

Opening of the Legal Year, 2002

Chapter

4



*As custodians of justice
they have provided the foundation for
freedom, stability and fair competition*



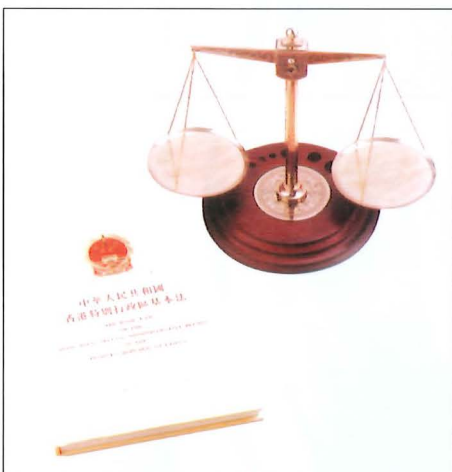


In the Eyes of the Law

The rule of law has provided Hong Kong with a level playing field for free and fair competition, and hence helped maintain the integrity of a genuine market economy. It is also the firm foundation for the freedoms

that Hong Kong enjoys. The security and stability that our system of laws has provided have made Hong Kong a major attraction for investments and arguably the most cosmopolitan city in the region.

Hong Kong's legal system is essentially a British tradition of rigour that has taken root



in a Chinese culture. The credit for taking relative comfort in such a potentially difficult combination should go to the handful of earlier local members of the profession. Among them, the University's graduates, often receiving their legal training overseas, but benefiting from their liberal education at the University, have played an important part.

The cultural integration in the legal system has given Hong Kong's legal profession the privileged position of being able to participate in the reconstruction of China's legal system out of the ruins of the Cultural Revolution, and is crucial to Hong Kong playing a bridging role between those inside and outside China.

The first generation of locally educated lawyers emerged in 1972 as the first law graduates of the University. Since then, the University's law graduates have played pivotal roles in Hong Kong's participation in the drafting of the Basic Law which is the mini-constitution for the Hong Kong Special Administrative Region. Navigating the political controversies and diplomatic disputes that have befallen Hong Kong in the last decade, the University's law graduates have discharged their responsibilities with distinction and integrity.

Hong Kong's legal system is undergoing continuous change and such changes have enabled the city to face fundamental challenges from new technologies, new media and the knowledge economy. The University's graduates have made substantial contributions to judiciary reform, in helping to shape a bilingual system, as well as in the reform of legal education.

The profession's commitment to society has also prompted its members to assume leadership roles in various sectors of the community. They play leaders and advocates who fully exploit their legal training in articulating social and political causes.

Justice



*The procession of Judges
at the ceremonial
opening of the Assizes,
January 1960*

Leading the Way

As with other sectors of society, the contribution of HKU alumni in the legal profession and legal system is evident in their leadership. Such leadership emerged as a delicate equilibrium between local intellectuals and the colonial authorities in earlier years. It then evolved into a major movement under the broad framework of localisation which underpinned the political transition over 1997.

Early Leaders

There were relatively few Chinese lawyers in the years immediately after the Second World War. The law was English law, legal interpretations referred to English authorities and the large majority of professionals were expatriates, primarily from Britain.

Lo Hin-shing 羅顯勝 (BA 1919) was one of the first Chinese magistrates and became almost a local legend. In 1960, Lo became the first local lawyer to serve as Chairman of the Hong Kong Bar Association. He was the first of a long line of HKU graduates to assume leadership of the association.

Leo D’Almada e Castro 廖阿利孖打, who once studied at HKU, was called to the Bar in 1927 and was the first Portuguese barrister in Hong Kong. When Hong Kong was liberated after the Pacific War, he was President of the Standing Military Court. He later took silk, was a member of both the Legislative and Executive Councils and for several years, was Chairman of the Hong Kong Bar Association.

During the war, Samuel V. Gittins (BA 1929, HonLLD 1971) saw service with the Intelligence Corps, becoming a Lieutenant Colonel serving in China. After the war, he studied law at Oxford University and upon his return soon made a name for himself in the legal world and, in particular, at the Bar. Gittins was one of only a handful of Queen’s Counsel in Hong Kong. He undertook



Samuel V. Gittins



Lo Hin-shing

work in a broad field, from public service in areas such as taxation, to providing advice on the Independent Commission Against Corruption, to piloting the original proposals for the study of law at HKU.

Oswald V. Cheung

Oswald V. Cheung 張奧偉 (1938-1941, Hon LLD 1979) was called to the Bar in Hong Kong in 1952 and was appointed Queen's Counsel in 1965. Apart from being an eminent and well-respected barrister, he was also a member of the Legislative and Executive Councils in the 1970s and 1980s. Cheung spoke out on a number of issues such as the massive reassessment of Crown rents and rent control in the early 1970s. As an Executive Councillor in 1984, he was one of the members of the Unofficial Members of the Executive and Legislative Councils (Umelco) delegation who went to London to express their views on the future of Hong Kong. The latter part of Cheung's political career coincided with the beginning of a period of intense Sino-British negotiations on the future of Hong Kong, culminating in the 1984 Sino-British Joint Declaration and the subsequent drafting of the Basic Law. Cheung was knighted in 1987.



As student

Before the 1960s, many HKU graduates who wanted to pursue their legal studies went overseas to obtain professional qualifications, most of them, not surprisingly, to Britain. Patrick Yu Shuk-siu 余叔韶 (BA 1942) was among the few to make his mark under the colonial government. He studied law in Britain and, in 1951, joined the Legal Department of the Hong Kong government as the first Chinese Crown Counsel. His experience demonstrates the difficulties Chinese professionals encountered during the colonial years. Yu was also instrumental in establishing the new Faculty of Social Sciences and Law in HKU.

