

拿督楊鐵樑爵士

領導中國香港紅十字會十二年的扶輪人

Dr. The Honorable Dato Seri Paduka Sir Ti-Liang Yang
Rotarian headed the Chinese Hong Kong Red Cross for 12 years

By Herbert K. Lau (劉敬恒) (Rotary China Historian)

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Dr. The Honorable Dato Seri Paduka Sir Ti-Liang Yang (拿督楊鐵樑爵士) (30 June 1929 – 24 June 2023), Kt, GBM, SPMB, *HonLLD (PolyHK)*, *HonDLitt (HKU)*, *HonLLD (CUHK)*, FCI Arb, LLB (*UCL*), JP, was a senior Rotarian who served the Rotary Club of Hong Kong (香港扶輪社) as its 49th President in 1983-1984, when he was a Justice of Appeal. Yang was the son-in-law of another senior Rotarian, The Honourable William Ngartse Thomas Tam (譚雅士大律師), OBE, JP, who was a charter member of The Rotary Club of Hong Kong in 1930, and later served the Club as President in 1936-1937.

The Hong Kong Red Cross (HKRC) was formerly a branch of the British Red Cross Society since 12 July 1950. Commencing on 1 July 1997, upon the Government of the People's Republic of China's resuming the exercise of sovereignty over Hong Kong and the establishment of the Hong Kong Special Administrative Region, the HKRC has changed its affiliation to become a highly autonomous branch of the Red Cross Society of China. Its full official name being "The Red Cross of the Hong Kong Special Administrative Region of China" (中華人民共和國香港特別行政區紅十字會) and its accepted short title being the "Hong Kong Red Cross (Branch of the Red Cross Society of China)" (香港紅十字會—中國紅十字會分會).

Sir Ti-Liang Yang was elected to serve HKRC as her Chairman in 1998-2012; and subsequently, Yang was elected to a higher position as the Society's President in 2012-2018 before his total retirement after 12 years of service.



The story of Sir Ti-Liang Yang

Sir Ti-Liang Yang was a jurist of Chinese ethnicity who served as Chief Justice (首席按察司/首席大法官) of the British Crown Colony Hong Kong from 1988 to 1996, becoming the first and only person of Chinese descent to hold the Colony's highest judicial office during British rule. Born in Shanghai (上海) of the Republic of China (中華民國) to a family with roots in Heung Shan of Kwangtung Province (廣東香山), Yang studied law at Soochow University (東吳大學) from 1946 to 1949 before completing his Bachelor of Laws (LLB) at University College London in 1953 and being called to the English Bar at Gray's Inn in 1954.

Appointed a magistrate in Hong Kong in 1956, Yang advanced through the judicial ranks, earning knighthood upon his elevation to Chief Justice in 1988, where he presided over a period of significant legal transitions amid the Colony's handover preparations to China. Known for his contributions to the development of Hong Kong's common law system and judicial independence, he retired in 1996 after declining a post-handover role, later receiving the Grand Bauhinia Medal (大紫荊勳章) for public service. In his later years, Yang engaged in politics by entering the 1996 Chief Executive selection process with Beijing's (北京) backing but withdrew amid public opposition, reflecting tensions over perceived establishment affiliations in the pre-handover era.

Early life and education

Yang was born on 30 June 1929 in Shanghai to a family of Cantonese ancestry originating from Heung Shan County (香山縣) in Kwangtung Province (廣東省). His paternal grandfather, Yang Mei-Nan (楊梅南), had served as the chief comprador for the British trading firm Swire & Sons (太古洋行) in Shanghai, while his father, Yang Shao-Nan (楊少南), worked as a manager for Swire before co-founding a shipping company in partnership with the firm. His mother, Chen Qian-Ru (陳蕓如), represented a modern educated woman of her era, having graduated from St. Mary's Hall (聖瑪利亞女書院) in Shanghai.

As the youngest child in a family of one sister and two older brothers---earning him the nickname "third young master" (三少) among relatives---Yang grew up in a commercially prominent household amid the cosmopolitan environment of pre-War Shanghai. From an early age, he exhibited a pronounced sense of justice, idolizing historical figures such as the Song Dynasty general Yue Fei (南宋名將岳飛) for his loyalty and righteousness. He received his primary and secondary education at St. John's Middle School (聖約翰大學附屬中學) in Shanghai, an institution affiliated with the Anglican tradition and known for its rigorous curriculum.

Legal training in China and Britain

Yang commenced his legal studies in China at Soochow University Law School (東吳大學法學院) located in Shanghai, enrolling in 1946 and continuing until 1949. His education there focused on law amid the disruptions of the Chinese Civil War, which ultimately prompted his departure from the mainland.

Following the interruption of his studies in China, Yang pursued further legal training in Britain. He enrolled at University College London (UCL), where he earned an LLB degree in 1953. In 1954, he was called to the Bar with honours at Gray's Inn, one of the four Inns of Court in London responsible for training barristers. A prominent member of the UCL Laws alumni community, he was appointed Honorary Fellow of UCL in 1989 and President of the Bentham Association in 1991. Yang was also

Research Fellow of the Rockefeller Foundation in 1963-1964, in the University of London. He was admitted Fellow of the Chartered Institute of Arbitrators in 1990.

This dual training equipped Yang with foundational knowledge in Chinese comparative law and English common law principles, bridging civil and common law traditions that would later inform his judicial career in Hong Kong.

Legal practice and judicial ascent

Career as a barrister

After completing his legal studies in England, Yang was called to the bar at Gray's Inn in 1954. Upon returning to Hong Kong in 1955, he entered private practice as a barrister. This phase of his career lasted approximately nine months, during which he handled cases in the local courts. In June 1956, Yang transitioned from the bar to the judiciary by accepting an appointment as a magistrate, forgoing further independent practice.

Appointments to the bench

Yang commenced his judicial service in Hong Kong with his appointment as a magistrate on 1 June 1956 following his call to the English Bar in 1954. In this role, he handled preliminary inquiries and minor criminal matters, marking the entry of an ethnic Chinese lawyer into the colonial judiciary's lower benches amid a system dominated by expatriates.

Promoted to senior magistrate in 1963, Yang oversaw more complex cases in the magistracy, including during periods of social unrest such as the Kowloon disturbances, where he later chaired the related claims assessment board as acting district judge from 1964 to 1968. During that period, he was chairman of the Kowloon Disturbances Claims Assessment Board. And following the 1967 Leftist Riots, he also presided over the Compensation Board.

His substantive appointment as district judge of the Victoria District Court followed in 1968, elevating him to preside over trials in the District Court with jurisdiction over civil claims up to HK\$3 million and criminal sentences up to seven years' imprisonment. Yang was made a member of the Chinese Language Committee and president of the Legal Sub-Committee in 1970. Yang was, for a brief period in 1971, acting Puisne Judge.

In 1972, Yang was appointed Commissioner of Inquiry into the Rainstorm Disasters. On 17 February 1975, he presided over the watershed corruption trial of Peter Fitzroy Godber, a former Kowloon Deputy District Commissioner of the Royal Hong Kong Police Force. Yang sentenced him to four years' imprisonment after a six-day trial.

On 10 March 1975, Yang was appointed a judge of the Supreme Court, assigned to the High Court, a promotion from district judge that positioned him among the Colony's senior judiciary handling appeals, constitutional matters, and high-stakes litigation.

In 1976, he chaired the Commission of Inquiry into the Leung Wing-Sang Case (梁永生案) in which a police station sergeant, Lau Cheong-Wah (劉昌華), allegedly induced Leung with HK\$10,000 to confess to wounding another person. In 1980, Yang was chairman of the Commission of Inquiry into the apparent suicide of Police Inspector John MacLennan (麥樂倫).

In 1980, Yang advanced to Justice of Appeal in the Court of Appeal, focusing on appellate review of lower court decisions. By 1987, he had risen to Vice-President of the Court of Appeal, second-in-command to the Chief Justice in overseeing appellate proceedings.

Chief Justice tenure (1988–1996)

Appointment as first ethnic Chinese Chief Justice

In March 1988, Yang was appointed Chief Justice of Hong Kong by Governor Sir David Wilson (香港總督衛奕信爵士), succeeding Sir Denys Tudor Emil Roberts (羅弼時爵士) who had held the position since 1979. This appointment elevated Yang, then serving as a senior judge, to the head of the judiciary under the colonial administration. According to customary practice in the British Commonwealth, Chief Justice of Hong Kong would also become Chief Justice of Brunei Darussalam. Yang's predecessor, however, Sir Denys Roberts, continued to serve as Chief Justice of Brunei Darussalam after his retirement. Sir T. L. was instead appointed President of the Court of Appeal of Brunei on 24 May 1988 until 1992.

The selection represented a milestone in the localization of senior judicial roles, as Yang became the first ethnic Chinese to occupy the office during British rule, which had previously been held exclusively by expatriates. Concurrent with the appointment, Yang received a knighthood, reflecting recognition of his prior contributions to the bench since his elevation to the High Court in 1975.

