

**Speech given at the Opening of Legal Year on 20 January 2025 by the  
Chairman of the Hong Kong Bar Association, Victor Dawes SC**

Chief Justice, Secretary for Justice, President of the Law Society, Judges, distinguished guests, ladies and gentlemen,

1. On behalf of the Hong Kong Bar Association, I would like to extend a warm welcome to you for attending our ceremonial opening of the legal year.
2. The English counterparts to our ceremony can be traced back to the Middle Ages, when judges gathered to pray for guidance at the start of the legal term. The ceremonial opening in Hong Kong itself dates back to the early years of the 20<sup>th</sup> century. Usually held on a Monday in January each year, our ceremonial opening does not include prayer, though a joint religious service for the new legal year often takes place earlier on the same day.
3. All of this reflects the enduring value of our gathering as a community to look back on the past year, and to share our vision for the future. As Chairmen of the Bar, my predecessors and I have had the privilege of sharing our thoughts on this important occasion throughout the years.

**2024 in a nutshell**

4. 2024 was an eventful year for the legal community in Hong Kong on multiple fronts. We started the year with the consultation and enactment of the legislation under Article 23 of the Basic Law, which I will return to in a

moment. In addition, trials of a number of high-profile national security cases have either been concluded or are ongoing. Some of the defendants have been exercising their rights to appeal and these cases have generated significant public interest.

5. The past year also saw the departure of a number of Overseas Non-Permanent Judges of the Court of Final Appeal triggering renewed debates over the composition of our apex court. On a more upbeat note, the appointment of Mr. Justice Allsop to the top court in May was warmly welcomed by the profession.
6. Whilst much press attention has focused on criminal cases over the past year, our courts have continued their vital role in the development of jurisprudence in a wide range of other important legal areas. This is reflected in the work of the Court of Final Appeal, which has had a remarkable year ranging from clarifying the law on Quistclose trusts to considering the constitutionality of our anti-money laundering legislation. Our top court continues to hand down ground-breaking decisions that are cited across the common law world.
7. In two major judgments that have been welcomed by different sectors of our community in November last year, our apex court ruled that same-sex couples should have equal access to public housing as other families, while also affirming equality of inheritance rights for the minority group.

## **The role of the Bar**

8. 2024 was also a year where the Bar had the opportunity to reflect on its roles and responsibilities in Hong Kong. This was a year where we celebrated the 75<sup>th</sup> anniversary of the Hong Kong Bar Association. Although barristers as a separate branch of the profession were already practising in Hong Kong as early as 1844, our professional association was not formed until 1949. Our anniversary was not only a good reason to wine and dine but also gave us the opportunity to reflect and to remind ourselves of our core values and roles as a professional body.
9. An important aspect of our work is to look after the well-being of our young members, and the fostering of a sustainable environment for them to develop and flourish as independent advocates. To this end, it is important to remind our young members that the Bar is no mere business or enterprise but a profession – a calling and responsibility to something of far greater value than just ourselves and our practice. As the Honourable Mr. Andrew Li, the first Chief Justice of the HKSAR, wrote recently in our publication:

“An independent legal profession is essential to the rule of law. The challenge for the leaders and members of the Bar is to adapt and manage change in a forward looking and dynamic way. As has been wisely observed, it is not the strongest or the most intelligent who survive. It is those who are most adaptable to change that are able to survive. But at the same time, it is of cardinal importance that the Bar must remain dedicated to and unwavering in upholding its fundamental values as an honourable profession, with its deep commitment to the

rule of law with an independent Judiciary and to ensuring justice for all.”

10. The Bar has taken its societal role most seriously throughout the years. A recent example is the role our members played in the consultation process on our domestic national security legislation under Article 23 of the Basic Law.
11. In early 2024, our government discharged an important constitutional obligation that was written into our Basic Law before 1997. During the consultation, the government proactively sought the views of the legal profession and the Bar played an active role in commenting on the legislative proposal. Our report commented on every major aspect of the proposed legislation and sought to highlight the similarities and differences with comparable legislations in other jurisdictions. I thank our members who worked around the clock on this project and also staff from our Secretariat who worked tirelessly in producing our report within the month.
12. At the end of the day, some of our views were taken on board and others were not. Providing candid constructive comments is of course important, and part of the very purpose and value of consultation. We had no hesitation in supporting the Secretary for Justice when his position was agreeable. At the same time, we would likely have failed in our duties if we saw eye to eye with him on each and every subject. Going forward, I trust that our views will continue to be treated with respect when we disagree, keeping in mind as always that we are each deeply committed to the well-being and flourishing of our community.

