

Speech of Winnie Tam, SC, Chairman of the Hong Kong Bar  
Association

At the Graduation Ceremony of the Postgraduate Class of 2015,  
Faculty of Law, University of Hong Kong

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Professor Tam, Professor Hor, Distinguished Faculty, graduands,  
proud parents, ladies and gentlemen,

I stand on this stage for the first time, humbled and deeply honoured,  
by the opportunity to address such a distinguished audience, but  
more importantly, to do so in my own alma mater. It is an  
emotional moment for me as I recall the occasion of my own  
graduation from the PCLL class of 1984. The ceremony took  
place in Loke Yew Hall, the only hall that could take more than a  
few hundred.

The buildings do not look the same anymore, but this was same  
campus that held the hopes and dreams (or indeed *was* the hope and  
dream) of babies born of the mainland refugees who fled from war  
and unrests into Hong Kong. This was where hopes of a better life  
and better society fuelled hard work, where friendships were forged  
that lasted for decades, where relatively young expatriate teachers  
helped build a young law school into the glorious Faculty of Law  
that it is today.

At the time, HKU students were the hope and pride of a generation  
of Chinese who had had to re-build a life from scratch. My family  
was amongst them, though I had little idea how lucky I was and how  
much aspirations and pride I carried in the eyes of my long-suffering  
parents. Only a very small class of the young generation from  
financially privileged background or civil servant families could  
afford to study abroad in those days. Those who could afford it

would not even have bothered to attempt the entrance exam, (that was the JUPAS of our days), and it was for a good reason: the admission rate of the University of Hong Kong stood at 1%, one-fifth of that of Harvard University.

Against the above social background, the general thinking amongst most students in those days, understandably, was much more pragmatic. Law school was seen as a direct and relatively short path towards attaining the rank of professionals. To be in a profession meant a guaranteed stable income, and much prospect for the accumulation of wealth in a booming economy. For pragmatic reasons, the vast majority of my classmates chose to become solicitors, whose bread and butter in those days (and we are talking about plenty of bread and a lot of butter to spread around) came from conveyancing work.

I chose to take the road less travelled. Along with 5 other boys in a class of 80, I joined the private Bar. At the time the Bar was around 250 people. It has grown more than five times since.

### Globalization and Embracing Changes

I am reminiscing old times not just because of the setting I am in. I wish to talk to you about the outlook of a modern law graduate, and how the changing world around you has affected the way in which our law graduates must think of their future role in order to be ready for the challenges ahead. To adopt the often used phrase in graduation speeches, I would say, truly, let the sky be your limits.

It was 31 years ago when the School of Law, once part of the Faculty of Social Sciences, was re-organized into the Faculty of Law. That accounted for the birth of the Law Anthem written for the Faculty to replace the outsized and outdated Law School Anthem for which copyright I still hold, subject to a an unwritten royalty-free licence of

no fixed period to use the same in whatever ways that would advance the interest of the Faculty.

The reorganization aligned with the type of development that continued to characterize the developments of modern society in the decades to come. Today, the vast number of different legal subjects and the range of programs on offer today by the Faculty would be the envy of any law alum of those times.

When I had electives to pick from in my third year of studies, the newest and most exciting subjects on offer for the first time were none other than Intellectual Property Law and Chinese Law. Other subjects were all trite and mostly essential. They left little to the imagination.

The thinking amongst students were pragmatic and conservative. Only the subjects that were seen to be of immediate application for lucrative legal practice would be considered. Few would even consider taking Chinese law because of the jurisdictional limitations (I should add that it was taught in English by an American who was a Harvard graduate). Litigation was shunned as a servicing rather than money-spinning department in any law firm and its skilled acquired merely to fulfil graduation requirements.

Again, my natural aversion against all things pragmatic got the better of me – I took the road less travelled and studied Chinese law, and even became my teacher's official translator of newly promulgated Chinese statutes, a job for which I was handsomely paid. My study of Chinese law was against the objection of my late father, who, having fled from communism, was understandably convinced that there was no law in China and therefore nothing to study.

The world, and all the more so China, have come a very long way since. In a matter of a few years after we left law school, practitioners were scrambling for China-related work, leading to a mad rush in learning Chinese law and indeed all thing Chinese. This has spread to service providers across the oceans.

Following the crash of the property market in 1997, many conveyancing lawyers suddenly became self-appointed civil litigation experts, even relying on litigation work as the main source of revenue.

The increase in program diversity is a direct response to the demands of the market. Commercial life has become more and more complex, and the demand for legal knowledge beyond general principles on broad subjects such as legal systems, contract, tort, evidence, companies, was ever rising. But how many subjects and how much knowledge in them do you have to acquire before you will be ready for the modern market of legal services? The answer, it seems to me, is you will never be ready unless you are ready to accept you will never have learned enough .

You will never feel ready unless you are always poised to embrace changes - changes that require acquisition of new knowledge and new skills. It could be an entirely new area of law, or a completely revamped legal regime in an otherwise familiar area, new technology, new skills to be used in practice, new requirements for effective service of the administration of justice, new forces in the profession, new structure of the profession, new market territory, new regulatory regimes, new source of competition, and new trends in the market. All of these will rapidly outdate and outgrow what you toil and sweat to learn in your years of study, as well as preconceived notions and ideas.

