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No. 1 of 1981

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

O N A P P E A L

FROM THE COURT OF APPEAL IN SINGAPORE

B E T W E E N :

TAN CHWEE ANG

Appellant
(Plaintiff)

- and -

HSIA KHO ING

Respondent
(Defendant)

RECORD OF PROCEEDINGS

LE BRASSEUR & BURY,
71 Lincoln's Inn Fields,
London, WC2A 3JF

Solicitors for the
Appellant

JACQUES & CO.,
2, South Square,
Grays Inn,
London, WC1R 5HS.

Solicitors for the
Respondent

No.1 of 1981

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Notice of Motion for Leave to Appeal to Privy Council	1st September 1980
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No. 1 of 1981

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

O N A P P E A L

FROM THE COURT OF APPEAL IN SINGAPORE

B E T W E E N :

TAN CHWEE ANG

Appellant
(Plaintiff)

- and -

HSIA KHO ING

Respondent
(Defendant)

10

RECORD OF PROCEEDINGS

No. 1

WRIT OF SUMMONS

In the High
Court

No.1
Writ of Summons

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

13th February
1978

Suit No. 443 of 1978

Between

TAN CHWEE ANG

Plaintiff

And

HSIA KHO ING

Defendant

20

THE HONOURABLE MR. JUSTICE WEE CHONG JIN, CHIEF
JUSTICE OF SINGAPORE, IN THE NAME AND ON BEHALF
OF THE PRESIDENT OF THE REPUBLIC OF SINGAPORE

To: Hsia Kho Ing
Block 98 407-J
Aljunied Way
Singapore

We command you that within eight days after
the service of this writ on you, inclusive of the
day of such service, you do cause an appearance

In the High Court

No. 1
Writ of Summons

13th February 1978

(continued)

to be entered for you in a cause at the suit of Tan Chwee Ang of Block 8, 38-P French Road, Singapore, and take notice, that in default of your so doing the Plaintiff may proceed therein to judgment and execution.

WITNESS Mr. LOW WEE PING
Asst. Registrar of the Supreme Court in Singapore the 13th day of February 1978.

Signed Murphy & Dunbar
Plaintiff's Solicitors

Signed Low Wee Ping
Asst. Registrar
Supreme Court,
Singapore.

10

1. WRIT OF SUMMONS IN
SUIT NO. 443 of 1978

This writ may not be served more than twelve calendar months after the above date unless renewed by order of court.

The defendant (or defendants) may appear hereto by entering an appearance (or appearances) either personally or by a solicitor at the Registry of the Supreme Court.

20

A defendant appearing personally may, if he desires, enter his appearance by post, and the appropriate forms may be obtained by sending a Postal Order for \$5.00 with an addressed envelope to the Registrar, Supreme Court, Singapore, 6.

INDORSEMENT

The Plaintiff's claim is for damages for personal injuries and consequential loss suffered by him and caused by the negligence of the Defendant in the driving, use and management of motor vehicle No. SM1371D on the 2nd day of September 1975 at the junction of Paya Lebar Way and Aljunied Road, Singapore.

30

Sgd. Murphy & Dunbar
Solicitors for the
Plaintiffs

This Writ is issued by Messrs. MURPHY & DUNBAR of 1901 Hong Leong Building, Raffles Quay, Singapore, solicitors for the said plaintiff whose address is at Block 8, 38-P French Road, Singapore.

This writ was served by me,

- by
- (* Delete whichever is not applicable)
- * by way of personal service on the Defendant,
- * who is known to me
- * who was pointed out to me by
- * who admitted to me that he/she was
- * in accordance with the terms of the Order herein for substituted service by

50

(Place) at
on the day of 198 .
Indorsed the day of 198 .

Process Server

No. 2

In the High
Court

STATEMENT OF CLAIM

No.2
Statement of
Claim

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

13th February
1978

Suit No.443 of 1978

Writ issued on 13th day of February 1978

Between

TAN CHWEE ANG Plaintiff

And

HSIA KHO ING Defendant

10

STATEMENT OF CLAIM

1. On or about the 2nd day of September 1975 the Plaintiff was riding motor cycle No. SAL 3749 along Paya Lebar Way intending to turn right into Aljunied Road when he was run into and knocked down by motor car No. SM 1371D which was travelling along Paya Lebar Way towards Paya Lebar Road, Singapore.

2. The said collision was caused solely by the negligence of the Defendant.

20

PARTICULARS OF NEGLIGENCE

- (a) Failing to keep any or any proper lookout.
- (b) Driving at an excessive speed in the circumstances.
- (c) Failing to observe the presence of the Plaintiff on his motor cycle on the highway.
- (d) Driving into the Plaintiff.
- (e) Failing to conform to the traffic lights which were red against him
- (f) Failing to stop, swerve, slow down or otherwise avoid the said collision.

30

3. By reason of the aforesaid negligence the Plaintiff has suffered injuries has endured pain and has been put to loss and expense.

In the High
Court

No.2
Statement of
Claim

13th February
1978

(continued)

PARTICULARS OF PERSONAL INJURIES

1. Simple fracture of the shaft of the left femur.
2. Compound fractures of his left tibia and fibula. The compound wound measured 4 cm in length.
3. Fractures around his left ankle joint involving the medial malleolus and the shaft of the fibula.

The fracture of the shaft of the left femur was operated on. After reduction the fracture was fixed internally with an intra-medullary Kuntascher nail. The fracture of the medial malleolus was reduced and fixed with a screw. The fracture of the fibula was reduced and fixed with a plate. He was re-admitted to the hospital on 6.7.77 and on the following day the Kuntscher nail, the screw and plate were removed from the left femur and left ankle. When seen on 9.9.77 the following were noted :-

He walks with a limp on the left side. He is able to manage stairs comfortably. He is unable to squat beyond 100°. He has 2.2 cm. of shortening of the left lower limb due to the fractures of his left tibia and left femur. The lower half of the left leg is curved medially and there is some prominence of the medial malleolus in the region of his ankle joint.

In the upper part of his left thigh, there is a scar measuring 12 cm x 14 cm due to pigmentation from the original abrasions. Similar areas of pigmentation measuring 14 cm x 13 cm are seen on the lateral side of his left leg. In the area of his buttock there is a 9 cm x 18 cm scar also associated with pigmentation. There are operative scars measuring 13 cm and 4 cm on the lateral aspect of his left thigh and left buttock. In the region of the ankle there are two operative scars measuring 7 cm and 14 cm on the medial and lateral aspects of his left ankle joint. Movements of his left hip are full except for about 25° loss of internal rotation and 10° loss of external rotation. Flexion of his left knee joint is also restricted by about 15°. At his left ankle joint, dorsiflexion of the ankle is restricted by about 15° and plantar flexion by about 10°. There is also some

In the High
Court

No.3
Defence

15th May 1978

No. 3

DEFENCE

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Suite No.443 of 1978

Between

TAN CHWEE ANG Plaintiff

And

HSIA KHO ING Defendant

DEFENCE

1. The Defendant admits that on the date and at the place mentioned in the Statement of Claim a collision occurred between a motor cycle driven by the Plaintiff and a motor car driven by the Defendant. Save as aforesaid paragraph 1 of the Statement of Claim is denied. 10
2. The Defendant denies that he was guilty of the alleged or any negligence or that the matters complained of were caused as alleged in the Statement of Claim. 20
3. Further or alternatively the said matters were caused wholly or in part by the Plaintiff's negligence.

PARTICULARS

- (a) Failing to keep any or any proper lookout or to observe or heed the presence or approach of the Defendant's motor car.
 - (b) Driving too fast.
 - (c) Turning right in the face of the Defendant's oncoming motor car. 30
 - (d) Failing to apply his brakes in time or at all or so to steer or control his motor cycle as to avoid the collision.
4. No admission is made as to the alleged or

any injuries loss or damages.

Dated and Delivered this 15th day of May, 1978.

Sgd. Chan, Goh & Co.

Solicitors for the Defendant.

In the High Court

No.3
Defence
15th May 1978
(continued)

To: Messrs. Murphy & Dunbar,
Solicitors for the Plaintiff,
Singapore.

10

No. 4

EVIDENCE OF TAN CHWEE
ANG

IN THE HIGH COURT IN SINGAPORE
Suit No. 443 of 1978

Between

TAN CHWEE ANG

Plaintiff

And

HSIA KHO ING

Defendant

Coram: Choor Singh J.

Plaintiff's
Evidence

No.4
Tan Chwee Ang
Examination
8th February
1980

20

NOTES OF EVIDENCE

Friday, 8th February 1980

Karuppan Chettiar
Cheong Yuen Hee

Damages agreed at \$21,500/-
Only issue is liability.
Agreed Bundle marked AB.1 to
AB.13.

P.W.1 Tan Chwee Ang, affd.

30

I live at 31-B, Block 8, French Road,

In the High Court

Plaintiff's Evidence

No.4

Tan Chwee Ang Examination

8th February 1980

(continued)

S'pore. Lift mechanic.