This transition occurred amid broader efforts to integrate local talent into high-level governance positions in the lead-up to the 1997 handover to China, though the judiciary maintained its independence from political directives under the colonial framework. Yang's appointment underscored the colonial government's confidence in his legal acumen, honed through decades of practice, while signaling a pragmatic shift toward ethnic representation without altering the common law system's expatriate influences at other levels.

Judicial administration and reforms

During his tenure as Chief Justice from 1988 to 1996, Yang focused on administrative enhancements to modernize Hong Kong's judiciary, initiating what observers have termed a "quiet management revolution". This involved appointing senior judiciary administrators to overhaul court operations, culture, and efficiency, addressing longstanding inefficiencies in an outdated system.

A core aspect of his reforms emphasized localization through increased recruitment of ethnic Chinese lawyers to the bench, drawing more local talent to judicial roles amid preparations for the 1997 handover to China. This shift aimed to build a judiciary reflective of Hong Kong's demographics while maintaining professional standards.

Yang spearheaded the integration of Chinese language into court proceedings, a pivotal reform gazetted in 1995 that permitted Cantonese usage and broke a 152-year English-only tradition dating to 1843. He controlled the gradual rollout in higher courts via a moratorium on certain Official Languages Ordinance applications, enabling the first full case in Chinese by December 1995.

These efforts extended to structural preparations for post-handover continuity, including contributions to establishing the Court of Final Appeal to replace the Privy Council. Overall, Yang's administration fostered a more efficient, localized, and bilingual judiciary, prioritizing operational resilience ahead of sovereignty transfer.

Notable cases and rule-of-law contributions

A pivotal rule-of-law contribution was Yang's decision in 1995 to permit the use of Chinese (primarily Cantonese) in court proceedings, overturning 152 years of English-language exclusivity and enabling the majority Chinese-speaking population to participate in trials without linguistic barriers, which advanced equal access to justice and reinforced public confidence in the legal system. Yang also oversaw foundational preparations for the Basic Law's implementation, including structural

adaptations for the post-handover Court of Final Appeal and early dialogues with mainland Chinese authorities to delineate judicial independence within the “one-country, two-systems” framework.

These initiatives collectively bolstered the rule of law by institutionalizing independence and adaptability amid political transition, earning recognition for sustaining judicial integrity without compromising core common law principles.

Criticisms of judicial independence and handling of sensitive issues

During his tenure, Yang faced criticism for comments perceived to undermine the Hong Kong Bill of Rights Ordinance, enacted in 1991 to entrench international human rights standards ahead of the 1997 handover. In a private 1995 meeting with senior Chinese official Lu Ping (魯平), Yang reportedly described the legislation as a mistake that granted excessive interpretive power to judges, effectively turning the judiciary into a legislative body and disrupting the common law balance. These remarks, leaked to the press, drew rebuke from Hong Kong’s Legislative Council and pro-democracy figures, who argued they compromised judicial impartiality by echoing Beijing’s opposition to the Bill, which China had vowed to repeal post-handover. Critics, including councilors, contended that as Chief Justice, Yang’s public alignment with views hostile to rights protections signaled deference to the incoming sovereign power, potentially eroding public confidence in the judiciary’s independence from political pressures.

A related point of contention arose in Yang’s handling of appeals involving organized crime figures with alleged ties to pro-Beijing networks. In 1989, Yang, sitting on the Court of Appeal, quashed the triad conspiracy conviction of Heung Wah-Yim (向華炎), leader of the Sun Yee On Society (三合會組織新義安), originally handed down in 1988 after a jury trial. The decision, based on evidentiary issues, was lambasted by anti-corruption watchdogs and media as overly lenient toward entrenched criminal elements influential in handover-era politics, raising questions about whether judicial rulings on sensitive triad matters---often intertwined with mainland connections---prioritized stability over rigorous enforcement. While defenders noted the appeal succeeded on procedural grounds, detractors from civil society groups highlighted it as emblematic of a judiciary cautious in challenging power structures amid Sino-British tensions, potentially at the expense of impartial rule-of-law application.

These episodes fueled broader, though not dominant, narratives among pro-democracy advocates that Yang’s administration emphasized administrative efficiency and handover continuity over assertive safeguarding of liberties in politically charged contexts, such as rights litigation or dissent-related cases. However, contemporaneous judicial reviews and government inquiries under his oversight, including anti-corruption prosecutions, generally upheld convictions without systemic reversal patterns, suggesting criticisms were selective rather than indicative of wholesale independence erosion. Yang maintained that his views stemmed from preserving judicial restraint, not external influence, but the timing---amid escalating pre-handover anxieties---intensified perceptions of vulnerability to executive or sovereign expectations.

Resignation and 1996 Chief Executive Election

Motivations for entering politics

Yang resigned as Chief Justice on 7 September 1996, effective immediately, to pursue nomination for the inaugural Chief Executive of the Hong Kong Special Administrative Region (香港特別行政區行政長官), a decision framed by constitutional concerns over maintaining judicial impartiality during the sovereignty transition. His entry into electoral politics marked a departure from four decades in the judiciary, with no prior involvement in partisan or legislative roles, suggesting the handover’s exigencies prompted the shift to executive leadership.

Analyses at the time portrayed Yang's candidacy as Beijing's strategic choice for a figure blending judicial independence with acceptability to the incoming administration, positioned to navigate tensions between colonial legacies and post-1997 governance. This alignment reflected motivations tied to stabilizing rule-of-law institutions amid political uncertainty, leveraging his experience as Hong Kong's first ethnic Chinese Chief Justice to assure continuity. Yang's renunciation of his British knighthood further underscored a commitment to the Special Administrative Region framework under Chinese sovereignty.

Campaign platform and Beijing alignment

Yang's campaign for the 1996 Chief Executive election emphasized preserving Hong Kong's legal traditions, judicial independence, and capitalist system as enshrined in the Basic Law, while committing to pragmatic governance that ensured stability during the handover. He positioned himself as a candidate drawing on his judicial experience to safeguard the rule of law against potential post-1997 disruptions, advocating for policies that promoted economic continuity and bridged cultural gaps between Hong Kong's colonial legacy and mainland China. Specific pledges included fostering mutual understanding to reduce confrontation, without detailing expansive economic or social reforms, reflecting a low-key approach focused on administrative competence rather than populist appeals.

His alignment with Beijing was evident in public statements underscoring deference to China's sovereignty, asserting that the post-handover government must avoid any measures seen as challenging Beijing's authority or legitimacy over Hong Kong. Yang advocated flexibility on contentious issues like the provisional legislature, framing such compromises as essential in politics, and urged deeper communication channels with the mainland while promoting Hong Kong's unique differences as non-threatening to national unity. This pragmatic posture, which included recognizing the need to "sell China to the West", distinguished him from more overtly business-oriented rivals but aligned him sufficiently with Beijing's expectations for participation in the Selection Committee process, though he denied being directly urged by Chinese officials to run.

Critics within pro-democracy circles viewed Yang's platform as overly conciliatory toward Beijing, potentially at the expense of robust autonomy, given his willingness to navigate within the framework of China's preferred electoral mechanism rather than advocating electoral reforms. Nonetheless, his emphasis on sovereignty respect and bridge-building reflected a calculated realism amid Beijing's clear preference for candidates like Tung Chee-Hwa (董建華), who embodied stronger establishment ties. Yang's 42 votes from the 400-member Beijing-appointed committee underscored his secondary status despite this alignment.

Election outcome and pro-establishment criticisms

In the election held on 11 December 1996, by the 800-member Selection Committee, Tung Chee-Hwa received 320 votes to become Hong Kong's first Chief Executive, while Yang garnered 42 votes and Peter Woo (吳光正) obtained 8 votes. The Committee, dominated by pro-Beijing elites, reflected Beijing's orchestration of the process to ensure a handover-friendly leader, with Tung emerging as the consensus choice after initial backing shifted from other contenders. Yang's modest vote tally highlighted his inability to consolidate support beyond a core of legal and establishment figures, despite his emphasis on continuity in rule of law and administrative stability.

Yang's campaign drew criticisms from pro-democracy and liberal groups for embodying a pro-establishment orientation too accommodating to Beijing's preferences. Detractors, including figures aligned with Governor Chris Patten's (香港總督彭定康) reforms, argued that his resignation from the judiciary to pursue the post---perceived as tacitly endorsed by China early in the race---compromised the Chief Justice's impartiality and signaled deference to mainland influence over Hong Kong's

institutions. This view was amplified by Yang's platform, which prioritized "one country, two systems" harmony and avoided confrontation with Beijing on issues like the Provisional Legislature, leading opponents to portray him as prioritizing elite consensus and sovereignty transition over safeguarding judicial autonomy against potential post-handover encroachments. Such critiques underscored broader anxieties that candidates like Yang, with establishment ties, would entrench Beijing-vetted governance at the expense of evolving democratic accountability.

