

# LAW MEDIA

FOR INTERNAL  
CIRCULATION  
ONLY

A Periodical Publication of the Law Association

JULY 1971 ISSUE

## FOREWORD

The necessity and importance of the LAW MEDIA need hardly be emphasized. It is indeed with great pleasure to learn that the present Publication Secretary has seen fit to re-publish the LAW MEDIA. How sad it was to find its publication being suspended since its first appearance on 15th October, 1970.

The LAW MEDIA was, and still is seen by me as a step taken towards the establishment of a Law Association founded on democratic principles. Its purpose is to supply a channel of communication between the members and the Chairman and His Executive Committee. It is expected that articles published in the LAW MEDIA will include opinions, suggestions, complaints and criticisms of those members who are conscious of and care for the improvement and welfare of the Law Association. Its effectuality, though cannot be foreseen at this moment, is expected to be far-reaching, substantial and constructive.

The recent contest of opinions through the exchange of the so-called "open letters" sufficiently demonstrated the need for a proper and constitutional channel for the voicing of one's opinions and grievances. The idea of the LAW MEDIA is never irresponsible criticism. The LAW MEDIA exists as a facility for those who want to say something and are prepared to bear the consequences of their words and opinions. In short, it encourages responsible criticism. Out of the difference of opinions of a rational populace, it purports to reveal the bad with the good, the debased with the sound and vital.

Rowland Sum

## EDITORIAL

As recent events have demonstrated and as the ensuing pages will illustrate, there is a compelling need for the existence of an open forum where law students can air their grievances and complaints or voice their opinions and suggestions. The production of the LAW MEDIA is to fulfil this need and this need alone. It is not intended to reflect the view-point of any special group - not the editorial board, nor the Law Association Executive Committee nor even the Law Association as a whole. Its sole and only purpose is to show what each individual law student has to say.

For this reason, we will be strictly impartial and we will do no more than produce whatever material we are given. Therefore, we do not consider it incumbent upon us to screen the articles or to make outstanding corrections. As long as space permits it, we shall print all material submitted provided that the contributor signs his name. We will not make any changes in the scripts except for purely grammatical or typographical reasons.

Now that no one will decide what you should read and what you should not, the whole responsibility of passing judgement will thus rest upon you alone. This also means that it is up to you to say anything you wish to be made known since nobody else is going to say it for you. However, we are confident that all law students do have sufficient intelligence and powers of perception to arrive at a rational conclusion when confronted with contrasting sides to an issue. Finally, we hope that you will bear in mind that what the LAW MEDIA will contain and what others will read is dependent entirely on what you contribute, and hence, should you wish to be heard, you must definitely speak up.

THE DEVIL OR THE SAINT

Mok Yeuk Chi

The first campaign speech by the "Potential Chairman" was purported to be a general analysis. My understanding of an "analysis" is the drawing of conclusions and inferences from a given set of basic facts. Perhaps the "Potential Chairman" has a different connotation for the word; I failed to obtain any basic facts from the said articles. It is because of the lack of facts that prompted me to write. The intention is to provide some facts to fellow students who may not be sufficiently informed.

( I do not wish to waste time here to pinpoint how I get implicated by the articles. It is only too clear that the "Potential Chairman" had included Mr. Kenneth Kwok and me as being members of the Active Group.)

(1) In the Campaign Speech No.1, it is written --- "So a member of the Active Group,... gathered quite a number of students together with the proposed cabinet, there, publicly humiliated and discouraged the cabinet and advised the cabinet to dissolve which it did."

The first point is that the cabinet was not dissolved. What happened was two of its members, namely, Mr. Andrew Liao and Mr. James Tsang broke away from it and formed the present executive committee.

Secondly, I had never convened a meeting for Moses and his cabinet so as to humiliate him in public. The meeting was convened by Moses. When he asked my opinion I simply told him that I did not think at that time ( I stress at that time) Moses would be a very suitable person to contest for the chairmanship because I thought he was too honest and good natured. That was all I said about Moses before the A.G.M. convened. ( And this is a fact that should be known:- Moses and his

members who, as far as I remember, included Miss Gwen Lo, Miss Amy Tam and Mr. James Tsang.) It was never intended to nor did it ever occur to me that what I did could have hurt Moses. If I did, I sincerely apologize. Further, never had I any doubt that Moses could be a very good committee member.

