

Interview with Ms Anna Wu Hung-yuk GBS, JP

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Q: Can you tell me about your family background?

AW: My parents came from the mainland and, like many in their generation, sought refuge in Hong Kong. My father spent some time in Shanghai before coming to Hong Kong towards the end of the 1940s. My mother arrived shortly after him. My father told me that the border between mainland China and Hong Kong was largely open for most of the 1940s. There were no strict immigration checkpoints or barriers. This allowed people to move back and forth and I believe he crossed over to Hong Kong that way. The border became progressively closed beginning in April 1949, when the Chinese Civil War triggered massive inflow of refugees into Hong Kong.

I was born in Hong Kong in 1951 and became part of a generation born and brought up in Hong Kong. We were very different from those who had fled the mainland in terms of expectations, way of life, culture, allegiances and identities.

Since I was born and grew up here, I found myself asking: what is my identity? This question surfaced very prominently for my generation. Both sides of my family, that is, my father's and my mother's, came from Wenzhou in Zhejiang Province, a city long known for its migratory population overseas. We settled in Hong Kong and remained here until the early 1970s, when my parents emigrated to the United States while I stayed behind.

Q: What was the reason you decided to stay in Hong Kong rather than going with them?

AW: My first opportunity of leaving Hong Kong occurred in my sixth form in high school before my parents emigrated. At that time, I was expected to consider attending American universities after high school. My school was run by Maryknoll sisters from the United States. Through the Maryknoll network, the students were naturally more inclined toward American institutions, and a sister offered to find me a scholarship.

I had grown up in Hong Kong and I did not feel that I knew the city well at that point. I felt that leaving Hong Kong then would mean forfeiting a formative part of my life without truly understanding the place. The school had shaped me and tumultuous events that occurred during my high school days, the disturbances of 1966 and the riots of 1967, had left me with very deep impressions. Changes in my surroundings seemed to be a constant in my life and I had thought perhaps that I needed to catch my breath and hang on here for a while. Ultimately, I decided to stay and felt that I would always have an opportunity to go away later.

I attended a Catholic girls' school in Happy Valley called Maryknoll Sisters School, which after my graduation, became Marymount Secondary School. The name change occurred because the original order did not have enough sisters to send overseas and the school was transferred to the Irish Columban Sisters in 1978. The name of the school later changed to "Marymount". The school eventually came under a Catholic lay board in September 1997.

The Maryknoll Sisters of St. Dominic arrived in China and Hong Kong in 1921. They were the first American Catholic women going overseas for missionary work. Their work concentrated in education, healthcare, and social services. Two well-known girls' schools—Maryknoll Convent School and Maryknoll Sisters School—were founded by these sisters. Maryknoll

Convent School marked its centenary in 2025, and Maryknoll Sisters School—later Marymount Secondary School—will celebrate its centenary in 2027.

The sisters were exceptionally well-educated. They were teachers, journalists, social workers, doctors and other professionals. Given that highly educated women then faced limited career options—often restricted to marriage and domestic life—I recalled one sister saying that she chose a different path by joining the mission. Some of my friends say that the sisters were the forerunners of the women's movement and I caught the bug for equality from them.

They instilled in students the core belief that we should understand our communities and actively work within them. During summers, many of us volunteered for various charitable activities. I regularly spent my summers with different charities and organisations. Travel was more time-consuming then; there was no MTR. I would leave home, take a bus to Central, cross on the ferry to Tsim Sha Tsui, then take another bus to different parts of Kowloon. Service was a fundamental part of my high school education.

My high school days were very much disturbed by events outside the school. In April 1966, 25 year old So Sau-chung staged a hunger strike against a ferry fare increase in the Central Star Ferry Concourse. He was arrested and charged with obstruction. Demonstrations and disturbances followed.

The economic crisis, bankruptcies, stock market crash and bank runs in 1965 reflected profound livelihood issues, including loss of bank savings and fears of inflation. Rents for public housing, postage charges, vehicle registration fees, electricity tariffs, salary and income taxes all went up in 1966.

The 1966 disturbances were followed in 1967 by more extensive strikes, riots and bombings. These were seen as a spillover from the Cultural Revolution and triggered by terrible working conditions, no wage or job security and labour conflicts.

