IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2019] SGHC 30

Originating Summons No 871 of 2017
(Summons No 3979 of 2017)

In the matter of an application by the Attorney-General for an order of committal for contempt of court

And

In the matter of Section 7(1) of the Supreme Court of Judicature Act (Cap 322, 2007 Rev Ed)

And

In the matter of Order 52 of the Rules of Court (Cap 322, R 5, 2014 Rev Ed)

And

In the matter of the Affidavits filed by Ong Wui Teck in HC/OS 165 of 2016

The Attorney-General

… *Applicant*

And

Ong Wui Teck

… *Respondent*

JUDGMENT

[Contempt of Court] — [Scandalising the court]
[Contempt of Court] — [Contempt in the face of the court]

TABLE OF CONTENTS

Attorney-General v Ong Wui Teck

[2019] SGHC 30

High Court — Originating Summons No 871 of 2017 (Summons No 3979 of 2017)
Belinda Ang Saw Ean J
14, 15 August 2018

13 February 2019 Judgment reserved.

Belinda Ang Saw Ean J:

Introduction

1 Originating Summons No 871 of 2017 ("OS 871") was filed by the Attorney-General ("the AG") *ex parte* for leave to apply for an order of committal against Ong Wui Teck ("Mr Ong") for contempt of court – scandalising contempt and contempt in the face of the court – in respect of various allegations made against Justice Woo Bih Li and the Supreme Court in Mr Ong's two affidavits filed and served in respect of a recusal application, Originating Summons No 165 of 2016 ("OS 165"). I granted leave on 18 August 2017, and the AG filed Summons No 3979 of 2017 ("SUM 3979") for an order of committal or such other punishment as the court deems fit to be issued against Mr Ong.

2 At the heart of SUM 3979 is Mr Ong's criticisms contained in two affidavits that formed the basis of Mr Ong's application for Woo J to recuse

himself as the assigned trial judge of Mr Ong's mother's estate (see [16] below). The debate here is whether Mr Ong's criticisms of the individual judge were fair criticisms as claimed by Mr Ong, or whether his criticisms went outside and beyond the allowable legal scales for recusal applications that are typically addressed to the individual judge. This judgment will also consider whether what was said could be criticisms of the system of administration of justice, attacks against the individual judge and attacks against the court as a whole. In this elevated dimension, the legal principles this judgment will examine are based on the law of contempt of court rather than on the law on recusal.

Events leading to the recusal application

3 Mr Ong filed his recusal application on 22 February 2016 to disqualify Woo J from hearing all actions related to his mother's estate. In support of the recusal application, Mr Ong filed two affidavits ("OS 165 Affidavits"), one dated 18 February 2016 ("the 1st OS 165 Affidavit") and one dated 2 March 2016 ("the 2nd OS 165 Affidavit"). Mr Ong listed the grounds for seeking to disqualify Woo J to be "[c]onflict of interest", "absence/ lack of independence", "[b]iasness", "[p]rejudgment/ predetermination", "[c]ondoning the actions of the opposing party/solicitor that are contrary to and/or an obstruction to justice" (1st OS 165 Affidavit at para 5). It is in these two affidavits that the alleged contemptuous statements are found.

4 Woo J was the trial judge in an earlier action relating to Mr Ong's father's estate. I will begin by narrating Mr Ong's grievances with Woo J in the proceedings involving the father's estate.

Father's Estate Proceedings

5 In 2012, Woo J heard Suit No 385 of 2011 (S 385/2011), the judgment

of which is reported at *Ong Wui Swoon v Ong Wui Teck* [2013] 1 SLR 733 ("*2012 Judgment*"). The suit concerned disputes between Mr Ong and his sister, Ong Wui Swoon ("the Sister"), in relation to their father's estate ("Father's Estate Proceedings"). Mr Ong was the administrator of their father's estate. The most valuable assets in dispute in the proceedings were a private apartment at Sea Avenue ("the Sea Avenue Property") which was purchased in Mr Ong's name and sold in 2002 for $575,000, and a landed property at Pemimpin Place ("the Pemimpin Place Property") purchased in the name of Mr Ong's wife and was the residence of Mr Ong and his wife. The Sister claimed that the rental and the sale proceeds of Sea Avenue Property belonged to the father's estate and was converted by Mr Ong for his own use, and also claimed a beneficial interest in the Pemimpin Place Property. Woo J made several findings as to whether certain assets were part of the father's estate. He found that the Sea Avenue Property was not part of the estate (at [139]), and also dismissed the Sister's claim of a beneficial interest in the Pemimpin Place Property (at [137]). He made no order as to the Sister's claim for damages and her claim that Mr Ong had converted the estate's assets (at [152]). However, Woo J found that there were other assets and that Mr Ong had not given a proper account of the assets of the father's estate in the account he provided in 2011 ("the 2011 Account") (at [138]). Hence, he ordered an inquiry before the Registrar of the Supreme Court to determine the shares owned by the estate in four different companies, the value of all the assets in the estate, and the total value available for distribution to the beneficiaries after taking into account debts, expenses and permitted deductions (at [143]). No appeal was filed against Woo J's judgment (*ie* the *2012 Judgment*).

6 An inquiry was conducted before Assistant Registrar Shaun Leong ("AR Leong") in Taking of Accounts or Inquiries No 13 of 2013 ("the Inquiry"), who decided on 24 September 2013 that the estate was positive in the sum of

$15,756.47 and ordered Mr Ong to pay the Sister a sum of $1313 as her one-twelfth share of the estate.[1] Following that, there was some dispute as to the interpretation of AR Leong's cost order given during the hearing, and AR Leong subsequently clarified that Mr Ong was liable to pay the costs of the Inquiry.

7 Mr Ong applied for an extension of time to appeal AR Leong's decision, which was granted by Assistant Registrar Una Khng ("AR Khng"). Mr Ong appealed in Registrar's Appeal No 54 of 2014 ("RA 54") on 25 February 2014 against AR Leong's substantive decision and decision on the costs of the Inquiry. The Sister then filed an appeal, Registrar's Appeal No 72 of 2014 ("RA 72"), against AR Khng's decision.

8 On 3 March 2014, in relation to S 385/2011, Woo J reconsidered his previous costs decision on 3 February 2014 (when he decided that each party was to bear his or her own costs) after further submissions on costs, and decided that Mr Ong was to pay the Sister costs of the trial fixed at $10,000 ("the Costs Order"). Subsequently, Mr Ong sent two letters to court on 4 March and 5 March 2014 respectively to request for further arguments to be made with respect to the Costs Order. Woo J declined to hear further arguments.

9 On 17 March 2014, two appeals, RA 54 and RA 72, were listed for hearing before Judicial Commissioner Lee Kim Shin ("Lee JC"). The Sister's counsel submitted that the two appeals were best heard by Woo J as he was the trial judge, and Mr Ong did not object. Thus, Lee JC adjourned the two appeals to be heard by Woo J.

10 On 27 March 2014, Mr Ong sent a letter to the Registry of the Supreme Court ("the Registry") stating that he was requesting for leave to appeal and

---

[1] AG's Bundle of Affidavits ("AGBOA") vol 1 Tab A2.

extension of time in respect of the Costs Order. The Registry wrote on the same day requiring details of his request for leave to appeal and the details and reasons for his request for extension of time. Mr Ong sent a letter to court dated 1 April 2014 setting out his reasons. On 8 April 2014, the Registry replied that Woo J had directed that Mr Ong file a formal application for leave to appeal on costs. However, no formal application was filed by Mr Ong.

11 On 19 May 2014, Woo J heard RA 54 and RA 72, and the judgment is reported at *Ong Wui Swoon v Ong Wui Teck and another matter* [2014] SGHC 157 ("*2014 Judgment*"). Woo J set aside AR Khng's decision to allow Mr Ong an extension of time to appeal against AR Leong's substantive decision, but upheld AR Khng's decision that allowed the extension of time to appeal against the costs of the Inquiry (at [12] of the *2014 Judgment*). As to the costs order, Woo J affirmed AR Leong's order that Mr Ong was liable to pay the costs. Woo J set aside the part of the order requiring costs to be taxed, and instead fixed the quantum of costs at $400 (at [13]). Subsequently on 21 May 2014, Mr Ong wrote to the court, seeking further arguments as to RA 54 and RA 72. Woo J declined to hear further arguments, explaining that he had already considered the length of the delay, the reasons for the delay, the merits of the appeal and the degree of prejudice to the Sister if he was to be allowed to proceed with the substantive appeal.

12 Mr Ong appealed against Woo J's decision to disallow the grant of an extension of time to appeal against AR Leong's substantive decision and Woo J's decision to fix costs at $400 to be paid by Mr Ong to the Sister in Civil Appeal Nos 95 and 96 of 2014 ("CA 95" and "CA 96"). He filed Summons No 3500 of 2014 ("Summons No 3500") to merge the two appeals into one proceeding. The Sister applied to strike out CA 95 and CA 96, which was granted by the Court of Appeal on 9 March 2015. The Court of Appeal stated

that it "has an inherent jurisdiction to strike out an appeal that is bound to fail" and the appellate court "[could] see no basis on which [Woo J's] decision and exercise of discretion can be interfered with and [it] therefore grant[ed] the application to strike out the appeals".[2] No order as to costs of the appeal was made.

