

Opening Address by SJ at Youth Summit of "I Generation"
Youth Integrity Programme (English only)

The following is the opening address by the Secretary for Justice, Mr Wong Yan Lung, SC, at the Youth Summit of the "I Generation" Youth Integrity Programme today (March 13):

Tim, Moses, John, Distinguished Guests, and young friends at the Youth Summit:

Awakening after financial tsunami

It is my great pleasure to join you this morning. I was invited to speak on a similar function of your programme back in 2007. I touched on the importance of ethical leadership and how dubious ethics had led to the demise of corporate giants like Enron and Worldcom.

Since then, the financial tsunami swept through the whole world, brought about the downfall of many more big names, the most severe recession in the US since World War II, and a seismic shift in the international financial landscape.

Someone once remarked that one of the underlying causes of the financial turmoil was the emergence of a group of economics scientists who engaged themselves in the development of derivative investment products. With their boundless innovation and creativity, they defied all regulations and relentlessly pushed returns, income and bonus to new heights, turning a blind eye to risks, loading, social responsibility and even morality.

But later on a former senior Goldman Sachs person told me there was a silver lining to the financial tsunami in the US. He said it had brought about an awakening to the people to stop insatiable greed and indulgence, and to return to simple but precious things in life, such as family, health and other old values. And on these old values, President Obama, who won the hearts of the Americans in the midst of the financial storm, advocated this:

"[o]ur challenges may be new. The instruments with which we meet them may be new. But those values upon which our success depends - hard work and honesty, courage and fair play, tolerance and curiosity, loyalty and patriotism - these things are old and true ... What is demanded is a return to these truths. What is required is

a new era of responsibility.”

Indeed, hard work and honesty, courage and fair play, are very much the elements of “integrity” which is the theme of your summit. They are the essential qualities which establish the person and the community.

Hong Kong’s strength: legal and judicial independence

It has always been said that the lynchpin of Hong Kong’s success is our rule of law. The rule of law is inseparable from judicial independence. “Integrity” in the sense of an unremitting commitment to the law or principles or beliefs with no compromise on account of favour or fear, is the common foundation of the rule of law and judicial independence.

In adjudicating cases, a judge must be free from any kind of influence, including material gains or personal popularity or political pressure, which may detract him from his supreme obligation to decide the cases in accordance with his honest judgment and according to the law. Here in Hong Kong, we have a judiciary who is trusted by the people and business activities thrive on that confidence.

While I was preparing for this morning’s address, I read that in his working report to the National People’s Congress submitted two days ago, the President of the Supreme People’s Court, Mr Wang Shengjun, lamented that corruption on the part of a few judges in the Mainland had seriously tarnished the image of the judiciary and the public confidence in the judicial system. He urged a return to the core values of integrity and justice.

Barrister’s profession - personal experience

I had only been a High Court Judge for a month when I was invited to deputise in 2003. I was a barrister in private practice for almost 20 years before joining the Government. The legal profession is of course an honourable profession. A true leader at the Bar is someone who can be trusted not just by his clients, but also the Court and his opponents. The ground rules of honesty and fair play must not be departed from.

Barristers owe a duty to the Court to be honest in their conduct in court. First and foremost, no one can distort the facts or make misrepresentation to the court. For such conduct may well already amount to perverting the course of justice, which is a criminal act.

The duty of honesty and fair play goes further. The barrister has a duty to refer to the Court any relevant authorities or principles to assist the Court to decide the matter before it, even when those relevant authorities or principles are against him. The good barrister will not take unfair advantage over his opponent. I remember doing a case against a Senior Counsel some years ago. The judge invited the Senior Counsel to develop a technical point against me which was not justified. The lady Senior Counsel rose up courteously and said, "My Lord, as a matter of fairness, this is not a point that should be made." This is professional integrity: not willing to trade one's "integrity" with any immediate gain, advantage or expediency.

I also remember a case I did some years ago where I acted for a bunch of gentlemen in their 60's who ran an owners' corporation. The chairman was apprehensive of giving evidence in court. To him, court cases were warfare of craftiness and deception and he was not very good at it. He was under tremendous pressure and feared that if he said anything wrong or inappropriate, the case might collapse because of that and he would take the blame. I told him to relax and "just tell the truth". Eventually, they won and the credibility of this witness was key. I still remember that chairman coming up to me, with a broad smile: "You are right, telling the truth is the best policy", he said.

Administration of justice

In private practice, I saw the law more as a means to resolve people's disputes, to vindicate people's rights, and to punish wrongs. It is fulfilling because it demands one's intellectual and inter-personal skills. It is a career which allows us to assist in the personal and business lives of countless clients, from all walks of life.

