IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

[2025] SGHC 237

Originating Application No 38 of 2025

Between

Goh Seng Heng

… *Applicant*

And

(1) Official Assignee
(2) Attorney-General of Singapore

… *Respondents*

Originating Application No 67 of 2025

Between

Goh Seng Heng

… *Applicant*

And

(1) Attorney-General of Singapore
(2) Official Assignee

… *Respondents*

Originating Application No 69 of 2025

Between

Goh Seng Heng

… *Applicant*

And

(1) Official Assignee
(2) Benjamin Yim

… *Respondents*

Originating Application No 111 of 2025

Between

Goh Seng Heng

… *Applicant*

And

Attorney-General of Singapore

… *Respondent*

Originating Application No 114 of 2025

Between

Goh Seng Heng

… *Applicant*

And

Official Assignee

… *Respondent*

Originating Application No 115 of 2025

Between

Goh Seng Heng

… *Applicant*

And

(1) Benjamin Yim
(2) Official Assignee

… *Respondents*

JUDGMENT

[Constitutional Law — Judicial review — Whether the Official Assignee's actions are susceptible to judicial review]
[Constitutional Law — Judicial review — Exhaustion of remedies]
[Insolvency Law — Bankruptcy — Obtaining sanction of the Official Assignee under s 31 of the Bankruptcy Act (Cap 20, 2009 Rev Ed)]

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Goh Seng Heng
v
Official Assignee and another and other matters

[2025] SGHC 237

General Division of the High Court — Originating Application Nos 38, 67, 69, 111, 114 and 115 of 2025
Philip Jeyaretnam J
14 August, 12 September 2025

1 December 2025 Judgment reserved.

Philip Jeyaretnam J:

1 The applicant, Goh Seng Heng, filed six originating applications. In five of these applications, the applicant seeks permission to commence judicial review proceedings against the Official Assignee's decisions and, in the last application (*ie*, HC/OA 69/2025 ("OA 69")), the applicant seeks permission to commence legal proceedings for breaches of duties by the Official Assignee. Notwithstanding that the respondents for each application differ, they were all represented by counsel from the Attorney-General's Chambers and tendered a single set of written submissions for all six applications. Hence, for ease of reference, I will refer to them collectively in the course of this judgment as the "respondents".

2 On 14 August 2025, these six originating applications ("OAs") (*ie*, HC/OA 38/2025 ("OA 38"), HC/OA 67/2025 ("OA 67"), OA 69, HC/OA 111/2025 ("OA 111"), HC/OA 114/2025 ("OA 114") and HC/OA 115/2025 ("OA 115")) were heard together.

3 The originating applications raise the question of how the court's powers of judicial review of administrative actions relate to the specific statutory regime for the court's control over the Official Assignee. This question arises in the light of O 24 r 2(2) of the Rules of Court 2021 ("ROC 2021"), which has made explicit the common law principle that an application for a prerogative order "must not be made before the applicant has exhausted any right of appeal or other remedy provided under any written law".

4 A bankrupt has remedies against acts, omissions and decisions of the Official Assignee in relation to the administration of the bankrupt's estate as set out in the insolvency legislation. The key statutory provisions providing for the court's review of acts of the Official Assignee are ss 31 and 33 of the Insolvency, Restructuring and Dissolution Act 2018 (2020 Rev Ed) ("IRDA"), which are the successor sections to and in the same terms as ss 30 and 31 of the Bankruptcy Act (Cap 20, 2009 Rev Ed) ("BA") respectively which continue to apply to bankruptcy applications made before 30 July 2020 (as stated under s 525(1)(*b*) of the IRDA) ("Statutory Review"). The two pieces of legislation are identical in material respects.[1]

5 In the present case, ss 30 and 31 of the BA are the applicable provisions as the applicant had filed an in-person debtor's bankruptcy application against

[1] See Respondents' Further Written Submissions dated 12 September 2025 ("RFWS") at para 16.

himself in HC/B 940/2020 ("B 940") on 6 March 2020, prior to 30 July 2020. The BA provisions provide:

> **Control of court over Official Assignee**
>
> 30.—(1) The court shall take cognizance of the conduct of the Official Assignee in his administration of the estate of a bankrupt.
>
> (2) If the Official Assignee does not faithfully perform his duties or duly observe all the requirements imposed on him by this Act, the rules or any other written law with respect to the performance of his duties, or if any complaint is made to the court by any creditor in regard thereto, the court shall inquire into the matter and take such action thereon as it may consider expedient.
>
> (3) The court may —
>
> (*a*) at any time require the Official Assignee to answer any inquiry made by it in relation to his administration of the estate of a bankrupt; and
>
> (*b*) direct an investigation to be made of the books and vouchers of the Official Assignee or examine him on oath concerning his administration of the estate of a bankrupt.
>
> **Review by court of Official Assignee's act, omission or decision**
>
> 31.—(1) If a bankrupt or any of his creditors or any other person is dissatisfied by any act, omission or decision of the Official Assignee in relation to the Official Assignee's administration of the bankrupt's estate, he may apply to the court to review such act, omission or decision.
>
> (2) On hearing an application under subsection (1), the court may —
>
> (*a*) confirm, reverse or modify any act or decision of the Official Assignee; or
>
> (*b*) give such directions to the Official Assignee or make such other order as it may think fit.
>
> (3) The Official Assignee may apply to the court for directions in relation to any particular matter arising under the bankruptcy.

6 It is also convenient to set out the IRDA provisions:

Control of Court over Official Assignee

31.—(1) The Court is to take cognizance of the conduct of the Official Assignee in the Official Assignee's administration of the estate of a bankrupt.

(2) If the Official Assignee does not faithfully perform the Official Assignee's duties or duly observe all the requirements imposed on the Official Assignee by this Act or any other written law with respect to the performance of the Official Assignee's duties, or if any complaint is made to the Court by any creditor in relation to the Official Assignee's conduct in the Official Assignee's administration of the estate of the bankrupt, the Court is to inquire into the matter and take such action on the matter as the Court considers expedient.

