

**Speech by the Hon Rimsky Yuen, SC, JP,
Secretary for Justice
at the 2017 High Table Dinner of the Department of Law and
Business, Hong Kong Shue Yan University
on 15 March 2017 (Wednesday)
“*The Road Ahead for Law Students*”**

Dr Hu [Dr Hu Fai Chung, Deputy President of Shue Yan University], Dr Chiu [Dr Andy Chiu, Head of Department of Law and Business], Distinguished Guests, Ladies and Gentlemen:

First of all, thank you for inviting me to this High Table Dinner. It is truly my great pleasure to join you again at your High Table Dinner, which provides a good opportunity for students to meet and exchange views with members of the legal and business communities. Since most of the participants tonight are students studying law and business, I would like to share with you some of my personal thoughts on the study of law, and what may be the road ahead. Of course, I have no crystal ball. My aim, rather, is to raise a few questions which I think merit serious consideration by both students and the University.

2. To begin with, may I start with the premises that the legal services market, both in Hong Kong and at the international level, is changing at an unprecedented pace. Over the next decade or so, the way in which lawyers work is likely to change in a drastic manner. When I was doing my law degree in the 1980s, some of us took it for granted that although there would be changes, the overall future of the legal profession would be pretty much like the same. Such a view has been proved to be wrong. If we look two decades ahead from now, it would be completely unrealistic to expect the legal profession or the business community to carry on operating as they now do.

3. It is indeed inevitable that we are going to face challenges, and the legal profession as well as the business communities are no exception. Abraham Lincoln once said, “*The best way to predict your future is to create it*”. When changes are inevitable, one of the key challenges is how we can create opportunities for ourselves by making the best out of the changing environment. In exploring our road ahead, it may be worthwhile to reflect on the following five questions, namely:

- (1) What should be the objective of the study of law?
- (2) What to expect and how to get prepared in the context of the future legal landscape?

- (3) What training is essential for law students and why?
- (4) What is the interface between the government, the universities, the professional bodies and the judiciary?
- (5) What is the role of law students in defending the rule of law?

The study of law

4. The study of law at Shue Yan dates from 1973, only two years after Shue Yan College was founded. As I understand, the founders believed that in a democratic society in which the rule of law is respected, it is important that the laws governing such a society be made known and understood, at least in general terms, by the younger generation. I have great respect for the founders of Shue Yan College, and I echo their views on the study of law. Plainly, it is the founders' passion to cultivate the concept and true meaning of the rule of law into the mind of Shue Yan law students. Through each of you having attained the requisite level of understanding, the spirit of the rule of law could then be exhibited and disseminated throughout different sectors of the community. On my part, I would say that the Hong Kong community is indebted to this timeless and far-reaching vision.

5. The importance of a law department does not merely lie in its function of producing lawyers, but more in its role as a cradle of the "ideal person", or "Junzi" (君子)¹. This is not just an echo of Shue Yan's motto, but also a reaffirmation of my thoughts on education – knowledge and academic excellence are of course very important, but quality education is not just about the pursuit of knowledge or the attainment of academic excellence. Instead, quality education is also about character building, integrity, intellectual honesty and objectivity, a sense of justice, respect for others, as well as a positive attitude towards life.

6. Legal education nowadays is more multidisciplinary than purely vocational in nature. Understanding the fundamental of laws and thinking like a lawyer undoubtedly lie at the very centre of legal education. Yet, to be an effective problem solver requires knowledge beyond legal principles and their applications, for example, knowledge on the development of technology when dealing with complex intellectual property disputes or appreciation of the cultural differences when advising client on an overseas investment project.

