

**SPEECH OF MELISSA K. PANG**  
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**AT THE OPENING OF THE LEGAL YEAR 2019**  
**14 JANUARY 2019**

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

**Meeting Challenges**

Over the last year, there were many challenges in Hong Kong. Politicians across our diverse political spectrum had expressed their different and oftentimes conflicting views in relation to legal cases in Hong Kong. Sometimes, it is regrettable that judges and our legal system were being attacked depending on the outcomes of particular cases and naturally one's political views. On 4 July 2018, the Law Society and the Bar Association jointly issued a statement and I quote:-

“The Law Society of Hong Kong and the Hong Kong Bar Association urge members of the public to express their views in a manner conducive to rational debate. Personal attacks on judges have no place in rational discourse and debate that is a hallmark of a civil society.”

This Opening of the Legal Year Ceremony, to our members, sends a very important message to our community that our judges, our judiciary, our legal system are fiercely independent. As Chief Justice Ma, in a speech given at the Melbourne Law School, University of Melbourne on 23 May 2018, stated that

“No doubt some people will only look at the actual result of cases determined by the courts in order to evaluate the integrity or effectiveness of a legal system. This is a wrong approach. One ought to be more concerned with fundamentals and matters of principle. For many people, while a decision of the court may be an unpopular one, this is not as important as an assurance that every time a judicial decision is made, the court has acted in accordance with principle, according to the law and proper procedure and above all, has acted independently.”

We live in an increasingly divided world. In an article recently published in the Economist titled “Do social media threaten democracy?”, the author insightfully observed:

“Facebook, Google and Twitter were supposed to save politics as good information drove out prejudice and falsehood. Something has gone very wrong.

Everyone who has scrolled through Facebook knows how, instead of imparting wisdom, the system dishes out compulsive stuff that tends to reinforce people's biases.

.....Because different sides see different facts, they share no empirical basis for reaching a compromise. Because each side hears time and again that the other lot are good for nothing but lying, bad faith and slander, the system has even less room for empathy. Because people are sucked into a maelstrom of pettiness, scandal and outrage, they lose sight of what matters for the society they share.

This tends to discredit the compromises and subtleties of liberal democracy, and to boost the politicians who feed off conspiracy and nativism.”

In these testing and challenging times when conflicts rather than compromises are being celebrated, it is all the more important for us, members of the legal professions and fraternity to defend our valued legal system. I have no doubt and it is an undisputed fact that, in Hong Kong, our judges administer the law and dispense justice according to sound legal principles without fear or favour.

The rule of law index under the World Justice Project is often cited to showcase Hong Kong's judicial independence, Hong Kong is ranked 16 out of 113 countries and jurisdictions in 2017-18. However, I think if we were to compile a new index on the ease and frequency of the Government being sued by its citizens, Hong Kong can easily top the table. In Hong Kong, we are fortunate to have a sound legal system, an independent judiciary, for our practitioners to deliver their professional services. It is our duty to defend our valued system and its reputation.

However, we cannot rest on our own laurels. Time moves on, so do legal practice and legal demographic distribution.

## **Diversity**

Talking about diversity, the Law Society has long adopted a very clear statement of diversity and inclusion principles. The Council's election of myself, Vice Presidents Amirali Nasir, Brian Gilchrist and C M Chan, who represent diversity in gender, culture, religion, ethnicity and legal practice, speaks volumes about the inclusive culture at the Council.

A diverse workforce is more sensitive to cultural differences and enriches the network of the operation. The Law Society will continue to help practitioners to embrace diversity and inclusion in their practices. As we study the experiences of other jurisdictions in advancing the principles of diversity and inclusion, the collection of relevant data relating to gender, ethnicity, disability and other areas is a major first step and the Law Society will be conducting a membership wide survey to collect more information in the coming year.

## **In-house**

The striking phenomenon of an increasing number of legal practitioners working in-house seems to be a world trend. In Hong Kong, one in four practising solicitors works in-house. Since 2011, the Law Society has set up an In-House Lawyers Committee to provide a platform for in-house lawyers to share experiences and insights on their work and to strengthen their communication with fellow members in private practice. The Law Society will continue to allocate sufficient resources to serve this sizeable sector comprising 25% of our practising members.

## **Technology**

The legal profession, which is known for its recalcitrance to innovation, has reached a tipping point. The legal, regulatory and business demands that lawyers must help their clients navigate ever more quickly by the day has pushed many practitioners, who want to remain relevant, to look towards technological solutions for assistance.

However, embracing technology to drive efficiencies and value on micro and macro levels comes with challenges. Technology must be utilised in a responsible way. At the second Belt and Road Conference organised by the Law Society in September 2018, we initiated the signing of a Law Tech Alliance among 34 law associations from 17 jurisdictions which all have the common goal of ensuring that the legal profession takes advantage of legal tech in an ethical, professional and responsible manner.

