

CJ's speech at Ceremonial Opening of the Court of Final Appeal Building (with photos/videos)

The following is the full text of the speech delivered by the Chief Justice of the Court of Final Appeal, Mr Geoffrey Ma Tao-li, at the Ceremonial Opening of the Court of Final Appeal Building at 8 Jackson Road, Central, today (September 25):

On behalf of the Hong Kong Judiciary, I extend a warm welcome to all of you at this ceremonial opening of the new Court of Final Appeal Building. The occasion is first and foremost a significant one for the Hong Kong community. I shall say something more about the community later.

We are honoured by the presence of President Zhou Qiang (Chief Justice of the People's Republic of China and President of the Supreme People's Court), the Chief Executive, and Mr Zhang Xiaoming, the Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region. We are also honoured by the presence of the Chief Secretary, the Secretary for Justice and the President of the Legislative Council.

Today's legal ceremony is important for the law and for everyone involved in the law. It is of course of significance to the Court of Final Appeal itself. The Court of Final Appeal has served Hong Kong since July 1, 1997. It was established under the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China. Apart from the Hong Kong judges, we are immensely privileged and much honoured by the presence of distinguished leaders of the judiciary from other jurisdictions: Chief Justice Sian Elias (Chief Justice of New Zealand), Chief Justice Robert French (Chief Justice of the High Court of Australia), Chief Justice Beverley McLachlin (Chief Justice of Canada), Chief Justice Sundaresh Menon (Chief Justice of Singapore) and President Sam Hou-fai (President of the Court of Final Appeal of Macau).

A special mention must be made of the attendance of my predecessors, the Honourable Sir Ti Liang Yang and the Honourable Andrew Li. We are much honoured by their being here. They have done more than anyone for the Judiciary and the rule of law in Hong Kong.

It is a special privilege for me to sit on the Bench with the Permanent Judges of the Court of Final Appeal (Justices Ribeiro, Tang and Fok PJJ), as well as the Non-Permanent Judges both from Hong Kong and from common law jurisdictions. The Hong Kong Non-Permanent Judges are Justices Bokhary, Stock and Hartmann NPJJ. Lord Neuberger (the President of the Supreme Court of England and Wales* who will be a

* Lord Neuberger is the President of the Supreme Court of the United Kingdom.

member of the Court of Final Appeal in the first case to be heard by the Court in this new building) and Lord Millett are the two Non-Permanent Judges from common law jurisdictions on the Bench today. They follow a distinguished line of common law judges that started in 1997 with Sir Anthony Mason, the former Chief Justice of the High Court of Australia.

As early as 2001, through the initiative of Chief Justice Andrew Li, the Judiciary began to correspond with the Government regarding a possible relocation of the Court of Final Appeal to the present premises. When it was finally determined that the Legislative Council would move to its present site, the relocation of the Court of Final Appeal became possible. I am grateful to the Government for the continuing support it has given to the Judiciary and the unfailing commitment it has shown to ensure that the Judiciary's needs have been met and are met. I also take this opportunity to express the Judiciary's and my own personal gratitude to Chief Justice Andrew Li, who has been the main impetus in making the Court of Final Appeal what it is today.

The relocation of Hong Kong's highest court from Battery Path to Jackson Road is entirely apposite and it is of considerable significance. This building, apart from a period during the Second World War and from 1985 to 2011 when it was used by the Legislative Council, has all along been used as law courts - it was the Supreme Court of Hong Kong. It was, however, not the first site of the Supreme Court. The Supreme Court in Hong Kong started operations on October 1, 1844 at premises located at the corner of what is now D'Aguilar Street and Wellington Street. In 1846, it moved to the top of Battery Path, then to a site on Queen's Road (near Pedder Street) in 1848 where it remained until the opening of the present building in 1912.

The building was designed in a neo-classical style by the well-known English architects Sir Aston Webb and Edward Ingress Bell, who were the Crown Agents' chosen architects. This partnership was also responsible for the design of the principal façade of Buckingham Palace, the Victoria Memorial in front of the Palace and the Admiralty Arch on the Mall in London. The dome of this building is said to be modelled on the great dome of St Paul's Cathedral in London. Although the design of the building would probably have followed an orthodox design of the time, novel features were introduced such as the Chinese style pitched roofs, this style being more practical for Hong Kong from a weather proofing aspect. This design concept remains.

At the west-facing entrance of this building is a foundation stone laid on 12 November 1903 by the Governor, Sir Henry Blake, although the courts were not to begin operations in it until 1912. Historical accounts indicate that this site could not have been an easy one on which to construct a building. The land is reclaimed land. The water table being high (this is still the position today), the ground was similar to marshland. The

foundation work took three years to complete (from 1900 to 1903), requiring the manual driving of some 1,500 fir piles. Construction of the building was to take another eight years, affected by cost overruns. There were disputes between the Government and the contractor (Chan A Tong, whose name is engraved on the foundation stone I have earlier mentioned). These disputes had to be resolved by arbitration. There was also a shortage of local granite. The building is constructed predominately of granite and the imposing façade facing west required high-quality granite. This was in short supply in the early 20th century since increasingly grand buildings were being constructed in the Central district at the time.

This brief historical account of the construction of the building indicates that construction projects in the early 20th century bore much resemblance to the construction projects of today: cost overruns, delays, litigation and eventually a successful dispute resolution.

