

PURPOSIVE, HOLISTIC & CONTEXTUAL INTERPRETATION

Judges keep interpretation in line with real life. Whether written or verbal, things are said for a purpose. Interpreting them entails having regard to their purpose, taking them as a whole and considering their wider circumstances. Documents – including importantly constitutions, treaties, statutes, contracts and wills – offer a text to interpret. Oral utterances give rise more to disputes as to what was actually said rather than disputes as to what was meant. Interpretation is purposive, holistic and contextual. The interpretive elements of purposiveness, holism and contextualism operate in tandem. Naturally, however, the relative importance of each element will vary from case to case. Statutes spring from a legislative policy reflecting what the legislature sees as needful and to be reflected in the resulting legislation. Purposive interpretation is directed to preserving and promoting such policy. Statutes are designed by legislators to be workable. If the workability designed by legislators is imperiled by an obvious blunder on the part of a legislative drafter, the courts' interpretative role extends to removing such peril by adding words to, omitting words from and substituting words in the statute. The ideal text is so worded that its meaning is clear upon reading. But interpretation and implication are often necessary. When any provision in a statute is interpreted, holism extends other provisions in that statute and in statutes *in pari materia* capable of shedding light on the meaning of the provisions being interpreted. Contextualism brings in the legal and social setting of the thing being interpreted. Constitutional cases are to be decided in a manner which is fully faithful both to the letter and to the spirit of the constitution, and which accords with the highest ideals of the people at their best. This flows from the purposes of the constitution as a whole in its legal and social setting.



Hon. Kemal Bokhary
Non-Permanent Judge
Hong Kong Court of Final Appeal

24 September 2025 (Wed), 18:30 – 19:30
11/F Academic Conference Room
Cheng Yu Tung Tower, HKU Centennial Campus

Chair: Trevor T. W. Wan
Assistant Professor, HKU Law

