



inter se online



in the news

Legal news headlines in December 2007 and January 2008.



in the know

Information on Academy activities for members at work and at play!



legislation update

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case law update

Catchword summaries of cases from the Supreme Court, organised by subject matter.



calendar

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Headlines in *The Straits Times*

K C Vijayan, "Law academy gears up for mandatory courses" [SAL increasing its training programmes as continuing legal education becomes compulsory], *The Straits Times* (21 December 2007)

Ben Nadarajan, "Competition law faces first real test" [Allegations of "anti-competitive acts" by CASE; was CASE acting on behalf of the Government and immune from legal actions?], *The Straits Times* (23 December 2007)

Chong Chee Kin, "Touting for legal work" [Touting also "quite common" in accident and motor claims], *The Straits Times* (25 December 2007)

K C Vijayan, "Bonuses for top lawyers hit 9 months", *The Straits Times* (29 December 2007)

Dominic Nathan, "Long road to justice" [Article on school teacher Jonathan Lock's long-drawn motor claims dispute], *The Straits Times* (29 December 2007)

K C Vijayan, "Beyond S'pore: the way to go for law heavyweights to grow", *The Straits Times* (31 December 2007)

Natalie Soh, "Opening of the legal year", *The Straits Times* (31 December 2007)

Selina Lum, "Court ends ex-con's persistent attempts to 'clear his name'", *The Straits Times* (1 January 2008)

K C Vijayan, "MISSING LAWYER" [Fugitive lawyer flew to Philippines and billed his firm; he may have also used part of the missing \$6m to pay costs of delayed property deals], *The Straits Times* (2 January 2008)



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Headlines in *The Business Times*

Wee Li-En, "Local law firms rosy on outlook for 2008", *The Business Times* (28 December 2007)

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- **Singapore Sports Council Collaborates with SMC and other ADR Institutions to Resolve Sports Disputes**

Singapore Sports Council Collaborates with SMC and other ADR Institutions to Resolve Sports Disputes

By Sherrie Lee, Assistant Manager, SMC



The Singapore Sports Council (“SSC”) launched the Framework for Alternative Dispute Resolution for Sports (“ADR Sports”) on 7 January 2008. ADR Sports is an initiative spearheaded by SSC and developed in collaboration with the Singapore National Olympic Council (“SNOC”), the Singapore Mediation Centre (“SMC”), the Singapore International Arbitration Centre (“SIAC”) and

the Singapore Institute of Arbitrators (“SI Arb”).

The framework aims to resolve problems faced by National Sports Associations (“NSA”)s in areas such as athlete selections, discipline and contractual disputes through mediation and arbitration.

“It builds an avenue for the athletes, associations and clubs to resolve their disputes. Many of them do not want to go to court or engage lawyers. They need an objective neutral party, and that’s what we are offering them,” Parliamentary Secretary (Community Development, Youth and Sports) Teo Ser Luck told journalists.

Under the framework, disputes will first be managed by NSAs. If the matter cannot be



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settled, SSC will refer it for formal mediation. Where mediation is unsuccessful, the matter will be sent for arbitration for a final decision.



Last year, the dispute between triathlete Gino Ng and the Triathlon Association of Singapore was settled after two days of mediation led by Singapore Hockey Federation President Annabel Pennefather and SMC Executive Director Loong Seng Onn. (See story in box.)

SMC has been working with SSC and the other stakeholders for more than a year to

develop ADR Sports. SMC is proud to be part of such an initiative which will enhance Singapore's reputation as an Alternative Dispute Resolution hub.

Gino Ng v TAS

35-year old tri-athlete Gino Ng was aggrieved that the Triathlon Association of Singapore (TAS), one of Singapore's national sports associations, did not nominate him for December's SEA Games in Thailand despite his having completed both time trials on 24 June and 29 July 2007.

Instead, the TAS nominated Mok Ying Ren and Shuan Phoon, even though the latter did not complete the first time trial and finished behind Ng in the second. After seeking clarifications from the TAS on its selection criteria for the Games, Ng sued the association on 10 October.



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The case proceeded for mediation which took place over two sessions on 18 October at the Singapore Mediation Centre (SMC) and on 19 October at the Jalan Besar Stadium.

The mediators were Loong Seng Onn, Executive Director, SMC and Annabel Pennefather, President, Singapore Hockey Federation.

While details of the agreement are confidential, both parties have said they were “pleased and satisfied” with the outcome. It has been reported that the National Sports Association had nominated Ng for the SEA Games and submitted his name to the Singapore National Olympic Council.

Sources: Singapore Mediation Centre
Weekend Today (20–21 October 2007)
The Sunday Times (28 October 2007)



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On Success, Influences and Role Models: Interviews with Newly Appointed Senior Counsel



The appointment of six Senior Counsel ("SC") was announced by The Honourable the Chief Justice Chan Sek Keong on the occasion of the Opening of the Legal Year 2008.

The practice of appointing lawyers as Senior Counsel began on 4 January 1997. Appointment as Senior Counsel is a mark of eminence within the legal profession: an accolade given to those who possess outstanding ability as advocates, extensive knowledge of the law and the highest professional standing.

Senior Counsel are selected, pursuant to s 30 of the Legal Profession Act, Cap 161, by a Selection Committee comprising The Honourable the Chief Justice Chan Sek Keong, the Honourable Attorney-General Chao Hick Tin, the Honourable Justice of Appeal Andrew Phang Boon Leong and the Honourable Justice of Appeal V K Rajah.

There are, at present, 54 Senior Counsel including four statutory appointments and five female Senior Counsel. Amongst them, ten were appointed before the age of 40. The six newly appointed Senior Counsel are Dr Jeffrey Dan Pinsler, SC; Mr Sundaresh Menon, SC; Mr Hri Kumar Nair, SC; Mr Thio Shen Yi, SC; Mr Cavinder Bull, SC; and Mr Lee Eng Beng, SC. *Inter Se Online* manages to speak with four of them amidst their very busy schedules.



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Mr Cavinder Bull, SC

How do you see yourself contributing back to the profession in your newly appointed role as SC?

Presently, I serve on the Law Reform Committee and the Singapore Law Committee, both of the Singapore Academy of Law. I hope to continue to serve in such committees as I find it interesting. It adds colour to life as a lawyer to do more than just client work. On a more personal level, I hope that I can also contribute by being a positive example to others in the profession.

What do you find most and least rewarding about being in the legal profession?

There are many rewards in legal practice but the most gratifying is when you know that you have helped make a difference in people's lives. That may come in the form of helping a particular client, or it may be that an important issue is resolved setting a precedent which affects various people.