Mother's Estate Proceedings

13 In 2013, the Sister sought a revocation of Mr Ong's appointment as executor of their mother's estate and her own appointment as administrator in Mr Ong's place in District Court No 483 of 2013 ("DC 483"). DC 483 was heard before District Judge Seah Chi-Ling ("DJ Seah") who dismissed the suit with costs to be paid by the Sister to Mr Ong. The decision of DJ Seah is reported at *Ong Wui Soon v Ong Wui Teck* [2015] SGDC 270. The Sister appealed to the High Court in District Court Appeal No 21 of 2015 ("DCA 21") against the whole of DJ Seah's decision. Mr Ong filed Originating Summons No 11 of 2016 ("OS 11") to apply for an order that the Sister apply for an extension of time to serve on him documents in the record of appeal for DCA 21, the service of which was omitted.

14 After the Sister brought DC 483 but before it was heard, Mr Ong filed Originating Summons No 365 of 2014 ("OS 365") on 16 April 2014 claiming $75,000 as executor's commission, and Originating Summons No 763 of 2014 ("OS 763") on 7 August 2014, claiming, *inter alia*, that various deductions be made from the beneficiaries' shares of the mother's estate, that the Sister pay rent in respect of her occupation of the mother's flat and other reliefs arising out of her obstruction and delaying of the administration of the estate, that certain sums be set aside from the estate, and for the court to give directions on the

[2] Minute sheet dated 9 March 2015 for SUM 3611/2014 in CA 95/2014 and SUM 3612/2014 in CA 96/2014, found at AGBOA vol 1 Tab A18.

distribution of the mother's estate.

15 On 26 January 2016, Mr Ong and the Sister's counsel attended a pre-trial conference ("PTC") for OS 11 before Assistant Registrar Miyapan Ramu ("AR Ramu") who informed that Woo J would be hearing OS 11 and DCA 21 together. OS 365 and OS 763 would be listed for hearing only after DCA 21 was decided.[3]

The recusal application

16 On 28 January 2016, Mr Ong sent a letter to the Chief Justice of Singapore, complaining that Woo J's "independence is compromised", and seeking to disqualify Woo J from hearing the actions related to the mother's estate. In the same letter, Mr Ong also stated that "a strong criticism of the way Woo J conducted the [Father's Estate Proceedings]" was that he had awarded $10,000 to the Sister, "despite knowledge of an absence of a residuary estate as pleaded".[4] On 2 February 2016, AR Ramu directed Mr Ong to file a formal recusal application. Subsequently, Mr Ong filed OS 165 on 22 February 2016 to disqualify Woo J from hearing all actions related to the mother's estate, *ie*, OS 11, DCA 21, OS 365 and OS 763 ("Mother's Estate Actions").

17 At the hearing of OS 165, Woo J decided to recuse himself. In his grounds of decision, *Ong Wui Teck v Ong Wui Swoon* [2016] 2 SLR 1067 ("the *Recusal GD*"), Woo J explained his decision to step aside as the assigned trial judge of the mother's estate was "not because there was any merit in Mr Ong's allegations against [him] but because, in the interest of justice, [he] was of the view that [he] should not hear [Mr Ong's] disputes with [the Sister] in respect

---

3 Transcript for 26 January 2016, found at AGBOD vol 1 Tab B7.

4 AGBOA vol 1 at Tab B8.

of [their] mother's estate since [he] was contemplating making a complaint about [Mr Ong's] conduct to the appropriate authorities" (at [81]). Woo J observed that Mr Ong's allegations "were not made *bona fide* and … in contempt of court" (at [81]).

18 Subsequently, in May 2016, the Attorney-General's Chambers ("AGC") wrote to Mr Ong to inform him that the allegations he made in the OS 165 Affidavits were in contempt of court. The letter stated that the allegations were "completely baseless", "not made in good faith", and had "scandalised the Court". The AGC notified Mr Ong that he was liable for contempt of court, which is a serious offence, and invited him to "wholly withdraw [his] contemptuous allegations and unreservedly apologise to Woo J and the Supreme Court" if he had come to regret his actions. It was also stated in no unclear terms that the AGC would take appropriate action if he did not do so. Mr Ong refused to withdraw his allegations and apologise.

Allegations made in the OS 165 Affidavits

19 In the statement supporting the AG's application for an order of committal filed pursuant to O 52 r 2(2) of the Rules of Court (Cap 322, R 5, 2014 Rev Ed) ("RSC"), the AG listed 18 allegations ("the Allegations") made by Mr Ong in the OS 165 Affidavits which are the subject of the committal proceedings. For convenience, the Allegations are split between those made in respect of the father's estate and the mother's estate. That said, they do overlap in some instances.

20 The allegations made in respect of the Father's Estate Proceedings are as follows:

(a) "There is extreme biasness in the way Woo J had conducted the trial of [the] father's estate" (1st OS 165 Affidavit at para 13);

(b) "Although it was brought up to Woo J in S 385/2011, he vehemently refused to recognise the material fact that the opposing party had obstructed the accounting of the estate" (1st OS 165 Affidavit at para 49);

(c) Woo J "was steering towards a biased finding of failure to give proper account in any event" and Woo J "[e]ither … failed to recognize … relevant material evidence … or … biasedly chose to ignore it", "was clearly biased in favour of the opposing party/solicitor" and "was granting the solicitor impunity on a silver platter" (1st OS 165 Affidavit at para 28 and 34; 2nd OS 165 Affidavit at para 35);

(d) "The sham cost order that [Mr Ong] pay the opposing party $10,000 was intended to influence the course and the outcome of the hearing before [Lee JC]" (1st OS 165 Affidavit at para 40);

(e) "With the sham cost order made on the finding of a so-called improper account at the main trial, [Woo J] was steering the appeal of the inquiry towards an outcome unfavourable to [Mr Ong] by influencing [Lee JC]" (2nd OS 165 Affidavit at para 35);

(f) "Woo J must have acknowledged the strength of [Mr Ong's] case to the extent that he had to intercept with a sham cost order on the basis of a so-called improper account ruling, to prevent an award of accounting costs to [Mr Ong] and to steer towards an outcome in the opposing party's favour, and in so doing, also relieve the solicitor from

culpability for her various acts of impropriety" (1st OS 165 Affidavit at para 42);

(g) Woo J's "sham cost order is a means to remove [Mr Ong] as executor of [the] mother's estate as $10,000 was the threshold for bankruptcy action to be instituted against [Mr Ong] … With his nuanced approach and its ensuing corollary, [Woo J] was in fact, killing the proverbial two birds with one stone, *albeit* four birds in this instance" (2nd OS 165 Affidavit at para 35);

(h) "Woo J must have recognised that the arguments of the opposing party are clearly devoid of merit, and hence, by deciding not to proceed with the substantive appeal of the inquiry, [Woo J] had allowed this matter of fraud to be swept under the carpet" (1st OS 165 Affidavit at para 37; 2nd OS 165 Affidavit at para 16);

(i) Since Woo J "did not see it fit to order a correction" of a "falsified Order of Court" in respect of RA 54 which "was presented in the opposing party's Affidavit to strike out [Mr Ong's] Notice of Appeal in [CA 95 and CA 96]", "this is complicity" by Woo J (1st OS 165 Affidavit at para 22);

(j) Woo J "had allowed the nature and function of the court to be transformed from a court dispensing justice into an instrument of injustice, condoning oppression by the opposing party in subjecting [Mr Ong] to unnecessary time, effort and costs at the main trial and at the inquiry" (1st OS 165 Affidavit at para 55); and

(k) "To uphold his finding of improper account [in the Father's Estate Proceedings] and to sustain his sham cost order … in favour of

the opposing party, Woo J would disregard evidence" (2nd OS 165 Affidavit at para 35).

21 The allegations made in respect of the Mother's Estate Actions are as follows:

(a) "Evidence in [the] mother's estate that are in [Mr Ong's] favour but which impinges on [Woo J's] findings and rulings on [the] father's estate will be disregarded [by Woo J] at [Mr Ong's] expense". Woo J "would not bring an impartial mind to the issues relating to his prior findings [in the Father's Estate Proceedings], thereby making fair hearings [in the Mother's Estate Actions] unattainable" (2nd OS 165 Affidavit at para 35);

(b) "Woo J has a vested interest to uphold his rulings in S 385/2011, even though they are plainly wrong against the weight of the evidence, which he biasedly refuse [*sic*] to acknowledge" (1st OS 165 Affidavit at para 48);

(c) "Woo J had conducted himself [such] that a high probability arises of a bias inconsistent with the fair performance of his duties … There is a miscarriage of justice in [Woo J's] conduct of the action on [the] father's estate and given [Woo J's] vested interest to uphold his ruling, he would, in all likelihood, rule to [Mr Ong's] detriment and to the detriment of [the] mother's estate" (1st OS 165 Affidavit at para 54);

(d) "Woo J, in this instance, has morphed from a judge into a supernumery [*sic*] opposing lawyer." He cannot "fully remove all trace of odour from the air of impartiality. Indeed, the more he seeks to justify his position, the stronger the smell may grow" (1st OS 165 Affidavit at

para 58). "The perception of bias is more real than apparent. The stench from the air of impartiality is overbearing" (1st OS 165 Affidavit at para 59);

(e) The Supreme Court's system of allocation of cases has been "violated" by Woo J's "procurement" of cases relating to the father's estate and the mother's estate to be heard by himself (1st OS 165 Affidavit at para 6);

(f) Woo J had "violated" the principle of judicial impartiality in his "conduct of the trial/hearings … in the action on [the] father's estate as well as in his attempt to hear the appeal on the action of [the] mother's estate in [DCA 21] regardless of the outcome in [OS 11]" (1st OS 165 Affidavit at para 14); and

(g) The Supreme Court's fixing of OS 11 and DCA 21 to be heard on the same date shows "a prejudgment or predetermination of a dismissal" of OS 11, and "clear biasness, not to mention the obstruction of justice being condoned" (1st OS 165 Affidavit at paras 17 and 19).

