

LAW MEDIA



Law Association
University of Hong Kong

Feb. 77

WHAT'S ON CORNER

Everyone in the Dept. must be very much concerned with the health of Dr. Wesley-Smith who was reported ill since the beginning of this term. To everyone's relief, he had gone through the critical stage and is on the road to recovery. He has been moved to the Queen Mary Hospital, room E5. Those who have visited him said he is now "safe and sound".

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On behalf of the Law Media Editorial Board, we would like to extend our welcome to Mrs. Judith Evans who has just joined the Department.

Now that we have two lady-lecturers, it is foreseeable that in the near future, we'll be hearing the good old Helen Reddy hit – "I'm. hear me roar, in numbers too big to ignore."

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There was a law talk given by the alumni on the 29th January. Owing to the enthusiastic response, the Law Association is contemplating the possibility of organising another one sometime in March.

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At the time of writing, there will be a social gathering on the 15th February. The exciting news is that girls from the outside world will be invited to come. It is time that we had something from the without. Agree? You guys!

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The Legal Education Project gave its first lecture on the 10th Feb. . The lecture which took place in that eminent Protestant Girls' School called Diocesan Girls' School was well received by the students of the upper forms there. Mr. Billy Kong did a good job in informing the girls on everything which a citizen wants to know but does not have the opportunity to ask.

As a sequel to the lecture, the sub-committee also led a court tour in the Sanpokong Magistracy. There were some thirty inquisitive D.G.S. girls who actually turned up at nine in the morning.

We would like to express our gratitude to Magistrate Wilson who gave tremendous help in explaining the procedure to the visitors.

SPORTS FIELD



Well chaps, (sounds familiar?) the roughie-toughies actually did it. In the soccer match between the lecturers and the LL.B, the score was 4-2. But none of the staff got a score, it was just the PCIL “traitors” who brought about the victory, aided and abetted by the “faultie goalie Larry.”

We all heard of mass tyranny, anyway, we saw it in the hockey match between Law and Medicine. There were nine of us playing against eleven aspiring doctors. Boy, did they have aspirin! Need I tell you the result?

Isn't consistency a virtue? If yes, our volley-ball team must be awfully virtuous. Out of the 3 volley-ball matches against Medicine (again!) Science, and Engineering, the result was a consistent 0-3. But words had it that our team almost succeeded in shattering the opposition's morale. The moral of the story – you don't need the morale in order to win.

“Tennis-victoria”: Our tennis team has entered the semi-finals with a hitherto wonderful record of 5-0 over the Social Science people, a 4-1 against the Engineering; and walked over the Architecture. With such results, you can bet Mr. Stone will say: “Good show chaps!”

INTERVIEW WITH MRS. JUDITH EVANS

We would like to take this opportunity to welcome Mrs. Judith Evans to the Department. She will be with us for 2½ years, as this is the duration of her probationary contract with the University. Besides taking over Dr. Wesley-Smith's lectures, she is lecturing in the 4th year and is also involved in the Legal Aid Scheme.

Before her arrival in Hong Kong, Mrs. Evans has led a varied career. She was called to the Bar many years ago after attaining her law degree at Cambridge, but due to family responsibilities, she did not practise. Subsequently she switched to teaching. After moving to London from the country, she completed 8 months pupillage, but decided it would be financially difficult to build up a viable practice after so many years away, thus she took up a teaching post at the College of Law. She finally decided to become disbarred and after taking exams in trust accounts, book-keeping and revenue, Mrs. Evans underwent the "traumatic" experience of switching from barrister to solicitor and practised for 3 years with a London firm of solicitors.

After being here for only 2 months, Mrs. Evans is enjoying her stay in the Department, which she describes as "lively and active". When asked whether she finds it a handicap being a woman in the legal profession, Mrs. Evans gave a definite "no". As far as women solicitors are concerned, there is no discrimination. However, at the Bar, women barristers may find it difficult to get into chambers to start building up a practice. Moreover, women barristers have to learn to bear with certain prejudices from some members of the opposite sex. Occasionally some clients feel dubious about a female barrister taking their case. But where solicitors are concerned, some clients, especially women, prefer the sympathetic ear of a woman. That is why Mrs. Evans concentrated on family and matrimonial affairs when she worked as solicitor in London.

Aside from finding Hong Kong rather cold in January, Mrs. Evans enjoys the pace of life and everything else in Hong Kong, above all the people she has met. We can assure her that the Department will do its best to assist her and to make her stay here enjoyable.

