

MICA (P) No. 076/05/2006 Commemorative Issue 2006

# inter se

SINGAPORE ACADEMY OF LAW



**A Commemorative Issue  
in tribute of Mr Yong Pung How's  
contributions as Chief Justice of  
the Republic of Singapore**

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This special edition of *Inter Se* is published to commemorate the Honourable the Chief Justice Yong Pung How's work, on the occasion of his retirement on 10 April 2006. The issue has a modest aim: to highlight the breath and depth of his contributions over the past 16 years.

This issue provides us with the opportunity to reflect on Chief Justice Yong's role in the Judiciary as leader and administrator, and as jurist and judge. His judicial reforms have won accolades the world over. He has transformed the Supreme Court and Subordinate Courts from old world salutations and horse-hair wigs, to modern institutions staffed by the best legal talents and equipped with the most advanced technology. Under his leadership, remuneration packages for the Supreme Court Bench in Singapore have become one of the most attractive in the world, making it possible to attract the best legal minds from the private sector.

Since 1991, nearly 100 holders of First Class LLBs from the National University of Singapore and the English universities have passed through the Justices' Law Clerk scheme; without exception, all have enjoyed their stints assisting in the work of the Court of Appeal and individual High Court Judges. The Legal Service is a highly talented pool today, filling the Attorney-General's Chambers, the Subordinate Courts, Supreme Court Registry and other Government departments with the best brains. The *Singapore Law Reports* are into the 15th year of publication this year. The Singapore Academy of Law has been transformed from a tiny outfit in the early 1990s, seeking annual donations, to a properly-funded institution with expertise and facilities to develop and disseminate Singapore law.

Chief Justice Yong is himself known for his judgments. He has produced the most number of judgments in the history of the Singapore Bench. His total tally of written judgments stand at 882, of which 747 have been published in the *Singapore Law Reports*. He personally presided over almost all Magistrates' Appeals in his 16 years on the Bench. His criminal judgments showed an overriding concern for protection of the public, especially women and young children. On the rights of the accused, he stands on firm ground that a Judge has to decide on the basis of whether a case has been proven beyond reasonable doubt, not beyond all doubt.

Not all his decisions were easy to accept. He has often been misunderstood for being the Chief Justice who "doubles your sentence if you appeal", and is lesser known for the fact that, more often than not, he has reduced sentences on appeal. Unfortunately, enhanced sentences are more interesting stories for the media; reduction in sentences does not sell newspapers. So the media paints the canvas of public opinion through weekly selection of stories, whilst the Judiciary is constrained from engaging the press, bound as it is by a judicial code of silence. Such is the lot of the Chief Justice, and of all Judges.

So, what is the man like? Civil litigators who appear before him at the Court of Appeal would have gotten a view of the person – the phenomenal memory, the uncanny ability to size people up by their conduct and their omissions, the ability to pin down the issues of the dispute and the larger



issues of the day, the latitude in allowing that which can be allowed and the impatience at those who do not know how to stop when arguments range into the absurd. His contributions to civil jurisprudence show a deep appreciation of commercial realities, and the willingness to put aside anachronistic common law rules if necessary, if they have no application in modern circumstances (see, *Xpress Print Pte Ltd v Monocrafts Pte Ltd* [2000] 3 SLR 545).

For those of us who have worked with Chief Justice Yong at close range, these have been incredible years. There is a bigness in the man that is difficult to capture on paper. He speaks authoritatively, writes simply and elegantly. Those who lunch with him know that he will match the level of any person at the table with his trademark wit and humour, and story-telling. He reads fast, remembers names, and has an interest in the people whom he has met and who work for him. Decisions are taken swiftly, based on common sense and the need to keep the Academy respectable and out of controversy. If he gets impatient over anything, it will be in writing. There was always a premium placed on honesty and decency, so if you had made a mistake, your fastest way out would be to see him immediately and sort it out. It would be fatal to talk your way out of admitting a mistake.

In this issue, we carry Prime Minister Lee Hsien Loong's valedictory letter to Chief Justice Yong, and a personal letter from Minister Mentor Lee Kuan Yew. In his note to Chief Justice Yong thanking him for his contributions, Minister Mentor wrote, "Appointing you as Chief Justice has been one of my best decisions."

Mr Yong Pung How was Chief Justice, and President of the Singapore Academy of Law, from 28 September 1990 to 10 April 2006. And what a 16 years it has been.

Serene Wee  
Director/Chief Executive Officer  
**Singapore Academy of Law**

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SC 3A

CHIEF JUSTICE'S CHAMBERS  
SUPREME COURT  
1, SUPREME COURT LANE  
SINGAPORE 178879

6 February 2006

Minister Mentor

Dear Minister Mentor

My term on the Supreme Court Bench will end on 10 April 2006.

2 It has been a great 16 years.

3 Thank you for giving me the opportunity to serve.

Yours ever

A handwritten signature in black ink, reading 'Yong Pung How'.

Yong Pung How  
Chief Justice  
Republic of Singapore

*Minister Mentor  
Singapore*

14 February 2006

Dear Chief Justice,

Thank you for your letter 6 February.

Appointing you as Chief Justice was one of my best decisions. In 16 years you have put the courts in excellent shape. Your initiation of the justice law clerks system has been invaluable in getting a steady stream of high quality men and women to help maintain standards in our legal system. And the programs of Academy of Law have raised the competence of the lawyers.

You have done Singapore a service.

Yours sincerely,



*Prime Minister  
Singapore*

31 March 2006

Chief Justice Yong Pung How  
Supreme Court, Singapore  
1 Supreme Court Lane  
Singapore 178879

Dear *Chief Justice Yong,*

As you step down after serving as Chief Justice for more than fifteen years, I write to thank you for your outstanding contributions to the administration of justice in Singapore. You have transformed the Judiciary into an institution with a world class reputation for efficiency, integrity and competence. You have also reoriented the attitudes and mindsets of the legal profession to adapt to the evolving needs of our society and embrace change as a way of life.

During your tenure, you carried out far reaching reforms both in the Supreme Court and Subordinate Courts which immensely improved the quality and efficiency of the judicial process. You also introduced technology (and especially information technology) into all aspects of court life, and pioneered management processes to simplify and speed up the disposal of cases.

In 1991, there was a backlog of 2,000 suits waiting to be heard. At the rate of disposal then, each of these suits would have taken 5 or 6 years to clear. Today, hearing dates are available within 3 months of parties being ready, and more than half of writs filed are concluded within 6 months. As a result, our system of case management and court administration is studied as a model by judges and lawyers from around the world.

You set rigorous standards for the Judiciary in dispensing justice and upholding the rule of law. The legal profession has healthy respect for the Judiciary and high confidence in our legal system. This is shared by the public, businesses and foreign investors, and contributes significantly to our competitiveness and international standing.

As President of the Legal Service Commission, you have also done much to attract, manage and develop talent, in particular by initiating the Justices' Law Clerk programme. This has strengthened the Judiciary and the Singapore Legal Service with outstanding legal talent, and dramatically raised the quality of work.

Under your leadership, the Singapore Academy of Law has become a key institution for the legal profession. You established a system of Senior Counsel to recognise the best in the profession. They have provided role models for younger lawyers, and by the quality of their submissions have contributed significantly to the development of our jurisprudence.

In addition to your duties as Chief Justice and President of the Legal Service Commission, you also served as Chairman of the Presidential Council for Minority Rights and carried out your duties in this role diligently.

Singapore is indebted to you for these substantial contributions over many years of service to our nation.

*I send you and Mrs Yong my best wishes  
for a long and happy retirement.*

Yours sincerely,

*WetSianbay*

# TRIBUTE AND THANKS AT THE FAREWELL DINNER FOR CHIEF JUSTICE YONG PUNG HOW

**O**n Thursday, 11 May 2006, a farewell dinner was hosted at the Istana by His Excellency President S R Nathan for former Chief Justice, Mr Yong Pung How. Distinguished guests at the dinner included Deputy Prime Minister & Minister for Law Professor S Jayakumar, the Honourable the Chief Justice Chan Sek Keong, Senior Minister of State Associate Professor Ho Peng Kee and the Honourable Attorney-General Chao Hick Tin. *Inter Se* reproduces the speeches delivered by the President and Chief Justice Yong that evening.