22 The thrust of the AG's case is that all the Allegations go beyond and exceed what is fair criticism typical in a recusal application to constitute contempt of court, *ie*, scandalising contempt and contempt in the face of the court. In contrast, Mr Ong maintains that the Allegations constitute fair criticisms irrespective of his bluntness and choice of words since there are rational bases for the Allegations.

23 Mr Khoo Boo Jin ("Mr Khoo") for the AG, submits that the motive of Mr Ong in including the Allegations in OS 165 was to forum shop, *ie*, to prevent Woo J from hearing the Mother's Estate Actions. This was evident, *inter alia*,

from Mr Ong's substantial delay in raising Woo J's allegedly biased conduct that happened in 2012 only in 2016.

Mr Ong's case

24 As I have alluded to earlier, Mr Ong's position is that there are rational bases for the Allegations and they were made *bona fide*. They are "legitimate criticisms" and constitute a "respectful dissent towards a flawed judgment riddled with biasness". They were made within the confines of the court and presented as part of the conduct of the proceedings for his recusal; they were not in the public domain and any inspection by a member of the public would have to be explicitly authorised. He argues that the Allegations point out the bias of Woo J, which was "more real than apparent", and "are not *ad hominem* attacks". As his focus in OS 165 was recusal premised on the preponderance of biasness, vested interest and conflict of interest, the criticisms would have to be delivered in a manner commensurate with the premise of biasness; the statements may be "strongly worded" and "robust, direct and outspoken", but "certainly warranted under the circumstances". He also claims that the Allegations were directed not at the court as a whole, but solely at Woo J.

25 Mr Ong acknowledges that errors of fact and law do not constitute bias, but submits that the plethora of missteps taken and made by Woo J taken in aggregate shows that he was biased. Woo J had changed the complexion of the matter from one that was entirely favourable to him to one that he had to assume liability, even to the extent of being denied professional accounting costs. Mr Ong disagrees with Mr Khoo's contention that the Allegations were made for the purpose of forum-shopping. His recusal application was not devoid of merit since it was on the basis of a conflict of interest. And since Woo J had made "unjust" rulings with regard to the father's estate, these rulings could be relied

upon by the Sister in the mother's estate and it would be double jeopardy if Woo J heard the Mother's Estate Actions. In response to Mr Khoo's submission that there has been substantial delay in raising the Allegations (see [23] above), Mr Ong claims that his allegations of bias were evident since 2014 from his objection to Woo J hearing Summons No 3500.

26 Mr Ong submits that contempt in the face of the court is said to compromise the unlawful interruption, disruption and obstruction of court proceedings (*You Xin v Public Prosecutor and another appeal* [2007] 4 SLR(R) 17 ("*You Xin*") at [18]), which did not occur in the present case.

Preliminary points

27 At the outset, I will address Mr Ong's argument that the Allegations made are acceptable and justified because they are presented as the basis for his recusal application. In other words, Mr Ong submits that his criticisms of Woo J are necessary for him to succeed in his application. I disagree. Where criticisms are coloured to the extent that they attract the law of contempt, the litigant cannot claim protection under the realm of recusal. To illustrate, in *R v Collins* [1954] VLR 46 ("*Collins")*, the Supreme Court of Victoria rejected the respondent's argument that the matters alleged to be contemptuous were relevant to the proceedings, and therefore were incapable of constituting contempt. The court held that "violent abuse, unsubstantiated allegations of dishonesty, and attempted sarcasm or ridicule, directed at the Court and its Judges, cannot be relevant, because they cannot be regarded as reasonably and honestly put forward as the foundation of a serious and genuine argument" (at 55).

28 Mr Ong raises two peripheral points. First, he claims that Woo J had found that he was in contempt of court in the *Recusal GD*, and that finding had

to be set aside first. Mr Ong has misread the *Recusal GD*. It is clear that Woo J *did not* make a finding of contempt against Mr Ong. Woo J made an observation (not finding) that Mr Ong's "allegations against [the] court were not made *bona fide* and he was acting in contempt of court" (at [81] of the *Recusal GD*). While Woo J held the view that Mr Ong's Allegations were groundless, he nevertheless decided to recuse himself because the severity of the Allegations warranted a referral of the matter to the AGC for investigation. Woo J highlighted that the question of contempt, if any, "is to be dealt with separately". This means that the AGC was to come to its own decision whether to bring contempt proceedings against Mr Ong. The contempt proceedings are now before me, and as the judge hearing the proceedings, I have to decide whether there is any contempt of court. There is no merit in Mr Ong's argument that he is prejudiced by virtue of the *Recusal GD* and that it should have been set aside before this committal proceeding is heard.

29 Mr Ong's second peripheral point is that I should not hear the committal proceedings because I granted leave to commence the committal proceeding. His first argument is based on the fact that *ex parte* leave should not have been granted without first setting aside the *Recusal GD* that purportedly found him in contempt, and that I had a vested interest in upholding the leave order without setting aside. This first argument makes no sense. The *Recusal GD* made no finding on liability for contempt. As regards Mr Ong's other argument that since I was the judge who granted leave, the committal proceeding should be heard by another judge, again, this is an untenable point. The standard of proof in a leave application, which is that of a *prima facie* case, is very different from that in the actual committal proceeding, where the AG still has to prove beyond reasonable doubt that the Allegations constitute contempt of court. The fixing of the actual committal proceeding before the same judge who heard the leave application is routine, manifesting a system that serves the efficiency of the

administration of justice.

Scandalising contempt

The law on scandalising contempt

30 The applicable law in the present case is the common law, because the Allegations were made before the Administration of Justice (Protection) Act 2016 (No 19 of 2016) came into force on 1 October 2017. The applicable principles for scandalising contempt in common law have been laid down in *Shadrake Alan v Attorney-General* [2011] 3 SLR 778 ("*Shadrake Alan*") and reaffirmed in subsequent cases such as *Au Wai Pang v Attorney-General* [2016] 1 SLR 992 ("*Au Wai Pang*"). The fundamental purpose underlying the law relating to contempt of court in general and scandalising contempt in particular is to ensure that public confidence in the administration of justice is not undermined (*Shadrake Alan* at [22]). The doctrine of contempt of court is not intended, in any manner or fashion whatsoever, to protect the dignity of the judges as such; its purpose is more objective and is (more importantly) rooted in the public interest (*Pertamina Energy Trading Ltd v Karaha Bodas Co LLC* [2007] 2 SLR(R) 518 at [22]).

31 Scandalising contempt of court is made out when the statement intentionally published by the contemnor poses a *real risk* of undermining public confidence in the administration of justice (*Shadrake Alan* at [25] and [57]). The only *mens rea* required to establish a scandalising contempt of court is that the publication is intentional, and it is not necessary to prove an intention to undermine public confidence in the administration of justice (*Shadrake Alan* at [23]). The court must make an objective decision as to whether or not the particular statement would undermine public confidence in the administration of justice, as assessed by the effect of the impugned statement on the average

reasonable person (*Shadrake Alan* at [32]). In this regard, the precise facts and context in which the impugned statement is made is crucial (at [35]). A "real risk" does not include a remote or fanciful possibility (*Shadrake Alan* at [36]).

32 The Court of Appeal in *Au Wai Pang* expressed the view that any statement that impugns the qualities of judicial independence and impartiality and suggests that they have been compromised would necessarily as well as undoubtedly undermine public confidence in the judiciary (at [37]). In my view, the question is whether there is a real risk *having regard to the facts as well as the surrounding context* (*Shadrake Alan* at [30]).

33 Where an impugned statement constitutes fair criticism, it is not contemptuous (at [80]). To determine whether the statement is fair criticism made *in good faith*, the court can take into account a wide range of factors, including but not limited to (*Shadrake Alan* at [81], citing with approval *Attorney-General v Tan Liang Joo John* [2009] 2 SLR(R) 1132 at [14]):

(a) whether there is some reason or basis for the criticism and the extent to which it is supported by the rational basis – otherwise, it would amount to an unsupported attack on the court;

(b) the manner in which the criticism is made: the criticism must generally be expressed in a temperate, dispassionate and balanced manner, since an intention to vilify the courts is easily inferred where outrageous and abusive language is used;

(c) the party's attitude in court; and

(d) the number of instances of contemning conduct.

34 On the concept of fair criticism, the Court of Appeal in *Shadrake Alan* (at [84]) also held that an imputation of judicial impartiality or impropriety was not *ipso facto* scandalising contempt because the contrary position overly limits the ambit of fair criticism.

35 With these principles in mind, I now turn to the facts of this case.

Whether there has been publication

36 I accept Mr Ong's evidence that he did not disseminate the Allegations outside court documents. Nonetheless, Mr Khoo submits that it would constitute sufficient publication for the purpose of establishing scandalising contempt where contemptuous statements are made in documents filed, tendered or read in court. On the other hand, Mr Ong takes the position that the Allegations were made within the confines of the court and presented as part of the conduct of the proceedings for his recusal application; they were not in the public domain and any inspection by a member of the public would have to be explicitly authorised.

37 In *Collins*, the Supreme Court of Victoria held that contemptuous allegations in affidavits placed before the court could constitute both classes of contemptuous material: first, publications which are calculated to embarrass a tribunal in arriving at its decisions, and second, publications which tend to detract from the authority and influence of judicial determination, and publications calculated to impair the confidence of the people in the court's judgments because the matter published aims at lowering the authority of the court as a whole or that of its judges (at 48, 49 and 52). The affidavits constituted the first class because they were placed before and published to the judge, so even if they were published no further (and not read out), such an attack constituted a criminal contempt, because of the tendency of the affidavits to embarrass the tribunal itself arriving at its decisions. The affidavits also

amounted to the second class known as scandalising the court. The court held that *to place a document on a public file is* prima facie *a publication to all* (including the press) who may thereafter inspect the file (at 52).

