

Speech on Admission of New Silks – 19th May 2012

Chief Justice, Secretary for Justice, my Lords and my Ladies, Mr. President, Honourable Guests, Ladies and Gentlemen.

Today's ceremony marking the appointment of four new silks to the ranks of the Inner Bar is an important milestone in the history of the local Bar as Charles Manzoni, the junior most silk appointed today, becomes the 90th silk to be admitted to practice in Hong Kong.

This still only represents slightly less than 8% of the total of practising barristers in Hong Kong. In contrast, in England and Wales and in NSW Australia, the proportion I understand is double at over 16%.

The rank of Senior Counsel has an ancient lineage dating back over 400 years. The appointment as Senior Counsel marks a public identification of barristers whose standing and achievements justify an expectation, on the part of persons needing the services of a barrister and on the part of the judiciary and the public, that they will provide outstanding service as advocates and advisers, to the good and the furtherance of the administration of justice in Hong Kong.

The appointment of the four new silks today provides a clear and public recognition by their peers of their high standing, legal knowledge, experience, personal qualities and skills in their respective fields of practice. The pre-requisites of an appointment to the rank of Senior Counsel is someone who is highly learned in the law, skilled as an advocate and diligent, with practical legal experience acquired over a considerable period of time. At the same time having the highest standards of integrity, honesty and independence are the traits that continue to distinguish Senior Counsel as leaders in the legal profession.

Your appointment as Senior Counsel is a tribute to and vindication of the hard work the four of you have applied into your practice and is certainly a justly deserved accolade and badge of distinction that you can be proud of. I am sure the four of you equally recognise that with this elevated status and respect comes responsibilities.

There is the responsibility to maintain the distinguished tradition and expectation of both service and leadership which have been the hallmarks to the institution of the Inner Bar for over four centuries. There is also the responsibility to uphold the high standards expected of Senior Counsel in all advocacy and advisory work.

An advocate is a central figure in assisting in the administration of justice according to law and upholding the rule of law. The Courts place a significant level of trust on the advocates who appear before them. It is vital that judges are able, without question, to hold the utmost confidence in the integrity and character of each advocate appearing before the court. As such, each advocate carries a significant burden. This burden is greater for those advocates who achieve the rank of Senior Counsel: they are expected to lead by example and are expected to discharge these responsibilities to the fullest extent possible.

There is also the responsibility to give hard advice to clients, advice that some clients might prefer not to hear, as to the prospects of success of cases. It will involve being discriminating as an advocate as what points you should run and those that you should discard. Clients are more likely to accept such advice and such advocacy decisions by Senior Counsel by reason of their high standing and competence. The judiciary certainly relies on Senior Counsel to have given such advice and made such tactical advocacy decisions. In this regard, what Michael Beloff QC's observation as to the art of advocacy is apposite: "*The object of the exercise of advocacy was not to show how clever the advocate is but how clever the judge is!*"

It has been commented that it is yet to be known what exactly are the qualities which must be possessed by any advocate if he/she is to reach the highest rank. Perhaps as one Master of the Rolls put it, they would encompass the following: "*the qualities of good skilled advocates is that they never use a long word where a short one will do, wherever it is possible to cut a word out, they cut it out, their submissions are well prepared, they know their brief and which points have merits and they concede where concession is proper..... they serve their client and assist the Court.*"

In the seminal judgment by Sir Thomas Bingham MR, as he then was, in *Bolton v Stone* {1994}, he pointed out that every lawyer had to be a professional of "*unquestionable integrity, probity and trustworthiness*" who could be "*trusted to the end of the earth.*" Very powerful words from one of the most respected judicial figures of modern times. Lawyers have to be capable of such trust because the public interest and public confidence in the profession – a profession whose independence, integrity, probity and trustworthiness is essential if we are to maintain our commitment to the rule of law – requires it. I say that this is required without any qualification whatsoever.

As the Chief Justice mentioned there were a total of 19 applications for silk out of which four were appointed.

FOUR is a good number because it is the number of stability, order and completion of justice, and symbolizes building a strong foundation.

There are four cardinal points, four winds, four phases of the moon as well as four seasons. The Pythagoreans believed the number 4, the tetrad, was a perfect

number. They taught that the Tetrad symbolised God. There are then the 4 elements –air, fire, earth and water.

The four leaf clover is believed to bring luck to its finder, especially if it is found unexpectedly. Each of the leaves symbolises something special: HOPE – FAITH – LOVE – LUCK.

I am sure those characteristics epitomise the manner in which the four of you have applied yourselves in your practice over the years and which justifiably has been recognised and rewarded by your appointments today. I am equally confident that they will continue to remain your standard bearer which you will continue to adhere to in the future years of your practice.

