

The Hon Andrew Li Kwok-nang CBE, GBM, JP

DOCTOR OF LAWS *honoris causa*

Citation

Born in Hong Kong in 1948, Mr Andrew Li Kwok-nang received his early education at St. Paul's Co-educational College Primary School and St. Paul's Co-educational College, and finished his secondary schooling in England. He then entered the University of Cambridge and earned an MA and LL.M. Called to the Bar in England in 1970, he became a barrister in Hong Kong in 1973, and was appointed Queen's Counsel in 1988. In the course of his career, Mr Li has been appointed a Deputy Judge of the District Court of Hong Kong, Deputy High Court Judge, Deputy Chairman of the Inland Revenue Board of Review, member of the Executive Council, steward of the Hong Kong Jockey Club and Chairman of the Land Development Corporation. He was also a member of the Law Reform Commission, Securities & Futures Commission, the Standing Committee on Company Law Reform, the Banking Advisory Committee and the Judicial Service Commission.

In the education field, Mr Li has served as Chairman of the University & Polytechnics Grants Committee, a member of the Board of Governors of Lingnan College, a member of the Council of The University of Hong Kong, and Vice-Chairman of the Council of the Hong Kong University of Science & Technology. He is currently Vice-Chairman of the School Council of St. Paul's Co-educational College, a trustee of the Friends of Tsinghua University Law School Charitable Trust and a visiting professor at Tsinghua University's Law School, Honorary Professor of Faculty of Law of The University of Hong Kong and Honorary Professor of Law of The Chinese University of Hong Kong.

On July 1, 1997, the Court of Final Appeal (CFA) was established in place of the Judicial Committee of the Privy Council, serving as the highest judicial authority in Hong Kong. Mr Li became the first Chief Justice of the CFA, the most senior judge in the Hong Kong judiciary appointed by the Chief Executive of the HKSAR, based on the recommendation of an independent statutory Judicial Officers Recommendation Commission. It has been more than 13 years since the transfer of Hong Kong's sovereignty back to the People's Republic of China, and the original legal system, rule of law, human rights and judicial independence in Hong Kong have been fully protected and implemented. It is difficult to describe Mr Li's contribution in writing.

The mission of the Hong Kong Judiciary is to maintain the independence and highest professional standards of the judicial system, in order to maintain the rule of law, protect individual rights and freedoms, and earn the trust of people in the judicial system of Hong Kong, locally, nationally and internationally. Under the effective leadership of Chief Justice Li, our Courts have successfully implemented the objectives and carried out the functions of the Judiciary, fully reflecting its guarantee of judicial independence. Chief Justice Li believes that Hong Kong should insist on judicial independence, so that people's rights and freedoms can be protected. In his speech at the ceremonial opening of the 2010 legal year, he pointed out that "The

Hong Kong's system involves checks and balances between the Executive, the Legislature and the Judiciary. The independent Judiciary has a vital constitutional role to ensure that the acts of the Executive and the Legislature comply fully with the Basic Law and the law, and that our fundamental rights and freedoms, which are at the heart of Hong Kong's system, are fully safeguarded." He also stated, "Judges simply administer justice without fear or bias. So where the Executive or the Legislature is successful in a case, this is not the result of the court seeking to favour them. Equally, where a judgment goes against the Executive or the Legislature, the court is not seeking to confront them. In either case, the court is simply discharging its constitutional duty of adjudicating a dispute fairly and impartially." During his tenure, Chief Justice Li has promoted "civil justice reform", including recommendations for the settling of disputes by mediation, strengthening assistance for unrepresented litigants, and the use of Chinese in courts. He has also successfully invited many judicial talents to become judges.

Mr Li was awarded the Grand Bauhinia Medal by the HKSAR Government in 2008 in recognition of his distinguished contributions to Hong Kong society. Mr Chairman, may I now present Mr Andrew Li Kwok-nang to you for the conferment of the degree of Doctor of Laws *honoris causa*.

Written and delivered by Mr Clement Shum Chun-yau

李國能先生

榮譽法學博士

贊辭

李國能先生於1948年在香港出生。早年肄業於香港聖保羅男女小學及香港聖保羅男女中學，後負笈英國，完成中學課程。中學畢業後考入劍橋大學，獲文學碩士及法律碩士學位，又於1970年獲得英國大律師執業資格，於1973年成為香港執業大律師，並於1988年獲委任為御用大律師。執業期間，李先生曾任地方法院及高等法院暫委法官、稅務上訴委員會副主席、行政局議員、香港賽馬會董事、土地發展公司主席、並以委員身份參與香港法律改革委員會、證券事務監察委員會、公司法改革常務委員會、銀行業務諮詢委員會及司法人員敘用委員會。

在教育方面，李先生曾任大學及理工教育資助委員會主席、嶺南學院校董會成員、香港大學校務委員會成員、香港科技大學校董會副主席。李先生現時是聖保羅男女中學校董會副主席、清華大學法律系之友慈善信託基金受託人及該校法律系客座教授、香港大學法律學院名譽教授及香港中文大學法律學榮譽講座教授。

一九九七年七月一日，香港終審法院成立，取代英國樞密院司法委員會成為香港最高的上訴法院。李國能先生是香港終審法院第一任的首席法官。終審法院首席法官是司法機關的首長，由香港特別行政區行政長官根據獨立運作的司法人員推薦委員會的建議任命。香港回歸中國已超過十三年，香港原有的法律制度、法治精神、人權和司法獨立均得到充分保障和落實，李國能先生貢獻之大，實在難以用筆墨形容。

司法機構的使命是維持司法制度的獨立及保持至高的專業水平，以維護法治、保障個人權利和自由，及取得中港和國際人士對香港司法制度的信任。在李國能首席法官的英明領導下，我們的法院成功地落實司法機關的目的和發揮司法機構的職能，體現對司法獨立的保證。李首席法官認為香港應堅持司法獨立，才能保障市民的權利及自由。他在二〇一〇年的法律年度開啓典禮致辭中，曾經指出：「在香港的制度下，行政、立法和司法機關互相制衡。在憲制上，獨立的司法機關肩負重要任務，確保行政、立法機關的運作完全符合《基本法》和法律的規定，以及確保市民的基本權利和自由得到充分保障。這些基本權利和自由正是香港制度的精義所在。」另外，他也明確說明：「法官的職責是執行司法工作，無懼無偏。若行政或立法機關勝訴，這不是因為法庭有意偏袒。同樣，若判行政或立法機關敗訴，也不

是因爲法庭有意對抗。無論判決如何，法庭都只是履行憲法職能，公平公正地審理案件。」在任期間，李首席法官推動「民事司法制度改革」，包括倡議採用「調解」來解決糾紛，加強在法庭上使用中文及對無律師代表訴訟人的支援，並成功邀請多位法律精英加入法官行列。

爲了表揚李國能先生對香港社會所作出的重大貢獻，特區政府於2008年頒授大紫荊勳章給李國能先生。主席先生，本人謹恭請閣下頒授榮譽法學博士學位予李國能先生。

由岑振猷先生撰寫及宣讀