

## **HKU Faculty of Law 211<sup>th</sup> Congregation**

### **Speech by the Privacy Commissioner for Personal Data, Hong Kong as Guest of Honour**

Date: 1 December 2023 (Friday)

Time: 2:00-4:00 p.m.

Venue: Grand Hall, Centennial Campus, The University of Hong Kong

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Provost and Deputy Vice Chancellor Professor Wong, Dean of the Faculty of Law Professor Fu, Distinguished Guests, Learned Professors, Graduands, Ladies and Gentlemen,

1. It is a great honour to be invited to address the Class of 2023 of the Faculty of Law at today's Congregation. I would like to start by offering my warmest congratulations to all graduands.
2. Congratulations to all of you, and to your families and friends, for the great achievements that you have made after years of hard work, unwavering dedication, perseverance and despite the unprecedented interruptions of COVID. I must say that despite the adversities, you have now made it! May I invite you all to give yourselves a round of applause. You all deserve it. Well done!

3. Seeing you all on this happy and momentous occasion reminds me of my own journey when I graduated from this University, my alma mater, with a Bachelor of Social Sciences degree some 40 years ago. I started my career as an assistant assessor in Hong Kong's Inland Revenue Department, almost immediately after finishing all my final examinations. Yet, my passion in law did not fade away. My practice in tax law led me to study a law degree part-time, and 7 years after I started my career as a tax assessor, I was lucky enough to obtain a law degree from the University of London and be called to the Bar, both in the UK and in Hong Kong.
  
4. As my degree was an external degree, I did not have a chance to experience the joy of attending a Congregation back then. Instead, my certificate was posted to me by airmail. Today, much like most of you, I have the privilege for the first time to put on a gown that symbolises the completion of an LLB degree, after more than four decades of my legal practice. I wholeheartedly thank the Faculty of Law and Professor Fu for making this possible.
  
5. Studying law has not only instilled in you some of the fundamental values of our society, but also opened up a vast array of career opportunities that will unfold in the years ahead. Today is not the end of a journey, but the beginning of a life-time expedition as a member of the legal profession.

## *Responsibilities of a Lawyer*

6. As young members of the profession, you would all be the cornerstones of the profession in the next 50 years. As President Xi said during the 25<sup>th</sup> anniversary celebration of Hong Kong's return to the motherland last year, "one country, two systems" is an unprecedented innovation'. He stressed that this principle has been repeatedly tested in practice and must be adhered to in the long run. A review of the past can light the way forward. For the decades to come, I call upon each and every one of you here today, to strive to ensure the continuous, robust and smooth implementation of the guiding principle of "one country, two systems", to safeguard the legal regime of which we are all proud in this place that we call home, and to create a brighter future. Looking ahead beyond 2047, we shall all witness the development of the Guangdong-Hong Kong-Macao Greater Bay Area and the progressive expansion of the Belt and Road Initiative. Seizing the opportunities afforded by the vibrant achievements of the Mainland, we shall all rise together. Your futures, intertwined with Hong Kong's future, are both broader and bolder than you have ever imagined.
  
7. As lawyers, our first and foremost duty is to uphold and promote the rule of law, not only within our professional endeavours but also in our daily lives. At a time when the rule of law in Hong Kong has come under unwanted attacks by certain overseas politicians and media outlets for political reasons, it is more important than ever before to assume our responsibility and honour our calling as guardians of the rule of law, to

protect and safeguard the long-term stability, prosperity, law and order of our society.

8. I would like to draw upon the words of our esteemed former Chief Justice, the Honourable Mr Geoffrey Ma, who stated in his speech at the 205<sup>th</sup> Congregation, “The fundamentals of the rule of law boil down to the existence and recognition of the rights and freedoms of members of a community, and their enforcement by an independent judiciary. It is, however, important to remember that at the heart of the rule of law is not only a recognition of the rights of the individual but an acknowledgment of the rights of others.”
9. In actuality, the recognition and enforcement of rights constitute a significant proportion of a lawyer’s work. As lawyers, we should strive to provide our clients with appropriate advice on the relevant laws and their application to the situation in question.
10. When we are uncertain whether a client’s position is tenable under the law, we should not be afraid to state the law as it is, while finding a way to resolve their issues in a lawful manner, presenting and delivering the best possible case for the client in negotiations, arbitration, mediation or court proceedings.
11. Indeed, as lawyers, we shoulder huge responsibilities, both collectively, as a profession, and individually. With the resumption of normalcy and the rebounding of Hong Kong after COVID-19, the legal profession has a unique role to play in the recovery process. As new members of the profession, it is crystal clear that you will be making significant

contributions to the recovery process. The legal field is as diverse as it is specialised. I call upon all of you to strive to do your best and make the greatest possible contribution in your future roles, whether in the private or public sector.

