

..... **The Honourable Mr Justice Henry Litton, GBM, CBE, JP**
Doctor of Laws *honoris causa*

Citation

The Honourable Mr Justice Henry Litton is a non-Permanent Judge of the Court of Final Appeal of the Hong Kong SAR. He has held this position since September 2000, before which he was one of the first three appointed Permanent Judges of the Court of Final Appeal established in 1997. Mr Justice Henry Litton is one of Hong Kong's best-known judges who has contributed for over forty years to the practice of law in Hong Kong, first as a barrister and then as a judge. Equally importantly, he has also contributed to many other areas of Hong Kong's social, environmental and international development. We wish to acknowledge his many and longstanding contributions to Hong Kong society with the award today. Moreover, Mr Justice Henry Litton has had an important association with Lingnan College which we, as Lingnan University, also wish to acknowledge. I shall return to this link in a short while.

First, I would like to regale you with a short outline of Mr Justice Henry Litton's glistening legal career. After his education in Hong Kong at Diocesan Boys' School, he completed his secondary schooling in the United Kingdom and then read law at Oxford University, having had an initial interest in studying history. We in Hong Kong must count ourselves fortunate that he decided to concentrate on the law, completing a degree in Oxford's School of Jurisprudence and that, on his rapid admission as a Barrister-at-Law, Gray's Inn, London, he returned home to be admitted to Hong Kong's Bar in 1960. He became a Queen's Counsel ("took silk") in 1970, after the minimum qualifying period. I believe he became the youngest QC in Hong Kong and entered into what I can only describe as a career of great commitment, interest, activity and diversity. He is consistently described in the press as an intellectual heavyweight who brings great insight to the cases on which he casts judgements but he is also a very approachable and warm person. Fellow members of the legal profession in Hong Kong acknowledged this combination of talents when they elected him Chairman of the Hong Kong Bar Association for an unprecedented seven terms in the 1970s and 1980s. Under his chairmanship, Hong Kong hosted the highly successful 7th Commonwealth Law Conference, the only occasion on which such a meeting has been held here. He was subsequently appointed directly to the Court of Appeal which, as I shall explain later, is a very unusual elevation. He has always taken a keen interest in the development of the legal profession in Hong Kong, and he was the founder of the *Hong Kong Law Journal* and served as its editor in chief for 22 years until he became a judge. He also chaired the Advisory Committee on Legal Education.

His humanity and interest in the welfare of the community can be illustrated in many ways. For example, many people in the audience will be impressed to hear that Henry Litton, when a barrister

and Queen's Counsel, whilst in great demand, often charged fees less than those prevailing amongst others and he arguably thereby made the higher reaches of the law affordable to a wider range of people. We are proud to have him here today, a barrister with a social conscience, who has devoted enormous amounts of personal energy and time to community, public and educational service in Hong Kong. The list is too long to detail but, in summary, many of his appointments involved enthusiastic attention to environmental issues, chairing the government boards on air and water pollution, noise control and the Town Planning Appeal Board and serving on the Environmental Protection Committee. His service in terms of Hong Kong's international links has also been extremely generous – for example, he has chaired the Advisory Committee of International Social Service and the Hong Kong Branch of JUSTICE; he chaired the UK/HK Scholarship Selection Committee, the Rhodes Scholarship Selection Committee, the United Nations UNICEF Hong Kong Branch and he has been a longstanding member of the Board of Governors of Friends of the Earth. He was also a Legal Adviser to the Basic Law Advisory Committee and one of the first advisers to the Hong Kong-Macau Office of the PRC. He has had a particular affinity for France and he was President of Alliance Française for some 16 years and continues as a member. The French Government recognized this service with the award of their knighthood in 1993. I should also mention that, in accord with Lingnan's current aims to achieve tri-literacy, he is fluent in three languages, English, Cantonese and French.