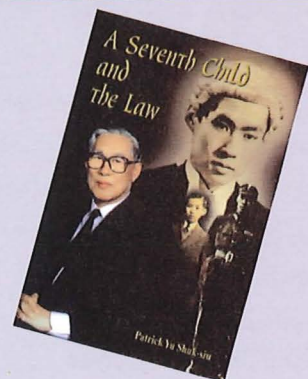
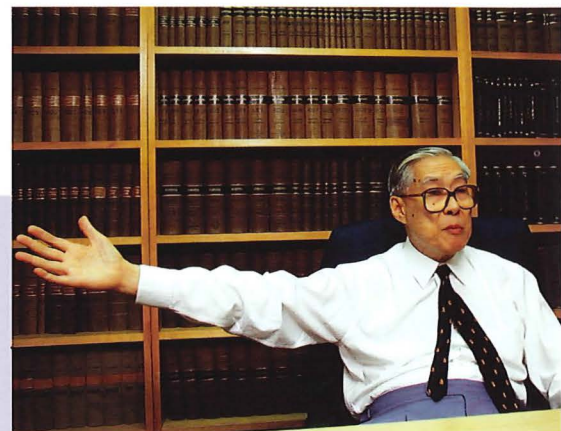
Patrick Yu Shuk-siu

Yu is a legendary figure in Hong Kong legal circles. He became the first Chinese Crown Counsel in 1951 and had a promising career ahead of him when he resigned in protest against the "colonial discrimination" which denied him the same terms of employment as expatriates.

He later went into private practice. Many prominent judges and lawyers today served their pupillage in his chambers, including Patrick Chan Siu-oi 陳兆愷 (LLB 1974, PCLL 1975), a Permanent Judge of the Court of Final Appeal, and David Yam Yee-kwan 任懿君 (BSc 1971, LLB 1975), a High Court Judge.

In the 1970s, three different Chief Justices offered to appoint him to the High Court Bench but he declined, again because of the discriminatory terms of employment.

Despite his eminent status as a barrister, he refused to make an application to become a Queen's Counsel because he felt that approval of applications depended mainly on reputation and belief rather than on an objective standard or test. In 1994, he was voted a Life Member of the Bar Association.



Benjamin Liu Tsz-ming 廖子明 (1950-1953), a former Court of Appeal judge, has served as both Prosecution and Defence Counsel during his 40-year career. He studied in Britain and became a barrister in Hong Kong in 1959 and a Queen's Counsel in 1973. He is one of the first local barristers to become a judge. He was appointed to the District Court in 1973, the High Court in 1980 and the Court of Appeal in 1994. Liu also served as a Judicial Commissioner of the State of Brunei from 1978 to 1989.

Simon Li Fook-sean 李福善 (1937) was another early leader in the legal field. He was the first Chinese judge appointed to the High Court in 1971 and the first



Liu Tsz-ming



Simon Li Fook-sean



Wong Chak-cheong

ethnic Chinese Justice of Appeal in 1984. When he retired in 1987, Li was the most senior Chinese judge, having served on the Bench for more than two decades. He had worked his way up the legal ladder, starting as a Crown Counsel in the Legal Department in 1953, later joining the judiciary as a District Judge in 1966.

Other early leaders also include Lim Chuan-hoe 林泉和 (BA1927), Donald Anderson (BA 1932), Leslie Lothian Sung 宋衍禮 (BA 1941), Kan Yuet-keung 簡悅強 (BA 1935), Peter Wong Chak-cheong 王澤長 (BA 1950) and Christopher Chan Cheuk 陳爵 (BA 1964, MA 1967).

The Judiciary

The independent judiciary is the backbone of the legal system in Hong Kong. Its judges are appointed on merit although, with a few notable exceptions like those above, they were expatriates until the last decade under colonial rule. Since the mid-1990s, an increasing number of local barristers have been appointed to the High Court, many of whom are HKU law graduates like Patrick Chan Siu-oi. He was appointed a District Judge in 1987, Deputy Registrar of the Supreme Court in 1991 and a High Court Judge in 1992. In July 1997, he was appointed the Chief Judge of the High Court and has been involved in a number of landmark rulings on politically controversial cases. Since September 2000, Chan has become a Permanent Judge of the Court of Final Appeal.

Patrick Chan Siu-oi

It is not unusual for lawyers to join the judiciary after many years of private practice but Patrick Chan Sin-oi is an outstanding example. In 1976, he was called to the Hong Kong Bar. Eleven years later he was appointed a District Judge in 1987 and rose speedily up the judicial ladder to be appointed Chief Judge of the High Court in 1997.

Chan has been involved in a number of landmark rulings. His most widely reported court ruling involved a round-the-clock paparazzi blitz designed by a newspaper to “attack” a Court of Appeal Judge. In 1998, Chan jailed a former newspaper editor for four months and imposed a fine of \$5 million on his boss for contempt of court. In the same year, he laid down new guidelines governing the appearance of overseas barristers in local cases.

In 1999, he quashed the removal orders issued by the Director of Immigration against 17 overstaying mainlanders on the ground that the Director had failed to set up a scheme to verify their claims of right of abode. Chan was the Chairman of the Steering Committee on the Use of Chinese in the Courts.



From Graduate to High Court Judge:

Patrick Chan Siu-oi 陳兆愷 (LLB 1974, PCLL 1975)
Peter Cheung Chak-yau 張澤祐 (LLB 1975)
Jerome Chan Chun-hung 陳振鴻 (LLB 1974, PCLL 1975)
Carlye Chu Fun-ling 朱芬齡 (LLB 1982, PCLL 1983, MSocSc 1994)
Andrew Chung On-tak 鍾安德 (BA 1977, LLB 1983, PCLL 1984)
Susan Kwan Shuk-hing 關淑馨 (LLB 1977, PCLL 1978)
Azizul Rahman Suffiad (LLB 1973, PCLL 1974)
Louis Tong Po-sun 湯寶臣 (LLB 1984, PCLL 1985)
David Yam Yee-kwan 任懿君 (BSc 1971, LLB 1975)
Wally Yeung Chun-kuen 楊振權 (LLB 1974, PCLL 1975)
Maria Yuen Ka-ning 袁家寧 (LLB 1975)

The Department of Justice

The process of localisation has been as significant in the Department of Justice (known as the Legal Department before 1997) as it has been in the judiciary and many HKU graduates work in the Department as Government Counsel.

