

**Law Society of Hong Kong
Centenary Dinner
7 June 2007**

**Welcoming Speech by Mr. Lester Huang,
President of the Law Society of Hong Kong**

Chief Justice Andrew Li, Secretary for Justice Wong Yan Lung, The Hon Mr. Leung Chun Ying, Convenor of the Executive Council, Vice Director Zheng Kun-sheng, Vice-Minister Zhao Da-cheng, Distinguished Guests, Fellow Solicitors, Ladies and Gentlemen.

This evening I am privileged to speak on behalf of all Hong Kong solicitors as the Law Society of Hong Kong marks its Centenary. In doing so, I first welcome all our distinguished guests and friends, many of whom have come to Hong Kong to be with us at a proud moment in our history. There are too many individuals and bodies to acknowledge individually, and I ask that you excuse me for not going through a list of names or else I shall be standing between you and your dinner for much longer than I can properly have. I must however sincerely thank each and every one of you for being with us on this special occasion. I also express our sincere appreciation of all the gifts and messages presented to us on this happy occasion.

We can be pardoned for being proud because we are probably the longest standing professional body in Hong Kong. We have a century in retrospect to inform us, to inspire us, and to re-assure us. We sense the significance of our being today in much the same way as did our solicitor predecessors in 1907. I would like to think that the presence here this evening of many distinguished leaders and representatives from the judiciary, government, the Bar and all walks of life from Hong Kong and abroad, is indicative of the high esteem that solicitors are held in the community.

It is important for Hong Kong that the Law Society as an organized profession does its best to maintain the high standing of solicitors. Yesterday at the opening of the Lawasia Biennial Conference our keynote speaker the Rt. Honourable Dame Sian Elias spoke of the moral authority of lawyers. I pick up on her theme and say that we solicitors need moral authority, in that public confidence in solicitors is essential to the rule of law, and it goes without saying

that the rule of law has always been a key factor in Hong Kong's social stability and economic strength over the last century.

Not only must members of the public be able to have quality and affordable professional legal services accompanying a disinterested representation in public controversies. We see the Law Society and its member solicitors as having many other roles. These roles include defending the legal system from misinformed criticism. When there are attacks on the legal system and the integrity of the courts, and even judges, in a way that could damage the confidence in courts and ultimately the rule of law, we must speak out. In highly contentious litigation touching on conflicts of fundamental values of the legal order, lawyers must be able to act without fear or favour, and in addition, outside of the court room, lawyers have a role to explain the due process of the law and the court's reasons arrived at even in cases involving the most difficult of moral problems. On issues touching on legal practice and the infrastructure that makes up our legal system, we must point out the dangers of compromising well recognized standards and values. The Law Society has always been committed to these roles, and I speak on behalf of all solicitors to continue upholding these values.

There are however circumstances that could erode the standing and authority of solicitors and many solicitors who once enjoyed the fruits of an avid conveyancing practice in the 1980's and 90's will look back at the abolition of scale fees in 1997 as a particular challenge to the way in which solicitors were remunerated for their work. At that time there were many practitioners and firms that relied principally on a conveyancing practice, and the constant undermining of the scale and its eventual effective abolition resulted in much negative impact. Even though I was never a conveyancer myself, I was left pondering not so much about our selfish interests, but whether our branch of the legal profession could remain strong in its public advocacy - afterall, as one senior practitioner remarked to me at the time, "How can a lawyer who is hungry stand up and fight for the rule of law strongly?"

However, a mark of an enduring and successful institution, like the Law Society, is undoubtedly its ability to adapt to and change with the times while maintaining continuity with its great past. We have seen lawyers' practices also adapt and change. Changes open up new opportunities and challenges and I will say a few words about these.