President S R Nathan pays tribute to Chief Justice Yong's extensive career.

## **SPEECH BY PRESIDENT S R NATHAN**

Chief Justice Yong Pung How is not someone who needs an introduction. His significant contributions to our nation during a long and distinguished career are well known. Over the last 16 years Yong Pung How has totally transformed the delivery of justice in Singapore.

I know that many accolades have already been heaped on Pung How, not least by the Prime Minister, the Minister Mentor, his fellow Judges, and Members of the Bar. I have personally known Pung How over many years. More closely from

the time of our association in SPH [Singapore Press Holdings]. He always impressed me as a clear-minded individual, forthright, principled, fair minded and above all a warm and humorous person.

His career has been extensive – ranging from his days practising the Law; serving on the MSA [Malaysia Singapore Airlines] Board, MAS [Monetary Authority of Singapore], OCBC Bank [Oversea-Chinese Banking Corporation] and SPH before sitting on the Bench. This unique combination of experiences was

what he brought powerfully to bear upon the problems faced by the Supreme Court when he first took over as Chief Justice in 1990. Pung How knew that clearing the backlog of cases awaiting to be heard required concerted action on several fronts. He thus initiated sweeping reforms in several areas – all of which are well known to you all.

With a robust framework for the dispensation of justice in place by the mid-1990s, Pung How proceeded to consider how careful application of emerging technologies in the courts can

enhance the quality of justice delivered. Today, we can proudly say that our courts are one of the most innovative and effective users of technology in the world.

Taken together, these changes have, in the words of Pung How himself, positioned the Supreme Court to deliver timeliness, accessibility and quality of justice. We now have a judicial system that other administrations around the world want to come to study as they seek to improve their own systems.

All the changes that were achieved would not have been possible without the strong and visionary leadership of Chief Justice Yong Pung How. I am sure that as he retires from the Supreme Court, and as he looks back on his years in the Judiciary, he may be asking himself: "What is there to show for the life time I spent practising the Law and the 16 years as Chief Justice?" There are the many judgments he penned. Those who come after him will see these judgments as honest applications of the law and the dispensing of speedy and equitable decisions. Unsaid to him will be the judgments of those who came before him. For many of



Distinguished guests at the dinner included (from right to left) current Chief Justice, Mr Chan Sek Keong, Prof S Jayakumar, Assoc Prof Ho Peng Kee and Attorney-General Chao Hick Tin.

them his Court would have been the refuge and the redressers of their wrongs. In all this he would be remembered as one who gave more than a sample of his best.

Mr Chief Justice, Members of the Judiciary, Distinguished Members of the Bar, Ladies and Gentlemen, please rise and join me in a toast to Chief Justice Yong Pung How and Mrs Yong for many more years of good health, new causes to pursue, and the times to live their dreams.

## SPEECH BY CHIEF JUSTICE YONG

Mr President, I deeply appreciate the dinner that you have hosted this evening for me. I am also deeply touched by your very kind words about

me. We have known each other personally for many years. You have always impressed me as a man of principle, humanity, compassion, warmth and generosity. Tonight, I stand as a grateful beneficiary of that remarkable warmth and generosity.

After some 16 years as Chief Justice, I have laid down my responsibilities, which have now been passed to my successor, Chief Justice Chan Sek Keong. I have known Chief Justice Chan from the days when he and I were partners in our law firm, then as



President S R Nathan presenting Chief Justice Yong with a token of appreciation.



Chief Justice Yong thanks President S R Nathan for hosting the farewell dinner in his honour.

and the Judiciary, with keen minds, compassionate hearts and strength of character. It has been said that Judges become immortal through their judgments. Perhaps so. I would like to think that if I live on, it will be through the unstinting efforts of the men and women who are here with me today, who have made me proud to have been their leader and associate, and who continue to make me proud to be a private citizen of Singapore. The quality of the decision-making throughout

a fellow Judge on the Supreme Court bench and later as the Attorney-General. He is, to my mind, one of the finest legal minds who have graced the legal scene in Singapore. I am confident that he will bring new dimensions to the office of Chief Justice and further enhance the dispensation of justice in Singapore.

I came to the courts in 1989, after some 18 years away from the legal scene. The backlog of cases was a real problem, but the fundamental problem then was not so much a backlog, but one of mindset and attitude. Our judges and lawyers had inherited from our common law traditions, traits that were more suited to an era past. We wore wigs, we called Judges "Your Lordship", we engaged in the work of justice with antiquated ways, dissonant from our status as an international commercial centre and as a first world nation.

The court system has since been transformed. It is an efficient and smooth-running system. But far more important is that I have been privileged to bring in a new generation of lawyers into the fold of the Legal Service, the Bar

the Supreme Court and Subordinate Courts, and the high standing in which the Singapore Judicial system is held internationally is due to them, individually and collectively. Tonight I salute them.

I would also like to acknowledge the unstinting support of the Bar, particularly the leadership in the Law Society and in our largest law firms. Without their support, none of the things which we have done would even have got started.

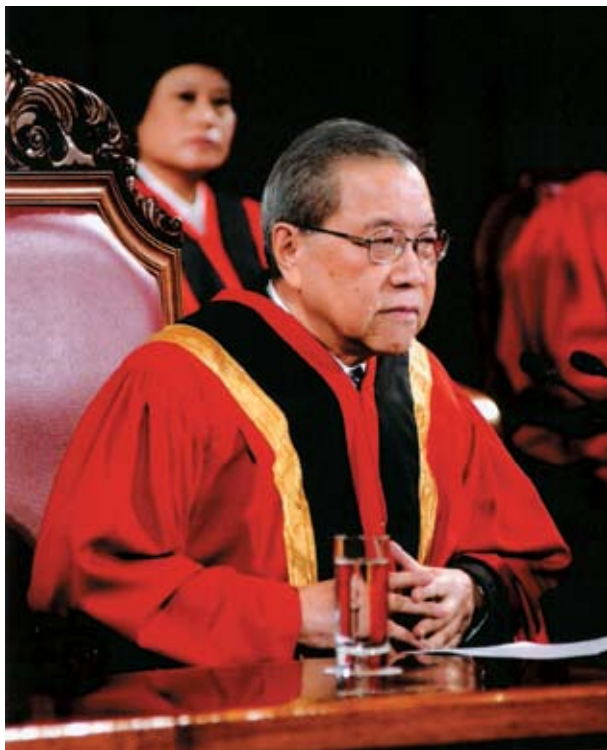
Distinguished Guests, Ladies and Gentlemen, please rise and join me in a toast to President S R Nathan and to our country, the Republic of Singapore.



Chief Justice Yong leads a toast to President S R Nathan and to the Republic of Singapore.

# THE LEGAL LEGACY OF CHIEF JUSTICE YONG PUNG HOW

By THE HONOURABLE JUSTICE ANDREW PHANG BOON LEONG AND  
THE HONOURABLE JUSTICE V K RAJAH, SUPREME COURT



## INTRODUCTION

Justice and efficiency in the law are inextricably connected. This is nowhere better demonstrated than in the achievements of the Honourable the Chief Justice Yong Pung How. His pivotal role in ensuring that the backlog of court cases was cleared and in instituting a technologically advanced court system are documented elsewhere in this issue. As importantly, a great many learned judgments have issued from his pen as well. They constitute a great contribution towards the legal jurisprudence of Singapore. Indeed, there are many groundbreaking judgments. The present constraints of space and format preclude a detailed description, let alone analysis. We can give the reader only the most fleeting of samples

from Chief Justice Yong's judgments in the civil as well as criminal spheres.