### *Serving with Heart*

12. The legal profession, as I see it, is essentially a profession that serves others. While practitioners in the private practice serve their clients, those in public service serve the Government and the community at large. Needless to say, all of us serve the Court in the administration of justice. The unique nature of this service makes us cherish and celebrate the contributions we can make to society as a whole. As Mother Teresa once said, “Give your hands to serve, and your hearts to love”.
13. If I may put a twist on Mother Teresa’s quotation, I urge you to “Give your hands to serve, and your hearts to law”.
14. Don’t confine yourself to your case files. Look beyond them. Irrespective of whether you are a conveyancing lawyer, a commercial lawyer, a prosecutor or a government counsel, you are responsible for ensuring the proper functioning of our community in adherence to the law. While serving others, give your hearts to law and uphold the highest standards of professionalism, integrity, humility and ethics in your work. From time to time, you will encounter cases that involve some of the most important moments in your clients’ lives, such as buying a property, arranging a divorce, or devising a trust scheme for the distribution of

wealth. In all of these cases and more, society calls upon you to exercise the utmost care, professionalism, integrity and ethics in your work. In the coming decades, your service will be not only to your clients but to the wider community, and that deserves your whole heart.

15. Legal work does not exist in a vacuum. Look around you and think about the bigger picture. Bring a national and international perspective to your work. To name just a few examples, bear in mind that the economic recovery of the Mainland and Hong Kong will directly impact your clients' businesses, as will the latest policy initiatives of the Government. The polarisation of East and West may raise issues in relation to your legal work. The use of generative artificial intelligence may raise novel legal questions about the use of data, patent laws, and the regulation of technology. This list is by no means exhaustive.
16. In these circumstances, it is all the more important to serve with heart, by which I mean serving with great professionalism, utmost integrity, profound humility and exemplary ethics.
17. On your graduation, you will gain access to bigger opportunities in the wide world. Beyond the traditional path of practising as a solicitor or barrister, plenty of other exciting opportunities await you. Becoming a lawyer in the public sector may be one of them.
18. As a lawyer working in the public sector, I have been deprived of the joy, or pressure, of filling out time sheets to report on my billable hours. However, I have been presented with a myriad of fascinating cases.

19. In my role as a legal officer in the Department of Justice, I had the honour of acting as the legal advisor to the Government in various inquiries, including three inquiries into the SARS outbreak, inquiries into the HarbourFest event and the alleged interference in the academic autonomy of the then Hong Kong Institute of Education. As the Registrar of Companies, I had the privilege of leading my team to rewrite the Companies Ordinance and introducing a full-scale electronic incorporation of companies and filing of company information to Hong Kong. More recently, as the Privacy Commissioner, I also embarked on, and concluded, another legislative amendment exercise to introduce the new doxxing offence.
20. Looking back, I must say, life takes us all on different paths.
21. As you embark on your respective journeys, I encourage you to dare to dream, and to dream big to pursue your dreams and aspirations. Don't be afraid to change paths. Follow your heart. As the great Albert Einstein once said, "Life is like riding a bicycle. To keep your balance, you must keep moving". Be prepared for change and embrace every chance that is available to you.
22. If you are to serve, serve with all your heart.
23. If you are to dream, dream big.
24. If you are not sure what to do, take a step back and see what you can offer.

## *A Dynamic World That Is Changing Fast*

25. In a world that is constantly changing, you must be prepared for both innovations and unexpected disruptions. John F. Kennedy once said, “Change is the law of life, and those who look only to the past and present are certain to miss the future”.
26. In support of what I have just said, consider these changes. A few years ago, when various blockchain technologies and cryptocurrencies were rolled out, the world was fascinated by them. Last year, we witnessed the rise of the Metaverse and saw how non-fungible tokens, also known as NFTs, could penetrate different areas of our economy. This year, ChatGPT and a wide range of other artificial intelligence applications have overwhelmed our newspaper headlines. And in case you are wondering, this speech was not generated by ChatGPT.
27. In the legal field, LexisNexis found in a survey published this year that 43% of lawyers are either using or planning to use generative AI in their legal work, and 77% believe that generative AI tools will increase the efficiency of lawyers, paralegals and law clerks. AI is a game-changer that will transform the way we live and bring significant changes to the legal profession as well.
28. The law does not remain static of course. Many areas of law are undergoing shifts in their growth trajectories given the global changes that we are experiencing. With many new areas of practice emerging in different fields, the practice of law itself is also changing rapidly. Be ready to embrace the growth in areas of law driven by technology,

including but not limited to fintech, data protection, privacy, cybersecurity, IP laws and ESG laws. The demand for lawyers in these fields will be higher than ever as technology advances. As the profession continues to evolve, we must all have to keep up with, adapt to, and stay abreast of all the latest developments.

29. If I may quote Henry Ford, “Anyone who stops learning is old, whether at twenty or eighty. Anyone who keeps learning stays young”. On that note, I hope that all of you will stay young and keep your hearts and minds open. You should always be ready to take in new knowledge and absorb ground-breaking ideas.

### ***Concluding Remarks***

30. Over the past few years, the dynamic landscape of personal data protection and privacy has fascinated me. Indeed, whichever areas of practice you choose to pursue, I can guarantee that privacy law and data security issues will crop up during your career.

31. To conclude, as I said earlier today, today is not the end of a journey, but rather the beginning of a lifelong expedition into the law. Remember, this journey is worth making, even though the end might not be in sight.

32. We have more than 250 graduands today. I extend my best wishes to you as you embark on a new chapter in your life. Regardless of the path you choose, always serve with your heart and dare to dream. On this note, I

wish to congratulate you and your loved ones once again on your extraordinary achievements.

33. Congratulations, and welcome, to the profession.

34. Thank you very much.