(3) The Court may —

(*a*) at any time require the Official Assignee to answer any inquiry made by the Court in relation to the Official Assignee's administration of the estate of a bankrupt; and

(*b*) direct an investigation to be made of the books and vouchers of the Official Assignee, or examine the Official Assignee on oath concerning the Official Assignee's administration of the estate of a bankrupt.

…

Review by Court of Official Assignee's act, omission or decision

33.—(1) A bankrupt, any creditor of the bankrupt or any other person who is dissatisfied with any act, omission or decision of the Official Assignee, in relation to the Official Assignee's administration of the bankrupt's estate, may apply to the Court to review that act, omission or decision.

(2) The Official Assignee may apply to the Court —

(*a*) for directions in relation to any particular matter arising under the bankruptcy; or

(*b*) to reverse or modify any previous act or decision of the Official Assignee.

(3) On hearing an application under subsection (1) or (2), the Court may —

(*a*) confirm, reverse or modify any act or decision of the Official Assignee; or

> (*b*) give such directions to the Official Assignee, or make such other order, as the Court thinks fit.
>
> (4) This section applies despite the discharge of the bankrupt or the annulment of the bankruptcy order.

7 As for applications specific to the bankruptcy order, a bankrupt can seek the annulment of a bankruptcy order by the court under s 123(1) of the BA (or under its successor section, s 392(1) of the IRDA). Section 123(1) of the BA provides:

> **Court's power to annul bankruptcy order**
>
> **123.**—(1) The court may annul a bankruptcy order if it appears to the court that —
>
> (*a*) on any ground existing at the time the order was made, the order ought not to have been made;
>
> (*b*) to the extent required by the rules, both the debts and the expenses of the bankruptcy have all, since the making of the order, either been paid or secured for to the satisfaction of the court;
>
> (*c*) proceedings are pending in Malaysia for the distribution of the bankrupt's estate and effects amongst the creditors under the bankruptcy law of Malaysia and that the distribution ought to take place there; or
>
> (*d*) a majority of the creditors in number and value are resident in Malaysia, and that from the situation of the property of the bankrupt or for other causes his estate and effects ought to be distributed among the creditors under the bankruptcy law of Malaysia.

8 I will return to the question of the inter-relationship between the statutory regime and judicial review later. By way of introduction, I would additionally highlight that the applicant's position was in a state of flux throughout the proceedings with different orders being sought in his originating applications, written submissions and at the hearing of these applications. While there is considerable force in the respondents' position that the applicant should be held to his originating applications (as set out in O 24 r 5(4) of the ROC

2021),[2] I will allow the applicant to proceed on the basis of the position which was asserted by him at the hearing before me on 14 August 2025. I exercise my discretion to do so under the ROC 2021 in order to determine the real issues and to do justice between the parties. It should be noted that the applicant was self-represented in these proceedings before me. Moreover, the revised relief sought by him could, in broad terms, be addressed by the material already put before the court. Hence, no prejudice would be occasioned to the respondents by my decision to proceed on this basis.

Facts

The applicant's bankruptcy

9 The applicant's financial woes stemmed from the collapse of his company, Aesthetics Medical Partners Pte Ltd ("AMP"). The applicant was then found liable for misrepresentations in relation to the purchase of shares in AMP in two suits (*ie*, HC/S 1311/2015 ("Suit 1311") and HC/S 686/2015 ("Suit 686")). In Suit 1311, the applicant was ordered to pay damages to AMP's shareholder, Liberty Sky Investments Ltd ("LSI"), to be assessed based on "the difference in the purchase price (of $450 per share) and the current value which is to be taken as the date of the assessment of damages" for 1,500 AMP shares, as well as interest at 5.33% per annum: *Liberty Sky Investments Ltd v Goh Seng Heng* [2020] 3 SLR 335 ("*Liberty Sky Investments Ltd (HC)*") at [107]. In Suit 686, the applicant was ordered to pay damages to another shareholder of AMP, Wang Xiaopu (also known as Lucy Wang) ("Wang"), at $30,700,000 (which were the sale proceeds from the sale of 66,000 AMP shares to Wang) in exchange for the re-transfer of the 66,000 shares to the applicant, as well as

[2] 14 August 2025 NEs at p 82 lines 7–15.

interest at 5.33% per annum: *Wang Xiaopu v Goh Seng Heng and another* [2019] SGHC 284 ("*Wang Xiaopu (HC)*") at [265].

10 Relatedly, Wang had also commenced HC/S 636/2020 ("Suit 636") against the applicant's wife and two children. In Suit 636, the applicant was also found to have conveyed assets to his family members with an intention to defraud his creditors: *Wang Xiaopu v Koh Mui Lee and others* [2023] 5 SLR 717 at [231]. The applicant was not a party to Suit 636, although he was called as a witness during the proceedings.

11 The applicant filed B 940 on 6 March 2020. The bankruptcy order was made by an assistant registrar ("AR") on 19 March 2020 and the Official Assignee was appointed as the trustee of his bankruptcy estate.

12 On 23 September 2024, the applicant filed an application to annul the bankruptcy order in B 940. He contended that he had been labouring under the misunderstanding that the AMP shares owned by one of his creditors, LSI, were of zero value when he filed B 940.[3] However, this annulment application was withdrawn on 14 November 2024.[4]

OA 111 and OA 114

13 Both OA 111 and OA 114 stem from the Official Assignee's decision to admit debts owing to LSI, Wang and the applicant's former solicitors, LVM Law Chambers LLC ("LVM"). The applicant contends that the Official

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3 Eng Meng Hoon's 1st Affidavit dated 17 June 2025 ("EMH-1") at paras 21–22, pp 260–268.