## THE CIVIL SPHERE

That Chief Justice Yong saw the need for Singapore law to be sensitive to the needs engendered by local circumstances is a given: see, for example, his masterly analysis of the parole evidence rule in the context of s 94 of the Evidence Act (Cap 97) in *Latham v Credit Suisse First Boston* [2000] 2 SLR 692 and his exposition as well as clarification of the relationship between the respective jurisdictions of the High Court and the Syariah Court in *Salijah bte Ab Latef v Mohd Irwan bin Abdullah Teo* [1996] 2 SLR 201.

However, the need to develop a truly autochthonous or indigenous Singapore legal system never prevented Chief Justice Yong from drawing (wherever appropriate) from the (especially, contemporary) English law. This is evidenced, for example, by his acceptance (in *Dr Khoo James v Gunapathy d/o Muniandy* [2002] 2 SLR 414) of the test laid down by the *House of Lords* in *Bolitho v City and Hackney Health Authority* [1998] AC 232 in the context of supplementing the famous *Bolam* test with regard to expert evidence in so far as the issue of medical negligence is concerned.

In contrast, though, in relation to another type of immunity (that of advocates and solicitors), Chief Justice Yong departed from the English law because it was right to do so: see *Chong Yeo & Partners v Guan Ming Hardware & Engineering Pte Ltd* [1997] 2 SLR 729 (significantly, the English law has since been changed: see the House of Lords decision of *Arthur JS Hall & Co (a firm) v Simons* [2002] 1 AC 615). The key thread seems to us to be the constant attempts by Chief Justice Yong to ensure that a balanced approach is adopted, bearing in mind that the overarching aim is to achieve justice

and fairness not only in the case at hand but also with respect to future cases as well.

In so far as justice and fairness is concerned, Chief Justice Yong always adopted a practical approach, which manifested itself in a number of specific themes – to which our attention now briefly turns.

In so far as general commercial law is concerned, in *Tribune Investment Trust Inc v Soosan Trading Co Ltd* [2000] 3 SLR 423, for example, he observed in no uncertain terms that “[t]he function of the court is to try as far as practical experience allows, to ensure that the reasonable expectations of honest men are not disappointed”.

And the attainment of justice and fairness was always linked by Chief Justice Yong to the material facts as well as to the relevant rules and principles. This is clear from his meticulous attention to the respective factual matrices as well as to the relevant law from both Singapore as well as from a myriad of other jurisdictions.

Most importantly, where justice and fairness required it, Chief Justice Yong was quick to effect reform. Indeed, legal inertia is the surest route to legal obsolescence, with all the inimical consequences that that would entail on a broader socio-economic level. Chief Justice Yong was acutely aware of this. In addition to the examples already mentioned above, two other leading instances of law reform may be noted.

In *Management Corporation Strata Title No 473 v De Beers Jewellery Pte Ltd* [2002] 2 SLR 1, Chief Justice Yong boldly grasped the legal nettle centring on the outmoded mistake of law rule, abrogating it without shunting the task to Parliament.

The second case, *Xpress Print Pte Ltd v Monocrafts Pte Ltd* [2000] 3 SLR 545 illustrates not only the spirit of reform but also all the other sterling qualities mentioned above. More than that, this case is a paradigm model of how Singapore law can have a significant impact on the international stage as well. The English law, which extended an immediate right of support to land only in its natural state (and a right of support in respect of a building only, if at all, after a 20-year gestation period), raised issues of the suitability of the English law to local conditions, questions of justice and fairness,

precedents from other jurisdictions as well as the layperson’s conception of justice. Chief Justice Yong, in a seminal judgment, dealt with all these issues in a comprehensive fashion and rejected the English law that had hitherto been entrenched for such a long time in the local context. He observed, *inter alia*, thus (at [37]):

“[We] are of the view that the proposition that a landowner may excavate his land with impunity, sending his neighbour’s building and everything in it crashing to the ground, is a proposition inimical to a society which respects each citizen’s property rights, and we cannot assent to it. No doubt the trial judge felt constrained by [the various authorities, including the leading English case which was rejected], but this court is entitled to depart from those cases, and therefore does not suffer from any such impediment. In the event, we are of the opinion that the current state of affairs cannot be allowed to persist.”

This is, it is submitted, justice at its intellectual and practical best – dealing with unique local circumstances in modern context, yet simultaneously possessing a substantive applicability beyond the shores of Singapore. Not surprisingly, therefore, in one of the *leading English* textbooks on land law, *Elements of Land Law* (OUP, Fourth Ed, 2005) the authors devote an entire paragraph to the *Xpress Print* case, which (in my view) merits setting out in full, as follows (at para 1.63, pp 34–35):

“Many common law jurisdictions have indicated that the doctrinaire limitation on the natural right of support is now over-ripe for reversal by supreme appellate tribunals. The lead has finally been taken by the Court of Appeal of Singapore in *Xpress Print Pte Ltd v Monocrafts Pte Ltd and L & B Engineering (S) Pte Ltd*. Here, the Court condemned as ‘anachronistic’ the rule supposedly enshrined in *Dalton v Angus & Co*, declaring that in a modern context of high density urban development there is ‘scant justification’

for the 20 year gestation period for a right of support in respect of a building. The Court considered it ‘inimical to a society which respects each citizen’s property rights’ that, within the prescriptive period, a landowner could ‘excavate his land with impunity, sending his neighbour’s building and everything in it crashing to the ground.’ Instead the Court appealed to the principle, *sic utere tuo ut alienum non laedas*, to uphold, on behalf of an injured party, a ‘right of support in respect of his buildings by neighbouring lands from the time such buildings are erected.’ *It is likely that this enlightened approach, imposing a strict and non-delegable duty on landowners, will now be followed by other final appellate courts.* [emphasis added]

Such praise, together with extensive quotation from the case itself, coming from, *inter alia*, one of the foremost experts in English land law (Professor Kevin Gray) speaks for itself.

### THE CRIMINAL SPHERE

Turning to the criminal sphere, there is no mistaking Chief Justice Yong’s overarching inclination to view as the “first and foremost consideration” the protection of the public, as he put it in his Keynote Address on the Subordinate Courts Workplan 2003/2004. He also observed, in the same speech, that “[d]eterrence remains the cornerstone of our penal philosophy”. Indeed, the primacy of the community’s interest is a theme that is emphatically reiterated in several of his decisions both as articulated and inarticulated postulations. For example, in Chief Justice Yong’s speech in the Commissioner of Police Lecture Series 1995, he observed thus:

“... I think we can see clearly the value which our courts place on the community’s interests. This is not to say that our judges care nothing about the rehabilitation of individual offenders; rather, that in Singapore, the pursuit of such a goal is done always with an eye on the possible repercussions for the community.”

The emphasis on the concept of deterrence has often belied two very important facts. The first is that the protection of the public is itself a part of the broader concept of justice and fairness as realised in the very practical context relating to the maintenance of law and order. The second is that there are also other aspects of justice and fairness which Chief Justice Yong also took cognisance of.

In his Keynote Speech already referred to above, Chief Justice Yong observed thus:

“In both civil and criminal cases, the fundamental question is whether our judicial system holds the balance fairly between the parties, although the nature of the desired balance is somewhat different ... In criminal cases, it is accepted that fairness includes the principle that the playing field should be somewhat tipped in favour of the defence, for instance, in regard to the burden of proof.”

More specifically, this concept of fairness has been addressed both procedurally and substantively. For example, the provision of two assigned defence counsel for indigent accused in capital cases was introduced during his tenure. The time spent in remand for accused has also been very substantially reduced over the last decade.

Another recurrent theme that resonates in several decisions is the affirmation that the social and moral considerations, which underpin precedents from other jurisdictions, will almost invariably not apply to Singapore. In *Tay Kim Kuan v PP* [2001] 3 SLR 567, for example, Chief Justice Yong was of the view that (at [10]–[11]):

“... One has to recognise that different jurisdictions hold, and are entitled to hold, different ideas about the principles and rules which their citizens are enjoined to live and abide by. For example, certain countries may place a higher emphasis on rehabilitation of the offender while to others, general deterrence and the protection of the community at large takes precedence to the rights and freedom of the individual accused ...