What is your philosophy towards work and life?

I believe that God has given me my talents and abilities and I want to use those talents in a manner which would be pleasing to God. I don't always achieve that, but I try.

How would you define success?

When those who are close to you are proud of what you have done.



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What influences most shaped who you are today?

My mother has been a significant influence on my life. From when my father passed away when I was 15 months old, she raised three young children on her own. Her faith and fortitude through those difficult times remain an inspiration to me.

Professionally, I have to say that starting my career as a Justices' Law Clerk was highly significant. Working with the Chief Justice, the Judges of Appeal and the High Court judges, one could not but learn all the right lessons, including moral and intellectual honesty, compassion and dedication to the very highest standards.

Who are your role models?

In my first year in Drew & Napier, I worked on a case with Joe Grimberg, SC. I have always been impressed by the dignity with

which he carried himself and also by the fact that other lawyers universally seem to hold him in the highest esteem. Litigation is a stressful and almost combative atmosphere. For a litigator to go through decades of a career at the highest levels and yet have his opponents respect and like him is really something.

Do you have a favourite way to unwind?

Dinner with my wife, Doreen. No matter how stressful things get, she is still the person who most easily brightens my day.

What would surprise most people to learn about you?

I love to tell my two children, Jonathan (ten) and Laura (8), about my cases (without of course breaching client confidentiality). Simplified versions of my cases sometimes provoke the most interesting comments from their young minds.



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Mr Lee Eng Beng, SC

How do you see yourself contributing back to the profession in your newly appointed role as SC?

I do not foresee any major changes in this regard. I have enjoyed participating in various efforts by the Government, the courts, the Academy of Law and the Law Society to improve our profession. This participation has been in diverse areas such as professional ethics, insolvency law and practice, law reform, development of the legal services sector generally, review of the Rules of Court and international promotion of Singapore law. I have also been giving guest seminars to the law and business students at NUS

and NTU. I intend to continue contributing on all these fronts as far as possible and I also hope to be given new opportunities.

What do you find most and least rewarding about being in the legal profession?

The most rewarding part must be the chance to apply all of one's efforts, skills and expertise to help a client with a legal problem. The least rewarding is where the client does not appreciate it. Thankfully, bad clients have been few and far between.

What is your philosophy towards work and life?

Every day is another indelible mark on the canvas – make it a picture you can be proud of.

How would you define success?

I would rather not. Success is equated with the achievement of goals, and I avoid setting goals in life. The journey is more important than the destination.





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What influences most shaped who you are today?

Three experiences have had the most influence. As a fresh law graduate in the early 1990s, I served as a Justices' Law Clerk and saw, up close, the law and the justice system at work. I knew then that I had chosen the right discipline. The second experience was my stint as an academic in the NUS Law Faculty. The freedom to pursue in further research the areas or issues of law that held my interest and the interaction with the many learned colleagues and the law students deepened my passion for the law. Lastly, my pupillage with Rajah & Tann. I met and worked with the finest practitioners, enjoyed tremendous team spirit and camaraderie, and was seduced by the challenges which legal practice held.

Who are your role models?

There are too many to name. Many people I know are my role models in different respects, though some of them probably will not know it. Some have shown me how

to be truly effective, professional and ethical in work, others have taught me to conduct oneself with integrity and dignity, while yet others have been exemplary in their sense of responsibility and commitment to their families and friends.

Do you have a favourite way to unwind?

No. I leave it to my instincts to tell me what is the best therapy for a given situation, be it meeting up with friends for a good meal, travelling, a visit to the spa, a run or swim, or just simple relaxation at home. But I do admit being partial to computer and console games, electronic gadgets and generally discovering what is on the frontier of home entertainment technology.

What would surprise most people to learn about you?

I attended a Chinese secondary school and studied Chinese at first language level. What is not so surprising is that I failed the subject at the "O" Levels!





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Mr Hri Kumar, SC

How do you see yourself contributing back to the profession in your newly appointed role as SC?

The most important contribution would be to teach and guide my juniors as well as I was taught when I was a junior. The law is so much more than statutes, books and precedents. I believe having a good mentor can make a world of difference in the development of a lawyer. Currently, I also sit on a committee headed by the Honourable Justice Tay Yong Kwang, which works towards improving our civil procedure.

I hope to get involved in more law reform projects in the future.

What do you find most and least rewarding about being in the legal profession?

The practice of law involves a strong human element. The most rewarding aspect is the interesting people you get to meet, work with – and even cross-examine! There are very few dull days. The least rewarding is the time it takes you away from your family. It is especially hard now that I have a young daughter.

What is your philosophy towards work and life?

I have no pearls of wisdom to share. My philosophy for both is the same – to do my best and have fun doing it.

How would you define success?

Whether you have made a difference.





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What influences most shaped who you are today?

My parents played a huge part. We were poor, but they made sacrifices to ensure that my siblings and I obtained an education. For them, education and good character were paramount. More recently, my wife, who is one of the most astute judges of people I know.

Who are your role models?

I have a few. My father was an amazing man who raised nine kids on a hospital attendant's salary. He passed away in 1996, but people who knew him never fail to talk about him when I meet them. Davinder Singh, SC, in respect of the practice of law – I owe him a great debt.

Do you have a favourite way to unwind?

Watching Manchester United – especially when they win, which thankfully, they do quite often nowadays.

What would surprise most people to learn about you?

I still get butterflies in my tummy just before I rise to make oral arguments, regardless of the forum.



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Mr Thio Shen Yi, SC

How do you see yourself contributing back to the profession in your newly appointed role as SC?

I am currently involved in both Law Society and SAL committees, and in particular, have been intensively involved in continuing legal education for many years. It is something that I believe in and am committed to. I regularly speak at CLE seminars – maybe as an SC, participants might feel that they are getting more value for money!

What do you find most and least rewarding about being in the legal profession?

I am always learning something new. It might be about hedge funds, steel corrosion, economics, foreign exchange, IT systems or

hostile takeover defences, but it is constant intellectual stimulation. I also enjoy working with young associates and watching them develop into good lawyers. That is always emotionally satisfying. My peeves include ungrateful and small-minded clients who expect litigators to be hired mouthpieces who will do their bidding at all costs, and have no respect for our obligations as professionals and officers of the court.

What is your philosophy towards work and life?

In work, we can only control the effort that we put in; the results are left to God. In life, count your blessings, pause to enjoy the fruit of your labour, and remember those who are less fortunate.

