

Re Puah Sun Kau
[2000] SGHC 71

Case Number : OS 267/2000
Decision Date : 28 April 2000
Tribunal/Court : High Court
Coram : G P Selvam J
Counsel Name(s) : Shahla Iqbal (Legal Aid Bureau) for the applicant
Parties : —

Mental Disorders and Treatment – Management of patients' property and affairs – Appointment of committee of person and estate of applicant's husband – Objective of order – (Cap 178, 1985 Rev Ed) Mental Disorders and Treatment Act

: This was an application by Madam Gan Bee Wah [commat] Kong Bee Eng a housewife for the appointment of herself the committee of the person and estate of her husband Puah Sun Kau. In specific she sought certain powers to deal with her husband's CPF moneys and sale of a HDB apartment and the purchase of another HDB apartment. The monetary value of these matters was small. The money in the CPF was less than \$50,000.

When the application came for hearing I had perused the papers filed. After a discourse with counsel who appeared before me I dismissed the application. I did so because I found it to be a feeble and incompetent application. I shall explain why.

The application was made under the Mental Disorders and Treatment Act (Cap 178). The crux of the inquiry pursuant to the relevant provision is to ascertain whether the person is mentally disordered or of unsound mind. Mental disability to manage the financial and legal affairs of the person is the sole objective. If the person has not lost his mental facilities but suffers from a physical impairment or inconvenience no order could be made under it.

The true nature and effect of an order is to grant a power of attorney when the person himself is mentally disabled from doing so. It is an extreme measure to pronounce anyone to be of mentally disordered or of unsound mind and on that basis hand over his assets to another person.

In this case the person in question suffered left haemorrhagic stroke with right hemiplegia in June 1999. He was in a drowsy and aphasic state at that time. Over and above this he had multiple medical problems which had nothing to do with his mental faculty. He had hypertension, alcoholic liver cirrhosis and portal hypertension with oesophageal varicosis, all physical conditions. On 2 July 1999 he was transferred to the Gastroenterology Department for treatment. Once again this had nothing to do with his mental faculty.

Dr Seah Kim Choon Charles gave a report dated 22 October 1999 giving an account of his condition. He said that the person had been discharged from rehabilitation on 24 September 1999. He was last seen on 13 October 1999. On that day he was well and alert. He was able to eat and feed himself and he was able to walk albeit a walking stick and help. He spoke with a slur. This was the condition on 13 October 1999. Dr Seah swore an affidavit four months later in February 2000 based on his earlier report saying that the person 'was of unsound mind and incapable of managing himself and his affairs'. He gave no account of the condition at the time he made the affidavit. He made a conclusion without giving any reason as to why the person was of unsound mind.

As the person was found to be well and alert and able to walk and eat and feed himself he could not

have lost his mental faculty. He was able to go to hospital regularly twice a week. That being the case the patient can easily attend before the CPF Board or execute a power of attorney.

I have heard numerous applications of this kind in my tenure. This was the weakest application that came before me. It was a case of convenience and not necessity. This was not an appropriate case for an application to the court.

Outcome:

Application dismissed.

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