I did not think therefore that it was useful or practicable to adopt blindly the attitudes evinced by the English courts on sentencing. On the contrary, I was mindful of the different social and moral considerations which prevail in the two countries, and in particular of the divergence between Asian conservatism and the more liberal western society...”

It must also be acknowledged that despite adopting an uncompromising view towards the control of crime he often laced justice with compassion in appropriate cases (see, for example, *PP v Lee Seck Hing* [1992] 2 SLR 745 and *Ng So Kuen Connie v PP* [2003] 3 SLR 178). And in the Commissioner of Police Lecture Series 1995 (also referred to earlier), he observed, in a similar vein, thus:

“If we are to be truly successful in fighting crime, then our administration of justice needs to be tempered with a keen regard for the needs of the individual ... where the circumstances of a case reveal a genuine possibility of the accused being reformed, our courts are always ready to consider imaginative rehabilitative sentences. Nowhere is this more clearly borne out than in the area of juvenile sentencing.”

And in *PP v Mok Ping Wuen Maurice* [1999] 1 SLR 138, he stated (at [21]):

“Rehabilitation is the dominant consideration where the offender is 21 years and below. Young offenders are in their formative years and chances of reforming them into law-abiding adults are better ...”

It must be said, in the final analysis, that Chief Justice Yong was always conscious of the necessity to allow the wider public interest a pre-eminence that could improve the law’s potential to deliver justice. As he remarked during his address on the Admission of Advocates and Solicitors 2005:

“Every day, families and businesses depend on the law for order and protection.

In the larger scheme of things, we partake of the business of nation-building efforts by strengthening our nation’s legal infrastructure, which is one of the pillars of Singapore’s success.”

However, as we have seen, Chief Justice Yong never lost sight of the need to balance this wider public interest with individuated notions of justice, whenever appropriate.

## CONCLUSION

The intellectual and jurisprudential leadership as well as legacy of Chief Justice Yong Pung How is truly immense. This article is but a very partial snapshot of an enormous body of judgments that demonstrates what law and justice in practical and intellectual context is – and ought to be. Chief Justice Yong has been bold. He has been innovative. As a result, he has left a permanent imprint on the past, present and future of Singapore law.



The Court of Appeal in the new Supreme Court building.

# A REVIEW OF COURT-RELATED REFORMS UNDER CHIEF JUSTICE YONG PUNG HOW

By MAVIS CHIONH, DISTRICT JUDGE, SUBORDINATE COURTS



Mr Yong was reappointed as Chief Justice for the fourth time on 15 April 2004.

In his Welcome Reference on 8 October 1990, the Honourable the Chief Justice Yong Pung How pledged to “build on the sound foundations” of the Rule of Law that already existed in Singapore. Pointing out a number of actions intended to be taken for this purpose, Chief Justice Yong stated that in the following “few months, as we gain a better appreciation of the relative priorities in the other things which might be done in the name of progress, we shall not hesitate to do them”. True to those words, Chief Justice Yong has in the 16 years since that Welcome Reference carried out an extended series of reforms which have in many ways transformed the Singapore legal system.

## BATTLING THE BACKLOG

This article will review only those reforms which related to the courts; and in this respect, the most appropriate place at which to begin would be the

backlog of cases which – as Chief Justice Yong noted in his Welcome Reference – needed urgent resolution with “realism and energy”. In 1990, in the Supreme Court alone, there was a backlog of over 2,000 cases. Further to this, more than 10,000 cases were inactive, some of them having been so for over ten years. The reforms which Chief Justice Yong initiated to address the backlog problem included innovative case management measures:

the introduction of pre-trial conferences which provided a mechanism for the courts to monitor the just and efficacious disposal of all cases; a strict adjournment policy to guard against frequent adjournment or vacation of hearings without reason; and streamlining the categories of cases heard by High Court judges so that less complex matters such as bankruptcy and adoption proceedings were transferred to the registrars of the High Court and the Subordinate Courts. In the Subordinate Courts, Night Courts were created to deal with departmental summonses and minor traffic cases. Not only did this initiative help to clear the many such cases which were outstanding, it was welcomed by members of the public who no longer had to take leave from work to attend the court mentions.

Recognising, moreover, that “case management alone can only go so far” and that “the real solution to this problem of backlog lies in having more courts

and more judges, and improving their productivity”, Chief Justice Yong set in motion the appointment of more judges and judicial commissioners. Between 1990 and 1994, eight judges and four judicial commissioners were appointed to the High Court Bench, including – for the first time in local legal history – two women judicial commissioners, both of whom were subsequently appointed Judges of the High Court (Justice Lai Siu Chiu and Justice Judith Prakash). It was also in this period that the first ever women assistant registrars of the High Court and the first two women deputy registrars of the Subordinate Courts were appointed. Beginning from 1991, Justices’ Law Clerks were also appointed to provide research assistance to the Supreme Court Bench, thereby allowing judges to focus on the adjudication of cases and the writing of judgments.

New and existing judges and other officers, as well as the members of the Bar, worked shoulder to shoulder with the Chief Justice in tackling the backlog. The daily hearing hours of judges and registrars, as well as the number of hearings each week, were increased to facilitate more expeditious disposal of cases; and in the Court of Appeal, the number of sittings were increased. In capital cases, changes in the law in April 1992 provided for such cases to be heard by one judge instead of two judges, while at the same time the number of defence counsel representing the accused was increased from one to two; and those accused unable to afford their own counsel were assigned two defence counsel paid for by the State.

## BEYOND THE BACKLOG: IMPROVING ACCESS TO JUSTICE

### Simplifying court procedures

So effective were these reforms that by the Opening of the Legal Year in January 1994, the backlog problem (including the problem of outstanding capital cases) had been resolved. The drive towards greater efficiency in the courts did not, however, cease with the clearing of the backlog. Further reforms were implemented which aimed at enabling all court users

to maximise their utilisation of court resources. Chief Justice Yong had, at his Welcome Reference in 1990, given notice of the activation of the Rules of Court Committee and the formation of a Rules Working Party which would review and improve the rules of court. The numerous amendments which have been made to the rules since then have simplified court procedures for court users. Just to give two examples: the merger of the rules of the Supreme Court and the rules of the Subordinate Courts in 1996 ensured the consistency of procedural rules in both the higher and lower courts. More recently, the implementation of two modes of commencing proceedings eliminated a cumbersome system of multiple originating processes which had been adopted from centuries of English practice but which otherwise lacked a logical basis.

Even the outward trappings of the court system were brought up to date, as judges shed their horse-hair wigs and women counsel were permitted to don pantsuits in court for the first time.

### Harnessing the power of information technology

The effort to simplify and modernise court procedures had, as its fundamental objective, the improvement of access to justice for all courts users. This effort was complemented by the effort to harness the power of information technology. The launch of the Technology Court in the Supreme Court, as well as e-courts and e-chambers in the Subordinate Courts, introduced lawyers and litigants to an array of IT tools (such



Justices’ Law Clerks appointed in 2005. The last batch of men and women to be appointed under Chief Justice Yong’s leadership.

as document imaging and video-link facilities) designed to make proceedings faster and easier. Another groundbreaking move was the launch of the Electronic Filing System (“EFS”). With EFS, voluminous bundles of documents could be reduced to electronic form and stored for virtually instant recall whenever required.

The search for ways to increase efficient use of court resources has continued in the new Supreme Court building, where lawyers and litigants now enjoy the benefits of such IT services as digital transcription, wireless hotspots and touch-screen information kiosks.

Other pioneering uses of IT which were initiated included the launch of the Supreme Court and the Subordinate Courts websites: a move which has enhanced the accessibility – and correspondingly, the transparency – of the court system.

