

Ms Anna Wu Hung-yuk, GBS, JP

Doctor of Laws *honoris causa*

Address

On Engagement and Transformation

Council Chairman Andrew Yao, President Leonard K Cheng, Distinguished Guests, and Fellow Honorary Graduates,

Thank you, Lingnan, for conferring on us this rare honour – and I am exhilarated to be in the company of Prof Woo Chia-Wei and Dr Zhang Yimou. Both have enriched our lives in so many ways, and I see the world better through their lenses.

When I was studying law, I could not see how the law related to reality. And, as an intern, I was as clueless as my clients when presented with their confused mass of facts. In time, however, I learned to see the law in action and how it related to reality, and it came alive for me. Thinking back, I am sure I would have benefitted tremendously from a liberal arts education before studying law.

Both as a lawyer and as a participant in public life, I often face conflicts and have to resolve them. Conflicts may occur for any one of us at different levels – anytime and anywhere – a traffic accident, a commercial dispute, a neighborhood squabble, even a public protest. These do not come in neat packages or with what-to-do manuals. We are surrounded by conflicts, and we can't disown them – and if they are not resolved, we can't move on. So we become negotiators, sometimes unknowingly, seeking solutions and building consensus, and we muster whatever skills we have to engage and to induce effective outcomes.

Effective engagement begins by researching facts and evidence, and our understanding of reality must be firmly grounded in them. 'Seeking truth from facts' yields real value. Since the first inquiry into the 1966 Kowloon Disturbances, Hong Kong has had successive Commissions of Inquiry appointed by government to establish facts, to determine problems, and to make recommendations for change. And in the case of court proceedings, a lawyer using material facts and evidence to demolish an opponent's position wins the day.

Effective engagement also lies in tackling our opponents' strongest arguments, not their weakest, and that requires listening with care and humility.¹ Seizing a quick opportunity to demolish a straw man's fallacy may give us superficial relief, but will not

¹ *Adapted from, "Make a steel man of others' arguments" in "11 Small Ways You Can Help Mend the World", the New York Times article of 12 June 2022 by Tish Harrison*

actually get us very far. And a dispute cannot be won by a punch or a kick. The power of the process is always driven by well-reasoned and well-based propositions. Listening closely and responding thoughtfully are indeed the highest forms of respect we can pay to our opponents.

A peace negotiator once described a peace negotiation to me as “bringing the war from the outside into a room with four walls, and laying it out on the table.” He told me that we must learn to step out of our comfort zone, to have conversations with our adversaries. A process of engagement must also provide safe space for both sides, while allowing the free expression of widely contested views. Indira Gandhi said, “You cannot shake hands with a clenched fist.” (We do fist bumps for a different reason these days.) Our mindset must be very open; we must establish trust and respect in order to engage.

Engagement is not an adversarial process, and the spectrum of possible strategy and solution is not a zero sum game. Court actions, however, are adversarial, and there is no middle ground. That said, let me tell you about a very interesting 2001 case² in which the court did craft a middle way.

The case involved a paraplegic, Ma, seeking an apology for discrimination and harassment from a taxi driver, Ko. The case required the de-escalation of social conflict, and healing of a social relationship. An apology to the victim would have done it. But Ko asserted his rights to freedom of thought, conscience and expression to resist an order for an apology. So should the court order Ko to make a reluctant and insincere apology?

On final appeal, the court did not order an apology but a judge ingeniously proposed, for future reference, that an offender could choose either to heal a rift with an apology or pay a substantially higher price for the hurt caused. This was brilliant and masterful: resolving the dispute by offering an offender a choice – a choice that incentivised good behavior.

Conflict resolution is meant to resolve differences, achieve closure, and allow parties to move on. In fact, the HK government has used many consultation exercises to achieve these same objectives. And they can be made even more effective through improved processes.

² *Ma Bik Yung (Appellant) v. Ko Chuen (Respondent), Final Appeal No. 25 of 2000 (Civil) Date of Judgment: 5 October 2001*

Our recent past has been beset by grievances and deep rifts. Many of our youths are pessimistic about the future of Hong Kong.³ Many need to heal their bruised spirit. What can be more important than encouraging our youths to explore the constraints and opportunities in the community together, and build a shared future for themselves and others? This is the time to equip them with essential transformative skills. Let them be the architects of human relations and create space for interaction and engagement.

In closing, let me, on behalf of Prof Woo and Dr Zhang and myself, thank Lingnan once again for bestowing this honour on us. We will cherish it, and may Lingnan grow from strength to strength.

