

**Speech by Hon Rimsky Yuen, SC, JP,  
Secretary for Justice  
at the Farewell Sitting for HH Judge Stephen John Geiser  
on 3 January 2014**

Acting Chief District Judge (HH Judge Justin Ko), Members of the Judiciary, Chairman of the Bar and Immediate Past President of the Law Society, Ladies and Gentlemen:

We are gathered here today to pay tribute and to express our utmost gratitude to Your Honour Judge Geiser on the occasion of this special sitting to mark his retirement.

2. Your Honour was first admitted as solicitor in England and Wales in 1976, as Solicitor in Hong Kong in 1977, and as Barrister and Solicitor in the State of Victoria, Australia in 1984. Your Honour joined the Legal Aid Department of Hong Kong in 1981, first as Legal Aid Counsel and soon promoted as Senior Legal Aid Counsel in 1984. Your Honour was subsequently appointed as Magistrate in 1989 and as a District Judge in 2001.

3. In the course of Your Honour's judicial career, Your Honour had handled many notable matrimonial and criminal cases of various kinds. By way of example, let me begin with *HKSAR v Hochong* [2012] 1 HKLRD 207. This is the first trial in Hong Kong of a corporate service provider charged with conspiracy to deal with property known or believed to represent the proceeds of indictable offence. Apart from dealing with the complex elements of conspiracy, Your Honour decided that expert evidence relating to the common practice of corporate service provider was admissible for the purpose of assessing the element of "reasonable grounds to believe", which is a crucial element of the offence.

4. Another one is *HKSAR v Tamang Gopal Prasad* [2008] 2 HKLRD 68, where Your Honour, sitting as a Deputy High Court Judge hearing a magistracy appeal, decided the difficult question of whether, under section 109C of the Criminal Procedure Ordinance (Cap. 221), the balance of an outstanding suspended sentence not activated by one magistrate can

subsequently be activated by another magistrate upon another conviction.

5. Your Honour also played a significant role in one of the earliest cases in which evidence was taken in the Mainland for the purpose of trial in Hong Kong Courts. In the *HKSAR v Hui Yat Sing and Anor* [2008] 4 HKC 577, Your Honour assisted as the examiner in a letter of request proceedings before the Intermediate People's Court in Jiangmen. The manner in which Your Honour handled the matter in Jiangmen was endorsed by the Court of Appeal.

6. Bearing in mind the absence of a bilateral arrangement for mutual legal assistance in criminal matters between the Mainland and Hong Kong, this case was and remains a landmark case of great significance. I have special memory of this case, as I was involved in the civil recovery aspect, and evidence taken by Your Honour in Jiangmen was instrumental in assisting the eventual recovery of a huge amount from the various culprits in Hong Kong.

7. As regards matrimonial cases, I am sure many of us would recall the case of *W v W* [2005] HKFLR 312, where Your Honour had to decide whether a lesbian mother is fit to be granted care and control of 2 female children of the family.

8. In short, during the 25 years on the bench, Your Honour's distinguished judicial service has brought significant benefits to the community of Hong Kong and has made remarkable contribution to the development of the jurisprudence of our criminal and matrimonial law. Many offenders were brought to justice under the hands of Your Honour after undoubtedly fair trials. Within the legal circle, I am sure all of us would remember Your Honour as one of the judges who was always courteous to legal representatives and litigants, as well as a judge of humanity and compassion.

9. I have absolutely no doubt that the contribution made by Your Honour in upholding the rule of law merits great appreciation and recognition. I hope that in the many years to come you will look back upon the time you spent here, the experiences you enjoyed and the friends you made, with great fondness and affection.

10. Two days ago, we celebrated the arrival of 2014. The atmosphere of another beginning still abounds everywhere. I am sure that, for Your Honour, the arrival of 2014 marks not just the beginning of a new year, but also the joyful beginning of a new phase of your life. And I trust Your Honour will enjoy more quality time with your family and friends.

11. In closing, may I, speaking for myself and also on behalf of the Department of Justice, take this opportunity to wish Your Honour and your family good health and happiness in the many more years to come.

Thank you.