How would you define success?

The love of my family, fellowship with my friends, and the respect of my peers. There is a verse in the Bible that defines success to me, Micah 6:8, which says "And what does the Lord require of you, but to do justly, to love mercy, and to walk humbly



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with your God". I confess I am still working on this.

What influences most shaped who you are today?

As a Christian, God and the Bible. There is a consistent and coherent set of moral values to live by, although I cannot say that I am always successful. My school, ACS, was also a huge influence. It was in school where I picked up debating and public speaking, learnt to not take myself too seriously, and understood the importance of graciousness and how to rejoice in the success of friends and schoolmates. I played a lot of sport, and that has taught me how to persist, respect rules, fight hard but fair, to win and lose with good grace. The spirit in which the game is played, can be just as important as the laws of the game; and so too in litigation and life.

Who are your role models?

Daniel and Nehemiah of the Old Testament. Daniel for his courage and refusal to compromise his values; and Nehemiah for

the way he embodies commitment, vision, positive energy and leadership by example.

Do you have a favourite way to unwind?

My wife, Stefanie, and I do not have time to watch regular television. So we end up buying an entire television series on DVD, and spend the weekend afternoons or evenings watching three to four episodes at one go.

What would surprise most people to learn about you?

My friends and colleagues know that I read a lot (Kinokuniya is a happy hunting ground), but most are surprised at the eclectic nature of my reading material. I read stuff from philosophy, history, politics and economics, to techno thrillers by Tom Clancy, Matt Reilly, Patrick Robinson *et al*, science fiction, food and wine books, and graphic novels. I am also allergic to prawns but am perfectly happy eating lobster, crayfish, crabs of all shapes and sizes...



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Singapore Law Watch: Legal News Service



Busy law professionals can now turn to a free online legal news service to keep abreast of the latest Singapore legal news.

Singapore Law Watch, developed by the Singapore Academy of Law ("SAL"), was launched on 5 January 2008. It provides a one-stop legal news service for the legal community in Singapore. It brings to all readers the most current information including the latest legal news gleaned from the dailies, the latest legislative changes, new Supreme Court judgments, as well as articles and commentaries on the impact of new developments gleaned from legal updates written by law firms. The information is updated every weekday at 11.30am.

"Singapore Law Watch alerts lawyers to changes that are immediately relevant to their practice, and brings to their attention developments that could be useful for future

reference," said Ms Serene Wee, Chief Executive of SAL.

"Our target audience are busy lawyers who do not have time or inclination to sit in front of their computers for any length of time," said Ms Wee. The information on Singapore Law Watch is organised and presented to allow for its essence to be absorbed at a glance and "on the run".

Singapore Law Watch also allows users to have the latest news delivered by RSS (Really Simple Syndication) directly into their computers through freely available applications called New Readers. Through these readers, they can access breaking news and significant developments that affect the profession as they happen.

Read Singapore Law Watch at www.singaporelawwatch.sg. No registration is needed.





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Uncovering Cybercrime: Two Recent Books Reviewed

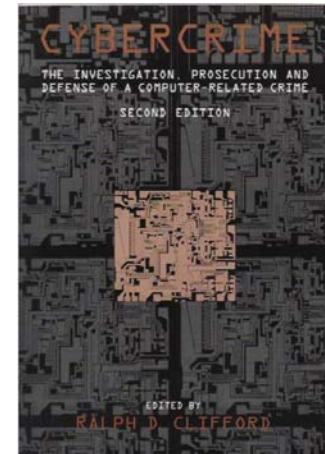
By Christopher Ong Siu Jin, LSC Technology Law Core Group

As information technology continues its penetration of our daily lives, "cybercrime" has become part of our everyday vocabulary – and our everyday worries. Warnings about "mooching", "phishing" and other exotically-named cybercrimes appear frequently in the press.

Unfortunately, many lawyers remain uncomfortable about dealing with cybercrimes. One reason is a lack of knowledge about the underlying technologies, a problem that should be gradually remedied as generations of more tech-savvy lawyers enter the profession.

However, another reason for this discomfort is the lack of readily-available text and source materials on the intricacies of dealing with the legal aspects of cybercrime. Two recently-published books address this problem, albeit from an American perspective.

Cybercrime: The Investigation, Prosecution and Defense of a Computer-Related Crime (Carolina Academic Press, 2nd Ed, 2006), edited by Southern New England School of Law Professor Ralph D Clifford, focuses on the practical legal fundamentals of cybercrimes. While many texts of this nature seem to be written either for university courses, law enforcement or non-legally trained professionals, this book is clearly aimed at legal practitioners.





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The first three sections of the book focus on the relevant US legislation, the investigation and prosecution of cybercrime, and the defense perspective. The fourth and final section focuses on the international perspective, looking at the indispensable issues of cross-border enforcement and co-operation.

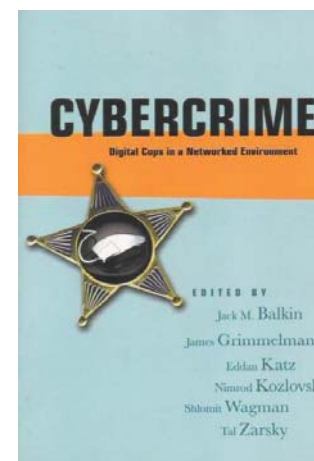
This clear organisation makes the book instantly accessible, and the less technically-inclined will also be relieved to find that there is little computer jargon used. So long as one keeps in mind the differences between the US context and our own, and also draws the parallels between our own Computer Misuse Act and the equivalent US laws, this book will be an invaluable asset to any lawyer faced with a cybercrime case.

The second book, *Cybercrime: Digital Cops in a Networked Environment* (New York University Press, 2007), is more academic in nature. Edited by a team from Yale University's Information Society Project, it is

a collection of essays – by academics, legal practitioners, computer security experts and others – on various issues arising from cybercrime. The book is from the publisher's *Ex Machine: Law, Technology and Society* series.

Less practically useful than the Clifford tome, this book is clearly aimed at those with a deeper interest in cybercrime; in particular, the interactions between cybercrime and society.

Hence, the essays explore such issues as the balance between combating cybercrime and privacy, and how technology surreptitiously shapes social norms.





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At the same time, some essays also raise issues that are of more immediate relevance. For example, a recurring theme is the legality of “counterstrikes” – not the popular first-person shooter game, but rather the use of “self-help” measures by computer security professionals to combat cybercrime – as well as the technically-invasive methods sometimes employed by cybercrime investigators. The final essay, “Digital Evidence and the New Criminal Procedure”, is also informative.