In 1989, the government instituted a policy of localising the Civil Service, and in tandem with that policy, the Legal Department implemented various localisation schemes to groom local counsel, then known as Crown Counsel, for higher ranks.

In 1992, only 48 per cent of Senior Crown Counsel and 14 per cent of the directors in the Legal Department were local. By 1997, they had increased to 71 per cent and 43 per cent respectively.

The Bar

The barristers of Hong Kong in general are marked by individual integrity and a strong sense of duty to the system of justice. They are Senior Counsel and Senior High Court judges. They advance legal education and forge links with China. Many of them are graduates of the University.

Their professional body, the Bar Association of Hong Kong, was established in 1949. Its mission is to consider and to take proper action on all matters affecting the legal profession and the administration of justice, including the maintenance of the honour and independence of the Bar and the prescribing of rules of professional conduct and discipline.

Solicitors

There are more than 4,800 solicitors in Hong Kong and the vast majority, over 4,000, work in private practice. HKU-trained lawyers are at the core of the profession and, like barristers, they have also been at the forefront of pioneering work on the mainland and have made a significant contribution to legal education programmes run by the Law Society of Hong Kong.

The Law Society is a professional association for solicitors with statutory duties and powers conferred by the Legal Practitioners Ordinance for certification, professional conduct and education. In 1957, Kan Yuet-keung became the first HKU graduate to be President after the society’s incorporation in 1907. Subsequent presidents of the Law Society include Peter Wong Chak-cheong and Christopher Chan Cheuk. Chan was appointed District Judge in 1998 and Registrar of the High Court in 2000.

HKU Graduates at Senior Directorate Level in the Department of Justice

- Benedict Lai Ying-sie 賴應廐 (BA 1973, MSocSc 1985, LLM 1988), Deputy Law Officer (Civil Law)
- Amelia Chan Siu-ping 陳少冰 (LLB 1978, PCLL 1979, MSoc Sc 1985, LLM 1988), Deputy Law Officer (International Law)
- Arthur Luk Yee-shun 陸貽信 (LLB 1984, PCLL 1995), Deputy Director of Public Prosecution
- Harry Macleod 麥禮諾 (LLB 1979, PCLL 1980), Deputy Director of Public Prosecution
- Stephen Wong Kai-yi 黃繼兒 (BSocSc 1980), Deputy Solicitor General
- Pauline Cheung Cheng Po-lin 張鄭寶蓮 (BA 1958), Director of Legal Aid (1992 – 1996)

HKU Graduates Who Have Held the Chairmanship of the Bar Association

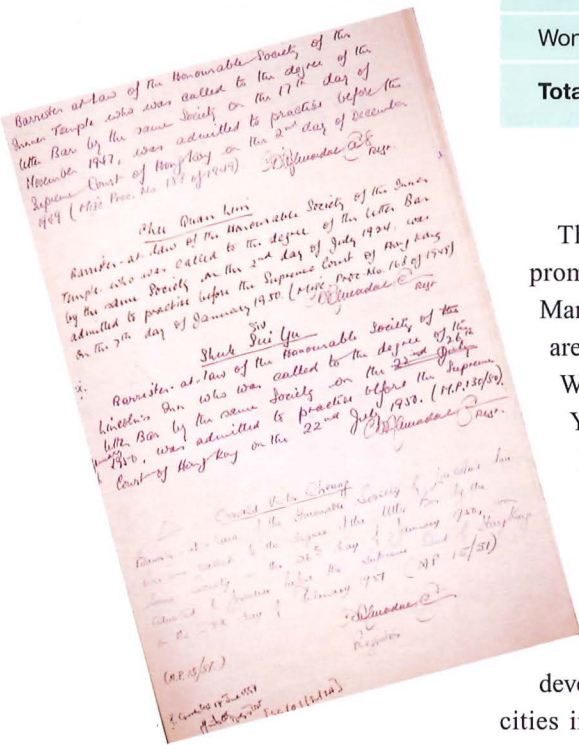
- Leo D’Almada e Castro 廖阿利孖打 (1951, 1954, 1957, 1959, 1961–1962)
- Lo Hin-shing 羅顯勝 (1960)
- Oswald V. Cheung 張奧偉 (1966)
- Martin Lee Chu-ming 李柱銘 (1980-1982)
- Audrey Eu Yuet-mee 余若薇 (1997-1998)
- Ronny Tong Ka-wah 湯家驊 (1999-2000)
- Alan Leong Kah-kit 梁家傑 (2001-)

HKU Graduates Who Have Held the Presidentship of the Law Society

- Kan Yuet-keung 簡悅強 (1957-1958)
- Peter Wong Chak-cheong 王澤長 (1973-1975)
- Christopher Chan Cheuk 陳爵 (1996-1997)



Gallant Ho Yiu-tai



Original records of admission of C.Q. Lim, Patrick Yu and Oswald Cheung to the Bar



From Graduate to Senior Counsel (formerly Queen’s Counsel)
(in order of seniority)

Oswald V. Cheung 張奧偉 (1938-41, Hon LLD 1979)

John Swaine 施偉賢 (BA 1952)

Martin Lee Chu-ming 李柱銘 (BA 1960)

Edward Chan King-sang 陳景生 (LLB 1972)

Andrew Liao Cheung-sing 廖長城 (LLB 1972)

Robert G. Kotewall 羅正威 (LLB 1974)

Ronny Tong Ka-wah 湯家驊 (LLB 1972)

Kenneth Kwok Hing-wai 郭慶偉 (LLB 1972, PCLL 1973)

Audrey Eu Yuet-mee 余若薇 (LLB 1975)

Warren Chan Chee-hoi 陳志海 (LLB 1977, PCLL 1978)

Lawrence Lok Ying-kam 駱應淦 (LLB 1977)

Benjamin Yu 余若海 (LLB 1978, PCLL 1979)

Alan Leong Kah-kit 梁家傑 (LLB 1982, PCLL 1983)

Wong Man-kit 黃敏杰 (LLB 1984, PCLL 1985)

Total number of Senior Counsel : 59

Private Practice

The prestige of the legal profession in Hong Kong is in part built upon prominent law firms that support the economic development of Hong Kong. Many of the prominent law firms were started by HKU graduates. Among them are Stephen Lo Chi-nang 羅志能 (BA 1958) who was among the founders of Woo Kwan Lee & Lo back in 1973. The firm now has over 200 staff. Peter Lee Yip-wah 李業華 (BA 1965), the brother of another Founding Partner Charles Lee Yip-Kwong, has been a Partner since 1981.

