

# PREFACE

Alex Chang Huey Wah Esq.

The law and its dissertation has often been described as "bone dry". These attributes have often been reflected in the judgments of most judges. However, occasionally, one does encounter a few judges, who besides having laid down quotable guidelines on many aspects of the law, often express themselves in refreshing language with a certain unique sparkle and sizzling flair for words especially in the preamble to their cases, or narrations of facts, commentary on the state of law or in the postscript. His Lordship Mr Justice Dato' Vincent Ng is one of those eminent judges and a 'prolific writer'.<sup>1</sup> His Lordship has left a legacy of 'quotable quotes' in the many reported cases which ought to be show-cased in a handy volume. I thought this would be 'useful and interesting',<sup>2</sup> inspirational and 'benefit the future generations'.<sup>3</sup> 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.'<sup>4</sup>

Practitioners like to appear before judges who give fair hearings and quick decisions. My appearances before His Lordship Mr Justice Dato' Vincent Ng as a High Court Judge began when he was appointed on 16 July 2001 as the Senior Judge heading the Commercial Division until his elevation on 18 July 2007. I must say it was not easy appearing before a very learned Judge like His Lordship Mr Justice Dato' Vincent Ng. He is 'able to analyse complex legal issues with great ease and depth'<sup>5</sup> and is 'fastidious to a fault'.<sup>6</sup> However, I vividly remember all the intellectual exchanges as we presented our contentions before His Lordship

and will always treasure the guidance he generously imparted. His Lordship was open to receive new legal propositions and thus readily accepted my submission on the introduction of the 'unless order'<sup>7</sup> concept in companies winding-up proceedings applying Australian authorities. This concept is now widely applied in our commercial courts. I am particularly grateful in that, after His Lordship's elevation to the Court of Appeal, he delivered a judgment with respect to a matter which I argued prior to his elevation, thus relieving the parties of the need to re-submit.<sup>8</sup>

His Lordship is 'a person of impeccable character and holiness befitting his vocation as a judge'<sup>9</sup> and he 'makes law that bridges the gap between law and society'.<sup>10</sup> My memory of His Lordship at Bar functions is that of a man of few words, very much unlike the man on the Bench. The day His Lordship retired, 'the Judiciary lost a good judge - a truly honourable judge.'<sup>11</sup>

When His Lordship Mr Justice Dato' Abdul Wahab Syed was summoned by the HIGHEST authority without warning, I was profoundly saddened by the loss of such a great man. When I learnt that His Lordship Mr Justice Dato' Vincent Ng was stricken by cancer just months before his scheduled retirement, the same sense of grief came over me - but an opportunity presented itself to Khoo Esq and I when we were invited by His Lordship Mr Justice Dato Vincent Ng to compile his life's work as a judge. We readily agreed. The generosity of His Lordship Mr Justice Dato' Vincent Ng is prominently displayed when he informed us that we should apply a major portion of the proceeds of the sales of his book to charity. However, I had a different idea. I suggested to the Rotary Club of Pudu that we raise funds for charity through this book which drew support.

We received encouragement from many, but first and foremost, we would like to thank His Lordship Mr Justice Dato' Vincent Ng for the opportunity given to Khoo Esq., Lim Hui Ling and I to take part in this project.

*Preface*

The forewords and accolades of The Right Honourable Tun Dato' Seri Zaki bin Tun Azmi, Chief Justice of the Federal Court Malaysia, The Right Honourable Chan Sek Keong, Chief Justice of Singapore, The Right Honourable Tan Sri Arifin bin Zakaria, Chief Judge of the High Court in Malaya, The Right Honourable Tan Sri Datuk Seri Panglima Richard Malanjum, Chief Judge of the High Court in Sabah and Sarawak, Judges of the Appellate Courts, High Court Judges, Judicial Commissioners, Datuk Liew Vui Keong, Deputy Minister in the Prime Minister's Department and Senior Lawyers lend credence to this book.

I would like to express my appreciation to the many, very generous donors who helped make this project a success, and for the guidance and support I received as the Fund-Raising Chairman from the members of the Rotary Club of Pudu, Past District Governor Dr Lee, Past President Ng, Past President Dr Chew, President Tay and Rotarian Edward Lee.

I would also like to thank The Malaysian Current Law Journal Sdn Bhd for publishing this book and providing copies of the book to the donors.

Last but not least, my gratitude goes out to my parents whom I thank for their deep and unconditional love showered on me. To my Pupil Master Mr Koh, for showing me what litigation is all about and to Mr Ong for imparting his knowledge in company law. To my ever-loving wife Elaine who had to take care of our rowdy three musketeers, Louisa, Sean and Andrew when I worked late nights on this book. Many thanks to my team, Hui Ling, Bee Ling, Valen, Jo, Vanessa, Janice, May, Ann, Jinie and Marina. Without their support, completing this book in eight months would have been an impossible feat. Enjoy.

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July 2009

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**Endnotes:**

- 1 Per Datuk Wira Low Hop Bing, JCA
- 2 Per Tun Zaki Tun Azmi, CJ
- 3 Per Tan Sri Richard Malanjum, CJSS
- 4 Per Chan Sek Keong, CJ Singapore
- 5 Per Tan Sri Arifin Zakaria, CJM
- 6 Per Datuk Zainun Ali, JCA
- 7 *KTL Sdn Bhd v. Azrahi Hotel Sdn Bhd* [2003] 3 CLJ 49 p51
- 8 *PECD Construction Sdn Bhd v. Freehold Point Sdn Bhd* [2008] 3 CLJ 215
- 9 Per Dato Kang Hwee Gee, JCA
- 10 Per Nalini Pathmanathan, JC
- 11 Per Dato Mohd Hishamudin Mohd Yunus, JCA