On 2.9.75 I was riding my m/cycle No. SAL.3749 along Paya Lebar Way in the direction of Aljunied Rd. At the junction of Aljunied Rd I intended to turn right into Aljunied Rd. When I reached the junction, the lights were green. I stopped beyond the stop line. I waited for the green arrow. When the traffic light changed to green arrow I proceeded to turn right. As I was turning I saw a car coming from the opposite direction. It did not stop. I expected it to stop. It came and knocked into me. I was thrown off and lost consciousness. I was injured.

10

Cross-examination

Xxd.

Q. What was your speed as you approached this junction?

A. At 10 m.p.h.

Q. In which lane were you travelling as you approach the junction?

20

A. In the lane nearest to the road divider.

Q. Any vehicle directly in front of you? Travelling in the same direction?

A. No.

Q. When you stopped, were there vehicles coming from opposite direction?

A. Yes.

Q. How many came from opposite direction when you stopped?

A. Four or five.

30

Q. Look at A.B.2?

A. Yes.

Q. Any of those 4 or 5 travelled along lane N to J?

A. No.

Q. They went along centre lane?

A. Yes.

Q. Would you agree that you would naturally stop further up and wait?

A. No.

40

Q. I put it to you there was a lorry in front of you also waiting to turn right?

A. It was behind me.

Q. You remember its number?
A. No.
Q. Was it not XA 52 K?
A. I don't know.
Q. I put it to you that in your hurry to cross the road you shot out from behind the lorry?
A. No.
Q. The traffic lights were still green?
10 A. Yes.
Q. How far was defd.'s car from you as you moved to turn right?
A. The length of four or five cars.
Q. Did defd. slow down?
A. This took place some time ago. I think it did slow down.
Q. Was defd.'s car the only vehicle coming from opposite direction?
A. I am not sure whether there were other
20 vehicles behind defd.
Q. Look at A.B.5 - your police report?
A. Yes. I told the police that I had stopped. That is not recorded.

No re-exam.

By me
Sgd. CHOOR SINGH

- Case for the pltf. -

In the High
Court _____
Plaintiff's
Evidence
No.4
Tan Chwee Ang
Cross-
examination
8th February
1980
(continued)

In the High Court

No. 5

Defendant's Evidence

EVIDENCE OF YEO AH BEE

No.5
Yeo Ah Bee
Examination
8th February
1980

D.W.1 Sgt.8067 Yeo Ah Bee, affd.

On 2.9.75 I was attached to Sepoy Lines Traffic Accidents Branch of Traffic Police. On that day at 7 p.m. I was notified of this accident. I proceeded to the scene. Took measurements. Prepared sketch plan. Recorded statements from drivers of both vehicles on 5.9.75. Driver of car told me that m/cyclist came out from behind a lorry. He gave me number of the lorry. 10

Cross-examination

Xxd.

Q. Did the driver of the car - the defd. - tell you that he stopped at this junction because the lights were against him?

A. No.

Q. Can you please produce the defd.'s statement?

A. Yes (Statement read by me and returned to witness) 20

No re-exam.

By me

Sgd. CHOOR SINGH

Hsia Kho Ing
Examination

D.W.2 Hsia Kho Ing, affd.

I live at 407-J, Block 98, Aljunied Way, S'pore. I am a sub-contractor.

On 2.9.75 at 7 p.m. I was driving m/car SM 137D along Paya Lebar Way going towards Paya Lebar Rd. I was sending some of my workers home. Seated beside me was Soh Eng Tiang (identified). There were three lanes on my side of the road. My car was travelling in the centre lane. I was doing 30 m.p.h. as I approached the junction. The lights were green as I approached the junction. There was no vehicle directly in front to me. There was a lorry stationary in the centre of the junction. It was waiting to make a right turn. A m/cycle came behind the lorry from its offside. It was intending to turn right. I could not stop in time. I knocked into the m/cycle. I did apply my brakes but could not avoid the impact. The lorry made 30 40

a right turn and stopped at the side of the road. The driver had a quick look and then drove off. I did not notice number of the lorry but I told my workers to note the number of the lorry. Later I gave the number to the police.

In the High Court

Defendant's Evidence

No.5

Hsia Kho Ing Examination

8th February 1980

(continued)

Cross-examination

Xxd. by Karuppan

- 10 Q. When you first noticed the traffic lights how far were you from the junction?
- A. When I first saw the lights they were red. When I was about 10 car lengths from the junction the lights turned green.
- Q. You told the police that the lights turned green when you were two car lengths away?
- A. I can't remember.
- Q. Were the lights still red when you arrived at stop line?
- A. No.
- 20 Q. Look at this statement recorded by the police (Ex.P.1). You say you were two car lengths from the junction when the lights turned green? See second paragraph?
- A. I did not personally write this statement.
- Q. You gave this statement to D.W.1?
- A. Yes.
- Q. What language did you speak?
- A. Hokkien.
- Q. You understood him well?
- A. Yes.
- 30 Q. The sergeant has recorded that you told him that you were two car lengths away when lights turned green?
- A. I spoke to him. He wrote my statement. Then I signed it.
- Q. Before you signed, it was explained to you?
- A. Yes.
- Q. You were satisfied and so you signed?
- A. Yes.
- 40 Q. You gave this statement within three days of the accident?
- A. Yes.
- Q. You must have been coming to a stop when the lights changed green when two car lengths away?

In the High Court

Defendant's Evidence

No.5

Hsia Kho Ing
Cross-examination

8th February
1980

(continued)

- A. As far as I know I did not travel fast, between 20 and 30.
- Q. You told the sergeant it was 30 m.p.h.?
- A. I did not look at the speedometer.
- Q. You did not reduce speed?
- A. I slowed down a little.
- Q. After slowing down, what was your speed?
- A. The road is straight. I was travelling quite fast. But nearing the junction I slowed. It was between 20 and 30 after slowing down. 10
- Q. When did you first notice the lorry in centre of the road?
- A. When I was nearing the junction.
- Q. Did you see the lorry moving and coming to a stop?
- A. Yes.
- Q. Where did lorry stop?
- A. At the centre.
- Q. Any other vehicle apart from that lorry? 20
- A. No.
- Q. Any vehicle on your left?
- A. I am not sure.
- Q. On your right?
- A. I am not sure.
- Q. You were the only one in centre lane?
- A. No vehicle in front of me. There were a few behind me.
- Q. You say that you saw m/cycle overtaking lorry? 30
- A. It come from behind lorry.
- Q. Was lorry stationary when m/cycle was turning?
- A. Yes.
- Q. The m/cycle was on the offside of the lorry?
- A. Yes.
- Q. When you first noticed the m/cycle how far were you from stop line?
- A. I did not see the m/cycle. It came speeding. When m/cycle emerged, I had passed the stop line. 40

	Q. How is it that you had a 45 ft. long, brake mark? Look at the brake mark.	In the High Court
	A. I applied my brakes.	Defendant's Evidence
	Q. When did you apply brakes?	No.5
	A. I had gone past the stop line.	Hsia Kho Ing
	Q. Did you swerve to your left on seeing the m/cycle?	Cross-examination
	A. The accident took place very fast. Don't know if I swerved. I quickly applied my brakes.	8th February 1980
10	Q. Did you sound your horn?	(continued)
	A. No.	
	Q. I put it to you that the traffic lights having changed to amber, changed red before you passed the stop line?	
	A. No.	
	Q. You know this road well?	
	A. Yes.	
	Q. There are filter lights on both sides?	
20	A. I am not sure.	
	Q. You took a chance to rush through even though the lights were red?	
	A. No.	
	Q. Did the lorry play a part in this accident?	
	A. Yes.	
	Q. You made a report to the police on the same day?	
	A. Yes.	
	Q. A.B.6 and 7	
30	A. Yes.	
	Q. You read and write English?	
	A. Yes.	
	Q. Nowhere in the Report have you mentioned a lorry?	
	A. I was told the lorry was not involved in the accident. I was trying to explain that a lorry had obstructed my view, but the police told me it was not involved.	
40	Q. Look at the sketch plan drawn at bottom of your Report. You have not shown the lorry?	
	A. It is my neglect. The truth is there was a lorry.	

In the High
Court

Defendant's
Evidence

No. 5
Hsia Kho Ing
Cross-
examination
8th February
1980

(continued)

Q. After the accident, did you discuss this
matter with your lawyer?

A. No.

No re-exam.

By me

Sgd. CHOOR SINGH

- Case for the defd. -

Cheong heard
Karuppan heard

ORDER: Judgment for the pltf. in the sum of 10
\$21,500 and costs as taxed. Usual
order for payment to the P.T. and
payment of costs by the P.T.

Certified true copy.

Sgd. CHOOR SINGH

Signed.

Private Secretary to Judge
Court No. 6
Supreme Court, Singapore.

No. 6

In the High
Court

JUDGMENT

No.6
Judgment

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

8th February
1980

Suit No.443 of 1978

Between

TAN CHWEE ANG Plaintiff

And

HSIA KHO ING Defendant

J U D G M E N T

10 The 8th day of February 1980

This action having been tried before the Honourable Mr. Justice Choor Singh on the 8th day of February 1980 in the presence of counsel for the Plaintiff and for the Defendant

IT IS ADJUDGED that the defendant do pay the Plaintiff the sum of \$21,500-00 by way of damages.