Because of the bombing, schools were closed for a period of time. By the time school resumed, I returned to class to find some seats empty. Girls who had been sent abroad by their families never returned to complete their education in Hong Kong.

Growing up this way and amid significant changes in Hong Kong fostered a curiosity about my identity and what this city meant to me. There was also a touch of youthful rebellion in me too. My parents and others preferred that I leave but I wanted to stay. I remained in Hong Kong and Hong Kong stayed my home.

Q: How did you decide on the University of Hong Kong (HKU)?

AW: I was accepted by HKU to study law. It was the only university to have a law school in Hong Kong then. I had never planned to study law or become a lawyer. There were no lawyers in my family, although I later married into a family with prominent legal professionals on my husband's side. My husband was interested in law but ended up a journalist. He married a lawyer. I was at one point quite interested in becoming a journalist but married one instead. I wanted to pursue almost anything else—journalism, town and country planning, architecture, or anthropology, anything else but law. My involvement in law developed largely through circumstances.

As I prepared to enter university, friends advised me to apply for law, believing I might have a better chance of admission. My matriculation results were not exceptional, but law was a new

department and admitted students on the basis of academic and interview results which was not a common admission practice then. A family friend also urged me to study law, arguing that it would become useful and that I would learn to like it. I applied and was admitted. I thought also that if I didn't like it, I could do something else afterwards.

Q: Do you think your early experience of serving the community shaped the way you perceived law and studying law?

AW: My early experience serving the community certainly influenced how I perceived studying law and the way I developed in my legal career.

I was never a particularly serious student of law because I often wondered why I was learning all these old rules. I wanted to see society through the lens of the law. Ultimately, it was my interests outside of law that shaped my interests within it. At university then, our options were more limited than they are today. My critique of legal education then was that it was overly compartmentalised and excessively technical with insufficient focus on values, philosophy, policy and society.

I could see how some parts of the law relate to society more easily than others. I understood I needed to grasp legal procedure and pass evidence, but they did not naturally engage me. Tort and the "reasonable person" and jurisprudence resonated with me more. Family law and labour law felt closer to reality. My dissertation topic was on the rights of children. What rights do they have? How would these be exercised? Their rights are defined against those of parents, institutions and public policies and they are not whole choate rights exercisable by children on their own. The topic intrigued me and I was searching for the best mechanism to realise their rights.

After earning my Bachelor's degree in 1974, I had no intention of pursuing law further. I wrote to the United Nations seeking a job, and to my surprise, they responded. They explained that they typically recruited individuals with a second degree and around two years of work experience. They also noted that Hong Kong was not a UN member on its own which placed me low on their totem pole. I decided to complete my studies, enter the PCLL, and to undertake my professional training. I completed my internship (then articulated clerkship) at Wilkinson & Grist and qualified as a solicitor. This was not a premeditated plan to be professionally qualified or to practice as a lawyer.

Q: How did you decide among the three paths: solicitor, barrister and academia?

AW: I did not think I was cut out for an academic life. I felt barristers largely worked alone, whereas solicitors worked with people around them. I enjoy working with people; I like company and social interaction—I do not like being a loner. I eventually decided I would become a solicitor. Besides, I thought that I would probably be able to switch from being a solicitor to other careers easily. It is funny how I always thought about getting out before I got in. Within a divided profession, the solicitor's role suited me better. That said, I alone am accountable for the decisions I make on any subject in my professional position.

Q: Could you tell us more about your legal experience as a lawyer?

AW: Law, for me, was an afterthought—until the internship made it tangible and alive. Real legal practice was not neatly labelled—no one would hold up signs saying "crime", "tort" or "contract". Everything was messy, requiring you to find your own way while, hopefully, remaining firmly grounded in reality.

That was when I began to understand how law functions in real life: how it operates, how it impacts individuals, and how deeply one's work can influence a client's life. Witnessing law in action and feeling that sense of responsibility drew me further in. Through internship and early practice, I learned how law applies across different contexts and how it could be used to achieve outcomes.

I completed my internship at Wilkinson & Grist and remained there as a solicitor. My principal, Ella Cheong, is an expert in intellectual property and a highly renowned solicitor. Rule books are important, but mastering the law requires practical application and judgment. I worked hard, asked a lot of questions, applied a good dosage of common sense and lateral thinking and gained experience. I was involved with numerous injunctions in intellectual property. Speed was crucial. The cases involved brand names, copyright, patents, trade secrets, exclusivity, business restraints and so on. I also rotated through other practice areas which were not half as exciting as injunctions. There was one exception, however. I still shudder with fear at the recollection of having to secure the closure of an industrial building because it could collapse at any time. I was acting on behalf of a solicitor who was on leave. It was nerve wracking and a race against time.