The Bar is not immune to these sweeping changes, although many are still struggling to come to terms with the need to ride the tide of changes. Many are still pondering why goal posts have shifted, and the promise of a stable career has become illusory.

What has escaped them was - the title of “barrister” they have struggled to gain was never a promise for a career. It promises the opportunity to build one, but requires all the dignified humility, pragmatism, drive and adaptability that our refugee forefathers have displayed in taking us through some of the most difficult times in the history of China.

Some erroneously believe that specialization from an early stage of one’s career is a guarantee for long term success. While specialization in specific areas of the law does align with the expectations of the market, unless one can claim to possess expertise in a range of areas, it is unlikely to help. To maintain and to develop a practice in order to continue to serve the administration of justice requires adapting to changes. The ability to realize and accept there are important changes re-shaping the profession is the starting point. The adherence to the traditional values of a referral Bar has had the unintended effect of causing members of our profession to be self-possessed and inward-looking. Barristers who have a healthy practice would pride themselves on focusing entirely on one’s daily barristerial work, shunning opportunities to broaden oneself on legal and professional developments and issues not perceived to have immediate relevance to one’s practice. I myself was a typical example of such a practitioner before I assumed a role in the work of the Bar Association.

One of the most sought after speakers in the international legal conference circuits of recent years is a legal futurist by the name of Professor Richard Susskind. Before I read his books I never even

knew that there was a characterization of a career as “legal futurists”. He has been writing, lecturing and consulting on the impact of information technology and market forces on lawyers and the courts for the past 30 years. Professor Susskind predicted three main drivers for sweeping changes in the legal profession –

- 1) the market force of “more-for-less”, that is clients demanding legal work to be done faster cheaper and better,
- 2) Liberalization of the exclusivity of legal service providers and business their structures, which has been taking place in stages in England Wales by the implementation of ABS under 2007 Legal Services Act, and the 2012 new ownership rules. External investments into solicitors firms have now been licensed to operate. The legal profession is departing from conventional legal practice models, bringing unprecedented pressure to traditional law firms.
- 3) Information technology. Computer experts have worked it out that by 2020, the average desktop computer will have the same processing power of a human brain, and by 2050 it will have more processing power of all of humanity combined. I do not pretend to know exactly what it means, less still what its practical implications are. It is simply inconceivable, argues Susskind, that information technology will radically alter all corners of our economy and society and yet somehow legal work will be exempt from any change.

He then came up with a number of possible strategies and solutions which I shall not go into here, but each of which is radical enough to cause the average middle-aged Hong Kong lawyer’s jaw to drop in disbelief and to lapse into depression. As regards the training of young lawyers, he has an important message to deliver. Young lawyers must be trained to become more flexible, team-based, hybrid professionals, who are able to transcend legal boundaries, speak the

language of the boardroom, and are motivated to draw on techniques of modern management and information technology. They must be trained to be ready for the 21st century, not the 20th century. They must study current and future trends in legal services. He reckons the best place to do so is in their post-graduate courses, and during their time in training contract or pupillage.

The laws we learn, our ideas of legal practice, and our skills and cell phones would all become outdated before we know they are. However there are certain things at the very core of being a lawyer that will never go outdated.

I count the 4 “I’s” –

- 1) intellectual curiosity;
- 2) industriousness;
- 3) independence;
- 4) integrity.

I want to talk about independence and integrity in particular.

In his keynote address at the International Malaysian Law Conference last year, the CJ of HK reminded the congregation that Lawyers have a pivotal role to play in the administration of justice and they are expected to fulfil this role by both the public and the courts. Despite mounting pressure in the competitive environment of legal practice they do not just serve their clients. Their paramount duties are owed to the court, and to the effective administration of justice. The concept of duties owed to the court can more accurately be put as duties owed to the legal system, a system which has fairness and justice as paramount objectives.

The concepts of independence and integrity will always retain their

modern relevance in my view, because the practice of law is after all, an honourable profession. Without this sense of honour, we are reduced to nothing but mercenaries.

One of the changes that I understand that our law lecturers and professors of today has to adapt to and come to terms with is student evaluation forms. The very idea of being evaluated by students would have been unthinkable in our days and we would have seen arms of dignified lecturers thrown into the air and threatening to resign. I was told one of the lecturers once received an evaluation form in which a student wrote a comment as follows : “ If I had only a minute left to life, I would want to live it in your class.” This seemed such a touching and special comment, the lecturer went around showing it to his colleagues, until someone noticed an asterisk with the words “See other side”. He turned it around, and read: “Because it would seem like an eternity.”

The lesson I learned is to know to stop before I make you think you are seeing heaven.

This is a day for celebration and thanks. To all the graduates, I would extend my warmest congratulations. I congratulate you for possessing the intellectual curiosity to pursue knowledge, the industriousness to fulfil the stringent requirements for the course, and for excelling in what you strive to achieve. I join you in applauding all those who have made personal sacrifices, including your family and friends, to raise you to this height. You should know that you have all made contributions to the development and upholding of the rule of law in Hong Kong by providing the important ingredients – ie self-respecting, competent, and honourable members of the legal profession, and scholars and teachers.

Thank you.