38 Similarly, in *Re Wiseman* [1969] NZLR 55, the Court of Appeal of Wellington held that allegations contained in four affidavits and one notice of motion on appeal to the Court of Appeal constituted contempt of court, because the allegations clearly had the tendency to lower the authority of the Courts and the judges.

39 In Hong Kong, the Court of First Instance in *Secretary for Justice v Choy Bing Wing* [2005] HKEC 1971 held that the respondent to be in contempt for allegations of dishonesty of a judge in his affidavit filed in support of his application for recusal of the judge, individually and taken together with the abuse which he heaped upon the judge in court (at [89]).

40 Mr Ong cites the case of *McGuirk v University of New South Wales* [2009] NSWSC 1058, where the Supreme Court of New South Wales agreed with the holding in *Collins* that placing an affidavit containing contemptuous allegations before the court may satisfy the technical requirement for publication. However, that is not the end of the inquiry. The Supreme Court reminded that the court still has to determine whether the matter published has, as a practical reality, a tendency to interfere with the due course of justice in a particular case (at [252] and [260]). Although the test in New South Wales is different from the law in Singapore, Mr Khoo similarly has to satisfy the inquiry as to whether the publication poses a real risk of undermining public confidence in the administration of justice.

41 Although the number of people to whom the OS 165 Affidavits were distributed is small, the liberty to search information and inspect certain documents filed in the Registry is provided in O 60 r 4 of the RSC. Order 60 r 4(2) provides that any person shall, on payment of the prescribed fee and with leave of the Registrar, subject to any practice directions issued by the Registrar, be entitled to search for, inspect and take a copy of any of the documents filed in the Registry. As explained by Lee Sieu Kin J in *Tan Chi Min v The Royal Bank of Scotland Plc* [2013] 4 SLR 529 ("*Tan Chi Min*"), at [14], the principle of open justice requires that decisions by judges (and Registrars) in court proceedings be amenable to scrutiny by members of the public through inspection of documents filed in court that were considered in the decision-making process. This serves to promote public confidence in the administration of justice. The principle of open justice is engaged only when a court has made a decision involving a consideration of those documents. Lee J decided that public inspection of originating processes and pleadings would be allowed the moment they are filed at the registry (at [20]), and affidavits of evidence-in-chief in civil trials conducted in open court and affidavits filed in support of interlocutory applications should generally be allowed from the time the affidavits in question have been admitted (at [22] and [26]). Guided by these considerations, the decision to allow public inspection upon an application lies in the hand of the duty registrar Practically, this may not be a large group of people, but I find that they (together with the Sister and her counsel) nonetheless encompass a public audience, whose confidence in the public administration of justice is subject to a real risk of being undermined. The extent of dissemination is a factor to be considered in sentencing.

42 In the present case, Mr Ong had intentionally affirmed and filed the OS 165 Affidavits in court, and also served them on the opposing party and her counsel. The OS 165 Affidavits were used and relied upon at the recusal

hearing. Accordingly, I find that the Allegations in the OS 165 Affidavits filed in court amount to publication, and the *mens rea* for the offence of scandalising contempt is satisfied. Subsequently, Mr Ong also tendered the OS 165 Affidavits to Judicial Commissioner Kannan Ramesh (as he then was) for the hearings of DCA 21 and OS 11. That is again publication of the Allegations.

Whether the Allegations pose a real risk of undermining public confidence in the administration of justice

43 Mr Khoo has grouped the Allegations into five categories: (a) allegations of extreme bias; (b) allegations of a sham cost order; (c) allegations of a falsified order of court; (d) allegations of procurement of hearings; and (e) allegations of lack of impartiality in relation to DCA 21 and OS 11. I find this categorisation helpful in analysing whether there is contempt of court.

44 Although the basis for Mr Ong's recusal application is that Woo J had a conflict of interest or a vested interest given his rulings in the Father's Estate Proceedings, for the reasons stated below, the criticisms are in fact castigations that go beyond what is necessary to support the legal and factual basis for the recusal application. The Allegations, in no uncertain terms, cast serious aspersions on Woo J, a judge of the Supreme Court of Singapore, of being extremely biased in that he favoured the Sister, namely (a) accusing him of sweeping the wrongdoing of the Sister and her counsel under the carpet, (b) giving a sham cost order, (c) condoning a falsified court order, (d) procuring hearings before himself so as to perpetuate his biased rulings, and (e) fixing two hearings in the Mother's Estate Actions on the same day, such that he morphed into "a supernumery [*sic*] opposing lawyer". While accepting that an applicant in a recusal application would allege actual or apparent bias on the part of the judge (see *BOI v BOJ* [2018] 2 SLR 1156), Mr Ong's allegations are strongly coloured by accusations of complicity and obstruction of justice on the part of

the judge in blatantly advocating the cause of the Sister. These serious and insidious accusations reflect on the integrity, propriety and impartiality of the court as a whole, and to this end would serve to lower the authority of the judiciary. Therefore, this creates a real risk of undermining public confidence in the administration of justice, seen from the perspective of the average reasonable person (*Shadrake Alan* at [32]). Although Mr Ong thinks otherwise, he has impugned the integrity of the judicial system in the administration of justice in his complaints in (c), (d) and (e). These complaints regarding the falsified court order, the procurement of cases and the fixing of hearings necessarily involve the Registry in its case management and listing of cases for hearing. The risk of undermining public confidence is made more real bearing in mind that Mr Ong was a party in the Father's Estate Proceedings and the Mother's Estate Actions. Thus, the public would think that his criticisms were grounded on the events and facts he was apprised of.

45 Mr Ong's allegations - that Woo J was biased in favouring the Sister and that he procured hearings in order to perpetuate his own erroneous rulings in the Father's Estate Proceedings amounting to bias - were similar in purpose to the allegation of manipulating the timing of hearings in *Aw Wai Pang*. In *Aw Wai Pang*, the Court of Appeal held that the entire thrust of the allegedly contemptuous article was to "allege a vested and improper interest on the part of the Chief Justice in upholding the constitutionality of s 377A" and to accuse Justice Quentin Loh of being "complicit in this illicit plan". The court held that this "*insidious attack on the independence as well as impartiality of the judiciary goes to the very heart of what the (indeed, any) judiciary stands for and clearly undermines public confidence in the administration of justice*" (at [48]) (emphasis in original).

Whether the Allegations constitute fair criticism

46 Following the prevailing view of the Court of Appeal in *Shadrake Alan* at [80] and *Au Wai Pang* at [18], fair criticism is an element of the offence rather than a defence. It is worth noting that temperate, balanced criticism allows for rational debate about the issues raised and thus may even contribute to the improvement and strengthening of the administration of justice. Scurrilous and preposterous attacks, on the other hand, are likely to have the opposite effect (*Shadrake Alan* at [81]). Above all, balanced and temperate criticisms have to be in good faith.

47 Mr Ong contends that the Allegations constitute fair criticisms because there are rational and credible bases for them, in that there was apparent bias or actual bias on the part of Woo J. On the other hand, Mr Khoo submits that there is no basis or reason for the Allegations, and that they were made in bad faith because they were driven by his motive to judge-shop.

Allegations of extreme bias

48 In relation to extreme bias, Mr Ong cites seven grounds as the rational bases to support his claim that the allegations made are fair criticisms: (a) that Woo J ignored the fact that the father's estate was negative; (b) that Woo J did not allow him to claim his administrator's expenses; (c) that the costs of Inquiry was not awarded to him; (d) that Woo J condoned the Sister's fraud (see [62] below); (e) that the timing of the orders made it impossible for him to appeal; (f) that Woo J recused himself and published the *Recusal GD*; and (g) that Woo J misled him into thinking that Woo J would recuse himself.

49 At the outset, I make three points. First, in the present committal proceeding, I am not concerned with whether the orders made by Woo J are

correct. Neither am I deciding on whether Woo J's decision on the recusal application is correct. Second, various complaints raised by Mr Ong here are purported errors of law made by Woo J; however, any error of law or of fact "cannot be translated into an appearance of bias on the part of the learned judge" (*Tang Liang Hong v Lee Kuan Yew and another and other appeals* [1997] 3 SLR(R) 576 at [60]). Third, Mr Ong decided not to appeal Woo J's orders or failed to appeal in time where errors are now being alleged. These matters render it more difficult to appreciate Mr Ong's argument that the alleged errors made by Woo J were motivated by his bias. If anything, to run this argument, Mr Ong has to show that the errors made were deliberate in order to advance the Sister's case. Mr Ong's accusations are not borne out by the evidence, and I will explain each of them in detail.

Allegation of Woo J ignoring the purported fact that the father's estate was negative

50 Mr Ong submits that Woo J ignored his repeated averment that the father's estate was negative in the proceedings in S 385/2011, in his costs submissions for S 385/2011, and in the hearings for RA 54 and RA 72. Mr Ong takes the position that AR Leong had in fact found the estate to be negative, as seen from his finding that "without the component of the OCBC shares, there would be no positive value".[5] Mr Ong also accuses Woo J of ignoring the substantive merits of the dispute that the estate was negative by not granting the extension of time to appeal against AR Leong's substantive decision. According to Mr Ong, Woo J had abrogated his responsibility in examining whether the estate was negative, when Woo J held in the *Recusal GD* that it was for Mr Ong to persuade AR Leong that the estate was negative, and when Woo J remarked at the hearing for RA 54 that he did not wish to hear any more about the estate

---

5 Record of hearing for TA 13/2013 on 24 September 2013, at AGBOA vol 1 Tab A2.

being negative. Mr Ong argues that because the growth was on the back of a negative estate and would not have been possible if not for his funding of the estate, he was entitled to the growth as a creditor of the estate. This is because the value of the Oversea-Chinese Banking Corporation ("OCBC") shares as at the time of the father's death was not sufficient to bring the value of the estate to a positive sum, but the value of the shares increased over the years.

