

SPEECH BY LORD NEUBERGER OF ABBOTSBURY NPJ  
AT THE FAREWELL SITTING OF COURT OF FINAL APPEAL FOR  
CHIEF JUSTICE GEOFFREY MA TAO-LI

Chief Executive, Chief Justice, Secretary for Justice, fellow Judges, distinguished guests,

1. It is with very mixed feelings that I address such a distinguished group of people today. On the one hand, it is a great honour to have been asked to speak. And it is a great pleasure to be able to pay tribute to a man whom I admire greatly, both as a Judge and as an individual, and whom I am proud to count as a friend. On the other hand, I much regret that I can only be with you remotely. And, much more importantly, I am very sad indeed that Geoffrey Ma Tao-li has decided to step down as Chief Justice, although it is a comfort to know that he leaves behind him a strong judiciary, and a worthy successor in Andrew Cheung as the new Chief Justice.
2. The Courts of the Special Administrative Region have been properly independent since 1997, following the introduction of the Basic Law. In the ensuing twenty-three years the Hong Kong judiciary, and in particular the CFA judges, have built up a formidable reputation across the world, for the quality of their judgments and for their impartiality. Under Geoffrey Ma's leadership the CFA has given a large number of legally and socially important and impressive judgments, many of which have been cited by numerous judges in a host of countries, including the United Kingdom, Australia, Canada New Zealand and Singapore. Much of the credit for this must go to the Chief Justice, who plays a large part in selecting and promoting the judges, and whose judicial leadership in and out of court is so fundamental. From 1997, Andrew Li as the first Chief Justice set a very high standard. And since 2010 Geoffrey Ma has lived up to this standard.
3. The role of a Chief Justice is an important one in any jurisdiction: they play a pivotal and leading role in establishing, supporting and justifying the rule of law, which is fundamental to any civilised society. A Chief Justice must not only preside in court and give judgments in important cases, but they must also lead and administer the judiciary, understand the needs of government, and explain the law and court procedures to the public - and indeed, on occasion, to the government. The role therefore requires many qualities - intelligence, articulacy, integrity, bravery, authority, diplomacy. and

sensitivity. It is a rare Chief Justice who can claim to have all these qualities to a high degree, but Geoffrey Ma has shown himself to be such a rare Chief Justice.

4. When it comes to the working of the CFA, each of the five members of the Court ultimately has to reach their own conclusion as to how and why to resolve a particular case. However, it is very important in the interests of justice that the Court is collegiate, with the judges mutually respecting each other and working together constructively. Internally, this is conducive to well-reasoned decisions and efficient procedures, and, externally, a collegiate court encourages public respect for, and confidence in, the rule of law. With his wise views and well-reasoned arguments, and with the personal respect and friendly manner he showed to his colleagues, Geoffrey Ma has consistently ensured that the members of the CFA work amicably and effectively together. In most CFA cases, one of the five judges is an overseas Non-Permanent Judge – that is one of fourteen judges or ex-judges of the highest rank from the UK, Australia or Canada, who come to Hong Kong normally for four weeks at a time to sit in the CFA. I emailed all my fellow overseas NPJs to say that I had been asked to speak today. Thanks to their responses, I can confidently say on behalf of all of us, that it is a great pleasure and a real education to sit in the CFA with Geoffrey Ma presiding. And, remember, we overseas NPJs speak with the experience of having been judges in the top courts of many other countries.
5. In his relationship with his fellow judges out of court and with advocates in court, Geoffrey Ma is like the most effective sort of head-teacher with his staff and his pupils. He gets the best out of us not by bullying or getting angry, but by acting and talking so as to set an example and to earn our respect. As a result, we feel very keen not to disappoint him, and therefore we do the right thing.
6. Outside court, perhaps the most fundamentally important function of a Chief Justice is to support and explain the rule of law and in particular to uphold and defend the independence of the judiciary. This is a particularly demanding and important task in Hong Kong, where there has been much political change over the past twenty-five years and where many sections of the media and some public figures on both sides of the debate do not hold back from criticising the judiciary in very blunt terms. In the face of these difficulties and attacks, Geoffrey Ma has shown what the former Chief Justice of

Canada, Beverley McLachlin, now an NPJ, described to me as “leadership, courage and grace in exceedingly difficult times”, and what the former Chief Justice of Australia, Robert French, also now an NPJ, referred to as “calm determination”, While the presence of the overseas NPJs adds to the credibility and diversity of the CFA, it remains the case, as Robert French also said, that “it is the quality of the local judiciary rather than the presence of the NPJs that is critical to the future of judicial institutions in Hong Kong” and, as he added, Geoffrey Ma “has shown by example what is required”.

7. Another important aspect of a Chief Justice’s role is to support and encourage the members of all parts of the legal profession, especially the young. As the President of the Law Society has said, Geoffrey Ma’s work in this important area has been characteristically outstanding.
8. Speaking rather more personally, I feel a particular affinity with Geoffrey Ma. The very first case on which I sat in the CFA as an NPJ was his first case as Chief Justice. As the Justice Secretary has mentioned, it was in the Court’s previous home. So, there is a real symmetry in the fact that, earlier this week, I sat also on the last case which he heard as Chief Justice. I very much hope that this symmetry does not continue in the sense that I would be really sad if his last case in the CFA turns out to be my last case. And we will surely remain closely in touch: away from the law, Geoffrey is a wonderful companion - an exceptionally generous and cultured man, who can coax even the most curmudgeonly and taciturn misanthropes out of their shells, by engagingly sharing his encyclopaedic knowledge of films and cricket, indeed of entertainment and sport generally, coupled with a more than passing knowledge of wine, coins, horses, and much else besides. My wife and I are very privileged to count Geoffrey Ma, his wife and daughter as dear friends. And he is held in high regard and with great affection in legal circles in the UK, where, as the Chairman of the Bar has said, he has close connections. Geoffrey, you are and will be always very welcome in the UK.
9. Again speaking on behalf of all the overseas NPJs, it is not only a privilege and a pleasure to sit with the Chief Justice and the Permanent Judges of CFA on cases in court. It is also a great pleasure and very informative to spend time in Hong Kong and to get to know one’s judicial colleagues on a social basis and, more widely, to appreciate

the extraordinary vibrancy and creativity of the Special Administrative Region socially and culturally. And it is good for Hong Kong if we overseas NPJs are able to report on the excellence of the Hong Kong judiciary, the successful functioning of the Basic Law, and the rule of law generally, when we return to our home countries.

10. In that connection Geoffrey Ma has himself been a great ambassador for the Hong Kong judiciary and for Hong Kong generally. He has travelled to many places (at least until the present pandemic) to speak in lectures, in interviews and in seminars about legal issues, about judging and about Hong Kong. On those trips, he has demonstrated that it is possible to be charming and engaging while still being legally erudite and serious. Brenda Hale, an NPJ and former President of UK Supreme Court, still remembers what she refers to as his “excellent” 2016 Birkenhead lecture at Gray’s Inn, and I can tell you that she has very high standards. The lecture had the memorable title “Straight and Crooked Thinking: The Search for What is Right”. That title is typical of the man: witty and engaging but original and serious, and if ever there was a straight thinker who was always searching for what is right, it is Geoffrey Ma Tao-li.

David Neuberger

6<sup>th</sup> January 2021