IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGSCT 4

Small Claims Tribunals Claim No 15426 of 2025

Between

(1) JFP

… *Claimant*

And

(1) JFQ

… *Respondent*

GROUNDS OF DECISION

[Commercial Transactions — Sale of services — Consumer protection — Unfair practice – Whether the Respondent's representations about a migrant domestic worker's Mandarin speaking ability amounted to an unfair practice under the Consumer Protection (Fair Trading) Act 2003 (2020 Rev Ed)]

[Damages — Rules in awarding — Rule against double recovery — Whether Claimant's usage of government grant to pay for migrant domestic worker's caregiving course was recoverable as damages]

[Courts and Jurisdiction — Small Claims Tribunals — Conduct of proceedings — Procedure — Attending trial by video-conference — Whether Tribunal Magistrate was entitled to convert a virtual trial to a physical one when Respondent failed to comply with video-conferencing requirements]

[Courts and Jurisdiction — Small Claims Tribunals — Bias — Recusal — Respondent sought recusal of Tribunal Magistrate at trial — Tribunal Magistrate refused to allow Respondent to attend trial by video-conference due to Respondent's failure to comply with video-conferencing requirements]

[Small Claims Tribunals — Costs — Whether the tribunal has the power to award costs for unmeritorious applications taken in the course of proceedings]

TABLE OF CONTENTS

JFP
v
JFQ

[2026] SGSCT 4

Small Claims Tribunals Claim No 15426 of 2025
Tribunal Magistrate Leon Abraham Tan
22 September, 4 November 2025, 27 January, 4 February 2026

9 June 2026

Tribunal Magistrate Leon Abraham Tan:

Introduction

1 When an elderly bedridden person who speaks almost exclusively in Mandarin seeks a caregiver to assist with the simplest daily tasks, the ability to communicate in Mandarin becomes paramount for navigating basic caregiving needs. The Claimant, [JFP], faced precisely this need. Her son, [ATP], turned to the Respondent, [JFQ], a migrant domestic worker ("**MDW**") employment agency, to source for a Mandarin-speaking MDW for and on behalf of the Claimant. Such agencies play an important role because they help individuals find caregivers who meet their specific needs and bridge the gap with overseas agents to access talent that lay persons would not otherwise have. Here, the Respondent represented that a MDW named "[MTA]" could communicate in Mandarin through her biodata and a video featuring her. Relying on these representations, the Claimant engaged [MTA]. However, the reality fell far

short of the promise. It transpired that [MTA] could barely speak or understand Mandarin, leaving the Claimant unable to communicate with her own caregiver. Therefore, I found that the Respondent was guilty of unfair practice under the Consumer Protection (Fair Trading) Act 2003 (2020 Rev Ed) ("**CPFTA**"). I set out my reasons in this Grounds of Decision.

2 While unfair practice was the central issue, this case also brought to the fore important questions about: the proper conduct expected of self-represented persons ("**SRPs**") before the Small Claims Tribunals ("**SCT**"); the requirements for attending trial by video-conference ("**VC**"); and the tribunal's power to award costs. These issues arose because the Respondent's representative, [VYX], behaved egregiously during the trial: he failed to meet the relevant VC requirements; threatened to complain when called out; and subsequently filed a baseless recusal application when the trial was converted from a virtual to a physical one in light of said failure. Therefore, I will also address these matters and make some concluding observations at the end.

Facts

The Parties

3 The Claimant, [JFP], was an elderly lady who was bedridden due to a stroke and Parkinson's disease. The Claimant required physical assistance for the simplest of daily tasks, such as getting up from the bed, eating or going to the toilet. Given the poor state of her health, her son, [ATP], acted as her representative throughout the proceedings pursuant to s 23(2)(j) of the Small Claims Tribunals Act 1984 (2020 Rev Ed) ("**SCTA**").

4 The Respondent, [JFQ], was a Singapore incorporated company, and it ran a MDW employment agency with several branches across the island. The Respondent was represented by its manager, [VYX].

Background to the dispute

5 The Claimant required a full-time caregiver because of the poor state of her health. In this regard, [ATP] handled all matters pertaining to the sourcing of a MDW for and on the Claimant's behalf.

6 As the Claimant communicated primarily in Mandarin and understood minimal English, [ATP] wanted a MDW who not only had experience in caring for disabled elderly persons but was also proficient with the Mandarin language. To this end, [ATP] approached the Respondent in or around November 2024 to source such a MDW.

7 The Respondent eventually furnished [ATP] with the biodata of [MTA] who was a MDW from Myanmar (the "**Biodata**").[1] Under the section titled "SKILLS OF [M]DW" in the Biodata, the Respondent indicated "MANDARIN" for [MTA]'s spoken language ability *without any qualification*.[2]

8 On 30 November 2024, it was undisputed that the Respondent forwarded a video that was 1 minute and 41 seconds in length to [ATP] via WhatsApp which showed [MTA] speaking in Mandarin to describe, *inter alia*, herself, her family and her work experience (the "**30 November Video**").[3] On the same day,

[1] Claimant's Hearing Bundle dated 23 July 2025 ("**CHB**") pg 146-149 (C01).

[2] CHB pg 147 (C01).

[3] CHB pg 95 (C21) and Respondent's Hearing Bundle dated 2 July 2025 ("**RHB**") pg 9 (R02).

[ATP] also had a video call with [MTA] to interview her. During this interview, [ATP] asked job-related questions in Mandarin, such as whether she was agreeable to sharing a room with the Claimant. [MTA] replied by nodding her head and saying "ok" in Mandarin. This solidified his belief derived from the Biodata and 30 November Video that [MTA] could communicate in Mandarin. Thereafter, [ATP] selected her on the Claimant's behalf.

9 On 2 December 2024, with [ATP]'s help, the Claimant executed the relevant paperwork to get [MTA] emplaced, which included Respondent's service agreement (the "**Service Agreement**").[4]

10 On 11 December 2024, [ATP] brought [MTA] to his home where the Claimant lived. It then quickly became apparent to [ATP] that [MTA] could barely speak or understand Mandarin and English. On the same day, [ATP] reported this issue by WhatsApp to the Respondent who replied: "[f]resh they Mandarin [sic] very simple pls [sic] give her some time for her .. if dun [sic] understand can use the goegle [sic] translation first".[5]

11 [ATP] proceeded to work with [MTA] over the following week by teaching her about the Claimant's day-to-day caregiving needs. [ATP] had to use Google's translation application to translate English to Burmese to get by. However, the problem was that the Claimant, who could not use a mobile phone and said application, could not communicate with [MTA] for simple matters when [ATP] was not present to assist with translation.

[4] CHB pg 136-142 (C21).

[5] CHB pg 116 (C22).

12 It became untenable for [MTA] to continue because [ATP] had to work and could not be present all the time to assist the Claimant with communication. Hence, on 18 December 2024, [ATP] requested for a replacement and reiterated that the next MDW must be able to communicate in Mandarin *and* have prior experience in caring for disabled elderlies.[6] Over the next few days, the Respondent furnished biodata of other MDWs but none of them met the requirements. Subsequently, [MTA] was returned to the Respondent on 17 January 2025.

13 Given what transpired, [ATP] wanted a full refund and to be reimbursed for the expenses that he had incurred on the Claimant's behalf in hiring [MTA]. However, the Respondent refunded only $3,340.61 on 11 February 2025. This consisted of: (a) $2,938.40, being the prorated balance of [MTA]'s placement loan of $3,572 that [ATP] paid on [MTA]'s behalf; and (b) $402.21, being 50% of the Respondent's agency service fee (*i.e.*, $804.42).

14 Dissatisfied with the amount, [ATP] and his brother sued the Respondent in the SCT for an additional $2,591.35 (*i.e.*, SCT/11253/2025) on 16 February 2025. However, the learned Tribunal Magistrate ("**TM**") dismissed their claim on 23 May 2025 because they did not have standing to sue since neither were privy to the Service Agreement.

15 On 19 June 2025, [ATP] filed this case (*i.e.*, SCT/15426/2025) for the same amount under the Claimant's name and obtained the tribunal's permission to act as her representative pursuant to s 23(2)(j) of the SCTA. However, at trial, [ATP] confirmed that the damages sought was reduced by $48 to $2,543.35 (see [105] below for the breakdown). This was because the Claimant no longer

[6] CHB pg 116 (C22).

wished to be compensated for the $48 incurred to engage the services of a nurse from the Home Nursing Foundation between December 2024 and January 2025.

The parties' cases

16 [ATP] explained that the Claimant was entitled to $2,543.35 as damages because that amount was incurred as a result of the Respondent committing an unfair practice under ss 4(a), 4(b) and 4(c)(i) of the Consumer Protection (Fair Trading) Act 2003 (2020 Rev Ed) ("**CPFTA**"). In summary, [ATP] argued that those provisions were applicable here for two reasons:

(a) firstly, the Respondent's indication of "MANDARIN" as [MTA]'s spoken language in her biodata without any qualification was a false claim and/or a representation that reasonably misled the Claimant and [ATP] into thinking that [MTA] was proficient with that language; and

(b) secondly, the Claimant and [ATP] were not subject matter experts on MDWs and thus not in a position to protect their own interest. Hence, they relied completely on the information given by the Respondent to make a decision.

17 [VYX] denied that the Respondent had committed any unfair practice. This was because the Respondent was engaged to source a MDW who could speak *simple* Mandarin, and it delivered its end of the bargain because [MTA] could do just that. Furthermore, [VYX] argued that, if the Claimant wanted a MDW who was proficient in Mandarin, she ought to have opted for a more expensive search package from the Respondent. This would have entailed paying a higher agency fee and monthly salary of approximately $900 and upwards for MDWs who had experience working in places such as Taiwan or

Hong Kong. Since [MTA]'s salary was on the lower end of the spectrum at $500 per month, finding a MDW within that price range who could communicate proficiently in Mandarin was, according to [VYX], tantamount to "looking for a needle in a haystack".[7]

Issues to be determined

18 In view of the foregoing, there were two issues for me to determine to dispose of this case:

(a) The first was whether any act or omission by the Respondent in the lead up to, and performance of, its contract with the Claimant – in particular, the referral of [MTA] for the latter's hire – constituted an unfair practice under the CPFTA.

(b) If the answer to the first was in the affirmative, then the second was the quantum of damages that the Claimant was entitled to.

Procedural history

19 Before turning to the substantive issues, the Respondent made two applications during the trial that required me to dispose of them before hearing parties on the merits. The first was an application that I recuse myself as the TM hearing the matter ("**Recusal Application**"). The second was a stay of proceedings in favour of mediation ("**Stay Application**"). Ultimately, I dismissed the Recusal Application but allowed the Stay Application.

The Respondent's Recusal Application

[7] [5] of [VYX]'s Witness Statement at RHB pg 5 (R01).

20 I begin with the Recusal Application.

21 On the first day of trial (*i.e.*, 22 September 2025), [VYX] requested for a change of TM after I refused to allow him to attend the trial by VC and converted the virtual trial to a physical one in the State Courts Towers. In light of this, I directed (a) the Respondent to file the Recusal Application as a General Application ("**GA**") in the Community Justice and Tribunals System ("**CJTS**"), and (b) both parties to file written submissions on the issue. The parties duly complied: the Recusal Application was filed as a GA (SCT/APPL/120507/2025) on 24 September 2025, and the written submissions were lodged by their respective deadlines.[8]

22 I heard the Recusal Application on 4 November 2025. At that hearing, [VYX] chose not to make any oral arguments. Thus, I decided the application based on the parties' written submissions and [ATP]'s oral arguments. After careful consideration, I dismissed the Recusal Application. I set out my reasons below.

Background to the Recusal Application

23 In applications such as this, the context was of vital importance. This was because any text, action or decision taken out of its context could easily be used as a pretext to misconstrue. Therefore, I canvass in detail below the events that transpired on 22 September 2025 between 9 am and 9.11 am when both parties attended by VC that led to my decision to conduct the trial physically, and [VYX] making the Recusal Application.

[8] R08 for the Respondent's written submissions, and C33 for the Claimant's written submissions.

(1) Guidelines for attending trial by VC and the need to maintain the privacy of the proceedings

24 I start with the relevant requirements for attending trial by VC because, as will be seen below, they were a significant part of the backdrop for the Recusal Application.

25 During the height of the Covid-19 pandemic, the courts in Singapore implemented measures to curb the spread of the disease whilst ensuring that court services and hearings remained, as far as possible, available and uninterrupted. Insofar as the SCT was concerned, one such measure found in Section D of the Schedule of Registrar's Circular No. 5 of 2020 ("**RC 5 of 2020**") was to conduct trials virtually over VC by default provided both parties consented to the same.