NEWS FROM THE LEPSCO

- 1. The time for our trial lecture at the DGS on the 10th Feb., 1977 has at last arrived. Students were invited to join and help in the discussion immediately following the talk and in the Court-visit on the 12th Feb., 1977. By the time this issue reaches you, the events would already have taken place but we will inform you of the results. Just keep an eye on the notice board!**
- 2. Letters will be sent to other schools by the midst of March to invite them to join in our project. We hope that after that, we may hand over matters concerning each participating school to separate groups of students in the department. The lectures will only take place after our exams so that our own academic work will not be much affected.**
- 3. It is to our great delight that Mr. Lee Wui Tao on behalf of the Hong Kong Cultural Service Ltd., has consented to sponsor our printing of pamphlets and posters completely. Here we would like to express our special thanks to Mr. Kenneth Tsang (1st year) who has helped us greatly in this aspect.**
- 4. With this impetus, our project was given a new drive. A sub-sub-committee was formed to prepare the pamphlets. A poster competition was also organized. The two publications will be sent to the printer by the end of February and we hope can be ready by the midst of April. Distribution of these materials to secondary schools will then commence. We would like to thank all those who have helped in preparing the pamphlets and the poster.**

So much for now. But remember, the above is the LEPSCO's tentative plan only. There is, of course, still room for improvement. Your suggestions as to any better arrangements, especially the choice of the participating schools, are most welcome.

SOME LINGERING THOUGHTS.

One member of the teaching staff who had spent 3 years of service in the Law Department left us at the end of Dec., 1976. This is Mr. Roderick O'Brien.

With a frank look in his eyes, he said his stay in Hong Kong had been a happy one. He enjoyed working with the dedicated staff of the Dept. which he described as 'of the right size' to enable everyone to get well-acquainted and to exchange ideas amongst themselves.

We were told that our Dept. when compared with other law schools in Asia is considered efficient and well-facilitated. Mr. O'Brien was particularly impressed by our post-graduate course which he thought is of practical value not only to the students, but also to himself. It did not come as a surprise when Mr. O'Brien quite flatly rejected the idea that our library is too small. The various volumes which are available to the students in the library are in effect a verification of Mr. O'Brien's 'dictum'.

In reply to the touchy legend of failure rate in the Law Dept., he said that one should not let people through at the expense of lowering the standards. The reason for those who have difficulties in their work is because they are unable to cope with a 'cultural shift' when what they are required to do is basically English law. For some people, university life is simply too distracting. But in conclusion, he said we neither play nor work intensively enough!

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Mr. O'Brien will be touring around England and Europe for 3 months before returning to Australia. So far, he has no definite plans to return to Hong Kong. But in regard to some of his pleasant memories, we anticipate a re-visit in the near future.

We would like to express our gratitude to Mr. O'Brien for his devotion and service towards the Dept. not only as a member of the staff, but also as one of our star players of the squash team!

“MAY IT PLEASE YOUR LORDSHIPS”

“To be entirely fair, I must admit that I had not hitherto perceived your overwhelming interest in listening to oral argument on fine points of law. . . .”

* * *

“I do not wish it to be thought that I under-estimate the importance of the Moot Programme . . . but I do wish to remind you that attendance at tutorials is also important.”

* * *

“Who is sitting as judge?”

“Mr. Justice XXX.”

“Justice and XXX will never go together.”

* * *

“Counsel for the appellant wishes to cite a case not on the list of authorities he submitted, this would be allowed only on condition that counsel for the respondent does not object”

“I object.”

* * *

“Mr. , what is the authority for your proposition?”

“There are a number of cases cited by Professor Gower in his book.”

“Could you cite them to me?”

An awkward silence, followed by a fumbling of papers.

“I couldn’t find Gower, could you rely on me instead?”

* * *

“Miss , I would just like to interrupt you at this point. Counsel for the Crown has cited a case which runs contrary to your proposition. Could we hear argument on this point?”

“May I beg the indulgence of the court to deal with this point later in my rebuttal, as I am afraid this would muddle up the rest of my argument.”

* * *

“If the judge interrupts you in the midst of your submission and says he wants to hear argument on a particular point, even if you have fifteen submissions in the way, you should skip the fifteen submissions and come directly to his point.”

* * *

“For my proposition, I would like to cite an article in the Hong Kong Law Journal by one Mr. ”

“Is it the practice to cite the works of living authors in court as authority?”

“To my knowledge, the works of Cheshire & Fifoot and Smith & Hogan have been cited no less than ten times in court.”

* * *

“I cannot say for my brother who might dissent”

“I dare not dissent from one who ranks with Cheshire & Fifoot and Smith & Hogan.”

— allowance has to be made for exaggeration and juxtaposition of quotes

SMILE

C.Y.W.

“Why don’t you smile?” is a question that I am being asked frequently. “Why should I?” is my usual reply. Really why should one smile when there is nothing to smile at. Why should a person smile just to entertain the other party who is telling a silly, dirty joke. Why should I smile when it is so hypocritical to do so.

To smile is a natural phenomenon of expressing one’s joy or happiness in meeting one’s friends. Of course a person may smile when he is in a most embarrassing situation, or he may smile because he sees something funny or comical. But I just cannot help wondering why some people can smile so sweetly in front of people whom they dislike and create such an atmosphere of comity, yet capable of immediately giving them a compliment of “S.O.B. . . .” once they are out of sight. This is really abusing the purpose of a smile.

