



Interview with the Chief Justice:

“BUILDING THE CLOCK – THE ROAD AHEAD”



Chief Justice Yong Pung How graduated in law from Cambridge University in 1949. He practised as a lawyer subsequently, and rose to the position of senior partner in the law firm of Shook Lin and Bok. Later, he became the chairman of OCBC Bank. The numerous important public offices he has held include those of the posts of Managing Director of the Monetary Authority of Singapore, the Deputy Chairman of the Currency Commissioners, and Deputy Chairman of Singapore Press Holdings. On 1 July 1989, the Chief Justice was appointed as a Judge of the Supreme Court of Singapore. He was subsequently elevated to the office of Chief Justice of Singapore on 28 September 1990. This year, he was re-appointed as the Chief Justice of Singapore for another 3-year term with effect from April 2001. In the following interview, the Chief Justice shares his views on the challenges which face the justice system in the coming years.

Q&A

Q: Good morning, Chief Justice. May I first begin by expressing our thanks for granting us this interview, as we know that your schedule is very busy indeed.

A: It's my pleasure. Always a pleasure to have a dialogue with younger colleagues.

Q: Thank you, Sir. We hear that you have recently been conferred a doctorate in law by the National University of Singapore. Congratulations, Sir!

A: Thank you.

Q: We would also like to congratulate you on your re-appointment for a further 3-year term as the Chief Justice of Singapore. You have also already put in so many years of service – why did you decide to accept the re-appointment? And how did you feel when you accepted this re-appointment?

A: I decided to accept the re-appointment because I feel that I still have something to contribute to the justice system in Singapore. Of course, the post of Chief Justice is one which carries enormous responsibility. I am always mindful of that. So I think I can best describe my emotions as a mix of solemnity, and pride – that I am able to continue serving my country in this way. I felt – I feel – very honoured by the re-appointment.

Q: The theme of your speech in this year's Subordinate Courts' Workplan Seminar was “Beyond World Class – Subordinate Courts Built to Last”. I wonder if you could explain this theme to us, and how you came to choose this theme for the Workplan Seminar?

A: When the phrase “Built to Last” is used, people think it is an analogy with a building or monument which lasts through the ages, solid and unchanged, like the Pyramids of Egypt, or the Great Wall of China. But this is not correct. It is in fact a reference to a well-known management term: “Building the Clock”. You can have a genius who can tell the time without a watch or a clock. He comes up to you and tells you the time. That's fine, but if he goes, then you don't know what time it is. If someone builds a clock for you, then whether that clock-builder is around or not, you can tell the time – for always. And so can the generations after you. I thought this theme was appropriate at this juncture, when the justice system in Singapore has been achieving international recognition for excellence in the past decade. When I took office as Chief Justice more than a decade ago, for the Singapore justice system to be considered *primus inter pares* – that seemed like a big, almost audacious goal. But we have done it. Now we have to aim for something more than that – that's why part of the Workplan theme is “Beyond World Class”.



Q: What exactly are we in the justice system “Building to Last”?

A: The idea of “building to last” or “clock-building” has two parts. One part is the idea that we must preserve, for as long as this nation exists, certain fundamental values or principles that the justice system in Singapore stands for. These values are enshrined in the Subordinate Courts’ Justice Statement. The other part is the idea that in order to do this, we must be unafraid to constantly innovate and improve ourselves and our system. To give an example: one of the fundamental values of our justice system – which is found in the Subordinate Courts’ Justice Statement – is accessibility, i.e. accessibility to the justice system. Given this is a fundamental value, how do you then go about making it a reality in the justice system of Singapore today? In the days when few people owned a computer, handing out an information pamphlet on certain court services, for example the Small Claims Tribunals, was enough. But now, many people own a computer. Even if they don’t, they can go to cyber-cafes and get access to the Internet. And so, in order to keep to your principle that there should be accessibility to the justice system, you need to have websites, information on-line, pamphlets available electronically, and so on. And, in fact, I note that the Subordinate Courts has done this – you already have a website, but in addition to that, you are

planning to revamp it to put in new and better features. I also know that the Family Court is having its own website, which gives legal information on family law issues, information on Family Court services, opening hours, hearing dates, and so on. A far cry from the days when the only documents the Courts issued were summonses and writs! In the years to come, as technology improves, there will be even more to do in order to keep to the principle of accessibility to the justice system.

In short, what we are trying to do is to ensure that our fundamental values and principles resonate in society, for as long as the world as we know it shall last – hence the theme “Building to Last”. But of course this task involves constant re-strategising and innovation. It is extremely hard work.

Q: It sounds as if the goalposts keep shifting?

A: That’s it exactly. Part of the skill, or, I should rather say, art, of clock-building is to identify where the goalposts have shifted to, and how to achieve the new goals, while ensuring that your goals are always in line with your fundamental values. And that’s the purpose of a Workplan – it’s for the organisation as a whole to ask itself: “For the coming year, what do we have to do to live out our values? And how are we going to do this?”