(2) The "Potential Chairman" had mentioned about the ideology of the Active Group. I question in the first place the existence of such a group. In the second place, I question his use of the word "ideology". If he equated ideology with the things I hope the Association can achieve, then I beg to differ. I have always suggested to the Chairman that we should fight hard for the following (regretfully none of which has been implemented by our "cool minded and reasonable" chairman for reasons best explained by himself).

a. To advocate for the abolition of the premium system:

b. To secure recognition of our qualification by the local profession. (So far, it is only through the Department that our recognition is being negotiated. I think it is odd, if not ridiculous, that the law students, as the group directly affected, have never made any effort or representation in this aspect.)

c. To negotiate with various hostels so that they will give us preferential treatment in the selection of residents. (The reason is that we are far more dependent on the library than most other students.)

d. To get local connections, for example, patrons. (So that our voices can be heard and our existence felt "down town")

e. To produce a publication through which we may be able to introduce to the lay readers some basic legal knowledge, e.g. the constitutional right of an individual.)

I do not see how these can have any resemblance to the "ideology" mentioned by the "Potential Chairman", i.e. acts in defiance against teachers and segregate the students.

(3) In the two aforementioned articles, he also mentioned that the Active Group's members had never stood "at the forefront" and that it is they who "destroyed" the image that the law students have built in the main campus. I disclaim that there is such a group whose members joined in this kind of "destructive conspiracies". But should the "Potential Chairman" be pointing at the group mentioned by Rowland in one of his last year's speeches thus including Miss Stephanie Cheung, Mr. Ronny Toong, Mr. Michael Wu and Miss Mariam Seemie, the allegation is highly arbitrary and grossly unkind.

Firstly, as far as I can remember, there has been no function that the above mentioned students have no participation. By participation, I also include the "dirty preparation work". (Surely this would not have escaped the "Potential Chairman's notice if he was ever there.)

Secondly, I fail to see how those classmates and I had acted in detriment to our law students' images. On the contrary, without the

least attempt to boast, we have contributed a lot to the establishment of the good image of the law students. I would like to relate two instances among many to prove my point.

The two performances which won for the law students the Dean's Cup and which undoubtedly have established an image of good taste if nothing more, were twice directed by Stephanie and Ronny (without prejudice to the contribution by all the other participants).

Then, as covered by the S.C.M.P. in its 9th July issue (p.6), the Legal Sub-committee to the Chinese Language Committee in its third report had shown its appreciation to a report (which is the only response received by the Committee from students) compiled by a group of law students (the Legal Sub-committee of the HK Federation of Students). Stephanie and I had actively participated in its making. Should the Government's Legal Sub-committee's note of appreciation be regarded as a positive acceleration to the establishment of the good image of the law students, Stephanie and I (without prejudice to some other eight participants) indeed had contributed a lot.

To conclude, in my personal opinion, the two articles are objectionable because they were not signed and they did not provide accurate statements of fact. It shows irresponsibility and insincerity. It also renders it impossible for us to explain and straighten out the possible existence of misunderstanding (and I believe that misunderstanding is often the sole reason for contention). I wonder why, if he really intended to write an analysis, he had not put down all the facts so as to give our fellow students a right perspective. Instead he picked a few that seemed best suited to support his allegations. I doubt whether the two unsigned articles can be regarded as constructive (or destructive) to the law students. I, therefore, challenge him to substantiate his "observations" so far being expressed in his two speeches.

ALL THAT GLITTERS IS NOT GOLD

Rowland Sum

During my term as Vice-Chairman I had referred our Association as a very young child badly in need of care and attention before it could be nursed to maturity and the task of fostering it was entrusted to our Chairman and the Executive Committee.

To my regret, far from seeing our Association building up strength, I seem to see it disintegrating. As I have said the Executive Committee has the responsibility of guiding the destiny of our Association and in discharging their duty, they should make every possible effort to overcome all kinds of difficulties. However, it should be remembered that we, the "beneficiaries", have a role to play too and should not overload the Executive Committee with unnecessary burden or obstacles. Every one of us is expected to and entitled to express his/her views and propositions which are intended to be beneficial to the bettering of our Association. But he/she must be a responsible speaker.