51 It is pertinent to note from the outset that Mr Ong won in relation to the most valuable assets in dispute in S 385/2011, namely the Sea Avenue Property and the Pemimpin Place Property. In the *2012 Judgment*, Woo J made findings as to which properties were part of the father's estate. Woo J found that the OCBC shares were part of the father's estate, since he did not accept Mr Ong's testimony on how the shares had been used to reimburse the mother for paying the estate duty liabilities (at [84]). Any bonus share issues or scrip or cash dividends relating to the shares would also have to be accounted for by Mr Ong (at [145]). At that stage, Woo J was unable to determine the quantum of the estate without ordering the Inquiry. He made no decision as to whether the estate was positive or negative in value. Mr Ong did not appeal against the findings of Woo J on the various assets held to be part of the estate.

52 At the Inquiry stage, AR Leong found that the total value of the OCBC shares was $25,975.47 as of 31 March 2013, and taking into account all the assets of the estate and the same amount of the estate's debt ascertained at the main trial, AR Leong found that "the estate is *in fact positive* to the sum of $15,756.47" [emphasis added] (at [11] of his brief grounds of decision).[6] I pause here to note that it was in fact AR Leong, and not Woo J, who made the finding that the estate was positive. AR Leong then considered whether interests should be awarded on the amount to be distributed to the Sister and decided that none

6 Record of hearing for TA 13/2013 on 24 September 2013, at AGBOA vol 1 Tab A2.

should be awarded. AR Leong explained that this was because without the component of the OCBC shares in the estate, there would be no positive value in the estate for any interests to be calculated upon.[7]

53 Thereafter, Mr Ong attempted to appeal AR Leong's substantive decision out of time, but his application for an extension of time was rejected. Nevertheless, Mr Ong kept on repeating his position that the father's estate was negative at the date of the father's death, and the increase in the value of the OCBC shares over the years should not be attributed to the estate, but rather to him, as a creditor of the estate. Mr Ong places great emphasis on the fact that he had told Woo J in the hearing on costs for S 385/2011 on 3 February 2014 that the father's estate was negative, and has suggested that AGC has intentionally omitted the record of hearing for that hearing from its documents submitted for the committal proceeding. Notably, the date 3 February 2014 was after AR Leong had made his finding on 24 September 2013 that the father's estate was positive. Repeating his position during the hearing on 3 February 2014 was ineffectual, because the proper avenue would be for Mr Ong to appeal AR Leong's decision. He failed to do so within time. It is absurd for Mr Ong to impute bias on Woo J for not considering the fact that the father's estate was negative when AR Leong had made the finding in the Inquiry that the estate was positive. During the hearing before me, Mr Ong also kept repeating that Woo J was aware that the estate was confirmed to be negative. This is clearly against AR Leong's finding, and also against Woo J's decision that the OCBC shares were part of the father's estate, which Mr Ong did not appeal against. Mr Ong attempts to rely on AR Leong's reasoning for not awarding interests, which was that the estate would be negative without the OCBC shares. However, this does not affect AR Leong's decision that the estate, constituting of assets including

---

7 Record of hearing for TA 13/2013 on 24 September 2013, at AGBOA vol 1 Tab A2.

the OCBC shares, was in fact positive. In this context, Mr Ong's dissatisfaction stems from Woo J's refusal to grant leave to appeal against AR Leong's substantive decision. I will elaborate on this aspect shortly (see [57] below).

54 Mr Ong relied on *Shadrake Alan* at [85] to argue that not appealing the judge's decision should not be taken into account as a consideration because it would be unfair to those who do not have the means to pursue an appeal. Mr Ong's reliance on the paragraph is misplaced. The Court of Appeal in *Shadrake Alan*, in rejecting the argument that allegations made outside the formal avenues can never amount to fair criticism, opined that it would be too onerous a limitation on the right to free speech because an alleged contemnor should not be precluded from proffering fair criticism merely because he or she did not have the means or did not choose to air his or her rationally supported criticisms via any of the formal legal avenues (at [85]). This does not mean that where a party chose not to appeal against a judge's decision, it cannot be taken into consideration among all the circumstances to determine whether the allegations of bias against that judge amount to fair criticism. The party's decision not to appeal, along with any purported reasons behind his or her decision, can be taken into account.

Allegations of bias in relation to the administrator's expenses and the costs of the Inquiry

55 Mr Ong alleges that Woo J's rulings are contrary to legal principles that the administrator's entitlement to administration costs, which professional accounting costs are part of, shall have priority in payment from the estate over debts and residuary estate. It is to be noted that these administration costs that are the subject of Mr Ong's complaints are additional expenses that were not put before Woo J by Mr Ong during the hearing for S 385/2011. In fact, Woo J awarded all testamentary, probate administration expenses as claimed by Mr

Ong, namely, "[e]state duty", "[i]ncome tax liability", "[l]egal & professional fees", "[f]uneral expenses" and "[e]xpenses on father's medical/hospital bills/alternative medical treatment, other incidental & miscellaneous expenses" (at [65]). The claim for the additional administration costs only surfaced during the Inquiry before AR Leong. Therefore, to use this particular allegation now to justify fair criticism is ill-founded and evinces absence of good faith on the part of Mr Ong in his criticism of Woo J.

56 Mr Ong reused the same point in [55] above at the hearings of RA 54 and RA 72 before Woo J (see [7] above). To summarise Mr Ong's argument, his complaint is that Woo J, in refusing to grant leave to extend time to appeal against the substantive decision of AR Leong, was motivated by bias. This is because he did not review AR Leong's decision to reject Mr Ong's claim for additional administration costs. AR Leong had given reasons for his decision:[8]

> [the defendant] did not seek such reimbursement before the Court in [the main trial], neither did he adduce any evidence to support his assertions that he had paid for the estate's liabilities before the Court. There was in addition, no such application before the present court for such sums to be reimbursed, nor was there any credible evidence placed before me to support the defendant's claims.

57 Plainly, Mr Ong's criticism of Woo J is unfair and lacks *bona fides*. AR Leong's understanding of Mr Ong's claim for the additional administration costs was that it ought to have been placed before Woo J in S 385/2011. It follows that the source of the state of affairs was Mr Ong's own omission to include the additional administration costs in the hearing for S 385/2011 before Woo J. In so far as Mr Ong's criticism that Woo J's decision in rejecting his application for extension of time to appeal against AR Leong's substantive decision is concerned, that is a nonstarter, given the Court of Appeal's decision

---

8 Record of hearing for TA 13/2013 on 24 September 2013, at AGBOA vol 1 Tab A2.

to uphold Woo J's decisions, when it dismissed CA 95 and CA 96. The Court of Appeal held that it could "see no basis on which [Woo J's] decision and exercise of discretion [could] be interfered with".[9]

58 As for the leave to appeal AR Leong's order on the costs of the Inquiry out of time, Woo J granted leave. The criticism of Woo J relates to his upholding of AR Leong's order that Mr Ong was to bear the costs of the Inquiry, which Woo J fixed at $400. This stems from Mr Ong's disagreement that he should bear the costs of the Inquiry, maintaining the view that the Sister should bear the costs. Woo J's explanation at [48] in the *2014 Judgment* was that Mr Ong was to bear the costs of the Inquiry because the Sister was the successful party in the Inquiry. Woo J fixed costs to avoid the costs of taxation. Given that the Sister only obtained $1,313 from the Inquiry, and taking into account the number of days of the Inquiry, Woo J found the sum of $400 to be proportionate (at [48] of the *2014 Judgment*). From the explanations in the *2014 Judgment*, it is hard to discern any bias as alleged by Mr Ong, who comes across simply as a litigant who is dissatisfied with the outcome.

59 Mr Ong is someone who puts forward claims on a piecemeal basis, and when he fails in his attempts, he complains about bias. One further example is his claim for tax consultancy expenses, which he claimed before Woo J on the first day of the costs hearing of S 385/2011 (on 3 February 2014). As explained at [55] above, the amount of tax liability was already claimed for and awarded by Woo J in the *2012 Judgment*. Mr Ong cannot turn around now and claim that Woo J was biased in rejecting his additional claim for tax consultancy expenses when it was brought up as a claim more than one year after the trial.

60 Mr Ong further argues that Woo J chose to ignore the substantive merits

[9] AGBOA vol 1 Tab A18.

of the dispute with his decision in RA 72, and abrogated his responsibility in judging whether the father's estate was negative. Woo J, in his *2014 Judgment*, has clearly explained his reasoning, based on established legal principles, for deciding to overturn AR Khng's decision allowing the extension of time to appeal against AR Leong's substantive decision, while affirming AR Khng's decision allowing the extension of time to appeal against AR Leong's costs decision. It is a principled and fair decision, and Mr Ong cannot impute, without providing any evidence, an improper motive to Woo J in deciding to overturn AR Khng's decision partially. Mr Ong failed to appeal AR Leong's decision out of time, and could not later accuse Woo J of deliberately refusing to decide that the father's estate was negative.