I remained at Wilkinson & Grist for about a year after qualification. Then, Fairbairn, Kwok & Wang invited me to join their firm. It was a different environment—a younger, general-practice firm—whereas Wilkinson & Grist was far more established and more specialised. As a young solicitor, I still had much to learn. To diversify my experience, I chose to make the move. That firm later split, and I became a partner in one of the successor firms, Robert Wang & Co. I stayed there until I left the profession in 1999.

At Robert Wang & Co in the early years, I unexpectedly found myself involved in a few complex litigation cases. Litigation helped me to look for the non-obvious and to grasp the underlying issues of a case. It also helped me to understand that the best time to learn how to navigate court is when you are young. When you appear in court as a very humble junior lawyer, judges and registrars tend to be more forgiving—they may offer clues and advice.

Although intellectual property is a highly specialised area, it cuts into many commercial issues and is very global. My work in intellectual property exposed me to many spheres of innovation and creativity and the transactional side of intellectual property, such as licencing and sale and purchase of brands and technologies, sale of hotel and business names. I was dealing with the early licences for TV games and it was not just a question of protecting rights, it was also about how to make the financial terms work for licensors and licencees.

My work also involved a substantial volume of commercial transactions. Transactional work taught me to look for the rationale underlying commercial decisions and how to develop solutions.

I recall in the run up to 1997, a prominent client decided to sell a business which would not be on the market had it not been for 1997. So it was not easy for the client to part with it. It was a good business with a lot of sentiment attached. The client was adamant that he did not want to provide warranties which could give rise to extended litigation on a breach claim. It is fundamental in any transaction to provide warranties and to be responsible for breach. I thought that would be it then, a deal breaker. After many serious discussions with my client, I asked my client, the seller, if he would be willing to buy back the business according to a certain formula if there were major inconsistencies with warranties. The seller agreed. This proposed mechanism also appealed to the purchaser because the seller was confident

enough to buy back the business. The deal was struck on that basis. And the value of law is always how we use it and what it can be.

That sale also represented to me a process of internationalisation of Hong Kong family businesses because of 1997. Businesses were sold to overseas partners and swapped for something overseas. Sometimes businesses would take on overseas parties as co-shareholders. In many cases collaboration with overseas partners was strengthened. It was fascinating.

Q: You were very involved with the Law Society. Tell us something about the practice development issues affecting the Law Society, the legal profession and you at the time?

AW: I was a Council Member for the Law Society for sometime (1987–1993). Like other professional bodies, the Law Society was very involved with constitutional and practice issues in the run up to 1997. I was part of its November 1987 delegation to Beijing, Xian and Guangzhou to talk about the future of law and legal systems in Hong Kong, the autonomy of the legal profession and to introduce the common law characteristics. This trip also helped to establish the channels of communication for the legal profession in Hong Kong in the run up to and after 1997.

I recall my involvement with the Asian Patent Attorneys Association as the president for Hong Kong and as a Regional Vice-President (1988–1991), wrestling with the change of the Association's constitution necessitated by Hong Kong's impending constitutional change from a Colony to Special Administrative Region. Recognised Groups with an independent patent system became the basis for membership.

In the same period, the Law Society was also resolving legal practice issues between foreign and local lawyers. Because of the run-up to 1997, not only clients were going global but so were legal practices. I recall my partner, Robert Wang, asking me to accompany him to see Lee Kuan Yew and, at the meeting, foreseeable migration of Hong Kong businesses and legal professionals to Singapore was brought up.

The constitutional changes in Hong Kong impacted on the practice of law as it did with legal education. China-related law, Hong Kong's constitutional framework, cross-border trade and the greater use of Chinese in law all became essential subjects for learning.

Q: We understand that your passion for social justice had translated into your non-legal work since the late 1970s. What were those experiences like?

