor Kumar
Ramanathan SC in his 2012 speech, the most senior of the silks to be appointed
today will be the 101st silk to be appointed in the history of Hong Kong, with
Anson Wong SC the so-called 'baby silk' appointed last year, being 99th.

The appointment of 6 new silks will see the percentage of silks in the private
Bar coming to 7.7%.

The new silks from the private Bar this year comprise an illustrious list of the
best of their respective fields of practice. In the interest of time and without
any disrespect to the illustrious new silks of the Department of Justice, I shall
confine my address to members of the private Bar.

Nigel Kat has built himself a varied civil practice, with substantial experience
in administrative law, and is particularly known in our profession for his
feistiness in court. Despite all the stories I have heard, on occasions with near
disbelief, but mostly from opponents who have lost against him, my own

limited experience with him as opponents in court has been none other than very pleasant. From my fair reading of the stories about court battles against Nigel, as an objective bystander receiving hearsay evidence, I am driven to the conclusion on a balance of probabilities that his opponents were merely overreacting while under the threat of a formidable opponent. In any event, like a good bottle of wine, he is known to have mellowed over time.

Many members of the profession may not know Nigel as an unsung hero in the nurturing of our younger advocates. Few senior members of the Bar have demonstrated as much commitment to playing a major role in advocacy training as he has. His work with the Hong Kong Advocacy Training Council has been nothing but exemplary. Outside the courtroom, Nigel is known to be a willing and generous teacher and mentor to his pupils and junior members in chambers.

Nigel is also known for his interest in car racing, for which he had found the need to stay in shape by walking up the back staircase of Pacific Place, only to find himself locked out by bolted emergency doors when he was gasping for his breath, unable to ascent further to the floor where his chambers were located.

Hectar Pun, Hectar spelt H-E-C-T-A-R for the avoidance of doubt, has earned himself the rightful reputation as the quintessential lawyer for the underdog.

Two years ago while we served together on the Bar Council, Hectar reminded me of how he came to have built a practice in public law, referring to an incident I have long forgotten about. Apparently, when he was a pupil, he had come to consult me on the possibility of building a junior practice in intellectual property law. According to Hectar, I had sat down with him and patiently explained to him why it was not a good idea, due to the structure of the market that limited the amount of work available to the junior end.

Whether or not that advice turned out to be objectively correct, it was certainly well-intended, and Hectar has thanked me for it with hindsight. I must say I find much comfort in seeing that the public has incidentally benefitted from my

advice.

Hectar's desire to serve the public was rather spurred by the good example of his elder sister, who became a distinguished professor for her research on labour issues and her work focusing on the underprivileged. As a former student leader in the City University of Hong Kong where he obtained his LL.B. degree, his alma mater is deservedly proud of him as the first Senior Counsel to be appointed amongst its graduates. In strict observance of the rule against touting and the spirit of retaining a barrister's independence from the other branch of the profession, Hectar is married to a solicitor who specializes in mergers and acquisitions, from whom he swears he has received no instructions.

Jeremy Bartlett came to Hong Kong as a young and dashing solicitor in the 1980's just when I was a young barrister struggling to build a practice. In those days, we were in a close circle of friends together with the late Alexander King SC, whose vibrant presence we still sorely miss. The hopes of many a young lady lawyer of forging a stronger friendship with Jeremy was dashed when he married his beautiful wife Lynda shortly thereafter. They now have three wonderful children.

After years of working for the dark side, and despite having been elevated to the position of regional head of litigation and co-head of arbitration in a posh city firm, Jeremy finally saw the light. Convinced that he was no lesser advocate than the Temple Chambers middle juniors he was instructing in those days, he made the decision in 1999 to join the Bar rather than to agonize as a solicitor-advocate envious of the status of a silk, but cannot bear leaving a solicitor's practice behind. What followed was a story of success.

However, he was then to find himself victim of solicitors' assurances to counsel that fail to materialize. There was one long-running shareholder dispute concerning the construction of a casino complex in Macau – a case for which the instructing solicitors had asked the team of counsel to turn down all other work and clear their diaries for the foreseeable future, assuring them that it

would never settle. It duly settled. Jeremy as the desolate junior was present during the urgent and slightly anguished phone call made by his leader, Mark Strachan QC, to his wife in London, urging her to immediately put away the credit card and stop eating caviar, as it was now back to baked beans.

Outside practice, Jeremy is a wine enthusiast trying to juggle his interest in wine with the training demands of triathlon, but often finding himself torn between two loves.

To Douglas Lam this is the day he has been longing for ever since he started practice, to a point that everything else in his life, including finding himself a Mrs. Lam, has been put on hold while he worked towards attaining his goal. As the only son in a family of six children he has been dreaming of sharing this momentous occasion with his family for years.

As luck would have it, not a single member of his family is here today. On the other hand, one of his younger sisters is agonizing over her brother not attending her wedding, which was scheduled to take place almost at exactly this hour in an idyllic resort in Koh Samui. Had it not been for the wedding having been scheduled for the same hour of the day, this technology court would have been put to good use. To make up for absent family members, our chambers have turned up in full force to cheer him on.

Douglas started working life as a management consultant in a posh firm. He quickly decided that his talent was elsewhere. He was absolutely right. With a highly successful practice in company and commercial law, Douglas has always been a junior in high demand, not least due to his excellent relationship with the solicitors he works with.