In 1977, Gallant Ho Yiu-tai 何耀棣 (BA 1965) founded Gallant Y.T. Ho & Co, Solicitors and Notaries which is now one of the largest local law firms employing over 200 staff. Ho, a former President of the China-Appointed Attesting Officers, was later joined by Vincent Lo Wing-sang 羅榮生 (BA 1969). Lo is one of the pioneers in handling property development projects in China and has worked on over 100 projects in 20 major cities in China. Philip Wong Kin-hang 黃乾亨 (BA 1955, Hon LLD 1996) has practised as a solicitor since 1959 and founded his law firm in 1961. He is now the Consultant of Philip K.H. Wong, Kenneth Y.H. Wong & Co.

There are many other graduates who have founded their own firms or have assumed leading positions in local and foreign law firms including Allen & Overy, Baker McKenzie, Johnson Stokes and Master, Deacons, and Koo and Partners.

During the early years of legal reform in China, many of the local law firms were among the first to work alongside mainland authorities, helping to rebuild the legal system. HKU graduates, then and now, play a pivotal role in this work.

Gallant Ho, for example, was one of the first batch of the twelve law firms worldwide granted permission to open an office in China in 1992. Philip Wong was another legal pioneer on the mainland.

Examples of HKU Graduates Contributing in Private Practice:

Christopher Chan Yiu-chong 陳耀莊 (LLB 1972, PCLL 1973) founded Chan and Cheng Solicitors and Notaries in 1980, now Senior Partner

Mimmie Michele Chan Mei-lan 陳美蘭 (LLB 1980, PCLL 1981) and Joseph Tse Lap-bun 謝立斌 (LLB 1982, PCLL 1983), partners, Allen & Overy

Moses Cheng Mo-chi 鄭慕智 (LLB 1972, PCLL 1973), Senior Partner, P.C. Woo & Co

Lilian Chiang Sui-fook 蔣瑞福 (LLB 1978, PCLL 1979), partner, Deacons since 1987 and Head of Conveyancing Department

Catherine Chong Yuet-ngai 莊月霓 (LLB 1973, PCLL 1974) and Anne Choi Ching-yee 蔡靜兒 (LLB 1975, PCLL 1976), both partners in Wilkinson & Grist

Chung Pui-lam 鍾沛林 (PCLL 1977), Senior Partner, Chung and Kwan

Ip Shing-hing 葉成慶 (LLB 1978, PCLL 1979), partner, Yung, Yu, Yuen & Co

Raymond Kwok Mun-sang 郭敏生 (PCLL 1985), partner of Denton Hall since 1992 and Managing Partner since 1998; now a partner of Denton Wilde Sapte and the Head of Property & Development Department of the Hong Kong office

Barbara Mok Wai-kun 莫瑋坤 (LLB 1980, PCLL 1981, LLM 1988), a partner, Victor Chu & Co and Head of its commercial practice

Daisy Tong Yeung Wai-lan 湯楊蕙蘭 (LLB 1972), a partner, Deacons

Tony Kan Chung-nin 簡松年 (PCLL 1980), Founder and Senior Partner, Tony Kan & Co

Billy Kong Churk-hoi 江焯開 (LLB 1978, PCLL 1979, LLM 1988), partner, Fairbairn Catley Low & Kong

Donald Koo Hoi-yan 顧愷仁 (LLB 1979, PCLL 1980) founded Koo and Partners in 1993

Lee Wai-man 李偉民 (LLB 1981, PCLL 1982), partner, Robertsons

Au Fun-kuen 歐訓權 (LLB 1976, PCLL 1977), Rosaline Cheung Oi-wan 張靄雲 (LLB 1978, PCLL 1979), Keith Cheung Po-keung 張寶強 (LLB 1978, PCLL 1979), Humphrey Heung Kwok-kee 香國基 (BA 1968), Tammy Goh Kwai-fong 葛桂芳 (LLB 1979, PCLL 1980), Anita Lee Yuen 李婉 (LLB 1978, PCLL 1980), Robert Lynn Sui-yuen 林燧源 (LLB 1973, PCLL 1974), Ellen Tsao 曹依琳 (LLB 1980, PCLL 1981), Jacob Tse Yui-suen 謝銳蓀 (LLB 1980, PCLL 1981), partners, Johnson Stokes and Master

Jennifer Wong Cheung King-yu 黃張敬瑜 (LLB 1972, PCLL 1973), Administration Partner of Gallant Y.T. Ho & Co and the Head of Conveyancing Department

David Wong Pui-hon 黃佩翰 (LLB 1972, PCLL 1973), a partner, Wong Hui & Co

Benny Yeung Yuen-bun 楊元彬 (LLB 1979, PCLL 1980) and Clarence Cheng Che-kit 鄭志傑 (LLB 1977, PCLL 1978), jointly founded Cheng, Yeung & Co in 1984

Authorities and Corporations

The recent years saw the establishment of a number of statutory authorities in which our women lawyers have played a leading role. Anna Wu Hung-yuk 胡紅玉 (LLB 1974, PCLL 1975) was a member of the Legislative Council from 1992 to 1995. Wu was instrumental in the enactment of the Sex Discrimination Ordinance and Disability Discrimination Ordinance in 1995 and the setting up of the Equal Opportunities Commission in 1996. She has been the Chairperson of the Commission since 1999, responsible for the enforcement of ordinances against sex, disability and family status discrimination. Alice Tai Yuen-ying 戴婉瑩 (LLB 1974) joined the government as an Administrative Officer.



