

SPEECH FOR 55th ANNIVERSARY OF LAW FACULTY

Mr Justice R A V Ribeiro PJ

23 November 2024

Professor Zhang, Dean Fu, Members of the Faculty, Law Students and Alumni, Distinguished Guests, Ladies and Gentlemen,

It is a great honour to have been asked to say a few words to mark the 55th Anniversary of the Hong Kong University Law Faculty.

However, on reflection, it is perhaps an honour that is a little double-edged. As my darling wife Katherine pointed out, I was probably asked to speak only because I am ancient enough actually to be able to say at first-hand what it was like at the beginning! It is some slight comfort to note that there are a few among you tonight who are of the same mature vintage and who can also give non-hearsay evidence of what it was like at the start.

So, it was in 1972 that I returned to Hong Kong from my studies in London to take up my post as a lowly Assistant Lecturer in what was then the Law Department. It was housed in two three-storey buildings dating from 1922 that had served as Police Married Quarters in Caine Road.

Surprisingly, it was only in 1969 that Law first began to be taught as a discipline at HKU. In contrast, the Medical Faculty traces its

founding to 1887, even before the University itself was established in 1911. Before 1969, anyone who had wanted to become a lawyer had to seek qualification in England. Looking back, it now seems obvious that Hong Kong's extraordinary development as a trading and financial centre in the later part of the 20th century could not have happened without the creation of a sound legal foundation and the human resources which that process requires. So the founding of the Law Faculty was an essential, if somewhat belated, event.

In 1972, the first local Bachelor of Laws degrees were awarded to 35 students. They were the graduates from among the first cohort of 40 students enrolled. The Department was also admitting its first students for the Postgraduate Certificate in Laws. They were only 23 in number. These young persons were real pioneers, some of whom, I am glad to see, are present today and most of whom have risen to become leading lights in the legal world. But more of that later.

It has been remarked that, perhaps because the first few years were spent in Caine Road and some miles away from the main campus, law students have always had a certain exclusive *esprit de corps*. It certainly seems clear that they worked considerably harder on their courses than other students.

In a survey done in 1974, Law students were found to spend an average of 49.2 hours per week on what was called "serious reading". Architecture students followed with 41.6 hours, then came Arts at 36.3, Medicine at 33.5, Social Science at 32.6 and Science at 32.3

hours. Engineering students must have enjoyed the best social life since they confessed to a leisurely 29.5 hours per week.

It is an understatement to describe Hong Kong in the early 1970's as a legal backwater. It was entirely colonial in outlook. All the available textbooks were on English law. There was no local legal literature or research – and not even reliable law reports. Many significant cases were left unreported. Our statutes, in the Laws of Hong Kong series, were entirely monolingual and updated on a very uncertain basis.

However, on the positive side, this virgin territory provided exciting opportunities for the academics who staffed the Department.

Professor Dafydd Evans, and Senior Lecturers John Rear and Bernard Downey, assembled a vigorous team of young teachers. They included Peter Wesley-Smith, Ray Faulkner, Richard Field, William Stone, Alan Smith, Richard Russell, Ronny Wong and Bob Allcock. It was a stimulating and hectic time. Courses on Hong Kong law had urgently to be constructed from the ground floor up. Almost all the research done, even if simply for teaching purposes, was “original” since no one had previously collected unreported local judgments and legislation, or tried systematically to organise them into coherent subject areas. The peculiarities of Hong Kong's legal history and its colonial constitution, as well as aspects of Chinese customary law, especially as affecting marriage, succession, and the New Territories, had to be mapped out.

These early teachers, were thus also pioneers, sharing with the first cohorts of students, the adventure of rolling back the frontiers of Hong Kong law. Of those young lecturers I just mentioned, four went on to the Hong Kong Bar and became Queen’s Counsel, one became Solicitor-General, one became a partner in a leading firm and one went on to head up a leading investment bank.

As Dr Christopher Munn points out in his excellent book on the first 50 years of the Law Faculty,¹ the early cohorts of law students were, as Professor Evans had put it, “a brave bunch”. When they enrolled, there was “no guarantee that [the LLB] would be accepted as a qualification for practising law in Hong Kong or indeed anywhere else”. Much was still under discussion and only the future would tell.

Today, it is clear that the promise of the early years has manifestly been fulfilled. I am grateful to Professor Lusina Ho and Professor Sida Liu for letting me have updated figures which dramatically demonstrate the immense contribution that the Law Faculty has made to the very fabric of the legal system in Hong Kong.

The Law Department, which had been part of the Faculty of Social Sciences, became the School of Law, with its own Dean, in 1978. Then in 1984, 15 years after its founding, it became the Law Faculty. In that year, it had a student population of nearly 350 and it had by

¹ Christopher Munn, *A Special Standing in the World – The Faculty of Law at the University of Hong Kong 1969-2019* (HKU Press) at p 61.

then conferred 565 LLB and 512 PCLL degrees.² Hong Kong legal literature was increasingly being developed with numerous academic and professional texts and journals authored by faculty members.

