



THE
LAW SOCIETY
OF HONG KONG
香港律師會

**SPEECH OF MELISSA K PANG
PRESIDENT OF THE LAW SOCIETY OF HONG KONG
AT THE OPENING OF THE LEGAL YEAR 2020
13 JANUARY 2020**

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,

Opening of the Legal Year

1. On behalf of the Law Society of Hong Kong and our members, I extend a warm welcome to all our guests who attend this Opening of the Legal Year ceremony. Some of our guests may have attended this ceremony routinely for decades. For some, it may be the first year they attend this ceremony. They may wonder why this parade of our distinguished judges all robed with medieval costumes. If you come to this hall thinking that you are attending a fashion show, a drama or an opera, you may like to have your money back at the ticket office outside. I am not sure whether our judges have good fashion sense or whether they sing well, but what I know is that our judges have good sense of justice and they pronounce independent and sound judgments.

2. I have been reflecting on the purposes of the Opening of Legal Year ceremony and I come to realise that this ceremony serves a very important purpose of sending a strong message to our community that our judiciary is fiercely and totally independent and its integrity is beyond doubt. Our judges do discharge their duties in full accordance with the law, honestly and with integrity, safeguard the law and administer justice without fear or favour, self-interest or deceit. For that, they deserve our greatest respect.

3. Judicial independence is one of the fundamental core values in our civil society. It is also one of the fundamental attributes of a society which is governed by the Rule of Law. I can proudly say to the public, our community at large and our international community that our judiciary is totally independent. Our citizens must appreciate that our judges decide cases according to the Law, not according to any, I emphasise the word “any”, extrinsic factors, or “any” colour codes also known as political views nowadays. Baroness Hale recently warns against the UK from adopting a US style Supreme Court. I cannot agree more. This is the time to tell the public that politically our judiciary is colour-blind.

4. Nonetheless, our judiciary deserves our citizens’ protection when under unfair attacks. Of course, members of our profession have a non-delegable duty to defend our judges when they are unfairly attacked, but what is more important is that our citizens

must appreciate that it is equally their duties to defend our judiciary. Some may not like the outcome of the decisions of judges. We have appellate bodies. Rational and healthy criticisms are welcome. But any unfair and unfounded attacks purely according to outcomes and political views cannot be tolerated. 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.”

5. More recently, on 2 January 2020, the Law Society of Hong Kong and the Hong Kong Bar Association had to issue yet another public statement and I quote:

“Any attempt to insult, threaten and bring public pressure on a judge because of decisions made in the course of performing judicial duties is to be deplored as an affront to the rule of law and judicial integrity.”

6. In Hong Kong, we are fortunate to have a sound legal system and an independent judiciary for our practitioners to deliver their professional services. It is our duty to defend our valued system and its reputation.

Obedience of the Law

7. Distinguished speakers have spoken time and again on the importance of the Rule of Law, I should not repeat the same save that I would like to point out an obvious fallacy that one can uphold the Rule of Law without obedience of the Law.

8. It might seem trite that obedience of the Law is non-negotiable and uncompromisable. Arson and injuries to persons can hardly be justified on whatever political basis. Another fundamental core value in our community is respect of others' personal and property rights. With utmost respect, civil disobedience is no licence to arson, damage to citizens' properties and injuries to persons. Lest it be forgotten that obedience of the Law, safeguard of the Law are not only our duties, but our core values unless we want to resort to some medieval methods of dispute resolution, for example, trial by combat. Every willful disobedience of the Law is an erosion on our Rule of Law. I do not subscribe to the view that the Rule of Law will not be affected if those who committed arson and injuries to persons are willing and would eventually pay the price by going to prison. Humanity dictates however strong we may disagree with others' political views, in a civilized society, we cannot resort to violence to silence different views.

Openness and Internationalism

9. Hong Kong is a small city but it is big enough to embrace different views and values. Madame Roland, a French revolutionary, once famously said “*O freedom, O freedom, what crimes are committed in your name!*” Basic human decency dictates that

we cannot persecute others simply because they take a different political view. We must be guarded against the ironical trap of infringing others' freedom in the pursuit of our own freedom.

10. Hong Kong is still a most open and free society. Hong Kong consistently ranked number one in the Index of Economic Freedom by the Heritage Foundation. In terms of legal services, Hong Kong's legal market, in particular, the solicitors' stream, is extremely open and international. We warmly welcome foreign law firms to set up their offices in Hong Kong. As at the end of 2019, we have 91 registered foreign law firms and 1,688 foreign lawyers from 33 jurisdictions. 106 overseas lawyers were admitted in 2018 as Hong Kong solicitors through passing the Overseas Lawyers Qualification Examination. Hong Kong is designated to be an international legal hub in our region. I am confident that with the quality and integrity of our professional members, the Judiciary and the legal community, Hong Kong will meet its challenges and continue to contribute to humanity by being a passionate and yet rational society.

11. In the beginning of the year 2020, I would like to take the opportunity to wish you all have a 2020 vision for all your endeavours and a very prosperous and healthy new year. Thank you!