

# HKLJ TURNS 50

As the reader will have noticed from the volume number and the logo on the cover,<sup>1</sup> 2020 marks the 50th year of the publication of *Hong Kong Law Journal*. Fifty is only a number, but a revered one when measuring the passage of time and, we would say, achievement. The journal team is proud to have reached this important milestone, to be here after all these years, still standing, carrying on the work and mission of those who first saw the value of and potential for a law journal in Hong Kong.

Naturally, much has changed for the journal since its first publication 50 years ago, but then some things have not. Writing in the first editorial in Volume 1, John Rear, a Lecturer in the Department of Law at the University of Hong Kong, explained that the journal had two principal objectives: (i) to provide for the review and analysis of Hong Kong law and the practice of its courts; and (ii) to make available a vehicle for publication in the English language of articles on the laws of Asia. As he stated, although the “policy of the journal is to provide material of practical value to practicing lawyers and judges ... the editors will also interest themselves in the reform of the law”.<sup>2</sup> This is a reasonable statement of our mission today. In that first volume the emphasis was decidedly on material of “practical interest”: there were articles on rent increase legislation, packing credit facilities, waybills as security and the like. But tellingly, the feature article was more academically rigorous, examining how the common law functions in a Chinese environment, a topic that continues to be a major focus of study and publication to this day. In that volume, the articles were written almost exclusively by the members of the Editorial Board and teachers in the Department of Law at the University of Hong Kong, then in only its second year of operation.

The journal’s founding mission remains intact, but in the meantime, much has changed. To borrow from Benjamin Cardozo: “the inn that shelters for the night is not the journey’s end. The law [journal], like the traveler, must be ready for the morrow”.<sup>3</sup> The first volume, and the following 30 volumes, were self-published by Hong Kong Law Journal Ltd.

<sup>1</sup> The logo was designed by Calvin Cheung, Senior IT Assistant, Faculty of Law, University of Hong Kong.

<sup>2</sup> John Rear, “Editorial” (1971) 1 HKLJ 3. The editorial can be accessed at the journal’s website under “Previous Issues” — see [www.hklj.com](http://www.hklj.com).

<sup>3</sup> *The Growth of the Law* (Princeton: Yale University Press, 1924), pp 19–20.

The use of the corporate entity was a peculiar feature of the journal's history. The journal was in fact the vision of two busy and successful practicing barristers, Henry Litton and Gerald de Basto.<sup>4</sup> In the early years the journal was based in Henry Litton's barrister's chambers in Central. The journal was self-financed, and managed according to the requirements of the Companies Ordinance. Since 1994, the journal has been based at the Faculty of Law, University of Hong Kong. Arguably this change was more geographic than structural because, as can be seen from the first Editorial Board, the Faculty has always been the engine that drives the journal. Since the year 2000, the journal has been commercially published and distributed by Sweet & Maxwell of the Thomson Reuters group, largely breaking the journal's dependency on the coffers of Hong Kong Law Journal Ltd, while reducing and simplifying our tasks here at the Faculty of Law. The journal continues to publish three times a year, but has grown from 300 pages annually to 1,200. The coverage is more international, as is the authorship. In Part 1 of the current volume, 11 of the articles were written by authors based in jurisdictions other than Hong Kong. The coverage of Chinese law has also expanded, now constituting one-third or more of the copy for each issue. Five of the articles in Part 1 are concerned with China law topics. Today, as in the beginning, the journal's Editorial Committee is composed largely of members of the Faculty of Law, but its membership now extends to colleagues from other law schools in Hong Kong, as well as from distinguished law schools in Singapore, Melbourne and Oxford. It also includes, beginning in 2015, an Executive Editor, a wonderful institution greatly improving the quality of life of the Editor-in-Chief. Today, as in the beginning, *Hong Kong Law Journal* can be read in hard copy through annual subscription or in libraries, but it now has an extensive electronic existence. It is available online on a current, full-text basis on Westlaw. It is indexed by Scopus, the Social Sciences Citation Index, Current Contents/Social & Behavioral Sciences, and the Index to Legal Periodicals and Books. It is abstracted on the Social Science Research Network, and is available in a full-text version on a delayed (one-year) basis on HeinOnline and the "HKU Scholars Hub" (selected articles only).