Public service

Roles in higher education

Following his resignation as Chief Justice in 1996, Yang continued to serve as Chairman of the Council of the University of Hong Kong (香港大學校務委員會), a position he had held since 1985, until 2001. In this role, he oversaw the University's governance during the transition to the post-handover era, including strategic decisions on academic policy and resource allocation amid Hong Kong's evolving political landscape.

Yang also retained his appointment as Pro-Chancellor of the University of Hong Kong (香港大學副校監) from 1994 until 2001, succeeding Sir Albert Maria Rodrigues (羅理基爵士) and acting as deputy to the Chancellor in ceremonial and advisory capacities. In 2000, during his Pro-Chancellorship, he was designated by the University to investigate the Public Opinion Programme Disputes. During this period, he contributed to the University's efforts to maintain academic autonomy and international standards in the lead-up to and following the 1997 handover.

Additionally, Yang held the position of honorary lecturer in the Faculty of Law at the University of Hong Kong, where he shared expertise on legal practice and judicial principles drawn from his career. He served also as an honorary professor of law at The Chinese University of Hong Kong (香港中文大學) (CUHK), facilitating academic and judicial linkages between Hong Kong and the Chinese mainland's legal systems, with emphasis on concepts such as separation of powers and judicial independence. At the same institution, he was a member of the CUHK Council (香港中文大學校董會) and Vice-Chairman of the Board of Trustees of Chung Chi College (崇基學院校董會), one of its constituent colleges, supporting governance and educational initiatives.

Yang also served the Chinese University of Hong Kong (CUHK) since 2009 as Chairman of the Executive Committee of the Law School, and Honorary Professor of Law. Named after Yang, the "Sir TL Yang Society" (楊鐵樑爵士學會) is a society for students organized by CUHK LAW. The Society arranges an array of activities and social functions to assist students in their academic and professional development. These roles underscored his commitment to legal education in Hong Kong's higher education sector during a time of institutional adaptation to the Special Administrative Region framework.

In view of this experience and of the high esteem in which he was being held, Yang was invited by Government to serve on the University and Polytechnic Grants Committee (大學及理工教育資助委員會)---the body for the planning of higher education in Hong Kong, first as a member in 1978 and then as its Chairman from 1981 to 1984. During this period of years have seen many changes for higher education in Hong Kong---It has undergone two comprehensive reviews and then entered a period of rapid expansion, as evident from the establishment of the City Polytechnic of Hong Kong (香港城市理工學院), the institution of degree courses at the Hong Kong Polytechnic (香港理工學院), the change in status of Hong Kong Baptist College into a subvented organization, the establishment of the Dental School at Hong Kong University, and of the Medical Faculty as well as the Part-time Undergraduate

Degree Programmes at the Chinese University of Hong Kong, and also the hard-won recognition of the importance of academic research, for which the support level was being increased.

In 2006, Yang served as an honorary professor of Social Sciences at the Open University of Hong Kong (香港公開大學).

It would be hard to imagine all these developments without seeing the moving spirit of Yang in them, and he surely should be remembered when present efforts to expand, diversify and modernize high education of Hong Kong finally come to fruition some time in future.

Service in Community Affairs

In his professional sphere, Yang has been in the forefront of contributors to the development of the law in Hong Kong through his membership of the Law Reform Commission. In the course of the last quarter of the previous century he has chaired with distinction public inquiries commissioned by the Government into a number of complex and sensitive issues of concern to the community. He led the Colony's Judiciary in its preparations for the transfer in 1997 of its sovereignty to China and the implementation of the Basic Law, in the planning for which he has served as a member of the Hong Kong Special Administrative Region Basic Law Consultative Committee.

Yang was appointed a Non-Official Member of the Executive Council soon after the establishment of the Hong Kong Special Administrative Region Government on 1 July 1997. Following his tenure on the Executive Council, Yang served as Chairman of the Board of Exchange Fund Investment Limited (EFIL) (外匯基金投資有限公司), a wholly-owned subsidiary of the Hong Kong Monetary Authority (香港金融管理局) responsible for managing a portion of the Exchange Fund's investments. In this advisory capacity, he oversaw strategic investment decisions aimed at preserving and enhancing Hong Kong's foreign exchange reserves, contributing to financial stability post-Asian financial crisis.

Yang's involvement in EFIL reflected his continued influence in public financial governance, leveraging his legal and administrative expertise to guide asset allocation amid global market volatility. No specific start date for his chairmanship is detailed in official records, but it postdated his 2002 ExCo departure and aligned with efforts to bolster institutional investor oversight in Hong Kong's post-handover economic framework.

From 1999 to 2004, Yang was also chairman of the Independent Commission Against Corruption Complaints Committee.

Service to Youth

Other than Rotary and the Red Cross, Yang has been actively involved in the work of many organizations concerned with youth in Hong Kong. He was President of Against Child Abuse (防止虐待兒童會) (1982-1986); President of the Scout Association of Hong Kong (香港童軍總會) (1988-1998); Patron of the Hong Kong Society for the Rehabilitation of Offenders (香港善導會); Vice-Chairman of the Hong Kong Sea Cadet Corps (香港海事青年團), etc.

Scholarly contributions

Translations of legal texts

Yang contributed to the translation and standardization of legal terminology in Hong Kong through his role on the government-established Chinese Language Committee, formed in 1970 to promote Chinese in official administration, including legal contexts. He served as a committee member and, from 1970, as president of its Legal Sub-Committee, which specifically addressed the challenges

of rendering English common law concepts into precise Chinese equivalents. This work involved compiling glossaries of legal terms, reviewing translations of ordinances, and ensuring terminological consistency to support potential bilingual legal practice, amid growing demands for Chinese-language access to justice post-1967 riots.

The Legal Sub-Committee's efforts under Yang's leadership produced foundational resources, such as bilingual legal dictionaries and translated excerpts of statutes, which facilitated the gradual incorporation of Chinese into lower courts by the 1980s and laid groundwork for comprehensive bilingual ordinances under the 1989 Official Languages Ordinance amendments. These translations prioritized literal fidelity to preserve the technical precision of common law precedents while adapting to Chinese syntax, avoiding idiomatic liberties that could alter legal meanings. Yang's involvement reflected his expertise in both civil law influences from his Soochow University training and English common law from University College London, enabling rigorous cross-linguistic accuracy.

As Chief Justice from 1988 to 1996, Yang advanced these translation foundations by gazetting Chinese (specifically Cantonese) for use in District Court proceedings on 2 December 1995, marking the first higher-court application and requiring updated translations of procedural rules and evidence rules. This step, building on subcommittee glossaries, enabled the historic hearing of a case in Chinese shortly thereafter, though full bilingualism in all courts awaited post-handover implementation. His oversight ensured that translated texts maintained evidential parity with English originals, as verified through parallel drafting practices in subsequent legislation.

Later years continued influence and legacy assessment

Yang's legacy as Chief Justice centers on the modernization of Hong Kong's judiciary during 1988–1996, initiating a “quiet management revolution” that enhanced administrative efficiency, increased appointments of local Chinese lawyers to the bench, and promoted greater use of Cantonese in court proceedings. He oversaw the establishment of the Court of Final Appeal in anticipation of the 1997 handover, localizing the judiciary while preserving its independence and international standards. These reforms transformed judicial culture, making courts more accessible and responsive, with effects enduring in Hong Kong's legal system as a pillar of rule of law.

Assessments of his legacy highlight his role as the first ethnic Chinese Chief Justice under British rule, crediting him with tremendous contributions to judicial independence and the rule of law, particularly in navigating the handover era. Contemporaries, including successor Andrew Li Kwok-Nang (李國能), described him as a “very fine man and a true gentleman”, underscoring his dedication and vision in elevating the judiciary's stature. His pioneering localization efforts and administrative innovations are viewed as foundational to the Hong Kong Special Administrative Region's legal framework, with ongoing influence in sustaining professional standards despite political shifts. While his 1996 Chief Executive candidacy aligned with Beijing preferences drew scrutiny over potential conflicts with judicial neutrality, tributes emphasize his substantive reforms over political endeavors, positioning him as a jurist whose work continues to inform Hong Kong's legal resilience.

Retirement Years

After retiring from the Hong Kong SAR Executive Council (香港特別行政區行政會議) (1997-2002), Yang spent much of his time teaching English grammar and etiquette. In September 2003, he hosted a Radio Television Hong Kong radio programme, “Yang Ti-liang Mail Box” (楊鐵樑留言信箱), teaching English grammar and answering questions on his website. The show ran until September 2017.

Sir Ti-Liang Yang passed away on 24 June 2023 at the age of 93. His family held a memorial service in the morning of October 14th at St. John's Cathedral in Central. The contributions of Sir Ti-Liang

Yang to Hong Kong are to be found in fields ranging from the formulation of policy in law and order, through the development of tertiary education, to the welfare of the young people of the Territory.