61 Mr Ong accuses Woo J of misrepresenting his position in the *2014 Judgment* at [59], where it was stated that Mr Ong had wrongly attributed a value of $3,893.75 to the OCBC shares instead of $25,975.47 as found by AR Leong. This statement is misleading according to Mr Ong because it did not take into account the different times at which the OCBC shares were valued. At the death of the father, the value was $3,893.75, and using this value, the estate would be negative. The value only rose to $25,975.47 in 2013. In my view, Woo J was being consistent with his own decision in the *2012 Judgment* that the OCBC shares formed part of the estate and with the findings made by AR Leong in the Inquiry.

Allegation that Woo J condoned the misbehaviour of the Sister and her counsel in relation to the UOB bank account

62 Mr Ong alleges that he had a basis for calling Woo J biased because Woo J had allowed the Sister and her counsel to get away with their fraud in concealing the Sister's possession of the United Overseas Bank ("UOB") account passbook, which prevented Mr Ong from putting up a complete account

of the father's estate. Mr Khoo's treatment of this allegation falls under Mr Ong's broader allegation of Woo J's extreme bias, to which Mr Khoo submits that it is devoid of any rational or credible basis. Mr Khoo mainly argues that these allegations were made in 2016 only to stop Woo J from being the assigned trial judge of the Mother's Estate Actions.

63 At this juncture, it is convenient to state that the UOB account was found by Woo J in the *2012 Judgment* to be overdrawn and closed and no longer a part of the assets of the father's estate. Subsequent to the *2012 Judgment*, the Sister requested the court to include the UOB account in the Inquiry. Woo J decided to include the UOB account in the Inquiry only insofar as the account might provide information about any cash received by the estate in respect of the shares it owned.[10] The shares concerned were the Kenwell Freight and Mecman shares ("the Shares"), which were realised in 1988 at the value of $10,073.68. The Sister claimed that the Shares were wrongly stated as being unrealised in the 2011 Account. This was not disputed by Mr Ong (at [74] of the *2012 Judgment*). His position was that the realised monies from the Shares had been used. Woo J rejected Mr Ong's position on the basis of lack of evidence; thus, the realised monies were still part of the estate. It appears that Mr Ong's complaint now is that because the Sister had information about the UOB account and did not share that with him, he was impeded in the preparation of the 2011 Account. Mr Ong accuses Woo J of bias because he had turned a blind eye to the purported withholding of information of the UOB account by the Sister and her counsel, and to the lie of the Sister and her counsel that she did not have information of the UOB account prior to 3 September 2011 (which was the date the Sister claimed she found out about the account). He based his claim on the Sister's testimony prior to the hearing for S 385/2011 that she had

10 Record of hearing for TA 13/2013 on 24 September 2013, at AGBOA vol 1 Tab A2.

discovered files on the father's estate when their mother passed away, and the Sister's failure to dispute his claims that documents relating to the father's estate were in her custody in his affidavits filed to strike out the Sister's statement of claim in Magistrate's Complaint No 10516 of 2010. Mr Ong also relies on the Sister's List of Documents dated 9 December 2011 filed in S 385/2011, which included a handwritten note allegedly showing her knowledge of the UOB account and a withdrawal of $10,000 from the account in 1988.

64 In any case, the Sister disclosed the letter dated 3 September 2011 from UOB on the UOB account to Mr Ong at the exchange of documents stage for S 385/2011.[11]

65 It is evident that Woo J had taken on board the parties' differing positions on the UOB account in his description of the account under the heading "*Missing United Overseas Bank ("UOB") account*" in the *2012 Judgment*. The question that was relevant to Woo J in the *2012 Judgment* was whether the UOB account was an asset of the father's estate. By the time of the hearing, while there might have been disputes as to the knowledge of the account, the existence of the account was before Woo J at the trial. He held that the UOB account was no longer a part of the estate's assets because it was overdrawn and closed (at [139(h)]). The UOB account was only included in the Inquiry to determine *other* relevant assets of the estate, namely the value of shares, from the entries in the account.

66 A related matter is Mr Ong's claim that he was impeded in his preparation of a proper account by the Sister's withholding of information on the UOB account, which was referred to by Woo J as the "missing" UOB account. Woo J did not accept it as an excuse for Mr Ong not preparing a proper

[11] Mr Ong's submissions dated 29 July 2013 filed for TAI 13/2013, at para 16.

account of the estate (see [138] of the *2012 Judgment*). Pertinently, Mr Ong did not appeal against the *2012 Judgment*. For Mr Ong to now complain of bias by Woo J in adopting this unsubstantiated allegation demonstrates lack of good faith in the criticism.

67 There were subsequent occasions where Mr Ong repeatedly raised his contention that the Sister had possession of the UOB account passbook even before 3 September 2011, in his submissions filed for the Inquiry and his costs submissions filed for S 385/2011. On these subsequent occasions, he brought up a further complaint that the Sister and her counsel had doctored a receipt (such that the date of the receipt was left out of the photocopy) in the documents they presented to AR Leong during the Inquiry. Mr Ong compared it with a copy he retained after viewing the receipt included in the Sister's list of documents filed in S 385/2011, and found the year of the receipt to be 1975, which was prior to the father's death. Mr Ong argues that leaving out the date of the receipt was to present a misleading picture that the Shares (see [63] above) were transferred to a third party after the father's death. This doctored receipt became the backdrop of a further accusation of bias against Woo J on the ground that he did not deal with the doctored document in the costs hearings in S 385/2011. Woo J explained in the *Recusal GD* that the issue of whether the receipt was doctored or not was not material to the question of whether Mr Ong had given a proper account of the estate or to the Costs Order. This decision of Woo J spawned another accusation that he had abrogated his responsibility to deal with the issue of the doctoring of the receipt, because he stated that the proper forum to deal with the doctored document would be the Inquiry before AR Leong. Despite his claim now that Woo J was biased, Mr Ong chose not to appeal against the Costs Order to challenge Woo J's decision not to address the doctored receipt.

68 In not granting an extension of time to appeal against AR Leong's substantive decision, the accusation against Woo J is that he had allowed the fraud of the Sister and her counsel in relation to the doctored receipt to be "swept under the carpet". As stated, Mr Ong appealed against Woo J's decisions on the extension of time, and the Court of Appeal dismissed his unmeritorious appeals.

69 It is clear from the above evaluation that Mr Ong's allegations against Woo J are wild and groundless.

Allegation that the timing of the orders makes it impossible for Mr Ong to appeal

70 Woo J had delivered the judgment in S 385/2011 in 2012, and delivered the Costs Order on 3 March 2014 after the Inquiry was completed. Mr Ong takes the position that the timings of these two decisions were structured in such a way that made it impossible for him to appeal. Either he would be out of time if he was to appeal against the substantive judgment on failure to give proper account in the main trial, or it would be an appeal on costs only if he was to appeal the Costs Order, which required leave from Woo J. Since leave would be needed, Mr Ong explains that he did not appeal against the Costs Order because he believed he would not be successful, in view of Woo J's rejection of his request for further arguments after the Costs Order was made. I find that Mr Ong's explanation on timing does not address [154] of the *2012 Judgment* where Woo J informed the parties he would hear them on the costs of the trial. This usually means that the parties are to write to the Registry to fix a date for the hearing of costs. Without proper explanation, there is no basis for imputing that Woo J had engineered the timing of the orders such that Mr Ong could appeal the Costs Order only with leave.

Woo J's recusal and the publication of the *Recusal GD*

71 Mr Ong argues that case law states that judges should only recuse themselves when there are proper grounds for doing so (*Chee Siok Chin and another v Attorney-General* [2006] 4 SLR 541 at [10]), so for Woo J to have recused himself, there must be merit in the Allegations. I do not agree. Woo J clearly stated in the *Recusal GD* that he decided to recuse himself "not because there was any merit in Mr Ong's allegations against [him]", but "in the interest of justice", he was of the view that he should not hear the Mother's Estate Actions since "[he] was contemplating making a complaint about Mr Ong's conduct to the appropriate authorities" ([81] of the *Recusal GD*).

72 Mr Ong seems to ascribe an improper motive to Woo J in publishing the *Recusal GD*, *ie*, for it to be used by the Sister in the Mother's Estate Actions, to his detriment. This is yet another nonsensical argument. Judges release grounds of decision and judgments to furnish the reasoning for their decisions and to develop the legal jurisprudence. It is entirely within the purview of the judge to publish his reasoning.

73 Mr Ong further argues that Woo J had surreptitiously made a finding of contempt in the *Recusal GD*, and in doing so, Woo J placed himself in a position of serious conflict of interest and was a judge in his own cause. Mr Ong accuses Woo J of making the finding before Mr Ong was given the right to be heard in defending himself. I have addressed this misguided point earlier at [28].

Allegation that Woo J misled Mr Ong into thinking that he would recuse himself

74 Mr Ong raises another point to support his claim that there are rational bases for the Allegations: Woo J had misled him into thinking that he would

voluntarily recuse himself from the Mother's Estate Actions even before any recusal application was taken out by Mr Ong. He bases this understanding on what had transpired in the hearing for Summons No 3500 for CA 95 and CA 96, where he requested for a Judge of Appeal to hear the summons, and points to Woo J's question posed: "[do] you still want another judge to hear the application?"[12] This was merely a question posed by Woo J to confirm Mr Ong's position. It is more than a stretch of reasoning to then argue that Woo J indicated that he would recuse himself voluntarily from any further hearings involving Mr Ong whenever Mr Ong requested so. Even if he had the impression that Woo J would voluntarily recuse himself, that alone does not support a complaint of bias.