20 AND IT IS ORDERED that the said sum of \$21,500 be paid by the Defendant to the Public Trustee in trust for the Plaintiff.

AND IT IS FURTHER ORDERED that the Plaintiff's costs of this action as between party and party be taxed and paid by the Defendant to the Public Trustee in trust for the Plaintiff.

30 AND IT IS LASTLY ORDERED that the Plaintiff's costs chargeable on a solicitor and client basis be taxed and paid by the Public Trustee to the Plaintiff's solicitors out of the Plaintiff's monies.

Entered this 5th day of May 1980 in
Volume 219 Page 113 at 3-20 p.m.

Sgd. Ng Peng Hong
ASST. REGISTRAR

In the High
Court

No. 7

GROUNDS OF JUDGMENT

No.7
Grounds of
Judgment

IN THE HIGH COURT IN SINGAPORE

17th April 1980

Suit No.443 of 1978

Between

TAN CHWEE ANG Plaintiff

And

HSIA KHO ING Defendant

Coram: Choor Singh J.

GROUNDS OF JUDGMENT

10

The plaintiff's claim in this case was for damages for personal injuries and consequential loss suffered by him and caused by the negligence of the defendant on the 2nd day of September 1975 when the Plaintiff was knocked down by a car driven by the defendant at the junction of Paya Lebar Way and Aljunied Road, Singapore.

The plaintiff gave evidence on oath. He stated that on the 2nd September 1975 he was riding a motor-cycle along Paya Lebar Way and proceeding in the direction of Aljunied Road. At the junction of Aljunied Road with Paya Lebar Way he intended to turn right into Aljunied Road. When he reached the junction the traffic lights were green and he stopped a little beyond the stop-line and waited there for the traffic lights to show the green arrow which would permit him to turn right. When the traffic lights showed the green arrow he proceeded to turn right into Aljunied Road. As he was turning he saw a car coming from the opposite direction. He expected the car to stop because he had the right of way. The car failed to stop and collided into him. He was thrown off his machine and lost consciousness.

20

30

Under cross-examination it was put to the plaintiff that there was a lorry in front of him also waiting to turn right into Aljunied Road. The plaintiff stated that the lorry was behind him and that he was waiting slightly in front of it. It was suggested to him that in his hurry to cross the junction he shot out

40

from behind the lorry. The plaintiff denied this.

In the High Court

No.7
Grounds of Judgment

17th April
1980

(continued)

10 The defendant also gave evidence on oath. He stated that on the day and time in question he was driving his car along Paya Lebar Way and proceeding towards Paya Lebar Way. He was driving in the middle lane at about 30 m.p.h. when he approached the junction where the accident took place. He stated that the traffic lights were green as he approached the junction and that there was no vehicle in front of him but there was a lorry stationary in the kerb of the junction. The lorry was waiting to make a right turn. He claimed that the motor-cycle came from behind the lorry on its offside intending to turn right. He could not stop in time and collided into the motor-cycle.

20 Under cross-examination the defendant stated that he did not see the motor-cycle until it came into the junction from the offside of the lorry. He claimed that when the motor-cycle emerged he had already passed the stop-line and on seeing the motor-cycle he applied his brakes.

30 It was put to the defendant that the traffic lights having changed to amber, changed to red before he passed the stop-line and that he took a chance to rush through the junction even though the lights were red. The defendant denied this.

The sketch plan drawn by the police showed that the defendant's car left brake marks 14 metres long which amount to approximately 46 ft. If the length of the car which was approximately 15 ft. is added to the brake marks it makes a total distance of 61 ft. This means that the car travelled 61 ft. on seeing the motor-cycle before it could pull up.

40 I accepted the evidence of the plaintiff because in my opinion he was speaking the truth. In my opinion there was a failure on the part of the defendant to keep a proper lookout. Furthermore, the plaintiff had the right of way. The length of the brake marks also indicated that the defendant was travelling at speed and it was more probable than not that he tried to rush through the junction when the traffic lights were against him. In my opinion he was solely responsible for the accident and there was no
50 evidence of negligence on the part of the plaintiff.

In the High
Court

No.7
Grounds of
Judgment

17th April
1980

(continued)

The parties having agreed damages at \$21,500 I entered judgment for the plaintiff against the defendant in the sum of \$21,500 and costs as taxed. I made the usual order for payment to the Public Trustee and payment of costs by the Public Trustee.

Dated this 17th day of April 1980

Certified true copy
Signed.

Sd. Choor Singh J
J U D G E

Private Secretary to Judge
Court No. 6
Supreme Court, Singapore.

10

In the Court
of Appeal

No.8
Certificate
for Security
for Costs

29th February
1980

No. 8

CERTIFICATE FOR SECURITY
FOR COSTS

IN THE COURT OF APPEAL IN SINGAPORE
CIVIL APPEAL NO. 21 OF 1980

Between

HSIA KHO ING

Appellant

And

TAN CHWEE ANG

Respondent

20

IN THE MATTER OF SUIT NO.443 OF 1978

Between

TAN CHWEE ANG

Plaintiff

And

HSIA KHO ING

Defendant

CERTIFICATE FOR SECURITY FOR COSTS

This is to certify that Hsia Kho Ing the abovenamed Appellant has deposited the sum of Dollars Five Hundred (\$500-00) only by way of security for the Respondent's cost of Appeal with the Accountant-General of Singapore

30

Dated this 29th day of February 1980

Signed
ASST. REGISTRAR

No. 9

In the Court
of Appeal

NOTICE OF APPEAL

IN THE COURT OF APPEAL IN SINGAPORE
CIVIL APPEAL NO. 21 OF 1980

No.9
Notice of
Appeal
29th February
1980

Between
HSIA KHO ING Appellant
And
TAN CHWEE ANG Respondent

IN THE MATTER OF SUIT NO.443 OF 1978

10

Between
TAN CHWEE ANG Plaintiff
And
HSIA KHO ING Defendant

NOTICE OF APPEAL

20

TAKE NOTICE that the Appellant who is the Defendant in this action being dissatisfied with the decision of The Honourable Mr. Justice Choor Singh at Singapore on the 8th day of February 1980 appeals to the Court of Appeal against the whole of the said decision.

Dated the 29th day of February, 1980

Signed. Chan, Goh & Co.

Solicitors for the
Appellant

TO: The Registrar,
Supreme Court,
Singapore.

30

The Solicitors for the Plaintiff/Respondent,
Messrs. Murphy & Dunbar,
Singapore.

The address for service of the Appellant is at care of M/s. Chan, Goh & Company of 904, 9th Floor, Maxwell House, Maxwell Road, Singapore.

In the Court
of Appeal

No. 10

PETITION OF APPEAL

No.10
Petition of
Appeal

IN THE COURT OF APPEAL IN SINGAPORE

16th May 1980

CIVIL APPEAL NO. 21 OF 1980

Between

HSIA KHO ING Appellant

And

TAN CHWEE ANG Respondent

IN THE MATTER OF SUIT NO.443 of 1978

Between

TAN CHWEE ANG Plaintiff

And

HSIA KHO ING Defendant

10

PETITION OF APPEAL

To the Honourable the Judge of the Court of
Appeal.

The Petition of the abovenamed Appellant
showeth as follows :-

1. The Appeal arises from a claim for damages
for personal injuries and consequential loss
suffered by the Respondent and alleged to be
caused by the negligence of the Appellant on the
2nd day of September, 1975, when the Respondent
was knocked down by a car driven by the
Appellant at the junction of Paya Lebar Way and
Aljunied Road, Singapore.

20

2. By judgment dated the 8th day of February,
1980, judgment was given for the Respondent/
Plaintiff in the sum of \$21,500-00 and costs.

3. Your Petitioner is dissatisfied with the
said judgment on the following grounds :-

30

(a) The learned trial judge erred in law
and in fact in concluding from the
length of the brake marks that the
Appellant was travelling at speed and
was trying to rush through the
traffic lights.

(b) The learned trial judge erred in law and in fact in holding the Appellant wholly negligent against the weight of the evidence.

In the Court
of Appeal

No.10
Petition of
Appeal

4. Your Petitioner prays that such judgment may be reversed.

16th May 1980

(continued)

Dated the 16th day of May, 1980

Sgd.Chan,Goh & Co.

Solicitors for the
Appellant

10

No. 11

JUDGMENT

No.11
Judgment

4th August
1980

IN THE COURT OF APPEAL IN SINGAPORE

CIVIL APPEAL NO. 21 OF 1980

Between

HSIA KHO ING Appellant

And

TAN CHWEE ANG Respondent

IN THE MATTER OF SUIT NO.443 of 1978

20

Between

TAN CHWEE ANG Plaintiff

And

HSIA KHO ING Defendant

CORAM:- THE HONOURABLE THE CHIEF JUSTICE
MR. JUSTICE WEE CHONG JIN
THE HONOURABLE MR. JUSTICE KULASEKARAM
THE HONOURABLE MR. JUSTICE A.P. RAJAH

J U D G M E N T

THE 4th DAY OF AUGUST, 1980

30

This Appeal against the decision of The Honourable Mr. Justice Choor Singh given on the 8th day of February, 1980 coming on for hearing this day in the presence of Mr. Cheong Yuan Hee Counsel for the Appellant and Mr. Karuppan for

In the Court
of Appeal

No.11
Judgment
4th August
1980
(continued)

the Respondent AND UPON READING the Record
of Appeal AND UPON HEARING Counsel aforesaid
IT IS THIS DAY ADJUDGED :-

1. That the Appeal be allowed with costs in
this Court of Appeal and in the Court below;
2. That the deposit in the sum of \$500-00
as security for costs of the Appeal be paid out
to the Appellant's Solicitors Messrs. Chan,
Goh & Company by the Accountant General of
Singapore.

