

Re Kuoh Hao Teng
[2021] SGHC 79

Case Number : Admission of Advocates and Solicitors No 718 of 2020
Decision Date : 09 April 2021
Tribunal/Court : General Division of the High Court
Coram : Choo Han Teck J
Counsel Name(s) : Luo Ling Ling (Luo Ling Ling LLC) for the applicant; Jeyendran Jeyapal, Yeo Gek Min, Stephanie Ng and Lim Toh Han (Attorney-General's Chambers) for the Attorney-General; K Gopalan, Rejini Raman and Nicholas Liaw for the Law Society of Singapore; Avery Chong, Dew Wong and Ng Yin Gek Jane Marie for the Singapore Institute of Legal Education; Tan Jeh Yaw and Kenii Takashima (Tan Jeh Yaw LLC) for the non-party.
Parties : Kuoh Hao Teng

Legal Profession – Admission

9 April 2021

Choo Han Teck J:

1 It is remarkable that an application for admission to the Bar should raise so many questions yet yield so few answers. Each year, at least a hundred such applications are made, and almost all pass uneventfully to the day of admission, an occasion of pride and joy for the applicant and his or her family. This AAS is the application of Mr Kuoh Hao Teng (“Mr Kuoh”) for admission to the Bar. This is his story, interspersed with that of Mr Tan Jeh Yaw (“Mr Tan”).

2 Mr Kuoh graduated from the University of Bristol on 22 June 2017 and completed the mandatory Relevant Legal Training on 13 June 2018 with the firm of Aptus Law Corporation uneventfully. He then applied to undergo the Practice Training Period (previously known as the “period of pupillage”) under Mr Tan as his supervising solicitor (previously known as the “pupil-master”). Mr Kuoh was accepted as Mr Tan’s trainee and began his traineeship on 3 January 2019. It is a training period that must, by law, be completed in six months. Mr Kuoh’s traineeship thus ended on 11 July 2019.

3 As is usually the case, trainees would file their applications for admission to the Bar before they have completed their training. In this case, Mr Kuoh filed his application, HC/AAS 479 of 2019 (“AAS 479”) on 27 May 2019. Various documents are required to be submitted once the application has been filed. These documents had to be checked by the supervising solicitor, Mr Tan.

4 On the final day of his training, Mr Kuoh presented the documents for Mr Tan’s endorsement, but Mr Tan did not sign them until 26 July 2019. That was when Mr Kuoh saw the “Practice Training Contract Checklist”, one of the requisite documents, was, in his view, not checked correctly. Mr Kuoh says that Mr Tan did not include some areas of practice in which he (Mr Kuoh) had in fact been given the necessary experience.

5 On the next day, 27 July 2019, Mr Kuoh prepared an amended list that, in his view, accurately reflected the practice areas to which he had been exposed, and sent it with his reasons for the changes to Mr Tan. He asked if Mr Tan had any thoughts on the changes, and that he would submit

them if Mr Tan had no comments. Not having received any comments from Mr Tan other than an acknowledgment of receipt and note that he would review the changes, Mr Kuoh sent a reminder and informed Mr Tan that if there were no comments, he (Mr Kuoh) would submit the documents to the Singapore Institute of Legal Education ("SILE"), which he did on 29 July 2019.

6 On 14 August 2019, Mr Tan filed a Notice of Objection and served it on the Attorney-General's Chambers (the "AGC"), the Law Society of Singapore (the "Law Society") and the SILE, the three authorities charged with supervising applications for admission to the Bar (collectively referred to hereafter as the "Supervising Authorities").

7 In his objection of 14 August 2019, Mr Tan reported that Mr Kuoh was playing computer games and watching movies on his computer during office hours, did not complete the work given to him, and had not followed up on cases assigned to him. He also alleged that Kuoh misled and harried him into signing the relevant forms.

8 The list that Mr Kuoh corrected subsequently became a matter of contention. Although Mr Kuoh filed an affidavit on 9 September 2019 refuting the complaints of Mr Tan, the AGC informed Mr Kuoh on 16 October 2019 that it would be referring the matter to the police for investigations. Separately, Mr Tan also filed a police report concerning Mr Kuoh's amendments to the list on 11 November 2019. The police concluded their investigations and administered a stern warning to Mr Kuoh for an offence of forgery.

9 In the meantime, on 27 April 2020, Mr Kuoh started a fresh stint as a practice trainee under the supervision of Ms Carolyn Tan of Tan & Au LLP. He completed his training on 26 October 2020 and filed a fresh application in AAS 718 of 2020 for admission to the Bar ("AAS 718"). In support of Mr Kuoh's application in AAS 718, his supervising solicitor, Ms Carolyn Tan, wrote a glowing report of Mr Kuoh as a practice trainee.

