

Speech by SJ at farewell sitting of Honourable Madam Justice Maria Yuen (English only)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the farewell sitting of the Honourable Madam Justice Maria Yuen today (December 15):

Chief Judge of the High Court (Mr Jeremy Poon), Madam Justice Yuen (Justice of Appeal of the Court of Appeal of the High Court, Madam Justice Maria Yuen), members of the Judiciary, Chairman of the Bar Association (Mr Victor Dawes, SC), President of the Law Society (Mr Chan Chak-ming), distinguished guests, ladies and gentlemen,

As one of those who had the privilege of appearing before her ladyship Madam Justice Yuen, it gives me great pleasure to have the chance to say a few words on this happy and memorable occasion.

Madam Justice Yuen has served as a Justice of Appeal since May 2002, for over 20 years. She joined the Judiciary back in 1997, the same year when China resumed sovereignty over Hong Kong. The fact that, since then, we have been able to maintain and develop Hong Kong's common law system pursuant to the principle of "one country, two systems" is largely attributed to the invaluable contribution of our judiciary. It is not only a judiciary which exercises the independent power of adjudication pursuant to the Basic Law. It is also a judiciary run by judges and judicial officers who, by virtue of their judicial abilities and integrity, have earned the respect and confidence of the people of Hong Kong and beyond. Madam Justice Yuen is a prime example.

Madam Justice Yuen's knowledge and experience in civil and commercial matters, for example, in the area of land law, the law of equity and company law, are unparalleled. But appearing before her could be a challenging exercise. She would, quite rightly, require the parties to focus on the real issues by asking sharp questions. Counsel who tried to dodge those questions would likely have a hard time. I still remember that, on some occasions during my private practice, I was reminded by my Lady not to "beat around the bush". Seriously, Madam Justice Yuen set a perfect example of how a court hearing can be conducted both fairly and efficiently.

In a speech delivered by her ladyship at the 196th Congregation of the Faculty of Law of the University of Hong Kong on January 4, 2017, she remarked that, as the work of judges in contemporary society, whether in Hong Kong or elsewhere, has become more complex, there is more the reason why judges need to give sufficiently reasoned judgments, written in a way as if they are explaining their decisions to an "intelligent next door neighbour"; in other words, someone with no pre-existing knowledge of the background, the issues or the law. At the same time, she urged people to read the judgments

from beginning to end first, and reflect on them for a while, before passing judgment on the judges; instead of applying a simplistic "knee-jerk" reaction where praise or criticism is automatically activated by the result alone. This is a piece of extremely wise and important advice that anyone who truly cherishes the rule of law should bear in mind.

In the same speech, she described judicial independence as follows:

"It encompasses independence from all forms of outside influence, explicit or implicit, institutional or personal. It is ingrained into us that judges must act without fear or favour. To me, that is short-hand for saying that we must decide each case that comes before us, on the issues as argued in court, and on the law as we honestly understand it, in order to arrive in good faith at a conclusion that the law commands, irrespective of acclaim or criticism, from whichever sector of the community."

For anyone who has appeared before Madam Justice Yuen or read her judgment, he or she would certainly agree that this was exactly what Madam Justice Yuen had done in practice.

Madam Justice Yuen is extremely likeable and pleasant outside the court. But she is also a person who would stand firm on what she likes and dislikes. Based on some reliable intelligence, I have come to know that, on one occasion, some relatives threw a birthday party for Mr Geoffrey Ma with a Manchester United theme. Madam Justice Yuen refused to put on a Manchester United shirt which everyone else did, and she turned up in an Arsenal shirt instead!

Our legal profession, our judiciary and Hong Kong are extremely lucky to have the service of Madam Justice Yuen. On behalf of the Department of Justice and the Government of the HKSAR (Hong Kong Special Administrative Region) as a whole, I wish to express our utmost gratitude to Madam Justice Yuen for her immense contribution to Hong Kong. And I wish her a very happy and healthy retirement!