4 EMH-1 at para 24, pp 312–315.

Assignee had not taken the necessary steps to examine the proofs of debt before admitting the debts.[5]

14 In OA 111, the applicant primarily seeks a declaration that the bankruptcy order made against him in B 940 is null and void.[6] The applicant contends that the bankruptcy order is supported by a "non *bona fide* debt because there was no proper valuation".[7] In OA 114, the applicant primarily seeks a quashing order of the Official Assignee's decision to admit LSI, Wang and LVM's debts in his bankruptcy estate and a re-examination of the three debts.[8]

LSI's proof of debt

15 The debt owed to LSI arises from the damages ordered against the applicant in Suit 1311 on 20 February 2019 (as detailed at [9] above, *ie*, damages to be assessed based on the difference in the purchase price and the current value of the 1,500 AMP shares purchased by LSI from the applicant). The applicant takes issue with how the Official Assignee had not conducted an independent valuation of AMP's shares before admitting LSI's proof of debt on the basis that the current value of AMP's shares at the material time was zero. This meant that, in effect, there had been no set off against the purchase price of the shares. Relying on a valuation report dated 14 July 2025 which valued AMP between

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5 HC/OA 111/2025 Applicant's script filed 21 August 2025 at pp 12–14.

6 HC/OA 111/2025 Originating Application (Amendment No. 1) filed 4 March 2025 at prayers 2 and 4; 14 August 2025 NEs at p 44 line 30–p 45 line 2.

7 14 August 2025 NEs at p 44 line 30–p 45 line 2.

8 HC/OA 114/2025 Applicant's script filed 21 August 2025 ("OA 114 Applicant's Script") at pp 17, 20; 14 August 2025 NEs at p 45 lines 2–5.

$17.7m and $23.6m as at 31 December 2019 ("July 2025 Valuation Report"),[9] the applicant contends that the AMP shares were not of zero value at the time and it was "improper, impermissible, irrational and unlawful" for the Official Assignee to have adopted a "nil valuation" without obtaining a proper professional valuation.[10]

16 It is undisputed that (a) the Official Assignee had not conducted a valuation of AMP's shares before admitting LSI's proof of debt on 18 June 2020; and (b) this was prompted by a proposal from counsel for LSI to admit LSI's debt in the value of $839,886.85 without any assessment of damages and to take the current value of the AMP shares as zero in view of the plans to wind up AMP's affairs. However, the Official Assignee claims that it had proceeded on this basis because the applicant had agreed to LSI's proposal in a phone call with the Insolvency Office on 3 June 2020. To support its contention that the applicant agreed to admit LSI's debt in full, the Official Assignee relies on the applicant's act of clicking the button to admit LSI's debt on the Insolvency Office's portal on 23 June 2020 without providing any remarks or supporting documents.[11] The applicant instead claims that, in this same phone call, he had asked but was not given an answer on whether an independent valuation of the AMP shares had been conducted. The applicant also contends that, even though he admitted (and did not dispute) the debt on the Insolvency Office's online portal, he ought not to be barred from disputing LSI's debt as he had no knowledge that an independent valuation was not carried out at the time.

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9 HC/OA 38/2025 Applicant's supplemental affidavit filed 21 August 2025 ("OA 38 GSH-2") at p 14 (Valuation Report of AMP by Xerxes Medora dated 14 July 2025 ("July 2025 Valuation Report")).

10 OA 38 GSH-2 at p 1.

11 EMH-1 at pp 290–291 (Official Assignee's report in HC/B 940/2020 dated 8 October 2024 ("Official Assignee's Report") at paras 16–18).

Wang's proof of debt

17 The debt owed to Wang arises from the damages ordered against the applicant in Suit 686 on 5 December 2019 (as detailed at [9] above, *ie*, the sale proceeds from the sale of 66,000 AMP shares to Wang). The applicant takes issue with the Official Assignee's admission on 8 March 2022 of the proof of debt of $40,920,381.09 filed by Wang (a) before the conclusion of police investigations for "alleged perjury" and "misleading" the court;[12] (b) without the valuation of AMP shares; and (c) without the return of 66,000 AMP shares by Wang to the applicant, which was required as part of the court order.[13]

18 In relation to the police investigations into Wang's alleged fraud, the respondents contend that the applicant had not updated the Official Assignee about the outcome of the police report and,[14] in any case, it was not clear how the investigations would have any bearing on Wang's entitlement to the proof of debt.[15]

LVM's proof of debt

19 The debt owed to LVM arises from LVM's bill of costs for legal services. The applicant takes issue with the Official Assignee's admission of the proof of debt of $648,422.70 filed by LVM on 8 March 2022 without conducting taxation or formal verification of LVM's bill.[16]

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12 HC/OA 114/2025 Applicant's Affidavit filed 4 February 2025 ("OA 114 GSH-1") at para 4.1, p 8.

13 OA 114 Applicant's Script at p 12.

14 EMH-1 at p 294 (Official Assignee's Report at para 30).

15 See Respondents' Written Submissions dated 5 August 2025 ("RWS") at para 120.

16 OA 114 GSH-1 at para 4.3.

20 While the applicant wrote to the Insolvency Office requesting for LVM's bill of costs to be taxed on 26 November 2023, the respondents contend that the applicant failed to apply for an order of taxation of the bill within 12 months of its delivery as is required under s 120(1) of the Legal Profession Act (Cap 161, 2009 Rev Ed).[17]

OA 69 and OA 115

21 Both OA 69 and OA 115 stem from the Official Assignee's decision to disclose an excerpt of the applicant's statement that was recorded by it in the course of administering the applicant's estate ("Excerpt") to counsel for Wang. I will elaborate on the details of the Excerpt below. The applicant contends that the Official Assignee ought to have obtained the leave of court before disclosing the Excerpt and that, in failing to do so, it had (a) breached the *Riddick* principle; and (b) improperly exercised its discretion and powers by assisting Wang, who was a private party and not even an admitted creditor at the time.