Mr Justice Henry Litton's associations with Lingnan go back to when he was Junior Counsel at the Hong Kong Bar in the 1960s. He was instructed by the then Member and Legal Adviser of Lingnan's Board, Mr Tong Tin-sun, in the late 1960s, for Lingnan Middle School Limited and Lingnan College Limited to apply to the Court for an order for merger of the two institutions under a Scheme of Arrangement. As a result of his successful application for the merger, a new entity known as Lingnan Education Organization Limited was created. I have been told that not only did Henry Litton perform an excellent job as counsel for Lingnan but also that the merger was a crucial and necessary step in the development of Lingnan College. As many in the audience may recall, Lingnan College was founded in 1967 but it did not have its own space or accommodation on the Stubbs Road site owned by the middle school and it then temporarily operated on space borrowed from the middle school. The merger enabled Lingnan College to put up its own buildings, such as Edward Hall, the Auditorium and Ming Hin Hall, with funds raised from the alumni and others. It is certainly true to say that, without this legal arrangement facilitated by Henry Litton's work for Lingnan, the development of Lingnan College and its evolution as a degree awarding institution into the University we know today would have been

severely hampered or perhaps even derailed. It is a measure of Henry Litton's modesty and personality that he tells me his "barrister's brain" does not permit him to recall the details of his cases and that he was doing his job to the best of his ability.

I should like briefly to return to some key events in Mr Justice Henry Litton's career and to some specific instances that illustrate his success and his impact on Hong Kong's legal scene. I am not qualified to recount the many landmark judgements and cases in which he has been involved. Instead, I like to think about the unusual achievements he has made. It is relatively unusual that a person can achieve both professional "firsts" and "lasts" in his career. Henry Litton has done this very thing. Indeed, he has achieved at least two notable "firsts". As I mentioned earlier, he was the youngest barrister in Hong Kong to be made a QC in 1970. His other career first was to be the first barrister to be appointed directly to the Court of Appeal, which was not only unique at the time in Hong Kong's legal history but which I understand has only been repeated once since. His career "last" was achieved rather early on in 1971 and I count it as a "last" because it altered judicial practice in Hong Kong. When he was a relatively young barrister, he sat as a Deputy High Court Judge on a murder trial and he was obliged to hand down a sentence of death wearing the then traditional black cap. The Chief Justice at the time felt that this requirement was unnecessarily upsetting for the bench and the wearing of the black cap was subsequently abandoned, so Mr Justice Henry Litton became the last judge in Hong Kong to hand down a capital sentence wearing a black cap.

Mr Chairman, we are very proud to have in Hong Kong's community a judge of such intellectual stature and with the breadth of interests and personal attributes of warmth and humanity as Mr Justice Henry Litton. We are also very proud to have a Lingnan association with him and to be able to recognize his lifetime services and achievements with the degree to be awarded today. On researching the background for this citation, I found an interview with him in *Hong Kong Lawyer* in 2000, when he was stepping down as a Permanent Judge of the Court of Final Appeal. He was asked if he had any particular message for solicitors and barristers that he could pass on, to which he replied in characteristically witty style "Be crisp, clear, concise! And no Latin tags!". I think that this is excellent advice that we can also impart to all students and professionals today. However, I perforce have to ignore the final part of his advice, no Latin tags, since I now have the great pleasure, Mr Chairman, of presenting the Honourable Mr Justice Henry Litton for the award of the degree of Doctor of Laws *honoris causa*.

終審法院非常任法官烈顯倫

榮譽法學博士

贊辭

自二零零零年九月至今，烈顯倫法官出任香港特別行政區終審法院之非常任香港法官。香港終審法院是一九九七年成立的，烈顯倫法官是終審法院成立以來首批被委任的三位常任法官之一，是香港公認的法律界翹楚。從最初的大律師，擢升至今日的法官，四十多年來，他不僅為香港法律界貢獻良多，而且也在香港的社會公益、環境保護、和國際關係等各方面作出了驕人的貢獻。今天，我們不僅希望藉此慶典向這位長期為香港謀福利的法官致以崇高的敬意，而且嶺南大學也希望藉此細述並表彰烈顯倫法官對嶺南學院的種種情誼。關於這一點，我們稍後將會談到。

