

35th POLA Summit
(The Presidents of Law Associations in ASIA)

Developments in Law –
Concerns and Challenges for the Legal Profession in Asia-Pacific

Day 1: Thursday, 28 August 2025 (10:30 am-12:30 pm)
Silver Oak Hall, Indian Habitat Centre, New Delhi

Working Session – I
Courtrooms Without Walls: AI, Social Media, and the Rule of Law

Moderator:

Mr. S.S. Naganand
Vice President, The Bar Association of India

Speakers:

Ms. Juliana Warner,
President, Law Council of Australia

Mr. Roden M.L. Tong,
President, The Law Society of Hong Kong

Ms. Lisa Sam Hui Min,
President, The Law Society of Singapore

Mr. Chen Shiyong
Member, Foreign Related Legal Service Committee,
All China Lawyers Association

Mr. JungWoo KIM
Member International Committee, Korean Bar Association

**Speech for Mr Roden Tong,
President of The Law Society of Hong Kong**

1. Dear President Kumar, Fellow Presidents, Distinguished Guests, Ladies and Gentlemen,
2. Good morning. It is a great honour to join the 35th POLA Summit in New Delhi and engage with esteemed colleagues from India, Australia, Singapore, China, and Korea in exploring AI, Social Media, and the Rule of Law from a legal perspective.

The Global Impact of Technologies in the Legal Sector

3. Technology has redefined the world we live in, opening new frontiers of possibility.
4. The use of AI in courtroom proceedings has become a practical reality across many jurisdictions worldwide. AI is increasingly being adopted in the legal sector, offering immense potential to enhance access to justice and transparency.
5. Alongside with the impact of social media, the landscape of courtroom transparency has been significantly reshaped by broadening public access to information on the judiciary and legal proceedings – often almost instantly.
6. However, it is imperative to acknowledge and address the complex concerns that AI and social media raise across multiple aspects, particularly in relation to integrity, ethics, individual rights, and the independence and impartiality of the judiciary.
7. Use of such technologies must be carefully managed to ensure that the rule of law remains the guiding framework in the digital era.

The Transformative Impact of AI on the Future of Law

8. Under the framework of “One Country, Two Systems”, Hong Kong remains a common law jurisdiction, and the only common law jurisdiction within China. Hong Kong is also the world’s only bilingual common law jurisdiction in both Chinese and English.
9. In Hong Kong, the Judiciary has issued the Guidelines on the Use of Generative Artificial Intelligence for Judges, Judicial Officers, and Support Staff, emphasising that, “Judicial officers should ensure that all judicial decisions continue to be independently and personally made by themselves, and should not under any circumstances allow generative AI to take over performance of their judicial functions.”
10. This is a clear affirmation of the importance of human discretion in judicial decision-making.
11. The life of law has not been logic; it has been experienced.
12. In fact, there are cases around the world where judges and lawyers relied on AI or generative AI tools without adequate human oversight, leading to some unfortunate to serious professional consequences.
13. A notable cautionary tale is the case of *Roberto Mata v Avianca Inc* in the United States. In this instance, an inexperienced and under-resourced law firm mistakenly relied on ChatGPT to support litigation beyond its actual capabilities, in which the plaintiff’s lawyers presented to the Court with precedent cases turned out to be hallucinations created by ChatGPT.
14. Just two months ago, in a ruling delivered in June, a senior UK Judge warned lawyers they could face criminal charges if they rely on fictitious AI-generated cases when presenting written arguments in court.

15. Two cases were cited as examples. In the *Ayinde* case, counsel submitted five fictitious cases as evidence. She denied using generative AI and claimed the cases were found through general internet searches, though no sources could be identified.
16. In the *Al-Haroun* case, the solicitor submitted a witness statement citing numerous authorities, 18 of which were found to be non-existent. Others were either misquoted or not relevant. The solicitor had relied on research provided by the client without independent verification.

