

Welcome speech by the Honourable Judge of Appeal Justice Chao Hick Tin

Delivered at the Book Launch of
'The Law in His Hands – a tribute to Chief Justice Chan Sek Keong'

5 November 2012

The seed for this publication was first sown sometime in February last year when Justice Phang, Justice Rajah and I thought that it would be a good idea to mark the 75th birthday of CJ Chan Sek Keong with a volume to capture the contributions he had made to the Singapore legal landscape. Our efforts received a further boost when Professor Yeo Tiong Min agreed to join the editorial team. Both Justice Rajah and I want to acknowledge that much of the heavy lifting for this publication, including the constant interaction with the many contributors to this publication, was done by Justice Phang and Prof Yeo. Today, ladies and gentlemen, you are here to witness the launch of this anthology. A warm welcome to all of you.

Chief Justice Chan has been in the law for more than 50 years. The last 26 years of which was in the public service. First as Judicial Commissioner/Judge, then as Attorney-General, and finally as Chief Justice. In his lifetime in the law, he has scored many firsts. He was a graduate from the first batch of law students from the University of Malaya. He was the first of the batch of law graduates to be called to the Malayan Bar. The first person to be appointed Judicial Commissioner. The first locally qualified Attorney-General. He was among the first to be named Senior Counsel when the institution of senior counsel was established in Singapore in 1997. The first locally qualified Chief Justice. He is also the first Singaporean to be appointed an honorary bencher of the Lincoln's Inn. Finally, he was the first Asian jurist to be accorded the International Jurist Award in recognition of his contributions to the administration of justice.

As a lawyer and a judge, he has an intense passion for learning, and law is very much in his blood. He has a strong sense of fairness and seeks to dispense justice in every case. To him, the demands of justice are more important than adhering only to strict legal technicalities. He is always conscious that the law requires a fair result and has been astute

enough to circumvent awkward precedents so that justice could be done in a particular case. He possesses a unique ability to get to the legal heart of any matter and to incisively analyse the problem from principle and logic: always mindful that the outcome must be both fair and pragmatic. As Sir Francis Bacon once said “he reads not to contradict and confute, nor to believe or take for granted but to weigh and consider the matter thoroughly”. This aptly describes Chief Justice Chan.

I should add that he will be remembered not only for his learning and passion for justice but also for his courtesy and common touch. Despite the many high offices he occupied, he never changed as a person. Simple in his manners, modest in his interactions, retiring in his disposition but always courteous in his dealings. These are but some of his personal qualities he will be long remembered for by those of us who have had the privilege of interacting with him.

Today, he leaves an unprecedented mark on the development of law here with over 380 judgments under his name in just over a span of 12 years, as he was Attorney-General for 14 years. He has written on very difficult areas of the law and, in the process, has succeeded in leaving behind judgments which will, no doubt, be an authoritative point of reference and will be relied on by subsequent generations of lawyers. The legal profession has always regarded his judgments as the gold standard.

His major contributions include, taking but a few examples:

- (i) his decision in *Phoenix Court* where he expounded basic principles associated with collective sales of strata developments;
- (ii) his judgment in *Yusof bin Ahmad bin Talib v Hongkong Bank Trustees* on the removal of the trustees for failing in their obligations, is one which generations of income beneficiaries will be grateful;
- (iii) his judgment in *United Overseas Bank v Bebe bte Mohammad* which has been regarded as a landmark decision on land law. Even an Australian expert on the Torrens system on land law had observed that *Bebe* “is rightfully understood and seen as a landmark judgment ... and should be read by all those engaging with the Torrens system in whatever municipality they reside”;
- (iv) his decisions in company law, one of which was *Low Gim Har v Low Gim Siah*, which concerned a dispute over certain properties that were owned by a company, where he skilfully applied law and equity to fashion pragmatic corporate and commercial outcomes;
- (v) his scholastic presentation of our case before the International Court of Justice in relation to our territorial dispute with Malaysia on *Pedra Branca* and his passionate and ingenious argument before the Law of the Sea Tribunal in relation to our Land

- Reclamation dispute with Malaysia which enabled Singapore to continue with our reclamation works;
- (vi) his emphatic pronouncements in *Yong Vui Kong v AG* on constitutional law principles that no legal authority was beyond the courts if it has transgressed its legal limits; and
 - (vii) his incisive comments on the law of caveats in *UOF v Mutu Jeras* has led to an amendment to s 122 of our Land Titles Act.

These are just some instances where Chief Justice Chan has defined our legal landscape. You will be able to gather more of what he has done in the law when you read this volume. His scholastic aptitude, his bold and innovative thinking, his patience in hearing counsel even in a seemingly hopeless case, his deep insight into many areas of law and the thoroughness with which he writes his judgments are all *sui generis*. In short, his contribution to the learning of the law is nothing short of monumental.

The late Lord Denning once said: “the law never stands still. You have to run fast and keep up with it”. But Chief Justice Chan’s work reflects an outstanding mind that not only addresses the current legal position but also postulates possible future developments. The sophisticated legal principles which he formulated have withstood tough criticisms and they have undoubtedly set the foundation upon which further elucidation will be embarked upon.

Let me conclude by saying that Chief Justice Chan is one of the most eminent judges this land has ever had. Under his stewardship in the last six and a half years, he has led the Supreme Court to achieve even greater heights in the administration of justice particularly in relation to the development of legal jurisprudence. This is what this book seeks to capture. I hope this work will find its way onto the shelves of many lawyers, both young and old.

My colleagues and I have all greatly benefitted from his wisdom and leadership. He will be deeply missed by all of us. He has led from the front by working tirelessly. Those of us who have had the privilege of working closely with him had to get used to the routine of receiving e-mails from him at all hours of the night and over weekends.

Before I leave this rostrum, I would like, on behalf of my co-editors and myself, to record our deep appreciation to the specialist contributors for their essays on the various subjects. Thank you

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