

# **The Honourable Chief Justice Geoffrey Ma Tao-li, GBM**

## **Doctor of Laws *honoris causa***

### **Citation**

A work of art hangs on the wall of Chief Justice Geoffrey Ma's office in the Hong Kong Court of Final Appeal. In elegant Chinese calligraphy, it reads, "Discipline yourself before disciplining others (律己律人)". Given to Chief Justice Ma by his mother on his becoming a judge in 2001, it captures the principles that have guided him during his twenty years serving the city's Judiciary, ten of which he has spent as chief justice: impartiality, rigour, and balance, always bearing in mind the strict requirements of the judicial oath.

Born in Hong Kong in 1956, as a child Justice Ma spent several years in the Philippines, where his father's job had taken the family. They then relocated to England, where he completed his secondary and university education. He came to a legal career through the liberal arts. "There were no lawyers in my family," he says, though his older brother, a medical student, suggested law as a potential profession to him. In secondary school Justice Ma was keen on history, and when not playing cricket or football he kept busy studying for A-levels in history, French, and German. It was good preparation for a legal career, training him to value the discipline of relevance and to consider situations from multiple perspectives. Justice Ma also credits his early experiences overseas with broadening his horizons and nurturing his capacity to formulate independent judgments. "There's no doubt that if you have the opportunity to study abroad, that opens your eyes" to different cultures and points of view. He attended law school at the University of Birmingham, graduating with a Bachelor of Laws degree in 1977, and after completing the bar exam and pupillage in London, he returned to Hong Kong in 1980.

Before joining the Hong Kong Judiciary, Justice Ma spent two decades in private practice in Hong Kong and Singapore, gaining experience in a wide range of civil-law fields, especially commercial and constitutional law. He became a Queen's Counsel in 1993.

On the bench, Justice Ma has been known as a steady advocate for the independence of the judiciary and the rule of law. He explains that particularly in the area of public law, the courts often have to balance rights which can pull in different directions. Individual rights are to be seen against broader public-interest considerations, and the rights of minority groups have also to be respected.

When asked about the changes that have transformed Hong Kong during his decade as chief justice, Justice Ma notes that people are more interested in the law than they were previously, which has generated animated public discussion and debate. “That’s a good thing,” he says, adding that “we must, however, take the rough with the smooth.” The rough part, he explains, is that many people view the law as being wholly about upholding their point of view, particularly their political views, and are intolerant of any other perspective. He cautions against such politicised interpretations of the judicial process: The rule of law means that judges only apply the law and decide cases free from pressure by anyone including the government, and that every person is equal before the law. Justice Ma’s advice for Lingnan’s new graduates reflects the values that have shaped his own career: “Broaden your mind with an end in sight. Be fair. Respect the rights of others as well as standing up for your own rights. Cultivate tolerance.”

Justice Ma’s professional accomplishments are numerous. He holds honorary doctorates from the University of Birmingham (where he is an Honorary Chair and Professor in the Birmingham Law School); The Chinese University of Hong Kong; and The University of Hong Kong (where he has also been an Honorary Lecturer at the Faculty of Law for several decades and will be an Honorary Professor upon his retirement). In 2012 he became an Honorary Fellow of Harris Manchester College at Oxford. Also in 2012, he was awarded the Grand Bauhinia Medal, Hong Kong’s highest honour for public service. In 2015 he was named Officier de la Légion d’Honneur (Officer of the Legion of Honour) by the government of France for his commitment to preserving judicial independence. However, he considers his greatest professional achievement to have been “the honour of being Hong Kong’s chief justice — to have had the opportunity to serve the Hong Kong community.”

Mr Chairman, in recognition of his vital contributions to upholding the integrity of the judicial process in Hong Kong, his longstanding service to the local and international legal communities, and his commitment to furthering public education about the law, may I now present the Honourable Chief Justice Geoffrey Ma Tao-li for the conferment of the degree of Doctor of Laws *honoris causa*.