I turn now to say a few words about our 4 new silks:

Li Chau Yuen, or CY, as he is commonly referred to as, was born and educated in Hong Kong. He completed his secondary education at St. Joseph's College in Kennedy Road, which has been the fountainhead from which many members of the legal profession as well as the judiciary have heralded from. He first undertook studies for a Bachelor of Social Science degree, majoring in Economics. Not surprisingly, CY found it too arid and technical. He therefore decided to turn his interest to law and began his studies for an LLB degree at the University of Hong Kong. He undertook his pupillage with Edward Chan SC and was admitted to the Bar in 1987. CY commenced his practice in 1988 as a member of Sir Oswald Cheung's Chambers, where he remains to this day.

Over the last 24 years he has been principally engaged in a civil practice covering a wide range of areas. However, in more recent years his practice has begun to focus principally on property related matters. I am reliably informed that CY has had 37 pupils over the years, and that I believe must be some sort of record at the Bar.

A search I undertook revealed that CY has appeared in over 356 cases, which are identified over 36 pages on the judiciary website, a reflection of his hardworking approach to his practice and his popularity with solicitors who instruct him regularly. Rumour has it that due to his long working hours, he often sleeps in Chambers and actually has a bed in his room. I am not sure whether this may be a breach of the lease conditions, but I am sure CY, given his specialty in property related matters, can provide an opinion to his fellow Chambers members, hopefully on a pro bono basis!!!

He is married and has two children, a boy and girl aged 9 and 2 respectively.

CY has, whether by design or anecdotally, earned the sobriquet as a difficult opponent. As some who have entered the arena describe it, he is a gladiator of the traditional mould who simply takes no prisoners!! He is a tenacious advocate, and

his over-enthusiasm may perhaps be due to his dedicated but slightly over generous and perhaps inflexible belief in the righteousness of his client's case. To his credit, he has humbly and frankly recognised and acknowledged this perception and has worked very hard to, as they say in the vernacular, "*smoothen the rough edges*". With the adorning from his elevated status of the lighter and more refined silk gown, I am confident that CY will continue his self avowed polishing process and rightfully take on the mantle as a leader of the Bar.

I next turn to the first of our follicularly challenged appointments, Robert Pang. Although born in Hong Kong, Robert completed most of his primary and early secondary education in Kuala Lumpur, Malaysia. He returned to Hong Kong and completed his secondary education at St. Stephen's College in Stanley, an alma mater of my Lord Mr. Justice Au. He then enrolled at the University of Hong Kong to study law, and was conferred his Bachelors of Law degree in 1987 whereupon he proceeded to complete the PCLL course in 1988.

Since he commenced his practice in 1989, Robert has always maintained a mixed practice of both criminal and civil work. He has well-earned reputation as a diligent, formidable but fair advocate. He is noted to have a smooth, unflappable and unflustered style in the manner he conducts his cases and is well respected by his colleagues at the Bar as well as being highly regarded by the Judges before whom he appears.

Robert was a junior in a recent big claim divorce case. I am reliably informed that his London leader nicknamed him the "Professor" because Robert apparently had an answer to any question that arose for consideration. The only question to which he apparently struggled to give a coherent answer to was the question: "What is it you do not have the answer to?"

I am given to understand that Steven Kwan, a member of the junior Bar and Robert are apparently often mistaken for one another! The story goes as follows: another junior member of the Bar, who knew Robert but not Steven Kwan, entered the lift in Alexandra House and demanded of the other person in the lift, who happened to be Steven the grand sum of \$20 for a taxi fare. When the junior kept insisting for the \$20, Steven became alarmed and believed that he was being robbed and quickly handed over the money. It was only subsequently discovered that the junior had mistaken Steven for Robert. Steven I am told managed to extract the \$20 and possibly more from Robert for the nightmare experience he underwent.

Despite a busy and flourishing practice, Robert has been very active and highly motivated in undertaking public service. He is a member of the Insurance Agents Registration Board, a member of the Duty Lawyer Service Council as well as Council member of the Hong Kong Institute of Arbitrators and was also a member of the Steering Committee on Resource Centre for Unrepresented Litigants, the progenitor of the Administration's newly launched programme with both branches of the legal profession entitled LIPS, an acronym for Litigants in Person Scheme.

Robert has also been generous in giving his time with work for the Bar. He was a member of the Bar Council in 2005. More recently he has helped out with a number of the Bar's Special Committees dealing with Discipline {where he is the Vice-Chairman}, Alternative Dispute Resolution, Civic Education, Legal Aid Reform, as well being on the Management Committee of the Bar Free Legal Services Scheme. In the context of the last body, Robert in fact argued two cases, one in the CFA and the other in the Court of Appeal for the Bar's pro-bono scheme, where in both cases the convictions were quashed.

