

Three Points on Submissions Advocacy from the Hong Kong Court of Final Appeal [CB v Commissioner of Police and Others [2025] HKCFA 10]

1. Start your submissions with points that interest the judge.

The Respondents' Lord Pannick KC starts his submissions (at the 2:31:29 mark) with four points. Three of them pick-up on queries put by the judges to the Appellant's Counsel during her submissions.

Lord Pannick drives home the point—that his arguments mirror the judges' queries—by:

- Naming the judge that raised the query, when making his points; and
- Referring to the same documents mentioned by them in their queries.

It is anyone's guess whether Lord Pannick had planned to argue these points at the outset, regardless. Or if he had re-shuffled his opening to start with those that the judges put to the Appellant.

But what is clear is that he started with points that gained traction with the judges - see them taking notes on his submissions at the 2:31:32 to 2:33:23 marks.

Davinder Singh SC [says](#) it is important to start cross-examination in an area that cuts ice with the judge. Failing which, the advocate sounds unpersuasive. Lord Pannick certainly started with points that cut ice with the judges.

2. Recap your arguments after a lengthy interruption.

The Appellant's Ms Monica Carss-Frick KC recaps her arguments after she concludes lengthy answers to questions from judges (see 42:26 and 2:24:02).

Her answers take her off-track from her prepared remarks. Sometimes even repeating points that were discussed earlier.

But she does not simply pick-up from where she left-off at the end of her answer to the question. Instead, she makes clear:

- Where she was in her submissions when the judge asked his question; and,

- What she intends to do in resuming her submissions.

This roadmap would have helped judges follow her arguments, despite the lengthy interruption.

3. Welcome questions from judges.

Questions from judges give insights into their thinking. Counsel can then surmount (what in the judges' minds, at least) are problems in counsel's argument.

Here, Justice Gummow NPJ's silence for the first hour of the hearing meant that there was no telling how he was leaning - until he had a query (1:13:10).

Davinder Singh SC (again) [said](#), in the context of cross-examination, that the worst kind of judge is one who keeps quiet. This is because counsel has no way of knowing if she is making headway. Much of the same can be said on submissions advocacy.