Such was the pace of modernisation in this entire period that a Senior Counsel has been quoted as referring to it as “our Formula One years ... we went from zero to 100 in something like under three seconds”.<sup>1</sup>

### Enhancing the development of judicial thought

Concurrent with the effort to improve access to justice was the effort to improve the quality of justice on offer. Realising the need for an autochthonous legal system, Chief Justice Yong initiated reforms aimed at enhancing the development of judicial thought in Singapore. These included the creation of a permanent Court of Appeal following the



abolition of appeals to the Privy Council; as well as the creation of specialist courts in both the Supreme Court and the Subordinate Courts. The launch of the *Singapore Law Reports*, in the meantime, ensured full coverage of the judgments of Singapore courts.

In addition, to make sure that judges in Singapore would always benefit from the frank exchange of ideas with fellow judges abroad, Chief Justice Yong encouraged efforts by the Singapore courts to build ties with foreign judiciaries. The 1995 Asia-Pacific Intermediate Courts Conference, which allowed the Subordinate Courts judges to share ideas on court administration with their counterparts from neighbouring jurisdictions, represented just such an effort.



### Engaging the community; solving problems

Beyond greater efficiency and better judgments, the reforms initiated by Chief Justice Yong were underscored by the underlying desire to help the stakeholders of the court system deal with their problems in constructive ways. This has been particularly evident in the Subordinate Courts where – as Chief Justice Yong was wont to say – the majority of the public

<sup>1</sup> Ms Indranee Rajah SC, quoted in “Jaya Credits CJ Yong for Model Judiciary”, *The Straits Times*, 4 April 2006.



Chief Justice Yong seen here in a lighter moment with “Supreme Court Idol” winner Mr David Lee.

come face-to-face with the Rule of Law in action. All the major justice divisions in the Subordinate Courts have, under Chief Justice Yong, instituted reforms which sought to provide parties with holistic solutions to their problems. In the Civil Courts, for example, the establishment of the Primary Dispute Resolution Centre (PDRC, subsequently e@dr) ensured that cases where relationships and ties were best preserved – disputes between family members, for example – received the benefits of early mediation and neutral evaluation. In the Family Court, the introduction of such initiatives as the Family Juvenile and Justice Centre made available to parties a multitude of counselling and help-line

services. In the Juvenile Court, Chief Justice Yong, in articulating for the first time the communitarian model of Juvenile Justice, started a series of reforms which sought to engage the support of juvenile offenders’ family and friends in re-integrating these young people back into their community.

### A sense of mission

The reforms described above have all been informed by a strong sense of mission on the part of the courts; a sense, as Chief Justice Yong himself once put it, that “the administration of justice is as much a pragmatic enterprise as it is an idealistic endeavour”.<sup>2</sup> The result of these reforms is perhaps best described by Minister Mentor Lee Kuan Yew in his book *From Third World To First: The Singapore Story 1965–2000*, when he noted that “[b]y 1999 the reputation of our courts brought visits by judges and chief justices from developing as well as developed countries to study” the re-organisation.<sup>3</sup> Thanking Chief Justice Yong for his service on 1 April 2006, Prime Minister Lee Hsien Loong stated that Chief Justice Yong had “transformed the Judiciary into an institution with a world-class reputation for efficiency, integrity and competence”.<sup>4</sup>



On the occasion of the Opening of Legal Year 2006. The traditional photo-taking session of the Bench took place in front of the new Supreme Court building for the first time. It was also the last OLY to be officiated by Chief Justice Yong in his 16-year career as Chief Justice.

<sup>2</sup> Speech delivered by Chief Justice Yong for the “Leaders in Administration Programme”, 4 September 1995.

<sup>3</sup> Minister Mentor Lee Kuan Yew in *From Third World To First: The Singapore Story 1965–2000* at p249.

<sup>4</sup> See *Inter Se Commemorative Issue* at p5.

# RAISING STANDARDS: CHIEF JUSTICE YONG PUNG HOW AS PRESIDENT, LEGAL SERVICE COMMISSION

By KWEK MEAN LUCK, SENIOR ASSISTANT REGISTRAR, SUPREME COURT

“ [I] t is precisely because of the difficulty in arriving at neat strategic plans of what to do at each critical moment, that makes it vitally important to ensure that the Legal Service has a continuing flow of top talent at all levels. We need officers of keen intellect, with the maturity of mind to understand the forces at work around us, who have the heart for public service and the adaptability and agility to carry out their mission, throughout all the changes. The Legal Service will have to be staffed by men and women who are effectively trained, with strong professional knowledge and expertise, who can identify and analyse intricate and novel issues, and make sound judgments where the bottomline is not dollars and cents, but unquantifiable yet critical outcomes: the continued Rule of Law and the fair administration of justice in Singapore. And where we have found such officers, it is the task of every Head of Department and the Legal Service as a whole to create an environment where they can grow, where they can exercise their initiative, their energy, and their capabilities to the fullest.” – *Speech by the Honourable the Chief Justice Yong Pung How at the Legal Service Annual Dinner 2002* –

“... We need officers of keen intellect, with the maturity of mind to understand the forces at work around us, who have the heart for public service and the adaptability and agility to carry out their mission, throughout all the changes.”

The above words provide some insight into the vision of Chief Justice Yong Pung How, who served as President of the Legal Service Commission for the last 16 years. To achieve this vision, he introduced a number of changes to the Legal Service during his term, raising the standards and benefits across the board.

In 1991, he institutionalised a framework for induction of legal talent into the Legal Service. He then established a framework for better remuneration for officers, by benchmarking salaries against the income of lawyers in private

firms. This made the Legal Service a more attractive and prestigious service.

Programmes were also introduced to develop officers. Scholarships were established for postgraduate studies in premier law schools. Today, almost half of the officers in the Legal Service have general or specialised postgraduate degrees. Regular rotations were effected between the judicial and legal branches, and between departments and divisions within each branch. This was to allow officers to acquire a wide set of legal skills. In the same vein, postings for officers

Scholarships were established for postgraduate studies in premier law schools. Today, almost half of the officers in the Legal Service have general or specialised postgraduate degrees.

have been extended to include secondments to the Intellectual Property Office of Singapore, the Singapore Land Authority, the Accounting and Corporate Regulatory Authority and the Competition Commission of Singapore. Another feature was the introduction of the Legal Service Technology Law Core Group and Biomedical Sciences Core Group. The groups provide officers with specialised training in potential legal issues arising from advances in science and technology.

In recent years, secondments were also initiated to Government ministries to undertake policy work. Officers have been seconded to ministries such as the Ministry of Trade and Industry, Ministry of Foreign Affairs, Ministry of Manpower, Ministry of Finance, and Ministry of Community Development, Youth and Sports, to undertake policy and management assignments in positions ordinarily staffed by Administrative Service officers. This has provided the opportunity for Legal Service officers to broaden their perspectives and acquire managerial skills. Officers have also been sent to advanced management and public policy courses at institutions such as the Lee Kuan Yew School of Public Policy and business schools such as Harvard, Stanford and INSEAD, to receive leadership training.

Chief Justice Yong's emphasis on the development of Legal Service officers was driven

by his personal philosophy of management. On the same occasion as the above quote, he said:

"A year or two from now, the forces of change, they may be the same, they may be different. Through it all, the Legal Service's first and primary response will be unchanging. It will be this: find the right people, give them the space, and let them get to work."

On 3 April 2006, Professor S Jayakumar, Deputy Prime Minister & Minister for Law, in a Ministerial Statement, paid the following tribute to Chief Justice Yong for his work in the Legal Service Commission:

"Chief Justice Yong recognised that we cannot have a first-rate legal system without quality people on the High Court bench and in the Legal Service. He saw the need for officers with strong professional knowledge and skills, and the ability to adapt and respond to a rapidly changing environment. As President of the Legal Service Commission, he aggressively pursued efforts to attract talent into the Legal Service ... This has resulted in high quality work and judgments."

There is little that I could add, to a tribute by the Deputy Prime Minister, except a word of personal thanks, from an officer of the service, to a President of the service, for mentorship, for opportunities, and wonderful memories.