22 In OA 69, the applicant seeks leave of court to commence legal proceedings against the Official Assignee and Mr Benajmin Yim ("Mr Yim"), the Senior Assistant Official Assignee who had disclosed the Excerpt, for breaches of "judiciary duties and Statutory duties".[18] In OA 115, the applicant seeks a declaration that the disclosure of the Excerpt by the Official Assignee was *ultra vires* and a prohibiting order that restrains the Official Assignee from any further disclosure of the Excerpt without leave of court. The applicant had not obtained previous sanction of the Official Assignee to commence OA 69 and OA 115.

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17 EMH-1 at p 294 (Official Assignee's Report at paras 28–29).

18 HC/OA 69/2025 Originating Application filed 23 January 2025 at prayer 1.

The Excerpt and disclosure of the Excerpt

23 On 26 August 2020, an investigation officer of the Official Assignee had recorded a statement by the applicant. The Excerpt comprised a question and the applicant's answer regarding the location of $18m that had been deposited into his HSBC Guangzhou bank account. The Excerpt states as follows:[19]

> **Q3: What happened to the S$18 million worth of RMB that was in your HSBC-GZ bank account?**
>
> A3: All the S$18 million worth of RMB was used to pay for my business obligations, debts, and investment losses I incurred in China. None of the S$18 million came into Singapore and I did not use any of the money to benefit anyone in my family. Also, it was due to the reason that the Central Bank of China did not allow RMB to be taken out of China, so none of the money was transferred to Singapore.
>
> [emphasis in original]

24 However, this statement was contrary to the applicant's assertion that he was unable to recall the location of these moneys in an affidavit filed on 20 July 2020. This affidavit was made in compliance with a court order requiring the applicant to account for various sums that went into the HSBC account after he had failed to pay the $30,700,000 to Wang in Suit 686. As was reproduced in *Wang Xiaopu v Goh Seng Heng* [2021] SGHC 282 ("*Wang Xiaopu (committal proceedings)*") (at [8]), in this affidavit, the applicant had stated as follows:

> The account has been closed for several years. As ***I am unable to recall*** and I do not anymore have in my possession any physical records of past bank statements of the account, I have written to the bank to help in tracing my past statements. My registered letter to the bank dated 06 July 2020 and the Singapore Post posting form for registered service and Singapore Post receipt are attached as Exhibit GSH-B.
>
> [emphasis in original]

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19 HC/OA 69/2025 and HC/OA 115/2025 Senior Assistant Official Assignee, Benjamin Yim's 1st Affidavit dated 17 June 2025 ("BY-1") at p 43 (E-mail from the Official Assignee to Wang's counsel dated 7 September 2020).

25 This contradiction was discovered during a phone call between Mr Yim and Wang's counsel on 27 August 2020. Wang's counsel then wrote to the applicant seeking a clarification and the applicant affirmed another affidavit on 28 August 2020 asserting that he "[could not] remember nor recall" [emphasis in original omitted] what had happened to the funds.[20]

26 On 31 August 2020, Wang's counsel wrote to Mr Yim by way of e-mail seeking for Mr Yim to "share … the relevant portion of [the applicant]'s statement regarding the Funds on a P&C basis".[21] Mr Yim acceded to this request and shared the Excerpt with Wang's counsel on 7 September 2020 by way of a letter.

27 The Excerpt was subsequently exhibited in committal proceedings against the applicant in Suit 686 (HC/SUM 5041/2020) ("Suit 686 (SUM 5041)"). In these committal proceedings, the applicant was found to be in contempt of court for withholding information despite being ordered to provide a full account and was sentenced to seven days' imprisonment: see *Wang Xiaopu (committal proceedings)* at [30].

OA 38 and OA 67

28 OA 38 and OA 67 stem from the Official Assignee's decisions to decline to grant the applicant sanction to commence judicial review of Suits 636 and 686 respectively. It is not clear from the originating applications alone what the applicant sought a judicial review of in relation to the two suits. Based on the e-mail from the Official Assignee in which the decision to refuse sanction was

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20 BY-1 at p 11 (E-mail from Wang's counsel to Benjamin Yim dated 31 August 2020 ("31 August 2020 E-mail from Wang's Counsel") at para 3).

21 BY-1 at p 11 (31 August 2020 E-mail from Wang's Counsel at para 5).

communicated to the applicant, the applicant had framed his request as "applications for judicial review of the *judgments* in [Suit 686] and [Suit 636]" [emphasis added].[22] However, during the hearing before me, the applicant clarified that this was not the remedy which he truly sought. I elaborate on the nub of the applicant's concerns which was crystallised at the hearing.

29 For OA 38, the applicant takes issue with how the Official Assignee had refused to grant him sanction on the basis that he "[did] not have any standing as [he was] not even a named party in [Suit 636]".[23] During the hearing before me, the applicant accepted that, as a non-party to Suit 636, he is not able to appeal against the decision in Suit 636.[24] Instead, the applicant's primary contention is that the court in Suit 636 had effectively made a finding that he was a fraud without him having had the opportunity to defend himself against such allegations as a defendant to the suit.[25] However, even if the applicant were to seek a sanction from the Official Assignee at this stage, he has not specified what action he would bring to "retry … as a defendant" to Suit 636.[26]

30 For OA 67, the applicant takes issue with how the Official Assignee had refused to grant him sanction on the basis that he had "already exhausted [his] option to appeal when [he] abandoned [his] application in CA 225/2019", which was his appeal of Suit 686.[27] For that appeal, the applicant was ordered to

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22 HC/OA 67/2025 Applicant's 2nd Affidavit filed 22 January 2025 ("OA 67 GSH-2") at p 29 (E-mail from the Official Assignee to the applicant dated 19 December 2024 ("19 December 2024 E-mail from Official Assignee")).

23 OA 67 GSH-2 at p 29 (19 December 2024 E-mail from Official Assignee).

24 14 August 2025 NEs at p 70 lines 9–12, p 79 line 16–p 80 line 2.

25 14 August 2025 NEs at p 10 lines 11–17.

26 14 August 2025 NEs at p 80 lines 3–9, p 81 lines 4–23.

