

RULE OF LAW CONGRESS
– Rule of Law and Justice for All
(11 November 2022)

Opening remarks for the Chief Justice

Chief Executive, Director Chen, Secretary for Justice, distinguished guests, ladies and gentlemen:

1. I am honoured to be invited to make these Opening Remarks at this year's Rule of Law Congress. Since the inaugural Hong Kong Legal Week in 2019, this event has quickly become one of great significance, not just to the legal industry, but to a wider audience in general. It is an important reminder of the Hong Kong SAR's dedication to the rule of law, and also the need for the public to understand and value the rule of law in order for a culture of lawfulness and a peaceful society to flourish. In this regard, I extend my heartfelt thanks to the Department of Justice for their annual arrangement.

2. It has long been said that Hong Kong's success is built on the strength of its rule of law. This is undoubtedly

true. The rule of law and lawfulness indeed underlie Hong Kong's prosperity and peaceful society. As is generally agreed, the rule of law requires that laws must be properly enacted and clearly expressed. They must be published and publicly accessible. The rule of law also means that laws must be seriously enforced and where there are disputes about the law, there must be means to resolve those disputes. The rule of law as practised in Hong Kong also embraces the protection of human rights. In Hong Kong, fundamental human rights are constitutionally guaranteed and protected under Chapter III of the Basic Law and the Hong Kong Bill of Rights. The Bill of Rights is based on the International Covenant on Civil and Political Rights, which is constitutionally entrenched under Article 39 of the Basic Law. Moreover, although many of these rights are not absolute, the courts have consistently given them generous interpretations and jealously guarded against any restrictions.

3. An important premise of the rule of law is an independent judiciary that upholds the rule of law and safeguards the rights and freedoms of all members of society. This is what is provided for under the Basic Law. Articles 2

and 19 of the Basic Law specifically provide that the Hong Kong SAR enjoys and is vested with independent judicial power, including that of final adjudication. Article 85 goes on to provide that courts shall exercise judicial power independently, free from any interference. Our impartial, independent and transparent judicial system therefore provides individuals and organisations with a secure business environment and a level playing field. They can be confident that whatever disputes that may come their way will be resolved in a fair manner, by a court system that administers justice without fear or favour, bias or deceit. Our court hearings are open to the public, our judicial decisions are publicly announced, and the courts' reasons are published for everyone to study. All this is designed to enhance the public's awareness of and confidence in the rule of law in Hong Kong.

4. However, the rule of law is not static. It also continues to grow and evolve, and encapsulate and incorporate new elements of fairness and equality, and new forms of dispute resolution. Indeed, a natural extension of the rule of law is the growth and development of different forms

of dispute resolution. This is an important topic, particularly for the Judiciary. In recent years, court-annexed mediation and other means of dispute resolution have grown and flourished in Hong Kong. As new ways of doing business and interacting with one another evolve at an ever-increasing pace, the demand for timely, cost-effective dispute resolution mechanisms also grows. As one of Lord Bingham's principles of the Rule of Law has it, "means must be provided for resolving, without prohibitive cost or inordinate delay, bona fide civil disputes which the parties themselves are unable to resolve". Whilst the courts are there to provide dispute resolution through litigation, it must be recognised that litigation is not always accessible to all, and the outcomes of litigation are not always ideal or time- and cost-effective. By ensuring increased access to different forms of dispute resolution mechanisms, access to justice is enhanced, and the reach of the rule of law is both greater and firmer, and this in turn promotes the benefits that are associated with the rule of law.

5. The continued development of the rule of law is critical in ensuring that the developing needs of society are

met, particularly as relates to access to justice by society at large. Failing to meet this demand could lead to disillusionment with the rule of law, and it is of critical importance to the future that the support of the next generation for the rule of law is enlisted.

6. In addition to ensuring members of society have good access to justice, it is equally important that they are armed with an understanding and appreciation for the rule of law. This issue of education is of such importance that the United Nations Educational, Scientific and Cultural Organisation and the United Nations Office on Drugs and Crime have in recent years partnered together and jointly developed educational tools and materials to train teachers on human rights and the rule of law, under the Global Citizenship Education for the Rule of Law partnership. Schools are, in many ways, a microcosm of society, and as such, they are the perfect environment in which young people ought to be engaged in thinking about the rule of law, its purpose and benefits, and why the rule of law is superior to, say, the rule of man, mob rule, or rule by law. The youth of Hong Kong, and indeed, the world over, are just as significant contributors to a

culture of the rule of law and lawfulness as other members of society.

7. Although the rule of law is open to different legitimate interpretations, like many other concepts, it is susceptible to be misinterpreted and misuse. In this information technology-driven era, bias and misinformation are just as easily spread, if not more easily spread, than information. In prosperity, it is all too easy to take the rule of law for granted, as it seems to naturally underpin our society. Yet, without fairmindedness, and without a culture of lawfulness, there can be no rule of law. These are values that we must now work hard to impart on the next generations, to ensure that they too will safeguard the rule of law and enjoy the benefits of a fair and peaceful society, in which justice is accessible to all.

8. Looking at today's programme, if I were to pick one word to describe it, it would be "progress". The rule of law is not static. It must also develop and evolve to meet the needs of society. New elements will be incorporated, and the old elements must also be continuously reviewed and

strengthened. The topics being discussed today not only examine what the rule of law is, but what it can be for us all in the future. As I mentioned, this conference is a reminder of Hong Kong's dedication – we are dedicated to safeguarding and maintaining our rule of law. With maintenance comes development, and with development comes evolution. And so it must be with the rule of law, that in its safeguarding, we must also ensure that it continues to grow, so that it is strong enough to meet the future challenges of society.

9. With that in mind, I am sure you are all looking forward to today's programme, and it only remains for me to thank again the Department of Justice for their arrangement, and extend my appreciation to each of the speakers for their contributions, and of course to all of you for your time in joining this Congress today. I trust it will be a successful conference, and I look forward to seeing the fruits it will bear in due course! Thank you very much.