Like the technology upon which they focus, any books on cybercrime face the inevitability of rapid obsolescence. Buy a cybercrime textbook published five years ago, and you might find that the crimes discussed are different from those which we face today, or may even have ceased to exist entirely as technology moved on. The onus is on all concerned – including lawyers – to remain up-to-date with technological and legal evolution.

Nevertheless, both books reviewed here are highly recommended, although those less familiar with cybercrime are advised to start with the Clifford text, as an introduction. The Yale book, on the other hand, is an excellent launch pad for thinking about the future of cybercrime, and how society will cope with its impact.

Both books are available at Amazon.com.

The reviewer is chairman of the Core Committee of the Legal Service Commission's Technology Law Core Group (TLCG), and is a Deputy Public Prosecutor and State Counsel with the Criminal Justice Division, Attorney-General's Chambers. Formed in 2000, the TLCG aims to build up a corps of legal service officers with special knowledge in information technology, and a deeper understanding of the legal issues arising from the adoption of new technologies.



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Reflections

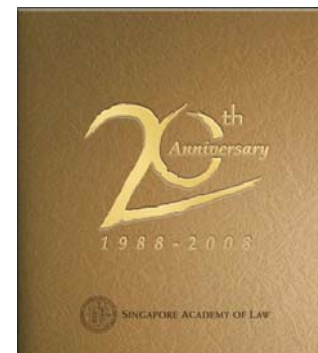
The Singapore Academy of Law turns 20 this year. Among a host of activities to celebrate this special year, we have launched a 20th Anniversary website to retrace the journey we have travelled so far. In "Our Story", we acquaint you with how the Academy started, and later introduce you to "Our First Services and Facilities".

Some of our proudest moments are captured in "20 Years of Accomplishments". Don't forget to have a glance at "Images from 20 Years", a nostalgic collection of photographs past and present. Who knows, you may find a picture of yourself in retro glasses from yesteryear.

Reflections is a series of musings on the past, with interviews and contributions from some of the people who were there at the beginning. We kick off the Reflections series with an article entitled "Early Days". You will read about the beginnings of the SAL restaurant, and find anecdotes which are bound to make you smile.

The website will be updated periodically throughout the year, so be sure to watch this space!

To view the full 20th Anniversary website, please visit www.sal.org.sg.





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Early Days

A former Supreme Court Assistant Registrar reflects on setting up a restaurant and, along the way, the Academy.

The Singapore Academy of Law Act was passed in 1988, establishing an institution whose aim was to bring together members of the Bench, Bar and academia in an effort to promote a collegiate spirit amongst the local legal community, and promote and maintain the “high standards of conduct and learning of the members of the legal profession in Singapore and the standing of the profession in the region and elsewhere.”

The fulfilment of these lofty ideals was by no means an easy thing to do. There was no such institution of its kind prior to it, the resources were tight and the timeline short. In the minds of two young Assistant Registrars (“Asst Registrars”), however, there was another more pressing issue at hand.

“They wanted a restaurant,” said Mr Vincent Hoong, removing his glasses as he spoke. “They wanted something equivalent to the dining-in, but not as stuffy ... They wanted to build a collegiate spirit between the Bench and the Bar.” The current deputy CE of the Singapore Land Authority had been tasked in 1988 along with Mr Christopher Chuah to set up the Singapore Academy of Law (“SAL”) from scratch in a matter of months. (Mr Chuah has since left the Legal Service and is now in private practice.)

Laughing as he spoke, Mr Hoong reminisced about those days, cheerfully volunteering, “Here were two young civil servants trying to set up a restaurant. The original plan was for a private entity to operate the restaurant.



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So as you can see, even in those early days, outsourcing was already in their minds! I remember the then Chief Justice Wee Chong Jin through his personal contacts asking a leading hotel to explore the idea.”

After inspecting the new premises of the SAL’s would-be restaurant, the hotel’s F&B director asked about its operating hours. Mr Hoong replied that this would be a restaurant that would serve only lunch, which proved to be fatal to the restaurant’s outsourcing plan. “The manager said, ‘I cannot make money from just doing lunch. You effectively

have only one turn around, and the place has a beautiful ambience. Everyone will linger on after the meal.’ The F&B manager very politely told us he did not want to run it,” said Mr Hoong.

After that came to nothing, the former CJ Wee tasked the two Asst Registrars with setting up the restaurant themselves. Their immediate problem was finding the cooks and waitresses to run it. There was an initial effort at advertising in *The Straits Times*, but that ran into a few obstacles.





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"In those days, Singaporeans did not know where the City Hall was. The best way to tell them was that it was near Sogo, then people would say, 'ah, yah yah I know where it is,'" recalled Mr Hoong, with a smile on his face. "Their next question was, 'what kind of tips can I get?' The former CJ Wee wanted to keep the menu simple with prices below \$5. So we explained to them that there would be no service charge, and no tips, so the waitresses were not interested. Our classified ads did not work."

But the situation was not all that negative. By a "stroke of luck," the two Asst Registrars chanced upon a chef from a leading social club, who was quitting his job to devote more time to his family, and immediately met up with him. "We could not let this opportunity pass us by," said Mr Hoong, "and we told him, 'come work for us, you will have the perfect work-life balance.' In fact, he so loved it that he asked if he could

bring his whole team. Of course, we said yes. We were so delighted."

AT THE RESTAURANT

If you have a penchant for fish-head curry, then watch out for this food promotion at the Restaurant. It will be on between Monday 30th March and Thursday 2nd April. Have yourself a feast. Do call us at 3307388 to make a reservation to avoid disappointment.



WEDNESDAY EVENING SNACKS

Deep fried Spring Chicken	\$ 7.00 per serving
Yakitori	\$ 0.80 per stick
Fried Breaded Chicken Drumlets	\$ 4.00 per half-dozen
Breaded Scallops	\$ 3.50 per half-dozen
American Crab	\$ 10.00 per serving
Prawn Fritters	\$ 12.00 per serving
Onion Rings	\$ 1.50 per serving
Samosas	\$ 2.50 per half-dozen
Meat Balls in Mexican Sauce	\$ 3.00 per half-dozen
Chicken Sausages in Spicy Sauce	\$ 3.00 per serving
Breaded Squids	\$ 6.00 per serving
Mini Vegetarian Spring Rolls	\$ 2.50 per serving
Sushi	\$ 7.00 per serving





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This certainly was not the end of the story. The chef, Mr Eric Chew, came down to inspect his new "office", only to find one important ingredient missing from the kitchen. "He [the chef] was surprised that there was no air conditioning in the kitchen. In the back of my mind, I was thinking, 'you gotta be kidding me, this is an Asian kitchen, what air conditioning!' But apparently every [respectable] commercial kitchen has air conditioning," explained Mr Hoong.