27 OA 67 GSH-2 at p 29 (19 December 2024 E-mail from Official Assignee).

provide further security for costs fixed at $20,000 by 6 August 2020 following an application for the extension of time to file the appeal papers on 9 July 2020: *Goh Seng Heng v Wang Xiaopu* [2020] SGCA 66 ("*Wang Xiaopu (CA)*") at [22]. The applicant failed to provide further security for costs and the appeal of Suit 686 was withdrawn on 3 August 2020. During the hearing before me, the applicant clarified that he seeks an extension of time to provide further security for costs and to furnish this further security using moneys in his bankruptcy estate, rather than a judicial review of the judgment in Suit 686.[28]

31 The applicant had not previously brought these matters to the Official Assignee's attention, nor has he sought the Official Assignee's sanction to somehow seek a "retr[ial] … as a defendant" to Suit 636 or to seek an extension of time to provide further security for costs and to furnish this further security using moneys in his bankruptcy estate in Suit 686.

Procedural history

32 I summarise the procedural history of the six OAs that are the subject of this judgment, including the aforementioned suits and additional reliefs sought by the applicant in this matter. I highlight only the key events stemming from applications or letters filed in these legal proceedings.

33 On 31 December 2015, Suit 1311 was commenced by LSI against the applicant. On 20 February 2019, the High Court in *Liberty Sky Investments Ltd (HC)* found the applicant liable for misrepresentation and ordered him to pay damages to LSI. On 10 February 2020, the Court of Appeal dismissed the applicant's appeal against the decision in Suit 1311: *Liberty Sky Investments Ltd v Aesthetic Medical Partners Pte Ltd* [2020] 1 SLR 606.

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[28] 14 August 2025 NEs at p 76 line 13–p 77 line 2.

34 On 6 July 2015, Suit 686 was commenced by Wang against the applicant. On 5 December 2019, the High Court in *Wang Xiaopu (HC)* found the applicant liable for fraudulent misrepresentation and ordered him to pay damages to Wang. On 18 December 2019, the applicant filed an appeal against the decision in Suit 686.

35 On 6 March 2020, the applicant filed B 940, which was then granted on 19 March 2020.

36 The applicant's filing of B 940 was unbeknownst to his counsel for the appeal against the decision in Suit 686. This led to then counsel for the applicant filing his appeal papers on 23 March 2020 without having sought the sanction of the Official Assignee to continue with the appeal. On 9 July 2020, the Court of Appeal in *Wang Xiaopu (CA)* granted an extension of time for the filing of the appeal papers and ordered for the applicant to provide further security of costs by 6 August 2020. On 3 August 2020, the applicant withdrew this appeal.

37 On 12 October 2020, Wang filed a summons for leave to commence committal proceedings against the applicant in Suit 686 (HC/SUM 4409/2020) for lying on affidavit regarding the location of the funds in his HSBC Guangzhou bank account. On 13 November 2020, leave was granted by Woo Bih Li J (as he then was). On 6 December 2021, the General Division of the High Court found the applicant guilty of contempt and sentenced him to seven days' imprisonment in Suit 686 (SUM 5041).

38 By way of letters to court on 9 and 16 July 2025, the applicant sought leave to admit four additional documents, namely (a) the July 2025 Valuation Report (referred to at [15] above); (b) psychiatric reports stating that he was diagnosed with persistent gambling disorder so as to support his assertion that

his "financial depletion arose from a compulsive psychiatric disorder, not from deliberate concealment of wealth or to render [himself] judgment-proof" [emphasis in original omitted];[29] (c) a transcript of a phone call with the Guangzhou branch of HSBC, which the applicant claims is corroborative evidence of how he had not concealed the location of the $18m that was deposited into his HSBC Guangzhou bank account;[30] and (d) an e-mail from the Council for Estate Agencies, which the applicant alleges is proof that a property listing relied on in Suit 636 was unauthorised and inaccurate.[31] The respondents objected to the admission of these four documents, primarily arguing that the documents were not in response to its reply affidavits.[32]

39 During the hearing on 14 August 2025, I granted leave for the applicant to file a supplemental affidavit exhibiting these four documents. In my view, these documents did not go into the merits of the case and instead provided the factual basis for the applicant's case.

40 On 27 September 2025, the applicant, by way of an e-mail to the Registry, indicated that he would be "seeking directions by Summons in HC/OA 69/2025 and HC/OA 115/2025 on carriage or sanction on proportionate terms" [emphasis in original omitted].[33] While the precise remedy being sought is not clear from the face of the e-mail, the applicant's position was crystallised during the registrar's case conference on 2 October 2025 ("2 October 2025

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29 OA 38 GSH-2 at p 5.

30 OA 38 GSH-2 at p 2.

31 OA 38 GSH-2 at pp 2, 4.

32 HC/OA 38/2025 Respondents' letter dated 22 July 2025 at paras 4-5

33 E-mail from the applicant to the Supreme Court Registry dated 27 September 2025 at 10.19am titled "HC/OA 69/2025 & HC/OA 115/2025 — OA letter (26 Sep 2025) and Applicant's reply (27 Sep 2025) — *for information pending Summons for Directions*".

RCC"). The applicant primarily sought a court order directing the Official Assignee to consider his application for sanction to file a judicial review application against the Review Committee of the Law Society of Singapore, notwithstanding the Official Assignee's requirement for additional security. The intent of this judicial review application was to quash the Review Committee's decision dismissing his complaint against Wang's counsel who were recipients of the Excerpt. The Senior Assistant Registrar did not grant the applicant permission to file and serve this summons for directions because there was no nexus between this fresh judicial review application and OA 69 and/or OA 115 and the Official Assignee had yet to come to a decision on whether to grant the requisite sanction.[34]

41 I now turn to address the applications proper.

Obtaining the Official Assignee's sanction to commence actions

42 A bankrupt is incompetent to pursue an action, other than certain excepted categories, without the *Official Assignee's* prior sanction. This is provided for under s 131(1)(*a*) of the BA, which states:

> **Disabilities of bankrupt**
>
> **131.**—(1) Where a bankrupt has not obtained his discharge —
>
> (*a*) unless the bankrupt has obtained the previous sanction of the *Official Assignee*, the bankrupt is incompetent to commence, continue or defend —
>
> (i) any action other than —
>
> (A) an action for damages in respect of any injury to the bankrupt's person; or
>
> (B) a matrimonial proceeding; or
>
> (ii) any appeal arising from any action referred to in subparagraph (i); and

[34] 2 October 2025 RCC Minute Sheet.