Robert also did a stint with the Judiciary sitting as a temporary Magistrate in 1998 and as a Deputy District Judge in 2008 and again in 2010. With all these commitments, Robert is also a family man being a dedicated and loving husband and a caring and doting father of their only beautiful daughter. I am told that both of them are in Court this morning. What a proud and special occasion today must be for all of them as they share and bask in Robert's elevation to the ranks of the Inner Bar.

Eugene Fung is the youngest of the new silks appointed today. Although born and partly educated in Hong Kong at the Hong Kong Wah Yan College, he then attended a boarding school in Malverne in England and completed his education there. He was accepted at Cambridge University where he spent his first year studying, of all things, Natural Sciences. He then went on to read law for the next two years and obtained his BA in 1994. In 1995 he obtained a Masters degree from Cambridge specialising in restitution law, securities law and comparative law. He then proceeded to London where he undertook his Bar studies.

He returned to Hong Kong in 1996 where he did his pupillage with my Lady, Madam Justice of Appeal Yuen and my Lord, Mr. Justice Barma. He was admitted to the Hong Kong Bar on 14th June 1997, just before the handover.

In the last 15 years, Eugene has earned his credentials as being one of the leading authorities at the Hong Kong Bar in the areas of trusts, equity, restitution and tax law. I am reliably informed that an article that Eugene wrote was published in the Law Quarterly Review and was quoted with approval by the House of Lords. High praise and high recognition indeed for someone so young!

Eugene was and is still a keen tennis player and I recollect him playing for the Bar team when we used to have the annual Bar vs. Judiciary Tennis match at Manderley Gardens. Many of the matches were marred with controversial line calls which were clearly wrong! I leave it to you all to guess which of the two teams was inclined to make those calls, particularly when they seemed heading for a loss!! I will move on before I get cited for contempt!

I understand Eugene has a rather strange way of unwinding from work stress. Not being satisfied with the battles in Court, he apparently enjoys and is addicted to computer games and in particular playing fictional battle games online. When he explained to one of his London leaders that this was his way of releasing stress, his leader was not particularly amused, and began to have doubts on his otherwise capable junior!!

This year is a special year for Eugene and his wife Yvonne. Apart from the accolade being bestowed on him today, there is to be further cause for joy in the Fung household as they are expecting their first child, a baby girl in August. My only word of advice to Eugene is that he may well find that the intricacies and complexities of trust law or discrete Chancery points pale into insignificance when compared with trying to understand the workings and complexities of diapers and baby rash!!!

I finally turn to the last of our new silks, Charles Manzoni. Charles is the other follicularly challenged new silk we honour today. I believe this is the first time in the history of the HK Bar that we have two follicularly challenged silks appointed at the same time. I suppose their new full-bottomed wigs will sit better on their heads than others! Charles obtained a first degree in Mechanical Engineering in the University of Bristol and then a Diploma in law from City University London before being admitted as a barrister of the Middle Temple in 1988. His practice was mostly civil with a particular focus on commercial law and international arbitration.

Charles was admitted to the HK Bar in 2000 and continued his international practice in both London and Hong Kong. He has current arbitration cases that are being heard in London, Paris, Singapore, Abu Dhabi, Dubai, Japan and Geneva. Not surprisingly Charles second home is the airplane and he has probably clocked up enough air miles to establish domicile with HK's national carrier!!

Charles has been described as a suave, articulate and highly persuasive lawyer with an excellent legal mind. He is known to be a clever strategist in the way he conducts his cases and the way he formulates his arguments.

For his clear and outstanding abilities, Charles was appointed a QC in 2009 in the United Kingdom and Wales. His appointment today as a leader of the Hong Kong Bar is a further tribute and testament to dedication and application to his practice in Hong Kong.

Charles is married to Clare and they have four lovely children who are all studying in Hong Kong. I am told that the whole family are keen sailors and participate in a number of sailing regattas in Hong Kong and elsewhere. Although Charles tells me he enjoys live music, film and theatre his creative skills outside of the law are that of a warthog.

In passing I would observe that the silks appointed today are fortunate that they do not have to pay anything to receive their instrument of appointment. In contrast, silks appointed in England and Wales have to pay the princely sum of £4,420 in order to receive the letters patent!!

With your appointment as Senior Counsel, the work of all four of you is likely to alter in nature, difficulty and intensity. I am sure all four of you will take the additional workload and the responsibilities that come with being a Leader of the Bar in your stride and play your part in helping build and support a strong and independent junior Bar.

Finally on behalf of the Hong Kong Bar, I would like to extend to the four of you our congratulations on your appointments. May the years ahead at the Inner Bar be challenging, fruitful, filled with success but at the same time filled with enjoyment, happiness and health.

**Mr. Kumar Ramanathan SC
Chairman
Hong Kong Bar Association
19th May 2012**