"... the Legal Service's first and primary response will be unchanging. It will be this: find the right people, give them the space, and let them get to work."

# CHIEF JUSTICE YONG PUNG HOW AND THE GROWTH OF THE SINGAPORE ACADEMY OF LAW

By DAVID QUARK, ASSISTANT DIRECTOR, SAL



Chief Justice Yong with distinguished guests at the lunch held in conjunction with the launch of the Singapore Academy of Law on 31 August 1990.

## INTRODUCTION

Since its inception, the Singapore Academy of Law (“SAL” or “the Academy”) has grown into an organisation that is increasingly able to meet its statutory purposes of developing a collegiate spirit amongst members of the legal community and keeping the legal community abreast of latest developments in the law with efficiency, diligence and competence. This is due, in no small part, to the many key programmes and services which were developed, fine-tuned and expanded upon as a result of the Honourable the Chief Justice Yong Pung How’s 16 years as the President of the Academy.

## BRINGING THE PROFESSION TOGETHER

Under Chief Justice Yong’s leadership, the Singapore Academy of Law Annual Lecture (“Annual Lecture”) was inaugurated in 1994 with a lecture delivered by the late The Right Honourable The Lord Taylor of Gosforth. Since then, the Academy has been honoured by a host of distinguished Annual Lecture speakers, including, most recently, the former Lord Chief Justice of England

and Wales, The Right Honourable The Lord Woolf of Barnes. The Annual Lecture has become a highlight event in the legal profession’s calendar, bringing together a large gathering of members each year for an evening of learning, fellowship and social interaction.

## PROVIDING AN EFFECTIVE LEGAL INFRASTRUCTURE

In 1995, the Singapore Academy of Law Act was amended, paving the way for the transfer of the LawNet Secretariat to the Academy in 1996. Soon after, LawNet’s Legal Workbench, a suite of legal research databases, was launched. As at 2005, LawNet’s Legal Workbench comprised of some 28 transactional databases and 55 legal research databases ranging from the online versions of the *Singapore Law Reports* and *Malayan Law Journal*, a Versioned Legislation Database and an online repository of Parliamentary reports to electronic versions of all unreported judgments of the Supreme and Subordinate Courts from 1996 onwards, the *Singapore Academy of Law Journal*, Law Reform reports and a Journals Index.



Chief Justice Yong seen here with Mrs Goh Chok Tong at the launch of LawNet’s Legal Workbench on 28 February 1998.

A key component of LawNet was added in 2000 when LawNet provided practitioners with access to the Electronic Filing System (“EFS”) developed by the Singapore Judiciary under Chief Justice Yong’s leadership. Consistent with Chief Justice Yong’s belief in increasing standards of efficiency and relevance, in April 2003, Chief Justice Yong appointed an EFS Review Committee to conduct a thorough appraisal of the EFS, to ensure that the system continued to keep up with technological developments and the evolving needs of the legal profession. Chief Justice Yong accepted the recommendations of the review committee for improvements to the EFS, and established an EFS Review Implementation Committee in August 2003 which continues to implement those recommendations. Today, about 70% of legal practitioners are subscribers of the Legal Workbench; a clear reflection of how much the Legal Workbench (and indeed, electronic legal research) has become a part of the legal work culture in Singapore.

### UPGRADING KNOWLEDGE AND SKILLS

The Academy plays an important role in the continuing legal education of the legal community with its legal education programmes, its academic scholarships and prizes recognising legal talents and encouraging them to further their legal education, and its undertakings in law reporting and legal publication, many of which were put in place during and because of Chief Justice Yong’s leadership as President of the Academy.

### Legal Education and Studies

Notable conference series established during Chief Justice Yong’s 16 years at the helm of the

Academy include the Singapore Academy of Law Conference (“SAL Conference”) and the Visiting Fellows Programme.

The SAL Conference, a five-yearly conference, was initially organised in 1996 to inform participants of the significant legal developments that had taken place in the preceding five years. Under Chief Justice Yong’s guidance, two more such conferences have been held since the inaugural SAL Conference in 1996 and the aims and focus of the SAL Conferences have evolved with the times. The first SAL Conference focussed on the sweeping legal reforms between 1990 and 1995 which led to improvements in the administration of justice. The second SAL Conference in 2000 examined the development of Singapore law in a wide range of topics, from the more traditional areas such as land law, to the growing fields such as intellectual property law. The third SAL Conference held in January this year, featuring over 42 speakers and panellists and attended by some 400 participants, aimed to highlight and generate discussion on “areas of law where Singapore has taken a path which may be characterised as dynamic, novel or even controversial” as noted by Chief Justice Yong in his Keynote Address delivered at the beginning of this conference.

The Visiting Fellows Programme, established in 2003, continues to bring to Singapore eminent professors and distinguished legal experts from top law schools and legal institutions around the world. The first Visiting Fellow was the late Professor Peter Birks. In 2004, Professor Francis Reynolds and Professor Ewan McKendrick, both from Oxford University, were invited to Singapore as the second and third SAL Visiting Fellows respectively.

In 2000, the Academy also hosted the very well-received Millennium Law Conference (“the Conference”) which featured a panel of distinguished local and international speakers addressing the global developments and trends in legal education and practices as well as global trends in governmental policy, finance and electronic commerce. The highlight of the Conference was the Special Millennium Address delivered by Senior Minister Lee Kuan Yew (as he then was) at the Conference Gala Dinner. The Address was broadcast live over Channel News Asia.



Singapore Academy of Law Conference 2006 conference materials.



The *Singapore Law Reports* fortnightly parts.

### The *Singapore Law Reports* and other Publications

One of the most significant undertakings of the Academy during Chief Justice Yong's tenure as its President is the publication, since 1992, of the *Singapore Law Reports* ("the SLR"). The publication of the SLR was brought in-house in 2003 and the Academy is now Singapore's official law reporting agency responsible for the selection and publication of Singapore case law. Since 1999, the Academy has been consistently producing four volumes of law reports for any given year in a bid to make local case law readily available in a timely and consistent manner. In 2003, the Academy also embarked on the *Singapore Law Reports (Reissue)* project which will re-publish the law reports according to a uniform catchwording system and house-style, and with new, more concise headnotes.

The other notable publications of the Academy include the *Singapore Academy of Law Journal* ("the SAL Journal") and the *Annual Review of Singapore Cases* ("the Annual Review") which was launched in 2000. The SAL Journal has become a well-respected legal publication in the region and in March 2005, a specialist issue of the SAL Journal was published for the first time focussing on the specialist area of Contract Law. The guest editor of this special issue was Emeritus Professor and Senior Research Fellow of Law at the University of Bristol, Michael P Furmston.

Additionally, the Academy, since 1995, has been producing the *Academy Digest*, which provides concise and timely summaries of Singapore judicial pronouncements. Following the success of the Supreme Court Series of digests, the Subordinate Courts Series (incorporating Family Court decisions) was started in 2001. The Academy Digest is considered by many legal practitioners to be a useful research tool for locating reported and unreported cases.

### Promoting Legal Research and Reform

Chief Justice Yong's lively interest in law reform manifested as various law reform initiatives. In 2001, the Technology Law Development Group was established to engage in technology law research and reform with a view to assessing the adequacy of existing laws and formulating broad solutions on issues such as e-commerce regulation, domain name dispute resolution and electronic evidence among others. In August 2002, Chief Justice Yong tasked the Academy's Law Reform Committee with bringing about changes "in the terminology and language of the courts" in Singapore. Noticing that developments to make courts free of Latin terms had already taken place in England, he was of the view that there was "considerable merit in the Singapore Courts following London's new lead". In response, the Law Reform Committee published a lexicon titled "Plain English Guide to Latin Expressions" in February 2004. Some of the other matters which Chief Justice Yong had asked the Law Reform Committee to review include the position of pre-judgment interest in Singapore, the law relating to the overseas enforcement of Singapore's Subordinate Courts judgments and the application of the parol evidence rule.

