

**Speech by Mr Wesley Wong, SC, Solicitor General
at the Graduation Ceremony of the
School of Law, City University of Hong Kong
on 25 November 2017 (Saturday)**

Dean, Distinguished Guests, Graduates, Ladies and Gentlemen,

It is with enormous pleasure that I have the honour to participate in the Graduation Ceremony of the School of Law Class of 2017 at the City University of Hong Kong. Let me first extend my warmest congratulations to those of you who are receiving your degree or certificate, as the case may be, which marks not only the level of academic achievement you have attained but also signifies your dedication to the pursuit of the discipline of law. I know the competition was particularly keen for admission to the P.C.L.L. programme because of the double-cohort: for those receiving your postgraduate certificates, I must say, “Well done.”

2. Conferment of a degree, in many cases, marks the transformation from learning to earning. For a law school, it can mean quite different things for different people. Some may embark upon what may be conveniently called the “vocational” stage of legal training to become lawyers. Some might have in fact been working in the legal field for some time either here or in another jurisdiction but recognise their inadequacies in one aspect or another and therefore have subscribed to a particular programme to address exactly that. Others would wish to take the course for further research or teaching.

3. I believe it was only out of humility, if not a mere display of his sense of humour, that Stephen Hawking, regarded as one of the most brilliant theoretical physicists since Einstein and the author of *A Brief History of Time*, had this to say,

“Because of my lack of preparation, I had planned to get through the final exam by doing problems in theoretical physics and avoiding questions that required factual knowledge. I didn’t sleep the night before the exam because of nervous tension, however, so I didn’t do very well. I was on the borderline between first- and second-class degrees, and I had to be interviewed by the examiners to determine which I should get. In the interview they

asked me about my future plans. I replied that I wanted to do research. If they gave me a first, I told them, I would go to Cambridge. If I only got a second, I would stay in Oxford. They gave me a first.”

He even confessed he had a backup plan in case he wasn't able to do research: to join the civil service¹. The rest is, of course, history.

4. But we don't live in history. The challenges you will face, whatever your future endeavours, are profound and multi-faceted. We all need to respond to the rapid changes that are reshaping our world. In the legal context, I wish to illustrate what you may expect by highlighting three world trends:

- (1) First, just as the industrial revolution has changed dramatically every aspect of the human life and lifestyle, globalisation and, with it, the weaving of elaborate networks of trade agreements between economies will change the way business is done by giving words like “choice”, “market” and “competition” new meanings.
- (2) Second, innovation and technology, including the use of artificial intelligence, is going to revolutionise both the study as well as the practice of the law.
- (3) Third, the enhanced connectivity upon the implementation of the Belt and Road Initiative will increase demand for international legal and dispute resolution services, bearing in mind the anticipated need to manage legal risks, from dispute avoidance to resolution.

5. These forces of change are putting pressure on the way legal education and training is to be properly planned and provided for if today's novices are to be sufficiently prepared to take the lead when they reach their heyday decades into their chosen careers. The Department of Justice, particularly through the Standing Committee on Legal Education and Training, is working hand-in-hand with the legal professional bodies, the universities, and other stakeholders to make sure that the emerging needs of and challenges to Hong Kong's legal sector are met. This is why the

¹ Stephen W. Hawking, *My Brief History - a memoir*, Bantam Press (2013) at p.37.

Secretary for Justice himself is taking a distinct interest over the comprehensive review currently in full swing and has stressed that the ultimate yardstick for considering any changes is public interest.

6. In the meantime, it is heartening to learn, for example, that those of you having completed and benefitted from courses, such as those offered on intellectual property and technology law, international economic law, maritime and transportation law, arbitration and dispute resolution, corporate and commercial law, have made yourselves well-placed amidst the changing legal landscape.

7. Whether tomorrow's lawyers will be Professor Richard Susskind's benevolent custodians of the law (who are ready to make justice accessible to everyone by whatever means possible) or jealous guards of legal services (who insist that everything lawyers do can only be done by highly specialised practitioners and charge accordingly)², a law school is not to be a mere lawyer-producing factory. Legal education also serves the useful purpose of producing generations of graduates who have a strong sense of justice and who are prepared to serve the community by maintaining and upholding the rule of law. This is particularly important for Hong Kong.

8. At the Opening of the Legal Year this January, the Secretary for Justice commented on the worrying signs that the concept of the rule of law had often been misunderstood in the heat of polarised or politicised discussions of public affairs, or was being used by members of the community as a slogan to advance their own political causes³. He started off by quoting from a speech by the Honourable Mr Justice Joseph Fok, Permanent Judge of the Court of Final Appeal:

“... [I-]t is disheartening ... when one sees a commentator saying that a particular result is, or is not, consistent with the rule of law simply because he disagrees with the particular outcome. That sort of comment has a tendency to give readers a false impression as to what the rule of law means.

“If that impression starts to take root, it will almost certainly do a disservice to the rule of law....”

² See Richard Susskind, *Tomorrow's Lawyers – An Introduction to Your Future* (Second Edition), Oxford (2017).

³ <http://www.doj.gov.hk/eng/public/pdf/2017/sj20170109e1.pdf>

9. More recently, Lord Ken Macdonald, QC, former Director of Public Prosecutions for England & Wales and Warden of Wadham College, Oxford, pointed out in an article published in a local English newspaper⁴, that *“the rule of law is not a movable feast. You can’t invoke it when it suits you and then spurn it when it doesn’t”*.

10. Maintaining the rule of law is, certainly, more than the mere compliance with the law. Insistence on the due process of the law and respect for the outcome of judicial proceedings are fundamental, even if one may find the proceeding inconvenient or the consequences difficult to bear.

11. It is imperative that everyone in society should fulfil the civic duty to uphold the rule of law. This responsibility rests squarely on you, as law graduates, whom the community expects as having a better understanding of what the rule of law means and a better appreciation of its importance to Hong Kong’s success. When confronted with irresponsible acts or speeches that sabotage it, even if not irreparably, don’t forget that it is your calling to stand strong in defence of the rule of law. Every effort should be made to prevent the foundation of the rule of law from being eroded. You may well find occasions in your future life that people look to you as the moral compass, don’t let them down.

12. This year marks the 30th anniversary of this University’s School of Law. Over the last three decades, it has nurtured generations of fine lawyers who have contributed and will continue to contribute significantly to our legal system as we know it and in upholding the rule of law. You have every reason to be proud of those who have elevated the reputation of this School, be inspired by them as your role models and take full advantage of this extensive alumni network.

13. As much as the reputation of the School is built on its alumni, the reputation of the rule of law in Hong Kong is built on its people. Today, we can afford to count our blessings sitting in the shade of trees planted long ago. This cannot be taken for granted. Let us not forget that the good fortune of inheriting a legal system renowned for its rule-of-law credentials carries with it obligations. They are the obligation not to undermine generations of hard work and tarnish the fine reputations built over many years and the

⁴ Ken Macdonald, QC, Democracy and human rights are vital for the rule of law – and so is legality, *South China Morning Post* (4 September 2017) (accessed at: <http://www.scmp.com/comment/insight-opinion/article/2109596/democracy-and-human-rights-are-vital-rule-law-and-so>).

obligation to ensure that there are still ripe fruits to pick by the many generations to come.

14. On this note, I wish you every success in your future endeavours and I hope that when you go and celebrate this milestone in your life, you don't forget to thank those around you who have made the sacrifices they did in support of the path you have taken. Thank you.