26 By 2025, Singapore had shifted to a phase where living with the Covid-19 disease was the 'new normal'. And by that time, much of the original measures implemented to curb the spread of the disease had been done away with. However, Section D of the Schedule of RC 5 of 2020 remained in force and was not revoked. Thus, virtual trials for the SCT continued on as the default position as a convenience offered to SRPs.

27 However, consenting to attend by VC was not the only requirement that had to be met. Relevant here was para 57(3) of the State Courts Practice Directions 2021 ("**SCPD**"), which applied to SCT proceedings (see r 33 of the Small Claims Tribunals Rules ("**SCTR**")). That provision required parties attending by VC to abide by the guidelines and procedures published on the

Judiciary's website.[9] The guidelines as of 22 September 2025 (the "**VC Guidelines**") stated the following:

> **Select an indoor, private and quiet location to participate in the virtual court session**, preferably without the presence of children or pets. **You should not be outdoors or at a location where other persons who are not parties to the case may listen to the court session**.
>
> [emphasis added in bold and underline]

28 In addition to being publicly available, a direct link to the VC Guidelines was also provided to the parties in the VC details that were sent to them by the tribunal's registry on 17 September 2025 via e-Correspondence in the CJTS (the "**17 September e-Correspondence**").

29 That said, the VC Guidelines were subjected to an important qualification for the SCT: SRPs *must not* attend from a location where non-parties may listen *or observe* the proceedings. This was notwithstanding the VC Guidelines using the words, "[y]ou should not", because s 24(1) of the Small Claims Tribunals Act 1984 (2020 Rev Ed) ("**SCTA**") required SCT proceedings to be conducted *in private*. Thus, save for the exception under s 24(2), non-parties were not entitled to observe SCT proceedings. As such, trials before the tribunal are unlike those in civil courts, which generally take place in open court where members of the public may sit in to observe.

30 All of the foregoing is to say that, while attending trial by VC was a convenience offered to SRPs, it was *not* an entitlement and there were requirements to satisfy. Should the requirements not be met (or for any other reason) the tribunal was empowered to direct that the trial be conducted

[9] See https://www.judiciary.gov.sg/attending-court/virtual-court-sessions <last accessed on 4 November 2025>.

physically (see para 2 of the Schedule of RC 5 of 2020 and para 57(5) of the SCPD).

(2) Between 9 am and 9.11 am when the parties attended by VC

31 Next, I turn to events that transpired between 9 am and 9.11 am on 22 September 2025.

32 On that day, [ATP] and [VYX] joined the trial at 9 am by VC. However, [VYX] attended from a Starbucks café somewhere in Changi Airport with a MDW in his vicinity. [VYX] did so because, according to him, he had an urgent work matter that required him to send off that MDW, whose flight check-in time was around 11 am, and watch over her in the interim.

33 I explained to [VYX] that he could not attend the trial from said café because it was a public space where non-parties could potentially manoeuvre around him and observe and/or eavesdrop on the hearing. While [VYX] had earphones on, passersby or patrons of the café would nevertheless be able to hear him speak on the Respondent's behalf. Given his location, [VYX] failed to comply with the VC Guidelines. Moreover, I could not ascertain with any degree of certainty that the requirement of privacy under s 24(1) of the SCTA would be maintained throughout the course of the trial, which was scheduled for a full day. Thus, I offered to stand-down so that [VYX] could relocate and attend from somewhere with better privacy, such as his home or office. I also asked how long [VYX] needed to relocate.

34 [VYX] replied that he could leave Changi Airport around 11 am after he sent the MDW off. When I told him that the trial was scheduled for a full day and queried how he was going to send the MDW off, [VYX] said that he would

do so when there was a break. When I informed [VYX] that his urgent work matter was not a valid excuse for non-compliance with the VC Guidelines, [VYX] asked if I wanted to reschedule the trial. I declined to do so.

> **[[VYX] was brought in from the VC virtual waiting room for identity verification, while [ATP] remained in it.]**
>
> TM: Yes, good morning. Can you hear me?
>
> [VYX]: Uh wait ah cannot hear you ya. Hello.
>
> TM: Yes, can you please identify who you are?
>
> [VYX]: [VYX].
>
> TM: Okay, [VYX], where are you currently at?
>
> [VYX]: **At a quiet place at a corner, because I can't find a private place. I am alone**.
>
> TM: The hearing is going to be for the whole of today.
>
> [VYX]: Yeah, yeah, I understand.
>
> TM: And where is… but you've not answer my question properly yet. Where exactly are you?
>
> [VYX]: **Starbucks at airport**.
>
> TM: And why are you at Starbucks at airport?
>
> [VYX]: **Because I have to urgently send a arrange a helper departure. It's the last minute things**.
>
> …
>
> **[[ATP] was brought in from the VC virtual waiting room.]**
>
> TM: … [ATP]. Can you turn on your mic, your camera and mic?
>
> [ATP]: Yes.
>
> TM: [VYX] right now I've just verified his ID and he is currently at the Starbucks at the airport. He says that it's in a quiet corner with no one else around him. I've told him that the hearing is scheduled for the whole of today, so of course there is no way for me to verify whether people are moving around, whether people can you know, hear what he is saying. Obviously… I can see that he's got earphones on, so people will obviously not be able to hear what we or I am saying or you are saying. But there's no way for me to verify. So my question to you, [VYX], is… how long would it take for you to get home or to office? Basically to a place where I can then be satisfied that you are not at a place where people can walk around you or eavesdrop [on] the hearing?
>
> [VYX]: Uh because **I have to wait until the flight can check in for that helper**, so it probably only can leave airport probably around like 11 am.

TM: Wait, wait, let me understand something right. **So right now you are there with a helper to send this person off**.
[VYX]: **She's at sitting at the counter there**.
TM: **Yes, but you have to send her off later, right**?
[VYX]: **Ya**.
TM: And we [are] having a hearing, so how are you going to do that? Because as I said, the hearing is scheduled for the whole of today.
[VYX]: **Uh you, because the check in is around 1 pm onwards, so I don't think we will all the way until 1 pm. Definitely there will be some breaks in between, right**?
TM: **There will be a lunch break, but I have not decided what time the lunch break will be. Different judges have different lunch break timings. I have mine typically earlier**.
[VYX]: **Also can I can do it during during the lunch break**.
TM: [VYX]… so look, your work arrangement, whatever this is, you say it's a urgent thing that you have to send this helper off. Look, I, unfortunately, it's not an excuse for you to attend court hearing from where you currently are. As I said, I cannot, you know, confirm or ascertain…
[VYX]: So do you want…
TM: with any form of certainty.
[VYX]: So do you want to reschedule?
TM: No, because this should not have been happening in the first place.

[emphasis added in bold and underline]

35 [VYX] then offered to attend the trial by VC whilst in his car in a carpark at Changi Airport. However, I explained that the same concerns about attending from a Starbucks café applied. Thus, I reiterated that he needed to relocate to a place with better privacy, such as his home or office. That was when [VYX] got a little frustrated. [VYX] repeated that his work was an urgent matter that he needed to attend to. While I acknowledged that parties may have work commitments, I pointed out that there was a prioritisation issue here because [VYX] clearly failed to appreciate the need to prioritise the trial for which his own employer appointed him to act as its representative.

[VYX]: So can I do it in the car?
TM: If you do it in the car, the same concern applies that…

[VYX]: So what? What? What? What do you want me to do? You are…
TM: I told you, go back to office or go to your home.
[VYX]: But I have a urgent things to settle right now.
TM: So if you, okay, I think maybe there's a issue of prioritisation here, [VYX].
[VYX]: But it it is a urgent thing.
TM: So again, [VYX], I'm not denying what you have. So I acknowledge what you have. That's one thing, but it's a prioritisation issue: you are attending a court hearing.
[VYX]: Ya I tell I told you…
TM: This court hearing…
[VYX]: I told you…
TM: This court hearing…
[VYX]: Is urgent thing. And I wanted to…
TM: [VYX], you need to listen. You need to listen. This court hearing takes priority. You may have urgent work things, but that's your personal matters. There's nothing I can do for you. If you want to attend court by Zoom, that's a privilege.

36 When I pointed out that attending the trial by VC was a privilege (as seen above), [VYX] became defensive and retorted that he did not request to attend by VC. And when I highlighted that the Respondent had indicated its consent in the CJTS to attending by VC, [VYX] blamed the system for automatically indicating the Respondent's consent.

[VYX]: I did not request to attend court by Zoom.
TM: Who requested to attend court by Zoom?
[VYX]: For your information, I did not request. So please…
TM: In CJTS, it's indicated that the respondent, so when I say respondent, I mean not you personally, I mean the company respondent indicated, "Yes", I'm looking at it right now. Consent to using video conferencing: "Yes".
[VYX]: It was auto generated by the system.

37 I then told [VYX] that I was not going to waste further time arguing over the Respondent's consent to attend by VC. I also offered him a break for the *first* time to call his superior to work out an arrangement that would allow him to relocate while someone else substituted him. Ultimately, attending trial by VC was a privilege extended to the parties for their convenience. If any party

could not or refused to comply with the relevant requirements, then the tribunal was empowered to convert the virtual trial to a physical one in the State Courts Towers. When I asked [VYX] for his decision, he replied "[c]ome down to court lor".

> TM: … [VYX], I'm not going to go back and forth with you on this. I'm only going to say attending by court by Zoom is a privilege. I can give you some time, do you want to go call your company, work out some kind of arrangement? Because as I said, attending court by Zoom is a privilege. **If you want to use this privilege, then you got to make sure you comply with the court's rules. If you can't, by default, we can have it physical**. Also, no problem, but both of you come down to court now… **So what's your choice, [VYX]**?
>
> [VYX]: **Come down to court lor**.
>
> [emphasis added in bold and underline]

38 When I asked [VYX] how long it would take him to come down to the State Courts Towers, he replied that he would only reach some time in the afternoon. Since [VYX] drove and was at Changi Airport, I did not accept that it would take him the entire morning to travel down. Given that the distance between the two locations was approximately 21.5 km via the East Coast Parkway highway, it would not have taken more than an hour (or, to be generous, an hour and a half) for one to drive that distance in a reasonable, safe and lawful manner. As this was a self-induced problem and there was no good reason why [VYX] should be allowed to hold up the trial longer than reasonably necessary, I told him that I would not wait until the afternoon. At that juncture, [VYX]'s frustration boiled over and he accused me of making things difficult for him.

> TM: No problem. How long does it take you to come down to court?
>
> [VYX] Then do it at around afternoon time ah.
>
> TM: No, no, no. I'm not going to wait till the afternoon for you to come down to court.

[VYX]: You are making things difficult for me you know.

39 I proceeded to correct [VYX] because he made things difficult for himself by failing to comply with the VC Guidelines. [VYX] then argued that, even if he were back in his office, the same concerns about attending from a Starbucks café applied as I would not be able to confirm that he was alone. When I gave an example of attending from a meeting room, [VYX] challenged this by asking "what if there's no meeting room in the office?" At the risk of stating the obvious, that was not the tribunal's problem. Given the incredulity of [VYX]'s reply, I moved on and offered him, for the *second* time, a break to call his superior to arrange for someone to substitute him at Changi Airport. When [VYX] asked why I would not wait till the afternoon for him to travel down to the State Courts Towers, I replied that it was because the trial was scheduled to start at 9 am. Accordingly, the trial was already delayed by [VYX]'s conduct.

TM: [VYX], you have made things difficult for yourself. Let's get the record straight here. If you want to attend court by Zoom, as I said, you got to play by the rules.
[VYX]: Ya, I'm playing by the rules. I'm alone by myself in the corner. There's no one else.
TM: But I told you, you're in a public space. I cannot ascertain. I cannot confirm…
[VYX]: You can't confirm. Then what you want me to do? When I…
TM: That's your problem, isn't it [VYX]?
[VYX]: **When I'm in the office, you also can't confirm whether I'm alone**.
TM: But at least you can be in a meeting room for example…
[VYX]: What if I…
TM: I am assuming there's a meeting room…
[VYX]: **No what what what if there's no meeting room in the office**?
TM: [VYX]. [VYX], I'm not going to go back and forth with you on this. I tell you, put it very simply to you: **I can give you some time. Now you want to call your boss. Work out some kind of arrangement. You can come down to court. Get someone to substitute you. No problem, but I cannot wait till the afternoon**. I will delay…

[VYX]: Reason?
TM: Sorry?
[VYX]: **Reason why you can't wait for me till afternoon**. There's I need…
TM: **Because this court hearing starts at 9 am**. You are the one who is in trouble, not the court, not [ATP], who attended.