Surely an individual can speak most irresponsibly and unscrupulously behind the shield of his unknown identity. And it is beyond doubt that one who wants to speak but is afraid of being identified renders his words unworthy of the slightest consideration and is never a true participant of an association which is founded on democratic principles. Be he speaks well and great it is but all that glitters is not gold. Despite that what he says may be true, his irresponsibility as depicted by his deliberate concealment of identity only serves to win for him distrust and scorn.

As it happens, such simulating heroes are often ill-informed or else they must be taken to have intended to lie for a selfish motive. For the benefit of our Association I wish to say that the first Executive Committee of the Law Association was never in debt. When the present Committee stepped into office it had an estimated fund of some HK\$900 to start with. Secondly the minutes of the meetings and other records were in order and were properly handed over to the present Committee before they had their first official committee meeting.

Perhaps it is evermore necessary to reiterate: "The future tradition of our Association depends very largely on what we do now. The scope of its activity depends very much on what we aim at now. The integrity and establishment of it depends entirely on what we shall have done: when we shall look back and see what a mess-- or anything at all, we have made out of it.

A REMINDER TO ALL LAW STUDENTS

Ruby Fung

It is indeed very deplorable to learn that our Association is being enveloped by the shadow of segregation. (This knowledge is not based on the information provided by the letters of the "Potential Chairman" in which he mentioned the "Operation Segregation") But as a matter of fact, the appearance of the anonymous letters by itself is a sufficient sign of disintegration. It is not my interest to assess the acceptability of the complaints listed out by the "Potential Chairman" or to adjudicate since I feel what we need most urgently is an understanding of our situation and a will to co-operate accordingly.

To a very large extent we, the law students, are very much envied by our fellow undergraduates in the main campus, especially by those who are not receiving professional training and do not understand that we cannot practise as lawyers after we have graduated outright. They tend to think that we are all stepping on an easy and a well-paved road to our "promised-land", having everything prepared for us. But to speak the truth, we have not been promised anything specifically by the government or the Law Society or the Bar Association. For those who intend to practise law as their profession, have they been promised that they will be accepted as articled clerks after

they have graduated? As for the sector which does not aim at the black robe, they are by no means very much better off. Our department is but newly established, until they have shown their capability and proved the versatility of our training, they will certainly be viewed with suspicion. They will not be given any priority over other fellow graduates. Or, to be a little more pessimistic, as the graduates of a new department, they may be relegated to an inferior position as the "second-choice". So, we are all groping on a very uncertain and rugged path looming by challenge, competition and obstruction.

On the other hand, it is encouraging to find that some of us are exceptionally intelligent having a lot of potentials and most of us are confident, enthusiastic and diligent. I dare say that with the help of legal training, many of us will turn out to be the leaders of society either as professional or non-professionals. But, the problem is how can we prove our merits so that the outsiders will trust us. Certainly, we cannot hope for them to provide opportunities for us to vindicate our worthiness. Simply confining ourselves to the library, stuffing our brains with as many ordinances and cases as we can is the most unadvisable thing to do. What we should do is to take the initiative to show them that we are willing to serve and are able to serve and the best way to attain this is co-operation in the name of our Law Association with the help and guidance of our teachers.

In this context, it is not intended to discuss the steps that should be taken to exploit a road for ourselves but I feel necessary to assert that before any action can be taken, we must be of one mind and heart. It is acceptable that in any community, a conflict of opinion is bound to occur due to diversities in disposition. But since man is out out to be social animals, no matter how different we are, we still have to exist in groups. In order to co-exist, we must learn to accommodate, reconcile and tolerate. An association is an aggregate of individuals and the success of it is usually the result of toleration, reconciliation, co-operation and admonition.

So, it is sincerely hoped that from now on, every one of us will hold the attitude that if "we walk hand in hand, we will overcome". Very soon, our association will be developing into a bigger organization. The new students will bring with them additional strength and new ideas. But this may make our situation more chaotic because a more serious diversity in opinion may occur. However, unless they are exceptionally radical, as new comers, they will usually look up to their seniors and it is the most encouraging incentive for any new member of an association to learn that his association has an invulnerable spirit founded on unselfishness, frankness and co-operation. It will not be long before our department produces its first group of graduates and it is high time that we should start clearing off all obstacles and barriers both within and without our Association.