首先，謹概述一下烈顯倫法官輝煌的法律生涯以饗各界朋友。烈顯倫法官早年就讀於香港拔萃男書院，後負笈英國，完成他的中學課程，並考入牛津大學。儘管烈顯倫法官鍾愛歷史，可是他終究還是選擇了在牛津大學攻讀法律。在牛津的法律學院畢業後，他很快便榮獲倫敦格雷法學社取錄而成為大律師，並於一九六零年回港執業。烈顯倫法官的這一決定實是港人的榮幸，令香港受益匪淺。一九七零年，烈顯倫法官以最短法定年資獲取了御用大律師(穿絲邊法袍)的名銜。這位恐怕是當時香港最年青的御用大律師，就是這樣踏進了這座被譽為滿載使命的法律殿堂。在這裡，他鐵肩擔道義，展開了豐富多彩、趣味無窮的法律事業。在傳媒眼中，他一向被視為法律界的學術權威，不僅在判案方面獨具慧眼，而且待人恭謹謙和，令人欽佩。香港法律界賞識他豐富的學養和高尚的人品，故此，從七十年代到八十年代，烈顯倫法官史無前例地被同業七次恭選為香港大律師公會主席。在他主持大律師公會任內，香港成功地主辦了第七屆英聯邦法律研討會。在香港主辦同類會議，這還是有史以來的第一次。烈顯倫法官一直十分關注香港法律界的發展，他在法律教育諮詢委員會擔任主席一職，並創辦了 *Hong Kong Law Journal*，還為該學術季刊擔任總編輯長達二十二年之久，直到他由大律師直接獲委任為上訴法庭法官為止。這一擢升非比尋常，容我在稍後的篇幅詳表。

烈顯倫法官以關懷大眾福祉為念的情操表現在很多方面。在香港社會特別需求大律師和御用大律師法律諮詢的年代裡，同業大多以收取高昂費用為時尚；而身為大律師和御用大律師的烈顯倫法官卻屢屢收取比同行低廉的費用，好讓社會上更多的人在法律服務上得以受惠。聽到這裡，我相信，大家都會為之感動。今天，他就站在我們面前，這位擁有社會良知的大律師，一直為推動香港公益和教育事業兢兢業業、不遺餘力。我們實為香港法律界這位不可多得的優秀人才感到驕傲。烈顯倫法官的種種功績，在此不可盡表，謹從他所出任的一些公職來看，他對香港社會的無私奉獻，昭昭歷顯。烈顯倫法官熱切關注香港的環保事業，多年來歷任要職，均與此密切相關。他曾經擔任政府空氣及水源污染問題小組委員會主席、噪音管理委員會主席、城市規劃投訴小組委員會主席，並且也是環境保護委員會成員。此外，在代表香港跟

海外友好建立聯繫的功業上，烈顯倫法官也居功至偉。譬如，他曾經出任國際社會服務諮詢委員會主席和JUSTICE香港分會的主席；他也主持過英國－香港獎學金遴選委員會、羅德獎學金遴選委員會和聯合國兒童基金會香港分部的工作，他更是慈善環保團體「地球之友」董事會的資深董事。烈顯倫法官還是基本法諮詢委員會的法律顧問和中華人民共和國香港－澳門辦公室的首批顧問成員之一。烈顯倫法官跟法國也結下了千絲萬縷的情緣。他在法國文化協會擔任主席一職長達十六年之久，刻下仍是該會的會員。一九九三年，為了表彰烈顯倫法官的這一卓越成績，法國政府策封他為勳爵。這裡特別值得一提的是，嶺南的博雅教育其中一個目標就是培養學生兩文三語的語言能力，而烈顯倫法官精通英語、法語和廣東話三種語言，正是嶺南學子的優秀典範。