AW: I talked about the impact of the 1966 disturbances and the 1967 riots on me. These events triggered some significant reforms for Hong Kong. Governor Murray MacLehose arrived in 1971, my matriculation year and my first year of university. He started the District Boards, the ICAC, basic free education, a 10-year housing program and public assistance for the disadvantaged. These all helped me to become much more aware of the societal aspects of law, rights and governance.

One group I helped establish in the mid-1970s was the Hong Kong Observers. This was considered Hong Kong's first political pressure group.

The Observers' members were largely second-generation Hong Kongers, people who cared about Hong Kong and believed we should have a voice, since we were still under colonial rule with no representation. Our core activities were research, policy analysis, debates and

publishing articles. Those days taught me how to advocate for change through well reasoned arguments.

We became a thorn in the side of the Hong Kong Government, which unbeknownst to us, put us under Special Branch surveillance. A committee at the highest level of government was formed called the Standing Committee on Pressure Groups (SCOPG). It was created in 1977 and functioned in secret to infiltrate and counter local activists and political groups. Overturning a colonial government and subversion were clearly what the committee was concerned with. In 1980, its reports were leaked by the New Statesman in the UK. That was how we learned about the surveillance and I was warned by many on the potential consequences on my future career, emigration and safety. Because these papers were classified as Confidential and not in the public domain, I later put questions to the government officially in the Legislative Council proceedings in 1995 as a legislator because of the immunity accorded to its proceedings.

The Sino-British negotiations on the future of Hong Kong between the Chinese and British governments did not provide a seat at the table for the Hong Kong community. The transfer of sovereignty over Hong Kong was arguably the most consequential part of our history. The Observers commissioned a survey of the community regarding its future based on which we formulated our position paper on the future of Hong Kong. I led its delegation to Beijing in 1983 with this paper. On this trip I heard the concept “Hong Kong people administering Hong Kong” likened to a bird cage with its size expanded or contracted depending on circumstances. This important issue continues to evolve today.

I saw the news photos of two top police officers, Ernest Hunt being arrested in Hong Kong in 1973 and Peter Godber brought back to Hong Kong in 1975, to face justice for corruption offences. I was glued to the TV watching the police storming of the ICAC in 1977 and its aftermath—the partial amnesty granted by MacLehose for corruption offences that occurred before 1977—to prevent a total breakdown of public order.

Socio-economic factors produced different types of corruption at different times—from the massive public housing scandals in the 1970s to illegal rebates, commercial frauds and bank related corruption to preferential initial public offering, known as “Biscuit-sharing”, played out in the stock market in the 1980s. Corruption also affected essential services like public health care, building safety, and the issuing of various kinds of licences.

The establishment of the ICAC in 1974 was a very significant milestone in Hong Kong’s history. I became the Chair of the Operations Review Committee of the ICAC in June 1997, just before the change of sovereignty. I was the second lay chair, after Jimmy McGregor. It marked a departure from having the Commissioner of the ICAC chairing this Committee.

This was one area of law which helped to build up Hong Kong as an international centre of trade and finance. Government must be clean, transparent and fair. The ordinary men and women on the street, the hawkers, the shopkeepers, the users of health services all deserve a fair shot. An anti-corruption environment is also an important component to building up a competitive and fair economy. I also learned from the ICAC how it was able to turn the public around from fear of reporting corruption to becoming a valuable collaborator against corruption. The ICAC is an independent body outside the mainstream government system, accountable only to the governor before 1997 and, after the change in sovereignty, to the Chief Executive. The issue of public trust and confidence in the institution is crucial. This aspect of getting the public behind you was something that I took to heart and it guided my work also in all subsequent public bodies.

Another body that I was extensively involved with was the Consumer Council, first as member and subsequently as chair (1997–1999). Harm done to consumers collectively because of unfair and bad trade practices is huge but, in individual terms, usually involved small amounts, and it is not economically practical for victims to take legal action.

The conciliation process had yielded healthy success rates but the Council was concerned that in time, without the ability to enforce the law and to sanction violators, the conciliation process would be compromised. So the Council decided to set up a very modest legal action fund to help individuals, particularly those that could be grouped under representative actions. This measure brought some impact but class actions remain elusive to this day.

The Council advocated a competitive framework for the Hong Kong economy. It produced a number of sectoral studies and a policy recommendation, “Competition Policy: The Key to Hong Kong’s Future Economic Success” (1996). I was part of the effort and this experience helped to prepare me to take on the Competition Commission when it was established.