Meanwhile, the shortage of waitresses was a real problem. The Asst Registrars even resorted to patronising various restaurants in the hope of spotting good service staff. After many anxious weeks, "we only managed to recruit one," said Mr Hoong, "but we realised that all you need is one. She will get all her friends! Once again, our selling point was a good work-life balance."

FOOD AND BEVERAGE DEPOSIT

Members would have noticed in their accounts that \$120 was payable in addition to the annual subscription. This sum represents the food and beverage deposit and it is payable by all members.

This deposit of \$120 per member was resolved by the Executive Committee on 30th January. This is in line with the common practice of having a deposit where food and beverage facilities are provided for members on a credit basis. Such credit would be financed by the Academy because payment by members would normally be a month later.

This sum is only a one-time payment. The deposit will be refunded on cessation of membership.

AT THE RESTAURANT

Fridays have been dubbed "Buffet Day" at the Restaurant. Priced at \$7.50 per person, it provides an excellent subsidized meal. A wide choice of local and Western favourites is offered to tempt your tastebuds.

Two food promotions will be launched at the Restaurant in the last week of May and June. From Monday 22nd May to Thursday 25th May, the theme will be Russian whereas Italian favourites will be featured from Monday 26th June to Thursday 29th June. A wide array of sumptuous delights will be available for your selection. But the a la carte menu will still be available if you prefer otherwise.

Kindly call 3307388 to make a reservation to avoid disappointment..





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Other than the restaurant, there were other housekeeping matters. There was no membership database, even though every advocate and solicitor and legal officer was a member of the SAL under the SAL Act. With a limited budget and time, they had to resort to employing students. Again, it was not easy. They finally managed to employ “two kids in secondary school who had some basic computer skills,” though they were not entirely reliable. (“Sometimes they went for lunch and never came back,” said Mr Hoong.) This situation saw him routinely crafting out the membership forms, mailing it out to the lawyers and processing their applications.

Apart from this, the inaugural meeting of the Senate had to be arranged, the various committees had to be set up, and the possible candidates for appointment had to be short listed. Naturally, the Endowment Committee was a big priority as there was

fear that the SAL would soon run out of funds. But the biggest challenge was to overcome the scepticism of some members, who were not entirely sure of the purpose of the Academy.

Other issues during those early days were the subscription fees for the various categories of membership, including those for law students and absent lawyers who were on the rolls but not living in Singapore, and the activities of the various committees along with a newsletter to disseminate the SAL's activities. Of course, there was the restaurant, which after six months in operation, was still in the red.

“CJ suggested dinner,” recalled Mr Hoong, referring to that situation, “and we thought we were tapping into a potential market because next door to us was the Victoria Concert Hall, which in those days, had concerts and performances almost



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every weekend." His eyes twinkled for a bit, and then he said, "We came up with the idea as in England, like a pre-concert dinner. It started out on Friday nights only, and members were allowed to bring their guests."

So, like it was during the opening of the restaurant, the former CJ Wee once again got all his "brother judges" to dine at the restaurant over several Friday evenings, in an effort to lead by example. But Mr Hoong recalls one particular Friday dinner at the

restaurant, amidst those days of trying to win the hearts and minds of the members, and the actions and words of the late Justice F A Chua who had hosted all the Asst Registrars and their partners to dinner.

"At the end of dinner he stood up to make a speech," said Mr Hoong. "He very proudly took out his SAL membership card and told all of us that in his entire life, he only belonged to one organisation, and that this was it and here was his membership card to show for it."



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The Soup Restaurant: A Wholesome Samsui Experience

By Tan Siok Hui, Foreign Legal Advisor



Tucked away in the basement of Paragon Shopping Centre, I was pleasantly surprised to be greeted by a row of bamboos lining the entrance to the restaurant. The décor in the main dining hall creates an illusion of dining in a small garden. On the right of the dining hall, there are traditional round rosewood tables to cater for families or larger parties.

As its name would suggest, this restaurant is famous for its wide range of double boiled soups concocted to rejuvenate you after a long day at work or shopping. Our first course for the day was the Double Boiled Waisan and Ginseng Roots with Chicken Soup. Not quite a fan of ginseng, my two companions slurped my share and assured me that the soup was very fragrant, albeit a little salty. More importantly, the chicken soup passed the MSG test – my friends did not have to drink gallons of water after dinner!





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Another must-try signature dish is the Samsui Ginger Chicken. Juicy, tender slices of boneless chicken served with crispy lettuce with a generous portion of minced ginger – this is definitely my favorite dish! The fresh lettuce is served separately but wrapping the chicken is half the fun and definitely well worth the effort.

The next dish that followed was the Ah Gong Fan Shu Yip (literally “Grandpa’s spicy fried tapioca leaves”). The spicy and tangy young shoots of tapioca leaves were served in nice bite sized pieces and were a lovely contrast

to the Samsui Chicken. If spicy food is not your cup of tea, you may wish to opt for the Ah Ma Fan Shu Yip (“Grandma’s fried tapioca leaves”). It is no secret that the names of these dishes were in fact inspired by the owner’s grandparents’ taste buds!

We were, however, a little disappointed with the Beggars Bowl Tofu – cubed local tofu drowned in starchy gravy. The dish was bland and rather unappetising. We did, however, notice that the neighbouring table had ordered the Hometown Tofu, which looked much more promising.





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Do not be deceived by the name of the restaurant, the menu offers a wide range of yummy delicacies besides their range of herbal and non-herbal soups. For a tasty, no-frills and good value meal, drop by any one of their branches in Suntec, Seah Street, Centrepoint or Scotts Road. The service here is prompt and the staff are friendly, though if you do not speak mandarin, you might just have a little problem with communication. And make sure you make reservations to secure that seat as there was still a queue when we left the restaurant at 9.15pm!

Share your dining experiences with us! If you've eaten somewhere nice and would like to recommend it to other *Inter Se* Online readers, please e-mail us at inter_se@sal.org.sg!