### ESTABLISHING AND MAINTAINING PROFESSIONAL STANDARDS

In 1993, the Academy's Professional Affairs Committee was set up to promote high standards of conduct in the legal profession. Since then, the Committee has established itself as a forum for the discussion of all issues affecting the various branches of the legal profession, with a view to making recommendations for improvements. Such improvements include the implementation of the Senior Counsel scheme, announced by



Chief Justice Yong with Chairman of SMC, Justice Chao Hick Tin (as he then was) (left) and Assoc Prof Ho Peng Kee (right) at the launch of the SMC's *Asian Journal on Mediation*.

Chief Justice Yong at the Opening of Legal Year 2006, for which the Academy provides secretariat support, and the promulgation of a set of Professional Principles for the Singapore Academy of Law, which was adopted by the Senate at the 17th Annual Meeting of the Senate in 2005.

### PROMOTING ALTERNATIVE DISPUTE RESOLUTION

Chief Justice Yong, recognising the importance of mediation as an effective non-court based avenue for dispute resolution, initiated the launch of the Singapore Mediation Centre ("the SMC") in 1997. The SMC, incorporated as a company limited by guarantee of the Academy, has since established itself as one of the leading mediation services and training centres in Asia. Aside from providing mediation services, the centre has gone on to develop and provide other alternative dispute resolution services such as the Singapore Domain Name Dispute Resolution Policy (for resolving disputes which involve the .sg domain name) and adjudication services under the Building and Construction Industry Security of Payment Act.

### INTERNATIONAL PROMOTION OF SINGAPORE LAW

Having built up the Academy as an organisation equipped to effectively facilitate the dissemination of Singapore law within the local community, Chief Justice Yong then turned to establishing the groundwork for the dissemination of Singapore law abroad. In 2005, the *SingaporeLaw* Committee, supported by the Academy and the Ministry of

Law, was formed to devise and implement strategies and activities to increase the profile of Singapore law in the region. Since it was set up, the Committee has organised several seminars reaching out to different segments of the regional business community on the benefits of using Singapore law as the governing law of commercial contracts, and launched a website offering free access to Singapore statutes, published judgments of the Supreme Court and basic information on Singapore commercial law.

### CONCLUSION

In 1990, the Academy was staffed by 30 employees. Today, the Academy hires some 68 full- and part-time employees. The number of legally-trained staff in the Academy has also grown from three in 1996 to the present 14. The growth in the size of the Academy corresponds to the increased breadth and depth of its role in serving the legal community since it was officially launched. The services provided by the Academy, and the roles it plays in the legal community, will no doubt continue to change with time. But with a firm foundation laid over the years, the Academy is poised to take on new work to remain relevant to the legal community. And we have Chief Justice Yong to thank for that.

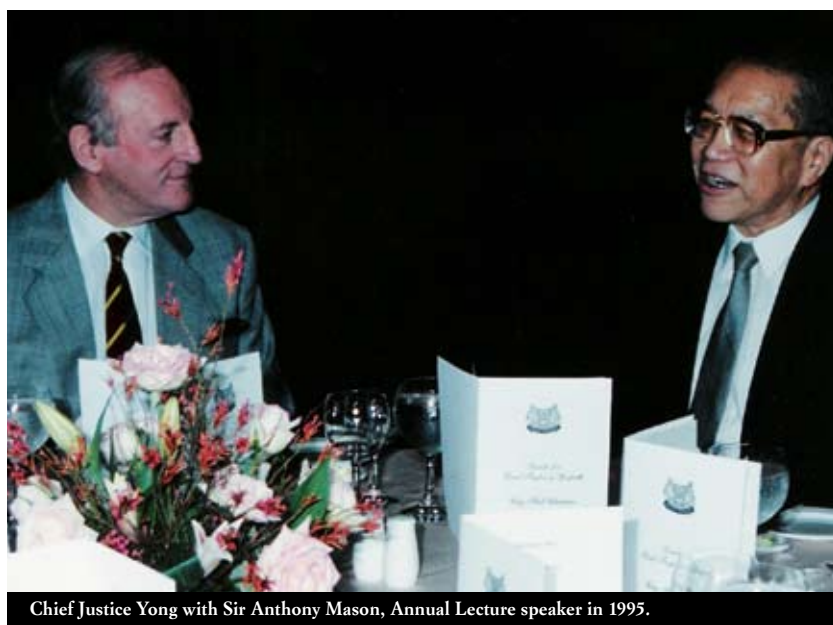


Chief Justice Yong at the launch of the *SingaporeLaw* website early this year.

# WELL-WISHES FOR CHIEF JUSTICE YONG PUNG HOW FROM LEGAL LUMINARIES AT HOME AND ABROAD

“For a decade and a half, the Judiciary and Singapore were the beneficiaries of Chief Justice Yong Pung How’s dynamic leadership and innovative measures which transformed the Singapore legal landscape and catapulted our Judiciary to be among the best in the world, rendering it a model other jurisdictions seek to emulate.”

– **The Honourable Attorney-General Chao Hick Tin** –



Chief Justice Yong with Sir Anthony Mason, Annual Lecture speaker in 1995.

“I well remember my meeting with the Chief Justice in Singapore when we discussed fundamental issues, including punishment. Singapore had pursued initiatives commenced in Australia and adapted them to local conditions. The Chief Justice has provided matchless leadership to the courts and the profession and has given outstanding service to the law. I wish him well on his retirement.”

– **The Honourable  
Sir Anthony Mason, former  
Chief Justice of the High  
Court of Australia** –

“It must be a great satisfaction to Chief Justice Yong to retire at the age of eighty after a distinguished career on the Bench. The legal profession will remember him as a man who harnessed technology with vision and innovation and gave Singapore a modern Supreme Court. He did away with the backlog of cases and penned numerous important judgments. I am certain his judgments will be cited and quoted by scholars and lawyers alike in years to come. I wish Chief Justice Yong good health and a happy retirement.”

– **Mr Giam Chin Toon SC** –



Chief Justice Yong with the Honourable TL Yang, Annual Lecture speaker in 1997.

“In the nearly twenty years of our friendship, I have had opportunities at international meetings to observe with admiration the way the Chief Justice interacted with chief justices and senior judges from different cultural, political and judicial backgrounds. He invariably conducted himself with dignity, courtesy and was always prepared to understand the other’s point of view. In this way he earned the respect of all those whom he met.”

– **The Honourable Sir T L Yang,**  
**former Chief Justice**  
**of Hong Kong –**

“Words can never properly express Singapore’s and the legal profession’s debt of gratitude to the Chief Justice. He willed a systemic change which has benefited the many people who come into contact with our courts everyday. He has made Singapore safer for all of us. His precious legacy will endure for generations.”

– **Mr Davinder Singh s/o Amar Singh SC –**

“The Chief Justice has been a noted leader of the Singapore legal profession. He has enhanced the efficiency of the court system, inspired the activities of the Singapore Academy of Law and stimulated the intellectual life of practitioners, academics and students. Singapore and its people have been and will continue to be the beneficiaries of these and his other achievements.”

– **The Honourable**  
**Sir Gerard Brennan,**  
**former Chief Justice of the**  
**High Court of Australia –**



Chief Justice Yong with Sir Gerard Brennan, Annual Lecture speaker in 1998.

“Over the years, I have had the privilege of appearing before Chief Justice Yong on more occasions than I can remember, and the pleasure of working with him in his capacity as President of the Academy. Neither the Courts nor the Academy will be quite the same with his retirement. I am grateful for his guidance as I grew up in the profession, and I will always regard Chief Justice Yong with respect and affection.”

– **Kenneth Michael Tan Wee Kheng SC –**



Chief Justice Yong with the Right Honourable Beverley McLachlin (pictured with her husband), Annual Lecture speaker in 2000.

“The Chief Justice’s contributions to justice in Singapore are enormous and well documented. What may be less well known are his contributions to justice in other parts of the world.