The Council also successfully advocated for Hong Kong’s 37-year banking cartel on interest rate to be removed in phases beginning in 1994 on time deposits and completed in 2001 with savings and current accounts.

I was chair of the Mandatory Provident Fund Schemes Authority (MPFA) 2009–2015. The law was passed in 1995. It was set up as a long overdue retirement benefit and to ease the fear of transitioning 1997. The MPFA was legislated for while I was a legislator and I had abstained from voting for a specific reason. The bill provided a setoff of employers’ contribution against severance and long service payments for employees. I felt strongly that having the employers’ dollar paying for two completely different liabilities was wrong and most importantly it diminished the return for retirement protection. The set-off was finally discontinued after my departure as chair, 30 years after enactment of the initial law, for periods after 1 May 2025 as regards employers’ mandatory portions.

Moving from bank-specific schemes to an integrated framework, introducing account portability, and developing a unified platform all had to be introduced into the MPF system to make the system more effective. My specific involvement related to turning the system into a more portable one and to achieve fee reduction and better protection through built in risk adjustment. The Default Investment Strategy was introduced in 2016 and officially launched on 1 April 2017 to reduce cost and risks.

My involvement with public bodies began with the Transport Advisory Committee (1982–1986) and the Social Welfare Advisory Committee (1984–1988). Working with public bodies helped me to learn about the formulation of public policies and the socio-economic context in which the bodies function. My work with the public bodies helped me to see the entwinement of law and public policy and how law becomes an agency for change. Appointment to public bodies involved many members of the community and, save for the rare honorarium, remains an unpaid form of public service.

While the days with the Observers gave me a perspective of how to use public opinion from the outside, the work through the public bodies taught me how to leverage within the system.

Q: Can you tell us how your Legislative Council (Legco) and Executive Council (Exco) appointments came about?

AW: I was the last appointment made by Christopher Patten, the last British Governor, to Legco in Dec 1992. I stepped down at the end of the term in July 1995. I needed to justify accepting this appointment as I had always been in favour of elections to Legco. I decided that I should maximise my skills as a lawyer to make law in an area that covered equality and would benefit many people. After all, legislation is the function of Legco. I dedicated my whole term as a legislator to push for equality laws.

I served on the Exco January 2009 to June 2017, during the administrations of Donald Tsang and C. Y. Leung. I believe I was appointed because of my experience in public service and knowledge of public affairs. My political views were regarded as liberal and I would like to think that I was regarded as independent.

Donald Tsang expanded the Exco to widen representation. CY Leung was the convenor. I was one of the 3 women in Donald Tsang's Exco. Hong Kong was in the middle of a financial tsunami and was going through difficult times then.

CY Leung rebalanced the political party and other sectoral representation in Exco. I was one of the 3 reappointed by CY Leung from the previous Exco. CY Leung was the Secretary-General of the Basic Law Consultative Committee of the Hong Kong Special Administrative Region and he was very knowledgeable about the constitutional framework of Hong Kong.

I continued with many of my public appointments during my terms as Exco member. All Exco proceedings are confidential and I cannot talk about those discussions. However there were two occasions when I was asked by the two Chief Executives to undertake very public duties.

For the electoral reform proposals of 2010 I was asked by Donald Tsang to explain and support the most liberal version that he regarded as feasible. His 2010 electoral reform was passed and it was the only electoral reform to pass in Hong Kong's post-1997 years as a result of a compromise reached with pro-democracy legislators. While electoral reforms in Hong Kong had always been extremely difficult, this, I guess, represented the rare occasion of the possible.

I was asked by CY Leung to defuse the national education issue in 2012, a policy decision made before he assumed office as Chief Executive. I did it by providing schools with authority to decide on whether or not to teach it and if so, how. This proposal was to last the duration of CY Leung's administration of 5 years. Under the proposal, the subject was neither mandated for teaching by government nor withdrawn from teaching and the position was entirely consistent with autonomy for schools and academic freedom. I used mediation skills to defuse a significant social conflict and I deployed the skills I had as a lawyer while doing it.

Q: How did you become involved in the field of equal opportunities?

AW: My involvement came in two parts. The first was pushing for legislation and the second was assuming the post of executive chair of the Equal Opportunities Commission (EOC).