10

Given under my hand and Seal of the Court
the 6th day of September 1980.

Sgd. Ng Peng Hong
ASSISTANT REGISTRAR

No.12
Order granting
Leave to
Appeal to the
Judicial
Committee of
the Privy
Council
13th October
1980

No. 12

ORDER GRANTING LEAVE TO
APPEAL TO THE JUDICIAL
COMMITTEE OF THE PRIVY
COUNCIL

IN THE COURT OF APPEAL IN SINGAPORE
CIVIL APPEAL NO. 21 OF 1980

20

Between
HSIA KHO ING Appellant
And
TAN CHWEE ANG Respondent

IN THE MATTER OF SUIT No.443 of 1978

Between
TAN CHWEE ANG Plaintiff
And
HSIA KHO ING Defendant

30

ORDER OF COURT

CORAM:- THE HONOURABLE THE CHIEF JUSTICE
MR. JUSTICE WEE CHONG JIN

THE HONOURABLE MR. JUSTICE F.A.CHUA and
THE HONOURABLE MR. JUSTICE CHHOR SINGH

In the Court
of Appeal

IN OPEN COURT

No.12
Order granting
Leave to
Appeal to the
Judicial
Committee of
the Privy
Council

10

UPON MOTION preferred into the Court by
Counsel for the above-named Respondent coming
on for hearing this day in the presence of
Counsel for the abovenamed Appellant AND UPON
READING the Notice of Motion dated the 1st day
of September 1980 and the affidavit of Tan
Chwee Ang filed herein on the 1st day of
September 1980 THIS COURT DOETH GRANT LEAVE under
Section 3(1)(a) of the Judicial Committee Act
(Cap.8) upon the usual terms of appeal to the
Judicial Committee of Her Britannic Majesty's
Privy Council against the whole of the Judgment
of the Court of Appeal delivered herein at
Singapore on the 4th day of August 1980.

13th October
1980

(continued)

Dated the 13th day of October 1980

Sd: Yap Chee Leong

ASST. REGISTRAR

EXHIBIT

AB1
Key to plan

EXHIBIT

AB1
KEY TO PLAN

Our ref: 24940/10/75
Your ref: RKC/HOW/TKH/
803/75

I.P. No. 75/06474/4

Key To Plan

<u>Sr.Letters</u>	<u>Alleged Occurrence</u>	<u>Authority Remarks</u>	
A & B	Left and right edges of Aljunied Road as one faces towards MacPherson Road.		10
C & D	Road divider.		
E, L & M	Broken white lines.		
F	Single white line		
G & H	Left and right edges of Paya Lebar Way as one faces towards Paya Lebar Road		20
J & K	Road divider		
N	Stop line		
O	M/car SM.1371 (measurements: 4m 22cm x 1m 58cm)		
P & Q	Offside, Front and rear edges of m/car SM.1371		
R	Rear nearside edge of m/car SM.1371		
S & T	Brake marks (length: 14m respectively)		30
U	M/cycle SAL.3749 (length: 1m 60cm)		
V & W	Front and rear edges of m/cycle SAL.3749		
X	Scratch marks (length: 5m 82cm) leading to Front edge of m/cycle SAL,3749		
Y	Broken glasses and plastics		
Z	Traffic lights consist of filter lights		40

Measurements

A to C	.....	12m 60cm
C to D	.....	51cm
D to E	.....	3m 82cm
E to F	.....	4m 28cm
F to B	.....	3m 89cm
G to L	.....	4m 10cm

Measurements (cont'd)

EXHIBIT

AB1
Key to plan
(continued)

10

L to M	.....	3m 28cm
M to J	.....	3m 28cm
J to K	.....	2m 57cm
K to H	.....	11m 56cm
N to A	.....	6m 18cm
P to J	.....	6m 08cm
Q to J	.....	5m 90cm
Q to A	.....	12m 05cm
S to T	.....	1m 23cm
V to J	.....	9m 75cm
V to B	.....	8m 80cm
X to R	.....	20cm

CERTIFIED TRUE COPY

Sd:

Officer in Charge
Traffic Accidents Investigation Section
Sepoy Lines Police Station,
Singapore 2.

20

Sd:

Yeo Ah Bee, SGT. 8067

Sketch Map of Traffic Accident Location at Junction of
Aljunied Road & Raya Lebar Rd.

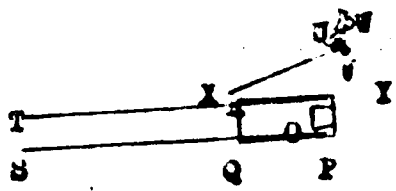
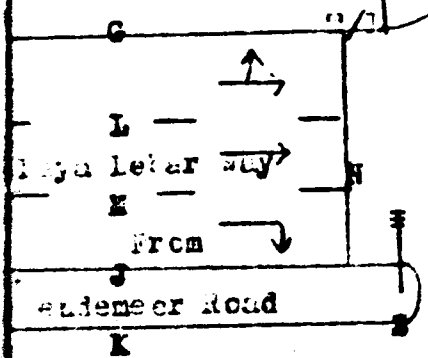
On Ref. 24174/17
Your Ref: RICG/Haw/TICB-
803/75

1. 7/2017/13.

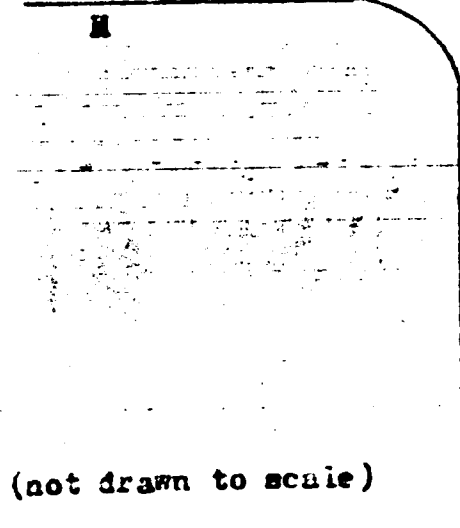
Exhibit
Key to Plan
and Plan
(Continue)

ity
9.

Aljunied Road
to
Raya Lebar Road



Raya Lebar way
to
Raya Lebar way



CERTIFIED TRUE COPY

Amur
Officer-in-Charge

Traffic Accidents Investigation Section,
Serpong Police Station,
Singapore 2.

AB
.....
(100 Aljunied, Singapore 2)

39
14

156
39

45

EXHIBIT

AB3

LETTER, GOVERNMENT OF
SINGAPORE TO MURPHY &
DUNBAR

GOVERNMENT OF SINGAPORE

Your ref:RKC/HOW/TKH/803/75
Our ref: TAS/L/G/24940/10/75
IP 75/06474/4/8067

10 Date: 10 Nov. 75

Officer-in-Charge
Traffic Accidents Investiga-
tion Section,
Sepoy Lines Police Station,
Singapore 2.

M/s Murphy & Dunbar
Advocates & Solicitors
Singapore

Dear Sirs

20 ACCIDENT INVOLVING SM 1371D & SAL 3749 ON
2 SEP 75

1. Further to my letter dated 4.11.75, the
damage to the vehicles is as follows :-

- 30 SM 1371D - "Front nearside grille and
bumper dented;
Front nearside headlamps and
signal lamps broken;
Front nearside mudguard
bulged;
Front nearside lining came
off;
Front nearside door dented."
- 40 SAL 3749 - "Nearside petrol tank dented;
Nearside wind box and
battery box dented;
Nearside footrest bent
backwards;
Offside footrest bent back-
wards and scratched;
Offside front and rear signal
lamps broken."

2. I enclose herewith a certified copy of
report No.44486 lodged by the rider of SAL 3749.
This report is paid for against your credit

EXHIBIT

AB3

Letter,
Government of
Singapore to
Murphy &
Dunbar

10th November
1975

EXHIBIT

AB3
Letter,
Government of
Singapore to
Murphy &
Dunbar

10th November
1975

(continued)

balance of \$5.00 in your favour vide your
MA/MT/769/75/HCW and our letter TAS/L/G/24940/
7/75 dated 4.11.75.

