



**SPEECH OF MR C M CHAN  
PRESIDENT OF THE LAW SOCIETY OF HONG KONG  
AT THE OPENING OF THE LEGAL YEAR 2024  
22 JANUARY 2024**

Good afternoon, Chief Justice, Secretary for Justice, Chairman of the Hong Kong Bar Association, Members of the Judiciary, Members of the Legal Profession, Distinguished Guests, Ladies and Gentlemen,

1. I am very honoured to have the opportunity to speak as President of the Law Society for the third time before such an eminent audience on this important occasion of the Opening of Legal year.
2. This is the first Ceremonial Opening of Legal Year after COVID-19 restrictions were fully lifted in March 2023. On behalf of the Law Society, I am most grateful to our over 100 guests representing around 50 lawyer associations and legal organisations from around 20 jurisdictions, for gracing us with their presence, some of whom have travelled long distances to join us today.
3. Under common law principles and section 3(2) of the Legal Practitioners Ordinance (Cap 159, Laws of Hong Kong), every solicitor is an officer of the court. As such, a solicitor owes a duty to the court in the administration of justice. Having the right to practise is a privilege, which comes with the duty to serve the public ethically, diligently, and competently. Law is thus a profession, not a business and the true end for members of the profession is to use their legal knowledge and skills to serve and protect the legal rights of the public, to facilitate true access to justice and to uphold the rule of law.
4. As the professional association of over 13,200 solicitors, 1,000 trainee solicitors, 920 Hong Kong law firms, 1,400 foreign lawyers and 70 foreign law firms, the Law Society of Hong Kong is conscious of its important role in shaping the development of the legal profession and system, which forms the backbone of society.

## **Safeguard the rule of law**

5. The rule of law is the cornerstone of Hong Kong's success as a leading financial centre. One of the most important roles of the Law Society is to safeguard the rule of law and uphold the principles on which this core value is founded.
6. In the 2023 World Justice Project Rule of Law Index, Hong Kong's overall ranking remains high. We continue to rank the sixth in East Asia and the Pacific, and the 23<sup>rd</sup> out of 142 jurisdictions covered in the Index, 3 places higher than the United States which ranks the 26<sup>th</sup>.
7. A distinguishing feature of the constitution of our Court of Final Appeal ("CFA") as the final appellate court in Hong Kong is that in addition to the Chief Justice and permanent judges, there is a panel of non-permanent judges ("NPJs") from Hong Kong and other common law jurisdictions invited as required to sit on the CFA. There is, at present, a panel of four non-permanent Hong Kong judges and 10 non-permanent judges ("NPJs") from other common law jurisdictions.
8. NPJs are all eminent judicial officers highly respected in their own jurisdictions and committed to the fair administration of justice in accordance with the law. Their acceptance of the appointment as NPJs to sit on the city's top court sends a clear message of their confidence in Hong Kong's judicial system in upholding the rule of law and judicial independence. May I quote from NPJ The Right Honourable Lord Sumption, Former Justice of the Supreme Court of the United Kingdom, who had said "The permanent judiciary of Hong Kong is completely committed to judicial independence and the rule of law."
9. Further, another NPJ Lord Neuberger of Abbotsbury GBS, Former President of the Supreme Court of the United Kingdom, had said: "At the moment I detect no undermining of judicial independence [in Hong Kong]. If I felt that the independence of the judiciary in Hong Kong was being undermined then I would either have to speak out or I would have to resign as a judge.". Both Lord Neuberger and Lord Sumption are still serving as NPJs. I need say no more.
10. During the past year, foreign attempts have been made, one after another, to exert pressure by threat of imposing sanctions against Hong Kong judges, prosecutors or government officials due to the type of cases that were assigned to them to

handle or due to the statutory role that they had to perform. These actions were clear interference with judicial, prosecutorial and governance integrity that went against every core value embraced in the rule of law.

11. Our judges deal with all cases (including cases relating to national security) brought before them strictly in accordance with the law. They exercise their judicial power independently, and abide by the Judicial Oath and firmly discharge their duty in the administration of justice without fear from intimidation or favour, self-interest or deceit.
12. These politically driven attempts, if undefended, will blur the facts and the legal principles and confuse the general public.

#### Judicial and prosecutorial independence

13. In Hong Kong, judicial and prosecutorial independence is constitutionally entrenched in The Basic Law of the Hong Kong Special Administrative Region (“Basic Law”).
14. The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (“NSL”) was enacted in accordance with the Constitution of the People’s Republic of China and the Basic Law. Government officials having a role under the NSL are fulfilling their statutory duties pursuant to the provisions in the law.
15. Further, the NSL expressly provides that in safeguarding national security, Hong Kong shall respect and protect, in accordance with the law, human rights which the Hong Kong residents enjoy under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, including freedoms of speech, press, publication, association, assembly, procession and demonstration.
16. While enjoying the protection of the law which gives us the comfort of security of person, property and an orderly society, we must not forget that the system only works if everyone also subscribes to the underlying spirit of the law and remains bound by it. Article 42 of the Basic Law provides that Hong Kong residents and

other persons in Hong Kong shall have the obligation to abide by the laws in force in Hong Kong.