7. I am delighted to see that many law students aspire to be a lawyer that keeps providing new forces to our legal profession. I am also happy to learn

¹ See the "Motto" published at the website of the Department of Law and Business, Hong Kong Shue Yan University, available at: http://www.hksyu.edu/Info/our_mission.html

that in recent years there is a message gradually getting across to law students and graduates. The message is that admission into the PCLL programme is not the only career path for them. And many law students in overseas jurisdictions, such as the United States, the United Kingdom, Australia and New Zealand, do not anticipate that they will become lawyers when they choose to study law in universities. More and more people have accepted the broadened view (and I think rightly so) that the objective of studying law is not necessarily vocational for the purpose of becoming a lawyer. Instead, legal education lays a sure and solid foundation for you to become effective leaders in different sectors which involve complex considerations beyond the law.

Future legal landscape

8. To be a successful lawyer in the future, it will not be sufficient for you to be in possession of fine legal minds. Instead, one must be able to feel the pulse of both the global trends and domestic developments. The next step is to think of the ways to equip yourself for such changes. There are no hard and fast rules as it highly depends on individual's strength, interest and aspiration.

9. For the present purposes, may I invite you to pay attention to the following three trends, which are reshaping the world and hence our future –

- (a) *First, globalization and the upsurge of bilateral or multilateral trade agreements, and its impact on the ways international business community operates as well as the development of law, including the development of both public and private international law:* In this regard, for those who study legal history would appreciate the strong correlation between the Industrial Revolution and the emergence of private international law. It would be interesting to see how globalization (and perhaps to a lesser extent regional integration) may provide further impetus to the development of international law (whether public or private) in the years to come.
- (b) *Second, advance of technology, including artificial intelligence, and how study of the law and legal services would be affected:* In this aspect, you might already have heard about the projects implemented by IBM Watson and ROSS, as well as the project undertaken by Riverview. With advance of technology, the process of commoditizing the law has been greatly facilitated. The thrust here is that work that was once handcrafted can now be routinized and disposed of quickly with little need for lawyers' intervention. And by taking advantage of the computing platform that IBM Watson offers, ROSS can predict the outcome of court cases with a confidence

rating, assess legal precedents, and suggests readings to prepare for cases. ROSS can therefore cut case preparation time and legal cost down in a significant manner.

- (c) *Third, the Belt and Road Initiative will probably be one of the key drivers for economic growth in the world and will have tremendous impacts on international legal and dispute resolution services (which would include legal risk management from pre-contract or pre-investment stage up to the stage of resolving disputes).*

10. You may point to different factors, such as President Donald Trump's election victory that might have an impact on multilateral trade agreements and US economic policies and the shocking UK Brexit vote resulting in a recent slowdown in M&A activities and a drop in the number of initial public offerings in the UK. I do not deny that such factors are significant, but my specific focus tonight is on the changes that we can do more to prepare for, in particular, the third point above, namely, the Belt and Road Initiative and its likely impacts, including (from the legal services angle) the impact on international legal and dispute resolution services, and (from the business angle) the impact on issues concerning supply chain and logistics.

11. Under the above trends, many traditional legal services will be phased out sooner or later unless they adapt. On the other hand, a whole set of fresh opportunities will present themselves to lawyers of future generations.

12. The Hong Kong SAR Government's policy of promoting international legal and dispute resolution services is a timely move to seize the foreseeable opportunities that are presenting themselves. The opportunities available to Hong Kong arising from the Belt and Road Initiative, which is a remarkable on-going development, is indeed an area that no law or business student can afford to ignore.

13. As you know, the Belt and Road Initiative was first announced by President Xi Jinping in late 2013. It seeks to promote multilateral economic and trade cooperation, and encourage people to people bond among the over 60 countries along the Belt and Road routes. By rejuvenating the economic connections with long history origin, it is generally agreed that the Belt and Road Initiative will add new dynamics to the economic development for a whole host of countries along the two routes.

14. The relationship between the Initiative and the future legal landscape particularly in the development of dispute resolution services is, I believe, a highly interactive one. Given the likely increase of commercial and investment

activities arising from the Belt and Road Initiative, the demand for cross-border dispute resolution services is bound to increase. As the jurisdictions along the Belt and Road routes have very different legal systems, dispute resolution service is definitely one of the best options to resolve cross-border commercial disputes.

