

**Speech by the Hon Rimsky Yuen, SC, JP,
Secretary for Justice
at the Farewell Sitting for the Hon Mr Justice Frank Stock VP
on 5 June 2014 (Thursday)**

Chief Justice, Chief Judge, Members of the Judiciary, Chairman of the Bar, Past President of the Law Society, Ladies and Gentlemen:

We are gathered here today to bid farewell and express our utmost gratitude to My Lord, Mr. Justice Stock, on this special occasion marking his retirement as a Vice President of the Court of Appeal.

Distinguished legal and judicial career

2. Viewed from any perspectives, your Lordship has a very distinguished legal career which spanned 47 years. A snapshot of your key achievements in Hong Kong would illustrate this point beyond doubt.

3. As the Chief Justice just mentioned, your Lordship came to Hong Kong in 1978 and joined the then Attorney General's Chambers. After achieving the rank of Queen's Counsel in 1985, your Lordship took up the position of Solicitor General in 1987. As the Solicitor General, you had to tackle complex legal and policy issues to prepare Hong Kong's smooth transition from a British colony to a Special Administrative Region of the People's Republic of China.

4. Your Lordship joined the Judiciary as a High Court Judge in 1992 and was elevated to the Court of Appeal in 2000. In 2009, your Lordship was appointed a Vice President of the Court of Appeal in 2009. One year later, your Lordship was made a non-permanent judge of the Court of Final Appeal.

5. As a judge, your Lordship has made immense contribution to the development of our jurisprudence in the civil and criminal contexts as well as in the context of insider dealing. Examples include the criminal cases such as *Lam Kwong Wai* CACV 21/2003 (6 January 2005) and *Hung Chan Wa* [2005] 3 HKLRD 291 dealing with difficult issues of reverse onus provisions, prospective ruling and remedial interpretation of legislation. There are also cases where your Lordship made powerful

remarks on the duty of advocates, which provide the momentum to the legal profession to constantly maintain its high standard. In the area of public law, one of course will not forget the leading case of *Chan Yu Nam* CACV 2 & 3/2010 (7 December 2010) where your Lordship dealt with the constitutionality of corporate votes in the context of functional constituency elections to the Legislative Council. Indeed, if one were to collect the important judgments delivered by your Lordship, it would be a valuable compilation of Hong Kong's landmark cases and legal history.

6. Superb judicial qualities aside, anyone who knows or who has the privilege of appearing before my Lord would certainly be impressed by my Lord's unparalleled sense of humour. On this solemn occasion, I naturally cannot repeat the stories I gathered from your Lordship's marshals or colleagues, as I do not want to test the limit of the law of contempt of court. I can perhaps say that my Lord's ability to tell, if not manufacture, jokes is highly innovative, so much so that I could not be entirely sure whether today's farewell sitting is real or yet another joke skilfully orchestrated by my Lord until I saw that the Chief Justice and the other members of the Judiciary marching into this courtroom.

Judicial studies

7. Apart from contribution as a Judge, your Lordship has made sterling contributions in the area of judicial education. The Hong Kong Judicial Institute has been set up in 2013 to take over from the Judicial Studies Board the crucial responsibilities of judicial education. The Institute is of vital importance in maintaining the highest standards for our Judiciary. Your Lordship's pivotal role in this initiative is acknowledged by the Chief Justice just now and, as we would recall, was previously acknowledged in his speech at the Ceremonial Opening of the Legal Year this January.

Law reform

8. My Lords, wearing my other hat as the Chairman of the Law Reform Commission, I would also like to take this opportunity to express our gratitude to your Lordship for your contribution to law reform. Your Lordship was the Chairman of the Sub-committee of the Commission to review the law on hearsay evidence in criminal proceedings. We are extremely grateful to your Lordship for leading the Subcommittee in completing this project which is of great significance to the future development of our criminal law, as well as your assistance in helping us

to impress upon the stakeholders the much needed reform in this area of the law. Needless to say, we are no less indebted to your Lordship for having served as a member of the Law Reform Commission's Subcommittee to review the criteria for service as jurors.

Concluding remarks

9. The task of maintaining the rule of law is full of challenges. Such challenges could not be met unless we have dedicated judges such as your Lordship who have piercing insights into what is required to uphold the rule of law. In a speech that you delivered in 2008 in celebration of the sixtieth anniversary of the Universal Declaration of Human Rights, Your Lordship expounded as follows:-

“Those of us who live in societies where the common law is entrenched, where there is in fact an independent judiciary, and where basic courtesies and freedoms appear to be extended between man and man, take these things perhaps for granted. There is a need for us as judges and as practitioners and as students, as governmental authorities and as a community at large from time to time not to make assumptions but to stand back, go back to square one and to examine fundamentals; to understand the Ciceronian truism that we must all be slaves to the law in order to be free.”

10. These words, if I may say, are truly words of wisdom and are good reminders to all of us who share the aspiration to maintain the rule of law, especially in the unique context of Hong Kong at this critical moment.

11. Your Lordship, there is absolutely no doubt that Hong Kong has benefited greatly from your legal talents, and the contribution you have made to our community since Your Lordship came to Hong Kong 36 years ago. Whilst we are bidding you farewell on your retirement from the position as a Vice President of the Court of Appeal, I am sure we will continue to benefit from your wealth of judicial wisdom and experience in the capacity as a Non-Permanent Justice of the CFA.

12. In closing, may I, speaking for myself and also on behalf of the Department of Justice, express our sincere gratitude to Your Lordship for all you have done for Hong Kong over the years. I wish you every

success in the next phase of your life and all your new pursuits. May I also wish you and your family good health and happiness in the years ahead.

Thank you very much.