

The University of Hong Kong

Cheng Yu Tung Tower Dedication Ceremony

November 8, 2012

Speech by Professor Johannes Chan Dean of Law

Dr Henry Cheng, Members of the Cheng's Family, Professor Andrew Li, former Chief Justice, Dr David Li, Pro-Chancellor, Dr C H Leong, Council Chairman, Prof Lap-Chee Tsui, Vice-Chancellor, honourable guests, ladies and gentlemen,

Today is an important day in the history of development of the law school. It is also a milestone in the legal education in Hong Kong, and it would not have been possible for us to gather at this place today without the generous benefaction of Dr Cheng Yu Tung. It is unfortunate that Dr Cheng Yu Tung could not join us today. We sorely miss him and would wish him all the best and an early recovery.

In 1961, Sir Lindsay Ride, the then Vice-Chancellor, said, "In this Colony where two great civilisations meet, each with a long established legal tradition of its own, law should be taught in a school where knowledge of both traditions exists, and where they may be studied in close association with other disciplines."

It took another eight years after this visionary statement of Sir Lindsay before the first law school in Hong Kong was established. Interestingly, one of the then concerns for establishing a local law school was that it would produce too many lawyers and flood the market. In any event, in 1969, the law school was established. It was housed in the former Police Officers' Married Quarters at the junction of Seymour Road and Caine Road, next to the then Nethersole Hospital and right opposite a mental hospital, which look like excellent neighbours for lawyers. The paint was hardly dry when the first class took place, and the law library, if it could be so called, was nothing more than a few tables and chairs. The first batch of law students did not even know whether their law degree would be recognized for practice when they first entered the law school. Yet from this first batch of law students, and indeed the generations that follow, came the many distinguished lawyers and seasoned leaders of today, both in the legal profession and in the community.

With a modest beginning, the Law School has flourished over the years. From a local law school with a staff force of 3 and a student body of 40 in 1969, it has grown into a leading international law school with a staff force of over 75 from about 15 different jurisdictions and a student body of about 1,700. The Law School provides unparalleled opportunities to our students, offering interesting academic programmes at all levels. We are fortunate to be able to admit the best students in 4 undergraduate degree programmes – LLB and the 3 double degrees in law and business, law and government and law and literary studies. They are among the most competitive programmes in Hong Kong. We are pleased to note that these programmes swept the top 3 programmes achieving the best performance in English

and the top 2 programmes achieving the best performance in Liberal Studies, two of the four compulsory subjects in the first DSE examination in Hong Kong which was held this summer. And if you think that this is competitive, it pales into insignificance in comparison to our Mainland admissions. In the last few years, the LLB has admitted about 10 top Mainland students each year directly from the Mainland who are rigorously selected from a pool of about 12,000 applicants. We train our students not just to ask what the law is, but more importantly, to think what the law ought to be, as we believe that the “the law ought to be” today could well be “what the law is tomorrow”. We believe justice and the rule of law are the foundation of a civil society and the bedrock of our legal system. The law school is not just to train graduates who are able to pass qualifying examinations. More importantly, it is our duties and responsibilities to train lawyers who respect human dignity and who are committed to justice, fairness, and the rule of law.

Without justice, law is but naked power; without the rule of law, law will become an arbitrary instrument, and without respect for human dignity, law will be a system without a soul.

In addition to a strong sense of justice, we would like to nurture in our students a lifelong commitment to service. In 2011, we introduced a legal clinic, which is the first of its kind in Hong Kong. The clinic provides pro bono legal service to the public, and is run by qualified professional staff assisted by our students. In the last 12 months, we have handled about 70 cases and provided assistance to many deserving applicants. Students doing the clinical course will have the opportunity to apply what they have learned in classrooms to real cases and to handle real clients. This is one of the rare courses that students beg us to allow them to do it again even when they have passed, as they find the joy and satisfaction in being able to make use of their legal knowledge to help the needy members of our community. Plans are already in place to strengthen and expand this meaningful programme.

