

Farewell Sitting of Madam Justice Yuen

15 December 2023

Chief Justice, Madam Justice Yuen, my lords and my ladies, Secretary for Justice, President of the Law Society, fellow members of the Bar, ladies and gentlemen.

We are all here today to honour Madam Justice Yuen and her contributions to the rule of law and administration of justice in Hong Kong. These contributions span across her Ladyship's long and distinguished career – first, as a member of the Hong Kong Bar for 20 years, and then in the 26 years after her elevation to the Bench in 1997.

Her Ladyship's career started in 1977 after pupillage with Mr Eban Hamilton, who was one of the leading insolvency practitioners in London. She then completed pupillage in Hong Kong with Mr Robert Tang, who was already by then a leading light in our legal community.

In addition to a most successful chancery practice, her ladyship also played the important role of serving as the Honorary Secretary of the Bar Association in 1983 and 1984, and a strong role model for our junior members.

Her Ladyship was a member of Temple Chambers before she joined the bench, but she actually commenced practice in Hong Kong in

Bernacchi Chambers, where she spent 3 happy years. It is not a secret that a certain other young member of the Bar, by the name of Mr Geoffrey Ma, followed her ladyship and they made the move to Temple Chambers together in 1981.

I am reliably informed that her ladyship was extremely popular in chambers. This was not only because her door was always open, and that she was very generous with her time especially for junior members of chambers. I am told that another reason for her Ladyship's popularity may have been this: she was the only subscriber of a much sought-after weekly publication – not the Weekly Law Reports – but Hello Magazine. The latter being far more entertaining to many than the Law Reports, that surely drew quite a few members to her Ladyship's room to say, "Hello".

In 1997, her ladyship gave up her successful practice and joined the judiciary being the first appointment from the Bar since the establishment of the HKSAR. In addition to the desire to serve the community and to play a part in the administration of justice, the customary reason for leading practitioners to take up judicial appointment is that they are tired or sick of the life at the Bar. That is often due to a particular or a number of cases.

In her ladyship's case, I can recall sitting in the public gallery following a trial as a summer student in September 1997 when she was led by Mr

John Bleach SC appearing in front of Mr Justice Sears shortly before her appointment. Some members have also reminded me of a difficult case her ladyship handled before His Honour Judge Cruden in the Lands Tribunal in the same year.

There are rumors as to whether the catalyst for quitting the Bar was a difficult judge or an impossible leader. But in my respectful submission, the scenario where my lady was subjected to some form of judicial bullying is inherently unlikely. I believe this is reflected in Her Ladyship's own conduct as a judge, and in particular her patience and willingness to listen. On the rare occasions where these qualities appeared more elusive, it must have been counsel's fault.

On a more serious note, my lady's contribution to our jurisprudence is of course illustrated by the many of her leading judgments. For example, the decision in *Wong To Yick*¹ is the *locus classicus* when dealing with relief in just and equitable petitions. The decision of *Landune International Ltd v Cheung Chung Leung*² on the principle against recovery of reflective loss has been cited on countless occasions in our Companies court.

Her Ladyship's influence and impact has extended into English jurisprudence. In *CA Pacific Finance Ltd*³ which was reported in

¹ [2023] 3 HKLRD 311

² [2006] 1 HKLRD 39

³ [2000] 1 BCLC 494

BCLC, her ladyship’s analysis on a trust over a bloc of shares found its way into Professor Roy Goode’s persuasive explanation of the decision of the case of *Hunter v Moss* in his article entitled “Are Intangible Assets Fungible”. Her analysis was in turn adopted by Mr Justice Briggs in *Pearson v Lehman Brothers*⁴ 10 years later.

My lady, I am sure your life after retirement from a long judicial career will be equally fulfilling. As my lady is not the only one in your household in that position, you already have a good idea of what life after retirement from the bench is like and we are sure there will be no shortage of good company.

On behalf of the Bar, I thank you for your dedication and contribution and we wish you good health and every happiness.

Victor Dawes, SC
Chairman
Hong Kong Bar Association

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⁴ [2010] EWHC 2914 (Ch) at [225], [232]