烈顯倫法官跟嶺南大學結下的種種情緣始於六十年代。那個時候，他年紀輕輕，剛剛成為香港執業大律師。六十年代末，烈顯倫法官應當時的嶺南校董會董事及法律顧問唐天榮先生的委託，根據事務安排計劃代表嶺南向法院提出把嶺南中學有限公司和嶺南書院有限公司合併的申請。該項申請成功地獲得了批准，就這樣，嶺南教育機構有限公司成立了。烈顯倫法官沒有辜負嶺南眾望，那次合併更被視為嶺南日後發展的奠基石和必經之路。也許大家還記得，嶺南書院（後稱嶺南學院）於一九六七年建校之初，在司徒拔道嶺南中學的舊址沒有自建校舍，只好借用中學的地方暫且開課。正是因為那次合併計劃的成功，使嶺南書院（後稱嶺南學院）在熱心的舊生和其他人士的慷慨捐助下，在校園內蓋起了愛華堂、大會堂和銘衍堂。可以說，要是當年沒有烈顯倫法官給予嶺南法律上的襄助，相信我們也難有機會、甚或沒有機會看見當日的嶺南書院（後稱嶺南學院）可以演變發展成為今日以開辦學士學位課程為主的嶺南大學。當我在寫這篇贊辭為有關細節訪問他的時候，烈顯倫法官告訴我，由於他的職業訓練，使他不能與外人討論過往經辦的案件；不過，的確，為了嶺南，他盡了力。烈顯倫法官的回答謙和敦厚、嚴謹審慎，其性格足見一斑。

回顧烈顯倫法官的法律生涯，我想追述他一生中的幾次重大事件和一些特殊機遇，這些機遇，標誌了他在香港法律界的非凡成就和影響力。在此，我無法細數烈顯倫法官經辦的各種案件，只能談談他所獲取的殊榮。大概很少有人可以在自己的專業上同時獲得「空前」和「絕後」的名銜，然而，烈顯倫法官卻正是做到了這一點。他在行內有兩項可以冠之為「空前」的業績。其一，正如我前面所提到過的，他於一九七零年已成為香港最年青的御用大律師；其二，則是他是首位由大律師直接委任為上訴法庭的法官，這不僅在香港歷史上找不到「古人」，以我所知，之後也只會有一位「來者」。至於他的「絕後」之舉，則成之於一九七一年。我之所以視之為「絕後」，乃是因為香港的司法傳統當中的一項慣例繼之而變動，從此不再。

當時烈顯倫大律師年資尚淺，在審理一宗謀殺案中，他獲任暫委高等法院法官一職，並需要在判處被告死刑時按照當時的司法常規冠以黑色方帽。其後，香港首席法官認為這一常規給法官帶來不必要的麻煩，從此司法傳統中的這一項就被廢除了。據此，烈顯倫法官便成為香港最後一位頭戴黑色方帽宣判被告死刑的法官。

主席先生，烈顯倫法官不僅擁有崇高的學術地位和豐富的學養，更在待人處事方面在在投射著充滿博愛的人生觀照。我們為香港社會有這樣一位法官而驕傲。正是這位顯赫的法官和嶺南大學有一段不解的情緣，今天頒授嶺南榮譽法學博士學位予烈顯倫法官以表彰他一生卓越的貢獻與輝煌的成就，我們為此而感到自豪。為撰寫這篇贊辭，我在二零零零年的《香港律師》月刊裏找到一篇有關烈顯倫法官離任終審法院常任法官的訪問稿，當被問及有什麼特別的忠告以勉勵後進時，他明智而又詼諧地說道：「辯詞要直接了當、簡明精準，不要旁徵博引，借用拉丁語故弄玄虛！」我相信這則金訓不論對我們的學生和從事任何專業的人士都同樣適用。然而，此時此刻，我不得不暫且丟下這金訓的最後一句了。主席先生，我現謹恭請頒授嶺南大學榮譽法學博士學位予烈顯倫法官。