[emphasis added in bold and underline]

40 Since [VYX] already opted to come down to the State Courts Towers, I informed both parties that I would start at 11 am sharp. That would give both parties approximately an hour and 50 minutes to travel down, which as mentioned above, was ample time. I also offered [VYX], for the *third* time, a break to call his superior to send someone down to substitute him. However, [VYX] became increasingly frustrated and did a volte-face by insisting on attending the trial in his car in a car park at Changi Airport. When I reiterated the concerns mentioned above because the carparks at Changi Airport could get busy, [VYX] claimed that I had permitted him to attend from his car. This was a clear misrepresentation of what I had said. Accordingly, I cautioned him not to do so. As I was not going to debate further with [VYX] about his failure to comply with the VC Guidelines, I exercised the tribunal's power under para 57(5) of the SCPD to convert the virtual trial to a physical one and informed both parties that I would commence at 11 am.

TM: So [VYX], I said already, I'm not going to go back and forth. One last time, I can give you some time, you want to talk to your boss go ahead. Both of you come down to court. I will start at 11 am. Sharp. You have two hours or roughly one hour, fifty minutes. I will start at 11 am sharp, physically in court. The courtroom details will be notified to the both of you. Is that understood?
[VYX]: Okay fine I will, I will go to the car okay, I will go to the car right now okay.
TM: [VYX].
[VYX]: I will go to the car and do the Zoom
TM: [VYX].
[VYX]: Alright?
TM: [VYX].

[VYX]: Yes?
TM: [VYX], where's the car? Is it [in] a car park? Correct or not right?
[VYX]: Ya.
TM: Okay, so I cannot be sure whether people are walking in and out of carpark around you.
[VYX]: It is. It is inside my car personal space. There's no one else. Okay, I, let me tell you…
TM: [VYX], let me make this clear. You don't set the rules here. You don't dictate to the court how the court functions. I've been very patient with you. I've explained to you multiple times already.
[VYX]: Just now, when I…
TM: If you can't attend…
[VYX]: Just now, when I request to do in a car…
TM: In accordance with the rules.
[VYX]: **You say can**.
TM: I didn't say can.
[VYX]: **You say you don't know how long it will take. You you did not reject it immediately**.
TM: **I said I cannot verify, the same concerns apply**. [VYX]…
[VYX]: That is…
TM: **Do not misrepresent the court**.
[VYX]: You…
TM: Okay [VYX], I've had enough of this. I've been patient enough already. If [at] 11 am, the two of you are not here. I'll proceed with this case. Okay, with whoever is here.

[emphasis added in bold and underline]

41 [VYX] then threatened to file a complaint against me. I told [VYX] that he was free to do so. However, I cautioned him that threatening a judge (or a TM in this case) may not bode well for him. This was because such conduct could potentially be a criminal offence or warrant him being excluded from representing the Respondent (see ss 43(1)-(2) of the SCTA). Moreover, I made it clear that filing a complaint and/or threatening me with one would not stop me from doing my job as the TM – *viz*, to conduct the trial and adjudicate the dispute impartially. When I reiterated that I would begin at 11 am sharp, [VYX] impolitely replied: "[s]ure, okay, whatever. See you at 11 am bye." Before [VYX] logged off, I also told the parties to take their respective queue tickets at the third level of the State Courts Towers.

[VYX]: **I will definitely file a complaint against you**. I [inaudible] to say.
TM: Go ahead [VYX]…
[VYX]: I already told you that…
TM: **[VYX], you are free to file a complaint. If you're threatening the judge, that does not seem to bode well for you**.
[VYX]: No, because…
TM: But in any case…
[VYX]: I, I, I said that I want to do it in the car.
TM: [VYX], I will conduct this case physically. Since you can't attend by the court's rules, Zoom is a privilege. I'm hearing this case physically. 11 am sharp. If you're not here, I'll proceed with this case. **If you want to file a complaint and threaten me, by all means, go ahead. I'm still going to do my job**.
[VYX]: **Sure, okay, whatever. See you at 11 am. Bye**.
TM: [ATP], please make sure you come to court by 11 am.
[ATP]: Okay, thank you. Also, I'll get the information…
TM: Yeah, you can go and take the queue. **By the way, both of you, make sure you take the queue at level three**. Thank you.
[ATP]: Alright, okay, thank you.

[emphasis added in bold and underline]

(3) The parties' arrival at the State Courts Towers and resumption of trial

42 Finally, I turn to the events that transpired after the parties reached the State Courts Towers and the trial resumed.

43 [ATP] reached the State Courts Towers and took his queue at 10.54 am. At 11 am, the tribunal's registry notified me that [VYX] had called the State Courts hotline to inform that (a) he would be late as he could only reach at 11.30 am, and (b) he wanted a change of TM due to concerns about my professionalism. At that point, I was not aware that [VYX] had filed a formal complaint against me. At 11.27 am, [VYX] went to the service hub on the second level of the State Courts Towers to take his queue despite being told to do so at the third level. As a result, court staff had to redirect him to the correct

level. Consequently, the parties were only brought before me in the tribunal hearing room at 11.38 am.

44 Upon resuming, given [VYX]'s request for a change of TM, I informed him that no party was entitled to judge-shop. Thus, the only way I would step down as the TM was if he filed a recusal application and that was allowed. In this regard, I gave [VYX] three options: (a) firstly, he could decide to make the application orally on the spot and I would hear both parties on it before making a decision; (b) secondly, if he wanted time to research and/or seek independent legal advice before filing the application, I was prepared to give him an adjournment to do so and both parties would be given directions to file their written submissions; or (c) thirdly, if he did not choose either option, I would proceed with the trial.

45 Instead of replying with his selection, [VYX] said: "I have already filed a complaint against you. I'm not sure whether you have been notified, but I've already filed it." [VYX] also subsequently (a) reiterated two other times that he had filed a complaint and asked whether I could see it, and (b) requested the name of my superior so that he could provide "feedback" directly.

46 I informed [VYX] that I did not know about his complaint because such matters were dealt with under a separate and independent track of which I was not privy to. One reason for this was to ensure that, as the TM conducting the trial, my mind would not be coloured by facts outside of the case file. As for providing "feedback" directly to my superior, I told [VYX] that that was what the complaints track was for. After clarifying the difference between a complaint and a recusal application, [VYX] opted for the second option – *i.e.*, to be given an adjournment to prepare and file a recusal application.

Accordingly, directions were given to parties to file their respective written submissions.

The relevant legal principles for the Recusal Application

47 With the background to the Recusal Application established, I turn next to the relevant legal principles.

48 In his written submissions, [VYX] adopted what could be best described as the 'kitchen sink approach'. He gave eight reasons for the Recusal Application, of which *four* were either completely irrelevant to this issue of bias and/or entirely self-induced.[10] That aside, [VYX] did not specify whether he was relying on *actual* or *apparent* bias as the basis for recusal. In either case, the Respondent bore the burden of proof. Between the two types of bias, it was generally recognised that actual bias is harder to prove. And since establishing apparent bias would be sufficient to warrant recusal, it had been said that the test for actual bias had become somewhat redundant (see *The Law and Practice of Tribunals in Singapore* (Bala Reddy and Jill Tan eds) (Academy Publishing, 2019) at paras 3.43-3.44). Therefore, I assessed whether any of the eight reasons satisfied the test for apparent bias. If they did not, there was no need for me to even consider the issue of actual bias.

49 The test for apparent bias was comprehensively restated by the Court of Appeal ("**CA**") in *BOI v BOJ* [2018] 2 SLR 1156 ("***BOI***"). The relevant legal principles may be summarised as such:

(a) The test – known as the "reasonable suspicion of bias test" – is whether there are circumstances that give rise to a reasonable suspicion

[10] R08.

or apprehension of bias in the fair-minded and informed observer (see *BOI* at [95] and [103(a)]).

(b) The test is an objective one. It involves a hypothetical inquiry into the observer's perspective and what he would think of a particular set of circumstances (see *BOI* at [103(b)]). When embarking on this inquiry, the court must be mindful not to supplant the observer's perspective by assuming knowledge outside the understanding of reasonably well-informed members of the public (see *BOI* at [103(d)]). This means that the observer must not be deemed to have detailed knowledge of the law, court procedure or insider knowledge of the court/adjudicator (see *BOI* at [98] and [103(d)]).

(c) That said, the observer is not to be regarded as being wholly uninformed and uninstructed about the law in general or the issues to be decided (see *BOI* at [99]). The observer may be taken to know generally that the court may adopt reasonable efforts to confine proceedings within appropriate limits and ensure that time is not wasted (see *BOI* at [100]). The observer is an informed person and will take the trouble to inform himself of all the relevant facts that are generally capable of being known by members of the public (see *BOI* at [99] and [103(d)]). Moreover, the observer is also fair-minded; he would be neither complacent nor unduly sensitive and suspicious (see *BOI* at [101] and [103(d)]). He would also know the traditions of integrity and impartiality that administrators of justice must uphold and would not jump to hasty conclusions of bias based on isolated episodes of temper or remarks taken out of context (see *BOI* at [100] and [103(d)]).

(d) Importantly, the observer must not be confused with the person who brought the complaint (*i.e.*, [VYX]). Detachment is necessary.

Therefore, the assumptions held by the complainant are not to be attributed to the observer unless they can be justified objectively. The rationale is that litigation can be very stressful, and litigants would likely oppose anything that they perceive as a hindrance to success. Hence, the complainant will probably lack objectivity and be far from dispassionate (see *BOI* at [101]).

(e) Finally, the relevant circumstances taken into account by the court will be limited to what is available to an observer witnessing the proceedings (see *BOI* at [103(e)]).

Decision on the Recusal Application

50 In short, I dismissed the Recusal Application as I found that none of the eight reasons in [VYX]'s written submissions satisfied the test for apparent bias. I address each reason in detail below.

(1) The first reason for recusal

51 [VYX]'s first reason was as follows:

> **1. Unclear Requirement Regarding Zoom Attendance**
> - The court documents only specify that parties must be in Singapore during the trial and, if outside, comply with Practice Direction 59 of the State Courts Practice Direction 2021.
> - There was no instruction that attendance must be from a private office or room. I attended the hearing from a quiet corner in the airport Starbucks, using earphones to ensure confidentiality, but this was rejected by the Judge.
>
> [bold in original]

52 To begin with, it was simply untrue that the 17 September e-Correspondence did not stipulate any instructions on where parties could attend the trial from. As mentioned at [28] above, said correspondence contained a

direct link to the VC Guidelines on the Judiciary's website, which stated that parties needed to be at a location that was "indoor, private and quiet" and could not be "outdoors or at a location where other persons who are not parties to the case may listen to the court session". [VYX] obviously did not satisfy those requirements when he attended from a Starbucks café in Changi Airport, not least because he had a MDW in his vicinity whom he had to watch over, but also because there would be passersby or patrons who could potentially manoeuvre around him and observe and/or eavesdrop on the hearing.

53 Returning to the test for apparent bias, I found that the first reason did not pass muster. When seen objectively, the reasonable observer who:

(a) was a reasonably well-informed member of the public who was detached, fair-minded and not unduly sensitive or suspicious; and

(b) took the trouble to inform himself of all the relevant facts that were generally capable of being known, such as, *inter alia*, the VC Guidelines,

would not have any reasonable suspicion or apprehension of bias when I told [VYX] that he could not attend from a Starbucks café in Changi Airport. Even if the reasonable observer did not have detailed knowledge about the law and/or court procedure, he would have concluded that I, as the TM conducting the trial, was merely enforcing the VC Guidelines and maintaining the privacy of the proceedings as required under s 24(1) of the SCTA, both of which were publicly available information.

(2) The second reason for recusal

54 [VYX]'s second reason was as follows:

> **2. Rejection of Reasonable Alternatives**
> - I offered to continue the hearing from my car, but this was also rejected on the basis that the Judge could not confirm I was alone.
> - The Judge assumed I had access to a private office space, which was neither verified nor reasonable.
>
> [bold in original]

55 The second reason was telling that [VYX] missed the wood for the trees. To illustrate, the *reasonableness* of the alternative location proposed by [VYX] was never the issue. Instead, the real issue was whether (a) the VC Guidelines were satisfied, *and* (b) the privacy of the trial (as required under s 24(1) of the SCTA) could be maintained. To put it differently, [VYX]'s alternative location to attend by VC could very well be reasonable to him. But if the real issue was not addressed, then the reasonableness of the alternative was immaterial.