³ *According to the Hong Kong Federation of Youth Groups results of a survey completed in May 2022, 46.9% of those surveyed, aged 15 to 34 out of a group of 1,054, are pessimistic about the future development of Hong Kong and only 17.5% are optimistic.*

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謝辭

對話和脫變

校董會主席姚祖輝先生、校長鄭國漢教授、各位嘉賓，各位榮譽學位領受人：

非常感謝嶺南大學授予我們這一難得的榮譽 — 能夠與吳家瑋教授和張藝謀博士在同一場合接受這榮譽，更令我格外興奮。他們兩人都在很多方面豐富了我們的生活，通過他們的視鏡，我更明瞭我們的世界。

從前我學習法律時，我看不到法律如何與現實拉上關係。在我作為一個實習生的時候，面對客戶提供混雜的事實，我往往和他們一樣毫無頭緒。但漸漸地，我看懂了法律所起的作用，以及它與現實的關係，從此法律於我而言變得生動。回想起來，如果我在學習法律之前有機會接受博雅教育，一定大有幫助。

作為一名律師和參與公共事務的人，我經常面對衝突，也必須解決這些衝突。衝突會在不同層面發生在我們每一個人身上 — 隨時隨地 — 交通事故、商業糾紛、鄰里爭吵，甚或公眾抗議。這些衝突不會齊齊整整的出現，也不會有操作手冊可供參考。我們往往都被衝突圍繞，不可能無視它們 — 如果不能解決，我們就不能繼續前進。因此，我們會成為商議者，有時是在不知不覺中成為商議者，致力尋求解決方案和建立共識，我們會善用所有的技能來進行協商以期達致良好的成果。

有效溝通基於事實和證據，我們對真相的理解必須牢牢建立在這些事實和證據之上。「實事求是」有實在的意義。香港政府自從就1966年九龍騷亂首次成立調查委員會以來，就持續任命調查委員會，以釐清事實、理解問題，以及提出改革建議。而在法庭訴訟中，律師能夠利用重要的事實和證據來推翻對手的立場，就能取得勝利。

有效溝通還在於應對我們對手最有力的論據，而不是他們最弱勢的論據，這就需要我們認真和謙遜地傾聽¹。抓住一個快速的機會來拆穿一個稻草人的謬論，

¹ Adapted from, "Make a steel man of others' arguments" in "11 Small Ways You Can Help Mend the World", the New York Times article of 12 June 2022 by Tish Harrison

可能會讓我們有表面上的緩解，但實際上不會讓我們走得很遠。而且，爭執不可能通過拳腳來解決，在解決過程中要有力量就必須依靠有理有據的觀點，仔細聆聽和思慮周到的回應是我們給與對手的最高形式的尊重。

一位致力於和平談判的專家曾向我描述和平談判是「把戰事從外面帶進一個有四面牆的房間，然後把它擺在桌子上」。他告訴我，我們必須學會走出自己的舒適區，與我們的對手進行對話。一個彼此溝通的過程還必須為雙方提供安全的空間，同時允許自由表達有廣泛爭議的觀點。英迪拉•甘地說：「你不能用緊握的拳頭來握手」。(雖然我們如今因不同的原因需互相擊拳)我們必須保持非常開放的心態，也必須為彼此溝通建立信任和尊重。

溝通不是一個對抗性的過程，可用的策略和解決方案也不是一個零和遊戲。然而，法庭行動是對抗性的，沒有中間地帶。話雖如此，讓我告訴你2001年的一個非常有趣的案例²，在這個案例中，法院確實提議一個中間路線。

該案件涉及一名截癱患者馬某，要求的士司機高某就歧視和騷擾行為進行道歉。處理這案件需要緩和社會衝突，並修復社會關係。本來向受害者作出道歉就可以解決了，但是高某認為他有思想、良心、表達自由和拒絕道歉的權利。那麼，法院是否應該頒令高某進行不情願的、沒有誠意的道歉呢？

在最後的上訴中，法院沒有下令高某道歉，但其中一位法官巧妙地提出，為了作日後的參考，冒犯者可以選擇以道歉來修補裂痕，或者為所造成的傷害付出一個懲罰性的代價。這是很有智慧和具威嚴的做法：通過為冒犯者提供選擇來解決爭端——一種激勵良好行為的選擇。

解決衝突的目的是解決分歧，完結事件，並允許各方繼續前進。事實上，香港政府已經透過許多諮詢活動來達致這些相同的目標，如果能夠有更完善的程序，它們將可以變得更加有效。

² *Ma Bik Yung (Appellant) v. Ko Chuen (Respondent), Final Appeal No. 25 of 2000 (Civil) Date of Judgment: 5 October 2001*

香港社會近來一直充斥著不滿情緒，傷痕纍纍。我們許多年輕人對香港的未來感到悲觀³，他們受損的心靈很需要治癒。還有什麼比鼓勵我們的年輕人一起探索這個社會的局限和機會，為自己和他人建立一個共同的未來更重要呢？現在是讓他們掌握對話和溝通以達到脫變的時候。讓他們成為人際關係的建築師，為彼此互動和溝通創造空間。

最後，請允許我代表吳教授、張博士和我本人，再次感謝嶺南大學授予我們這一崇高榮譽。我們會珍而重之，並祝願嶺南大學續鑄輝煌，層樓更上。

³ 根據香港青年協會於2022年5月完成的調查顯示，在受訪的1,054名15至34歲青年當中，有46.9%對香港未來發展傾向悲觀，表示樂觀者只佔17.5%。