

The Chinese University of Hong Kong
Master's Degree (2016-2017) Graduation Ceremony

Faculty of Law

18 November 2017

Speech by The Honourable Mr. Justice Zervos

Pro-Vice-Chancellor, Professor Denis KP Ng, Dean of the Faculty of Law, Professor Christopher Gane, Members of the Faculty, Distinguished Guests, Ladies and Gentlemen, and most importantly Graduates.

It gives me great pleasure to address you today on this very special occasion, and I extend my warmest congratulations to you all. It reminds me of two things, how young you are and the journey you are about to begin, and how old I am and the journey I have taken. It also reminds me of the time when I, like you, attended a graduation ceremony and had conferred on me a law degree.

Although a long time ago, it only seems like yesterday, I graduated in law. Little did I know at the time where life's path would lead me, especially here today to address you.

The Chinese University of Hong Kong has distinguished itself as an outstanding academic institution both here and abroad.

To be a graduate from the Law Faculty of Chinese U will have a profound impact on the rest of your life. The Law Faculty is universally recognised as a progressive and innovating school of law under the stewardships of Professor McConville and Professor Gane. It has an outstanding reputation as an institution of academic excellence, one that you can proudly attach yourself to and one that you should carry forward in your future endeavours.

Plutarch, a Classical Greek historian, once said that the very spring and root of honesty and virtue lie in good education.

Chinese U has given you such good education. It has instilled a way of thinking and an approach to life that will be with you always and that will guide and assist you in all that you do. It will also give you a firm foundation and an everlasting bond with fellow graduates and teachers that you can always call upon whenever the need may arise. Your colleagues today will be your colleagues for life.

I am sure you realize that we live in a complex world and it is getting more and more complex every day. Our values and norms are being tested and developed as circumstances change. Sometimes for the better, and sometimes creating sharp conflict and division within the community.

You, as future lawyers, will have an important role to play as members of the legal profession in setting the standards and the ideals which others follow. It will be in this regard that the challenges that you experience will be the greatest.

We should not be afraid of change, but we should always ensure that it is change for the better.

As stated by Aharon Barak, the former President of the Supreme Court of Israel, in his celebrated book, *The Judge in a Democracy*:

“The law regulates relationships between people. It reflects the values of society. ... But the law of a society is a living organism. It is based on a factual and social reality that is constantly changing. Sometimes the change is drastic and easily identifiable. Sometimes the change is minor and gradual, and cannot be noticed without the proper distance and perspective. Law’s connection to this fluid reality implies that it too is always changing. Sometimes a change in the law proceeds social change and is even intended to stimulate it. In most cases, however, a change in the law is the result of a change in social reality. Indeed, when social reality changes, the law must change too. Just as change in social reality is the law of life, responsiveness to change in social reality is the life of the law.”

You are the graduates of the class of 2017. It was 20 years ago that on 1 July 1997, the sovereignty of Hong Kong was transferred to China and the Basic Law came into effect. It brought about a new constitutional order and a new beginning for Hong Kong. A key foundation to the Basic Law as stated in the preamble is “maintaining the prosperity and stability of Hong Kong”. Implicit in the maintenance of stability is maintaining and upholding the rule of law. Our way of life was guaranteed to remain unchanged for 50 years with the common law system to continue in Hong Kong.

Upholding the rule of law requires respecting rights and freedoms, and meeting societal interests and serving the public interest.

The Law is meant to serve the individual and society. Concomitant to individual rights and freedoms are the duties and responsibilities that come with them. Respecting individual human rights requires respecting each other.

Tom Bingham, in his book, *The Rule of Law*, said the concept of the rule of law is not fixed for all time, and is an ideal we are striving for in the interests of good government and peace, at home and in the world at large.

The aspirational objectives of the rule of law are that laws should be fairly and transparently made and generally acceptable to those to whom they apply, that they should be publicly and readily accessible, and are prospective, consistent and stable. There must be due process in the application of the law in that it is fairly and properly applied and dispense. All are subject to the law. Equality of all before the law, and

that no one is above or beyond the law. There must be facilitation and protection of individual human rights.

Underpinning the rule of law are the structures and institutions that give it force and meaning, which in order to do so should be independent, professional, transparent and accountable.

The common law is a continuing conversation between lawyers of one generation to the next. It started a long time ago and that conversation continues today and will continue in the future. Your time will come to step forward and participate in this conversation to steer and fashion the common law to meet the changing social reality. Do not underestimate the important contribution that you are now required to make. Do not be complacent and do not stop questioning - for the law is constantly evolving and always in need of reform and improvement.

The road ahead will not be easy but it will be rewarding and fulfilling if you work hard and are sincere about the law. There will be great challenges and major disappointments, but there will also be great satisfaction and major achievements. But no matter what the circumstances or situation, the maintenance of a good reputation and high standards of integrity and probity are a measure of your self-respect and the respect for and of others.

It is often said that personality opens doors but its character that keeps them open. Character is everything.