56 As mentioned earlier, context was paramount here. In this case, as seen in the extracts of the transcript reproduced at [34] – [37] above, my decision to refuse [VYX]'s request to attend the trial by VC from his car was made against the backdrop of the following factors:

(a) firstly, [VYX]'s pre-existing failure to comply with the VC Guidelines by attending from a Starbucks café in Changi Airport;

(b) secondly, despite being informed of the tribunal's concerns *vis-à-vis* the VC Guidelines and the need to maintain the privacy of the trial, [VYX]'s failure to address how such concerns could be resolved by him attending from his car in a carpark in Changi Airport, which could very likely get busy with vehicular and/or human traffic during the course of the day;

(c) thirdly, [VYX]'s failure to appreciate that attending court proceedings by VC was a privilege that came with conditions (which I elaborate on further at [61] below);

(d) fourthly, [VYX]'s failure to appreciate the need to prioritise the trial over his work matters, given that he was the Respondent's representative, which was evident from his repetition of how his work was "urgent"; and

(e) lastly, [VYX]'s repeated refusal to take up my *three* offers to stand down so that he could call his superior to work out an arrangement for someone to substitute him at Changi Airport, which I extended out of courtesy and would have gone some way towards rectifying the problem that he created for himself.

57 To be sure, I appreciated the fact that litigants may simultaneously have work commitments whilst attending to legal proceedings. However, when seen collectively, [VYX]'s own conduct revealed that he was uncooperative even towards simple requirements such as those found in the VC Guidelines, and the need to maintain the privacy of the trial. It was in that context that I rejected [VYX]'s request to attend by VC from his car whilst in a car park in Changi Airport. Moreover, it bears emphasising that I did offer [VYX] the choice to continue attending by VC so long as he complied with the relevant requirements (see [37] above). However, it was [VYX] who chose to attend the trial physically when he said, "[c]ome down to court lor".

58 As for [VYX]'s assertion that I had assumed that he had "access to a private office space, which was neither verified nor reasonable", this was yet another illustration of how [VYX] missed the wood for the trees. For one, the options that I gave to him of attending from his home or office were merely

examples. More fundamentally, insofar as [VYX] wanted to attend the trial by VC, *it was his responsibility* to satisfy the tribunal that he had complied with the VC Guidelines and was in a location where the privacy of the trial could be maintained throughout the course of the day. Therefore, [VYX]'s argument at [39] above – *viz*, that I would not be able to verify that such requirements were met even if he attended from his office – did not take him anywhere at all.

59 In view of the foregoing, I found that the reasonable observer who:

(a) sat in to witness the trial between 9 am and 9.11 am on 22 September 2025 and was cognisant of the five factors canvassed at [56] above;

(b) was a reasonably well-informed member of the public who was detached, fair-minded and not unduly sensitive or suspicious;

(c) knew of the traditions of integrity and impartiality that administrators of justice have to uphold; and

(d) took the trouble to inform himself of all the relevant facts that were generally capable of being known, such as, *inter alia*, the VC Guidelines,

would not have jumped to the hasty conclusion of bias just because I denied [VYX]'s request to attend by VC from his car whilst in a carpark in Changi Airport. Therefore, the second reason did not satisfy the test for apparent bias.

(3) The third reason for recusal

60 [VYX]'s third reason was as follows:

> **3. Misrepresentation of Zoom Hearing Request**
> - The Judge stated that attending via Zoom was a "privilege" and that I had requested it. This is inaccurate — I never requested a Zoom session. The system auto generated it.
>
> [bold in original]

61 The SCT is constituted under s 3(1) of the State Courts Act 1970 (2020 Rev Ed) as one of the subordinate courts that make up the State Courts. The tribunal sits in the building known as the "State Courts Towers", where proceedings before it take place. However, as mentioned at [26] – [29] above, the SCT conducts trials virtually by VC as a convenience offered to SRPs provided that the relevant requirements are met. Therefore, attending a trial by VC was not an unqualified right or an entitlement. Accordingly, as a matter of logic and language, it was accurate to refer to this convenience as a "privilege". Furthermore, it bears emphasising that the tribunal ultimately retained the overriding discretion to revoke this privilege (see para 2 of the Schedule of RC 5 of 2020 and para 57(5) of the SCPD).

62 [VYX]'s characterisation of what transpired in his third reason was wide of the mark. To begin with, I never said that [VYX] requested to attend by VC. Instead, I said, "*[i]f* you want to attend court by Zoom, that's a privilege". At the risk of stating the obvious, the word "if" meant that [VYX] could decide for himself whether to attend the trial by VC. There was therefore no misrepresentation of [VYX]'s position *vis-à-vis* attending by VC.

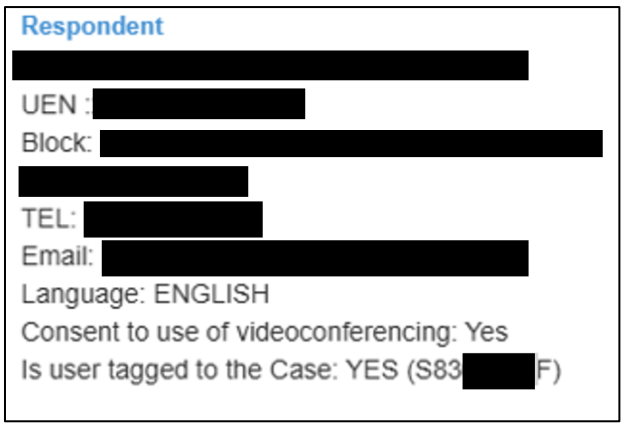
> TM: [VYX], you need to listen. You need to listen. This court hearing takes priority. You may have urgent work things, but that's your personal matters. There's nothing I can do for you. **If you want to attend court by Zoom, that's a privilege**.
> [VYX]: **I did not request to attend court by Zoom**.
> TM: Who requested to attend court by Zoom?
> [VYX]: **For your information, I did not request**. So please…
> TM: In CJTS, it's indicated that the respondent, so when I say respondent, I mean not you personally, I mean the

company respondent indicated, "Yes", I'm looking at it right now. Consent to using video conferencing: "Yes".

[VYX]: **It was auto generated by the system**.

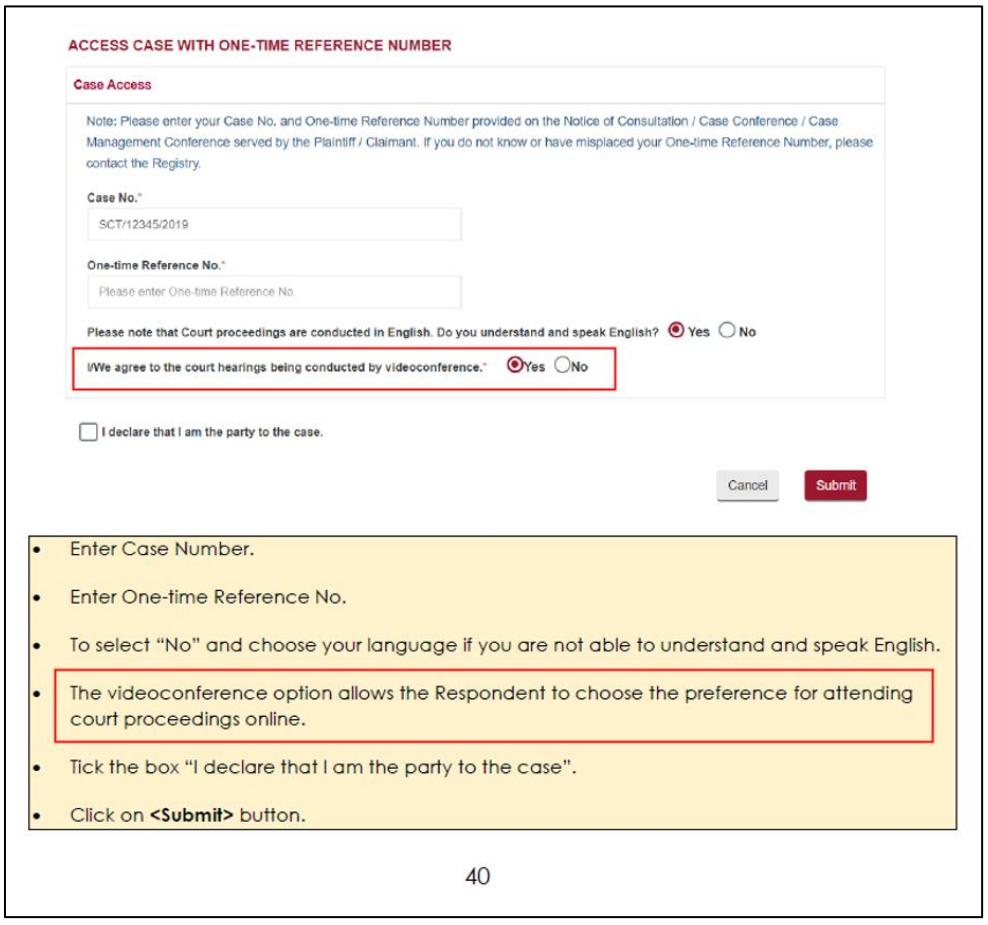
[emphasis added in bold and underline]

63 It was rather curious and paradoxical that [VYX] was the one who, on the one hand, vehemently denied requesting to attend by VC but yet, on the other hand, made much of the fact that I directed the trial to be conducted physically when he failed to comply with the VC Guidelines. This aside, the more fundamental point that [VYX] failed to appreciate was that the tribunal was dealing with the Respondent, and not him in his personal capacity. [VYX] attended only as a representative of his employer, who had indicated its consent to attending by VC in the CJTS (see the screenshot below). Therefore, whether [VYX] had requested to attend by VC was quite beside the point because it was the Respondent's consent that mattered.



64 As for [VYX]'s attempt to shift the blame to the CJTS for the Respondent's consent, that was a non-starter. Firstly, it went without saying that the parties alone are responsible for the accuracy of the contents of their filings to the tribunal. Even if [VYX]'s assertion was true, it was incumbent on the Respondent to indicate its non-consent to attending by VC if that was indeed its

position. If it failed to do so, then it did not lie in the Respondent's mouth to assert that its position was otherwise. Secondly, and more importantly, [VYX]'s assertion was simply untrue. When a respondent logs into the CJTS for the first time with the one-time pin provided in his copy of the Notice of Consultation, as shown in the screenshot below, the respondent is given the option to indicate his consent or non-consent to attending via VC. Moreover, this was expressly stated in the CJTS user guide for SCT proceedings, which is publicly available on the CJTS website.[11]



[11] See cjts.judiciary.gov.sg/listing/userGuides <last accessed on 4 November 2025>.

65 Given the foregoing, the reasonable observer who:

(a) sat in to witness the trial between 9 am and 9.11 am on 22 September 2025;

(b) was a reasonably well-informed member of the public who was detached, fair-minded and not unduly sensitive or suspicious; and

(c) took the trouble to inform himself of all the relevant facts that were generally capable of being known by members of the public, such as, *inter alia*, the fact that proceedings before the SCT took place within the State Courts Towers, the VC Guidelines and the CJTS user guide,

would not have harboured any reasonable suspicion or apprehension of bias when I told [VYX] that attending trial as the Respondent's representative took priority over his work matters, and that attending by VC was a privilege. Therefore, the third reason did not satisfy the test for apparent bias.

(4) The fourth reason for recusal

66 [VYX]'s fourth reason was as follows:

> **4. Unreasonable and Disrespectful Treatment**
> - The Judge insisted that I appear in court physically by 11 AM, even though I had requested for an afternoon session.
> - He remarked that "the lunch break timing will be determined by me, not you", which I found unnecessarily harsh and inflexible.
> - This manner of treatment made me feel as though I was being treated like a criminal, despite being a Respondent in a civil claim.
>
> [bold in original]

67 To avoid doubt, even though [VYX] was the cause of the trial being delayed on 22 September 2025, [VYX] was certainly entitled to make his request for the trial to resume in the afternoon for my consideration. However,

insofar as the conduct of the trial was concerned, as a matter of common sense, that did not mean [VYX] was entitled to have it his way. If that were the case, the adjudication process could easily be stymied by the whims and fancies of litigants or by those who adopt dilatory tactics. It was therefore unsurprising that s 30 read together with s 33 of the SCTA vested the tribunal, and not the parties, with the power to control the procedure for trial and adjournments.