Type of Food	Chinese
Best for	Quick tasty meal
Ambience	Noisy but lively

Address: 290 Orchard Road
#B1-44 Paragon
Tel: 6333 6228



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Subsidiary Legislation Published in December and January

The **Workplace Safety and Health (Construction) Regulations 2007** (GN No S 663/2007, wef 1 January 2007) provides principally —

- (a) for the various duties of the occupier of a worksite relating to electrical safety, cantilevered and material platforms, disposal of materials, formwork structures, demolition, excavation and tunnelling work, compressed air environment, and piling, including the implementation and maintenance of a safety and health management system, and the implementation of a permit-to-work system; and
- (b) for the appointment and duties of a workplace safety and health co-ordinator in respect of every worksite where the contract sum of the building operation or works of engineering construction carried out therein is less than \$10 million.

The **Education Endowment and Savings Schemes (Prescribed Amount of Contribution) Order 2007** (GN No S 678/2007, wef 1 January 2008) provides that the amount of contribution to be paid to every member of the Edusave Pupils Fund under s 9(1) of the Education Endowment and Savings Schemes Act (Cap 87A) for the year 2008 will be as follows:

- (a) \$180 for a member who is receiving primary education in a prescribed school; and
- (b) \$220 for a member who is receiving secondary education in a prescribed school.

The **Dentists (Amendment) Regulations 2007** (GN No S 680/2007, wef 1 January 2008) amends the Dentists Regulations (Cap 76, Rg 1) to provide, amongst other things —

- (a) for the manner of application for registration as a dentist, a specialist or

by Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



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an oral health therapist under the Dental Registration Act (Cap 76);

- (b) for the grant and renewal of practising certificates;
- (c) that the Singapore Dental Council shall publish on its Internet website a list of activities, courses and programmes relating to the practice of dentistry and the number of continuing professional education points that a person obtains by successfully completing each of the activities, courses and programmes;
- (d) for the proceedings of Interim Orders Committees;
- (e) for the manner of application for restoration of any name to a register; and
- (f) for the scope of practice for, and procedures which can be performed by, oral health therapists.

The **Health Products (Cosmetic Products – ASEAN Cosmetic Directive) Regulations 2007** (GN No S 683/2007, wef 1 January 2008) provide, amongst other things —

- (a) that a person responsible for placing a cosmetic product in the market shall not —
 - (i) begin to supply that cosmetic product, or cause that cosmetic product to be supplied on his behalf, in Singapore; or
 - (ii) continue to supply that cosmetic product, or cause that cosmetic product to be supplied on his behalf, in Singapore, unless he has notified the Health Sciences Authority of his intention to do so;
- (b) for the contents and labelling requirements of cosmetic products; and
- (c) for the additional duties and obligations that a person responsible for placing a cosmetic product in the market is to comply with.

By Joyce Chng and Emily Teo, Legislation Division, Attorney-General's Chambers



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The **Stamp Duties (Transfer of HDB Flats within Family) (Remission) Rules 2007**

(GN No S 735/2007, wef 1 January 2008)

provide that there shall be remitted any duty chargeable under the Stamp Duties Act (Cap 312) (in accordance with Art 3(a) of the First Schedule therein), on any instrument relating to any transfer of any flat (sold by the Housing and Development Board under Pt IV of the Housing and Development Act (Cap 129) but excluding any flat designated as an HUDC Phase III or IV flat) and which is made in compliance with certain conditions, that is in excess of \$10.

The **Planning (Development Charges) (Amendment No 4) Rules 2007**

(GN No S 756/2007, wef 1 January 2008) amend the

Planning (Development Charges) Rules (Cap 232, R 5) to provide principally for the revised formulae for the purposes of determining the Development Baseline and the Development Ceiling of any land under s 36(1) or (7) of the Planning Act (Cap 232) respectively.

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Chemical Weapons (Prohibition) (Amendment) Act 2007 (Act 49 of 2007) (wef 14 December 2007 by GN No S 668/2007)

Central Provident Fund (Amendment No 2) Act 2007 (Act 57 of 2007) —

- (a) Sections 11 and 17 wef 28 December 2007 by GN No S 700/2007; and
 (b) Sections 2 to 10, 12 to 15, 18, 19 and 20 wef 1 January 2008 by GN No S 700/2007.

Environmental Pollution Control (Amendment) Act 2007 (Act 26 of 2007) (wef 1 January 2008 by GN No S 277/2007 except s 5)

Strategic Goods (Control) (Amendment) Act 2007 (Act 45 of 2007) (wef 1 January 2008 by GN No S 543/2007)

Education Endowment Scheme (Amendment No 2) Act 2007 (Act 52 of 2007) (wef 1 January 2008 by GN No S 643/2007)

Income Tax (Amendment No 2) Act 2007 (Act 53 of 2007) (Sections 6(b) and (d), 34, 35(a), 39(b), 40 and 43(c) wef 1 January 2008)

Dentists (Amendment) Act 2007 (Act 22 of 2007) (wef 1 January 2008 by GN No S 679/2007)

Central Provident Fund (Amendment) Act 2007 (Act 40 of 2007) (Sections 5(1)(d) and (2), 6(a), (b), (d) and (f), 7(2), 8(c) and (d), 12 and 25(b) wef 1 January 2008 by GN No S 729/2007)

Agency for Science, Technology and Research (Amendment) Act 2007 (Act 54 of 2007) (wef 1 January 2008 by GN No S 737/2007 except s 6(1)(b))

Planning (Amendment) Act 2003 (Act 30 of 2003) (Section 12 wef 1 January 2008 by GN No S 755/2007)

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Revision of Acts

The Law Revision Commissioners have prepared and published, in loose-leaf form, a revised edition of the following Acts (wef 1 January 2008 by GN No S 691/2007):

- (a) Endangered Species (Import and Export) Act (Cap 92A);
- (b) Immigration Act (Cap 133);
- (c) Money-changing and Remittance Businesses Act (Cap 187); and
- (d) Income Tax Act (Cap 134).

This revised edition of Acts contains all the amendments which have been made to these Acts up to 1 December 2007, with the exception of the Income Tax Act which contain all the amendments which have been made up to 1 January 2008.

