

# FOREWORD

*The Right Honourable Mr Chan Sek Keong, Chief Justice Singapore*



This book is a pleasure to read. It is a collection of quotations from the judgments of Dato' Vincent Ng, a former Judge of the Court of Appeal of Malaysia, who retired in April 2009.

In the history of the common law, hundreds of thousands of judgments (perhaps more) have been written by judges in all common law jurisdictions.

The vast majority of them do not contain observations on the law or life in the law or the use and abuses of the law by litigants and lawyers that have the quality of quotable quotes. The number of quotable judges is in fact low, as most of them tend to write clinical judgments to address the issues at hand in a way which demonstrates their legal learning and impeccable logic.

With the publication of this book, Dato' Ng has joined the rarified rank of judges who have produced a body of judgments from which it has been possible to select a sufficient number of quotable quotes for publication in a book. Indeed, it must have entailed a labour of love to have read through all his judgments in order to select the choice quotations for this book.

*Foreword*

For a judge to leave behind a sizeable *corpus* of readable judgments is already an accomplishment, as writing good judgments is a hard enough task in itself. It is a brave judge who tries to enliven his judgments with words of wisdom, wit and witticism as well as to vent his frustrations or to describe the follies or iniquities of those who seek justice from him, be they litigants or their lawyers, especially those who use the law (and its procedures) as a weapon of delay and obfuscation to confound his opponent or the court in the discharge of his duties to his clients.

Dato' Ng has succeeded in both accomplishments, and this is all the more commendable because he has done it largely in his capacity as a first instance High Court Judge rather than as an appellate judge who, in normal circumstances, would have more time to craft his sentences that have the quality of quotable quotes.

The captions of some representative quotations tell a tale of Dato Ng's amusement, frustrations and puzzlement over some of the disputes that he had to decide on during his long tenure on the Bench. They demonstrate a familiarity not only with history, literature and films, but also with modern technology. In other words, Dato Ng is a thoroughly modern judge who has kept up with developments in a myriad of other disciplines. The better quotations from the selection include (a) *Jurassic Age Legislation* (b) *Flexing of Judicial Muscle* (c) *Impotence* (on the court's refusal to accept such status in the exercise of judicial power) (d) *Best Laid Plans of Mice and Men* (e) *Roaming Attributes Apt for Handphones* (on judicial loquaciousness in judgment writing) (f) *New Millennium* (on law and law practice in a globalised world) (g) *Law is Not Cast in Stone, Law is a Living Creature of Man* (on the need to balance the fact that justice delayed is justice denied and the fact that injustice delayed is also justice denied), thus leading to another caption on the (h) *Mantric Repetition* of case precedents as if they all lay down absolute principles for all time.

There are also other quotations whose captions show the breadth of the author's learning and reading as well as his progressive outlook on the role of law in society in a world that is more concerned with power politics, financial manipulation and economic exploitation of natural resources, than with justice for all. Examples include *Mr. Figgins and Oliver: Den of Drug Trafficking Sons*, *Adam & Eve, Garden of Eden*, *Some Like it in The Pot 9 Days Old*, *Born Free* and *Highest Accident Fatalities in the World - Malaysia*.

Many of these quotations have to be read in the factual context of the relevant cases, and what Dato' Ng has unkindly called the "antics of schoolboys" in describing the tactics of counsel before him. But it seems clear from these quotations that he must have enjoyed hearing and deciding cases as much as castigating litigants and lawyers for wasting court time in presenting unmeritorious arguments before him. It is indeed admirable that he has taken the trouble to record his troubled thoughts in words that have become quotable (to the benefit of the legal profession) instead of dismissing such antics as unworthy of judicial attention, as many other judges might have done.

But, this is also a serious book in its own way, in so far as the quotations are concerned with inadequacies and weaknesses in the justice system. There is also a lot of humour in the way that Dato' Ng has expressed his thoughts and feelings about law and justice, but they are not meant to be laughed with, much less to be laughed at (although if that was his purpose, he would have undoubtedly cited some of the submissions of counsel before him instead). They are meant to be pondered over. Some readers may regard the linguistic style of some quotations hyperbolic, but that is the idea - you highlight the problem by the use of overblown expressions.

Let me conclude my short appreciation of this book by first noting (on a personal level) that one of the quotations in this book comes from a case which I cited for the legal principle contained therein as well (see *Pembinaan Lian Keong Sdn Bhd v. Yip Fook Thai* [2005] 5 MLJ 786, cited in *Metalform Asia Pte Ltd v. Holland Leedon Pte Ltd* [2007] 2 SLR 268 at [85]). It would also be appropriate to cite a few of the more colourful and wicked words of Dato' Ng himself:

(1) It is unnecessary here to regurgitate, re-discuss or re-expound trite law, which makes for tedious reading, especially nowadays, when the time of a legal practitioner or Judge - on the threshold of the next millennium - is of the utmost essence.

(2) On the other hand you have the defendant, then 47 years old, a basic man of a lawyer ... who ran a successful legal practice, replete with ready funds to provide the financial back-up the plaintiff needed, but who among his other needs, had also succumbed to the stirring of his loins ...

[NB: The plaintiff was a former Miss Malaysia]

(3) Considering the chequered track record of the parties herein I am fairly certain that after a further umpteen years from now, God willing (in terms of the gift of tenacious genes), the eventual question of costs incurred in the whole saga would be fought out in similar tenacious style at all levels of the courts *ad infinitum* and *ad nauseum*. My sympathies are with the JC. But as the bounden duty that flows from a judge's oath of office is to decide a case, not viscerally or through sheer flexing of judicial muscle or fine choice of words, but on the basis of arguably impartial and rigorous analysis of the law, sympathy is the only extraneous outcome of the case that this court could legitimately impart.

This book is entitled "Footprints of a Judge's Journey Through Mother Earth". Hundreds, if not thousands, of common law judges (the great, less great, forgettable or soon forgotten) have left their footprints on the common law. Some footprints are ineradicable,

like Buddha's, because of the wisdom of their *obiter dicta* in expressing the abiding values or verities of the law (examples of such famous quotations would be (a) Lord Atkin's test of duty of care in the law of negligence: "who is my neighbour"? (b) Justice Holmes' "The life of the law is not logic but experience" in the lore of the law, and (c) Lord Hewart's "Justice must not only be done, but must also be seen to be done" in describing the nature of justice.)

Dato Ng's retirement is surely a loss to the Malaysian Judiciary and the development of Malaysian jurisprudence. But, he has left a judicial footprint on the literature of Malaysian law that is recognizably his. I trust that his endeavours endure in the minds and hearts of future generations of Malaysian judges and lawyers.

I have greatly enjoyed reading this book. It is a privilege for me to be able to express my admiration and appreciation for Dato' Ng's judicial learning and qualities as manifested in these quotable quotations.



Chan Sek Keong  
Chief Justice Singapore