68 As seen in the extracts of the transcript reproduced at [37] – [39] above, [VYX] requested the trial to be delayed until the afternoon and was quick to ask for my reason for not waiting until then. However, it bears emphasising that, at no point did he provide a reason – let alone a cogent or reasonable one – for why he needed that many hours to travel down to the State Courts Towers. Furthermore, as mentioned at [38] above, it would not have taken more than an hour (or, to be generous, an hour and a half) for one to drive from Changi Airport to the State Courts Towers in a reasonable, safe and lawful manner. Therefore, there was simply no good reason why [VYX] should be allowed to unilaterally cause further delays to an already delayed trial at the expense of everyone else.

69 Next, I turn to address [VYX]'s assertion that I was "unnecessarily harsh and inflexible" for stating that I, as the TM, would determine what time the lunch break was. Again, context was everything. As seen in the transcript at [34] above, despite [VYX] previously claiming to be alone at a Starbucks café in Changi Airport, I discovered that the MDW that he had to watch over was in his vicinity. I then asked [VYX] how he intended to send the MDW off, given that the trial was scheduled for a full day. To this, [VYX] replied that he would do so during the lunch break, which *he assumed* would take place before the MDW's flight at around 1 pm. It was in the context of addressing this assumption that I told [VYX] there would indeed be a lunch break, but I had not yet decided on the time. At the risk of stating the obvious, the timing of a lunch

break would depend on various factors, the most important of which was the progress of the trial itself. For instance, if by the time of the lunch break, a witness was close to finishing his testimony, then, barring any compelling countervailing factor (*e.g.*, health or medical-related reasons), it would be more efficient and sensible to delay the lunch break slightly to complete the evidence-taking process. This way, the trial could resume after the lunch break without that witness having to pick up from where he left off, and the evidence-taking process for another witness could begin.

70 [VYX] was certainly entitled to his opinion and subjective feelings – *viz*, that he felt he was "treated like a criminal" – albeit they were not grounded in objective reality. However, the foregoing showed that [VYX]'s opinion and subjective feelings as stated in his fourth reason were not objectively justifiable, and so they could not be attributed to the reasonable observer for the apparent bias test (see [49(d)] above). That being the case, I found that the fourth reason did not satisfy said test because a reasonable observer who:

(a) sat in to witness the trial between 9 am and 9.11 am on 22 September 2025;

(b) was a reasonably well-informed member of the public who was detached, fair-minded and not unduly sensitive or suspicious;

(c) knew that the tribunal may adopt reasonable efforts to maximise and be efficient with the time allocated for trial; and

(d) took the trouble to inform himself of all the relevant facts that were generally capable of being known by members of the public such as, *inter alia*, the distance and routes from Changi Airport to the State Courts Towers and the applicable speed limits on highways,

would not have harboured any reasonable suspicion or apprehension of bias when I rejected [VYX]'s request to resume the trial in the afternoon, gave both parties approximately an hour and 50 minutes to travel down to the State Courts Towers, and informed [VYX] that I would determine the timing for the lunch break.

71 Before moving on, I will briefly mention that it was rather ironic that [VYX] characterised himself as being subjected to "[d]isrespectful [t]reatment" in his fourth reason. It suffices for me to highlight that the background of the Recusal Application as canvassed at [31] – [46] above speaks for itself as to who was in truth being disrespectful.

(5) The fifth reason for recusal

72 [VYX]'s fifth reason was as follows:

> **5. Late Attendance on 22 September 2025**
> - On 22 September 2025, when I was scheduled to attend court physically, I called the hotline in advance to inform that I would be late by 30 minutes.
> - Upon arrival, I obtained two queue numbers: the first at 11:24 AM from the Customer Service counter, as I could not locate my hearing using the case reference number. The Customer Service staff then updated the system and instructed me to obtain a second queue number at 11:28 AM for the hearing.
> - When I entered the court room, the Judge remarked that he had set the timing at 11 AM and I was late, disregarding both the fact that I had called the hotline earlier and the administrative process that required me to obtain two separate queue numbers.
> - I also asked the Judge what time the Claimant had arrived, and why there was no mention of any lateness on his part if applicable. The Judge replied that the Claimant was not late and that the two queue tickets I obtained were "irrelevant" to the lateness issue
> - The late arrival was due to the very last-minute scheduling of the session, despite my earlier request for an afternoon slot. I do not understand the basis of being admonished for lateness when I had duly informed the court.
>
> [bold in original]

73 To begin with, this fifth reason was entirely self-induced by [VYX]:

(a) Firstly, it bears emphasising that, as seen in [34] – [37] and [56] – [57] above, the only reason why the trial was converted from a virtual to a physical one at the last minute was because of [VYX]'s own conduct of: (i) failing to comply with the VC Guidelines by attending from a Starbucks café in Changi Airport; (ii) being uncooperative when given chances to rectify said non-compliance; and (iii) replying "[c]ome down to court lor" when told that attending by VC was a privilege that had requirements to be complied with, failing which the trial would be conducted physically.

(b) Secondly, as seen in the extract of the transcript at [41] above, both parties were expressly told to take their queue at the third level of the State Courts Towers. I gave this direction because the self-registration kiosk and tribunal hearing rooms are situated on that floor. While [ATP] complied and took his queue ticket at 10.54 am, [VYX] ignored my direction and went to the service hub on the second level instead. Thus, [VYX] only had himself to blame for the further delays that he caused after he reached the State Courts Towers.

74 The foregoing aside, this fifth reason did not assist [VYX] at all. At the risk of stating the obvious, calling the State Courts hotline to notify of his lateness did not change the fact that he was still late. To avoid doubt, litigants owe it to themselves to be punctual for their own hearings in any court because they run the risk of having an adverse order being issued against them if they are tardy or altogether absent. Calling in to notify of one's lateness is a basic courtesy and does not at all serve as an excuse, let alone a valid one. In this case, it was notable that [VYX] did not actually provide any reason for being late

despite being given approximately an hour and 50 minutes to travel down. Therefore, it was only right that [VYX] was "admonished" for being nearly half an hour late and further delaying an already delayed trial.

75 Additionally, [VYX]'s characterisation of what transpired after he was brought into the tribunal hearing room was again wide of the mark. As seen in the extract of the transcript reproduced below, [VYX]'s assertion that I had disregarded his call to inform that he would be late, and that he took the queue at the wrong place, was simply untrue. Immediately after the parties were affirmed, the following exchange took place:

> TM: Welcome back. **We have started late, because despite my direction to start at 11.00 am sharp, respondent's representative came took queue at 11.28 am, but did so at level 2, instead of coming to level 3, as I said earlier. Now, [VYX], you called the State Court sometime during your stand down to indicate that you want to change the TM, citing concerns of my professionalism**. As this was brought to my attention by the registry, I will have to briefly explain that neither party has the right to choose a judge. There's no such thing as judge shopping, and it will not be tolerated also. However, there is this thing called a recusal application. This is not the same as saying what judge you want. This application is different. Now, if you want me to recuse myself, you have to formally file a recusal application, which will then have to be decided in accordance with the applicable law. I will then have to hear that application and determine whether or not to recuse myself. If, after hearing the recusal application, I reject it, then I will continue on with the trial as per normal. However, if I find that the recusal application is established, then I will recuse myself, and another TM will take over. As to how you may succeed or argue such an application, it is for you to go through with your own independent legal advisors, because this court cannot advise you. So there are 3 ways to approach this that I offer to you, so please listen carefully to the 3 options.
>
> The first: if you want to make your arguments orally now without having consulted your lawyers or to do your own research, that is fine. I'll proceed to record your

> arguments for both of you. Okay, because I have to hear both of you, and then I will stand down to consider the recusal application. Now the stand down can take a few hours, or I may have to adjourn it to a different day. I can't say for sure for now, because this depends on the arguments made. But once I decide the recusal application, you won't be able to re-argue the recusal application again.
>
> The second alternative is if you want to have the time to go and research, consult your lawyers before putting in your arguments, that is also fine. Then what I will do in that situation is to adjourn today to a different day and give both of you timelines to file your written submissions on the recusal application. I will then hear the recusal application on the next hearing day. And then once the decision is made, as I said earlier, if I reject it, we continue, and if I accept it, then I will recuse myself.
>
> The third option, of course, is if you do not want to do either, and just want to proceed with the hearing, then you will need to confirm that you are not filing a recusal application, and in that case I'll proceed with the trial.
>
> So, [VYX], can you please let me know which option you would like to take?
>
> [VYX]: **I have already filed a complaint against you. I'm not sure whether you have been notified, but I've already filed it**.
>
> [emphasis added in bold and underline]

76 In view of the foregoing, I found that this fifth reason did not satisfy the test for apparent bias. In my judgment, a reasonable observer who:

(a) sat in to witness the trial between 9 am and 9.11 am, and after it resumed on 22 September 2025;

(b) was a reasonably well-informed member of the public who was detached, fair-minded and not unduly sensitive or suspicious; and

(c) knew that the court may adopt reasonable efforts to confine proceedings within appropriate limits to ensure that time was not wasted,

would not have harboured any reasonable suspicion or apprehension of bias when I "admonished" [VYX] for being nearly half an hour late, given that he was the sole cause of the trial being delayed because it had to be converted from a virtual to a physical one at the last minute.

(6) The sixth and seventh reasons for recusal

77 [VYX]'s sixth and seventh reasons were as follows:

> **6. Inefficient Court Process**
> - During proceedings, whenever I posed a question, the Judge would first type out my questions and then type his reply before reading it aloud.
> - This slowed down the process considerably and made the hearing inefficient.
>
> **7. Loss of Confidence in Fairness**
> - Taken together, these incidents have caused me to reasonably believe that Judge Leon Tan may not be able to preside over my matter with the fairness and impartiality required.
>
> [bold in original]

78 These two reasons may be addressed summarily.

(a) The sixth reason was completely irrelevant to the test for apparent bias. [VYX]'s gripe was with the fact that I took down the notes of evidence, which formed part of the record that the tribunal's registry was required to keep under s 13(1)-(2) of the SCTA. It suffices for me to say that this complaint from [VYX] had no bearing on the issue of whether there was a reasonable suspicion or apprehension of bias.

(b) With respect to the seventh reason, as established from the foregoing, [VYX]'s perception of being treated unfairly was entirely self-induced. Furthermore, as stated at [70] above, while [VYX] was entitled to his opinion and subjective feelings, they could not be

attributed to the reasonable observer for the apparent bias test since they were not objectively justifiable.

(7) The eighth reason for recusal

79 [VYX]'s eighth reason was as follows:

> **8. Apprehension of Bias due to Prior Complaint**
> - During proceedings, I informed the Judge that I had lodged a formal complaint against him
> - While I am not certain if there is any connection between the Judge and the Claimant, I am concerned that my prior actions and statements may cause the Judge — consciously or unconsciously — to hold a grudge against me
> - This has further undermined my confidence in his ability to hear my case fairly and impartially.
>
> [bold in original]

80 The final reason was entirely self-induced, and it also had no relevance or bearing on the apparent bias test.

81 To begin, [VYX]'s subjective perception of bias was entirely self-induced because he was the one who: (a) firstly, threatened to file a complaint against me (see [41] above); (b) secondly, made good on his threat by filing a complaint sometime during the hour and 50 minutes break that was given for parties to travel down to the State Courts Towers; and (c) thirdly, alerted me to his complaint thrice after the trial resumed and requested for my superior's name to provide "feedback" directly (see [45] above). That such a perception had crystallised and taken root in [VYX] was evident from the extract of the transcript below which showed that, even after I had explained to him that complaints against an adjudicator were dealt with under a separate and independent track and the reasons for that, [VYX] wrongly assumed that the

Recusal Application would be dismissed simply because I was the one hearing it, and not some higher court.

[VYX]: **So it's only you going to decide whether is it approved or not approved, right?**
TM: Which one? The recusal application? Yeah, I've said that earlier.
[VYX]: Yeah
…
[VYX]: There is no other people that can actually to review…
TM: No.
[VYX]: The higher court?
TM: I don't write the law, so to be very clear… I'm just saying to you what the common law says… I didn't write it. I don't set it. It simply says that the judge who is being asked to recuse has to hear the recusal application and then decide.
[VYX]: **So most probably will also reject one ah.**
TM: That's not true.
[VYX]: **Just just just saying only.** Just…
TM: To be very clear, **I have to hear it open minded. So that's why I say I want to give you the chance to put your arguments in**. That's the very reason why I'm doing this. **That's why I say I want to give you time [to seek independent legal advice, do research and prepare your written submissions]. I give you the option if you want to, because it's my job to be neutral**, and that's why… **the complaints track is separate. They don't come here.**
[VYX]: That's why I want to ask you whether you want me to say it [(*i.e.* the complaint)] out now, and I can ask so that you can verify things.
TM: **I would say things relating to complaint. I cannot deal with it.** Okay, that I cannot touch.
[VYX]: I just want to ask you a few questions, why on those points that I've… what I've encountered.
TM: **Okay, so I don't know what those questions are. They pertain to the complaint. I do not want to hear them. Okay, because as said [earlier], complaints… let the complaints department deal with it. That's outside of this case. I will hear your recusal application in a neutral, independent manner. And in fact, if the legal requirements are met, of course, I have to recuse myself. That's why I'm pointing it out to both of you. There are legal requirements**. It's not just, "oh, I don't like you" or "I think it's unfair". That's not how it works. **There are legal requirements you have to go and look up. That's why I'm giving you time to get this done**.