By Joyce Chng and Emily Teo, Legislation
Division, Attorney-General's Chambers



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Arbitration

Stay of court proceedings — Whether court should grant stay of proceedings in favour of arbitration — Whether subsequent dispute may not be referred to arbitration on ground that arbitrator *functus officio* — Whether arbitrator concluding arbitration proceedings and publishing award on earlier disputes considered *functus officio* for purpose of hearing subsequent dispute

Anwar Siraj and another v Teo Hee Lai Building Construction Pte Ltd [2007] SGHC 29

Civil Procedure

Appeals — Admission of fresh evidence before the Court of Appeal — Whether special grounds disclosed — Whether fresh evidence that uncovered fraud or deception of the other party would be admitted even though *Ladd v Marshall* conditions not strictly

satisfied — Order 57 r 13(2) Rules of Court (Cap 322, R 5, 2006 Rev Ed)

Su Sh-Hsyu v Wee Yue Chew [2007] SGCA 31

Foreign judgments — Enforcement of foreign judgment — Bankruptcy application under s 61(1)(d) of Bankruptcy Act — Whether debt payable by virtue of judgment or award enforceable by execution in Singapore — 12 years passed since foreign judgment registered in Singapore — Whether leave of court required to enforce registered judgment — Order 46 r 2(1) of Rules of Court (Cap 322, R 5, 2006 Rev Ed)

AmBank (M) Berhad v Raymond Yong Kim Yoong [2007] SGHC 172

Judgments and orders — Application by appellant to set aside judgment due to



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absence of appellant at trial — Whether reasons for appellant's non-attendance were deliberate and contumelious — Whether countervailing factors tilted the balance in favour of setting aside the judgment — Order 35 r 2(1) Rules of Court (Cap 322, R 5, 2006 Rev Ed)

Su Sh-Hsyu v Wee Yue Chew [2007] SGCA 31

Judgments and orders — Setting aside of judgment in default of appearance — Test for setting aside irregular default judgments — Power to amend irregular default judgment — Whether unreasonable delay in making application to set aside prejudices right to set aside default judgment

Canberra Development Pte Ltd v Mercurine Pte Ltd [2007] SGHC 185

Parties — Joinder — *En bloc* sale of condominium — Appeal against Strata Titles Board's rejection of application for approval

for *en bloc* sale — Leave to intervene sought by purchaser and 13 consenting subsidiary proprietors — Whether leave should be granted — Order 15 r 6(2) Rules of Court (Cap 322, R 5, 2006 Rev Ed)

Siow Doreen and others v Lo Pui Sang and others (Horizon Partners Pte Ltd, first interveners and Reghenzani Claude Augustus, second interveners) [2007] SGHC 167

Vacation of trial dates — Strict judicial policy — Strong compelling grounds needed before court exercises its discretion to vacate trial dates

Su Sh-Hsyu v Wee Yue Chew [2007] SGCA 31

Companies

Schemes of arrangement — Nature — Whether scheme operated as an order of court or as a statutory contract — Application by creditor for extension of time to file



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Proof of Debt under approved scheme — Whether court had jurisdiction to extend time — Section 210 Companies Act (Cap 50, 2006 Rev Ed)

Re Reliance National Asia Re Pte Ltd [2007] SGHC 206

Winding up — Directions relating to conduct of winding up — Directions of how dividend due to a contributory of the company was to be paid — Competing claims — Claim by ex-wife of the contributory on the basis of orders of court directing contributory to pay ex-wife various amounts — Claim by designated recipients by virtue of deed — Whether the deed operated in priority to orders of court which ex-wife had obtained against the contributory — Whether garnishee order might be made against a liquidator — Whether deed was

effective even though not in the correct format — Companies (Winding Up) Rules (R1, 2006 Rev Ed) — Companies Act (Cap 50, 1994 Rev Ed)

Re Jiangshan Investment Consortium Ltd (in liquidation) [2007] SGHC 91

Winding up — Whether company had suspended its business for one year — Whether just and equitable that company be wound up — Sections 254(1)(c) and (i) of the Companies Act (Cap 50, 2006 Rev Ed)

Lau Yu Man v Wellmix Organics (International) Pte Ltd [2007] SGHC 96

Contract

Breach — Construction of the sale and purchase agreement — Obligation on property redevelopment company to use “best endeavours” to obtain the



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qualifying certificate and to do so “without delays” — Whether actions taken satisfying “best endeavours” test — Whether the sale and purchase agreement was rescinded

Travista Development Pte Ltd v Tan Kim Swee Augustine and others [2007] SGHC 94

Contractual terms — Express terms — Dispute between owners of residential property and main contractor working on property over payments due to main contractor and interim certificates issued by architect in connection therewith — Whether architect having power at any time to issue further interim certificate correcting any error in earlier interim certificate

Anwar Siraj and another v Teo Hee Lai Building Construction Pte Ltd [2007] SGHC 29

Criminal Procedure and Sentencing

Sentencing — Appeals — Young offenders — Accused charged with robbery and shoplifting and sentence of probation imposed — Whether sentence of reformatory training more appropriate in the circumstances — Relevant sentencing considerations — Whether rehabilitation or deterrence should be the dominant consideration given the seriousness of the offence, culpability of the accused and the commission of another offence while out on court bail

Public Prosecutor v Yusry Shah bin Jamal [2007] SGHC 188

Sentencing — Principles and factors to consider — Accused provoked three times by deceased and deceased would not leave accused alone — Deceased was stabbed



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with a knife — Accused pleading guilty to culpable homicide not amounting to murder — Accused remained at large for ten years before surrendering — Appropriate sentence — Section 304(b) Penal Code (Cap 224, 1985 Rev Ed)

Public Prosecutor v Chan Soi Peng [2007] SGHC 184

Equity

Estoppel — Estoppel by convention — Principles — Whether any estoppel by convention in relation to the specific date which bound property redevelopment company so that it was prevented from denying that that date was the contractual completion date

Travista Development Pte Ltd v Tan Kim Swee Augustine and others [2007] SGHC 94

Insolvency Law

Bankruptcy — Bankruptcy application under s 61(1)(d) of Bankruptcy Act — Whether debt payable by virtue of judgment or award enforceable by execution in Singapore — Section 61(1)(d) Bankruptcy Act (Cap 20, 2000 Rev Ed)

AmBank (M) Berhad v Raymond Yong Kim Yoong [2007] SGHC 172

Legal Profession

Admission — *Ad hoc* admission of Queen's Counsel — Principle of equality of arms — Three-stage test for admission of Queen's Counsel — Whether case contained issues of fact and/or law of sufficient difficulty and complexity — Whether circumstances of case warranted court's exercise of discretion in favour of admission — Whether Queen's Counsel possessed special qualifications or



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experience for purpose of case — Section 21 Legal Profession Act (Cap 161, 2001 Rev Ed)