Professional Guidance Available

17. While the risks of AI are real, outright rejection is no longer a viable option. Its adoption in the legal profession is no longer a question of “yes” or “no”, but “when”, prompting us to carefully consider the opportunities and the challenges it may bring to the profession and the justice system.
18. The Law Society of Hong Kong, which I represent, serves as both the self-regulatory body and professional association for solicitors in Hong Kong, with over 13,000 members. It began its journey toward integrating AI into the legal profession six years ago.
19. In 2009, we introduced principles of professional conduct in the “Hong Kong Solicitors’ Guide to Professional Conduct” to regulate the conduct of solicitors in the use of technology to ensure the compliance with legal and ethical requirements.
20. A question that often crosses my mind is: when the day comes – and I believe it is not far off – that the use of AI becomes a norm in our legal practice. If a lawyer decides not to adopt technological, advancement or AI in servicing his/her clients, or incapable of doing so, will it be considered a breach of his/her professional duty to the clients?

21. A relevant Principle (Principle 6.01) of our Conduct Guide may shed some light on the competency of using AI by lawyers, which suggests that, “a solicitor owes his client a duty to be competent to perform any legal services undertaken on the client’s behalf ... [and] must serve his client in a conscientious, diligent, prompt and efficient manner.”
22. Separately, just last year, The Law Society has published a Position Paper “the Impact of Artificial Intelligence on the Legal Profession”, which aimed to impress upon our profession and other stakeholders including, among others, the Government, the Judiciary and legal professionals and academics the urgent need of timely and proactive actions and reforms, so that we can guide the direction of the application of AI for the benefit of our profession as a whole.
23. I believe this approach resonates across our region: while AI enhances efficiency, it must never compromise our ethical foundations. As AI integrates into legal processes, judicial institutions must establish transparent protocols aligned with natural justice.
24. With this in mind, we will continue exploring AI adoption in collaboration with a diverse ecosystem of stakeholders, to support the advancement of the legal profession and ensure we remain future-ready.

The GBA and Vital Role of Hong Kong in Data Flow

25. While we have discussed data quality, another critical pillar for AI development is the accessibility and free flow of data. This indeed is one of Hong Kong’s edges.
26. On one hand, Hong Kong maintains a fully open policy with access to both domestic and global AI and tech platforms, like DeepSeek, Google, Microsoft, Facebook, and LexisNexis. This open access ensures the legal professionals can tap into comprehensive databases and cutting-edge tools to support accurate legal research and cross-jurisdictional practice.

27. On the other hand, serving as both a “super connector” and “super value-adder”, bridging the Mainland and the rest of the world, Hong Kong is a crucial gateway to the Greater Bay Area (GBA) in Guangdong, China. It is especially significant given the current limitations on data exports in the Mainland.
28. In 2023, the Hong Kong Innovation, Technology and Industry Bureau (ITIB) and Cyberspace Administration of China (CAC) signed an MOU to jointly promote cross-boundary data flow in the GBA.
29. Let me briefly highlight some key facts about the GBA:
- The region comprises two Special Administrative Regions – Hong Kong and Macao, and nine Mainland cities in Guangdong, covering an area of around 56,000km² with a population of over 87 million. In 2024, the region’s GDP exceeds USD 2.07 trillion.
 - What makes the GBA truly exceptional is its legal framework – “One Country, Two Systems, Three Jurisdictions”, which encompasses the civil law system in Mainland China, the common law system in Hong Kong, and a legal system in Macao broadly based on Portuguese law.
30. The remarkable growth of the GBA has unlocked vast opportunities for professionals, particularly legal practitioners. Among our 13,472 members, around 400 Hong Kong lawyers are currently dual-qualified to practice both Hong Kong common law and Mainland civil law in the GBA.
31. These GBA lawyers are well-positioned to offer cross-jurisdictional legal services, supporting enterprises in expanding their businesses through transformation and collaboration with outside business and technology partners. Leveraging their global perspectives, a deep understanding of Mainland culture, and full access to various global data resources and technologies, they serve as vital bridges between legal systems and innovation.