Now as Secretary for Justice, I can testify to the much wider purposes of the law, and preach more loudly the importance of integrity. It is here, in the handling of "public" justice, in areas such as prosecution of offenders, law enforcement, human rights, access to justice and law reform, where many more people are affected, and where you are challenged more often by hard questions of law which engage idealism, principles, public interests, proportionality and significant impact on the community.

One simply cannot allow any compromise in the commitment to the rule of law and the underlying principles of justice, by virtue of any irrelevant considerations, or induced by any favour, or intimidated by any pressure or influence.

Take prosecution as an example. Under the Basic Law, the Department of Justice is responsible for all prosecutions in Hong Kong free from any interference. Complete integrity is expected of prosecutors. A judgment of a prosecutor should never be overborne by political, media or public pressure. As Daniel Bellemare QC, former Vice President of the International Association of Prosecutors, explained:

“It is not easy to be a prosecutor. It is often a lonely journey. It tests character. It requires inner strength and self-confidence. It requires personal integrity and a solid moral compass.”

The same requirement of integrity also applies to other people involved in the law enforcement. The Independent Commission Against Corruption which Dr Tong heads, for example, commands great respect and trust of the Hong Kong community by virtue of that quality of integrity and professionalism, and 35 years of relentless effort in stamping out corruption in Hong Kong.

The business world

Moving on the wider community, integrity and fair play are also essential in the business world if one appreciates a sustainable and healthy economy. This is particularly so for Hong Kong as an international financial centre.

Here in Hong Kong, we are making every effort to improve corporate governance and to provide a better environment to encourage trust and fairness. In the past few years, apart from continuing to re-write our entire Company Law, we have promulgated the Code on Corporate Governance Practices, and established the Financial Reporting Council to strengthen the oversight of the quality of financial reporting.

A transparent system and high degree of accountability help you maintain your integrity. After all, we have to accept human nature: if there is no need to disclose, or little chance of being found out, there will be less inhibition to take the easy but deceptive

route.

Our efforts and achievements have been recognised. Earlier this year, the Heritage Foundation ranked Hong Kong as the world's freest economy for the 16th consecutive year, acknowledging our virtues in maintaining a transparent legal system, keeping corruption in check, and adopting a simple and open regulatory regime. Transparency International and the Political and Economic Risk Consultancy have also consistently rated Hong Kong as one of the least corrupt places in the world.

Personal side - believe in integrity

"Honesty, such a lonely word. Everyone is so untrue. Honesty, it is hardly ever heard ..." I don't know how many of you know this 1978 song of Billy Joel. It seems honesty does not sound like a popular commodity in our modern world.

Well, you have to be convinced it is worth your while being honest and committed to your principle before going any further. Of course, a lot boils down to what you treasure most in life. There is great satisfaction in being able to stand up for what you believe in. What good is it for a man to gain the whole world and yet forfeit his very self?

Ambition is many a time a pretext for greed. But even if prosperity is the goal, I would say only a prosperity achieved through honest means can lead to good will and a reputation of trustworthiness. And in turn these make up the recipe for sustainable prosperity, and one free from any worries for being exposed one day.

Further, your integrity or the lack of it will affect your relationship with other people; most notably, the marital relationship. It also determines what sort of your children you will bring up, as they will mirror what you do and who you are.

Train up integrity

Integrity need be trained up and involves a vigorous discipline. You have to keep reminding yourself of its importance and practise it constantly. For the temptation, dressed up in form of seemingly innocuous "white lie" will come so suddenly and catch you unprepared.

When it comes to departure from the truth, you must

maintain the stance of "not even once". It is the first step of deviation which need be stopped. Because once you have compromised, you will easily go down the slippery path. Next time when something more serious crops up, the fact that you have done it before will cause you to think less seriously about the departure, and cause you to descend further down. Habit starts from a single act.

Finally, may I say and echo what Tim has just said, young friends, come out to the sun and meet with the real people. Don't just lock yourselves up with the computers and the internet. In the Cyber world, hypocrisy is easily nurtured: your true identity and face need not be revealed when you set out to chat with others.

I hope the "I Generation" does not connote individuals who are obsessed with self, i.e. "I" only, to the exclusion of other people. But at times when you are alone, see if you can still live out what you preach. As the old Chinese saying goes "君子慎獨" (a gentleman will be particularly vigilant when he is all by himself not being watched). If you can do that, then you are on the right track in developing true personal integrity.

I wish you all the best. Thank you.

Ends/Saturday, March 13, 2010