Where legislation was concerned, the British government had extended to Hong Kong the International Convention on the Elimination of All Forms of Racial Discrimination in 1969 and, in 1976, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. After the June 4 tragedies in Beijing in 1989, against the backdrop of impending British withdrawal from Hong Kong, the Bill of Rights was added in 1991.

But the bill's broad guarantee on equality before the law only binds the public sector and not the private sector. And covenant obligations are not enforceable in the courts of Hong Kong without domestic legislation.

That was the legal position when I became a member of Legco. Equality must be rights based and, without remedies for breach, is not a right.

The constitutional framework then allowed a private member's bill to be initiated without executive government consent as long as it did not require funding from government for the implementation of the bill. I had always regarded this as a default tool to remedy executive failures. It was unique to the constitutional framework pre-1997. I was given a rare window to do something with my time at Legco.

I initiated the Equal Opportunities Bill (EOB) in 1994 as the first private member's bill covering an entire area of policy to remedy the gap left behind by the Bill of Rights and against huge outcries of discrimination in many facets of life in Hong Kong.

In the course of advancing the EOB, I had discussions with government on how to move forward with this area of law and whether the government would be willing to take on the legislation. We did not agree on terms or timetable.

I had counted on the political pressure from the EOB on the government not to deny equality laws to Hong Kong in its sunset years as a colonial administration. It then responded with the Sex Discrimination Ordinance (SDO) followed by the Disability Discrimination Ordinance (DDO).

It was also my assessment at the time that government would have to strike a deal with legislators with its own bills in exchange for my bill to be dropped. I did not think legislators would want to see my bill defeated by them without some laws in place. It would be very difficult for them to justify opposition to my bill otherwise.

I had given government an undertaking that I would drop the parallel parts of my bill against any government bills proposed. So, after the SDO and DDO were proposed, I dropped those parts from my bill. Two more laws, on Family Status and Race Discrimination, followed in later years.

When I initiated the EOB, I had a parallel bill for the establishment of a human rights and equal opportunities commission. This bill would require executive consent to be initiated as it called for government funding to establish the commission. This bill was vetoed by government and, in place thereof, the EOC was incorporated into the SDO and legislated for.

This was a huge lesson and experience, certainly for me in utilizing the constitutional framework and the legislative process. This effort of mine initiated a new area of public policy and resulted in the anti-discrimination laws we now have.

I must point out that this was also a unique collaboration between me and the Faculty of Law. Andrew Byrnes and Carole Petersen were part of my team throughout. The initiation of the EOB also coincided with the establishment of the Centre for Comparative and Public Law. I am eternally grateful for the support the Faculty of Law and these two remarkable individuals gave me.

My involvement in equal opportunities was given new momentum when C. H. Tung appointed me as the second chair of the EOC (1999–2003), an executive position that required me to step away from my legal practice. This was a full-circle moment, considering my earlier involvement in Legco. I felt that having contributed to the legal framework, I should now focus on how it would work in practice. I accepted the appointment and resigned from legal practice.

Apart from the rights and remedies mandate of the equality laws, I expanded the economic and development mandate of the law. This mandate is supported by many economists.

The law is a very significant economic and development tool. Every individual has the right to development which is a natural extension to rights to life and to survival. This enhances human capital individually and collectively. For the larger community, it is an anti-poverty measure. Self-development leads to reduced reliance on welfare and sustains overall development of a community. For the business, it has also been established that diversity drives profitability.

The high school case (*EOC v Director of Education*, HCAL 1555/2000) was one of the first two matters that hit my desk at the start of my work at the EOC.

High schools were admitting boys with lower admission scores than girls. It favoured the top 30 percent boys and penalized the top 30% girls. The government was practicing systemic discrimination for many years in education. Education is the first port of call for individual development and it turned out that, in Hong Kong, the route to fulfilment of such aspirations was gender based. The EOC took legal action and the court declared the policy and the system invalid. It was the law and the court that drove the change.

The other major matter was the Kowloon Bay Health Centre disturbances documented in the investigation report of 25 November 1999. It involved massive community discrimination against those with HIV/Aids. The health centre provided health care and medical service for them. No individual could be identified readily as defendant for court action to commence. The EOC staff quietly accompanied the clinic staff leaving work and pieced evidence together and managed to establish the identities of individuals involved. Writs were issued, the actions were settled and the protests and violence dissipated. The law was the education tool in these cases as well and it helped people to learn faster.