Essential training for law students

15. This brings me to the question of essential training for law students which must go hand in hand with the above overview of our future legal landscape. Nowadays, we cannot deny that the study of law has become more than purely legalistic training in the traditional litigation sense. On the contrary, “legal risk management” should be the core competence and service of lawyers. In other words, their job is to anticipate and address problems proactively before they arise. The focus should be both avoiding disputes as well as resolving disputes, and not just the latter. That said, legal and commercial disputes do arise from time to time, and the global trend is using dispute resolution services, rather than traditional court litigations, as a means to settle disputes.

16. Tomorrow’s lawyers need to be in tune with tomorrow’s clients. In a fast-changing world, we can no longer educate today’s students for tomorrow’s world with yesterday’s school. In this regard, credit must go to Shue Yan’s Department of Law and Business which has been making strenuous efforts to ensure that graduates of the degree programme in Law and Business will be equipped with a wide range of skills, to prepare you for diverse careers in the business environment. With the legal training in a business context, you all will be equipped with the versatile ability to possess logical and critical thinking of a lawyer, as well as the leadership, management and negotiation skills of a businessman, which are essential in contributing to business operations.

17. As I mentioned earlier, a law graduate should not have just a single option of becoming a lawyer for career pursuit. When we assimilate this broad objective into the various global trends and domestic developments, it is not surprising that the essential training for current and future law students will be “diversification” on top of “specialization”. By the time you graduate, you can pursue various possible career paths – you may wish to be dealing with businesses in one professional capacity or another, for example, as a lawyer, an arbitrator, a mediator, an in-house adviser, or you may well become a businessman or businesswomen in your own right.

18. Apart from attending courses in the school campus, law students would have learnt a lot from participating in moot competitions which provide

them a good opportunity to improve their legal and advocacy skills. I would like to take this opportunity to give my commendation to the Shue Yan Department of Law and Business team which took part in the 6th International ADR Mooting Competition last summer. The Shue Yan team advanced to the arbitration quarter-finals, and one of the team members was also awarded the “Best Oralist (Arbitration Proceedings) in General Rounds”. Your excellent performance is the most convincing testimony of a school’s success; as well as a strong proof of Shue Yan’s continuous efforts in realising its vision in education.

19. Indeed, the training afforded by the pursuit of a law-related degree can provide useful skills and experience whether or not a career in law is taken up later. That can also provide a broad and valuable training to serve students for a career in the business world – not just because law graduates have a grasp of a large body of rules and regulations, but for the intellectual rigour, the clarity of analysis, the facility for critical thought, the precision with language, the capacity for in-depth research, ability to put current events in context and understand key issues and trends and confidence in public speaking that the degree should build and provide.

20. I am glad to note that the Business and Law Degree offered by Shue Yan University is such a degree. It is preparing the next generation of lawyers who will be more flexible, team-based, hybrid professionals, who are able to transcend legal boundaries, speak the language of the business world, and are capable of drawing on techniques of modern management.

Interface between the government, universities, professional bodies and judiciary

21. Of course, we should not confine our consideration to the career prospect of law students, since there is the more fundamental subject, namely, the future of legal education.

22. Traditionally, legal education is divided into two stages: the academic stage and the professional preparation. While there is a joint responsibility between the universities and professional bodies for legal education, there has also been tension between them. On one hand, it is considered that an academic law degree should provide intellectual rigour as part of an independent liberal education without being tied to a specific vocation. On the other, the function of the law degree to equip students for legal practice was keenly felt and the direct relevance for a law degree for practice is questioned.

23. Given the global trends in an unprecedented state of change highlighted earlier, I believe that a multi-disciplinary approach should be taken

and the previous demarcation between academic and vocational training should be revisited. All stages of legal education should aim to satisfy the same goals: imparting intellectual integrity and independence of mind, core knowledge, contextual knowledge, legal values and professional skills to students.

