

Address by Mr C M CHAN
President of the Law Society of Hong Kong
Admission of Senior Counsel
11 May 2024

Chief Justice, Secretary for Justice, Honourable Judges, Chairman of the Bar,
Distinguished Guests, ladies and gentlemen.

1. It is my great honour to have been invited to speak to you on this occasion.
I take the opportunity to extend my warmest congratulations to Mr. Benson Tsoi Yat-ming, Ms. Frances Lok Man-yin and Miss Queenie Fiona Lau, on your appointments as Senior Counsel.
2. As often been said, Hong Kong has a split legal profession, and Hong Kong is one of the few jurisdictions in the world which maintains this bifurcation. At present, there are approximately 15,000 lawyers in Hong Kong, of which 13,000 plus are solicitors. As at January 2024, there are over 1,600 practising barristers.
3. The Legal Practitioners Ordinance Cap 159 makes provision for the admission and registration of legal practitioners and their employees, the appointment and registration of notaries public, and for purposes connected therewith. Part III of Cap 159 is exclusively on barristers. The division of the two professions is statutorily provided for.
4. What the above transpires is that we are having a strong and independent Bar. With a mix of knowledge, abilities and skills, an independent Bar offers expertise. On the other hand, access to independent legal advice acts as a

guarantee that the client can be confident that his or her legal advisors are providing legal assistance without fear or interference or sanction.

5. Apart from boosting client confidence, division of labour between the two legal professions also underscores the administration of justice for Hong Kong. For one thing, the 'cab rank rule' ensures that clients will always receive proper representation no matter how undesirable or unpopular the case or client is.
6. The well-established objectivity and independence, deeply ingrained in a strong referral bar, upholds the quality of decision-making in the courts. Alongside a barrister's overriding duty to the court, an independent bar instils public confidence in the legal system of Hong Kong.
7. The following extract from a judgment in 2020 from the High Court of Ireland nicely sets out the position:

"... the barrister is not beholden to any other person ... [he, being independent] is in the best position to see the facts clearly, assess them clinically, and is concerned only to argue [his] side of each issue to the best of [his] ability. Just as importantly, [the barrister] will assess what is not in issue and focus on the true crux of the case." (See *Fogarty v The Governor of Portlaoise Prison* [2020] IEHC 154)

8. I shall add that Senior Counsel, with the highest regard for legal ability, for diligence, for professionalism and for integrity, would have an even more important role amid fellow barristers, as the independent advocate in the administration of justice.

9. I have said enough on the division of labour. Nowadays, the distinction between the two branches and the separation seem to be blurring following various recent developments.
10. One of the developments which comes into my mind is the rapid development in the Greater Bay Area. The potential demands for legal services in the GBA are huge and, as such, I easily anticipate the two branches would be working closely in the GBA region.
11. The other issue is the use of generative Artificial Intelligence (“AI”).
12. I would say that nowadays both barristers and solicitors would have to meet not only the conventional or usual expectations from solicitors and clients for a solid demonstration of legal skills, knowledge and intelligence. They must also impress upon the clients with costs-effectiveness which, one way or the other, could be assisted by robust use of AI.
13. Quite obviously, clients will not want to pay for what they can get more cheaply elsewhere. If AI can summarise the salient points contained in thousands of pages of documents in seconds, clients will not want to pay for a Counsel to do so manually.
14. The above are some of the matters which present both challenges as well as opportunities to the legal professions.
15. For those of you who are appointed Senior Counsel today, I am sure you have impressed upon many others on your intelligence, hard work,

professionalism and integrity. You specialize in different areas. How you have worked exceptionally hard to achieve today's success has been covered by my fellow speakers. I would not venture to repeat those stories and anecdotes. I am sure you would ably be prepared to meet the challenges that I have outlined in my speech of today.

16. The title of Senior Counsel signifies the highest quality, setting apart those who achieve it as the very best of this jurisdiction.
17. My warmest congratulations to all of you on your remarkable achievements. You have contributed greatly to our community and our justice system, and certainly you would continue to do so.
18. Thank you.

Dated : May 2024