A third case of great interest to me in my term as Chair was what I describe as the case of Apology v Freedoms: *Ma Bik Yung (Appellant) v Ko Chuen (Respondent)*, Final Appeal No 25 of 2000 (Civil).

Ma was a paraplegic. Ko was a taxi driver. The defendant was unwilling to apologise for discrimination and harassment inflicted on Ma. Should Ko be ordered to make an unwilling and insincere apology and could contempt proceedings ensue? Ko relied on his right to freedoms of thought, conscience and expression to resist an order for apology.

The EOC brought the case all the way to the Court of Final Appeal because it needed to ensure that apology can be made a remedy for discrimination. An apology reduces social cost and further rift and increases respect between parties. The court did not order an apology in this particular case but preserved it for exceptional circumstances.

What was very enlightening to me was that the judgement provided an appropriate procedure. It indicated that an apology could be ordered on a nisi basis. If after representation, including any argument over guaranteed rights and freedoms, a final order without an apology can increase the quantum of damages substantially. The judicial creativity in solving rights conflicts

was ingenious. It provided an incentive to induce good behaviour from the defendant and to punish where the defendant was unwilling with a dollar tag.

The new law enabled old social issues to be dealt with by new remedies; the court was very conscious that this is a social law and that learning to resolve conflicts is very much part of the exercise. The law and the courts became agents of change.

Q: The Competition Commission (CC) sounds similar to the EOC in that both engage society through different problems, questions, and rules. Did you find the experiences similar, building on the earlier experience of the EOC?

AW: Both involved new areas of law, meritocracy and fair play. Both involve very important development issues of a community. Equality laws are social laws—it was for talent building and protection of individual rights. The Competition Ordinance is an economic law and has economic objectives—to keep the market accessible, efficient and innovative. In both areas, I was involved with the pioneering stages of the development of the laws and policies. I chaired the Competition Commission for 7 years (2013–2020) and it was a great point to conclude my life with public bodies.

Development of a competition law and a commission represented a marked change from the former economic policy of Hong Kong. Our economic policy had always been described as laissez-faire. In 1981, Philip Hadden-Cave, a former Financial Secretary (who later also became a Chief Secretary), introduced public interest as a determinant for government policy making. Experience also taught us that policy intervention would always be required to prevent as well as to salvage market failures. Franchises and monopolies were legally provided for in Hong Kong from the early colonial days. Laissez faire was just a convenient excuse to stay away from certain things but not ever strictly true in any event.

I was fortunate enough to work across the ICAC, the Consumer Council and the Competition Commission. The work covered is interconnected.

Competition law intersects both with consumer welfare and corruption prevention. Economic analysis has established that the effect of cartels is to raise cost for consumers. When competition is weak, corruption tends to increase. Remaining competitive is vital to Hong Kong's survival, particularly with its small market, where external influences are significant.

The 1990s were characterised by the deregulation of our telephone services. Interconnectivity of networks, portability of numbers and new technology were introduced to increase competition. On 1 Jan 2003, the local fixed telecommunications market became fully liberalised. It brought choice, reduction in price and newer technology.

Let's look at the history of containerisation in the shipment of cargo. Before containerisation pioneered in 1956, moving cargo was slow, costly and labour intensive involving sacks, barrels and crates. Standardized metal boxes made transport intermodal and mechanized. Containers have made today's cargo move seamlessly between trucks, trains and ships.

The boom in information technology and AI have given us the smart phones with which we can transact, search, take photos, communicate and do many other things. They have displaced the old bulky telephones, the old cameras and the old main frame computers. Where would we be without competition and innovation?

When the Competition Commission first began, we had a lot of ground work to cover. Chief among these was, like the ICAC before us, we had to turn the culture around. We had made cartels, market allocation and bid rigging illegal. Business conduct had to change immediately. The education and advocacy side, promoting understanding and acceptance of the law, establishing guidelines, advisories, assisting with government policy analysis were very important preludes to commencement of work.

We were also busy recruiting experts and securing recognition for the Competition Commission in and outside Hong Kong. Competition law is also very global: trade regimes, market protocols, changes in supply chain, disruptive technologies and many external factors can affect Hong Kong very quickly. Because it would take time for a pipeline of investigations and legal cases to build up, we embarked on a few major studies and important investigations quietly before we commenced litigation.