Yours faithfully,

Sd:

WAN KUN CHEE
for OC ACCIDENTS INVESTIGATION SECTION

/cck

AB4
Police Accident
Report

EXHIBIT
AB4
POLICE ACCIDENT REPORT

10

Notes:

No. 848657 4

1. In this form whenever
such boxes
appear, put a cross
neatly in the appro-
priate box.

POLIS REPABLIK
SINGAPURA

2. This symbol / indicates
that inapplicable word
following the symbol
should be deleted.

REPORT OF A TRAFFIC
ACCIDENT
OFFENCE

20

For Police use only

Station of
SEPOY LINES
POLICE STATION

Date and time report made
(illegible)

Report No.
44486

Station diary No.
1337

Offence T/Accident

Name and address of
owner of vehicle:

Checked by

(Initials/date)

30

O.C.
B1 \$

B2\$

(Comp.Officer)

PARTICULARS OF INFORMANT

Informant's
Name

Informant's
Home Address

Home Tel.

Age

Tan Chwee Ang

Blk 8, 38P
French Rd

-

26

Sex
Male X Female
~~/Singapore/Malaysia~~ NRIC No.
& Official Ref: 1045016/J

EXHIBIT
AB4
Police Accident
Report
(continued)

Informant's Office Address Office Tel.

Occupation: Lift repairer

PARTICULARS OF VEHICLE FOR WHICH THIS
REPORT IS MADE

10 Vehicle Registration No. AL.3749D
Type (eg. Saloon, Van etc.) Bike
Make: Yamaha Colour: Green
Unladen Weight Is vehicle carrying
(for lorries, vans) passengers at time of
accident?
Yes No.

Name and address of owners of vehicle:
Informant

20 State whether carrying side car or trailer:
Not Carrying Carrying
applicable Trailer side car

Name of Insurance Company:
illegible

Insurance Certificate No.: 8D/75V -111715 - MT

Date of expiry of Insurance Cert. 9/8/76

Is anyone injured?

Yes ✓

No

Not known

PARTICULARS OF OTHER VEHICLE/S INVOLVED

30 Veh. Reg. No. Type Make Colour Damage
? Illegible Brief
Details

EXHIBIT
AB4
Police Accident
Report

PARTICULARS OF DRIVER/RIDER OF VEHICLE FOR
WHICH THE REPORT IS MADE (Write 'Informant'
against name and address if driver/rider
is the informant)

(continued)

/Singapore/Malaysia NRIC No.
& Official Ref.

Driving Licence No.:

Name:

Address: Informant

Age: Sex 10
Male Female

Licence: Driver/Rider is holding:

Unexpired DL	Unexpired PDL X	Expired DL	Expired PDL
-----------------	--------------------	---------------	----------------

No Date of expiry
Licence of Licence:

5/9/75

Date of accident: 2/9/75 Time: 1845

Day (e.g.Monday):

Hit and Run: Yes No 20

Location:

Accident occurred on (state road):

Paya Lebar Way
at (milestone).....

at the stretch of road
between the road named.....
and the road named.....

If accident happened at a junction,
state the names of the road forming the
junction: 30

City illegible Road

Other details that may help in a more
accurate description of the location:

Accident occurred on a:

01	Bend	07	X junction
02	Bridge	08	Y junction
03	Car Park	09	Roundabout
04	Flyover	10	Straight Road
05	Gradient	11	Private Property
06	T junction		

Traffic Condition:	Traffic Arrangement:	EXHIBIT
1 Not controlled	1 One way	AB4
2 Pedestrian crossing	2 Two way	Police Accident Report
3 Policeman controlled	3 Dual carriageway	(continued)

	4 School warden crossing	Traffic Volume:
10	5 Temporary traffic light/beacon	1 Heavy
	6 Traffic light operating correctly	2 Moderate
	7 Traffic light operating incorrectly	3 Light
		4 No traffic

	Type of Collision:	
20	01 Head on	07 Against stationary or parked vehicle
	02 Head to side	
	03 Head to rear	08 Against stationary object
	04 Side swipe from opposite direction	09 Left the roadway
	05 Side swipe from same direction	10 Overturn on roadway
	06 Against pedestrian	11 Other, Specify

30 Details (including extent of damage, if any, and a sketch plan in all cases of alleged dangerous or inconsiderate driving) ENDING WITH SIGNATURE OF INFORMANT

40 At about 1845 hrs 2/9/75 I was riding my bike AL.3749D travelling along Paya Lebar Way proceeding towards Aljunied Rd from the direction of Paya Lebar Rd. At the junction of Aljunied Rd & P/Lebar Way, the traffic light was in my favour. When I proceed on and making a right turn into Aljunied Rd an oncoming m/car came from an under construction new road knocked me down. I was unconscious after accid.

Sd:
Signature of Officer, recording report
Sd:
Rank No.

EXHIBIT
AB4

Signature of Interpreter (if any)

Police
Accident Report
(continued)

Rank No.

Language spoken

FOR POLICE USE ONLY

Whether insurance covers driver/rider

Yes No

Licence held for Class 1 2 3 4 5

CERTIFIED TRUE COPY

Sd:

Officer-in-Charge
Traffic Accidents Investigation Section,
Sepoy Lines Police Station,
Singapore

10

Notes:

- 1. In this form whenever such boxes appear, put a cross neatly in the appropriate box.
- 2. This symbol / indicates that inapplicable word following the symbol should be deleted.

No. 583598 6

POLIS REPABLIK
SINGAPURA

REPORT OF A TRAFFIC
ACCIDENT ✓
OFFENCE

EXHIBIT

AB4
Police Accident
Report

(continued)

10

FOR POLICE USE ONLY

Station of
Beach Road Police
Station

Date and time report made

2.7.75 2050

Report No. Station diary No.
36866 317

Offence: T/Accident

Name and address of
owner of vehicle: Hsia Kho Ing

20

Checked by (initials/date)

O.C.
Bl § B2§ (Comp.Officer)

PARTICULARS OF INFORMANT

Informant's Name:	Informant's Home Address:	Home Tel.	Age
Hsia Kho Ing	Blk 98 407-J Aljunied Way	496253	22

Sex: Male ✓ Female

30

/ Singapore/Malaysia NRIC No.
& Official Ref: 6283047-f

Informant's Office Address: 93-B Gay World Park

Office Tel: 494909

Occupation:

PARTICULARS OF VEHICLE FOR WHICH THIS
REPORT IS MADE

Vehicle Registration No.: SM. 1371-D

Type (eg. Saloon, Van etc.) m/car

Make: Colour: White

40

Unladen Weight
(for lorries, vans)

EXHIBIT

AB4

Police Accident Report

(continued)

Is vehicle carrying passengers at time of accident? Yes No

Name and address of owners of vehicle:
Hsia Kho Ing

State whether carrying side car or trailer:

Not applicable Carrying Trailer Carrying side car

Name of Insurance Company: Weller-Poley Underwriting Agencies

Insurance Certificate No.: 4/MOOL/PC/0176 10

Date of expiry of Insurance Cert. 27.11.75

Is anyone injured?

Yes

No

Not known

PARTICULARS OF OTHER VEHICLE/S INVOLVED

Veh.Reg.No.	Type	Make	Colour	Damage Brief Details
-------------	------	------	--------	----------------------

SAL 3749	m/cycle		?	
----------	---------	--	---	--

20

PARTICULARS OF DRIVER/RIDER OF VEHICLE FOR WHICH THE REPORT IS MADE (Write 'Informant' against name and address if driver/rider is the informant)

~~/~~-Singapore/Malaysia NRIC No. & Official Ref. 6283047-f

Driving Licence No.: 6283047-f

Name: as above

Address: as above

Age: 22 Sex: Male Female 30

Licence: Driver/Rider is holding:

Unexpired DL	Unexpired PDL	Expired DL	Expired PDL
--------------	---------------	------------	-------------

No Licence Date of expiry of Licence: 30 June 1977

Date of accident: 2.9.75 Time: 1850 pm

Day (e.g. Monday): Tuesday

Hit and Run: Yes No

Location:

EXHIBIT

Accident occurred on (state road):

AB4
Police Accident
Report

Aljunied Rd & Paya Lebar

at (milestone).....

(continued)

at the stretch of road
between the road named.....

and the road named.....

If accident happened at a junction,
state the names of the road forming the
junction:

10

Other details that may help in a more
accurate description of the location:

Accident occurred on a :

- | | | | |
|----|------------|----|------------------|
| 01 | Bend | 07 | X junction |
| 02 | Bridge | 08 | Y junction |
| 03 | Car Park | 09 | Roundabout |
| 04 | Flyover | 10 | Straight Road |
| 05 | Gradient | 11 | Private Property |
| 06 | T junction | | |

20

Traffic Condition:

Traffic Arrangement:

- | | | | |
|---|----------------------|---|------------------|
| 1 | Not controlled | 1 | One way |
| 2 | Pedestrian crossing | 2 | Two way ✓ |
| 3 | Policeman controlled | 3 | Dual carriageway |

4 School warden crossing

Traffic Volume:

- | | | | |
|---|-------------------------------------|---|------------|
| 5 | Temporary traffic light/beacon | 1 | Heavy |
| 6 | Traffic light operating correctly ✓ | 2 | Moderate |
| 7 | Traffic light operating incorrectly | 3 | Light ✓ |
| | | 4 | No traffic |

30

EXHIBIT

AB4
Police Accident
Report
(continued)

Type of Collision:

- | | | |
|----|---|----|
| 01 | Head on | |
| 02 | Head to side | |
| 03 | Head to rear | |
| 04 | Side swipe from
opposite direction | |
| 05 | Side swipe from
same direction | |
| 06 | Against pedestrian | |
| 07 | Against stationary or
parked vehicle | 10 |
| 08 | Against stationary object | |
| 09 | Left the roadway | |
| 10 | Overturn on roadway | |
| 11 | Other specify | |

Details (including extent of damage, if any,
and a sketch plan in all cases of alleged
dangerous or inconsiderate driving) ENDING WITH
SIGNATURE OF INFORMANT

On 2.9.75 at about 1850 hrs. Whilst I was travelling in my m-car Reg. No. SM 1371-D along Aljunied Road Paya Lebar Way at the time the traffic was not heavy. On reaching the traffic light and carrying on driving as if traffic light was still green. Suddenly a m.cyclist (Reg. No. SAL 3749) failed to stop his cycle and drove from opp. direction and (illegible) to Aljunied Road. I trying to stop my m-car but it was too late. I had knocked him down, and his left leg was fractured and later was conveyed to hospital by A/B. R/Up to S/line and was told by WPC 4169 that earlier S/line Sgt. 8067 was attend to this case.

