

Honorary Fellow A Citation



The Honourable Mr Justice Chan Siu Oi, Patrick, LLD (Hon), LLB, PCLL

As is widely known, the rule of law is one of the cornerstones of Hong Kong's prosperity. But it is part of ancient Chinese wisdom that law alone is ineffective and cannot be imposed on the people simply through fear of its penalties. As Mr Justice Patrick Chan says: "the rule of law prevails only where there is respect for law." And there will be respect only when the people know that they can trust the legal system, trust that it is just, accessible and fair to all members of the society, no matter who they are, how wealthy or well-connected, or what language they speak. The common law, rooted in the English language, is a precious part of Hong Kong's legal heritage. It remains a significant part of the background of the Basic Law that came into effect in Hong Kong with the return of sovereignty to China. For the Basic Law to be respected as just and accessible by the Hong Kong people, however, it has to be administered in the language they best understand. Nobody has expressed this view more firmly, or done more to make it a reality, than the man we are honouring here this evening, Justice Patrick Chan.

As Chairman of the Committee for the Greater Use of Chinese in Courts, Justice Chan embraced the very significant challenges of creating the conditions by which Chinese could be more widely and effectively used in court cases. Trials in Chinese at all levels had not become an option in Hong Kong until 1995; no other common law jurisdiction in the world had any experience in the use of Chinese as a legal language. Under his leadership many pioneering initiatives have been taken to make legal bilingualism in Hong Kong courts a reality: a series of books about the common law in Hong Kong's bilingual setting, dealing with cases on employment, crime and property; an Anglo-Chinese legal dictionary; the training of legal professionals in legal translation; and required Chinese enhancement courses for bilingual Hong Kong judges. Thanks to Justice Chan's leadership, the use of Chinese in Hong Kong courts has not only increased greatly in recent years, but Chinese as a legal language has grown significantly in effectiveness.

Patrick Chan was educated in Hong Kong, at Wah Yan College where he was taught, among many other things, care for the disadvantaged. He completed a Bachelor of Laws and a Postgraduate Certificate in Laws at the University of Hong Kong. He was called to the Bar in 1976, became a District Court Judge in 1987, Deputy Registrar of the Supreme Court from 1991-1992 and Judge of the High Court 1992-1997. In 1997 he became the first locally educated person to be appointed Chief Judge of the High Court. In 2000 he was appointed Permanent Judge of the Court of Final Appeal.

As a Judge of the High Court and Permanent Judge of the Court of Final Appeal Mr Justice Chan has had to make interpretations of the Basic Law that have had deep implications for Hong Kong's representative institutions such as -- in a famous judgment handed down in 1997 -- the Provisional Legislative Council. In this way he has made invaluable contributions in



establishing Hong Kong's constitutional identity. His judgments have also crucially defended equality before the law, constitutional rights and judicial independence, some of the issues that have been at the heart of the "One Nation - Two Systems" compromise.

Among his many contributions to the development of the administration of law in Hong Kong and Mainland China, Mr Justice Chan has played a pivotal role in enhancing the cooperation between the two jurisdictions by the signing in 1999 of the "Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Proceedings between Mainland and Hong Kong Courts." He has also facilitated the judicial placement scheme for Mainland legal scholars and judges to get training in the common law.

Mr Justice Chan has been a strong advocate of Law Reform and in 2000 chaired the Chief Justice's Working Party on Civil Justice Reform. This body tackled the problems of the cost, timeliness and accessibility of civil litigation in Hong Kong, especially to the economically disadvantaged. Here again, the fairness and availability of the civil justice process to all citizens, whether wealthy or poor, were the crucial issues. In this role, and through his work on the Law Reform Commission, Mr Justice Chan has enhanced the respect in which the Hong Kong justice system is held by its people.

Among his many public and community services, Mr Justice Chan has played a significant role in the reform of legal training in Hong Kong as a Member of the Standing Committee on Legal Education and Training, and as a Member of the Academic Board on Postgraduate Certificate in Laws Reform at both the University of Hong Kong and the City University of Hong Kong. He was also Chairman of the Review Committee on University Governance and Management at City University. He has also been Chairman of the Selection Panel of the Hong Kong Humanity Award, organised by the Hong Kong Red Cross and Radio Television Hong Kong. He has been President of the Scout Association of Hong Kong, and Patron of the Hong Kong Social Workers Association.

Mr Justice Chan once confessed that he had always harboured an ambition to serve the disadvantaged as a social worker. Since 1987 he has partly fulfilled this aspiration by serving as an Adjunct Professor in the Department of Social Work at The Chinese University of Hong Kong. Here he has played a significant role in course development, implementation and evaluation through his professional knowledge in jurisprudence and wealth of experience. As the Chairman of the Advisory Committee of the Department of Social Work of The Chinese University of Hong Kong since 2002, Mr Justice Chan has prompted members of the Committee to offer constructive advice that has inspired the Department to achieve further excellence. From 1985 to 1991, Mr Justice Chan featured articles on law for social workers in almost every issue of the quarterly publication of the Hong Kong Council of Social Service.

Mr Chan was Guest of Honour at the 42nd Anniversary Ceremony of United College and at the 40th Anniversary Dinner of the School of Journalism and Communication in 2005 and presented the Second Chinese University Journalism Awards to winners from different media



and news groups.

Mr Chairman, it is my great privilege to present to you Mr Justice Chan Siu Oi Patrick, eminent jurist and respected legal reformer, for the award of an Honorary Fellowship of the University.

This citation is written by Professor David Parker