10 It was odd that AAS 718 was filed when AAS 479 had not been heard. Hence, Mr Kuoh applied to withdraw AAS 479. When the application for withdrawal was fixed before me on 9 November 2020, Mr Tan indicated that he would still be opposing any application by Mr Kuoh for admission to the Bar. No details or reasons were given, and in the unusual situation where a supervising solicitor was objecting to his former trainee's application for admission to the Bar, I directed all parties to file their affidavits setting out the relevant facts, hoping that the affidavits would explain what led to Mr Tan's resolute objections.

11 The parties filed their affidavits but they did not provide the explanations I had expected. All that was clear was that none of the parties objected to Mr Kuoh's withdrawing AAS 479. On 26 January 2021, Mr Kuoh appointed Ms Luo Ling Ling ("Ms Luo") to act on his behalf, and when parties appeared before me on 8 February 2021, I granted leave to Mr Kuoh to withdraw AAS 479.

12 As Mr Tan continued to object to Mr Kuoh's application for admission to the Bar, I directed parties to file their affidavits and submissions regarding the application under AAS 718, and I adjourned the matter to 5 April 2021 for my decision regarding AAS 718.

13 On 5 April 2021, I was informed that Mr Tan had withdrawn his objections to Mr Kuoh's application under AAS 718. The Supervising Authorities had no objections to Mr Kuoh's application and so I granted the application and admitted Mr Kuoh to the Bar.

14 Then came the aftershock. Ms Luo asked for costs against Mr Tan. I enquired why Mr Tan had withdrawn his objections and was informed by Ms Luo that she discovered that Mr Tan did not have

the prerequisite qualifications to take on practice trainees at the time. Rule 18(1) of the Legal Profession (Admission) Rules 2011 provides that a solicitor shall not be a supervising solicitor of a practice trainee unless the solicitor has in force a practising certificate for “a total of not less than 5 out of the 7 years immediately preceding the date of commencement of his supervision”.

15 It transpired from Ms Luo’s investigation that Mr Tan had a practising certificate in force for only a total of two years and 11 months from January 2012 (*ie* 7 years preceding January 2019, the date of Mr Kuoh’s commencement of his Practice Training Period under the supervision of Mr Tan). This meant that even if Mr Tan had not objected to AAS 479, Mr Kuoh could not have been admitted under that application.

16 Mr Kenii Takashima, who appeared on behalf of Mr Tan, did not refute Ms Luo’s discovery, but he objected to paying costs to Mr Kuoh. He sought two weeks to file his submissions on costs. I granted him the time and will decide on the question of costs in due course, but I am now releasing my grounds for AAS 718 because from the matter arising in it, some inquiries may have to be conducted urgently by the relevant authorities.

17 Specifically, it appears that Mr Kuoh was not Mr Tan’s only practice trainee at the material time (of AAS 479). This came to light when Mr Kuoh stated in an affidavit that Mr Tan had insisted on him (Mr Kuoh) accompanying him to Cambodia for a work trip. Mr Kuoh stated that he was reluctant to go, and he asked Mr Tan why the other trainee was not going.

18 Apart from there being no details as to what the trip was about — who they were to meet and what they were meeting for — Mr Tan, strangely, according to Mr Kuoh, had asked that Mr Kuoh paid for his own expenses for the trip. What this was all about may be interesting if more facts are known, but the significance lies in the reference to another practice trainee in the firm. Mr Tan had stated in his Notice of Objection dated 14 August 2019 that he was the sole proprietor of his firm. This means that at least one person might have been admitted to the Bar when he had not received supervision from a qualified person. At the subsequent hearing before me on 8 April 2021, Mr Tan said that he had only supervised Mr Kuoh and one other practice trainee at the material time, and had no other trainees before or after that. Despite this, in Mr Tan’s second Notice of Objection dated 7 September 2019 adduced in Mr Tan’s affidavit of 22 February 2021, Mr Tan made reference to a “new trainee” under his supervision who had joined his firm in July 2019. Who these practice trainees are, and how many more there were, is a matter that should be swiftly and vigorously pursued by the Supervising Authorities.

19 I mentioned at the outset that many questions remain unanswered. Among them, were the reasons given by Mr Tan for objecting to Mr Kuoh’s application the true or only reasons? Have these other practice trainees of Mr Tan since been admitted to the Bar? These are questions outside the scope of this application, and I make no findings, nor do I draw any inferences from them. I was satisfied that the Supervising Solicitor of Mr Kuoh in AAS 718 had certified that Mr Kuoh is fit to be admitted to the Bar. The AGC, the Law Society, and the SILE had no objections to the application. I was thus of the view that there was nothing else before me that should hinder Mr Kuoh’s application. I thus granted an order in terms and will hear his counsel’s application for costs at a later date.