Sd:

Sketch plan:

Signature of Officer
recording report.

Rank No.
WPC 8339

Signature of
Interpreter (if any) 40

Rank No.
Language spoken

FOR POLICE USE ONLY

AB4
Police Accident
Report
(continued)

Whether insurance covers driver/rider
Yes No

Licence held for Class 1 2 3 4 5

CERTIFIED TRUE COPY

Sd:

Officer-in-Charge
Traffic Accidents Investigation Section,
Sepoy Lines Police Station,
Singapore.

10

EXHIBIT

AB8

Letter, Dr.Lim
Swee Lian

30th October
1975

EXHIBIT

AB8

LETTER, DR. LIM SWEE LIAN

MINISTRY OF HEALTH
SINGAPORE

Office of
Dept of Orthopaedic Surgery
Singapore General Hospital
Singapore 3.

Our ref:
1045016-MR6199/75

Your ref:

30 Oct 75

10

Medical Superintendent
Singapore General Hospital

Thru' Head, Dept of Orth Surgery

TAN CHWEE ANG M/26

Mr. Tan Chwee Ang was admitted on 2.9.75 being
knocked down by a car. On examination, the
following injuries were noted:

1. Closed fracture of left thigh bone
2. Open fracture of both bones in the left leg with a laceration wound of 4 cm long.
3. Fracture around the left ankle (Pott's fracture).

20

The following operations were done for him.

1. Cleaning and suturing of the laceration wound done on 2.9.75.
2. Internal fixation of the fracture left thigh bone was done on 11.9.75 by metal nail.
3. Internal fixation was done for the fracture around the left ankle on 15.9.75 by metal screw and plate and the fracture of the leg bone was immobilised in plaster.

30

He was last seen on 21.10.75. Changing of the
plaster was done for him. Treatment still
continues.

Sd:
DR LIM SWEE LIAN
MEDICAL OFFICER

Certified Official
Medical Superintendent
Singapore General
Hospital
Singapore 3.

40

EXHIBIT
AB9 - AB 10
LETTER, N.BALACHANDRAN

EXHIBIT
AB9-AB10
Letter,
N.Balachandran
6th October
1977

MINISTRY OF HEALTH
SINGAPORE

Office of
Dept. of Orthopaedic
Surgery
Singapore General
Hospital

10

Our ref: 1045016-MR6199/75
Your ref: MA/MT/803/75/HOW

6 Oct 77

Medical Superintendent
Singapore General Hospital

TAN CHWEE ANG M/28

This patient was first admitted to this hospital
on 2.9.75 for treatment of multiple injuries
which he sustained in a road traffic accident.

20

INJURIES

1. Simple fracture of the shaft of the left femur.
2. Compound fractures of his left tibia and fibula. The compound wound measured 4 cm in length.
3. Fractures around his left ankle joint involving the medial malleolus and the shaft of the fibula.

30

The compound fractures of his left tibia and fibula were operated on the same day. After wound debridement, the fractures were reduced and treated in a plaster cast. On 11.9.75, the fracture of the shaft of the left femur was operated on. After reduction, the fracture was fixed internally with an intramedullary Kuntscher nail. The fractures around the left ankle joint were operated on 15.9.75. The fracture of the medial malleolus was reduced and fixed with a screw. The fracture of the fibula was reduced and fixed with a plate.

40

Post-operative convalescence was uneventful. The left lower limb was splinted in a plaster cast. He was discharged from the ward on 29.9.75 for further convalescence at home. He

EXHIBIT
AB9 - AB10
Letter,
N.Balachandran
6th October
1977
(continued)

was ambulant, non-weight bearing, with the aid of crutches.

In the follow-up clinic of this Department, he was seen on 14 occasions.

The plaster cast was removed on 16.11.75 and he commenced physiotherapy for his left knee and left ankle joints. He was certified fit for light duty as from 1.1.76 for a period of about 3 months.

He was re-admitted to the hospital on 6.7.77 and on the following day, the Kuntscher nail, the screw and plate were removed from the left femur and left ankle. He was discharged from the ward on 8.7.77 and after this operative procedure, he was temporarily incapacitated for about two weeks. 10

I saw him last on 9.9.77.

PRESENT COMPLAINTS

He complains of difficulty with squatting and pain in the region of his left buttock and left ankle. He finds it difficult to run. 20

CLINICAL AND RADIOLOGICAL FINDINGS

He walks with a limp on the left side. He is able to manage stairs comfortably. He is unable to squat beyond 100°.

He has 2.2. cm of shortening of the left lower limb due to the fractures of his left tibia and left femur. The lower half of the left leg is curved medially and there is some prominence of the medial malleolus in the region of his ankle joint. 30

In the upper part of his left thigh, there is a scar measuring 12 cm x 14 cm due to pigmentation from the original abrasions. Similar areas of pigmentation measuring 14 cm x 13 cm are seen on the lateral side of his left leg. In the area of his buttock, there is a 9 cm x 18 cm scar, also associated with pigmentation. There are operative scars measuring 13 cm and 4 cm on the lateral aspect of his left thigh and left buttock. In the region of his ankle, there are two operative scars measuring 7 cm and 14 cm on the medial and lateral aspects of his left ankle joint. 40

Movements of his left hip are full, except for

about 25° loss of internal rotation and 10° loss of external rotation. Flexion of his left knee joint is also restricted by about 15°. At his left ankle joint, dorsiflexion of the ankle is restricted by about 15° and plantar flexion by about 10°. There is some wasting of his left thigh and leg muscles.

EXHIBIT
AB9 - AB10
Letter,
N.Balachandran
6th October
1977

10 X-rays show that the fracture of the shaft of the left femur has united in good position and there is no angulation. The fractures of his left tibia and fibula have united with some degree of lateral angulation accounting for the shortening and the medial bowing of the tibia. The fractures in the region of his left ankle joint have also united in good position. There is, however, some narrowing of the ankle mortis on the lateral side.

(continued)

CONCLUSION

20 This patient sustained multiple injuries affecting the bones of his left lower limb. As a result of the fracture of the shaft of his left femur, he has a residual loss of rotation of the left hip. Due to the compound fractures of his left tibia and fibula, there is some degree of angulation and shortening of the left leg. There is also a little stiffness in his left ankle joint. Due to the fractures in the region of his left ankle, he has some degree of stiffness of the ankle joint with
30 narrowing of the joint space. It is likely that he will be troubled with early osteoarthritis in the region of his left ankle. The shortening of the left lower limb and the residual stiffness in his left ankle and knee are likely to be permanent.

Sd:

40 N.BALACHANDRAN
M.B.B.S., A.M., M.CH.ORTH.,
F.R.C.S.EDIN., F.R.C.S.ENG.,
SENIOR ORTHOPAEDIC SURGEON

Certified Official
Sd:
Medical Superintendent
Singapore General Hospital

EXHIBIT

AB11-13

Statement of
General Electric
Co. of
Singapore Pte.
Ltd. with
Sketch Plan

EXHIBIT

AB11 - 13

STATEMENT OF GENERAL
ELECTRIC CO. OF SINGAPORE
PTE. LTD. WITH SKETCH PLAN

GENERAL ELECTRIC COMPANY OF SINGAPORE
PRIVATE LIMITED
Magnet House, 11 Km Bukit Timah Toad,
Singapore 2158

Our ref:	Postal Address:	10
Your ref:	Bukit Timah P.O.Box 4046 Singapore 9158	

Aljunied Road Junction Paya Lebar Way Junction
Jln Kolam Ayer

This is a 4-phase traffic signal system with all Red facility.

During 'A' phase the lights facing Aljunied Road both sides would show Green for a period of 35 seconds, after which the lights would turn to Amber for 3 seconds then to Red. 20

'C' phase then would show Green. These are the green arrows filter facing both sides of Aljunied Road for vehicles coming from the direction of Macpherson Road wanting to turn right into Jln Kolam Ayer and similarly for vehicles coming from the direction of Geylang Road wanting to turn right into Paya Lebar Way simultaneously. These green arrows would remain on for a period of 15 seconds, after which all the lights would show Red for 3 seconds. 30

'B' phase then would show Green. These are the sets of lights facing Jln Kolam Ayer and Paya Lebar Way respectively. These lights would turn on simultaneously for a period of 25 seconds, after which the lights would turn to Amber for 3 seconds then to Red.