…

[emphasis added]

43 The equivalent provision in the IRDA is s 401(1)(*a*).

44 The Court of Appeal in *Standard Chartered Bank v Loh Chong Yong Thomas* [2010] 2 SLR 569 ("*Standard Chartered Bank*") (at [26]) described this provision as establishing "an absolute bar on maintaining an action without the previous sanction of the [Official Assignee]". In the absence of the Official Assignee's previous sanction, the bankrupt is *incompetent* to commence any action that does not fall within the excepted categories.

45 However, I note that, in addition to the excepted categories that have been statutorily provided for, the respondents have also accepted that the previous sanction of the Official Assignee is *not required* to commence, continue or defend actions challenging (a) the bankruptcy order resulting in the bankrupt's disability, or (b) any act, omission or decision involving the Official Assignee.[35] This means that a bankrupt is not required to have prior sanction of the Official Assignee in order to commence judicial review proceedings against it or to seek Statutory Review under the relevant Act itself. I agree with the respondents' position.

46 The rationale for this is that civil actions or proceedings falling within these two categories are not *actions* within the meaning of s 131(1)(*a*) of the BA. This narrow interpretation of the word "action" furthers the purpose of the BA, which is to ensure that the administration of the bankrupt's estate remains for the benefit of creditors: see *Standard Chartered Bank* at [28]. It would not further the purpose of the BA if the Official Assignee could decide whether

[35] 14 August 2025 NEs at pp 84 line 30– 86; RWS at paras 11–29.

there are good grounds to challenge its own acts or the bankruptcy order, as this may risk immunising the Official Assignee, whose powers of control over the bankrupt's estate ought only to be exercised for the benefit of creditors, from any legal challenge. The Federal Court of Malaysia has similarly adopted a narrow interpretation of its equivalent provision to s 131(1)(*a*) of the BA (*ie*, s 38(1)(a) of the Malaysian Bankruptcy Act 1967) in *Ho Ken Seng v Progressive Insurance Sdn Bhd* [2013] 2 MLJ 335 (at [28]), restricting the requirement for previous sanction to new and separate civil actions or proceedings, and not the same upon which the bankruptcy was secured.

47 Therefore, on the present facts, the Official Assignee's sanction is required for only OA 38 and OA 67 as the remaining four applications all stem from either the bankruptcy order or acts of the Official Assignee.

OA 69

48 Previous sanction is not required from the Official Assignee to commence OA 69. In OA 69, however, the applicant does not seek judicial review of any act or decision of the Official Assignee. Rather, he seeks *leave of court* to commence action against the Official Assignee and Mr Yim for "breaches of judiciary duties and Statutory duties" in respect of their disclosure of the Excerpt. Leaving aside the lack of clarity concerning what these alleged duties are, the applicant seeks a remedy which the court does not have the power to grant. For this reason, I dismiss OA 69.

OA 38 and OA 67: Official Assignee's sanction has not been sought for the actions which the applicant truly wishes to commence

49 As mentioned at [28] above, while the applicant had previously sought and was refused sanction to commence "applications for judicial review of the

judgments in [Suit 686] and [Suit 636]" [emphasis added],[36] this was not the remedy which he truly sought. The applicant has not obtained the Official Assignee's sanction for the true nub of his concerns. In other words, the decisions which the Official Assignee made to refuse sanction were based on the applicant's own misconception of what he truly wanted to seek.

50 For OA 38, the applicant clarified that what he really wants is to "retry … as a defendant" to Suit 636 as he did not have the opportunity to defend himself against the allegations that he was a fraud in Suit 636.[37] However, the applicant has not particularised nor sought the Official Assignee's sanction for such an action, and it is also not clear to me what action the applicant can even commence in this regard.

51 For OA 67, the applicant clarified that what he really wants is to seek an extension of time to provide further security for costs and to furnish this further security using moneys in his bankruptcy estate, and not to review judicial decisions which would not be susceptible to judicial review: *Marplan Pte Ltd v Attorney-General* [2013] 3 SLR 201 at [22]. However, the applicant has not yet sought such sanction from the Official Assignee. In deciding whether to grant such sanction, the Official Assignee would be entitled to consider whether there is any realistic basis for the applicant to obtain such extensions of time from the court. To be clear, even if the Official Assignee were to refuse to grant sanction for the applicant's commencement of an action for extension of time, the appropriate remedy thereafter would be Statutory Review (and not judicial review). I will expand on this point in the next section.

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36 OA 67 GSH-2 at p 29 (19 December 2024 E-mail from Official Assignee).

37 14 August 2025 NEs at p 80 lines 3–9, p 81 lines 4–23.

52 Therefore, OA 69, OA 38 and OA 67 are dismissed.

OA 111, OA 114, OA 115: Availability of recourse to judicial review

53 The remaining three applications are for leave to commence judicial review proceedings against the AR's decision to grant the bankruptcy order (*ie*, OA 111) and various decisions of the Official Assignee and Mr Yim (on behalf of the Official Assignee) (*ie*, OA 114 and OA 115).

54 Given my findings at [47] above, I accept that the Official Assignee's sanction is not required to commence OA 111, OA 114 and OA 115. However, this does not necessarily mean that recourse to judicial review is available to the applicant. The key question is whether actions of the Official Assignee taken in relation to a bankrupt under the statutory regime and for which review by the court is provided (whether under the BA or the IRDA) may also be challenged by recourse to the court's general powers of judicial review.