In 2000, I had the pleasure of visiting the Supreme Court of Singapore at the invitation of Chief Justice Yong Pung How. We had excellent exchanges on the administration of justice. I was particularly impressed with the electronic filing system and courtroom, and returned home with a new conception of the future for our own Court, which we are now in the process of implementing.

Chief Justice Yong Pung How’s presence at the head of Singapore’s judiciary will be greatly missed, in Singapore and elsewhere.”

– **The Right Honourable Beverley McLachlin, Chief Justice of the Supreme Court of Canada** –

“It would not be overstating to say that Yong CJ, during his tenure, completely transformed the judicial system into a world class system which has become the model for other jurisdictions to follow. His reforms have also raised the standards of the Bar and in turn have attracted more quality work for resolution in our courts.”

– **Mr Steven Chong Horng Siong SC** –

“Chief Justice Yong Pung How has been a dominant and respected judicial presence in Singapore for a lengthy period, during which the legal and judicial systems have flourished as never before. In no small part this has been due to his energy, imagination and commanding personality, which have commanded loyalty and trust within Singapore while greatly impressing visitors from abroad, to whom he has been a warm and welcoming host. He will be greatly missed, and not quickly forgotten.”

– **The Right Honourable Lord Bingham of Cornhill, Senior Law Lord and former Lord Chief Justice of England** –



Chief Justice Yong with the very amused Lord Bingham of Cornhill, Annual Lecture speaker in 2001.

“Yong CJ brought the Singapore judiciary into the 21st century. The courts have been modernised, the back-log has been cleared and justice has been made more accessible to the man in the street. He was exactly the CJ we needed in the 90s. He has made an indelible impression on our legal system. He leaves behind a legal system and judiciary that we can all be extremely proud of. I wish him good health in his years to come.”

– **Mr K Shanmugam SC** –



Chief Justice Yong with Justice Sandra Day O'Connor, Annual Lecture speaker in 2002.

“Dear Chief Justice Yong Pung How, ... I remember meeting with you and all your kindness to me when I visited Singapore. You have an impressive Court which has served very well indeed under your leadership these last 16 years.

May you enjoy your well-earned retirement. Please accept my expression of appreciation for your excellent service.”

– **The Honourable Justice Sandra Day O'Connor, Associate Justice (retired), Supreme Court of the United States** –

“Dear Chief,

So much has been said about how you have led the transformation of the judiciary into the highly-rated institution it is now. However, my enduring memory will be of a wise but firm Judge, who educated counsel to be practical and not just theoretical about the law. My warmest wishes for your continued good health and an active retirement!”

– **Mr Alvin Yeo Khirn Hai SC** –

“For more than 16 years’ tenure, the Honourable Chief Justice Yong Pung How has always given judgments impartially, made many contributions with far-reaching influence and has been highly admired. He visited China for many times during his tenure and made important contributions to promote the exchanges and cooperation between the two Supreme Courts of China and Singapore. During our meetings and discussions, I was deeply impressed by his erudition and abundant experiences on legal practice, especially his spirit of unrelenting pursuit of promoting judicial fairness which deserves to be learned forever.

At the occasion of his retirement, I would like to express my best wishes to the Honourable Chief Justice Yong Pung How for his good health and a happy family life.” [Translated from Chinese.]

– **His Excellency Mr Xiao Yang, Chief Justice and President of the Supreme People’s Court, People’s Republic of China** –



Chief Justice Yong with His Excellency Mr Xiao Yang, Annual Lecture speaker in 2003.

“I was continually struck not only by his rigour and vigour, but also by how deeply he cares for the profession and its future. He often recounted stories from his practice days. When I solicited his support for CLAS, he spoke of his representation of accused persons in Kuala Lumpur as a young lawyer, and gave generously.”

– **Mr Philip Jeyaretnam SC** –



Chief Justice Yong with Lord Woolf of Barnes, Annual Lecture speaker in 2005.

“Chief Justice Yong Pung How’s period of office has been one of immense distinction. He has been responsible for creating in Singapore a legal system which is a model for the remainder of the common law world. Thanks to his leadership the efficiency of the Singapore judiciary is outstanding. I am delighted that he is to be succeeded by such a distinguished lawyer. I take pleasure in sending him my warmest best wishes for a long and rewarding retirement.”

– **The Right Honourable The Lord Woolf of Barnes, former Lord Chief Justice of England and Wales** –

“When I was appointed Dean of the Faculty of Law, I called the Chief as a matter of courtesy to inform him of my appointment. He was very encouraging and promised to give me his support. This he did in many ways, most notably when he and Mrs Yong donated \$2 million to establish a Professorship in Intellectual Property Law named after his late father, Mr Yong Shook Lin. On the occasion of his retirement as Chief Justice, I wish him continued good health and a happy and fulfilling retirement.”

– **Professor Tan Cheng Han SC** –

“It is a great privilege to know the Chief Justice Yong Pung How. On the few occasions that we were together attending judicial conferences in various countries for the last few years it was a pride to behold, especially since our countries are neighbours, to hear the Chief Justice eloquently displaying his intelligence and skill in management to the other delegates with the success story of the Singapore Judiciary as the gigantic testimonial. I will miss a friend in the next judicial conference with the pending retirement of the Chief Justice. But I am sure he will continue to be an asset to the Singapore Judiciary as we may remind ourselves of the Chinese proverb: ‘To know the road ahead, ask those coming back’. I wish him all the best and happy retirement.”

– **The Right Honourable Tun Dato’ Sri Ahmad Fairuz bin Dato’ Sheikh Abdul Halim, Chief Justice of Malaysia** –



Chief Justice Yong meeting with the Chief Justice of Malaysia in March this year.

# Career Highlights of Mr Yong Pung How

- 1964** Mr Yong comes to Singapore to be a partner in Messrs Shook Lin & Bok (Singapore) after having been a partner in Messrs Shook Lin & Bok (Malaysia) since 1952.
- 1971** Mr Yong returns from Harvard University's Graduate School of Business Administration and founds, and serves as chairman and managing director of, two merchant banks – the Singapore International Merchant Bankers Ltd in Singapore and the Malaysian International Merchant Bankers Berhad in Kuala Lumpur – until 1976 and 1974 respectively.
- 1976** Mr Yong becomes Chairman of Oversea-Chinese Banking Corporation Ltd (“OCBC Bank”).
- 1981–1983** Mr Yong is seconded from the OCBC Bank to the Singapore Government during which time he forms the Government of Singapore Investment Corporation (GIC) and serves as its managing director. In 1982, Mr Yong is concurrently appointed the managing director of the Monetary Authority of Singapore, deputy chairman of the Currency Commissioners, and Alternate Governor for Singapore of the International Monetary Fund. At the end of his secondment, Mr Yong returns to OCBC Bank as its chairman and chief executive officer.
- 1989** Mr Yong leaves the banking profession and returns to the law, on 1 July 1989, as a Judge of the High Court.
- August 1989** Mr Yong is at the top of the National Day honours list and is awarded the Distinguished Service Order.
- 1990** Mr Yong is appointed Chief Justice of Singapore, on 28 September 1990, after the retirement of former Chief Justice, Mr Wee Chong Jin. In addition to his appointment as Chief Justice, he is appointed as the President of the Legal Service Commission and as the Chairman of the Presidential Council for Minority Rights. Mr Yong also becomes the President of the Singapore Academy of Law which is officially opened in the same year.
- 1991** Having reached the retirement age of 65 years, Mr Yong is reappointed as Chief Justice for a five-year term. Mr Yong is appointed by the Cabinet as acting President of the Republic of Singapore to exercise the constitutional functions of the President during occasions when the President is away from the Republic.
- 1996–2006** Mr Yong is reappointed as Chief Justice three times over ten years, in 1996, 2001 and 2004.
- August 1999** On National Day, Mr Yong is awarded the Order of Temasek (First Class), Singapore's highest honour.
- April 2006** Mr Yong retires after 16 years as Chief Justice of the Republic of Singapore.



SINGAPORE ACADEMY OF LAW