By January this year, the Law Faculty had produced over 7,000 LLB and 10,000 PCLL graduates. Remembering the modest start involving 35 LLB graduates back in 1972, this is a truly remarkable story. The teaching staff now numbers 88 (as Dean Fu informed us) – more than twice as many as the first intake of *students* in 1969. There has been a huge expansion in legal education in Hong Kong, with law schools being established at City University in 1987 and at the Chinese University in 2004, with all three institutions now awarding Juris Doctor degrees in addition to LLBs and PCLLs.

The HKU Law Faculty has also achieved widespread international recognition. It has 200 partnering institutions for student exchanges and six double-degree programmes with the University of British Columbia, the University of Pennsylvania, University College London, the University of Zurich, Beijing University and the University of California at Berkeley.

HKU law graduates provide the essential human capital fuelling operation of our legal system. As at the end of August this year, more than 8,000 or 62% of the Law Society's members were HKU alumni,

² *Ibid*, at p 101.

with almost 5,000 working in solicitors' firms and others working as in-house lawyers.

As at the start of this year, of those currently practising as Senior Counsel at the Hong Kong Bar,³ no fewer than 34 are Law Faculty graduates.

Many alumni have joined Government service as lawyers, including graduates who have served as Solicitor General, Directors of Public Prosecutions, and Law Officers. At the very top, three have served as Secretary for Justice – Ms Elsie Leung, Mr Rimsky Yuen SC and the current incumbent, Mr Paul Lam SC.

Law graduates have also rendered essential public service, including more than 20 who serve, or have served, as members of the Legislative or Executive Councils – or on both, as in the case of Mr Ronny Tong SC and Ms Anna Wu. Indeed, Anna Wu single-handedly exemplifies unstinting contribution to public service in institutions such as the Competition Commission, the Equal Opportunities Commission, the Consumer Council, the ICAC's Operations Review Committee, the Hospital Authority and the SFC, to name but a few.

The contribution of HKU Law graduates to the Judiciary, has been particularly impressive. They constitute over half of the judges in the

³ Figures for HKU alumni among the junior Bar are unavailable, but they are no doubt very substantial.

higher courts.⁴ As at September this year, 25 out of 41 District Judges were graduates. In the Court of First Instance, 15 out of 28 of the Judges are alumni, while in the Court of Appeal, no fewer than 10 out of 13 Justices of Appeal, including the Chief Judge of the High Court, are HKU law graduates. In my own Court, the Court of Final Appeal, Chief Justice Andrew Cheung and Mr Justice Johnson Lam PJ, as well as Mr Justice Patrick Chan, formerly a Permanent Judge and now a Non-Permanent Judge, are all alumni.

On this 55th Anniversary, the University, the Law Faculty, its teachers, students and alumni should look back with great pride and satisfaction on these outstanding achievements.

Of course, demanding challenges remain. The Faculty has travelled, together with the rest of Hong Kong society, through momentous times. Much work had to be done to prepare for the resumption of the exercise of Mainland sovereignty in 1997. And after the transition, we have had to study how the Basic Law and a new jurisprudence of fundamental rights fits in with our common law system under the principle of “One Country Two Systems”. We have been through times of social unrest and are learning how new National Security legislation is to be interpreted and applied compatibly with our legal system. Other challenges will no doubt emerge with time.

⁴ The figures for Judicial Officers in the Magistrates’ Courts and in various tribunals are not available.

But through all these challenges, one theme has been constantly emphasised by the Central and Local Administrations, as well as throughout the private sector. This is that the Rule of Law, underpinned by the common law, administered by an independent Judiciary and supported by the professions, the law schools and the population at large, is a fundamental pillar of the Hong Kong Special Administrative Region. In this context, the HKU Faculty of Law has played and continues to play an indispensable role.

To quote Dr Christopher Munn again:

“The Faculty was the first institution to establish Hong Kong law as a field of serious study. ... Its staff and alumni contributed widely to the transformation of Hong Kong law from its origins as a sluggish backwater of English law into a flourishing field of activity, where fundamental rights, freedoms and obligations are tested almost daily against the Basic Law – the centrepiece of ‘one country, two systems’ under which Hong Kong maintains its common law system as a special administrative region of the People’s Republic of China. The Faculty has been instrumental in establishing the legal profession trained in Hong Kong law, firmly rooted in Hong Kong, and able to function bilingually – a vital feature of Hong Kong’s modern legal system.”⁵

⁵ *Ibid* at p xi.

In short, the HKU Faculty of Law is truly a cornerstone of the Rule of Law in Hong Kong.

I warmly congratulate all who have contributed to the wonderful success of its first 55 years and wish the Faculty the very best for the next 55 years!