> And to be clear, it has happened before - judges do recuse themselves. That's my job, I have to apply the law independently.
>
> **[Directions for filing written submissions for the Recusal Application were given to parties.]**
>
> [VYX]: After the claimant upload the reply. I don't need to upload anymore already right?
> TM: No, I'm not giving you the opportunity to reply. It's just each person fire one shot. That's it.
> [VYX]: Do you have a superior above you?
> TM: In what sense?
> [VYX]: Sorry, I mean like a superior that is above you that I can actually contact them with or I'm not able to contact?
> TM: Sorry can you speak up again.
> [VYX]: Do you have a superior above you that I can contact with just for feedback?
> TM: Just for?
> [VYX]: Feedback.
> TM: Now, of course, all judges have superiors. And to provide feedback, you have already done so by way of a complaint email that you have mentioned about. But again, that doesn't change the fact that I will still be the TM to hear the recusal application and decide it, and if the recusal application is rejected, then I will still be the TM to hear this trial. Okay, any other final questions? If not, that is all for today.
> [VYX]: Can I just get a name? I mean that that…
> TM: There is no superior to contact. You have done so by the complaint channel.
> [VYX]: Fine.
> TM: **That's what the complaint track is for. It's independent of this.**
> [VYX]: Okay, fine. Is this, that's all? Can we leave now?
>
> [emphasis added in bold and underline]

82 Next, the eighth reason had no relevance or bearing on the apparent bias test because [VYX]'s argument was essentially this: the very fact that [VYX] lodged a complaint against me as the TM meant that I was now biased against the Respondent as I may hold a "grudge" against [VYX]. That line of reasoning did not hold water for two reasons.

(a) Firstly, the focus of the objective assessment under the apparent bias test is on the conduct of the *adjudicator* (and not the complainant) as seen (i) from the perspective of a reasonable observer who possessed the characteristics that were canvassed at [49] above, and (ii) against the backdrop of the surrounding circumstances. Therefore, [VYX]'s subjective view on how his own conduct allegedly caused me to be biased was completely irrelevant to the test. Moreover, as stated at [49(d)] above, [VYX]'s assumptions could not be attributed to the reasonable observer unless they were objectively justifiable because, as a complainant, he lacked objectivity and was far from dispassionate. And in this case, it was hard to fathom how his assumption of bias could be regarded as being objectively justifiable given that (i) it was entirely self-induced, and (ii) I had assured him that I was not privy to his complaint and would still discharge my duties as a TM independently.

(b) Secondly, as a matter of common sense, the act of filing a complaint against an adjudicator cannot *ipso facto* be sufficient to satisfy the apparent bias test. If that were the case, taken to its logical conclusion, it would lead to the absurd result that litigants could judge-shop by simply complaining about an adjudicator whom they perceived negatively, and the adjudicator would then have to disqualify himself once a recusal application was filed.

The Respondent's Stay Application

83 After dismissing the Recusal Application, [VYX] made the Stay Application orally at the hearing on 4 November 2025. This was because the Claimant failed to comply with clause 9.1 of the Service Agreement, which mandated that any dispute arising out of their contract be referred to mediation

at either the Consumer Association of Singapore or the Association of Employment Agencies (Singapore) ("**AEAS**") before commencing legal proceedings.

84 [ATP] explained that the dispute was not referred to mediation beforehand because [VYX] had advised him to sue the Respondent directly in the SCT. As evidence of this, [ATP] produced the following exchange over WhatsApp on 10 February 2025:

> [ATP]: I have informed MOM that we are demanding a full refund of the agency fee and all costs incurred, as this issue arose due to the agency's mistake in providing a maid who does not meet the stated language requirements. If the agency does not agree to a full refund, we will proceed with filing a claim with the [SCT]. Please confirm your position on this matter.
> [VYX]: Sorry ya
> Not able to refund full.
> You may proceed with filing the claim.
> [ATP]: Ok noted.

85 [VYX] denied giving such advice. As seen in the exchange above, [VYX] explained that he merely told [ATP] to do as he pleased.

86 I agreed with [VYX]. In my view, [VYX]'s reply could not be construed as a direction or advice to [ATP] for the Claimant to institute proceedings in the SCT directly. Importantly, it was clear that [VYX] did not waive the Respondent's right to mediation in his reply.

87 As [VYX] confirmed at the hearing that the Respondent wished to enforce its right under clause 9.1 of the Service Agreement, I exercised my discretion under s 8(2) of the Mediation Act 2017 to stay the proceedings and gave the Claimant liberty to apply to lift the stay if mediation turned out to be unsuccessful.

88 Subsequently, on 14 November 2025, [ATP] applied to lift the stay via a GA (SCT/APPL/129507/2025) and provided evidence that no settlement was reached after mediation at AEAS.[12] I heard the application on 27 January 2026 and lifted the stay to proceed with the trial.

The first issue: the Respondent was guilty of unfair practice

89 Returning to the substantive issues of this dispute, the first pertained to whether the Respondent was guilty of any unfair practice under the CPFTA.

90 To state briefly, the SCT has jurisdiction to hear unfair practice claims brought under s 6 of the CPFTA that relate to contracts for the sale of goods and provision of services (see s 7(1)-(2) of the CPFTA read together with s 5(1)(a) and para 1(a) of the Schedule of the SCTA). And, if unfair practice is established, the SCT can order, *inter alia*, restitution by way of a money order (see s 7(6) of the CPFTA read together with s 35(1) of the SCTA).

91 In this case, the parties' transaction on 23 October 2024 was clearly a "consumer transaction" for the purposes of unfair practice under s 4 of the CPFTA. This was because the Claimant and the Respondent fell within the definition of "consumer" and "supplier" respectively under s 2(1) of the CPFTA.

92 As stated at [16] above, [ATP] alleged that the Respondent had committed an unfair practice under ss 4(a), 4(b) and 4(c)(i) of the CPFTA.

93 After careful consideration, I found that the Respondent was guilty of unfair practice under ss 4(a) and 4(d) read together with para 23 of Part 1 of the

[12] C36.

Second Schedule of the CPFTA. Therefore, I did not decide on [ATP]'s submission on ss 4(b) and 4(c)(i) of the CPFTA as it was unnecessary for me to do so.

Unfair practice under s 4(a) of the CPFTA

The law on s 4(a) of the CPFTA on the facts

94 Beginning with s 4(a) of the CPFTA, this provision makes it an unfair practice for a supplier in a consumer transaction "to do or say anything, or omit to do or say anything, if as a result a consumer might reasonably be deceived or misled".

95 In *Freely Pte Ltd v Ong Kaili and others* [2010] 2 SLR 1065 ("***Freely***"), the High Court ("**HC**") provided non-exhaustive guidance on how s 4(a) of the CPFTA was to be interpreted and applied. In summary, the applicable legal principles are as follows:

(a) Firstly, whether a supplier's conduct was misleading or deceptive must be tested *objectively* in relation to one or more identified sections of the public, which include "the astute and the gullible, the intelligent and the not so intelligent, the well educated as well as the poorly educated, men and women of various ages pursuing a variety of vocations" (see *Freely* at [45(a)]).

(b) Secondly, there is no need for a supplier to have the intention or knowledge to mislead or deceive (see *Freely* at [45(b)]).

(c) Thirdly, the focus of the analysis under s 4(a) of the CPFTA is whether the conduct complained of was misleading or deceiving to a

reasonable consumer, and not just *any* consumer. This is because doing otherwise would run counter to the operating paradigm of caveat emptor and Parliament's underlying philosophy for the CPFTA, which entailed balancing the interests of consumers against those of businesses (see *Freely* at [45(c)]).

(d) Fourthly, a supplier who engaged in unfair practice may be excused under s 5(3)(a) of the CPFTA if his actions were reasonable (see *Freely* at [45(d)]).

(e) Lastly, a consumer claiming relief under s 6 of the CPFTA for unfair practice must show that there was reliance on the conduct complained of (see *Freely* at [74]).

Application of s 4(a) of the CPFTA on the facts

96 In this case, I found that unfair practice under s 4(a) of the CPFTA was established on the facts. I explain.

97 To start, and contrary to [VYX]'s assertion (see [17] above), I found that the Respondent was engaged to source for a MDW who could communicate in Mandarin, and *not* just *simple* Mandarin, for the following reasons:

(a) Firstly, the Respondent did not provide any contemporaneous evidence – pre-contractual or otherwise – to show or suggest that the scope of its engagement was confined to sourcing for a MDW who could speak simple Mandarin. This was just a bald assertion made by [VYX].

(b) Secondly, it was undisputed that it was one of the Respondent's employees named "[C]", and not [VYX], who dealt with [ATP] in the lead up to executing the Service Agreement and facilitated the

transaction. [VYX] only became involved much later on 18 December 2024 when [ATP] sought a replacement for [MTA]. Therefore, [VYX] had no first-hand knowledge about what transpired when [ATP] approached and conveyed his requirements for a MDW to the Respondent. Despite that, the Respondent did not call [C] as its witness to testify and corroborate [VYX]'s account. Accordingly, I did not accord any weight to [VYX]'s bald assertion.

(c) Finally, and importantly, the parties' post-contractual conduct corroborated [ATP]'s account on the scope of the Respondent's engagement. For instance, when searching for [MTA]'s replacement, [ATP] reiterated to [C] in a WhatsApp message on 26 December 2024: "[l]ike I said all along from the start, we want a maid that can speak and communicate in [M]andarin. Not little or simple [M]andarin".[13] The next day, [C] replied that she had allegedly found another MDW from Myanmar who had experience working in Singapore and could "speak good [M]andrin".[14]

98 For completeness, I add the following:

(a) Firstly, it was absolutely no defence for [VYX] to say that [ATP] ought to have chosen a more expensive search package, and that finding a MDW who could communicate proficiently in Mandarin at the lower end of the salary spectrum was akin to "looking for a needle in a haystack". Such arguments did not take the Respondent anywhere because no one forced it to take on the Claimant as a client. If the Respondent truly felt that the task was far too onerous, it could have

[13] CHB pg 120 (C21).

[14] CHB pg 123 (C21).

declined [ATP]'s business, and he could have moved on to engage the services of a different agency on the Claimant's behalf.

(b) Secondly, even if I accepted [VYX]'s account about the Respondent's scope of engagement, I would have still found that it failed to provide a MDW who could speak simple Mandarin. In my judgment, it was far too generous to say that [MTA] could communicate in simple Mandarin. This was because I found [MTA]'s proficiency with Mandarin to be either non-existent or, at best, extremely poor. I concluded as such because [ATP] tendered four video recordings (the "**Videos**") showing his interactions with [MTA] in his home, along with translated transcripts as evidence.[15] The Videos showed that [ATP] spoke mostly in simple Mandarin with some English interspersed. Yet [MTA] very clearly struggled to comprehend basic Mandarin words such as "hold grandma", "steam", "rain", "cloth" and "tomorrow". The mismatch of expectations *vis-à-vis* [MTA]'s language abilities was, of course, no fault on her part, but rather due to the Respondent's far too charitable characterisation that turned out to be patently inaccurate.

99 Next, unfair practice under s 4(a) of the CPFTA was established on the facts for the following reasons:

(a) Firstly, in my judgment, the Respondent's conduct of (i) indicating "MANDARIN" *without any qualification* under the section titled "SKILLS OF [M]DW" of the Biodata as being part of [MTA]'s spoken language, and (ii) providing the 30 November Video as described at [8] above (collectively, the "**Conduct**"), were representations that were objectively misleading to a reasonable

[15] CHB pg 60-63 (C20).

consumer. This was because, when seen holistically, the Conduct would have led members of the public, regardless of their demographic, to believe that [MTA] could communicate proficiently in Mandarin.

(b) Secondly, that the Respondent had no intention or did not know that the Conduct was misleading was immaterial. As *Freely* made clear, there was no need for a supplier to intend or know that it was misleading a consumer.