Douglas is the quintessential “diamond bachelor” in Cantonese terms – he is relaxed, urbane, extremely hard working, and enjoys the finer things in life. For cars he can only be expected to choose an Aston Martin, and for fast food he would only eat Tsui Wah. Over many of the long nights he spent in chambers working, he had had to eat many ordered meals from Tsui Wah,

usually leaving a mess in the conference room to be cleaned up the following morning by our long-suffering tea ladies. These meals would usually have been delivered with a docket bearing the name of the person placing the telephone order, by which the culprit could be identified. Douglas was known to have employed the trick of scribbling “Mr. Fung” in Chinese on the dockets in order to avoid the wrath of the frustrated tea ladies.

Like Douglas, Victor Dawes obtained his LL.B. from the London School of Economics and Political Science and his P.C.L.L. from the University of Hong Kong. His secondary school years was spent in a traditional school in the N.T.. From reliable source, I was informed that the two years of boarding life in Li Po Chun United World College (I emphasize “boarding”) that followed before university has transformed his outlooks and given him some very fond memories of his youth.

When Victor served on the Bar Council with me last year, I knew he was an extremely successful junior, but I had no idea how busy he in fact was. He seemed to have been involved in every other case that was worth mentioning. In major cases that arose from discussion in council meetings for one reason or another, I noticed that he had often had to excuse himself because he was involved in one way or another in the cases. However, when he was not prohibited from contributing to the discussion, he was always knowledgeable and helpful, displaying sound judgment.

I was also informed that Victor has a nickname “才哥” because he once came up with a point that impressed his instructing solicitor so much that he proclaimed him a “法律界奇才”.

I was reliably informed that Victor’s Facebook profile picture was changed to a yellow ribbon on 30 September, shortly after the controversial use of tear gas by the police. However, in his exemplary adherence to the crab rank rule, he picked up the brief for one set of the plaintiffs to evict street occupiers, and

succeeded. I was told that he changed his profile picture to a dinosaur thereafter.

Bernard Man told me that his story is one of good fortune and great blessings. He was born to the most loving and supportive parents who taught him everything he needed to know. He has a brother 6 years younger than him who is his lifelong friend and companion. Bernard was educated in DBS, then Oxford where he obtained his BA and BCL degrees. He met his wonderful wife in the year he joined his present chambers, got married and their second baby boy have just arrived a week ago. It is such a storybook perfection that, frankly, I did not know what to add.

Fortunately, Bernard's former pupil master, my predecessor Paul Shieh SC, came to the rescue by spilling dirt on him. As is widely known within his Chambers but not to me, Bernard is regarded as closely resembling in his looks, though not in colour, to a rather lovable cartoon character, and is therefore named after him. The character is none other than "Shrek". Another fact is that he used to walk around carrying a male clutch bag, and only stopped doing so because Dennis Kwok passed some comments suggesting that men who sport clutch bags look like money launderers with wads of cash too thick for the pocket.

Apart from being an outstanding advocate and a respected lawyer, Bernard is known to be highly accomplished in both the Chinese and English languages, although he modestly claimed not to have started speaking or writing English properly until he underwent education in the UK. I am proud to have him on the Bar Council and grateful for the good work he has put in as part of our team.

To each of the new silks appointed today, and their family and loved ones, I offer my warmest congratulations. Your new title is a clear mark of distinction, a badge of excellence for advocacy in the higher courts.

To become an advocate as opposed to building a practice as a solicitor is a

choice you made. Each of you have made that choice in your career to tread the path less travelled, and in doing so you have chosen to forego the advantages of direct dealings with lay or non-professional clients, in order to firmly abide to the objectivity, impartiality, and fearlessness expected of an independent advocate, who have such a valuable role to play in upholding justice and the rule of law. In excelling in your chosen career as an advocate, you richly deserve this coveted accolade and elevated status. You will be an example and inspiration for others who have made that same career choice. Lawyers who choose not to make that commitment and corresponding sacrifice can hardly be heard to complain about the title not being made available to them.

In researching on the proposal of Lord Irvine to abolish the appointment of English silks back in 2004, and how that proposal was defeated, I learned that one of the grounds advanced by the Bar's representative Bill Blair QC was that the regime must be preserved to facilitate export of services of English Queen's Counsel. Overseas legal service markets are said to love employing English barristers with the "QC" title. Statistics show that the Department of Justice is perhaps one of their biggest customers in Hong Kong. I would take this opportunity to sincerely appeal to the Secretary for Justice to commit to building a strong and independent Hong Kong Bar he himself once led so ably as Chairman. It is imperative that the Department of Justice be seen to take the lead. I appeal to the Secretary for Justice to think three times, and reserve the pressing of the so-called "Pannick button" only to truly exceptionally difficult cases.

It is widely believed that with the immediate elevation of status comes with remarkable increase in earning power. This is of course a matter for each individual silk operating at the private Bar, the level of remuneration being always market-driven. However, the financial benefit that comes with the appointment can be seen as putting you in the position of Robin Hood, with the difference that the rich that you are "ripping off" are willing victims: your "loot" would enable you to serve and contribute to worthy causes without always expecting remuneration. For those who are not already appointed to roles of

public service or in service of your own profession, I commend to you to give your time generously when called upon to do so. From my own experience I feel able to promise you that it will enrich and reward you in ways you cannot possibly quantify by your hourly rates.

On this note, may I wish all the new silks prosperity and immeasurable fulfillment in the years to come.

Winnie Tam SC
2 May 2015