24. As regards the Government's efforts in this regard, we have a statutory body known as the Standing Committee on Legal Education and Training (SCLET) seeking to enhance greater cooperation amongst the various parties for legal education. It was established in 2005 under the Legal Practitioners Ordinance (Cap. 159), consisting of representatives from, amongst others, the two legal professional bodies, the three local law schools, the Judiciary, the Education Bureau and Department of Justice. One of its functions is to keep under review, evaluate, assess and make recommendations on the system and provision of legal education and training in Hong Kong.

25. In December 2013, SCLET considered it necessary to conduct a comprehensive review on legal education and training in Hong Kong through a study by independent consultants ("the Study") with a view to, amongst others, advising on the requirements of a legal education and training system which is best capable of meeting the challenges of legal practice and the needs of Hong Kong society. I mention the Study on this occasion as it is a vivid example of how the HKSAR Government together with the other major stakeholders of the legal profession such as the judiciary, the two legal professional bodies and the universities, tackle issues concerning legal education with a multi-disciplinary approach.

Role of students in defending rule of law

26. Given the breadth of the roles of lawyers, it is imperative that lawyers understand that their ethical responsibilities are correspondingly broad as well. Despite the unpredictable nature of changes, I believe there is still a fundamental principle deeply rooted in legal education. The rule of law has weathered centuries of global changes. As one of our core competitiveness, it is particularly pivotal to the success of Hong Kong. Everyone in his or her capacity should fulfill the civic responsibility to uphold the rule of law.

27. I urge you to work in the law in the interest of Hong Kong as a whole and not of lawyers. The law is not there to provide jobs and a living for lawyers. It is not the purpose of law to keep lawyers in business. The ultimate purpose of lawyers is to help to support the rule of law in the community.

28. As a law student, you may ponder how you can do your part in defending the rule of law. Maintaining the rule of law is certainly more than

mere compliance with the law. Respect for the due process of the law and the outcome of judicial proceedings is fundamental, even if one may find it inconvenient or the consequences difficult to bear. This applies to public authorities, commercial enterprises and private individuals alike. This is why keeping our substantive and procedural law up-to-date so as to meet the needs of our society and the changing world is of such vital importance in maintaining the rule of law. In this regard, law students do have a role to play. There are plenty opportunities in your legal education to find out and examine the various areas of our law in such manner that you may discern how the applicable legal principles have developed in its socio-economic context, and may as well identify the need for improvement, even if it means balancing sometimes conflicting interests and objectives.

29. I also feel obliged to take this opportunity to mention another important spirit, namely, the core civic value of “respect and inclusiveness”. As a law student, apart from advocating your own case, you should not forget (still less ignore) the importance of mutual respect. The value of “respect and inclusiveness” is the very kind of spirit treasured by any non-adjudicative dispute resolution process such as mediation. It is essential to see that people in a civilized society would respect one another and accommodate others with diverse cultural background, different views and perspectives. The effect of having “respect and inclusiveness” in society is no doubt always a positive one, and will certainly benefit Hong Kong more than we can imagine. I do believe that filling Hong Kong with positive energy will help our collective efforts in defending the rule of law against challenges to it.

30. Ladies and gentlemen, the future of our society is shaped by our younger generation (which includes many of you sitting here tonight). Echoing Abraham Lincoln’s saying which I mentioned at the beginning of my speech – “*The best way to predict your future is to create it*”, I urge you to forge new paths for yourselves, whether in the legal profession or otherwise.

31. On this note, it remains for me to congratulate the organisers for making this High Table Dinner such a great success. No doubt the credit goes to Dr Andy Chiu, the Head of the Department of Law and Business, who has been giving unfailing support and guidance to his students, as well as everyone involved in making this High Table Dinner such an enjoyable occasion. May I also wish you every success in your future endeavours.

Thank you.