55 At the hearing, I invited parties to file further submissions on two questions that bore on this issue, namely (a) whether actions of the Official Assignee are susceptible to judicial review, in the light of the nature and status of the Official Assignee; and (b) whether actions of the Official Assignee, for which there is review by the court under the IRDA statutory regime, are separately open to judicial review.

56 In my view, OA 111, OA 114 and OA 115 turn on two questions:

(a) whether actions of the Official Assignee are susceptible to judicial review; and

(b) whether a complete and suitable alternative mechanism for review already exists or has been provided for, such that there ought not ordinarily to be further or separate review by way of judicial review.

57 On the first question, parties agree that actions of the Official Assignee are in principle susceptible to judicial review.[38]

58 However, parties disagree in relation to the answer to the second question. The applicant's position is that Statutory Review is not an adequate alternative remedy as Statutory Review only provides a "downstream, reactive process of self-review", unlike the judicial review process which is an "upstream, proactive fix that compels missed steps".[39] In contrast, the respondents contend that, in most cases, Statutory Review provides a suitable alternative remedy as it covers a wider range of reviewable acts, potential applicants with standing, as well as relief.[40]

Susceptibility to judicial review

59 I begin with the first question on whether the acts and/or decisions of the Official Assignee are susceptible to judicial review. In determining whether a decision made by a body or an authority is susceptible to judicial review, the court examines the source of the power being exercised in making that decision (*ie*, the source test). If the body's power stems from statute or subsidiary legislation, the body's decisions would ordinarily be amenable to judicial review in the absence of compelling reasons to the contrary: *Public Service*

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38 Applicant's Further Written Submissions filed 10 September 2025 ("AFWS") at para 7; RFWS at para 2(a).

39 AFWS at p 11.

40 RFWS at paras 18–20.

Commission v Lai Swee Lin Linda [2001] 1 SLR(R) 133 at [41]; *Manjit Singh s/o Kirpal Singh v Attorney-General* [2013] 2 SLR 844 ("*Manjit Singh*") at [28]. One such compelling reason is where there is no public element in a statutory power or duty (*Manjit Singh* at [32]):

> … Where there is a compelling reason which indicates the absence of such a public element in what is nonetheless a statutory power or duty, there would be no good reason to subject the exercise of such a power or duty, which may already be governed by private law obligations and remedies, to public law remedies in judicial review proceedings.

60 The Official Assignee is a statutory office under the IRDA. By s 16 of the IRDA, the "Official Assignee must act under the general authority and directions of the Minister, but is also an officer of the Court". The function of the Official Assignee is "to supervise the conduct and affairs of the bankrupt and to administer the estate of the bankrupt" and its duties are set out in, *inter alia*, ss 22, 23 and 24 of the IRDA: see *Haotanto Anna Vanessa v Fang Ching Wen Ted* [2023] 3 SLR 1155 ("*Haotanto*") at [15]. There is a public element as these duties are carried out "with an eye towards both promoting recovery for the creditors and rehabilitating the credit of the bankrupt": *Haotanto* at [17]. Therefore, I agree with parties that the decisions of the Official Assignee which are carried out in the exercise of its official functions are, in principle, susceptible to judicial review.

Availability of recourse to judicial review

61 However, notwithstanding the susceptibility of the Official Assignee's decisions to judicial review, the availability of recourse to judicial review then turns on the second question of whether a suitable and complete alternative remedy has been provided for regarding the decisions complained of in these proceedings. Judicial review would not ordinarily be available for decisions where a suitable and complete alternative remedy is provided. This question

stems from the principle that judicial review is "a remedy of last resort" so as to "[minimise] the potential for judicial review to be used to disrupt the smooth operation of statutory procedures which may be adequate to meet the justice of the case": *Regina (Glencore Energy UK Ltd) v Revenue and Customs Commissioners* [2017] 4 WLR 213 at [55], [56]. All alternative remedies must first be exhausted and there is no room for judicial review where Parliament provides an applicable appeal procedure unless an applicant can distinguish his case from the type of case for which the appeal procedure was provided: see *Borissik Svetlana v Urban Redevelopment Authority* [2009] 4 SLR(R) 92 at [25], citing *Regina v Secretary of State for the Home Department, ex parte Swati* [1986] 1 WLR 477 at 485. As noted at [3] above, this principle now appears in O 24 r 2(2) of the ROC 2021.

62 In short, if there is a statutorily enshrined route or mechanism through which a court may review certain administrative acts or decisions other than judicial review, it must be pursued first. If that route is unsuccessfully pursued, to then seek judicial review of the same act or decision that has been upheld by the court may be objectionable as a collateral attack on a judicial decision that binds the applicant, although whether this is the case would depend on the facts and circumstances, including the precise relief sought.

63 The Official Assignee's decision to admit debts owing to LSI, Wang and LVM (*ie*, the decisions that are the subject of OA 114) and Mr Yim's act of disclosing the Excerpt to Wang's counsel (*ie*, the act that is the subject of OA 115) both fall within the scope of review by the court under s 31 of the BA. The applicant has standing to apply under s 31 as the bankrupt for the court to "confirm, reverse or modify any act or decision of the Official Assignee" or "give such directions to the Official Assignee or make such other order as it may think fit". Statutory Review thus provides for a complete review procedure,

with an accompanying appellate mechanism to the Appellate Division of the High Court: s 8 of the IRDA or s 8 of the BA, read with s 29C(1) of the Supreme Court of Judicature Act 1969 (2020 Rev Ed).

64 Moreover, detailed case law has developed concerning how Statutory Review is to be carried out. In general, the scope of review under Statutory Review is broader than that of judicial review.[41] Under s 31(1) of the BA, "a bankrupt or any of his creditors or any other person [may apply for Statutory Review where he] is ***dissatisfied*** *by any act, omission or decision of the Official Assignee* in relation to the Official Assignee's administration of the bankrupt's estate" [emphasis added in italics and bold italics]. The scope of review may thus extend to reviewing the correctness of decisions taken by the Official Assignee and is not limited to the usual grounds for judicial review.