Hong Kong Chief Justice of the Court of Final Appeal Andrew Cheung Kui-Nung (香港終審法院首席法官張舉能) conveyed deep sadness over the loss of the former chief justice, noting his significant judicial legacy. Secretary for Justice Paul Lam Ting-Kwok (律政司司長林定國) stated that Yang's passing saddened the legal sector and highlighted his dedication to judicial independence and the rule of law.

The Hong Kong Monetary Authority's Chief Executive Eddie Yue (香港金融管理局總裁余偉文) expressed sorrow, recognizing Yang's longstanding contributions to public service and the judiciary. Academic institutions, including University College London Faculty of Laws---where Yang studied---and Chung Chi College of the Chinese University of Hong Kong, as well as University of Hong Kong, issued tributes acknowledging his alumni status and roles in higher education governance. The Hong Kong Former Senior Civil Servants Association (香港前高級公務員協會) described his death as a "great loss", emphasizing his public service record.

Honours

In recognition to his prominent services and contributions to the community and members of the public, Yang has been honored in many ways, including some of them listed here:

1984 Conferred Doctor of Laws Degree (*honoris causa*) by The Chinese University of Hong Kong (香港中文大學榮譽法學博士).

1988 Invested Knight Bachelor by Queen Elizabeth II, United Kingdom.

1990 Conferred The Most Honourable Order of the Crown of Brunei (SPMB), First Class, by Sultan of Negara Brunei Darussalam

1991 Conferred Doctor of Letters Degree (*honoris causa*) by The University of Hong Kong (香港大學名譽文學博士).

1992 Conferred Doctor of Laws Degree (*honoris causa*) by The Hong Kong Polytechnic (香港理工學院榮譽法學博士).

1992 Decorated the highest Scouting honour Gold Dragon Award (金龍勳章) by Chief Scout, Hong Kong Governor Sir David Clive Wilson (衛奕信爵士), The Scout Association of Hong Kong.

1998 Decorated "Asia-Pacific Regional Award for Distinguished Service to International Scouting" by the World Organization of the Scout Movement.

1999 Decorated Grand Bauhinia Medal (G.B.M.) (大紫荊勳章) by the Hong Kong Government for his remarkable contribution to this Special Administrative Region of China.



The road of Service Above Self

- 1956–1963 Magistrate
- 1963 Senior Magistrate
- 1963–1964 Rockefeller Foundation Research Fellow, University of London
- 1964–1968 Acting District Judge
- 1966 Chairman of the Kowloon Disturbances Claims Assessment Board
- 1967 Chairman of the Compensation Board
- 1968–1975 District Judge
- 1970 Member of the Chinese Language Committee and President of the Legal Sub-Committee
- 1971 Acting Puisne Judge
- 1972 Commissioner of Inquiry into the Rainstorm Disasters
- 1975–1981 Judge of the High Court, Hong Kong
- 1976 Chairman of the Commission of Inquiry into the Leung Wing-sang Case
- 1980 Chairman of the Commission of Inquiry into Police Inspector MacLennan’s Case
- 1980 Member of the Law Reform Commission and Chairman of the Sub-Committee on Law Relating to Homosexuality
- 1981–1987 Justice of the Court of Appeal, Hong Kong
- 1981–1984 Chairman of the University and Polytechnic Grants Committee
- 1985–2001 Chairman of the University of Hong Kong Council
- 1987–1988 Vice-president of the Court of Appeal, Hong Kong
- 1988–1996 Chief Justice, The Supreme Court of Hong Kong
- 1988–1993 President of the Court of Appeal of Brunei Darussalam
- 1988–1998 President, The Scout Association of Hong Kong
- 1994–2001 Pro-Chancellor of the University of Hong Kong
- 1997–2002 Unofficial member of the Executive Council, Hong Kong SAR Government
- 1998–2002 Chairman of the Exchange Fund Investment Ltd
- 1998 – 2012 Unofficial Justice of the Peace for Hong Kong
- 1998 – 2012 Chairman, The Red Cross of the Hong Kong Special Administrative Region of China
- 1999–2004 Chairman of the Independent Commission Against Corruption Complaints Committee

2005–2023 Chairman of the Executive Committee of the School of Law of the Chinese University of Hong Kong / Honourary Professor of Law

2012-2018 President, The Red Cross of the Hong Kong Special Administrative Region of China



香 港 大 學

THE UNIVERSITY OF HONG KONG

Congregation 1991

Sir Ti-Liang Yang

Doctor of Letters *honoris causa*

Sir Yang Ti Liang has been the Chief Justice of Hong Kong since 1988. He is the first Chinese to hold this most senior post in the Judiciary, second only in status in the Territory to the Governor. Born in 1929, Sir Yang was educated at Soochow University Law School in Shanghai and at University College London where he was a Rockefeller Fellow in 1964. He was called to the Bar at Gray's Inn in 1954. He was appointed to the High Court in 1975, having previously served as a Magistrate and District Judge.

Sir Yang has been actively involved in the work of many organisations concerned with community affairs in Hong Kong. He is President of the Hong Kong Scouts Association and the Society Against Child Abuse, Patron of the Hong Kong Society for the Rehabilitation of Offenders and Vice-Chairman of the Hong Kong Sea Cadet Corps. He served from 1981 to 1984 as Chairman of the University and Polytechnic Grants Committee, the body for the planning of higher education in Hong Kong and is currently the Chairman of the Council of the University of Hong Kong. He is also an honorary lecturer in the Faculty of Law of the University.

In his professional sphere Sir Yang has been in the forefront of contributors to the development of the law in Hong Kong through his membership of the Law Reform Commission. In the course of the past quarter century he has chaired with distinction public inquiries commissioned by the Government into a number of complex and sensitive issues of concern to the community. He now leads the Territory's Judiciary in its preparations for the transfer in 1997 of its sovereignty to China and the implementation of the Basic Law, in the planning for which he has served as a member of the Basic Law Consultative Committee.

The contributions of Sir Yang Ti Liang to Hong Kong are to be found in fields ranging from the formulation of policy in law and order, through the development of tertiary education, to the welfare of the young people of the Territory.

In recognition of his achievements in all these fields, the University has resolved to confer upon him the degree of Doctor of Letters *honoris causa*.



1977年4月---香港高等法院法官楊鐵樑和英國大法官鄧寧勳爵(右)主持香港大學法律學系的模擬法庭辯論。
April 1977--- Ti-Liang Yang, a Hong Kong High Court judge, and Lord Denning, Master of the Rolls (right),
presided over a moot in the Department of Law, University of Hong Kong. (Photo: Hong Kong University)



上訴法院按察司楊鐵樑於1983-1984年度擔任香港扶輪社社長
Justice of Appeal Ti-Liang Yang served
the Rotary Club of Hong Kong as President in 1983-1984.



1992年7月9日—在香港最高法院首席按察司楊鐵樑爵士的主持下，
彭定康先生(右)宣誓就任英國殖民地香港最後一任(第28任)總督。
9 July 1992---Administered by The Chief Justice Sir Ti-Liang Yang, The Supreme Court of Hong Kong,
Mr. Chris Patten (right) took the oath and to be installed as the last (the 28th) Governor
of the British Crown Colony Hong Kong. (Photo: SCMP)



1995年法律年度開始，香港第一位華裔首席大法官楊鐵樑爵士(中)在愛丁堡廣場檢閱防衛軍儀隊。
Sir Ti-Liang Yang (centre), Hong Kong's first ethnic Chinese Chief Justice,
at the opening of the Legal Year in 1995,
inspecting the Guard of Honour at Edinburgh Place. (Photo: SCMP)



1995年11月12日—陣亡將士紀念日在中環和平紀念碑舉行，首席大法官楊鐵樑爵士敬獻花圈。
12 November 1995 -- Remembrance Sunday at the Cenotaph, Central,
Chief Justice Sir Ti-Liang Yang lays a wreath. (Getty Images)



1995年12月4日—首席大法官楊鐵樑爵士在香港商業高峰論壇發表演說。
4 December 1995 -- Sir Ti-Liang Yang, Chief Justice,
speaking at the Hong Kong Business Summit. (Getty Images)



1995年---香港童軍運動三位最高領袖被一群優秀童軍簇擁：（由右至左）

香港童軍總會會長楊鐵樑爵士；香港童軍總領袖、香港總督彭定康先生；

香港童軍總監周湛堯博士（左手揮動者）（周湛堯亦是資深扶輪社員，曾任香港扶輪社1991-1992年度社長）

1995---The top 3 leaders of Hong Kong Scouting were encircled by a group of outstanding Scouts: (right to left)

Sir Ti-Liang Yang, President of The Scout Association of Hong Kong; The Chief Scout Mr. Chris Pattern,

Governor of Hong Kong; Dr. Chau Cham-son, Chief Commissioner of Hong Kong Scouts (waving left hand)

(Chau was also a senior Rotarian who was President 1991-1992 of Hong Kong Rotary Club). (Photo: SCMP)



楊鐵樑爵士於1994年至2001年擔任香港大學副監督。

Sir Ti-Liang Yang served as

Pro-Chancellor of the University of Hong Kong from 1994 to 2001.