Shortly after I became chair and before we even had a proper office, I was asked to receive my first public petition in the narrow lobby outside our temporary office. The petitioners were all people who had suffered tremendously from cartels for building renovation and maintenance. To this day I remember being presented with a bitter gourd.

An initiative was launched by government and two public authorities in 2009 to provide subsidies to owners to repair and maintain dilapidated private buildings. The scale involved Hong Kong\$3.5 billion and 3,000 old buildings with 150,000 households estimated to benefit. The money and scale created huge opportunities for bid rigging and corruption.

The Competition Commission undertook a study of the building renovation and maintenance market. In May 2016, it published its findings. The Commission focussed on analysing confidential tender records and there was no doubt in my mind of bid rigging. Apart from reflecting the areas that need change, it guided the Commission in its subsequent investigations.

These experiences have taught me a great deal. Competition law can become a valuable specialisation, given the volume of competition cases and the complexity involved. I am so glad to see that competition law is being taught. Increasingly it needs to be cross disciplinary, particularly with economics.

Q: What are your views on Hong Kong's legal education, given that you have served as HKU Law's PCLL advisor?

AW: Let's look at PCLL first. The PCLL is particularly difficult to organize because of time constraints. By nature it is a transition from gown to town and is more vocational. We could never quite satisfy the practitioners' demands on standards when they take on interns and pupils but the PCLL was never intended to make internship or pupillage redundant. I was quite happy to have gone through it because it turned my brain around from reading rules to looking at a case. It made me more work ready.

At the time I was a student, the Bachelor's degree was 3 years. It was straight law from Year 1 to Year 3. I wish my law education had started with the larger perspective of "law and society" and I could see better the impact of law, how it could affect outcome, how it could effect change, and I could better see law not just as what it is but also what it should be. Eventually I learned from what was happening around me which thrust me deeper and deeper into public policy and public interest law. I began as a reluctant student and became an incidental lawyer but I made law a life time commitment when the societal aspects of law became obvious to me.

I am an advocate for both hands-on training in the law but also for a deeper understanding of the law—not just on how it works but also on how it can work better. I believe a strong law and society component would be highly beneficial to students. It would provide a longer-term anchor for students. The law and societal combined architecture provides a better road map to where we should be going with the law.

I support the idea of examining law in its wider context also to spark students' interest and to broaden their thinking. Not everyone will practice law for their entire career, and some law students—myself included—might have doubts about studying law in the first place. It also helps those who may become politicians, policymakers, industrialists, businesspersons, inventors or scientists to understand the broader dimensions.

My interest in the intersection of law, technology, science and ethics have taken me back to HKU, to the Law and Technology Centre and the Centre for Medical Ethics and Law. Hopefully I will learn a bit more about the developing issues and there are so many questions.

What if AI should steal all our jobs and intellectual property? What if AI systems refuse to deal with human beings but only with another AI? What if algorithms do price fixing on their own defying the human commands to the contrary? How do we read the AI mind or attribute responsibility to it or control it?

I am breathless just watching the changes taking place. We know law is falling way behind and will not ever be ahead of the curve. But we certainly cannot afford to abdicate control over something like AI. Ultimately, I believe, we have to fall back on ethics to underpin and supplement public policy and law. And the question we must ask ourselves is what is the future of law.

Another dimension worth exploring is the global and interconnected nature of things these days. It would be highly desirable to have a course on the future of law as well as the impact of globalisation on law. These studies will help us to frame issues of the future and to think outside the box.

Q: Do you have any general advice for law students?

AW: I would encourage students who seek summer internships to try to secure experience with wider societal perspectives including pro bono legal work. It is tempting to confine oneself to regular law firms because of the practicalities. The less conventional internships can be very engaging and productive and summer breaks provide the ideal chance to do it.

Early in my practice, I helped a hawker to renew her licence, which had been suspended by the authorities. That enabled her to earn her living and to take care of her family. Her gratitude was overwhelming. She arrived at my office one morning laden with her most valuable possessions—her trading stock of two baskets of live chickens, twelve dozen eggs, and trays of samosas. Her generosity so humbled me. I accepted one box of eggs and the samosas and returned the rest. The law is about people. There is power in our actions, however small, and they can help people immeasurably.

My last words of advice—enjoy what you do, do not ever feel enslaved by it!