(c) Thirdly, there was reliance on the Conduct. [ATP] would not have selected [MTA] on the Claimant's behalf but for the Biodata and the 30 November Video, which led him to believe that she could communicate proficiently in Mandarin.

(d) Finally, for s 5(3)(a) of the CPFTA, I found that the Conduct was not reasonable in the circumstances. As a MDW employment agency, the Respondent's role is to source for MDWs who meet the requirements of its clients. In my view, the onus is on such agencies to accurately characterise and represent the skills of the MDWs they proffer, lest consumers be misled (whether intentionally or accidentally) into spending money to bring them in, only to subsequently discover that their skills did not match up. In saying this, I was mindful of Parliament's underlying philosophy for the CPFTA, which entailed balancing the interests of both consumers and businesses. However, in my view, such an onus would not disproportionately tilt the scale in favour of consumers because it does not place an unduly onerous burden on such agencies as this went towards their core function and reason for being engaged in the first place – *i.e.*, to source MDWs that met their clients' needs. Moreover, such agencies are in a much better position to ascertain and verify the skillsets of the MDWs that they proffer because

they are in the business of sourcing and handling MDWs on a regular basis. Therefore, the Conduct was not reasonable in the circumstances.

Unfair practice under s 4(d) read together with para 23 of Part 1 of the Second Schedule of the CPFTA

100 Moving on, "[o]mitting to provide a material fact to a consumer… or misleading a consumer as to a material fact, in connection with the supply of… services" is also an unfair practice under s 4(d) read together with para 23 of Part 1 of the Second Schedule of the CPFTA.

101 Even though [ATP] did not raise this, I considered this unfair practice on my own initiative pursuant to the judge-led approach adopted in SCT proceedings (see ss 22(2) and 22(5) of the SCTA).

102 In my judgment, the Conduct (see [99(a)] above) clearly satisfied the plain words of this unfair practice because there was both an omission and positive acts that misled [ATP] as to a material fact – *viz*, that [MTA] could not even speak simple Mandarin. The omission was the Respondent's failure to provide any qualification when indicating "MANDARIN" as part of [MTA]'s spoken language in the Biodata, and the positive acts were said indication and the provision of the 30 November Video.

Conclusion on the first issue

103 To conclude on the first issue, I found that the Respondent was guilty of unfair practice under ss 4(a) and 4(d) read together with para 23 of Part 1 of the Second Schedule of the CPFTA.

The second issue: the Claimant was not entitled to her full claim of damages

104 Next, I turn to the second issue, which pertained to the quantum of damages to award for the Respondent's unfair practice.

Breakdown of the damages sought

105 The damages of $2,543.35 sought consisted of the 10 items as seen in the table below (the "**Table**"):

S/No.	Description	Amount
1	Compensation for paying for [MTA]'s work permit application and issuance fees.	$76.30
2	Compensation for paying for [MTA]'s medical examination fee.	$130.80
3	Compensation for paying for [MTA]'s settling-in-programme ("**SIP**") fee.	$76.41
4	Compensation for 50% of the cost of [MTA]'s medical and personal accident insurance (*i.e.*, $643.46).[16] The insurer refunded 50% (*i.e.*, $321.73) sometime between January and February 2025.	$321.73
5	Refund of the balance 50% of the Respondent's agency fee of $804.42. As mentioned at [13] above, the Respondent refunded $402.21 on 11 February 2025.	$402.21
6	Compensation for paying for [MTA]'s one-way air ticket from Myanmar to Singapore.	$272.50

[16] CHB pg 89 (C04).

7	Refund of the $239.80 that the Respondent refused to return as it claimed to be entitled to charge $21.80 per day pursuant to clause 6.4.A. of the Service Agreement for providing [MTA] for 11 days of food and lodging between 17 and 27 January 2025 after [ATP] returned her to the Respondent.	$239.80
8	Refund of $633.60, which was the prorated portion of [MTA]'s placement loan of $3,572 that the Respondent withheld for the time that she worked for the Claimant. As mentioned at [13] above, the Respondent refunded $2,938.40 on 11 February 2025.	$633.60
9	Compensation for the cost incurred to send [MTA] for a caregiving training course on 12 December 2024.[17]	$300
10	Compensation for the cost incurred to get the Videos translated and transcribed.[18]	$90
	Total:	**$2,543.35**

106 At this juncture, I pause to highlight that the $90 claimed for item S/No. 10 of the Table should not have been included as part of the damages sought by the Claimant. This is because that item was more appropriately characterised as a disbursement, which the tribunal may award if the Claimant succeeds and the sum was reasonably incurred. Hence, I proceeded on the basis that the damages sought were $2,453.35 (*i.e.*, $2,543.35 less $90).

The law on compensation for unfair practice

[17] CHB pg 91 (C05).

[18] CHB pg 94 (C07).

107 Returning to the issue of the quantum to be awarded, the HC in *Freely* at [81] held that the tortious measure of damages was to be adopted for compensation for unfair practice under the CPFTA. Simply put, the tortious measure entailed the Claimant being put in a position as if the unfair practice had not occurred (see *ACES System Development Pte Ltd v Yenty Lily (trading as Access International Services)* [2013] 4 SLR 1317 at [14]).

108 On this issue, [VYX] argued during the trial that the Respondent had already complied with its obligation under r 13A(1) of the Employment Agencies Rules 2011 ("**EAR**") to refund 50% of its service fee (*i.e.*, $804.42) since [MTA]'s employment relationship with the Claimant was terminated within six months of commencing work. [VYX] stressed that the Ministry of Manpower did not stipulate that MDW employment agencies, such as the Respondent, had to give a full refund, and that must have been for a reason – *viz*, that the Ministry of Manpower thought that a 50% refund was reasonable. Hence, if [ATP] was dissatisfied with what was refunded, he ought to question the Ministry of Manpower.

109 While [VYX]'s point *vis-à-vis* the compensation to be awarded was not entirely clear to me, I took it to mean that the Respondent's position was that no further compensation was due since it had already given the Claimant her due under the EAR.

110 To avoid doubt, the fact that the Respondent complied with said obligation did not preclude the tribunal from awarding damages to the Claimant for unfair practice that were *on top* of her entitlement to a refund under the EAR. This is because any damages awarded pursuant to s 7(6) of the CPFTA read together with s 35(1) of the SCTA are *separate* from the Respondent's

obligation(s) under the EAR as they serve to compensate for the unfair practice itself.

Damages that were allowed

111 I begin with the claim for damages that were allowed.

112 In short, I allowed items S/No. 5, 6, 7 and 8 of the Table, which amounted to $1,548.11. Simply put, that amount would not have been incurred but for the Respondent's unfair practice because [MTA] would not have been selected had the Respondent accurately characterised and not misled [ATP] as to her Mandarin speaking ability.

Damages that were partially allowed or disallowed

113 Next, I turn to the claim for damages that were partially allowed or disallowed altogether.

114 I disallowed items S/No. 1, 2, 3 and 4 of the Table, which amounted to $605.24, because those were expenses that the Claimant (through [ATP]) would have had to incur even if the unfair practice did not happen and the Respondent provided a MDW who could communicate in Mandarin. I explain.

(a) Firstly, item S/No. 1 of the Table was for $76.30 that [ATP] paid to the Respondent to settle the Ministry of Manpower's work permit application and issuance fees. Therefore, such fees were not incurred due to the Respondent's unfair practice. They had to be paid even if the Respondent provided a MDW who could speak Mandarin.

(b) Secondly, item S/No. 2 of the Table was for $130.80 that [ATP] paid to the Respondent to settle the cost of [MTA]'s medical

examination in Singapore. Under para 3 of Part I of the First Schedule of the Employment of Foreign Manpower (Work Permit) Regulations 2012 ("**EFM(WP)R**"), an employer of a MDW who has received an in-principle approval for a work permit is required to bear the cost of any medical examination required by the Ministry of Manpower. Therefore, this fee was not incurred due to the Respondent's unfair practice. It would have to be paid even if the Respondent provided a MDW who could speak Mandarin.

(c) Thirdly, item S/No. 3 of the Table was for $76.41 that [ATP] paid to the Respondent to settle [MTA]'s SIP course fee, which the Ministry of Manpower required her to attend since she was a new MDW in Singapore.[19] Therefore, this fee was not incurred due to the Respondent's unfair practice. It would have to be paid even if the Respondent provided a MDW who could speak Mandarin.

(d) Finally, item S/No. 4 of the Table was for $321.73, which was 50% of the $643.46 that [ATP] paid for [MTA]'s medical and personal accident insurance. Under paras 2 and 2A of Part II of the First Schedule of the EFM(WP)R, an employer of a MDW who has received an in-principle approval for a work permit is required to purchase and maintain medical and personal accident insurance for that MDW. Therefore, this fee was not incurred due to the Respondent's unfair practice. It would have to be paid even if the Respondent provided a MDW who could speak Mandarin.

[19] See the Ministry of Manpower's website at https://www.mom.gov.sg/passes-and-permits/work-permit-for-foreign-domestic-worker/eligibility-and-requirements/settling-in-programme-sip <last accessed on 4 February 2026>.

115 As for the final item S/No. 9 of the Table, I allowed only $10 out of the $300 sought. While I accepted that this was an expense that would not have been incurred but for the Respondent's unfair practice, I found that the Claimant was not entitled to the full amount. I explain.

116 On 12 December 2024, [MTA] was sent to a course for caregivers of elderly individuals. Of the $300 course fee, [ATP] only paid the trainer $10. The balance of $290 was deducted from the Claimant's annual budget from the Caregivers Training Grant (the "**CTG**").

117 For background, the CTG is administered by the Agency for Integrated Care Pte Ltd ("**AIC**"), which is an entity related to the Government. This is because AIC comes under MOH Holdings Pte Ltd, which is in turn wholly owned by the Government (see *Singapore Parliamentary Debates, Official Report* (7 February 2023) vol 95 (Ong Ye Kung, Minister for Health)).

118 Essentially, [ATP] sought compensation for utilising $290 from the Claimant's 2024 CTG quota (the "**Grant Money**") because she could have deployed that amount towards training another MDW had it not been used on [MTA].

119 While the Claimant's position appeared intuitive at first blush, she ultimately did not incur that amount. Thus, the claim for the Grant Money as damages brought into play the rule against double recovery, which holds that the Claimant should only be compensated for her *actual* loss unless she qualified for an exception to said rule (see *Lo Kok Jong v Eng Beng* [2024] 1 SLR 964 ("***Eng Beng***") at [16]).[20] In this regard, the Court of Appeal's (the

[20] *Lo Kok Jong v Eng Beng* [2024] 1 SLR 964 at [16].

"**CA**") decision in *Eng Beng* was relevant here because the respondent, who was an elderly victim of a car accident, sought to claim for damages that included, *inter alia*, not just the medical bills that she paid out of pocket but also the government subsidies and grants that she enjoyed when she was treated in public healthcare institutions (the "**Subsidies and Grants**"). The CA held that she was not entitled to the Subsidies and Grants as they did not qualify to be exempted from the rule against double recovery.

120 To briefly summarise the CA's reasoning in *Eng Beng*:

(a) Since damages were generally compensatory in nature, the rule against double recovery required any benefit that accrued to the respondent because of the accident (*i.e.*, the Subsidies and Grants) to be deducted against any damages payable by the appellant (see *Eng Beng* at [14] and [16]).

(b) The Subsidies and Grants were not exempted from the rule against double recovery because their intended purpose objectively ascertained was not to provide the respondent with a benefit over and above the damages that were payable by the appellant (*i.e.*, the tortfeasor) (see *Eng Beng* at [30], [32], [34] – [36] and [54] – [55]).

(c) To objectively ascertain the intended purpose of a benefit, the CA considered four indicia, which were applied in a holistic and non-mathematical or formulaic manner (see *Eng Beng* at [58]). They were: (i) whether the victim contributed to the benefit (see *Eng Beng* at [38] and [56(a)]); (ii) whether the benefit was to indemnify the victim for the type of loss for which damages were sought (see *Eng Beng* at [40] and [56(b)]); (iii) the source of the benefit (see *Eng Beng* at [44] and [56(c)]);

and (iv) the group of individuals to whom the benefit was made available (see *Eng Beng* at [50] and [56(d)]).