2016年---香港紅十字會會長楊鐵樑爵士與各界有心人士一起作出承諾：「血脈相連 為人道向前」。
 2016---Sir Ti-Liang Yang, President of the Hong Kong Red Cross,
 inviting devoted people to “Bond with Blood, Go for Humanity”. (Photo: Hong Kong Red Cross)



在2003年至2017年，楊鐵樑爵士為香港電台主持《楊鐵樑留言信箱》節目，
 以生活化的題材，與聽眾輕鬆分享英文的趣味。
 也在香港電台第四台（中文台）教授英文和西方禮儀，並且在網上解答網友疑問。
 In 2003-2017, Sir T. L. hosted a Radio Television Hong Kong radio programme, “Yang Ti-liang Mail Box”,
 teaching English grammar and answering questions on his website.

拿督楊鐵樑爵士

領導中國香港紅十字會十二年的扶輪人



拿督楊鐵樑爵士，大紫荊勳賢，(Dr. The Honorable Dato Seri Paduka Sir Ti-Liang Yang, Kt, GBM, SPMB, HonLLD (PolyHK), HonDLitt (HKU), HonLLD (CUHK), FCIArb, LLB (UCL), J.P.) (1929年6月30日-2023年6月24日)是資深扶輪社員，於1983-1984年度擔任香港扶輪社第49任社長，當時職業「上訴庭法官」。楊鐵樑的岳父是另一位資深扶輪社員譚雅士大律師，是1930年香港扶輪社的創社社員，其後擔任該社1936-1937年度社長。譚雅士 (The Honourable William Ngartse Thomas Tam, OBE, JP) 曾任法官，1939年3月17日至1941年11月13日任香港立法局非官守議員。

香港紅十字會創立於1950年，當年7月12日英國紅十字會正式批准成立，屬英國紅十字會香港分會。自1997年7月1日起，隨著香港主權移交中華人民共和國，香港紅十字會由英國紅十字會分會變身為中國紅十字會內一個享有高度自治的地方分會。

領導香港紅十字會先主席後會長共30年的邵逸夫爵士(Sir Run Run Shaw)(九龍扶輪社1966-1967年度社長)，於1998年榮休。同年，楊鐵樑爵士被推選為香港紅十字會主席至2012年。隨後，楊鐵樑於2012年更上一層樓當選會長，至2018年在香港紅十字會服務12年後完全退休。

香港紅十字會積極推動社群，本著人道理念與志願服務精神，竭力保護生命、關懷傷困、維護尊嚴。服務涵蓋輸血服務、骨髓及臍帶血捐贈服務、賑災備災、急救及健康護理訓練、青年及義工事務、尋人、心理支援、社區及院友關懷服務、特殊教育及復康服務等範疇。

香港紅十字會屬國際紅十字及紅新月運動(International Red Cross and Red Crescent Movement)在全球190個國家的國際人道網絡成員之一。在1986年，國際扶輪頒發「世界理解獎」(Rotary Award for World Understanding)予紅十字國際委員會(International Committee of the Red Cross)，以表彰該會在國際衝突時期開展的人道主義活動，以及其開創性和持續鼓勵各國政府維護人權和日內瓦公約(The Geneva Conventions)的信念精神。



專志於法律學

祖籍大清國廣東省廣州府香山縣，1929年6月30日楊鐵樑生於中華民國江蘇省上海公共租界，有一姐二兄，家中排行最小，故稱「三少」。祖父楊梅南為太古輪船公司(The China Navigation Company)的總買辦，1932年升任太古洋行(Butterfield & Swire)在上海總公司華人最高職位的華總經理。父親楊少南則為太古洋行經理，後來又與太古洋行合組船務公司。至於楊鐵樑的母親陳蒨如，早年畢業於上海聖瑪利女書院(St. Mary's Hall)。

楊鐵樑早年入讀聖約翰大學(St. John's University)中學部，1946年至1949年修讀法律於座落上海的東吳大學法學院(Soochow University Law School)。肄業以後，受國共內戰所影響，楊鐵樑短暫移居香港。未幾負笈英國倫敦大學學院(University College London)繼續修讀法律，至1953年取得榮譽法學士學位畢業；後又在1954年於格雷律師學院(Gray's Inn)考獲大律師資格。1988年格雷律師學院授予楊鐵樑榮譽院士(Honourary Bencher)。作為倫敦大學學院法學院校友界的傑出成員，他於1989年獲得授予榮譽院士，並於1991年被任命為邊沁協會(Bentham Association)會長。楊鐵樑還於1963年至1964年擔任倫敦大學(University of London)洛克菲勒基金會(Rockefeller Foundation)研究員，又於1990年成為英國特許仲裁師學會(Chartered Institute of Arbitrators)資深會士。

司法生涯

楊鐵樑在1955年回到香港，最初於岳父譚雅士之律師樓工作。儘管當時政府司法機構並無職位空缺，但楊鐵樑仍嘗試前往有關部門應徵投考法官，並獲時任正按察司何瑾爵士(Chief Justice Sir Michael Joseph Patrick Hogan, CMG, QC)接見面試。至1956年6月，楊鐵樑終獲政府正式聘用，任職裁判司；至1963年升任高級裁判司。未幾，楊鐵樑又取得了獎學金，自1963年至1964年獲得政府送到倫敦大學進階法律研究學院(Institute of Advanced Legal Studies, University of London)擔任洛克菲勒基金會研究員，進行為期一年的深造。

學成返港後，楊鐵樑被派任署理地方法院法官。在1966年的時候，曾任「九龍騷亂損失索償厘定委員會」主席。至翌年爆發六七暴動後，他又任賠償委員會主席。在1968年，楊鐵樑正式出任地方法院法官。期間曾在1970年擔任「法庭使用中文督導委員及法律小組」主席，此外又曾於1971年主審轟動一時的毒馬案。同年短暫出任署理按察司，後又於在1972年出任「一九七二年兩災調查委員會」主席。

在1975年2月17日，楊鐵樑在維多利亞地方法院主審涉嫌貪污的總警司葛柏(Peter Fitzroy Godber)。有關案件當年在香港轟動一時，經過六日審訊後，楊鐵樑判處葛柏入獄四年。同年，楊鐵樑獲升任為高等法院按察司。翌年負責審理梁榮生案，調查警署警長劉昌華有否向梁榮生支付一萬元，以誘使他承認傷人。到1980年，他又獲香港政府委任為麥樂倫事件調查專員，以調查警務督察麥樂倫(John MacLennan)在寓所身中五槍斃命的案件；另外又出任「法律改革委員會委員兼同性戀法例研究小組」主席。

在1981年，楊鐵樑獲委任為上訴庭按察司，至1987年擢升為上訴法院副庭長。1988年3月，在香港總督衛奕信爵士(Hong Kong Governor Sir David Wilson)推薦下，楊鐵樑正式接替羅弼時爵士(Sir Denys T. E. Roberts)，出任首席按察司(1992年改名「首席大法官」)，成為香港開埠以來首位出掌此僅次於總督高位的華人。按照大英國聯邦慣例，以往歷任香港首席按察司都會兼任汶萊達魯薩蘭國(Brunei Darussalam)最高法院首席大法官。但自楊鐵樑上任後，此職位卻繼續由羅弼時爵士出任。因此，楊鐵樑則在1988年5月24日奉委為汶萊上訴法庭庭長，至1993年5月16日卸任。

楊鐵樑於擔任首席按察司期間，積極參與改革香港的普通法制度，以便更能切合香港主權移交後的實際情況。特別值得一提的是，他徹底改變了已沿用一百五十二年歷史的法律傳統，於 1995 年將中文引入香港的法院聆訊，使中文成為主要法律語言之一。

公共服務

在其專業領域，楊鐵樑作為法律改革委員會的成員，一直處於香港法律發展貢獻者的最前沿。在上世紀最後四分之一的時間裡，他接受政府委託，對社會關注的一些複雜和敏感問題，出色地主持了公眾調查。他領導香港司法部門為 1997 年主權移交和實施《基本法》做準備，並擔任香港特別行政區基本法諮詢委員會成員。

1997 年 7 月 1 日香港特別行政區政府成立後不久，楊鐵樑獲委任為行政會議非官守議員。在行政會議期間，楊鐵樑於 1998 年至 2002 年期間擔任外匯基金投資有限公司主席，負責管理香港盈富基金。1999 年至 2004 年期間，他還擔任廉政公署投訴委員會主席。

服務青少年

除紅十字會外，楊鐵樑也積極參與香港多個關注青少年的組織的工作。楊鐵樑少時在上海曾參加中國童子軍小狼隊(Wolf Cub)(七十年代更名為「幼童軍 Cub Scout」)，1973 年起服務香港童軍總會(The Scout Association of Hong Kong)出任不同職位。1978 年至 1988 年間出任名譽會長，1988 年至 1998 年間出任會長兼副贊助人。在卸任會長後繼續出任副贊助人，一直積極推動香港童軍運動。為了表彰貢獻，香港童軍總會於 1992 年及 2018 年分別頒發最高獎勵「金龍勳章」及「長期服務 3 星獎章」。他更於 1998 年獲得世界童軍運動組織(World Organization of the Scout Movement)頒發亞洲及太平洋地區最高獎勵「亞太地區國際童軍運動傑出服務獎章」(Asia-Pacific Regional Award for Distinguished Service to International Scouting)，以表揚多年來對香港及亞太區童軍運動的超卓貢獻。