Alice Tai as student



Alice Tai Yuen-ying

Law Anthem

*Here tall it stands in proud tradition,
adherence to values true.
Here nurtures hopes and aspirations,
for fairness and law to rule.
With unity, diversity,
fraternal care within us,
we look to far horizons,
and challenges we pursue.
And ever proud are we, Law Faculty,
Your spirit is ours to prove,
and as custodians of Justice,
bring honour and glory to you.*

Lyrics by Julianne Pearl Doe 杜珠聯 (LLB 1984)
Music by Winnie Tam Wan-chi 譚允芝 (LLB 1983)



Law graduates singing the Faculty Anthem, 90th Anniversary Grand Reunion, 2001 (above and below)



She became the Director of Intellectual Property in 1990 and the first Judiciary Administrator in 1994, assisting the Chief Justice in the overall administration of the judiciary. In 1999, she was appointed The Ombudsman, a position which involves redressing grievances and addressing issues arising from maladministration in the public sector. Grace Chow Chan Man-yuen 周陳文琬 (PCLL 1994, LLM 1998) is the Chief Executive of the Estate Agents Authority, set up in 1998 to establish and enforce the standard of services of the estate agency trade in Hong Kong.

Law graduates from the University also serve on other statutory authorities. Among them is Michael Wu Wai-chung 吳偉聰 (LLB 1972), who was Secretary to the Securities Review Committee which recommended extensive reforms of the securities markets in 1988. The following year, Wu joined the new Securities and Futures Commission (SFC) and served as Deputy Chairman and Chief Operating Officer from 1995 to 1997. Since then, he has been appointed Deputy Director of the Shanghai Stock Exchange which was seen as a move to help boost the development of mainland exchanges.

Alexa Lam Cheung Cheuk-wah 林張灼華 (LLB 1976, PCLL 1977) is an Executive Director of the SFC responsible for co-ordinating relations with the China Securities Regulatory Commission, plus corporate communications and investor education. She is also the Chief Counsel, playing a key role in coordinating the SFC's input into the Securities and Futures Bill. Before she joined the SFC she worked for law firms in Hong Kong, Chicago and New York, specialising in corporate commercial law. From 1997 to 1998, she taught law at the University. Mary Kao May-loy 高美萊 (LLB 1972) is the Head of Legal and Secretarial Services of the Stock Exchange of Hong Kong. Both play a crucial role in reforms critical to Hong Kong's status as a modern international financial centre.

Still other law graduates from the University have assumed a leading role in major firms as Legal Advisers. They include: Bernardine Lam Sin-yu 林倩瑜 (LLB 1982, PCLL 1983), Group General Counsel of Hutchison Whampoa; Godwin Li Chi-chung 李志宗 (LLB 1986, PCLL 1987), Legal Adviser at Hang Seng Bank and in charge of its legal department; Alan Ng Wai-sang 吳偉生 (LLB 1979, PCLL 1980, LLM 1993), International Legal and Tax Counsel (North Asia) in charge of the legal department of Hewlett Packard; Isabelle Tsang Siu-ying 曾筱英 (LLM 1988), Legal Consultant in charge of legal services at the Bank of China; Judy Yang 楊珠迪 (LLB 1986, PCLL 1987), Assistant Vice-President and Legal Counsel of the Hong Kong branch of Manulife; and Rick Tang Yet-san 鄧一山 (LLB 1973, PCLL 1974), former Director of Regulatory and Public Affairs for the then Hongkong Telecom and currently Chief Counsel of British Telecom (HK) Ltd. There are also law graduates who choose to pursue other career paths such as business, technology and journalism.

Legal Education and Reform

A mature legal profession continually renews itself in order to adapt to societal changes. Hence, legal education and legal reforms are essential parts of the legal profession.

Legal Education

The University of Hong Kong has played a prominent role in legal education with the establishment of the Department of Law in 1969, and later the Faculty of Law, which was crucial to the local development of the legal profession and legal system. It has continued to be in the vanguard of legal education, adapting its degree programmes to meet the new challenges from society, commerce and technology. The faculty now offers innovative degree courses in conjunction with other departments such as the business and politics departments. There are also Master's programmes focusing on human rights, Chinese law and information technology law.



Law Moot

Albert Chen Hung-yee

Among the notable HKU law graduates currently teaching at the University is Albert Chen Hung-yee 陳弘毅 (LLB 1980, PCLL 1981). Now a professor, Chen was the first HKU law graduate to join the Law Department in 1984 and the only local lecturer. (Since then, the number of local academics in the department has increased significantly.) He headed the department between 1993 and 1995, and was elected Dean of the Faculty of Law in 1996, a position he has held till 2002. Chen has been actively encouraging the inclusion of Chinese language in legal debates and documentation, and in legal education in general. He advocates the inclusion of wider political, social and economic perspectives into law studies and has made "Law and Society" a compulsory subject for law students. He has been instrumental in introducing the mixed three-year degree programmes of Bachelor of Business Administration (Law) and Bachelor of Social Sciences (Government and Law). These degree holders can also obtain a law degree after one more year of legal studies. Chen holds important academic positions in universities and research institutes on the mainland and Taiwan.



Albert Chen Hung-yee (middle, front row) with mainland Chinese scholars of the Postgraduate Diploma in Common Law (Class of 1998 graduation reception)



International students: the LLM (Human Rights) 1999-2000 class



Law exhibition organised by law student body, early 1980s



Carlye Chu (left) and Johannes Chan Man-mun as students



The Hong Kong Law Journal, managed and edited by the HKU Faculty of Law since its inception in 1971

Another outstanding figure in the field is Johannes Chan Man-mun 陳文敏 (LLB 1981, PCLL 1982). He is a professor and the current Dean of Faculty of Law at HKU and has written widely on international and local human rights issues. Still retaining his practice as a barrister, Chan has appeared in many Bill of Rights cases in Hong Kong, and has been involved in various international human rights activities. He is co-editor of the *Hong Kong Public Law Reports* and the *Bill of Rights Bulletin*.