## **Importance of the Rule of Law in the current climate**

13. As we are all aware, Hong Kong faces some stiff macroeconomic headwinds. As our government grapples with these challenges, we should not forget that the common law and our machinery of justice are pivotal to the success of Hong Kong, and to our constitutional order. In this regard, Article 109 of the Basic Law notably requires the continued provision of an appropriate economic and legal environment for the maintenance of Hong Kong's status as an international financial centre. One cannot here underestimate the impact of our judicial system on our economy. Lord Hodge, the Deputy President of the UK Supreme Court, had this to say in a speech he delivered in 2022:

“The importance of good governance through a commitment to the rule of law is widely recognised as underpinning economic prosperity. Scholars have identified the central role that legal institutions play in enabling long-term development, above and beyond other factors that are associated with economic success. The quality of a country's legal institutions – in particular, the independence and competence of its judiciary – are important to investment levels, innovation, and an economy's GDP growth.”<sup>1</sup>

14. As the only common law jurisdiction in our country, our judicial system has a unique role to play beyond the Special Administrative Region. We should do our very best as the legal hub and the connector of the Greater Bay Area and the wider region.

---

<sup>1</sup> Lord Hodge, “The Rule of Law, the Courts and the British Economy”, 4 October 2022.

15. Over the past year, critics outside Hong Kong continued to criticise our justice systems. Some of the comments were no doubt unfair, some possibly *mala fide* and aimed at undermining the prosperity of our city. Most of the criticisms concern national security-related matters stemming from the incidents that took place in 2019. These criticisms are often met with rebuttals by our administration using equally strong language.
16. There is no doubt that protecting national security is of fundamental importance and is also essential for economic prosperity and the well-being of our people. This explains why law enforcement agencies are given extensive powers under our national security legislation – with many such powers found in other jurisdictions recognised for their protection of fundamental rights.
17. But at the end of the day, action speaks louder than words. Our administration must demonstrate that we are a jurisdiction where the rights of citizens are respected. Ministers and public officers at all levels must be able to show that their powers are exercised in good faith, fairly, for the purpose for which the powers are conferred. Businesses must have the confidence that they will be dealt with on a principled and not an arbitrary basis. In this regard, powers under our new national security legislation should be used in a considered and proportionate manner. This is not only vital to the success of our economy and the well-being of our people – it is also intricately linked to the success of “One Country, Two Systems” which is vital to the future of Hong Kong.
18. Looking ahead, 2025 will no doubt be another eventful year. There will certainly be headwinds in the complex geopolitical environment. I remain confident that the challenges will eventually blow-over and Hong Kong will

not only survive but thrive as it always has. The Bar will continue to play our part showing our commitment to the rule of law and in supporting the work of our independent Judiciary in serving the people of this city.

### **New leadership**

19. Finally, as some of you are aware, the Bar will be led by a new leadership by the end of this week. Our new Chairman and the two Vice Chairmen are all leading members of the Inner Bar who are much respected by the profession. I can also say with confidence that insofar as your new Chairman is concerned, our members have got themselves a much deserved “upgrade”. The Bar will be led by someone who is not only professionally accomplished but is also somebody who understands the true values and duties of the profession.
20. I wish my learned friend and the new council the best of luck in the coming year. There will be moments when our new Chairman will say to himself that taking up this job was a dumb decision but he will get over it. What I am sure is that our members will continue to support him in the same way as you have very kindly supported myself in the past 3 years.
21. It remains for me to wish everyone a healthy and happy year of the Snake.

Victor Dawes SC

Chairman of the Hong Kong Bar Association