另一方面，楊鐵樑曾擔任防止虐待兒童會(Against Child Abuse)會長(1982-1986)；香港善導會(Hong Kong Society for the Rehabilitation of Offenders)贊助人；香港海事青年團(Hong Kong Sea Cadet Corps)副主席等等。

服務高等教育

楊鐵樑對社會的主要服務，無疑是在教育領域。自 1970 年起，他一直活躍於高等院校的管治機構，曾擔任香港浸會書院(Hong Kong Baptist College)董事；在香港中文大學(The Chinese University of Hong Kong)，前任崇基學院(Chung Chi College)董事，後任董事會副主席，以及大學校董會成員。自 1979 年起，他亦在香港大學校董會(Court of the University of Hong Kong)任董事。鑑於他的聲望以及對高等教育的了解，政府邀請他出掌香港高等教育規劃機構--大學及理工教育資助委員會(University and Polytechnic Grants Committee)--於 1978 年首次擔任委員，並於 1981 年至 1984 年擔任主席。這幾年，香港高等教育發生了許多變化。經歷了兩次全面檢討，進入快速擴張時期：香港城市理工學院(City Polytechnic of Hong Kong)成立；香港理工學院(Hong Kong Polytechnic)開設學位課程；香港浸會書院轉為接受資助機構；香港大學設立牙科學院；香港中文大學成立醫學院、和開辦兼讀制學士學位課程。以及對學術研究重要性的認可和進一步支持許多新的發展，統統發生在這些年。

楊鐵樑實踐「職業服務」，持續支持高等教育。自七十年代已心繫當時的香港大學法律系，出任名譽講師。多次主持模擬法庭辯論，並向當時來訪的英國大法官鄧寧勳爵(Lord Denning)介紹法律系。於 1985 年至 2001 年擔任香港大學校務委員會(Council of the University of Hong Kong)主席，並於 1994 年至 2001 年擔任該大學副監督。2000 年，在擔任副監督期間，他被大學指派調查民意計劃爭議。2006 年，他出任香港公開大學(Open University of Hong Kong)社會科學榮譽教授。自 2009 年起，楊鐵樑也

擔任香港中文大學法律學院執行委員會主席和法律學榮譽講座教授。以楊氏命名，「楊鐵樑爵士學會」(Sir T L Yang Society)是香港中文大學法律學院創辦的學生社團。該學會安排了一系列研修和社交活動，以幫助學生的學術和專業發展。

競選特別行政區長官

1996年1月26日，香港特別行政區籌備委員會在北京成立。籌委會負責籌備成立香港特別行政區的有關事宜，主要包括訂定香港特別行政區第一屆政府和立法會的產生辦法；籌組由400人組成的香港特別行政區第一屆政府推選委員會，由推選委員會選出香港特別行政區第一任行政長官。

當年，楊鐵樑表態有意參選特區行政長官，並向香港總督彭定康(Hong Kong Governor Chris Patten)遞交辭呈，辭去首席大法官之職。此外，他還放棄了英國國籍，以及致函英國女王放棄其爵士頭銜，以表明其參選決心。在選舉舉行前，他進行了多項親民活動，當中包括訪問公屋居民，以及首次乘坐地鐵等等。在1996年12月11日，第一屆行政長官選舉正式舉行，最終在400名推選委員投票下，另一候選人董建華以320票當選，而楊鐵樑則以42票排行第二落選。他撰寫的政綱是《穩步跨進二十一世紀》，當中提及修訂官方保密法—保證資訊自由和開放言論，使市民可得到更多政府資訊，但同時立法限制未經批准而攫取他人資料的行為。

儘管競逐行政長官失敗，但在特別行政區成立後，董建華即邀請楊鐵樑出任行政會議非官守成員。任內，楊鐵樑自1998年至2002年擔任外匯基金投資有限公司主席，對盈富基金制定管理機制。另在1999年至2004年，他亦曾獲委任為廉政公署事宜投訴委員會主席。

在2002年卸任行政會議成員後，楊鐵樑再度致函英國女王，恢復了爵位。

退休歲月

楊鐵樑1954年與譚愛蓮(Eileen Barbara Tam)結婚，夫婦育有兩子，次子娶大律師余叔韶之女余夏卿為妻。譚愛蓮在2006年6月24日病逝（楊亦於十七年後同一月日去世）。



在2003年9月，楊鐵樑開始為香港電台主持《楊鐵樑留言信箱》節目，以生活化的題材，與聽眾輕鬆分享英文的趣味。也在香港電台第四台（中文台）教授英文和西方禮儀，並且在網上解答網友疑問。多年來，楊鐵樑還到學校和青少年中心親自授課，包括香港大學、香港青年協會(The Hong Kong Federation of Youth Groups)、聖公會李福慶中文中學(SKH Li Fook Hing Secondary School)、庇理羅士女子中學(Belilios Public School)及香港青年協會李兆基書院(HKFYG Lee Shau Kee College)。

拿督楊鐵樑爵士於2023年6月24日(週六)逝世，終年93歲。10月14日(週六)於中環聖約翰座堂(St. John's Cathedral)舉行追思會，約400名法律界及政商界人士出席。追思會早上十點正開始，由香港聖公會教省主教長陳謳明大主教主禮，歷時約一小時結束。

翻譯作品

楊鐵樑曾熱衷於翻譯中國典籍成英文，當中計有：

《General Yue Fei》1995年（即《精忠演義說本岳王全傳》錢彩編次，金豐增訂）

《The Peach Blossom Fan》1998年（即《桃花扇》，譯自谷斯範1948年版本）

《Officialdom Unmasked》2001年（即《官場現形記》李伯元原著）

榮譽

楊鐵樑對本港的貢獻是多方面的，從法律及社會法令的制訂，到大專教育的發展，以至青年福利的關注。為了表彰傑出的服務和貢獻，楊鐵樑獲得了多種榮譽，其中一些如下：

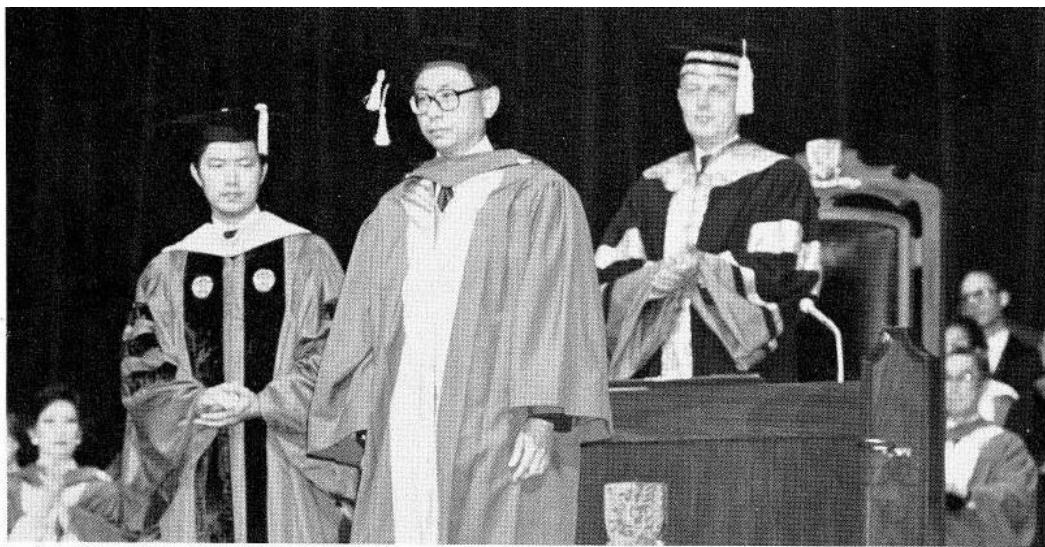
- 1984年 香港中文大學授予榮譽法學博士學位
- 1988年 英國女王伊莉莎白二世授予下級勳位爵士
- 1990年 汶萊達魯薩蘭國蘇丹授予最尊貴皇冠勳章（SPMB）第一等
- 1991年 香港大學授予名譽文學博士學位
- 1992年 香港理工學院授予榮譽法學博士學位
- 1992年 香港童軍總領袖、總督衛奕信爵士授予最高榮譽「金龍勳章」
- 1998年 世界童軍運動組織授予「亞太地區國際童軍運動傑出服務獎章」
- 1999年 香港政府授予大紫荊勳章，以表揚對中國香港特別行政區的傑出貢獻。