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Q: What has been, in your view, the most significant step which the justice system has taken in the quest to “Build the Clock?”

A: The answer does not lie in any particular initiative or project. It lies in the way the role of the judge has evolved over the past decade. When I took office, there was the immediate task: to clear the backlog of cases. A superficial analysis of how I tackled this task would focus on the fact that I put in place a system of Pre-Trial Conferences, gave instructions for strict timelines to be set for the conduct of cases, the delivery of judgments, and so on. But what I was really doing was *creating the role of the judge-administrator*. Nowadays, to say that there is no backlog of cases in our courts is like saying that you can read and write. In the days where the majority of the population was illiterate and people had to write using fountain pens under the light of oil-lamps, that would have been an impressive skill. In the Age of the Internet, reading and writing and even computer literacy are taken for granted. The mountain of backlog cases is long past us. It is nothing novel to talk about the judge-administrator any more. It is a skill that every judge is now expected to have.

After the judge-administrator, we then saw the evolution of judges’ roles to include the judge-educator and the judge-mediator. The Subordinate Courts runs a huge mediation

service for all kinds of cases: e@dr for civil cases, criminal mediation for private summonses, Family Court mediation for divorce and other family disputes, and the mediation before hearing which is done at the Small Claims Tribunals. As for education, the activities of the Multi-Door Courthouse and FAMCARE illustrate how closely the courts are now involved in educating the public on all sorts of issues from secret societies, to family violence and marital issues. Then there are the judge-scholars or judge-academics who write books and articles. The Subordinate Courts has an impressive array of publications by now – books on family law, assessment of damages, criminal procedure, family mediation and counselling and so on. In fact, I believe that the Subordinate Courts is currently working on two more publications – a book on evidence in criminal trials, and a book on juvenile justice. And then we have all these judges going overseas to present papers at conferences, and going on study visits overseas. The Subordinate Courts also regularly hosts visitors from overseas, who come to study our system. You could call all the judges involved in these activities with people from other parts of the world judge-ambassadors!

Now, we are comfortable with the idea of judges having different roles, and combining different skills. *That* is the interesting idea. Once you invent the wheel, everything can follow – carts, and then bicycles, trains, and then lorries and cars and motorcycles. In

recent years, the question has been: what new role should we develop next to fulfill our mission of administering justice? And each time we have had an innovative response to the question – our judges are people of many talents!

Q: What new role should we develop next?

A: It is my wish to see judges having more input into the procedure and practice of law in the Subordinate Courts. Of course, judges must never stray into the realms of making law – Parliament is the proper body for that. But procedures and practices are not substantive. They are there to govern the way in which court proceedings are conducted.

Judges are in a uniquely advantageous position to understand how they can improve (or detract from!) the efficiency of the legal system, as they see the procedures and practices “in action”, as it were, every day. It would be extremely useful for the development of procedural rules generally if judges could give feedback and input on how they should be adapted – or what new procedural rules should be created – to meet the changing needs of society. I am happy to note that the Subordinate Courts has already started doing this – I understand that the Family Court is currently working in consultation with members of the Law Society and the Legal Aid Bureau on crafting a new set of procedural rules for divorce matters. I also understand that the

Civil Registry of the Subordinate Courts has completed a project to structure and control the litigation procedures and the manner in which costs are awarded in non-personal injury motor accident cases. This will increase the opportunities for settlement of such cases, and keep legal costs in check, thus enhancing access to justice for all litigants. In time to come, perhaps we can see further refinements and improvements to our civil, and even our criminal, procedures and practices as well.

But of course, in order to make their input as valuable as possible, judges should be as knowledgeable as they can, not only on the practical workings of the rules, but of the legislative history of the rules, the case-law concerning the rules, and any academic theories pertaining to the rules. Depth and breadth of reading, and of scholarship, is essential, in this regard.

Q: As you have pointed out, Sir, the “goalposts” will keep moving for the organisation as a whole, because of globalisation, the changing needs of society, and the rapid development of technology. This means that the judicial officers will have to keep acquiring new skills and knowledge to keep pace with this, and also to keep one step ahead – in order to envision where the goalposts will be next. How can the organisation help its officers to do this?

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A: Through continuing judicial education. The aim is for each judge to be a “clock-builder”, not just a “time-teller”. The demands which will be placed on each judicial officer will be great. In addition to writing judgments and hearing cases, he will have to acquire a wide range of knowledge, on legal matters, as well as management theories, business, politics, finance, science, and so on. He will have to learn how to manage and organise systems, be a good communicator, and a visionary. It may not be possible for him to acquire all these skills and knowledge on his own. In this regard, I am happy to note that the Subordinate Courts already has an extensive continuing judicial education programme for its officers. You should keep this up. In my view, it is vital that our judges be well-informed and well-trained. In addition, it may well be time for us to consider instituting compulsory formal judicial education for our judges, to train them in both matters of general knowledge, as well as judicial skills. We want our judgments and our justice system to be of the highest quality. For that, we need the best training for our judges.

