

Birth of the Hong Kong Law Journal

1971 was a pivotal year in Hong Kong's history. On the Mainland the Cultural Revolution was still raging. But in Hong Kong the community was slowly emerging from the darkness cast by the disorders of the late 1960s, with increasing confidence that the excesses of the Cultural Revolution would not spill over the border.

But there were many ills to be addressed. Social welfare was virtually non-existent; the laws protecting factory workers were antediluvian; public housing was grossly inadequate; pak pai's (unlicensed taxis) roamed the streets; corruption in many departments of government was rife. At this juncture, what the community sorely needed was strong and enlightened leadership. And in this regard Hong Kong was fortunate: Sir Murray MacLehose was appointed Governor in November 1971 and very quickly brought in much-needed reform. The Independent Commission Against Corruption was established. New towns in the New Territories were being developed. Sir Denys Roberts – a reforming Attorney-General – was in office. He brought in marriage reform and ended the institution of concubinage. Sir Ivo Rigby, with his passion for redressing ills in the criminal justice system, was the Chief Justice.

It was in this scenario that the Hong Kong Law Journal was born: sired by total amateurs: with one exception, John Rear, who had some previous experience in legal publishing, having been a sub-editor in the Weekly Notes in the UK.

The early copies of the Journal were concerned mostly with local issues. For instance, an editorial in Volume 1 dealt with detention without trial – a fall-out from the Emergency Regulations passed in 1967 to deal with the riots. There was an article by Sir Ivo Rigby, Chief Justice, on sentencing offenders, and one by Bernard Downey (Lecturer in the Hong Kong University Department of Law) on confessions to police officers.

Human rights were not then lit up in neon lights. These were discussed in the context of the common law. Hence, in early volumes of the Journal, one sees repeated reference to the principles of natural justice.

The Journal was much committed to serving the needs of practitioners. An example is the digest of personal injuries awards initiated in 1973 and, a little later, one on sentencing decisions.

Brief Notes of Cases was a prominent feature. The emphasis was on the word "brief". No invocation of norms and values imported from European

jurisprudence, no ideology inserted into the commentaries. It was the common law in action: rugged, brief and effective.

The editorials ranged over a wide field. To gently mock the Judiciary, the editors adopted the fictional character Mr. Justice Moulton – invented by Sir Denys Roberts in one of his books.

The 1980 volume saw a review of the first of Lord Denning's series of books: *The Due Process of Law*.

The *South China Morning Post* in the early years gave much prominence to the editorials in the Journal; for instance the one entitled "Of Christians, Jews and Heathens", in Volume 15, commenting on the bizarre practises adopted by Mr. Justice Jackson-Lipkin in swearing-in trial witnesses; and editorials in 1988 analysing the gross mishandling of the notorious year-long Carrion Trial by Mr. Justice Barker which led to his resignation and departure from Hong Kong.

Up until 1992, when I ceased to be a practising Queen's Counsel and became a Justice of Appeal, the Journal was run from a desk in my secretary's office. Since that time, it has become a much more professional affair, and has gone from strength to strength, steered by a most competent editorial team, to whom warm congratulations are due.

The Journal is in the prime of life. Long may it continue to prosper.

Henry Litton

24 April 2020