We are taking this opportunity to mark the journal's anniversary in different ways, spread over the three issues of Volume 50 (2020). For each of the three issues we will publish an article of particular significance that resonates with the Hong Kong Law Journal's specific missions, and we

<sup>4</sup> More about the history of the journal can be found in Christopher Munn, *A Special Standing in the World: The Faculty of Law at the University of Hong Kong 1969–2019* (Hong Kong: Hong Kong University Press, 2019) Ch 4. See also John Rear, "Rear Window: A Glance Back at the Foundation of the University of Hong Kong Law School" in *Thirty Years: The HKU Law School 1969–99* (Hong Kong: Hong Kong University Faculty of Law, 1999) p 6; and Peter Wesley-Smith, "Thirty-seven-and-a-Third Years On: An Editor's Memoir" (2010) 40 HKLJ 249.

will designate that article as a feature anniversary article. An important component of the journal's mission has been the study, dissemination and explication of the law of the People's Republic of China. This is an important project and one that has grown over the decades, with a specially designated section for Chinese Law commentaries that was introduced in 1996. The first of these special anniversary feature articles, published here in Part 1, is authored by Professor Chen Jianfu of La Trobe University, Melbourne. Professor Chen's article, entitled "Chinese Law and Legal Reform: Where to From Here?" adopts a contextual approach to examining several aspects of recent legal developments in the Xi Jinping era that in Professor Chen's analysis are vital to the establishment of the rule of law in China.

Public law, in particular constitutional law, has long been central to our mission, beginning in the periods leading up to the enactment of the Basic Law in 1990 and the 1997 transfer of sovereignty, and of course continuing to this day. It was in this era that staffing at the Law Department of the University of Hong Kong was strengthened with important appointments in the field of public law, some of them accommodated by the establishment in 1989 of the Sir YK Pao Chair in Public Law. Part 2 of Volume 50 will be a Focus issue, with most of Part 2 devoted to a critical examination of the 2019 Hong Kong protest movement. This was a time of unprecedented anxiety, a huge groundswell of public opposition to the Government's proposed passage of the Fugitive Offenders Bill<sup>5</sup> that would have permitted persons in Hong Kong to be extradited to the Mainland to face trial for offences allegedly committed there. A procession of close to two million people marched on the streets in June 2019 in a peaceful show of opposition to what was viewed by many as an erosion of the One Country, Two Systems principle. The Government's retraction of its proposals in September 2019 came too late, as by then the goals of the protesters had expanded to grievances beyond the initial trigger. Months of protests followed, with nightly clashes between young protesters and heavily armed police, the routine deployment of tear gas on an unprecedented scale, the siege of university campuses and the closure of transportation routes, bringing ordinary life to a practical standstill. A distinguished group of academics, with Professor Yap Po Jen of our Editorial Committee serving as the Focus Editor, has been commissioned to write on several aspects of the protest movement: the political origins of this crisis, the protest ideology, the police response, the legal ramifications and the impact on future Mainland-HKSAR relations.

To further mark the anniversary we have invited Henry Litton, former Permanent Judge of the Court of Final Appeal, to recall some of the history

<sup>5</sup> Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019.

and the mood of the day at the journal's founding. Henry is the journal's co-founder and first co-editor-in-chief (with Gerald de Basto), and was its first patron. His reflections are published here in Part 1. We have also invited another Hong Kong Law Journal pioneer, Denis Chang, an esteemed member of the Hong Kong Bar, to draw on his decades of experience practicing and writing about law in Hong Kong to share his thoughts and reflections on a legal problem of interest to him today. Denis, a member of the first Editorial Board, is the current Chairman, and has supported the journal in many ways over the years. We will publish his article in Part 2 or 3 of Volume 50. We are delighted to have contributions to this special anniversary volume from Henry and Denis, given their pioneering roles with the journal, and their experience and insights into Hong Kong law over the period of the journal's history.

A 50th anniversary seems an appropriate time for stocktaking and reflection. With this in mind, we have commissioned a citations and impact study that will draw on data from some of the leading citation databases. We hope that the results of the study will help us to better understand the journal's reach and influence and, for that matter, help inform authors in making decisions about where to publish. Antonia Yiu, Associate Librarian in the Main Library of the University of Hong Kong, is in charge of the project and will submit her findings to us for publication in either Part 2 or 3 of the current volume.

Fifty years of continuous publication of a law journal is by any measure no mean achievement, one that was possible only by dint of the commitment and time and hard work invested by those who are charged with receiving, reading and evaluating manuscripts, coordinating peer reviews and attending to all the sometimes mundane, sometimes delicate (but always important) tasks that are required to produce a quality, world-class law journal. As I wrote on the occasion of the journal's 30th anniversary, "in a world of change, in which Hong Kong very much participates, nothing can be taken for granted". Then as today, we feel a small glow of satisfaction that we have been able to adapt and react to these changing conditions, and most importantly, cultivate our readership locally and internationally, and to remain Hong Kong's and one of Asia's flagship law journals 50 years on. We mark the occasion of this anniversary by acknowledging and expressing appreciation to all of those colleagues who over the course of 50 years have contributed to the development of this journal and helped nurture the culture of academic writing and critical analysis of the law that it seeks to promote.

Rick Glofcheski  
Editor-in-Chief