In promoting legal education, many HKU law graduates are now teaching law at the University and City University of Hong Kong despite keen international competition for these teaching posts.

Outside the University, both the Law Society and the Bar Association have played an important part in legal education. Lester Garson Huang 黃嘉純 (LLB 1982, PCLL 1983) has been heavily involved in the legal education policies and programmes of the Law Society. He is the Chairman of the Legal Education Committee and Continuing Professional Development Committee of the Society which runs a mandatory Continuing Development Professional Scheme for all trainee solicitors. By 2003, the scheme will become mandatory for all solicitors with practising certificates. Huang also sits on the Steering Committee on the Review of Legal Education and Training in Hong Kong, chaired by

the Solicitor General.

The Bar Association has also given legal education a new impetus. Carol Chen Suk-yi 陳淑儀 (LLB 1982, PCLL 1983) was the first Director of Advanced Legal Education of the Bar Association from 1998 to 2000. She set up and ran the programme to provide advanced advocacy and practical training for young barristers and pupils. The programme was so successful that it was made compulsory in 2002.

Patrick Chan Siu-oi is also currently Chairman of the Advisory Committee on Legal Education which advises the Chief Executive of the HKSAR on matters relating to legal education in Hong Kong.

Legal Reforms

Legal reforms in Hong Kong are overseen by the Law Reform Commission which was established in 1980. It is chaired by the Secretary for Justice, Elsie Leung Oi-sie 梁愛詩 (LLM 1988) and considers reforms referred to it either by the Secretary for Justice or the Chief Justice. Over the years, graduates of HKU have made important contributions to the Commission. Many of them championed crucial reforms that have either changed the landscape of the legal profession, or broken new ground vis-à-vis new social demands. Andrew Liao Cheung-Sing 廖長城 (LLB 1972) is a current member of the Commission. He was recently appointed to the Executive Council in 2002.

A Bilingual Legal System

Before the 1990s, the legal system in Hong Kong was English only. Ordinances were all written in English which was the language used in courts. Since then the language policy of the legal system has advanced to embrace bilingual legislation and the acceptance of the use of Chinese in courts.

Bilingual Legislation

After the signing of the Sino-British Joint Declaration, the Legal Department of the Hong Kong government was charged with the responsibility of translating the existing laws of Hong Kong into Chinese. In 1986, the department's Bilingual Section was established and two teams were formed: the Existing Law Team which was responsible for translating more than 500 existing ordinances, about 22,000 pages, into Chinese before June 30, 1997; and the Current Law Team which was, and is, responsible for drafting new laws in both languages. The passing of the Securities and Futures Ordinance in 1989, the first bilingual ordinance in Hong Kong, was an important milestone. Eric Au Sing-wai 歐成威 (LLB 1979, PCLL 1980, MSocSc 1984) pioneered the introduction of bilingual legislation. Gilbert Mo Sik-keung 毛錫強 (LLB 1984, PCLL 1985) became Deputy Law Draftsman after the handover.

In 1998, a committee on the bilingual system was set up to establish the policy and supervise the implementation of bilingual law in Hong Kong. Chaired by the Secretary for Justice, its members include Nelson Chow Wing-sun 周永新 (BA 1969, DipSocSt 1970, PhD 1978), Chair Professor of Social Work and Social Administration at HKU, Alan Leong Kah-kit 梁家傑 (LLB 1982, PCLL 1983), Ng Tat-lun 伍達倫 (MSc Eng 1978), the Chairman of the Council of Occupational Safety and Health, and Alice Lee Suet-ching 李雪清 (LLB 1990, PCLL 1992), lecturer at HKU's Faculty of Law. As a next step towards a bilingual legal system, the Committee has embarked on a pilot scheme to translate landmark judgments from English into Chinese.

Use of Chinese in Courts

In 1994, the then Chief Justice appointed the then High Court Judge, Patrick Chan Siu-oi, chairman of a steering committee to monitor and supervise the use of Chinese in courts. He has since been actively involved in the implementation of bilingualism in the District Court and the High Court. Jerome Chan Chun-hung 陳振鴻 (LLB 1974, PCLL 1975) was also a strong promoter of bilingualism in the courts. He was one of the first Chinese barristers appointed to the Bench and was made a High Court Judge in 1993.

Back in 1988, the High Court had already approved the use of Chinese in drafting the defence. Wally Yeung Chun-kuen 楊振權 (LLB 1974, PCLL 1975) was the first High Court Judge to use Cantonese in the hearing of a civil case in the High Court and use Chinese in writing the judgment in December 1995. This was followed in March 1996 by the hearing of the first criminal case in Cantonese in a District Court by Judge Wesley Wong Wing-fai 黃永輝 (BA 1964).

In 1998, David Yam Yee-kwan – a High Court Judge since 1994 – passed a three-volume, 15-chapter judgment in both English and Chinese. The case involved a dispute over the ownership of land at the Tsing Wan Kun (青雲觀) temple, between the Castle Peak Monastery (青山寺) and three representatives of the To Kai Yi Tso (陶嘉儀祖) of Tuen Mun, one of the oldest indigenous clans which is believed to have arrived in Hong Kong around 1450 during the Ming dynasty. The judgment was in Chinese as well as English because the evidence included a number of old documents in Chinese.

These cases set important precedents for conducting hearings and making judgments in Chinese and since then it has become much more widely used in courts.

