

**Address Given by
The Honourable Chief Justice Geoffrey Ma
on the Occasion of the
Conferment of Honorary Doctorate Degrees
by the Chinese University of Hong Kong
on 1 December 2016**

It is an immense honour for me to be invited to give this Address on behalf of Professor Au Ho-nien (歐豪年教授), the Venerable Master Hsing Yun (星雲大師) and of course myself. We are deeply honoured for the conferment of honorary doctorates on us by the Chinese University of Hong Kong. I was told recently by Sir T L Yang that the greatest honour a University can bestow on a person is a doctorate. I agree and I am of course humbled by this. I do not pretend that this degree is entirely, or even mostly, for my own achievements. For me, the significance lies in a recognition of the importance that law plays in the life of a community like Hong Kong and the responsibilities discharged by the

Judiciary within it. And the importance of law in a society lies in a very simple concept : law epitomizes the respect for individual rights and liberties, and the respect also for the rights and liberties of other people. This inclusion of other people's rights is important. All too often, the emphasis by some people is only on their own individual rights and liberties, and little or no regard is paid to the rights and liberties of others who also live and work in the community. Of course it must be acknowledged that sometimes, different interests will pull in different directions but there must still be respect for the point of view of others. Otherwise, intolerance begins to develop in the community. I can sum this up in one sentence : just as you expect others to respect your rights, you must also respect other people's rights. This should be inherent in a community.

In order to help define this concept of respect, we must look to associated concepts. Dignity comes to mind. In a society in which people respect each other and each other's rights, dignity becomes important. Almost every constitutional principle and every constitution that I have ever come across, can be said to be based on the concept of dignity. This word is even mentioned expressly in some constitutions such as the Swiss and South African constitutions. The very first article of the German Constitution states that "human dignity shall be inviolable, and that to respect and protect it shall be the duty of all state authorities". The concept is also inherent in Hong Kong's own Basic Law.

The starting point for any serious discourse on respect and dignity within a society is to embrace a concept of equality as well. This has been the premise of most philosophies. Thomas Paine, the famous 18th Century English

philosopher reminds us that every person is born equal and it is from this that human rights flow. Before him Plato, in *The Republic*, placed equality at the forefront of any discussions on justice. Rousseau in *The Social Contract* proceeds on the basis that all law which is intended to be applied to the community must be general and equal in their application and should not discriminate.

Equality is a concept that is important in Hong Kong. It is at the heart of the application and enforcement of all laws here. As a concept, it is the opposite of arbitrariness. The Basic Law which is the constitutional document governing the Hong Kong Special Administrative Region, reflecting as it expressly states the basic policies of the People's Republic of China regarding Hong Kong, stipulates equality before the law in at least two articles : Articles 25 and 39. With this constitutional requirement, this also being the

spirit of the law, the judges and courts in Hong Kong regard it as their duty to enforce this concept.

I believe that Hong Kong judges and courts have discharged this constitutional requirement of the Basic Law and will continue to do so. It is vital to the fabric of our society that this fundamental in the law remains for everyone a constant in the equation of the community, and not some sort of variable. For any society, and Hong Kong is one, which has respect and dignity at the forefront of its culture, this is a society which regards the rule of law as one of its core values. The term 'core value' is a term that is much used these days. For me, a core value means a value that every member of society regards as essential to achieve those objectives of respect for individual rights and the rights of others, and dignity.

In 2013, I had the great honour of being invited by this University to deliver the 50th Anniversary Distinguished Lecture. The title of the Lecture was *The Essence of Our Society : From a Written Constitution to Reality and into the Future 50 Years*. In it, I asked the rhetorical question : what of the next 50 years? It is right always to look ahead, only glancing at the past to heed lessons of history. One of the lessons of history is that the World (and of course Hong Kong) have always faced challenges which in real time have seemed extremely difficult to deal with. For young people, the excitement of youth has the prospect of adventures in life but it also sometimes involves a feeling of uncertainty over many things. Events, whether worldwide or locally, may contribute to this uncertainty. This ought not, however, be exaggerated. What has also been the experience of history is that whatever challenges present themselves, they are almost always overcome.

They are overcome as long as one bears in mind fundamentals. I have already described the importance of the core value of the rule of law and what it ultimately stands for. Another fundamental is the value of education. Education facilitates a broadening of one's mind to enable us to appreciate all sides to an argument and to have empathy. It will help us to be broad-minded and this in turn will lead to tolerance, respect, and mutual understanding – the best characteristics of any society.

The philosophy of the Chinese University, in common with all leading universities, is to educate in the way I have just articulated. The University's motto reflects this. This University is a place of learning. Students are encouraged to understand their role in the community and be broad-minded. This will provide them with the capacity and ability to deal with the outside world once they leave this

campus and to realise their hopes. They will then be able to make further contributions to our community.

On behalf of Professor Au and Venerable Master Hsing Yun, I once again thank the University for these honours. I also personally congratulate them and all the recipients today of doctoral degrees as well. I wish you and everyone here good health and every success.