'D' phase then would show Green. These are the green arrows filter facing Jln Kolam Ayer and Payer Lebar Way respectively for vehicles coming from the direction of Jln Kolam Ayer wanting to turn right into Aljunied Road and similarly for vehicles coming from the direction of Paya Lebar Way wanting to turn right into Aljunied 40

Road simultaneously. These green arrows filter would remain on for a period of 10 seconds, after which all the lights would show Red for 3 seconds.

'A' phase then would show Green again.

The cycle repeats.

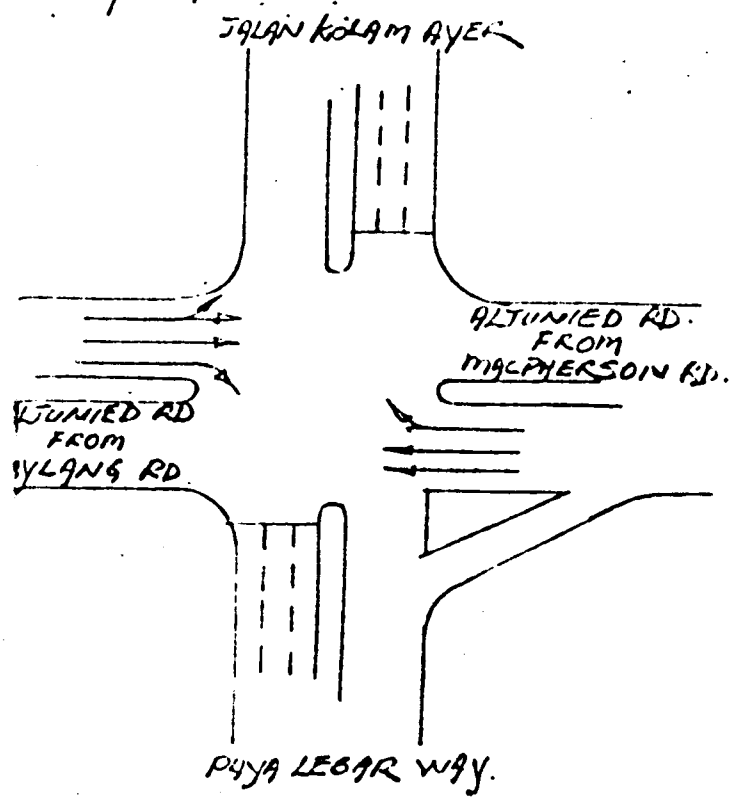
EXHIBIT

AB11-13

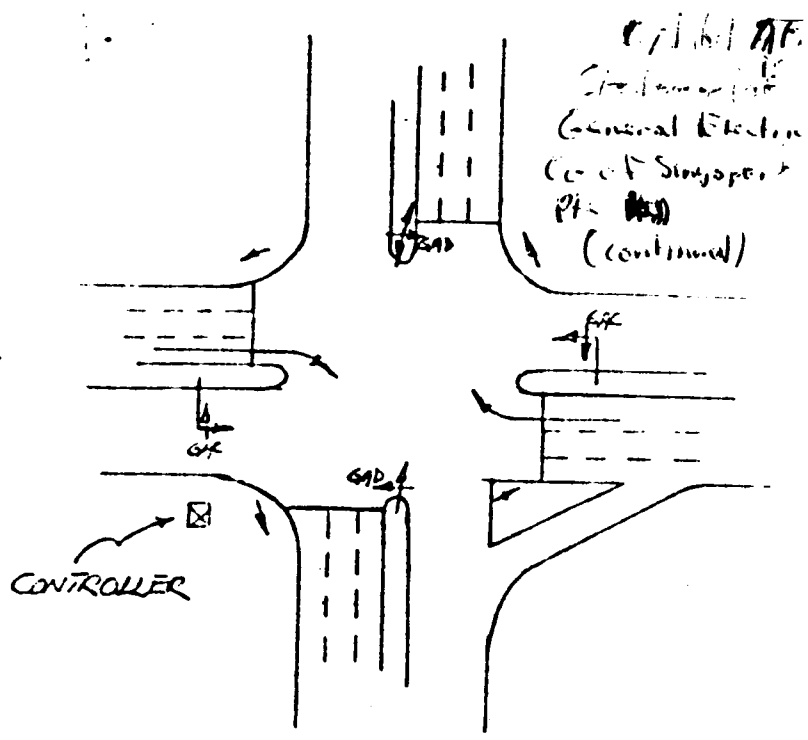
Statement of
General Electric
Co. of
Singapore Pte.
Ltd. with
Sketch Plan
(continued)