超我之服務

- 1956年—1963年 裁判司
- 1963年 高級裁判司
- 1964年—1968年 署理地方法院法官
- 1966年 九龍騷亂損失索償釐定委員會主席
- 1967年 賠償委員會主席
- 1968年—1975年 香港地方法院法官
- 1970年 法庭使用中文督導委員及法律小組主席
- 1971年 香港高等法院署理按察司
- 1972年 兩災調查會專員
- 1975年—1981年 香港高等法院按察司

1976 年	梁榮生案調查委員會主席
1980 年	麥樂倫事件調查專員
1980 年	法律改革委員會委員兼同性戀法例研究小組主席
1981 年—1987 年	香港上訴法院按察司
1981 年—1984 年	大學及理工教育資助委員會主席
1985 年—2001 年	香港大學校務委員會主席
1987 年—1988 年	香港上訴法院副庭長
1988 年—1996 年	香港最高法院首席按察司（1992 年改名「首席大法官」）
1988 年—1993 年	汶萊達魯薩蘭國上訴法庭庭長
1988 年—1998 年	香港童軍總會會長
1994 年—2001 年	香港大學副監督
1997 年—2002 年	香港特別行政區政府行政會議非官守成員
1998 年—2002 年	外匯基金投資有限公司主席
1998 年—2012 年	香港非官守太平紳士
1998 年—2012 年	中華人民共和國香港特別行政區紅十字會主席
1999 年—2004 年	廉政公署事宜投訴委員會主席
2005 年—2023 年	香港中文大學法律學院執行委員會主席/法律學榮譽講座教授
2012 年—2018 年	中華人民共和國香港特別行政區紅十字會會長





楊鐵樑先生讚辭

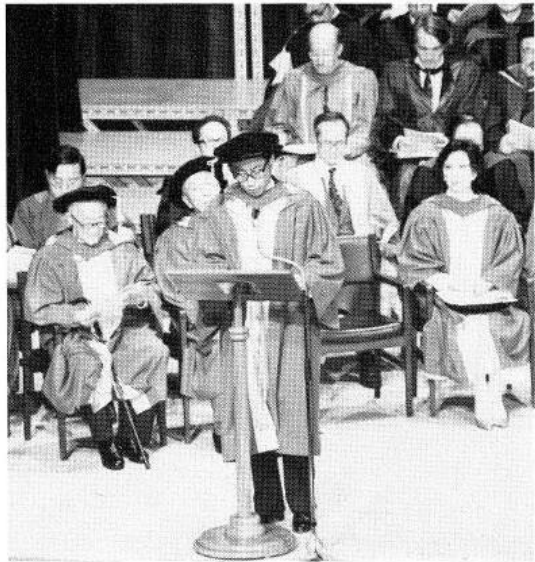
我國的傳統政治思想以儒、法為兩大支柱：儒者倡禮儀，重教養薰陶之功，法家主刑法，重威嚇懲治之效，實際政治則往往依違於兩者之間，權衡並用，以兼得兩家之美意為尚。這種觀念雖有調和折衷之利，但影響所及，遂令教化和法治兩者互相牽制，不能就各自的獨立性格透徹發展。直到今日，這還是中國政治上的難題。反過來看西方，則法治和教化，在觀念上分別隸屬於公正和智慧兩個截然不同的理想範疇，正如所謂「凱撒的歸凱撒，上帝的歸上帝」，所以兩者得以各自獨立高度發展，但又馴至有貌合神離之弊。這是中國和西方在意識形態上一個基本的歧異。然而，楊鐵樑先生既是香港司法界的翹楚，又是連繫政府和高等教育機構的樞紐人物，集法律和教育行政工作於一身而不感扞格，正好說明他的心智恢廣，見識宏遠，能從容出入於東方和西方的傳統之間而游刃有餘。誠然，以香港這樣人文薈萃的都邑，能產生楊先生這樣的人物，以楊先生的儒雅好學，能貫通文化上的鴻溝，那也是不足為異的。

楊先生原籍廣東中山縣，成長於上海一個西化的家庭。他先後在東吳大學、香港大學和倫敦大學研習法律，一九五三年，獲倫敦大學頒授法學學士及格雷法學院頒授執業律師資格。一九五六年返港後，楊先生即投身司法界，循階而進，歷任裁判司、高級裁判司、地方法院法官等，一九七五年，升任最高法院按察司，一九八零年，甫逾知命再晉陞上訴庭按察司，真可謂英才得時，不負所懷了。

除了審判工作，楊先生又曾主持多個公共調查委員會，研訊如一九七二年的豪雨成災，一九七六年的梁榮生疑案，一九八零年的麥洛倫督察疑案等，均為萬人矚目、眾議紛紜的重大事件，而始終能在各方壓力下保持公正，實為可貴。在莊嚴的法庭外，楊先生還是一位熱心的社會領袖，對協助釋囚、防止虐待兒童、促進扶輪社和童軍運動等社區工作，都貢獻過相當力量。

但是楊先生對社會服務貢獻最大的還是在教育方面。自七零年代以來，他即積極參加推動高等教育機構的發展，歷任本校崇基學院校董和校董會副主席、本校校董、浸會學院校董，自一九七九年起迄今，擔任香港大學董事委員會委員。鑑於他的聲望和對高等教育機構的了解，政府於一九七八年邀請他出任大學及理工教育資助委員會委員，並於一九八一年接掌該委員會主席。在過去數年間，本港的高等教育曾經過兩度全面性的總檢討，然後進入迅速擴展的階段。像城市理工學院的成立，香港理工學院開辦學位課程，浸會學院獲公共撥款資助，香港大學牙科學院的成立，本校醫學院的成立，本校開辦兼讀學士學位課程，乃至學術研究之獲得正視和進一步支持等許多新發展，都是這幾年裏面開始的，當必有楊先生的心血和遠見存乎其間。異日本港高等教育能夠普遍化、多元化、現代化，飲水思源，楊先生發軔之功當不可沒。

為表揚他對本港社會服務及高等教育的傑出貢獻，本人謹恭請 監督閣下頒授榮譽法學博士學位予楊鐵樑先生。



我對香港司法前景的探討

司法制度是法律制度整體的一部分，而法律制度則是社會制度的一部分，正如政治制度也是社會制度的一部分一般。因為法制和政制都是社會整體結構的部分，所以兩者永遠息息相關，不容強加分離。每一個社會都有特殊的歷史背景、民情風俗和價值觀念；所以每一個社會都必需採取一套適用於其本身環境的辦法，來劃分並確立它權力與義務的範圍、資源及財富的分配、政府的模式、民間的各種關係，以及人民與政府之間的協調等等。這些辦法之得以實現，絕大部分要以法律為基礎。由此可見，法律的制定和運用，對社會具有極大的影響。

社會是法律的母體，先有了社會，然後形成法律。法律的對象是社會，也可以說，法律的對象是社會上的人民和機構；社會決定了法律的內容，而法律的制定和執行，又影響社會的進退榮衰。二者之間，必然互相呼應。某種形式的社會就需要合乎這種形式的法律，兩者之間務必配合得恰到好處，才能使法律發揮預期的作用，轉而使社會受到最大的益處。

法律本身是沒有生命和動力的。司法機構就是一個把生命和動力付予法律的媒介。司法的目的在於把法律的精神和用意付諸實施，以期達到社會內部的均衡。為了達到這目標，司法制度透過法庭來解釋法律，行使法律，對民間的糾紛作出判斷，並排解人民與政府之間的矛盾。如果能使人民和政府各部門都清楚知道

各自權力與義務的規限，一切言論、行動便有所適從，久而久之，法律便成爲一件有生氣、有活力的東西，每個人都可倚爲指標。

香港的司法制度，一百四十三年來，經過了無數次的考驗，奠下了穩健的基礎，不僅爲廣大市民所信任和支持，也受到世界各地的讚譽。司法制度一向負起了保障並維持現行社會制度的重任，今後香港司法界的任務非但十分重大，而且極富挑戰性。現在我們知道中英雙方已確定了嚴肅的政策：在一九九七年後之五十年內，社會制度不變，生活方式不變，經濟制度不變，在不違反基本法的前提下，法律制度亦大致不變。換言之，司法制度也本質不變。在這個大原則下，我們對將來司法制度的動向，可以作樂觀的推測。

除了上述的原則，我們還可以考慮兩個因素。第一，香港的現有社會制度，在資金和人才，在許多貿易的利便，在金融的靈活性等等方面，對中國推行四個現代化的長久計劃，有一定程度的利益。再者，香港社會所享有的獨特傳統，已有相當長久的歷史，對社會的安定和繁榮皆有貢獻，誰都不願也絕不應該隨意將它取消。有了這雙重的有利條件，我們對於維護港人所熟悉的法律和司法制度，更應該具有十足的信心。

由於健全的法律制度對香港目前的安定與繁榮有重大的貢獻，我們也可預期現行法制在一九九七年後必能長久維持，而對香港將來的安定繁榮，尤其是工商界的進展，採取積極的態度。