There are of course many more examples of people misusing their smiles, but all these may possibly lead to a lamentable result – whenever a smile is cast upon a person, he or she may be amused into thinking: “What is the motive behind that lovely smiling face?”

LET’S MEET

Daniel YS Lai

The topic “Impossible Attempts” in the criminal law reminds me of someone whose name I long forgot. (Perhaps it is not his name which makes you remember him, if you do at all.) It reminds me of him in that if a pickpocket goes through his pockets, all he gets will be exercise. Impossible attempts!

Surely he is a scholar! He has a B.A., an M.A., and a PH’D., although he has no J.O.B. . You may wonder why, but he is very responsible indeed. No matter what is wrong, he is always responsible.

Once, two big firms actually fought for his service. The loser got him. There he started at the bottom – and stayed there. Well, he lacks only three things to get to the top: talent, ambition, and initiative.

His boss complimented on him and said, “He’s a human dynamo who gets short-circuited along the way; and an early bird who never catches the worm.”

In the end, he left his job because of illness and fatigue – his boss got sick and tired of him.

Poor guy!



Work

Either too much or too little,
Either a flood or a drought,
Never exactly sufficient –
Either with work or without.

Either too busy or idle,
Either a shortage or reams,
Never exactly sufficient –
Always a case of extremes.

Innovation

Wouldn't it be rather a nice conception –
A Dissolution of Marriage Reception?
No doubt it'll soon be a matter of course
To invite guests to a Divorce.

Modern Legal Maxims

I

Gentlemen's Agreements are quite often the foundation
Of ungentlemanly conduct and of years of litigation.

II

From Matters of Principle lawyers derive
A very great deal of what keeps them alive.

看官們，住眼！

爲了想知道我們在其他同學心目中是怎個樣子，最近與幾位不同院系同學間號，得到以下的珍貴資料。

一位社會系三年級女同學話我地塵到有影，佢話 HKV 祇有法律系的人着三件頭返學，而且重頭岳岳，好似目空餘子咁話。

（照我睇，唔知我地有邊個得罪過佢！）

另一位社會系的男同學則比較含蓄，佢話由我的Body Language，可以睇得出我地好有 Confidence；照佢意思，呢個Term包括信心及塵氣，因爲冇信心就有得塵。

（其實我地騰雞佢又唔知。）

一位建築系二年級女同學對我地則甚睇好；佢話法律系同學比其他院系同學更“refined”；即係斯文兼執得正。

（都好，總算有知音。）

另外有兩位文學系的女同學（一位一年，一位二年），是「赫戲」的採訪員。當問及他們對我們印象如何；答案是冇——因爲她們並不認識法律系任何人；也不知法律系有甚麼人。

我們再追問她們對法律有沒有認識；她們卻覺得法律與她們並無切身關係；祇知此物在社會中十分重要而矣。她們覺得法律是律師的把戲，普通人可以置身事外；即是一切都是多餘的。

我們很奇怪，也很遺憾，同是港大同學，隔膜卻如此大；而她們對法律的認識又如此少。

（似乎Legal Education Project有必要普及港大其他院系的同學；又或者，開一個Lan Exhibition也會有幫助，各位以爲如何？）

詠四季

黃昏雨

冬

窗外蕭蕭雨似煙，
窗內溫溫我欲眠，
忽見紅粉遙點首，
齊齊食飯去CANTEEN

夏

年年六月遊艇河，
兼埋七月ANNUAL BALL
年關惡過年年過
知我符碌又如何

春

春寒三月好風光，
師姐師妹換新裝，
忽見杜鵑花盛放，
考試期近好心寒

秋

萬事大吉又開張，
買書不嫌銀紙腥，
迎新籌備最落力，
惟望師妹夠標青。

嚴寒像一身抖不掉的感冒，不知不覺就苦纏了整個一月。人懶得動，心緒也早靜下來，慢慢就靜成一片吹也吹不動的老霜，填滿了稍帶麻木的空虛。偶然從紐魯詩冷僵了的玻璃窗往外看，竟碰到少有的景緻，一山樹影在池水上亂舞，一草一木都嚇怕了，灰而重的雲壓平了一遠一近的山，自然的力大得有點假，不禁驚歎一個這樣迫真的舞台。

雨又不耐煩的下著，敲響了滿山飄泊的黃葉，那不是痛哭，也不是狂歌，倒像醉漢酒後說不斷的喃喃。在這舞台上一浪接一浪。這流不盡的雨，是黃河的淚麼？五千年教出一個野孩子。驚惶的滿山跑。冷雨成霜，但打在冷冷的面上，也不覺得了。聽說，陸要去紐西蘭。雨，下得更大。

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