Common Concerns Over Social Media

32. Another disruptive trend that we, as legal professional institutions, must pay close attention to is social media. Social media has transformed how information is shared and consumed, but they also raise major concerns around accuracy and integrity of information, privacy risks, and public influence and perception. The widespread dissemination of information does not always lead to truth or justice.
33. In 2022, the Hong Kong Judiciary published the Guide to Judicial Conduct, an update to the 2004 edition. The updates took into account of the impact of the advancement in information technology, particularly the use of social media in daily life.
34. Under the Basic Law of the Hong Kong Special Administrative Region (the “Basic Law”), the Hong Kong Judiciary is an independent judiciary that upholds the rule of law and administers justice without fear or favour, bias or prejudice.
35. The Guide reminds judges to always uphold independence, impartiality, integrity, and propriety – especially on social media, where content is instantly visible, publicly accessible, and often permanent. Judges must remain mindful of public perception and act in ways that preserve confidence in the justice system.
36. That said, what’s more concerning is that, very often, content posted on social media may not necessarily reflect a thorough examination of the whole truth.
37. The impact on the public must not be underestimated. Fragmented, biased, or even untrue narratives on social media often lead to confusion. In certain high-profile cases, debates on social media platforms may give rise to some sort of “media trials”, which risk undermining judicial impartiality and eroding public trust in the justice system.

38. Upholding the rule of law is of paramount importance, with judicial independence serving as a vital safeguard that ensures courts can exercise judicial power independently.
39. Let me give you an example. Many of you may have come across media coverage and social media commentary surrounding recent legal proceedings in Hong Kong, which have attracted international attention and sparked debate over cases that remain ongoing.
40. While we respect the right to access to information, as it serves as an integral part of freedom of expression and is an important tool for promoting the rule of law, other rights and building trust.
41. In Hong Kong, Article 27, Chapter III of The Basic Law enshrines the fundamental right to freedom of opinion and expression. It guarantees that all residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike.
42. It aligns with Article 19 of the United Nation's Universal Declaration of Human Rights, reflecting Hong Kong's commitment to upholding international human rights standards.
43. Yet, in the digital age, there is a big question mark here – how to ensure that online information is accurate, impartial and complete with examination of the cases as thorough as the courts do?
44. Article 19 of the International Covenant on Civil and Political Rights recognises that freedom of expression is not without limits. These rights come with special duties and responsibilities, and may be subject to restrictions — but only when prescribed by law and necessary to protect the rights or reputations of others, or to safeguard national security, public order, public health, or morals.

45. In the digital age, the right to access information is not only about speed or format. More importantly, it is about ensuring fairness, impartiality, and justice to all – principles that lie at the heart of a trustworthy and equitable information ecosystem.
46. The legal framework reflects a core principle of constitutional jurisprudence: that fundamental freedoms must be exercised in balance with the rights of others and the collective interests of society. Freedom of expression, while indispensable, must be exercised with responsibility and in accordance with the rule of law.
47. In addition, what would be the implications when general public receive online information before the judges' final ruling?
48. In Hong Kong, judicial independence is constitutionally entrenched in The Basic Law. For instance,
- Article 2 guarantees independent judicial power, including that of final adjudication in accordance with the provisions of the Basic Law;
 - Article 19 provides that Hong Kong shall be vested with independent judicial power; and
 - Article 85 provides that the courts shall exercise judicial power independently, free from any interference.
49. The law holds judges and us legal professionals to a much higher standard when engaging with such content. Yet, the broader societal influence of misinformation remains significant, frequently leading to public confusion and distorted understanding.

Closing

50. This is a big question for us all to explore and discuss. Under the disruption of rapid technological change, legal professional bodies must lead with clarity, integrity, and foresight. AI and social media are irreversible forces, but how we can better leverage the technologies to ensure justice can be served properly?
51. The future of law is human-guided. Cases of fabricated precedents remind us that technology is only as reliable as the professionals who wield it. Our ethical judgment must always lead the way.
52. By establishing robust ethical frameworks and investing in continuous training, we empower our members to navigate innovation responsibly — safeguarding both our professional standards and the rule of law. Public education is equally crucial in this effort.
53. In this digital era, our role as ethical guardians has never been more vital. Just as New Delhi bridges tradition and progress, let us build a legal future that honours our shared values and embraces technology with wisdom, professional ethics and responsibility.
54. Thank you.