Our master and doctoral programmes offer specialist continuing legal education to professionals and the larger community. The Master of Laws programme has produced a Secretary for Justice and a Director of Public Prosecution for Hong Kong. Our Human Rights programme has trained many judges, prosecutors, advocates, journalists, human rights activists and academics from no less than 30 countries, including China, Bangladesh, Cambodia, India, Indonesia, Myanmar, the Philippines, Sri Lanka, Taiwan, Thailand and Vietnam from Asia, Czech Republic, Romania, Turkey, France, the Netherlands, the UK from Europe, Australia, New Zealand, and Fiji from the Pacific and Puerto Rico, US and Canada from America. It has produced a number of national human rights commissioners or their senior members in countries such as Nepal, South Korea, and Mongolia. It is truly global, and the impact has spread far and wide, though we are still to produce a national president or a prime minister.

Our arbitration and mediation programme fills an important gap by training the necessary talents to meet the need for developing HK into an international arbitration centre and the promotion of mediation as an alternative means of dispute resolution. We are honoured that Mr Peter Cheng of the Cheng’s family is one of our students in this programme, and I

may add that he completed the programme with flying colours. Our law and technology programme brings us to the forefront of medical and scientific advances, and reminds us of the difficult legal and ethical issues confronting us by technological advancements, such as those arising from stem cell research, human cloning, digital crimes in the cyber world and century long debates on euthanasia and surrogacy. All these exciting works are backed up by our cutting edge research and the vibrant academic work carried out by the 5 research centres and dedicated colleagues in the Faculty.

Echoing the vision of Sir Lindsay 50 years ago of blending the two different legal traditions, the Law School has made contribution not only to extending the frontier of legal knowledge, but also to the development of the rule of law in Hong Kong and China, a unique role that it plays in light of the special constitutional status of Hong Kong. Our Master of Common Law programme, introduced in 1997, plays a key role in enhancing better understanding between the two legal systems. Since 1997, we have trained about 600 judges, government officials and top graduates from the Mainland, who are high-flyers in the system. They spent a year studying common law in Hong Kong, followed by a few months of internship with our judiciary or government departments, thus gaining first-hand experience of how the common law system operates in practice. After returning to China, many have now reached a senior level of policy making. Two years ago, when I addressed our Mainland graduates on our 40th anniversary celebration in Beijing, I realised that I was addressing the future leaders of China and how our education has impacted on their thinking and approach to the world. We continue to strengthen our collaboration with leading Mainland universities and are exploring ways to contribute to the stronger professionalization of the judiciary in the Mainland, without losing sight that our strengths lie in our linkage to the common law tradition and heritage and a good understanding of the Mainland.

In June 2012, we moved into the new home at Cheng Yu Tung Tower, made possible by the generous benefaction of Dr Cheng Yu Tung and his family. This marks a new chapter in the development of the law school. For the first time there is a building on campus that is dedicated to law. To us, the new home is much more than affirming our excellent academic achievements, but more importantly, it is a commitment to the education of the future guardians of justice and the rule of law, and a vote of confidence to the Law School in fulfilling its mission of strengthening and further developing the rule of law in Hong Kong and China. The benefaction goes beyond this wonderful new home with state of the arts facilities. It also allows us to bring some of the best legal minds in the common law world to Hong Kong through the Cheng Yu Tung Visiting Professorships and the Cheng Yu Tung Fellowships Schemes, and to realize many more plans, some of which I have outlined here, in the future that, without the benefaction, we would not even dare dream of. Dr Cheng, your encouragement has allowed to achieve what we have achieved today, and your support will enable us to scale even higher achievements tomorrow. As the Spiderman said, with greater powers come heavier responsibilities. On behalf of the Faculty of Law and the University, let me thank Dr Cheng Yu Tung, Dr Henry Cheng and the Cheng's family most profoundly for entrusting us with this great and honourable responsibility.