In a time where the emphasis is on results and appearances, we sometimes forget the importance of being honest and true, not only to others, but to ourselves. Being a person of good character is an essential ingredient to future success both in your personal and professional life.

Your qualities and virtues as a person will reflect in all that you do.

So be true to yourself and put the interests of others above your own.

Be motivated out of a genuine desire to help others and make the community a better place for all of us to live.

Be committed to what you do and give it your all and more if you have to.

Be open-minded and be prepared to learn and discover what the world and life have to offer.

Be respectful and understanding in your dealings with others. Treat people fairly, and treat them as you would want them to treat you.

Above all, be caring and compassionate and never forget who you are and the journey you took to where you are. No one is better than anyone else, and no one should be.

Your duty to the law is paramount, and with it comes a great and onerous responsibility:

- spawned by our legal heritage and principles,
- nourished by our sense of duty and commitment to fairness and justice, and
- defined by our endlessness quest for what is just and right.

You are part of the next wave of guardians of the rule of law and of our way of life in Hong Kong.

Never forget the contribution and sacrifice that others have made before and for you.

Never forget what has been entrusted to you, and what you have to protect at all times now and in the future.

Protect the Basic Law and the fundamental rights and freedoms that are guaranteed to all.

If there is one thing that I ask of you, it is this. Never lose sight of your commitment to the truth – which is essentially our sense of right and wrong, of good and bad.

It is the truth in everything that we do, both in our personal and professional lives, that matters above all things.

We should never lose sight of or sacrifice the truth for that would be fatal.

It is by standing up for the truth that we faithfully serve the law and the community in which we live. The greatest harm to society is when we stand by and do nothing in the face of a wrong or an injustice.

Distorting the truth to make a point or to obtain an advantage is short lived and hollow. The truth counts for everything - in your dealings as a professional and as a person.

Defending and upholding the truth is part and partial of being a person of good character.

You have got where you are today through hard work and dedication. Your learning of the law has been outstanding and your academic achievement today is something that you and those close to you should be proud of.

Of course, you appreciate without the support and encouragement of your family and those close to you, your role in life may have been very different. The support and sacrifices your parents in particular have made for you can never be repaid. But the sense of pride and satisfaction that you are giving them today makes this occasion also theirs. I am sure that your parents and those close to you are very proud of you for who you are and what you have achieved.

You have declared to yourself and to all around you that the path that you have chosen in life. You will leave today's graduation ceremony to embark on your real education and put into practice what you have learned in theory. It is up to you how far you wish to go and how you do it.

There is a Chinese saying: "Teachers open the door, but you enter by yourself."

Your graduation in law today is the doorway to a new and challenging beginning for which you have volunteered to serve the public interest and the public good.

The practice of law is not a job, it is a commitment. It is a commitment to a set of ideals and traditions, and to a body of principles and standards.

There is no reason why you cannot achieve great things and make a major contribution not only to the law but also to the community.

The practice of the law is all about hard work and being dedicated and committed to it. Most importantly, you never stop learning from it.

A famous scientist once said - assume zero knowledge, and assume infinite intelligence. The first helps you to avoid the curse of knowledge, and the second, to avoid the curse of arrogance. Do not ever think you know it all or that you are better than everyone else.

Keep your commitment to the law and maintain your sense of duty at all times. But be true to the law at all times. Ensure that all persons are treated equally before the law and that justice is fairly and properly dispensed.

Strive to be better and ahead of the times.

Strive to be good in what you do, maintaining the highest standards of integrity and honesty.

Let me assure you that the results through honest and hard work and provide no greater sense of satisfaction or reward.

In your endeavours you should look beyond your immediate objectives and do not feel constrained or limited in your pursuit of excellence and search for professional fulfilment.

Nothing is impossible or beyond your reach if you put your mind to it.

No problem so insurmountable that it cannot be overcome.

There is no reason why you cannot achieve all that you desire and more. All it takes is effort and commitment.

Believe in yourself. Always do what you think is right, because invariably it will be. And pursue your goals to the end.

As young lawyers and future leaders of the profession, zealously guard the rule of law and our system of justice.

You will be the person that others turn to when they have a problem and seek justice. And you will be the person that the law turns to, to give it force and meaning.

Speak up for what is right and just. Stand up for the less fortunate and vulnerable. But at all times bear in mind your duty to uphold our system of fairness, justice and openness and to maintain high professional standards of integrity and probity.

There is an extraordinary world out there and the opportunities are many. All it requires is a preparedness to reach out and discover the rich tapestry of life and the professional opportunities that are there for the committed.

Seek out new challenges and experiences and look beyond the horizons.

The future is not a gift. It is something that is earned and achieved. You are the master of your destiny. Take the path that offers the greatest challenges, and you will never look back.

It is now time for you to take your first steps on your path in the law, to make your own contribution and establish your own reputation. It is your time to make a difference and to serve the public interest and the public good.

I sincerely hope that you realise your goals and achieve your full potential in your life's journey. I also sincerely hope that you never forget your responsibility for upholding the rule of law in Hong Kong. For you are its future.

Once again congratulations, and I wish you all the very best in your future endeavours.