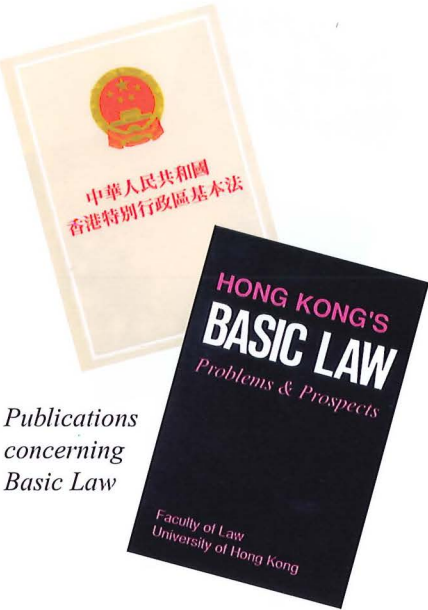


Left:
The English-Chinese
Glossary of Legal Terms
Right: Publication promoting
public legal education and
understanding



The Court of Final Appeal, HKSAR

The Basic Law



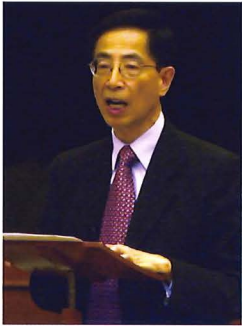
*Publications
concerning
Basic Law*



Mo Kwan-nin

The legal profession made an essential contribution to the drafting of the Basic Law – the Hong Kong SAR’s mini-constituion – which, in turn, ensured a successful change of sovereignty in 1997. The Basic Law embodies the principles enshrined in the Sino-British Joint Declaration in 1984 of “One Country, Two Systems”. It guarantees a high degree of autonomy for 50 years plus independent judicial power including the power of final adjudication.

A Basic Law Drafting Committee was set up in 1985. Its membership included prominent members of the legal profession, among them Dorothy Liu Yiu-chu 廖瑤珠 (BA 1956) and Martin Lee Chu-ming 李柱銘 (BA 1960), both graduates of HKU. During the process of drafting, which became extremely confrontational, Liu and Lee were seen as representing opposite views – Liu supporting and Lee resisting perceived influence from the Beijing government. Liu was appointed a member of the National People’s Congress in 1988. In 1993, she declined to be a member of the Preliminary Working Committee which prepared for the establishment of the Hong Kong Special Administrative Region (HKSAR). Lee left the Drafting Committee after the June 4th Incident in Beijing in 1989 and championed the cause of the democrats.



Martin Lee Chu-ming

The other HKU graduates in the Basic Law Drafting Committee included Simon Li Fook-sean, Raymond Wu Wai-yung 鄺維庸 (MBBS 1963), Rayson Huang Li-sung 黃麗松 (BSc 1942), then Vice-Chancellor of HKU (1972-1986), and Mo Kwan-nin 毛鈞年 (BA 1961), then Deputy Director of the New China News Agency Hong Kong. Mo also served as the Deputy Secretary-General of the Committee.

After the change of sovereignty in 1997, the Basic Law Committee under the Standing Committee of the National People’s Congress was established to monitor the legal aspects of the implementation of the Basic Law. Albert Chen Hung-yee, is a member of the Committee.

After 1997

Since China’s resumption of sovereignty, debates and controversies over the implementation of “One Country, Two Systems” and the interpretation of the Basic Law have continued and many HKU graduates in the legal profession are actively involved.

Debates and Developments

Arguments over the Basic Law have often centred on a difference of views between Elsie Leung Oi-sie, the first Secretary for Justice of the HKSAR, and those who opposed her decisions. She is the first Chinese to hold the position of the government’s Principal Legal Adviser with overall responsibility for the administration of the law in Hong Kong. Leung prompted controversy when she sought intepretation of the Basic Law by the national legislature, the National People’s Congress, after an earlier decision by the Court of Final Appeal about right of abode of children born of Hong Kong residents on the mainland.



*Swearing-in Ceremony
of the first batch of SAR
judges, 1997*

Elsie Leung Oi-sie

Elsie Leung Oi-sie passed her solicitor's qualifying examination in 1967. Before joining the government, she was a prominent solicitor specialising in matrimonial law and was admitted as a Fellow of the International Academy of Matrimonial Lawyers in 1994. She founded the Hong Kong Federation of Women Lawyers (香港女律師協會) and is a Parliamentarian of the International Federation of Women Lawyers.

Leung is also a founding member of the Democratic Alliance for the Betterment of Hong Kong, an adviser to the Chinese Government on Hong Kong and Macau affairs, and was a member of the Selection Committee which chose the HKSAR's first Chief Executive and Provisional Legislature. She received the Grand Bauhinia Medal in 2002.



Among those who opposed Leung was Ronny Tong Ka-wah 湯家驊 (LLB 1972), then Chairman of the Hong Kong Bar Association, who disagreed with her over the legitimacy of the government on the controversial issues.

Outside the political controversies, the Bar made various breakthroughs in the further development of the profession in Hong Kong during Tong's two-term chairmanship including expanding the membership of the Association to law students and academics, actively publishing booklets and articles and columns in newspapers, setting up the Bar Free Legal Service Scheme, and helping secure the permission for Hong Kong barristers to handle Hong Kong legal matters on the mainland.

Legal Exchanges with China

The Hong Kong legal profession has made an important contribution to shaping the legal system on the Chinese mainland. Until the status of lawyers was reinstated in the early 1980s, there was no recognised legal profession on the mainland, let alone any provision of legal services to the community. Thus, when China first opened up in the late 1970s, it relied heavily on foreign lawyers to provide legal services in such areas as joint ventures, project financing and other trading activities. Hong Kong investors, being the largest direct investors on the mainland,



Ronny Tong Ka-wah

naturally looked to Hong Kong lawyers for legal advice in China. In this context, the experience and practice of Hong Kong lawyers has had a large impact on the mainland legal system.

When the Shenzhen Special Economic Zone passed its first laws on the regulation of the stock market and the supervision of lawyers in Shenzhen, Vincent

Lo Wing-sang was one of the very few Hong Kong lawyers who were invited to give advice. During those early years of reform, the legislation pioneered in Shenzhen was often subsequently adopted or modified by the National People's Congress and passed as national law. Hence, many Hong Kong legal concepts and practices found their way into the Chinese legislation.