Q: What do you think have been the most significant events in the Subordinate Courts this year?

A: I have recently been updated on what the Subordinate Courts has done this year. The list of achievements is impressive – and I am sure will be thoroughly detailed in your Annual Report! But certainly one of the most significant events would be the Family Court’s move from the Paterson Road building where it has been since 1995, to the new building at Havelock Square. I have also walked round the new building, which I note has state-of-the-art technology, and yet is aesthetically pleasing. It is a fitting place for the important work which the Family Court does. The Juvenile Court has moved into the same building, and I am very pleased by that.

Q: Why do you say that, Chief Justice?

A: Because I feel that the family and juvenile justice models should be viewed holistically. It is often poor family circumstances which lead a child to become a juvenile delinquent. The children of the adult “clients” of the Family Court often become the “clients” of the Juvenile Court. It is a vicious cycle. It therefore makes a great deal of sense for the Family and Juvenile Courts to work together, in terms of programmes and services, to see how they can tackle the problem of poor parenting, juvenile delinquency, and breakdown in marital relationships in a holistic fashion.

It would also make sense for the judges of the Family Court and Juvenile Court to understand each other's tasks and area of law. If there is a case which involves both the Family Court and the Juvenile Court, one judge should be able to deal with the whole case. Having the Family and the Juvenile Courts in the same building would promote the interaction and sharing of resources and expertise between them. In many developed countries around the world, such as the United States of America, the family and juvenile courts are in the same complex, and function as a single court. It is important that we keep thinking of ways to improve and innovate our family and juvenile justice systems – it affects the fabric of our society.

Q: You always seem mindful of the way in which the justice system can shape society – is this mindset one which you would advocate judicial officers to have?

A: I would advocate that judicial officers give some thought to the “big questions” – what is the role of the judiciary in society? Where is our society headed? What are its values? How can you as a judicial officer contribute towards society and in the upholding of its values? Only when you can understand what this country is about and the role of the judiciary in nation building, and want to do your part to contribute to it, can you then carry out your judicial functions effectively.

Q: Sounds like one has to be a judge-philosopher, almost?

A: Well, you have to be sure of what your values are. And you should think of things from a long-term perspective, not just in terms of immediate goals and successes. Winning a race for the sake of winning is fine, if you're in the Olympics. But in real life, success, for a country, is to make it through until the sun goes out. Life is not a sprint. It's a marathon. This country is in for the long haul. Secondly, we aim to go beyond mere survival. To have a good quality of life for our people, perhaps even build our own Parthenon or Acropolis, feeling confident that our children, and our children's children, for generations ahead, will be able to see it.

Q: Speaking of being sure what your values are – you have led a very varied life. You have had to work under the Japanese as a labourer during World War II. You have been a student in Cambridge, studying side by side with demobilised soldiers. You have defended accused persons in criminal trials. You have been a corporate lawyer. You have been a banker and an administrator. And you have presided over the highest court in Singapore. You have met people from all walks of life and all kinds of disciplines. But no matter what work you were

doing, or who you worked with, I am sure that there are certain values which you personally have prized, above all others, both in yourself and in other people. Can you share with us what some of these values are?

A: Well, honesty would be the first value that comes to my mind. Honesty with yourself and with other people. Only if you have that can you be realistic about what you can achieve, about the effect of your actions on other people, and about what you can improve on in your own character, or in the world around you. Only if you are honest with other people can you win their trust and respect, and enable them to be honest with you. Honesty helps you see with clarity.

I also believe that humility is important. We may have certain talents and material successes, we may be in positions of power – but we must always be mindful of the fact that other people have their own talents, their own dreams, and their own stories.

Humility enables you to empathise with them. Without humility, you can never listen properly to others – you will be hearing your own voice the whole time.

The next value is courage. Without courage, you can never do what you truly believe in. And in time, you will stop having ideals. Without courage, you can never accomplish anything truly worthwhile.

Finally, the spirit of sacrifice, and the determination to see things through. The great and noble things of the world are not achieved without sacrifice. Anything which involves time, care, attention, and thought to accomplish requires determination. And nothing which does not involve both sacrifice and determination will amount to anything worthwhile. The spirit of sacrifice and the determination to see things through is what gives you the patience and the will to make the difficult journey towards a higher and larger goal.

I have lived through war and deprivation to see a world of prosperity beyond the imagination of my youth. In the process, I have met both people with barely a few dollars to call their own, and people in the highest positions of society. But no matter what their station in life, these are the virtues which I have valued the most in them: honesty, humility, courage, sacrifice and the determination to see things through. These are the cornerstones of one's life. They keep you steady through the thunder and the sunshine. They bring gifts beyond price – that is, a clear conscience, and an unconquerable soul.

Q: Thank you, Chief Justice. The thoughts and ideas which you have shared with us this morning have been both interesting and very profound.

A: You're most welcome.