### Equality before the law

17. Another core principle embodied in the rule of law is equality before the law, which is expressly provided for in Article 25 of the Basic Law. Selective permission to break the law by some people because of, for example, their political stance, is an affront to equality before the law.
18. No one can be above the law. Anyone breaking the law must be brought to justice through our independent legal and judicial systems and face the legal consequences for the breach in accordance with the law.
19. Apart from issuing public statements, the Law Society also initiates exchanges to clarify, on the basis of facts and the law, any misunderstanding and misperception about the situation in Hong Kong.
20. In the past 12 months, I have visited many countries trying to clarify certain misunderstanding and misconception about the situation in Hong Kong. For example, in a duty visit to the United States as President of the Law Society last August, I had the valuable opportunity to meet with representatives of the American Bar Association and other US state bar associations as well as representatives of the U.S. State Department responsible for Hong Kong and Macau affairs and the National Committee on US-China Relations.
21. It is hoped that through such open dialogue, the Law Society could offer our overseas friends new perspectives about the actual situation in Hong Kong, in addition to what they hear from western media, to help them arrive at a more objective, fair and balanced view about the city.

### **Promote connectivity with new frontiers**

22. The Belt and Road Initiative opens up new frontiers for Hong Kong legal professionals to extend their reach to business partners beyond the more conventional ones in North America, United Kingdom and Australia. The release of the huge potential of the new markets is very timely when the rising geopolitical tension takes its toll on the global economy.

23. The Law Society has been actively exploring opportunities for our members in new markets like Central Asia and the Middle East. For example, in March 2023, the Law Society sent a delegation to Dubai and promoted the Hong Kong legal capability and business environment to businessmen, government officials and legal professionals there.
24. As of the end of December 2023, the Law Society has entered into MOU with 19 legal organisations in 17 jurisdictions which have signed Belt and Road cooperation with China. Further, out of 1,476 foreign lawyers registered with the Law Society, 401 have their home jurisdictions situated along the Belt and Road.

### **Create synergy**

25. “One Country, Two Systems” is a unique concept that allows two different legal systems to co-exist within one country. Owing to increasing interaction between Hong Kong and the Mainland, the two legal systems frequently cross paths. In this regard, the Law Society has been playing an active role in facilitating a mutual understanding of each other’s distinctive systems among practitioners in both jurisdictions.
26. For example, the Law Society has co-launched initiatives with Mainland institutions (including Peking University Law School, Shenzhen University Law School, Guangdong Lawyers Association, Macau Lawyers Association and others) and maintained dialogue with Mainland officials (through our regular Beijing visit and meetings with Mainland authorities). These valuable opportunities enabled the Law Society to reflect views of our members and issues about the legal industry in Hong Kong directly to the authorities.
27. The Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”) Legal Professional Examination organised by the Ministry of Justice launched in 2020 was a very welcomed breakthrough. It offers an avenue to those eligible Hong Kong and Macao legal practitioners to qualify as GBA lawyers to practise in the nine Mainland cities in the GBA. Three examinations have been held since its launch and nearly 400 Hong Kong and Macao lawyers have been granted a licence to practise as GBA lawyers.

28. As a result of the Law Society's active lobbying for the continuation and enhancement of the GBA Legal Professional Examination, we were pleased that it has been extended for three more years to October 2026. The scope of legal service collaboration between Hong Kong and other GBA cities is expected to further widen with the lowering of the post qualification experience threshold from 5 years to 3 years. The double qualifications not only facilitate true integration into the GBA legal service industry, but also strengthen the competitiveness of Hong Kong practitioners in tapping into the huge potential of the GBA market.

## **Technology**

29. The rapid technological advancements that are taking place are dictating the pace of change in every aspect of our lives. While technology offers many advantages, it also raises many unanswered questions, particularly with respect to the impact of the rapid development of artificial intelligence ("AI") on the legal sector.
30. As an industry leader, the Law Society has issued a position paper providing a holistic overview of the opportunities and challenges associated with AI implementation in legal practice. The Law Society will work on the recommendations and coordinate discussions with different stakeholders to ensure that AI is applied ethically for the benefit of the profession.
31. Established in 1907, the Law Society will be celebrating its 117<sup>th</sup> anniversary in April this year. We will proudly continue our century-old mission to be a staunch defender of the rule of law and a rigorous gatekeeper of the highest professional standards. In the current challenging geopolitical environment, disputes should be resolved in a peaceful manner and as lawyers, we play an important role in facilitating dispute resolution in a calm and rational manner through non-litigious avenues like mediation.
32. May I conclude by wishing you all a fulfilling, prosperous and peaceful 2024. Thank you.