ALJUNIED ROAD x PAYA LEBAR WAY x JALAN KOLAM AYER

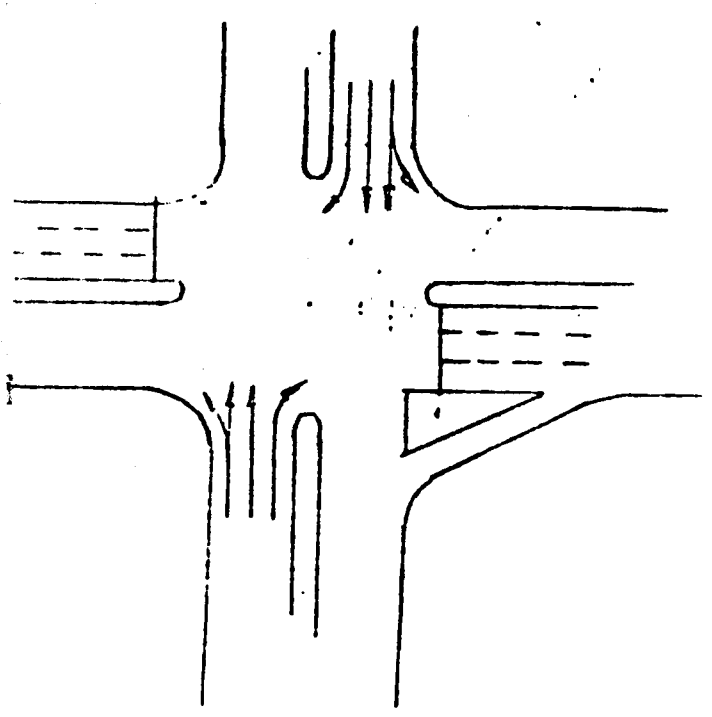
A PHASE



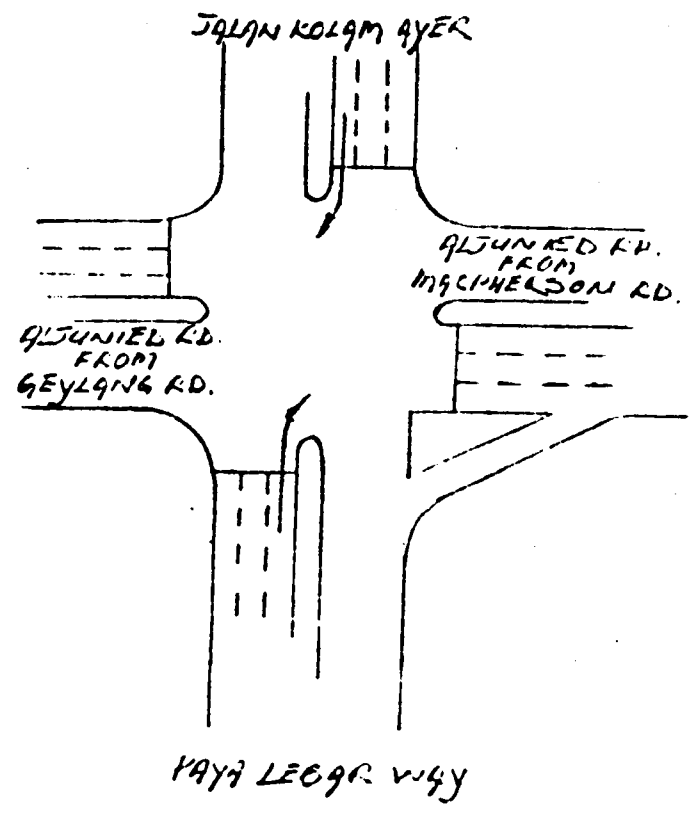
C PHASE



B PHASE

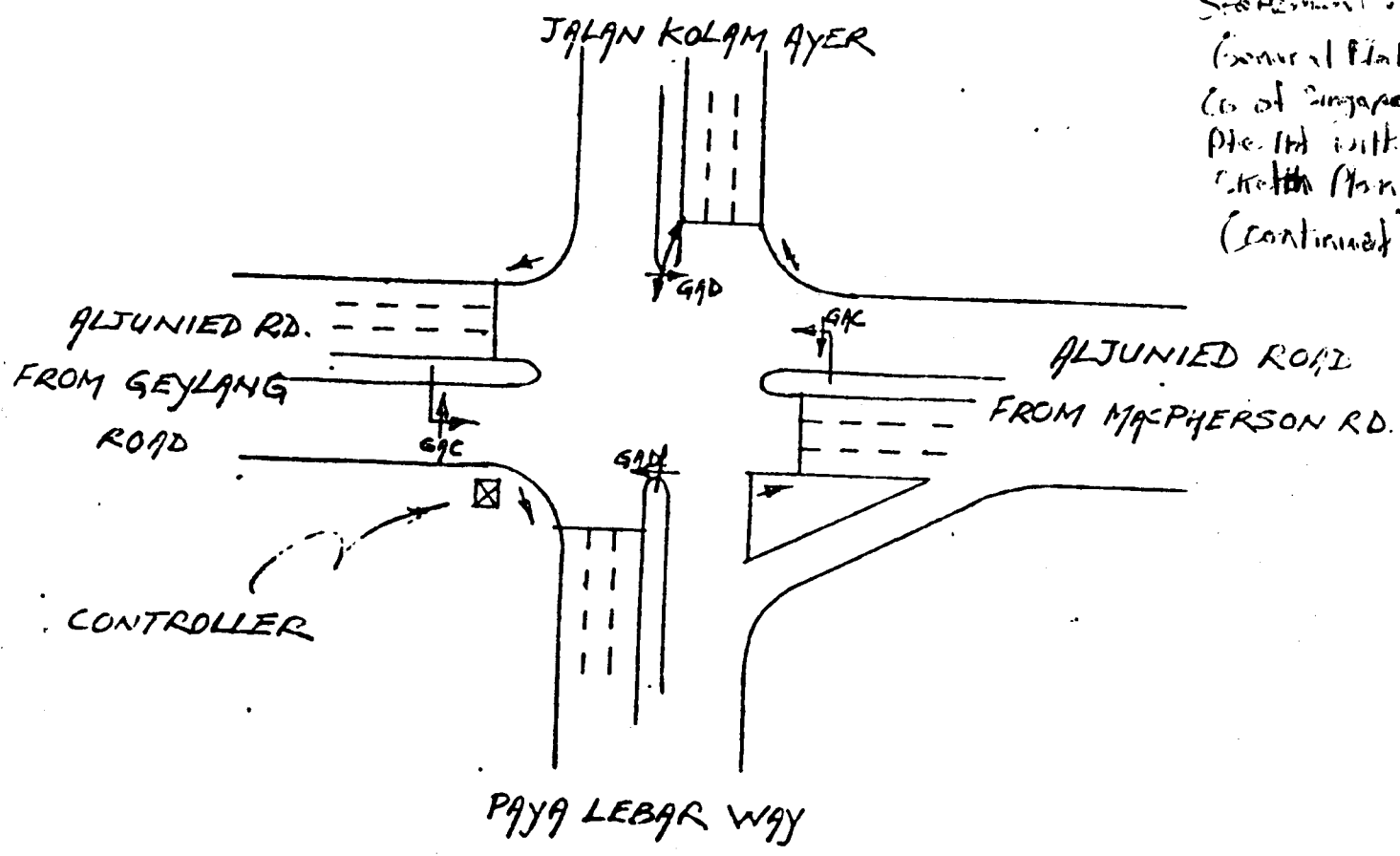


D PHASE



ALL RED AFTER 'C' AND 'D' PHASES.

Exhibit 110.13
Statement of
General Director
Co of Singapore
Police with
Sketch Plan
(continued)



- A = 35 SECS.
- B = 25 "
- C = 15 "
- D = 10 "

ALL RED AFTER 'C' AND 'D' PHASES = 3 SECS.
 A AND 'B' PHASE AMBER = 3 SECS.

EXHIBIT

P1

Statement of
Hsia Kho Ing
5th September
1975

EXHIBIT

P1

STATEMENT OF HSIA KHO ING

SUPREME COURT
SINGAPORE
EXHIBIT P1
in S.443-78
Date 8 Feb 80
Registrar

IP No. 75/06474/4
Report No.

Witness A
Page Two

10

Statement of Hsia Kho Ing Aliases.....
Father's Name..... Age 22 yrs.
Male Employment Sales Supervisor.
Nationality and dialect Chinese (Hainanese)
Immigration Permit No. 1m8/lc/106/65
Address/Addresses Blk.98, 407J Aljunied Way
Telephone No.: 494909 Language spoken English.
Interpreted by - Recorded by Yeo Ah Bee
Rank Sgt. 8067 Time 1150 hrs. Date 5.9.75

20

I administer the following warning to the witness:

"I am conducting a Police investigation into an offence of traffic accident alleged to have been committed on 2.9.75 at Aljunied Road X Paya Lebar Way you are bound to state truly the facts and circumstances with which you are acquainted concerning the case save only that you may decline to make with regard to any fact or circumstance a statement which would have a tendency to expose you to a criminal charge or to a penalty or forfeiture".

30

Signed.....

Examining Officer

Question:- What do you know about the facts of this case?

Answer:

I am a Sales Supervisor working for m/s. Sunlight Interior Decorations at 93 B, Gay World.

I possess a qualified Singapore Driving Licence for class 3 numbered F 6283047. The licence was last renewed on 9.7.74 and it is due to expire on 30.6.77. (Produced and checked - found valid at the time of accident).

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Motor car SM 1371 D is registered under my name. The insurance in respect of the said car is the Weller-Poley Underwriting Agencies Pte. Ltd. under Policy No. 4/M001/PC/0176 which covers from 20.5.75 till 27.11.75. (Produced and checked - found driver covered at the time of accident).

EXHIBIT

P1

Statement of
Hsia Kho Ing
5th September
1975

(continued)

10 On 2.9.75 at about 1850 hrs., I was the driver of m/car SM 1371 D at the junction of Paya Lebar Way X Aljunied Road. I had four passengers in my car at the time of accident. Three of them who were seated at the rear did not witness the accident but the one who was seated on the front passenger's seat witnessed it. He is known to me as Soh Eng Tiang.

20 At the material time, all of us were going back home after work. I drove along the New Road leading to the junction of Aljunied Road and Paya Lebar Way. I was keeping to the centre lane at a speed of about 30 m.p.h.

The volume of traffic was then light. There was no vehicle in front of my car.

30 From far away, the traffic light at the junction was red i.e. against the traffic coming along the New Road leading to the junction. There was no vehicle stopping along the New Road at that time. When I came to a distance of about two car lengths from the junction, I noticed that the traffic had changed into green i.e. in favour of vehicles travelling along the New Road towards the junction. So I proceeded on. As I was nearing the stop line, I noticed only a lorry (XA 52 K) stationary at the junction from the opposite waiting to turn right. It was somewhere in the middle of the junction. When I was in the process of crossing the junction to get into Paya Lebar Way, suddenly a m/cycle (later noted as SAL 3749) appeared from the right hand side of the road and made a right turn into Aljunied Road. It was coming from my opposite direction. It was about 15 feet from the front of my car when it made a right turn. Although I applied brakes, it was too late and thus the front nearside portion of my car collided into the centre nearside portion of the machine. The m/cycle was thrown forward due to the impact. The m/cyclist was thrown as well. When my car came to a stop, I alighted from the car and gave assistance the m/cyclist. I found him injured on his leg. He was still conscious. I made him lie down on the road. I asked one of

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EXHIBIT

P1

Statement of
Hsia Kho Ing

5th September
1975

(continued)

my passengers to call an ambulance while I waited. Shortly after that, a police car happened to pass by, stopped and attended to the case. Later an ambulance also came and conveyed the injured m/cyclist to hospital.

My car's front nearside headlamp was damaged. The front nearside bumper and mud-guard were dented. The front nearside door was jammed.

I did not check the damage on the m/cycle. 10

Q. How did you get the number of the lorry which was stationary at the junction waiting to turn right?

A. I asked my passenger to note it down.

Q. Did the driver tell you that he witnessed the accident?

A. He could have witnessed the accident.

Q. Did you make a note of his particulars?

A. No.

Q. Did you notice the m/cycle before the collision? 20

A. No.

On the date and time in question, it was not raining, road surface was dry, visibility was good and the flow of traffic was light.

That's all.

Statement read over by me in English
and I affirmed it to be true and correct.

Recorded by me

Yeo Ah Bee

30

All statements and further statements are to be timed and dated. Witnesses will be re-warned immediately prior to the recording of further statements. Statements and further statements will be signed by the Recording Officer or Interpreter. Statements of witnesses must be signed by witnesses as per Sec.120(3), C.P.C.

No. 1 of 1981

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

O N A P P E A L

FROM THE COURT OF APPEAL IN SINGAPORE

B E T W E E N :

TAN CHWEE ANG

Appellant
(Plaintiff)

- and -

HSIA KHO ING

Respondent
(Defendant)

RECORD OF PROCEEDINGS

LE BRASSEUR & BURY,
71 Lincoln's Inn Fields,
London, WC2A 3JF

Solicitors for the
Appellant

JACQUES & CO.,
2, South Square,
Grays Inn,
London, WC1R 5HS.

Solicitors for the
Respondent