Re Millar Gavin James QC [2007] SGHC 178

Trusts

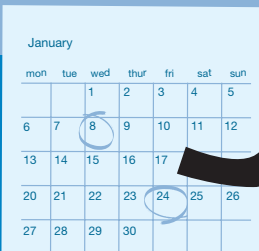
Secret trusts — Fully secret — Testator willed entire estate to defendant son who was appointed as sole executor and trustee — Whether plaintiffs discharged burden of proving existence of secret trust — Whether evidence showed that testator intended to impose a binding obligation on defendant to distribute estate — Whether residuary estate given to defendant beneficially under the will

Loh Ah Cheow and others v Ng Hock Guan (personally and as executor/trustee of the estate of Ng Teow Yhee, deceased) [2007] SGHC 200

Words and Phrases

“Which is enforceable by execution in Singapore” — Whether judgment creditor must have in his hands a final judgment that could be executed forthwith or immediately — Section 61(1)(d) Bankruptcy Act (Cap 20, 2000 Rev Ed)

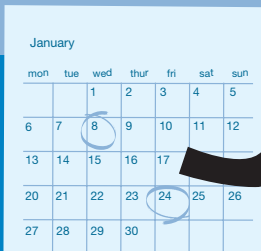
AmBank (M) Berhad v Raymond Yong Kim Yoong [2007] SGHC 172



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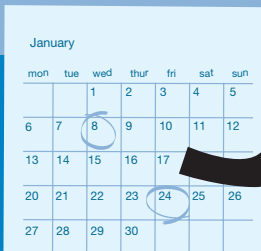
TRAININGS AND WORKSHOPS CALENDAR FROM FEBRUARY 2008

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
4 Feb (Mon) 9.00am–5.00pm	LawNet Conveyancing: Intereq and STARS e-Lodgement	Ms Serena Lim, BiziBody	LTC
5 –7 Feb (Tue–Thu) 9.00am–5.00pm	EFS FE Full Course	Mr Clifford Leslie Nonis, Crimson Logic	LTC
11 Feb (Mon) 9.00am–5.00pm	EFS ROC Phase 1 & 2	Mr Clifford Leslie Nonis, Crimson Logic	LTC
12 Feb (Tue) 12.00pm–2.15pm	SAL Expert Series: Corporate Counsel – An Alternative Career Path	Mr Anil Changaroth, Davis Langdon & Seah's CADM; Ms Sharyn Ch'ang, PricewaterhouseCoopers; Mr Pe-Wynn Kin, Avago Technologies Limited and Mr Chua Lee Ming, Government of Singapore Investment Corporation Pte Ltd	LES



calendar inter se online

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
12, 14 Feb (Tue, Thu) 9.30am–12.30pm Or 2.00pm–5.00pm	LawNet2 Due Diligence Enhancement (1.1)	Mr Clifford Leslie Nonis, Crimson Logic	LTC
13 Feb (Wed) 1.30pm–5.30pm	Adobe 8.0	NTUC Learning Hub	LTC
13 Feb (Wed) 6.00pm–8.00pm	What They Don't Tell You at Law School – A Glimpse at the Work and Life of a Lawyer (Venue: Seminar Room 4-4, NUS Faculty of Law, National University of Singapore, Eu Tong Sen Building)	tbc	PAC (Venue sponsored by NUS Law Faculty)
18 Feb (Mon) 9.30pm–5.30pm	LawNet Services at a Glance	Mr Clifford Leslie Nonis, Crimson Logic	LTC
18, 19 Feb (Mon, Tue) 9.00am–5.00pm	Mediation: Strategic Conflict Management for Professionals	Mr Loong Seng Onn and Ms Carol Liew	SMC
20, 21, 22, 25 Feb (Wed, Thu, Fri, Mon) 9.00am–5.00pm	Associate Mediator Accreditation Course	Mr Loong Seng Onn and Ms Carol Liew	SMC



calendar inter se online

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
21, 22 Feb (Thu, Fri) 9.30am–12.30pm	LawNet Portal Administrator	Mr Clifford Leslie Nonis, Crimson Logic	LTC
21, 22 Feb (Thu, Fri) 2.30pm–5.30pm	LawNet2 Portal User	Mr Clifford Leslie Nonis, Crimson Logic	LTC
25 Feb (Mon) 3.00pm–5.00pm	Court Practice and Procedure (Mediation)	The Honourable Sir Gavin Lightman, Retired Judge, Royal Courts of Justice, UK, Chancery Division	School of Law, SMU and LES
25 Feb (Mon) 9.00am–5.00pm	MS Word for Legal Professionals	Mr Clifford Leslie Nonis, Crimson Logic	LTC
29 Feb (Fri) 1.30pm–5.30pm	STARS e-Lodgement	Ms Serena Lim, BiziBody	LTC
3–4 Apr (Thu–Fri) 9.00am–5.00pm	Visiting Fellows Programme: Private International (Commercial) Law: A Schematic Guide	Professor Adrian Briggs, University of Oxford	LES
10–11 Apr (Thu–Fri) 9.00am–5.00pm	Visiting Fellows Programme: Private International Law: Practical Applications and Drafting Issues	Professor Adrian Briggs, University of Oxford	LES



calendar inter se online

DATE	TOPIC	SPEAKER(S)/TRAINER(S)	ORGANISER(S)
8, 9 May (Thu, Fri) 9.00am–5.00pm	Mediation: Strategic Conflict Management for Professionals	Mr Loong Seng Onn and Ms Carol Liew	SMC
23–25 Jul (Wed–Fri) 8.30am–5.15pm	Obligations IV Conference – Current Issues in Contract, Tort, Equity and Restitution	Keynote Speakers: The Right Honourable Lord Hoffmann, Lord of Appeal in Ordinary; Professor Hanoch Dagan, University of Tel Aviv and Professor Stephen Perry, University of Pennsylvania	Faculty of Law, NUS; University of Melbourne and LES

Please note that all information is correct at the time of publication. While every effort is made to retain the original arrangements, changes may sometimes be necessary. Details on select events may be found on the Academy’s website at www.sal.org.sg.

For enquiries and more information, please contact the respective organisers:

- Professional Affairs/Membership Affairs (PAC):** Rebecca Sit at tel: (65) 6332 0078 or rebecca_sit@sal.org.sg
- LawNet Training Centre (LTC):** Seri Adilia at tel: (65) 6332 4256 or Aida Bte Abdul Rahman at tel: (65) 6332 4382 or lrc@sal.org.sg
- Legal Education and Studies (LES):** Alexis Ong at tel: (65) 6332 4149 or les@sal.org.sg
- Singapore Mediation Centre (SMC):** Survinder Kaur at tel: (65) 6332 4213 or survinder_kaur@sal.org.sg