

RESPONSE BY SENIOR JUDGE JUSTICE CHAO HICK TIN

AT THE 30TH ANNIVERSARY DINNER OF THE SINGAPORE ACADEMY OF LAW

(23 OCTOBER 2018)

- 1 Good evening, the Honourable the Chief Justice Sundaresh Menon, the Honourable Minister for Law & Home Affairs, Mr K Shanmugam, the former Deputy Prime Minister Prof Jayakumar, former Chief Justice Mr Chan Sek Keong, esteemed fellow colleagues and eminent guests.
- 2 Thank you, Mr Attorney-General, for the very kind words which you have so warmly expressed. I am deeply grateful to the Singapore Academy of Law (“the Academy”) and all its Senate members for bestowing this great honour on me this evening. I am also profoundly humbled, in view of who the previous recipients of this honour were. Indeed, I must confess to feeling rather inadequate.
- 3 Over the fifty-odd years that I have spent in the legal profession, I have had the good fortune to work with some of the finest legal minds. They instilled in me not only the need for commitment and dedication to one’s work, but also the importance of care and concern for those whom we encounter in the course of our work. Indeed, they moulded me into the judge that I am today.
- 4 I enjoyed the period when I was serving as a Legal Officer at the Attorney-General’s Chambers from 1967 to 1987. I had wonderful fellow colleagues. The number of Legal Officers then in Chambers was small. We knew everyone. We had tremendous fellowship. On my return to serve as the

Attorney-General from 2006 to 2008 I was able to discharge the functions of that office all because of the whole-hearted support of officers and staff. Whatever I had achieved in those couple of years, credit must go to the Legal Officers who gave me their unstinting support. I thank all of them and would encourage each of them to remain steadfast in their service to the public and to Singapore. Many of these Legal Officers are individuals who have made public service their mission. It is their efforts, coupled with the competent leadership of the successive Attorney-Generals which Singapore has had post-Independence, which has enabled the Attorney-General's Chambers to grow from strength to strength over the years.

5 Much has also been said about my judgments. Again, I cannot claim all the credit for my work on the Bench. Throughout my 28 years as a judge I have had the advantage of working in the context of the rich history of the common law, which has repeatedly seen new ideas being synthesized from old ones. Each of my judgments as a Court of Appeal judge was the product of all the members of the coram. If I am considered a relatively prolific judge, it is only because I have had the advantage of standing on the shoulders of common law giants and walking in the company of remarkably able judicial colleagues with outstanding minds. They have contributed immeasurably to each of my judgments, and I owe all of them a huge debt of gratitude.

6 The Attorney-General has also mentioned that I am the current record holder for the greatest number of dissenting judgments as a Court of Appeal judge. I cannot quarrel with the statistics. But in absolute terms, the number of dissenting judgments which I have issued is small indeed, bearing in mind the

number of years that I have served on the Court of Appeal. I first sat on the Court of Appeal in 1988, a year after I joined the Bench, and it was not until 1995 that I issued my first dissenting judgment. Here, let me state with all sincerity that none of us who sit on the Court of Appeal, myself included, ever sets out hearing an appeal with the aim of differing from the other members of the coram. On the contrary, we actively seek to find common ground and to understand the views of our fellow judges on the coram with a view to achieving consensus. That said, it is inevitable that there will be occasions when our differing views cannot be reconciled. On each such past occasion, I had deliberated long and hard over our differences, as I am sure my fellow judges in the majority would have done. As I have explained to laypersons, particularly friends, who have inquired about my dissenting judgments, disagreement among the members of a coram is something which is bound to occur from time to time, not only because different individuals may perceive the same set of facts differently, but also because of the multifaceted nature of the law, which lends itself to different interpretations. My past disagreements with my colleagues on the Bench has not in any way affected our respect for each other or our collegiate spirit. Ultimately, we are all bound by the oath of office which we each took upon our appointment to the Bench, and by our common loyalty to uphold the Rule of Law.

- 7 Like any system devised by man, Singapore's judicial system is not faultless. Man is not a machine, and judging is often a difficult task. As judges, we must constantly remind ourselves not to yield to conventional thinking or act in pre-set ways. In my years on the Bench, it has served me well to constantly bear in mind that even if a situation seems unusual, there is a possibility that it may

be true. For at times, two plus two can, inconceivable as it may seem, equal five.

8 With the establishment of Singapore's third law school, fresh blood will soon infuse the Bar. What is significant about these new lawyers is that they have embarked on the study of law at a more mature age, having first had some working experience. They will no doubt bring different and refreshing perspectives to the practice of law.

9 Looking towards the future, I recognise that young lawyers today face very different challenges from those which confronted me when I joined the Legal Service in 1967. Work then was certainly not as hectic as it is now. At that time, artificial intelligence belonged to the realm of science fiction. Today, artificial intelligence is reality. While artificial intelligence will increasingly impact the legal industry by allowing lawyers to work more smartly and efficiently, I think it unlikely that artificial intelligence will ever replace lawyers completely. Artificial intelligence can neither negotiate nor navigate cultural norms. And I doubt artificial intelligence can adequately distinguish between difficult and fine factual situations when it comes to the application of established legal principles. Thus, I believe there will always be a need for lawyers and judges. As members of an honourable profession which has, over the course of its illustrious past, time and time again evolved to meet the changing needs of the society which it serves, it is incumbent on lawyers and judges to embrace and harness the potential afforded by technological advances to improve productivity and allow for greater access to justice.

- 10 In closing, may I say how very pleased I am to see that the Academy, under the stewardship of Chief Justice Sundaresh Menon as the President of its Senate, is now stronger than ever before. For the past 30 years, the Academy has been the unifying institution providing a social and professional platform for members of Singapore's legal fraternity to come together. I am confident that the Academy will continue to excel not only in this role, but also in promoting the growth of Singapore law both locally and internationally, under the able leadership of its President and its Senate members, together with the support of its dedicated staff.
- 11 Last but not least, permit me to once again express my deep gratitude to the Supreme Court for the valedictory reference held on 27 September last year, and to the Academy for the book launch held on the same day in my honour as well as for electing me as a life Fellow of the Academy this evening.
- 12 Thank you all so very much.