

**Speech by The Honourable Chief Justice Geoffrey Ma
at the Graduation Ceremony of the
School of Law, City University of Hong Kong
12 December 2016**

Dean, Distinguished Guests, Graduates, Ladies and
Gentlemen,

It is a great honour for me to be invited to the graduation ceremony of the School of Law of the City University of Hong Kong, and to be asked to say a few words. I congratulate all of you graduating today and of course your family and friends. The School of Law will celebrate its 30th anniversary next year and has much to be proud of. Achievements aside, the importance of a law school lies in the graduates – all of you – understanding the concept of law and its true meaning in a community. Only then will you be in a

position properly to understand the rule of law and to explain it to others.

The study of law is a discipline that is at the same time rich in philosophical undertones and also in practicalities. Tonight is not the occasion to delve into the different viewpoints that philosophers over the years have regarded the law. I will, however, make reference to one legal philosopher – Hugo Grotius, the Dutch jurist of the late 16th and early 17th Centuries. Grotius saw the importance of reason in law and regarded as a fundamental aspect of man-made law (which he called natural law as opposed to divine law) the desire for order and reason. It is from this premise that Grotius developed his theories on international law for which he is well known. His famous work *De Jure Belli ac Pacis* (On the Law of War and Peace) (1625) derives from this principle.

Reason as the basis of law connects the philosophical foundations of law to its practical application and this connection takes us into present day Hong Kong. Everyday, important decisions are made by our courts and judges that have significant impact on our lives and the lives of others in the community. Decisions of the courts often have an impact well beyond the immediate parties to the legal proceedings leading to the judgment. It is of critical importance that all judgments of the courts are fully reasoned so that the community can see that the law, legal principle and the spirit of the law have been followed.

In the discharge of their responsibilities, judges are required by their oath of office to apply the law. The system of law under which Hong Kong operates is the common law; quite simply Hong Kong is a common law jurisdiction and is

recognised worldwide as such. It is also the system of law mandated for Hong Kong under the Basic Law.

The Basic Law prescribes the systems to be applied to Hong Kong, these reflecting the basic policies of the PRC regarding Hong Kong. One of the principle themes of the Basic Law is the continuity of those institutions which have served Hong Kong well over the years and which have contributed to our success. The various Chapter headings in this document enumerate those aspects vital to the success of Hong Kong : the political structure, the economy, education, science, culture, sports, religion, labour, social services and other matters.

Lawyers and everyone involved in the law will of course focus on the legal parts of the Basic Law, and rightly so because it sets out not only the legal system for Hong Kong

– the common law system as I have earlier mentioned – but fundamental points of principle. I mention three facets which have served Hong Kong well over the years and will continue to do so in the very many years to come.

The first are the fundamental rights clearly set out particularly in Chapter III of the Basic Law including the right of equality, freedom of speech, access to the courts, the right to challenge by legal proceedings the acts of the executive (indeed anybody) if rights have been infringed and the application of the International Covenant on Civil and Political Rights (the ICCPR).

The second important facet is the independence of the judiciary. The judiciary is the institution responsible for the adjudication of legal disputes according to law. It does so independently and what this means is that everyone is treated

equally before the courts irrespective of who or what they are. This is the significance of the blind-folded face of the statue of Themis (Justitia is her Roman name) which stands on the top of the facade of the Court of Final Appeal building. She is blind-folded, oblivious to the identity of the litigants before her, but concerned only with the legal merits of the dispute the court has to resolve. The Judicial Oath taken by all judges requires us to swear to uphold the Basic Law and to serve Hong Kong “conscientiously, dutifully, in full accordance with the law, honestly and with integrity, safeguard the law and administer justice without fear or favour, self-interest or deceit”.

This leads to the third facet which relates to the qualifications of our judges. The Basic Law requires that judges are to be chosen on the basis of their judicial and professional qualities. And, in keeping with Hong Kong

being a common law jurisdiction, judges may be recruited from other common law jurisdictions and there is also a specific reference to the Court of Final Appeal inviting judges from other common law jurisdictions to sit on the Court. In this latter respect, Hong Kong has, since 1997, benefitted significantly from the presence of such judges from common law jurisdictions.

The law means a lot to the people of Hong Kong and has contributed much to our success. The system of law is worth preserving. I hope that all of you law graduates will do your best to uphold the rule of law. I once again congratulate you, your family and friends. I wish you much success, good health and happiness.