楊鐵樑博士講辭

監督閣下、利主席、馬校長、各位校董、各位老師、各位同學、各位嘉賓：

在今天的畢業大典上，承蒙香港中文大學過愛，授我榮譽博士學位，榮幸之餘，謹向校方致萬分的謝意，同時也代表一同在此接受榮譽博士學位的大作家、社會賢達及名學者向校方表示謝忱。並祝貴校聲譽日上，前途光明。借此機會，更向各位畢業同學致賀，祝你們鵬程萬里，事業有成。

一、法律上所用的語文

香港法律的來源，分成文法與習慣法。成文法共有二十六卷。習慣法則常見於英國及香港的判例之中，可以追溯到十九世紀中葉；判例集成了數百冊，而且尚在增長之中，都是用英文寫的。由於種種條件的限制，習慣法不易譯成中文。要把二十六卷成文法譯成中文，不是不可能，但要耗去相當龐大的人力、物力，將為港人及國內人士長期合作的艱巨工作。一旦大功告成，也未必就能解決所有的問題。最大的難題是中文本和英文本的法定地位問題。如果中英文本都享有同等的法定地位，每逢兩者內容有差別時，就立即引起困難，不知應以那一本為準。倘若只是中文才有權威性，就難與英文的習慣法判例配合。

基於這些因素，最切實際的方法，亦即中英雙方談判後所同意的的方法，就是在法院裏除了中文之外，也可使用英文，準此則我們當能繼續依目前辦法採用英文為法律上的語文，但是我們亦同時鼓勵地方法院以下的各種法庭，如裁判司署、兒童法庭、勞工審裁署、小錢債法庭等，依照一九七四年所頒行的官方語文條例，使用中文。至於地方法院及最高法院，因其所審閱的案件多涉及複雜的法律難題，常有參閱及引用判例的必要，則繼續使用英文的理由顯而易見。

二、法官的任免

凡有英聯邦國家或本港執業律師資格，而

又有相當長久的實際經驗的律師，均得酌情聘為高級或初級法官。

香港法官的委任，皆需經獨立的司法人員敍用委員會先行考慮，然後把建議提交港督審閱。初級司法人員的任免都在本港處理，最高法院法官則由港督接受英女皇經外交及聯邦事務大臣指示委任。至於最高法院及地方法院法官的罷免，則先由港督委任三位法官組成審查團，加以審查。如果審查團建議由樞密院考慮是否應該罷免，這件事就呈請樞密院處理。英女皇則採納樞密院的建議頒命。

有許多前英殖民地的獨立國家，也同樣有司法人員敍用委員會，而最高法院法官的任免權則在一國的總統。如果要罷免最高法院的一位法官，則先由總統在英聯邦國家中委任資深望高的法官三人，組成一個審查團，經審查後再呈請總統決定。

一九九七年後要委任法官，當照現行方法，在本港由一個與司法敍用委員會相似的獨立委員會，及香港行政長官來處理。至於法官的罷免，只有在其無力履行職責或行為不檢的情況下，才能由行政長官，根據終審法院首席法官所任命三名以上當地法官組成的審議庭的建議，予以免職。至於最高級法官的委任和免職，還須由行政長官徵得香港立法機關的同意，並報全國人民代表大會常務委員會備案。

我本人認為：第一、在一九九七年後若干年的過渡時期中，可以聘任以英、澳、紐、加為主的習慣法國家人士來協助香港司法界。第二、這四國的法律和香港法律大部分相同，由

他們來港審案，更可駕輕就熟。第三、外來人才在過渡時期，可補香港人才之不足。否則，勉強選拔不夠資歷的本港人士，恐怕有弊無利。尤其是高等法院，更有必要任用資深的法官。所謂欲速則不達，只有腳踏實地，慢慢地培養香港的人才，方能保持合理的水準。第四、習慣法是充滿生氣的法律，差不多年年都有新意。有了習慣法系國家的專家在港服務，我們當能和習慣法的演變，保持經常的聯繫，既可避免脫節，又可充實本港的法律。

當今之務，是要吸引合格的香港及外地的法律人才來為我司法界服務。這項任務自然頗為困難，克服之道主要靠三個條件：(一)司法保持現有的獨立地位；(二)法官的薪俸、退休金、職位以及晉陞等等，都有確定的保障；(三)司法界的尊嚴得以維持。這些都已見於協議草案。

三、外國判例的引用

在目前，法庭內最常引用的是英國判例，其次是本港判例，不時也接納澳、紐、美、加等習慣法國家的判例。關於判例的約束力及參考價值，有相當繁複的規定，在今天所講的主題內，不便作詳盡的討論。簡略言之，目前唯一具有法律上約束力的外地判例，就是樞密院的判決。至於其他的外地判決，則視乎該法院及本港法院的等級而決定其參考價值的輕重。我本人認為，可以將一九九七年七月一日之前宣佈的樞密院判決，納入香港法律而繼續承認其約束力。自此以後的樞密院判決，就和其他

外地習慣法高級法庭的判例一樣，具有高度的參考價值，但不再具有約束力。如此則香港既擁有司法自主權，又可借鏡於外地的判例，來充實自己的法律。

四、終審庭

本港上訴法庭審畢的重大民刑案件，在某種法定情形下，可再上訴至英倫的樞密院。在這種情況下，樞密院便是香港之終審庭。這類上訴案近年來每年平均只有二十餘宗，而有三分之二仍被駁回，由此可體會到本港法庭高度的水平。到了一九九七，終審庭不再是樞密院，而要在香港設立自己的終審法庭。我提議該法庭可由大法官三、五人組成。但到時香港高層司法人才可能依然短缺，三、五位大法官之中可由二、三位本港上訴庭法官擔任，其他則可另聘英、澳、紐、加等習慣法國家資深望高的高級法官充任。

目前，時間及費用的因素限制了上訴至樞密院案件的數量。在本港自設終審庭後，除非我們擁有一套非獲批准不得上訴的嚴密方法，否則上訴案件必然很快增加。再者，終審庭亦很可能有解釋基本法及保障基本權利的任務。個人認為，視乎案件的多寡，我們很可能要聘用三至五人來構成長設的終審庭。但是如果上訴案件不多，毋需設立長期性的終審庭時，則每年可分兩次或三次設立臨時終審法庭，每次為期二、三個月，而且成立一組十五人的終審庭大法官的候選人名單。無論是

外地或本港的法官，都可輪流聘任，終審庭的大法官則可由香港行政長官，依司法敍用的獨立委員會建議而委任。

何時開始設立終審庭的問題，雖然見仁見智，但我認為應該先對各有關因素詳加考慮，才能作出妥善結論。及早設立可以及早獲取經驗，加強法庭本身及港人對法庭的信心，也就及早建立聲譽，並且有較充分的時間與各國安排一切必要的措施。最後，及早獲得英國的幫助，也比較方便。

五、司法獨立的前景

司法獨立是保障公平審判絕不可少的條件。司法機構要百分之百根據法律辦事，絲毫不能受到其他因素的影響與干擾。對司法工作的干擾，可能來自行政機構、立法機構或其他強有力的半官方或非官方的個人或機構、壓力團體、輿論界或新聞界等。法律已有明確的規定，防止任何足以影響司法公正的言行。在中英雙方同意法律基本不變的大前提下，我們對司法獨立的持續應予肯定。

司法獨立不但保障公平審判，也可防止政府越權，使人民得受法律保護。法庭既然是獨立的機構，一切工作都不受行政部門管轄，也不容立法機構過問，只應依法行使職權，不受政治形勢的影響。

司法得以保持公正獨立，不出以下幾點因素：(一)公開審判，讓人民親見司法的獨立公正；(二)人民都覺得這是值得保存的傳統；(三)人

民享有的言論自由及新聞自由，一直對司法工作起監察之功；(四)獨立及純屬私人性質的律師業務，不受任何方面的干涉，對於司法工作也有監察之功；(五)司法人員的薪俸、退休金，以及職位與晉陞機會的保障，對司法獨立也有幫助；(六)香港行政部門也深明司法獨立的長遠利益，能夠自律自制，避免干涉司法工作；(七)人民也都遵守這項原則；(八)有關行政部門都認真地執行法庭的命令，採取合作的態度。

一九九七年後的司法獨立，已經中英協議草案第一附件明確提出：第一，香港三權分立的架構和獨立的司法權和終審權，都已妥善照顧；第二，明文規定法院審判獨立，不受任何干涉。這一項保證，更可加強我們對香港前途的信心。

六、結論

司法界最強有力的支柱是人民的信任和支持，而人民的信任和支持，是歷來司法人員優異的表現、正直的品德慢慢培養出來的。在這方面，我們從事司法工作的同人，更有必要隨時提高警惕，盡力保持司法界優秀的傳統。

我在這簡要的演說之中，只是把司法制度在一九九七年後五十年間的發展略作探討。今後六十年以及其後的司法制度的培養和演變，都要靠本港及國內各界人士的合作和努力，才能獲得全民社會和諧與均衡的良好效果。