The Supreme Court was formally opened on November 15, 1912 by the Governor, Sir Frederick Lugard, and the Chief Justice, Chief Justice Pigott. The symbolic value of the new court building was not lost in the words used on the occasion. Sir Frederick referred to "the Justice which shall stand firm though the skies fall". The Chief Justice talked about the building remaining a "pyramid to commemorate the genius of the Far East". After the opening, the work of the courts in Hong Kong then continued. The population more than doubled between 1900 and 1921, and this doubled again by the time the Second World War broke. Trade trebled between 1900 and 1920. Just as the work of the courts increased, so the legal profession grew as well. The Hong Kong Bar welcomed the first lady barrister in 1932, Lo Soon Kim Teo (she having become Singapore's first lady barrister three years earlier). Among others, Lo Hin Shing and Thomas Tam stood out, as did Leo D'Almada e Castro.

The War years in Hong Kong are visible by the unrepaired bullet holes on the pillars of the building. They are most apparent at the east-facing side of the building. From 1942 to 1945, the building was used by the Japanese military police. Post-War, business in the courts increased dramatically, none more so than in the 1980s. Our building, which had witnessed many historical incidents and undergone numerous challenges, succumbed to subsidence in the late 1970s with the construction of the Mass Transit Railway. After briefly resuming as a court building from 1982 to 1984, it was used by the Legislative Council for 26 years from 1985 to 2011.

The conversion of the building from its use by the Legislative Council to functioning courts (there are two courts) has taken the best part of four years. The Judiciary is grateful in particular to the Architectural Services Department which has been responsible overall for this project. The challenges in this conversion exercise have

been numerous. The objective has not only been to convert the premises into fully functioning modern courts, with all necessary technology, but also to restore some of the old features of the building as far as has been practicable. Thus, much of the old teak flooring has been restored, and some of the original ceramic floor tiling has been salvaged and is once again visible. The false ceilings constructed during the Legislative Council days have been removed to reveal the original ceilings. The former prisoners' cells can be seen in the library area, with the former gantry (the "Bridge of Sighs") leading to the First Floor courts made accessible again. I hope that in time as many members of the public as possible will be able to enjoy visiting this heritage building.

I mentioned earlier the considerable significance of this building reverting to the Judiciary. The significance lies in what the building represents to the community. And what is represented is the rule of law in Hong Kong.

Whether one is a long-term historical observer of Hong Kong or only of recent events here, there is one common feature: that Hong Kong has always faced challenges. In facing these challenges, Hong Kong has always regarded the existence of the rule of law to be crucial in providing the necessary stability amidst change. This is reflected in the Basic Law.

The Basic Law implements the basic policies of the Central Government regarding Hong Kong. One of the principal themes of the Basic Law is the maintenance and continuation of those institutions that have contributed to Hong Kong's success over the years. Obviously of importance among such institutions is the rule of law. Those components of the rule of law which are of particular relevance to Hong Kong - indeed to all common law jurisdictions of which Hong Kong is one - comprise first, the due recognition of rights and fundamental freedoms, not just for oneself but also for others (respect for one's rights, respect for the rights of others and equality of all persons before the law); secondly, the existence of an independent Judiciary to enforce these rights and fundamental freedoms. These themes are recognised throughout the Basic Law. The reference in Article 2 of the Basic Law to "independent judicial power" means judicial independence and this is repeated in two other articles. The term "judicial power" means the responsibility of the courts to adjudicate disputes impartially and according to law. The maintenance of laws previously in force in Hong Kong, including the common law and rules of equity, is another recurring theme in the Basic Law. The reference to the common law is an important one. The common law, with its emphasis on fairness, justice, and the adherence to legal principle and the spirit of the law, has served Hong Kong well over the years and will continue to do so. Decisions of the courts may sometimes not be to everybody's liking - whether they be private individuals, political and other groups, or even the Government - but it is not the role of the courts to make popular decisions. The function of the courts is to adjudicate on disputes according to the law and its spirit, and

judges are to discharge their responsibilities in accordance with their judicial oath, namely, to do so "honestly and with integrity ... without fear or favour, self-interest or deceit". The courts and judges also do this openly, with very limited exceptions. Open justice is a key feature in Hong Kong's system of law.

I have mentioned earlier the restoration of this magnificent building, but this is not to look to the past. She represents the future in Hong Kong. I am frequently in contact with young persons in Hong Kong. One recurring theme among them is the wish that Hong Kong will continue to prosper and to develop even further than it has. They all recognise the need for the continuation of all those facets and institutions that have served Hong Kong well. It is after all their home. The rule of law provides the social stability that is the foundation of a content and prosperous society. This building is the symbol of the rule of law in Hong Kong and this institution remains as strong as it has ever been in our community. For our part, the courts and judges will always discharge their daily responsibilities with this firmly in mind.

Finally, the occasion cannot pass without my expressing as sincerely as I can the gratitude owed to everyone who has enabled the Court to move back home. I have already mentioned the Architectural Services Department. I would also like to add as well the staff of the Judiciary who have worked tirelessly and given much of their own time.

Ladies and gentlemen, I once again welcome you to this ceremony and thank you for your attendance.


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CE tours the Court of Final Appeal Building