Since China's resumption of sovereignty over Hong Kong, there have been increased legal dealings between the mainland and Hong Kong in commerce, conveyancing and mortgages, matrimonial matters and cross-border litigation. By 2001, Hong Kong law firms had already established some 40 branches on the mainland.

The Bar Association has fostered close relations with its mainland counterpart. Alan Leong Kah-kit, the Chairman of the Bar's Special Committee on Mainland Relations, has been the driving force in promoting the cause of the Bar on the mainland. In August 2000, Beijing agreed in principle that Hong Kong barristers could practise Hong Kong law on the mainland, sit for the All China Bar Examination and become fully qualified Chinese lawyers, and qualify as a China-appointed attesting officer.

In October 2000, Ronny Tong Ka-wah led a delegation to Beijing and forged a closer relationship with both the All China Lawyers Association by way of reciprocal membership and closer mutual referral. A study exchange programme was also set up with Peking University.

The Law Society of Hong Kong has also been active in furthering its links with mainland legal professionals. Raymond Ho Chi-keung 何志強 (LLB 1980, PCLL 1981, MSocSc 1983), the Chairman of the Mainland Legal Affairs Committee, actively facilitates professional links between Hong Kong solicitors and mainland lawyers. This includes the provision of professional development opportunities for mainland lawyers in Hong Kong law firms, the promotion of the study of Chinese law, and the formulation of strategies for Hong Kong solicitors to venture into the legal market on the mainland.

In the field of academic exchanges and legal education, Albert Chen Hung-ye has, since the 1990s, arranged for HKU students to study Chinese law at Tsinghua University. In 1997, the Univeristy launched a scholarship scheme whereby law teachers, government officials, judges and lawyers from the mainland were able to study the common law system at HKU through a postgraduate diploma programme. Chen has also facilitated opportunities for HKU graduates to pursue Chinese law degrees in mainland institutions.



Outside the Supreme People's Court, Beijing: Alan Leong kah-kit (first left, front row), Johannes Chan Man-mun (middle, front row) and Audrey Eu Yuet-mee (first right, front row)



Ronny Tong (first left) and Alan Leong (second left) with Chinese officials in a visit to Hong Kong Bar Association, 2002

Political Participation

Historically, lawyers were among the elite of Hong Kong. By virtue of their professional status, many of the University’s law graduates also assumed prominent positions in the political arena. Before elections were introduced into the decision-making and advisory bodies, many were appointed Unofficial Members of the Legislative Council and a number were appointed to the Executive Council. Among others, Kan Yuet-keung was a very influential member of the Executive Council. In 1993, John Swaine became the first Unofficial Member to take over as President of the Legislative Council. Both had been knighted for their public services.

Shum Cheuk-yum 岑灼欽 (BA 1954), who was admitted to the Bar in Britain in 1959 and the Hong Kong Bar in 1960, was the Secretary of the Reform Club of Hong Kong from 1965 to 1967, one of the earliest political organisations in Hong Kong.

The most prominent and perhaps most controversial figure in the political arena is Martin Lee Chu-ming. A Queen’s Counsel (now Senior Counsel), he was the Founding Chairman of both the United Democrats of Hong Kong in 1990 and its successor, the Democratic Party, in 1994. He has served as the Chairman of the Party since. Lee, always an advocate for direct elections, is a long-time member of the Legislative Council and gained an international reputation as an opposition leader.

After the introduction of elections for the Legislative Council, the Urban and Regional Councils (now abolished) and District Boards (now District Councils) in the late 1980s, many more HKU graduates in the law profession have become involved in local government.

Margaret Ng Ngoi-yee 吳靄儀 (BA 1969, MA 1975, PCLL 1988), a practising barrister, is a prime example. Ng, who was called to the Bar in 1988, was elected legislative councillor for the legal functional constituency in the 1995 election, a seat she won again in 1998 and 2000.



Margaret Ng Ngoi-yee (left) and Audrey Eu Yuet-mee

Other HKU Graduates in the Legal Profession Who Have Been Active in the Legislature:

- Andrew Cheng Kar-foo 鄭家富 (PCLL 1992), a core member of Democratic Party and member of the Legislative Council (since 1995)
- Moses Cheng Mo-chi 鄭慕智 (LLB 1972, PCLL 1973), member of the Liberal Party and member of the Legislative Council (1991-1995)
- Ambrose Cheung Wing-sum 張永森 (BSocSc 1973), member of the Liberal Party, formerly member of the Urban Council (1989-1998) and Legislative Council (1998-2000)
- Chung Pui-lam 鍾沛林 (PCLL 1977), member of the Legislative Council (1985-1991)
- Audrey Eu Yuet-mee 余若薇 (LLB 1975), member of the Legislative Council (since 2000)
- Albert Ho Chun-yan 何俊仁 (LLB 1974, PCLL 1975), a long-time core member of the Democratic Party and member of the Legislative Council (since 1995)
- Miriam Lau Kin-yee 劉健儀 (BA 1968), a core member of the Liberal Party and member of the Legislative Council (since 1998)
- Lee Chik-yuet 李植悅 (LLB 1990, PCLL 1991, LLM 1994), a core member of the Democratic Party and formerly member of the Urban Council
- Bruce Liu Sing-lee 廖成利 (PCLL 1992), a core member of the Hong Kong Association for Democracy and People’s Livelihood and member of the Provisional Legislative Council (1997)
- Man Sai-cheong 文世昌 (BA 1966, MPhil 1972), a former member of the Urban Council and Legislative Council (1991-1995)
- James To Kun-sun 涂謹申 (LLB 1985, PCLL 1986), a core member in the Democratic Party and member of the Legislative Council (since 1991)

Generations of Law Graduates



The Class of 1972, in front of the now demolished Law Department premises on Caine Road.



Law students, fun time, late 1970s



Law students as cheer ladies, late 1970s



Philip Li Wai-ip at a graduation party, 1981



Law students' visit to Yang Ti-liang (second right, second row) with Andrew Li Kwok-nang (first right, second row) and Martin Lee Chu-ming (middle, second row). Yang also spent some time (1949-1950) at HKU when he was a student.