First, about opportunities. With more and more solicitors engaging in litigation work, I hope the pool of suitable candidates taking up judicial appointments will increase. The Judiciary's present study of extending higher rights of audience to solicitors is also a step in the right direction. We hope the results will be known to us soon and that it will be positive for solicitors. Like our counterparts at the Bar, I believe that many solicitors will consider that the Bench is a most desired culmination of a legal career. Senior solicitors must however be attracted to the position and make themselves available. This may entail some personal sacrifice, and indeed there have been some appointments already, but I hope that there will be even more appointments in future on the basis that there are many solicitors who can and will make a positive contribution on the Bench.

Now a few words on threats. Competition among solicitors is nothing new and not for a moment am I suggesting that we should not have to take on the best in the world. I note with some dismay the fact that an increasing number of our bright younger solicitors are leaving mainstream legal practice and turning to in-house work, or even leaving legal practice altogether. I ask whether it is that the terms of employment outside of law firms is that much better.

I tend to think not. Instead, I fear it may be because they have lost interest or have been put off. And what, you may ask, is so putting off? Well I can only surmise, as I have no concrete proof, or anything but anecdotal evidence, but could it be that the civility among solicitors is waning? Have our standards of courtesy fallen in the name of acting robustly for our clients? Are we now engaging in quarrels that give our clients a seeming edge over an opponent but no particular advantage?

Or could it be that they are put off by having to forever submit tenders for legal work only to find that to be successful they have to resort to means which are below that they can expect of themselves, or to take on the work on a basis that is financially detrimental.

Or is it that we are working our staff and ourselves for too many hours well into the night over too many days in every week, causing them to become dis-spirited? Or is it that we have lost sight that the law is a thinking profession,

and we drive our younger ones into being mere technicians, offering them the equivalent of factory production line work? And do we expect the younger ones to perform the technical work without consideration of any values but the short or long-term interests of a money-making enterprise? Perhaps there are other reasons. I just do not know. Whatever it is, we must make sure that we continue to attract to and retain in the profession the most able of this community's young people. How that is achieved I leave to you ladies and gentlemen to properly answer.

I must also say a few words about what the future holds for solicitors. I make several observations. First, I note the anguish of the whole profession when the Law Society had to call for a shortfall contribution to our professional indemnity scheme. Subsequent calls for a new scheme with qualifying insurers turned out to be unfavourable. The Law Society Council is continuing to work hard on revising what we currently still have to enhance equity and promote responsibility.

The international moves to clamp down on anti-money laundering laws will, I expect, impact on the practice of solicitors and the management of law firms. The costs of running a practice may increase, but that is a relatively lesser issue when we consider the increasing threat that new laws practices could pose to confidentiality that is the basis of the solicitor-client relationship which is the bedrock of the rule of law. We should very seriously consider the implications of extending strenuous requirements that include having solicitors blow the whistle on clients whom they may suspect of illicit conduct. I do not think this is a proper duty to impose on solicitors and when this comes up for consideration shall certainly reflect this view.

My other observation is the need to enable limited liability partnerships. Why I consider this is important is not only because most other major jurisdictions enable this form of running a practice, but because we need this as a basis of enabling smaller firms to merge and become larger firms. I will go so far as to say that if the Hong Kong community wishes to see Hong Kong firms establish more of a presence outside of Hong Kong, and not only in China but all over the world, we will need a change of the law to introduce limited liability partnerships. After all, establishing extension of a legal practice in foreign lands to expand market reach requires much in terms of a firm's quality manpower. How can a small firm afford the manpower to spread its wings

abroad? Limited liability partnerships will enhance the possibilities of growth.

Ladies and gentlemen among us this evening are many key players in some of the most significant events in the history of Hong Kong and of the Society. Many solicitors have impacted and continue to impact on society. My failure to recognize them individually is not out of discourtesy or a lack of respect. Time just does not allow me to do otherwise. On behalf of the Law Society I pay tribute to these individuals who have vastly contributed to the standing of the solicitors' profession in Hong Kong, often forgoing income to serve an ideal. They remind us, ladies and gentlemen, that there is much important work to do ahead, but we can proceed in the safe knowledge that we are well placed to build on our heritage.

Thank you.