The allegations of the Costs Order being a sham

75 Mr Ong contends that costs should have been awarded to him for S 385/2011, because he had won substantially and because there was evidence of unclean hands on the part of the Sister and her counsel (see [63] above). Instead, costs were awarded against him. Mr Ong submits that the Costs Order was a sham because it was motivated by extraneous considerations: (a) it was awarded with the improper motive of denying him his accounting costs, (b) it was awarded to absolve the fraud of the Sister and her counsel (see [62]–[67] above), (c) it was fixed at $10,000 in order to bankrupt him (see [20(g)] above), and (d) it was calculated to influence the outcome in RA 54 and RA 72 which were originally fixed before Lee JC. The Costs Order, according to Mr Ong, was necessary to perpetuate Woo J's bias in favour of the Sister, in his failure to take into account the negative value of the estate and the Sister's obstructive behaviour in concealing her knowledge of the UOB account.

---

12 Respondent's Bundle of Documents ("BOD") at p 261.

76 As stated, Woo J decided the Costs Order after the Inquiry was concluded. Initially, Woo J ordered on 3 February 2014 that each party was to bear his or her own costs of the trial. However, the Sister requested further arguments on this decision and Woo J agreed to the request. After further arguments from both parties, he decided on 3 March 2014 that Mr Ong was to pay the Sister some costs of the trial which he fixed at $10,000, even though the Sister had asked for costs to be fixed at $25,000. In coming to his decision, Woo J explained that weight should be given to the fact that Mr Ong failed to give a proper account and that it was difficult for beneficiaries to know what was the true state of affairs in the absence of a proper account. He also took into consideration the fact that the Sister did not succeed on the most valuable asset in the dispute and that the eventual Inquiry did not yield much for her.[13] I see no basis for alleging bias.

77 More importantly, Mr Ong *chose not to appeal* the Costs Order, even though the court directed him to file a formal application for leave to appeal in response to his letter requesting for leave to appeal the Costs Order and for an extension for time (see [10] above). The issues of accounting costs and the purported obstruction caused by the Sister and her counsel had been addressed above at [53] and [66] respectively. Like his other complaints, the claim that Woo J set out to bankrupt him is illusionary.

78 Mr Ong also argues that Woo J's bias is seen from the fact that he gave the Costs Order even though he was aware that Mr Ong's appeal against AR Leong's decision was pending. This complaint can only be an afterthought, as can be seen from the dates of the relevant events. Mr Ong had only informed the court of the fact that AR Leong's decision was being appealed against in his letter of 4 March 2014 requesting for further arguments, which was after Woo

[13] Record of hearings on 3 March 2014, at AGBOA vol 1 Tab A6.

J had already delivered the Costs Order on 3 March 2014.

Allegation of falsification of the RA 54 Order of Court

79 Mr Ong argues that Woo J was complicit in condoning the Sister's action attempt "to defraud the Court of Appeal" in extracting the Order of Court made in RA 54 ("the RA 54 Order of Court") that contained an error stating that RA 54 was the Sister's appeal instead of Mr Ong's. RA 54 was Mr Ong's appeal against AR Leong's substantive decision and decision on the costs of the Inquiry. The recital to the RA 54 Order of Court mistakenly identified the Sister as the applicant of RA 54. The Sister explained in her affidavit filed in the recusal application that it was a clerical mistake, but Mr Ong did not accept the explanation.

80 Mr Ong wrote a letter dated 16 July 2014 to the Sister's counsel to draw their attention to the error and a copy of that letter was copied to the Registrar of the Supreme Court. The error was not corrected by the Sister's counsel. Neither did Mr Ong himself file an application to correct the error which he claims to be material. The RA 54 Order of Court was then included in the Sister's affidavit filed in the recusal application in 2016, and presented to Woo J in a core bundle. Mr Ong then advances the contention that Woo J was responsible for allowing the mistake to be perpetuated in not correcting it even though he was apprised of the mistake. In Mr Ong's words, in allowing a "falsified" order of court to be used again in the recusal application, Woo J "perfected the [RA 54] Order of Court" having not ordered the correction. He therefore submits that Woo J was complicit in condoning the Sister and her counsel's falsehood. His explanation as to how the error would affect his appeal to the Court of Appeal is convoluted and incomprehensible. If he is suggesting that the falsified order meant that he could only appeal against the order of costs

of the Inquiry fixed at $400 by Woo J because that part of the order in RA 54 was against him, it does not make sense.

81 On a separate point, there was no evidence of complicity on the part of Woo J, especially because he had stated in the *2014 Judgment* on RA 54 and RA 72 that RA 54 was filed by Mr Ong (at [8]). The Court of Appeal reading the *2014 Judgment*, being the judgment appealed against, was unlikely to have been misled by the RA 54 Order of Court containing the mistake as to the identity of the applicant. Mr Ong is aware of the *2014 Judgment* and yet continues to accuse Woo J of complicity, evincing a lack of good faith.

Allegations of procurement of hearings

82 Mr Ong alleges that Woo J has procured the hearings in the Mother's Estate Actions before himself because of his vested interest in perpetuating his own wrong decisions in the Father's Estate Proceedings. These allegations impute an improper motive on the part of a judge exercising his judicial function in that the judge would make decisions with reference to extraneous matters such as his vested interests and preferences. Concomitantly, contrary to Mr Ong's position that his allegations were only directed at Woo J, the allegations criticise the system of the administration of justice generally because they portray the existence of a situation where a judge is able to procure cases for himself by bypassing the system of case allocation and fixing. The upshot of the allegations is that the purported prevailing situation would allow any judge to manipulate the case allocation and fixing regime, so that litigants would not have fair hearings in the Supreme Court. I note that a similar challenge was launched in *Au Wai Pang*, where the contemnor accused the Chief Justice, together with Loh J and the Supreme Court of coram-fixing. The Court of Appeal held that there was "no rational basis whatsoever" for these allegations

(at [50]). The sources that the contemnor attempted to rely on comprised of mainly unsubstantiated views received from unidentified persons, and given the vague descriptions, it was questionable if they even existed. On the facts of the present case, Mr Ong bases his allegation of Woo J's procurement on his observation that different judges were assigned to the estate of each parent in two other unrelated cases. This argument is *non sequitur*, for differences in the fixing of the coram do not support Mr Ong's allegation that Woo J had a vested interest and had manipulated the case allocation and fixing regime. There is no evidence at all that the Mother's Estate Actions were procured by Woo J to be heard by him. If Woo J had a vested interest as alleged, he would have procured all the hearings in relation to the father's estate, including RA 54 and RA 72, to be heard by himself. Factually, RA 54 and RA 72 were originally fixed before Lee JC, but they were subsequently re-fixed before Woo J on the request of the Sister's counsel and Mr Ong did not object.

Allegations of lack of impartiality in relation to DCA 21 and OS 11

83 Mr Ong attacks the Supreme Court and Woo J for fixing the hearing of DCA 21 and OS 11 on the same day before the same judge, which to him is in effect a dismissal of OS 11 without according him the opportunity to exercise his right to be heard and a subsequent right to appeal. OS 11 was Mr Ong's application for an order for the Sister to apply for an extension of time to serve on him documents in the record of appeal for DCA 21, the service of which was omitted.

84 These attacks – premised on an improper motive of the Supreme Court and Woo J in fixing the hearing of DCA 21 and OS 11 on the same day before the same judge – are deliberately designed to undermine public confidence in the judiciary and its impartiality. The true state of affairs is that Mr Ong took a

volte-face. AR Ramu during a PTC on 2 February 2016 had explained to Mr Ong that the rationale for fixing the hearings of DCA 21 and OS 11 on the same day was for expediency and nothing else. It was explained to him that "[i]n the event that [OS 11] [was] granted in [his] favour, then the hearing of [DCA 21] [would not] take place until the orders in [OS 11] [were] complied [with]". Significantly, Mr Ong accepted the explanation and confirmed that fixing DCA 21 and OS 11 on the same day was "fine by [him]".[14] AR Ramu had asked Mr Ong whether he was still minded to file a stay application for DCA 21, given what AR Ramu had told him, and Mr Ong replied that he "[would] not need to file that application anymore as Your Honour has since clarified this matter". Despite this earlier position, Mr Ong attacks the Supreme Court and Woo J in the 1st OS 165 Affidavit dated 18 February 2016 for fixing DCA 21 on the same day as OS 11. Not only are these attacks baseless, there is a lack of *bona fides* on the part of Mr Ong.

Other instances of lack of good faith

Delay in raising the Allegations

85 Mr Khoo submits that the allegations on Woo J's extreme bias, the Costs Order being a sham order and the falsification of the RA 54 Order of Court, were only raised belatedly in 2016 when Mr Ong learnt that Woo J was scheduled to hear the Mother's Estate Actions. Mr Khoo emphasises that no appeal was filed in relation to the *2012 Judgment* and the Costs Order, and that Mr Ong did not raise any allegation before the Court of Appeal in CA 95 and CA 96. Mr Khoo submits that these circumstances show that the allegations were not raised in good faith.

86 I agree with Mr Khoo that there has been substantial delay in raising Mr

[14] Record of hearing on 2 February 2016, at AGBOA vol 1 Tab B9.

Ong's allegations. They were simply introduced for the purpose of removing Woo J from hearing the Mother's Estate Actions.