The future generations of the legal profession should be equipped with the knowledge and skills to inspire the development of new technologies for the improvement of legal practice. Practitioners should be capably supervising the use of the new technologies, not competing with them.

To nurture interest in developing technology to enhance legal practice, the Law Society has organised the InnoTech Law Hackathon annually since 2017. In the two Law Society Hackathons, nearly 40 different lawtech solutions aimed at improving access to justice and enhancing delivery of legal services were produced by teams involving around 200 individual participants with backgrounds in law and software engineering.

Further, the Law Society, jointly with the Hong Kong Bar Association and the Asian Academy of International Law with the support of, inter alia, the Department of Justice and the Office of the Privacy Commissioner for Personal Data, have established eBRAM Centre. eBRAM aims at providing cost-effective Online Dispute Resolution services, including e-arbitration and e-mediation, to address the increasing global needs for speedy resolution of commercial disputes. eBRAM also places great emphasis on dispute prevention and provides a user-friendly online platform for deal-making.

The Law Society will also continue to organise training courses to help raise practitioners' technical competencies and ethical awareness.

## **Junior members**

About 24% of our members have 5 years or less post admission experience. In addition to sponsoring young solicitors to attend overseas conferences and Mainland study tours to gain more international exposure and organising networking activities for them, the Law Society also helps promote the culture of sharing. Our CONNECTED Programme, organised for the 8<sup>th</sup> year, provides an opportunity for trainee solicitors to meet both junior practitioners as “buddies” and senior practitioners as “mentors” nurturing a strong sense of collegiality within the profession.

Disruptive innovations brought by technology are shaping rapid changes to legal practice. While young practitioners may be able to grasp the usage of technology intuitively, it is crucial that no one loses sight of the constants in the midst of changes. They are the core values embodied in the Rule of Law – equality before the law, judicial independence, protection of fundamental human rights, access to justice and right to seek confidential legal advice. No matter how advanced the technological tools in legal practice have become, these core values must never be compromised in any way, not in the name of technology or anything else, and certainly not politics.

## **Hong Kong as an international legal service hub**

Next, may I turn to the recent consultation that the Law Society has conducted in relation to some proposed legislative amendments to the foreign lawyers’ regulatory regime.

As an international legal hub, Hong Kong is blessed with legal talent from around the world. As of the end of 2018 in addition to 11,266 Hong Kong solicitors, there were 86 foreign law firms and 1,584 registered foreign lawyers from 34 overseas jurisdictions.

Hong Kong has always maintained an open legal service market and there is absolutely no intention to change this approach.

What triggered an overall review of the foreign lawyers’ regulatory regime in 2016 were the strong concerns expressed about some registered foreign lawyers practising Hong Kong law and holding themselves out to do so in their official websites. It is in the public interest that only competent, qualified and admitted persons should practise Hong Kong law in Hong Kong. The proposals aimed at clarifying this principle and nurturing a strong local legal profession while maintaining an open door policy.

The consultation among solicitors, foreign lawyers and trainee solicitors was completed two weeks ago at the end of December. The Law Society values the views expressed by our members and will carefully consider them taking into account the interests of the profession, the public and Hong Kong as a whole.

## **Greater Bay Area**

In addition to the Belt and Road Initiative, a major development for the legal service market is the Guangdong-Hong Kong-Macao Greater Bay Area.

The Greater Bay Area consists of nine affluent cities in the Guangdong Province in addition to Hong Kong and Macao. It has a population of 70 million and an aggregated GDP of US\$1.5 trillion. The representatives of their lawyers' associations are among the audience today.

Most people in Hong Kong have their ancestral roots in the Guangdong Province with strong links at the village and kinship levels. We also share a common dialect, the unique Cantonese dialect, which is not spoken anywhere else in China. Such close cultural proximity and historical affiliations between Hong Kong and Guangdong provide an affectionate and powerful impetus to the development of the Greater Bay Area.

To fully utilise the huge potential of these cities, the Greater Bay Area aims at consolidating the distinctive strengths that each city has and facilitating their complementarity for each other.

The cooperation in the legal service sector in the Greater Bay Area is well illustrated by the increasing collaboration between Hong Kong and Mainland law firms in the Guangdong Province.

The Law Society has completed its visit to each of the nine cities in the Greater Bay Area in 2018 and has launched jointly with the Guangdong Lawyers' Association a meeting system for lawyers' associations in the Greater Bay Area to coordinate efforts in promoting and expanding the legal service sector and to conduct regular exchanges on issues of common interest pertaining to the development within the Greater Bay Area. This will be one of the focuses of the Law Society's work in exploring new opportunities for our members.

## **Conclusion**

Looking forward, it can be anticipated that we will face even more challenges. I am confident that with our independent judiciary and our highly professional members, with a commitment to make Hong Kong as an international legal hub, we will embrace those challenges and bring better good to Hong Kong, Mainland and the rest of the world.

Thank you!