*Citation written and delivered by Professor Diana Lemberg*

# 馬道立首席法官

榮譽法學博士

## 贊辭

香港終審法院首席法官馬道立辦公室的牆上掛著一幅秀麗有致的書法作品：「律己律人」。這是馬法官於2001年出任法官時母親所送贈的。字幅上「律己律人」這四個字正正是馬法官服務香港司法機構二十載（其中十載擔任終審法院首席法官）一直所秉持的原則：公正無偏、嚴謹縝密、處事持平，時刻銘記司法誓言的嚴格要求。

馬法官1956年在香港出生。兒時因父親工作緣故，與家人有數年居於菲律賓。後來他們遷居英國，而馬法官亦在英國先後完成中學和大學教育。他投身法律專業之前，所接受的是博雅教育。馬法官說：「我們家族不曾有過當律師的」，而當時習醫的哥哥提議他考慮選擇法律專業。中學時期，馬法官對歷史興趣濃厚；不打板球、不踢足球的時候他忙於溫習，為歷史、法語和德語科的高級程度會考做準備。這為他日後從事法律專業奠定良好根基，培養他重視事物的關聯，以及從多元角度思考問題。馬法官認為，早年在海外生活的體驗擴闊了他的視野，培養了他獨立判斷的能力。「毫無疑問，如果有出國留學的機會，的確可以擴闊眼光」至不同的文化和觀點。馬法官於英國伯明翰大學法律學院攻讀法律，於1977年畢業，取得法學士學位；在倫敦通過大律師專業試及完成實習後，於1980年回港。

在加入香港司法機構前，馬法官已在香港和新加坡私人執業二十年，在民事法領域累積了豐富的經驗，對商業法和憲法尤為精通。他於1993年成為御用大律師。

眾所周知，馬法官擔任法官以來一直堅定擁護司法獨立和法治。他闡述道，法庭往往需要在互相角力的權利之間作出平衡，尤其在公法領域。個人權利應以顧及更廣泛公眾利益的角度來考量，小眾的權利亦應得到尊重。

當被問及擔任終審法院首席法官十年期間，香港有何轉化的改變，馬法官表示，社會大眾比以前更關心法律，因而產生熱烈的公開討論和辯論。他說：「這是好事」，並補充：「不過，我們必須接受事物的正反兩面。」他解釋，反面是許多人視法律純粹就是用來維護自己的觀點，尤其是政見，而對任何其他角度，則一概不予寬容。對於這種將司法程序政治化的詮釋，馬法官提醒要引以為戒：法治的含意是，法官只會按法律斷案，完全不受任何人（包括政府）的壓力，而且法律面前，人人平等。馬法官寄語嶺大應屆畢業生：「要擴闊思想空間，並定下目標。行事為人要公道持平。在捍衛自身權利的同時，亦要尊重他人的權利。培養待人以寬的胸襟。」馬法官的忠告反映了塑造其事業發展的價值觀。

馬法官的專業成就不勝枚舉。他是英國伯明翰大學、香港中文大學及香港大學的榮譽法學博士。（馬法官是伯明翰大學法律學院榮譽系主任及教授，而他在香港大學法律學院法律專業學系擔任名譽講師已有數十年，退休後將擔任該學院的名譽教授）。2012年，他成為牛津大學哈里斯曼徹斯特學院榮譽院士，同年獲頒香港公共服務的最高榮譽——大紫荊勳章。2015年，他獲法國政府頒授法國榮譽軍團軍官勳章，以表揚他致力維護司法獨立。雖然屢獲殊榮，但馬法官認為他最大的專業成就，是「擔任香港終審法院首席法官的殊榮——有這樣的機會服務香港社會。」

主席先生，馬法官竭力維護香港司法程序的公平公正，多年來對服務本地和國際法律界秉持不懈，更致力提升大眾對法律的認識，貢獻至鉅。本人現恭請閣下頒授榮譽法學博士學位予終審法院首席法官馬道立。

贊辭由林安娜教授撰寫及宣讀