87 Had Mr Ong genuinely harboured suspicions of bias on the part of Woo J, he would have objected to the other party's request for Woo J to hear RA 54 and RA 72 back in 2014. However, he did not object (see [82] above). Mr Ong contends that he did not object to Woo J hearing RA 54 and RA 72 in order to give Woo J a chance to correct himself. This is clearly an afterthought to explain his failure to object. Mr Ong further contends that he did object because Lee JC could not "fathom" Woo J's *2012 Judgment* as regards the total value of the estate available for distribution given that the estate was in fact negative.[15] This is clearly not supported by what had transpired in the hearing before Lee JC:[16]

> Ct: … If the appeal relates to the AR's decision on the accounts and inquiry leading to valuation of the assets within scope, would that not be a fresh decision not dependent on Justice Woo's decision?
>
> In any case, can I please hear from Mr Ong on whether the appeal is on the costs order only or also on the substantive award for $1,313 to be paid by Mr Ong.
>
> …
>
> Mr Ong: I confirm that I am also appealing against the substantive award, and not just the costs order. The estate is in the "negative" if you take into account the taxes payable.
>
> Ct: I have read Justice Woo's judgment ([2012] SGHC 216); paragraph 143(c) states that you are precluded from establishing other debts or expenses?
>
> Mr Ong: Taxes are not covered by that.
>
> RC: Submit this is why this is best heard by Justice Woo.
>
> Ct: I will adjourn these 2 appeals to a date to be fixed to be heard before Justice Woo.

---

15 Respondent's submissions at pp 57–58.

16 AGBOA vol 1 Tab A9.

88 Mr Ong argues that there is no substantial delay because his criticisms against Woo J were already evident in the arguments he had made in the letters sent to court requesting for further arguments following the Costs Order and following Woo J's rulings in RA 54 and RA 72. I disagree. I find that the letters did not suggest that Woo J was biased; they concerned the merits, which Mr Ong felt ought to have been in his favour. In his letter to court dated 4 March 2014 seeking to present further arguments in respect of the Costs Order made, Mr Ong listed various grounds which he argued that due weight was not given to.[17] Similarly in his letter to court dated 1 April 2014, he stated that "justice sought in this action entails, amongst other things, the application of the doctrine of unclean hands which demands that the Plaintiff must come to court with clean hands".[18] In his letter to court dated 21 May 2014 seeking to present further arguments in relation to RA 54 and RA 72, he stated that it was "unjust to deprive the surviving administrator of his costs" and it would be "grossly unjust" not to take into consideration how the exercise of taking accounts and inquiry entailed tremendous resources.[19] Dissatisfactions with the substantive decisions cannot be validly changed into complaints of bias on the part of Woo J.

89 Mr Ong further argues that he had already perceived bias in Woo J as early as 2014, when he did not want Woo J to adjudicate Summons No 3500. He sent a letter to court dated 31 July 2014 to request for a Judge of Appeal to hear the summons instead of Woo J, but at the hearing on 1 August 2014 dropped his request when the opposing counsel agreed to his application for CA 95 and CA 96 to be heard together. I see no merit in this position. There is

---

17 AGBOA vol 1 Tab A7.

18 AGBOA vol 1 Tab A12.

19 Mr Ong's affidavit dated 4 June 2018, at p 17, found at AGBOA vol 2 Tab 8.

nothing in the letter and the record of hearing for Summons No 3500 indicating any objection to Woo J hearing the summons on the basis of bias.

90 Mr Khoo points out that Mr Ong made no allegation of bias before the Court of Appeal in CA 95 and CA 96 in March 2015. Mr Ong says that it would have been "highly inappropriate" for him to have complained to the Court of Appeal when the appeals concerned the extension of time. This is self-serving, for Mr Ong did not hold back on inflicting accusations of bias and collusion with opposing counsel in his letter to the Supreme Court on 28 January 2016 and in his OS 165 Affidavits. These allegations only emerged in 2016, in the letter sent to the Supreme Court on 28 January 2016. This was two days after Mr Ong was informed by AR Ramu that Woo J was to hear the Mother's Estate Actions.

91 Mr Ong posits that just because the allegations of bias were not made in CA 95 and CA 96, and just because the *2012 Judgment* and the Costs Order were not appealed against, do not mean that Woo J was not biased. Further, he argues that he only alleged bias when "push comes to shove", *ie*, he filed a recusal application when he learnt that Woo J was to hear the cases regarding his mother's estate. However, the evidence points in the opposite direction. The decision not to appeal the *2012 Judgment* and the Costs Order, the failure to object to Woo J hearing RA 54 and RA 72, the absence of any allegations before the Court of Appeal, together with the coincidence of the Allegations appearing right after Mr Ong found out that Woo J was hearing the Mother's Estate Actions, paint a picture that even Mr Ong himself, though unhappy with some substantive findings made by Woo J, did not truly think that Woo J was biased. Instead, his Allegations are geared towards procuring Woo J's recusal in the Mother's Estate Actions. His main motive of procuring Woo J's recusal is also supported by the fact that he was aware that the Sister would use the findings in

the *2012 Judgment* against him, as stated in her statement of claim in DC 383.[20]

Inconsistencies in Mr Ong's reasoning

92 Various inconsistencies in Mr Ong's position belie his claim of good faith and fair criticism. I highlight two jarring instances, in the interest of not unduly extending the length of this judgment. First, according to Mr Ong, he did not appeal the Costs Order because he thought that he would not be successful in the light of the court's rejection of his further arguments. On the other hand, in relation to RA 54 and RA 72, he did not object to Woo J hearing the appeals in order to give Woo J a chance to correct his wrong decision. Taking his reasons at face value, they are contradictory and are simply chosen to suit the occasion and to serve as responses to Mr Khoo's arguments. Second, Mr Ong alleges on the one hand that the sham Costs Order was delivered by Woo J to influence the course of the Father's Estate Proceedings in relation to subsequent matters, such as to prevent Lee JC from awarding accounting costs to him, but on the other hand, he did not object to Lee JC adjourning RA 54 and RA 72 for them to be heard by Woo J.

Language used by Mr Ong

93 Mr Khoo submits that the language used by Mr Ong was outrageous and abusive, and couched in extreme terms. As stated in *Shadrake Alan* (see [33(b)] above), an intention to vilify the courts is easily inferred where outrageous and abusive language is used. Mr Ong used abusive and extreme language that was not substantiated by evidence. This is another point going against Mr Ong's claim that the Allegations are fair criticisms.

---

20 1st OS 165 Affidavit at para 12.

Conclusion on scandalising contempt

94 For the reasons stated above, I find that it has been proved beyond reasonable doubt that Mr Ong is guilty of scandalising contempt. I find that there is no basis for the serious Allegations and they were not made in good faith. The Allegations contain invectives and accusations that went far beyond what would be reasonable in a recusal application.

Contempt in the face of the court

95 Mr Khoo submits that Mr Ong's conduct constitutes contempt in the face of the court. On the other hand, Mr Ong submits that contempt in the face of the court is not made out, since there was no unlawful interruption, disruption and obstruction of court proceedings in the recusal hearing (*You Xin* at [18]).

96 Whilst *You Xin* concerned a case where the proceedings were interrupted by the disruptive behaviour of the contemnors, *You Xin* did not limit the conduct and circumstances that can give rise to contempt in the face of the court. Contempt in the face of the court is not necessarily limited to disruptive behaviour that results in unlawful interruption, disruption and obstruction of court proceedings. Support for the proposition is evident in *You Xin* itself. V K Rajah JA recognised that it would be prudent not to attempt to shoehorn a definition of contempt in the face of the court and to leave the concept fluid (*You Xin* at [18]), quoting the Malaysian High Court in *Koperasi Serbaguna Taiping Barat Bhd v Lim Joo Thong* [1999] 6 MLJ 38 at 55:

> Contempt in the face of the court *may arise from any act, any slander, any contemptuous utterance and any act of disobedience to a court order*. Any of these acts in varying degrees that affects the administration of justice or may impede … fair trial … can be deemed to be contempt in the face of the court.
>
> [emphasis added]

97 This position is supported by foreign courts. In *Joseph Orakwue Izuora v The Queen* [1953] AC 327, Lord Tucker sitting on the Privy Council observed that it "is not possible to particularise the acts which can or cannot constitute contempt in the face of the court" (at 336). Arlidge, Eady & Smith on Contempt (Sweet & Maxwell, 5th Ed, 2017) similarly states that there has been no attempt at a definition of the concept of "in the face of the court" (at p 830, para 10-12). The Law Reform Commission of Western Australia, in Discussion Paper on contempt in the face of the court (August 2011), cited C J Miller, Contempt of Court (Oxford University Press, 3rd Ed, 2000), where Miller attempted to identify some categories of conduct that constitute contempt in the face of the court, including *inter alia* (a) disruptive behaviour; (b) insulting and disrespectful behaviour; (c) contempt by advocates and solicitors; and (d) contempt by witnesses, including refusal to answer questions.

98 Not only did Mr Ong file the OS 165 Affidavits containing the Allegations which were his own words, he used the Affidavits at the recusal hearing before Woo J. On the facts of the case, conduct that constitutes contempt in the face of the court is Mr Ong's wilful insults to the judge in the course of the hearing in court, that are within the personal view and knowledge of the judge (*You Xin* at [18]), and such wilful insults would necessarily interfere with or undermine the judicial function of the judge and the course of justice. It is clear from the course of action taken by Woo J at the recusal hearing that the recusal proceeding was affected by the Allegations. Whilst I accept that one can raise fair criticisms that are substantiated in a robust manner in a recusal application, Mr Ong's Allegations were baseless for all the reasons stated earlier in this Judgment and his wilful insults clearly went beyond the legal scales for recusal applications, traversing into the law of contempt and breaching the same.

Conclusion

99 For all the reasons stated in this Judgment, I find Mr Ong guilty of scandalising contempt and contempt in the face of the court. I will hear the parties on sentencing on a date to be fixed by the Registry.

Belinda Ang Saw Ean
Judge

Khoo Boo Jin, Elaine Liew and May Ng (Attorney-General's Chambers) for the applicant;
The respondent in person.