121 Returning to the present case, I found that the application of three indicia leaned towards the conclusion that the objective intention of the CTG was *not* to confer a benefit on the Claimant beyond any damages that were payable by the Respondent – *viz*, (a) the Claimant did not pay towards the CTG; (b) payment of the CTG came from the Government and not any private benefactor; and (c) the CTG was not targeted to victims such as the Claimant, but rather made available to a wide segment of the public. I considered the latter two points to be particularly weighty because the CA in *Eng Beng* stated that their existence generally meant that there was no intention (objectively judged) to confer any additional benefit on top of damages (see *Eng Beng* at [46] – [50]). Moreover, the CA also recognised that, as a matter of precedent, government subsidies and grants for a victim's medical expenses were generally not exempt from the rule against double recovery (see *Eng Beng* at [67]).

122 In view of the foregoing, I found that the Claimant was not entitled to the Grant Money, and I allowed only $10 out of the $300 sought for item S/No. 9 of the Table.

123 Before moving on, I pause here to acknowledge that the facts of *Eng Beng* were not on all fours with the present case because there were at least two bases to distinguish them: (a) firstly, the benefit of the CTG accrued to the Claimant *before* the unfair practice was committed, whereas the Subsidies and Grants were enjoyed by the respondent in *Eng Beng* only *after* the tort occurred; and (b) secondly, unlike the respondent who could continue to enjoy further government subsidies and grants whenever she visited public healthcare institutions for treatment, the Claimant lost the opportunity to deploy the Grant

Money towards another MDW. However, in my view, those differences did not diminish the applicability of *Eng Beng* as an authority. This is because both cases concerned double recovery in the context of government subsidies and grants. Furthermore, it bears emphasising that it was *not* the case that the Claimant did not get to enjoy the CTG as intended – she did, it was just unfortunate that she utilised it on [MTA], instead of a MDW who could communicate in Mandarin.

Conclusion on the second issue

124 To conclude on the second issue, I awarded $1,558.11 to the Claimant as damages to compensate for the Respondent's unfair practice.

Costs and disbursements

125 Finally, I address costs and disbursements.

Costs

126 I begin with costs. I awarded the Claimant costs fixed at $150 for the Recusal Application, which [VYX] filed on the Respondent's behalf.

127 The SCT's power to award costs is found in s 35(1)(f) of the SCTA. That provision is to be read with r 19A(1) of the SCTR, which states:

> The following factors are relevant to a tribunal's determination as to whether to make an order of costs under section 35(1)(f) of the Act in any proceedings:
> (a) whether the claim or counterclaim, or any part of it, in the proceedings was frivolous, vexatious or otherwise an abuse of the process of the tribunal;
> (b) whether a party to the proceedings failed, without reasonable excuse, to attend any consultation, mediation, conciliation or other

> proceedings which that party was requested or required to attend under the Act;
>
> (c) the conduct of the parties to the proceedings in relation to any attempt to resolve the dispute between them by mediation.

128 The wording of r 19A(1) of the SCTR is significant. It says only that the listed factors are "relevant" to the tribunal's determination. It does not say that they are exhaustive. In my judgment, that means the three matters in r 19A(1)(a)–(c) are relevant considerations, but not the only ones. The SCT may therefore award costs in appropriate circumstances that fall outside those three situations.

129 This conclusion is also borne out by the SCTA's legislative history. Previously, ss 31 and 32 of the Small Claims Tribunals Act (Cap 308, 1998 Rev Ed) (the "**SCTA (1998 Rev Ed)**") prohibited the SCT from awarding costs save where a claim was dismissed for being frivolous or vexatious. As explained by Prof S Jayakumar, the then Minister for Labour and Second Minister for Law and Home Affairs during the second reading of the Small Claims Tribunals Bill (Bill No 10 of 1984), the rationale for this was to ensure that claimants with genuine grievances would not be deterred from pursuing a claim in the SCT by the fear of an adverse costs order if they subsequently failed, which would ordinarily be the case for litigation in the civil courts (see *Singapore Parliamentary Debates, Official Report* (24 August 1984) vol 44 at col 2002).

130 Over time, however, a difficulty emerged. The SCT was designed to enhance access to justice by lowering the financial and procedural barriers to pursuing or defending a claim. But those same features that promoted accessibility also carried the risk that some litigants may fail to appreciate the seriousness of the proceedings or the gravity of the steps they take within them. Coupled with the tribunal's then limited ability to award costs, this left the SCT

with little room to respond where a litigant behaved in an abusive, disruptive, dilatory, uncooperative or even contemptuous manner.

131 It was against that backdrop that Parliament broadened the SCT's power to award costs. The former restrictions in ss 31 and 32 of the SCTA (1998 Rev Ed) were repealed by s 21(f) of the Small Claims Tribunals (Amendment) Act 2018 (the "**2018 Amendment Act**"), which was passed on 9 July 2018. In their place, s 15 of the 2018 Amendment Act introduced the present s 35(1)(f). During the second reading of the Small Claims Tribunals (Amendment) Bill (Bill No 23 of 2018), Edwin Tong Chun Fai, the then Senior Minister of State for Law, explained the following (see *Singapore Parliamentary Debates, Official Report* (9 July 2018) vol 94):

> Today, costs can only be imposed in a very narrow situation where a claim is frivolous or vexatious. **This has limited the Tribunals' ability to manage litigants who conduct their cases in an abusive manner**.
>
> Thus, the amendments allow the Tribunals to order costs at their discretion. **The intention is for such cost orders to be made only in the most egregious of cases, where a party has been unusually disruptive, uncooperative or contemptuous; even if the claim itself cannot be said to be frivolous**.
>
> **So, it is really directed at the conduct of the proceedings**. One bears in mind that with the amendments that we have in place, there are three stages to the proceedings, as I mentioned in the outset. **The process can in fact be unreasonably stretched out by an unreasonable litigant and the discretion for costs is designed to give redress to that**.
>
> Several Members have asked how we can ensure that the practice of awarding costs under the new provision will not discourage litigants with bona fide claims from bringing their claims before the Tribunals, for fear of, and I quote Mr Christopher de Souza, "getting hit with a costs order". Mr Murali Pillai also raised this point. And I think these are very valid concerns.
>
> I would like to assure Members that, since legal representation is not allowed in the Tribunals, save for the very narrow band of persons, the costs for litigants will be kept low. **Costs will be calculated according to the general rules, according to governing costs for litigants-in-**

> **person**. **For example, a litigant-in-person will be reasonably compensated for the time he has expended, for example, taking leave to attend the hearing, and other such related costs, in addition to expenses reasonably incurred, for example, transport costs**. So, one can see that the paradigm is very different from where one seeks party and party costs in a situation where lawyers are involved. I hope this addresses the Members' concerns.
>
> [emphasis added in bold and underline]

132 The effect of the 2018 Amendment Act was therefore clear. Parliament intended to broaden the SCT's power to award costs and for that power to be directed at the conduct of proceedings. It follows that s 35(1)(f) of the SCTA is not confined to the three matters listed in r 19A(1)(a)–(c) of the SCTR. More fundamentally, it also follows that the power exists to address cases where a litigant's egregious conduct (such as in this case) has unfairly burdened the proceedings, even if the underlying claim or defence itself is not altogether hopeless.

133 That said, the power is not to be exercised mechanically. It remains a discretionary one, and its exercise necessarily calls for a balance between competing considerations. On the one hand, there is the need to preserve access to justice by ensuring that litigants are not unduly deterred from pursuing genuine claims or taking legitimate steps to defend themselves. On the other hand, there is a need to ensure that proceedings are not drawn out by baseless or unwarranted applications, and that any party put to unnecessary trouble and expense is fairly compensated. The former consideration explains why costs in the SCT should be awarded sparingly. The latter explains why the power must nevertheless be exercised when the circumstances warrant it.

134 In my judgment, this case was a paradigm example of when the balance should be struck in favour of the latter consideration. I found [VYX]'s conduct

on 22 September 2025, and the filing of the Recusal Application itself, to be sufficiently egregious to warrant an adverse costs order.

135 As established earlier, [VYX]'s dissatisfaction was entirely self-induced. He was, in every sense, the architect of his own misfortune. To briefly recapitulate, he attended the trial by VC from a Starbucks café in Changi Airport with a MDW in his vicinity whom he had to watch over until her flight later in the day. In doing so, he failed to comply with the VC Guidelines and the privacy requirement under s 24(1) of the SCTA. He then declined my offers to relocate and attend by VC from a place that complied with those requirements. He also refused the three opportunities I gave him to call his superior and arrange for someone to substitute him at Changi Airport. Finally, his insistence on prioritising his work matters over the trial for which he had been appointed to attend as the Respondent's representative showed, at the very least, a failure to appreciate the importance and seriousness of the proceedings.

136 [VYX] had no reasonable excuse for being unaware of the VC Guidelines. A direct link to them was provided in the 17 September e-Correspondence. If he failed to read or appreciate them, that omission was his own. Yet, instead of recognising that the problem lay with his non-compliance, [VYX] reacted adversely to the tribunal's insistence that the published requirements be observed and that the privacy of the proceedings be maintained. Thus, the Recusal Application was the direct consequence of that self-created difficulty.

137 Moreover, not content with being the architect of his own misfortune, [VYX] then compounded matters by pursuing the Recusal Application that was itself wholly without merit. As explained earlier, none of the eight reasons advanced by [VYX] passed muster. As a result, the trial could not proceed on

22 September 2025 as scheduled. Time had to be given for the parties to prepare their submissions, and a separate hearing had to be convened to hear and dispose of the Recusal Application.

138 That had practical consequences for the Claimant. [ATP], who represented her throughout, had to take time off work to prepare written submissions and attend the hearing of the Recusal Application. This burden was not brought about by any legitimate procedural dispute. It arose because [VYX], having created the underlying difficulty himself, then pursued an application that imposed an unnecessary burden on the opposing party.

139 In the circumstances, I was satisfied that an award of costs was warranted. The Recusal Application was wholly without merit and arose directly from [VYX]'s own disruptive and uncooperative conduct. Therefore, it was only fair that the Claimant be compensated, albeit modestly, for the time and resources [ATP] expended in addressing an application that should never have been brought. I therefore awarded the Claimant costs fixed at $150.

140 For completeness, I add that the modest costs awarded in this case should not be mistaken for a general benchmark or ceiling for costs orders against litigants who pursue unmeritorious applications in the course of proceedings before the SCT. The quantum of costs in such cases may be higher and will depend on the facts and circumstances of each case.

Disbursements

141 As for disbursements, [ATP] sought $119.44 on behalf of the Claimant. This consisted of: (a) $10 to lodge the present claim; (b) $90 to get the Videos professionally translated and transcribed as required under para 130(5)(d) of the

SCPD; and (c) $19.44 for carpark charges capped at 6 hours for parking at People's Park Complex when attending physical hearings in the State Courts Towers. I awarded the full amount as I found them to have been reasonably incurred in the pursuit of the present claim.

Conclusion

142 For the foregoing reasons, I ordered the Respondent to pay the Claimant $1,827.55, which consisted of $1,558.11 plus $269.44 for costs and disbursements.

143 I conclude with some observations.

144 Firstly, the SCT was designed to be accessible to lay individuals. In this vein, s 22(1) of the SCTA expressly provides that proceedings before the tribunal are informal. However, informality is not a licence for discourtesy, disruption, or conduct inconsistent with the orderly conduct of proceedings. The SCT *is* a court of law as it is one of the subordinate courts that make up the State Courts. Thus, those who appear before it are expected to conduct themselves with basic propriety, courtesy and respect for the judicial process.

145 Secondly, attending trial in the SCT by VC is a convenience extended to litigants. It is not an entitlement that may be insisted upon. That convenience is conditional on compliance with the applicable requirements. Where those requirements are not met, the tribunal is fully entitled to direct that the proceedings be conducted physically.

146 Thirdly, the SCT's power to award costs exists for a reason. The objective of making justice accessible cannot come at the expense of allowing proceedings to be derailed by baseless applications. Hence, just as in this case,

the tribunal may exercise its power and order costs against litigants who pursue unmeritorious applications that needlessly prolong a case and put the opposing party to unnecessary time, effort and expense. It bears emphasising that the tribunal's processes are intended to facilitate the fair and expeditious adjudication of disputes, not to serve as tools of disruption.

147 Finally, among the applications that may be taken in the course of proceedings, those founded on allegations of judicial bias call for particular caution. Litigants are *not* free to judge-shop. As the CA emphasised in *BOI* at [141], allegations of judicial bias are extremely serious, and so applications seeking recusal must never be made lightly. Indeed, such allegations and applications may be deployed abusively and needlessly consume valuable court time and resources. The tribunal will therefore not countenance the casual making of such allegations and applications, and serious consequences may ensue if they are found to be unmeritorious.

Leon Abraham Tan
Tribunal Magistrate

The claimant in person;
The respondent in person.