65 Similarly, in relation to OA 111, the annulment of a bankruptcy order falls within the court's powers under s 123(1) of the BA. Section 123(1)(*a*) of the BA provides an avenue for the applicant to seek an annulment of the bankruptcy order in B 940 on the basis that the order ought not to have been made in the absence of proper valuation[42] – an avenue which the applicant had pursued but eventually withdrawn in 2024 (see [12] above). The substance of such an annulment application precisely mirrors that of the declaration sought by the applicant in OA 111.

66 For these reasons, I consider that judicial review is *not* ordinarily available for decisions of the Official Assignee that are of the types complained of in OA 114 and OA 115 or those relating to annulment of a bankruptcy order

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41 RFWS at para 24.

42 RWS at paras 107–109; 14 August 2025 NEs at p 93 lines 1–7.

granted by an AR as was the case in OA 111. I hold that, in this case, the existence of a complete and suitable alternative remedy provided by statute makes these applications for judicial review inappropriate and without merit. The applicant did not avail himself of the appropriate remedy.

OA 111, OA 114, OA 115: Whether the applicant has raised an arguable case of reasonable suspicion

67 Nonetheless, and for completeness, as I heard full argument on the question of whether the evidence discloses an arguable case of reasonable suspicion in favour of the court making the orders sought (per O 24 r 5(3)(*b*)(ii) of the ROC 2021), it is appropriate that I consider whether the applicant has raised an arguable case for the applications for leave to commence judicial review proceedings in OA 111, OA 114 and OA 115.

68 In relation to OA 111, the applicant has not raised an arguable case of reasonable suspicion for why the bankruptcy order made against him is null and void. Contrary to the applicant's contention that the bankruptcy order should be declared null and void due to the absence of proper valuation at the time that the order was granted, it is not untypical that the precise amount of the debt would not have been quantified at the time that the bankruptcy order was made. Proofs of debt are only filed after the administration date for a bankruptcy and, instead, bankruptcy orders can be granted so long as "the amount of the debt, or the aggregate amount of the debts, is not less than $10,000": see ss 61(1)(*a*), 88A of the BA. Therefore, the absence of proper valuation (even if subsequently required in deciding whether to admit a debt) is not a ground for annulling a bankruptcy order.

69 In so far as OA 114 is concerned, there is nothing in the material before me which suggests that the proofs of debt in relation to LSI, Wang and LVM

were improperly admitted on the state of the information available at the material time.

(a) The applicant's concern in relation to LSI's debt is that the Official Assignee had not conducted an independent valuation of AMP's shares before admitting LSI's proof of debt on the basis that the value of AMP's shares was zero. The applicant now relies on recently obtained evidence bearing on the value of AMP's shares as at December 2019 (*ie*, the July 2025 Valuation Report).[43] However, even if there is substance in this new evidence, it does not bear on the question of whether the Official Assignee had erred at the earlier point in time on the facts then known, including the position then apparently taken by the applicant.

(b) The applicant's concern in relation to the debt owed to Wang stems primarily from some potential fraud which was being investigated by the authorities. I should note however that it is not apparent to me how the alleged fraud would affect the admission of Wang's proof of debt as the applicant has not cited specific evidence arising from the ongoing investigation. It would not be sufficient merely to put to the respondents that there is an ongoing investigation. Furthermore, the applicant's concern regarding the lack of an independent valuation of AMP's shares does not extend to Wang's proof of debt as a valuation of AMP's shares was not needed in order to determine Wang's debt, which was instead pegged to a fixed sum. It is also not true that "Wang was obliged to return or offset these shares against her ~SGD 40.9 million debt".[44]

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43 OA 38 GSH-2 at pp 13–33 (Valuation Report of AMP by Xerxes Medora dated 14 July 2025 ("July 2025 Valuation Report")).

44 OA 114 GSH-1 at para 5.1.

(c) As for LVM, the applicant complains that the Official Assignee had not applied to court for taxation of LVM's bill. There are two difficulties with this argument. First, there is no requirement that a claim for legal fees must first be taxed before being admitted. It is a matter for the Official Assignee's judgment. I am prepared to take judicial notice that the Official Assignee has sufficient knowledge to assess the reasonableness of legal fees against the market and to decide whether it is necessary to tax a bill. Secondly, the applicant did not seek taxation of the bill within the requisite timeframe: see [20] above.

70 Therefore, permission to commence judicial review would not have been granted in respect of OA 114. Nonetheless, I note that, until the estate has been distributed and the bankrupt discharged, the Official Assignee may review even admitted proofs of debt, including in the light of new evidence.

71 In relation to OA 115, I would have found that the applicant has not raised an arguable case that the Official Assignee ought to have granted sanction for the applicant to commence action in respect of the Excerpt. This is because, in my judgment, there was no potential impropriety in how Mr Yim responded to the inquiry from Wang's counsel. Mr Yim gave a full account in his affidavit.[45] Mr Yim's account is straightforward and logical. His assertion that disclosure of the Excerpt would facilitate compliance with an order of court and would be in the public interest accords with the fact that the Excerpt was relied on by Justice Lee Seiu Kin when holding Dr Goh to be in contempt of court: *Wang Xiaopu (committal proceedings)* at [28]. I accept that Mr Yim considered he was acting in the public interest, and I characterise his conduct as discharging his duty as an officer of the court. In these circumstances, the applicant has

[45] BY-1 at paras 8–15.

failed to establish any arguable case that the court would, if permission to apply for judicial review were granted, make an order compelling the Official Assignee to grant the requisite sanction.

Conclusion

72 I dismiss all six applications. I will hear parties on costs for the six OAs, as well as for the costs ordered against the applicant in the 2 October 2025 RCC.

Philip Jeyaretnam
Judge of the High Court

Applicant in person;
Jeyendran s/o Jeyapal, Sanjna Rai d/o Rajeshwar Rai, Chng Luey Chi
(Attorney-General's Chambers) for the respondents.