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

[2026] SGHC 108

Originating Application No 288 of 2026

Between

Yang Ing Woei

… *Applicant*

And

Singapore Medical Council

… *Respondent*

EX TEMPORE JUDGMENT

[Administrative Law] — [Remedies] — [Declaration]
[Statutory Interpretation] — [Statutes] — [Medical Registration (Amendment) Act 2020 section 23]

TABLE OF CONTENTS

Yang Ing Woei
v
Singapore Medical Council

[2026] SGHC 108

General Division of the High Court — Originating Application No 288 of 2026
Andre Maniam J
19 May 2026

19 May 2026

Andre Maniam J:

Introduction

1 The claimant ("Dr Yang") filed this originating application ("OA") against the respondent ("SMC") on 13 March 2026 seeking the following orders:

> 1. The constitution of the Disciplinary Tribunal ("DT") for the inquiry of the Applicant (2021-069) pursuant to Section 49(13)(c)(i) of the Medical Registration Act 1997 (with version in force up to 30th June 2022) by the Singapore Medical Council ("SMC") is invalid as a matter of Law.
>
> 2. Consequently, the Notice of Inquiry by Disciplinary Tribunal served on the Applicant on 19th August 2025 is also invalid.
>
> 3. Cost in the cause.
>
> 4. Such further and/or other orders as the Honourable Court deems fit and just.

2 Was it appropriate to grant the declarations sought, especially since Dr Yang had not sought judicial review of the decision of the Minister for Health (the "Minister") pursuant to which the DT was appointed? If so, was Dr Yang correct that the DT's appointment was invalid?

Background

3 The DT proceedings that are the subject of Dr Yang's OA, arose from a complaint lodged against him on 25 November 2021. On 20 April 2023, a Complaints Committee ("CC") found Dr Yang, and another doctor, not to have breached the Ethical Code of SMC, and decided to issue them with a letter of advice pursuant to s 49(1)(a) of the Medical Registration Act 1997 ("MRA 1997") instead. That s 49(1)(a) was a section in Part 7 that was in force up to 30 June 2022 (the old Part 7), subject to saving provisions which I discuss below.

4 On 10 May 2023 the complainant appealed against the CC's decision to the Minister under s 49(11) of the old Part 7. On 20 January 2025, the Minister allowed the complainant's appeal in relation to Dr Yang, directing SMC to appoint a DT under s 49(13)(c)(i) of the old Part 7.

5 In this OA, Dr Yang says that the DT was invalidly constituted, and the Notice of Inquiry served on 19 August 2025 is also invalid.

Whether declaratory relief should be granted

6 It is common ground that Dr Yang is seeking declaratory relief, and as such he needs to satisfy the criteria for such relief, as identified in *Karaha Bodas Co LLC v Pertamina Energy Trading Ltd* [2006] 1 SLR(R) 112 ("*Karaha Bodas*") at [14]–[25], reaffirmed in *Syed Suhail bin Syed Zin v Attorney-General* [2024] 2 SLR 588 at [40].

7 Three of those criteria are (*Karaha Bodas* at [14]):

> (c) as a declaration is a discretionary remedy, it must be justified by the circumstances of the case;
>
> (d) the plaintiff must have *locus standi* to bring the suit and there must be a real controversy for the court to resolve;
>
> (e) any person whose interests might be affected by the declaration should be before the court…

8 In form, Dr Yang is applying for a declaration that the DT was invalidly constituted (and that the Notice of Inquiry is also invalid), but in substance he is seeking to nullify the Minister's decision of 20 January 2025 directing SMC to appoint a DT.

9 Instead of applying for judicial review to obtain a quashing order in respect of the Minister's decision, however, Dr Yang applies for declarations of invalidity in respect of the *consequence* of the Minister's decision (the constitution of the DT and the service of the Notice of Inquiry).

10 Dr Yang says in his 1st affidavit dated 13 March 2026 that he "had originally wanted to seek Judicial review of the Health Minister's decision",[1] but he was "advised and verily believe[d] that a more fundamental issue lies in the total lack of legal basis for the Complainant to purportedly exercise her right to appeal to the Minister under the MRA [1997] (version in force up to 30th June 2022)".

11 Moreover, Dr Yang or his lawyer mentioned the possibility of him seeking judicial review on three occasions, on 17 November 2025, 26 January 2026, and 2 February 2026.[2]

---

1 Dr Yang's 1st affidavit dated 13 March 2026 [11].

2 Ms Chua's affidavit dated 6 April 2026, [22], [29], [31].

12 If Dr Yang had taken the judicial review route, he would have had to first file an application for permission to seek judicial review, within three months after the date of the relevant order which gave rise to the application (here, the Minister's decision of 20 January 2025 allowing the complainant's appeal in respect of Dr Yang, and directing SMC to appoint a DT), *ie*, Dr Yang would have had to apply to court by 20 April 2025. Dr Yang did not do so; instead, he filed this OA on 13 March 2026, by which time it was almost one year and two months after the Minister's decision.

13 Moreover, the application for permission to seek judicial review would have had to be served on the relevant defendant and the Attorney-General. Service on the Attorney-General gives him notice of the matter, and allows him to consider what position, if any, he wishes to take regarding the matter.

14 The relevant defendant to such an application would have been the Minister (who made the decision in question), and not SMC (who did not make the decision in question, but was merely the party that the Minister had directed to appoint a DT, and duly did so). In the context of SMC appointing a Disciplinary Committee upon receiving a CC's order that a formal inquiry (by a Disciplinary Committee) be held, the court has recognised that SMC "merely acts as a conduit in such circumstances" and is "discharging its statutory duties": *Lim Mey Lee Susan v Singapore Medical Council* [2012] 1 SLR 701 at [46].

15 Dr Yang seeks a finding that the constitution of the DT is invalid as a matter of law, as SMC had no jurisdiction to constitute the DT – he says that SMC "constituted the DT on the footing that a valid right of appeal existed under the repealed Part 7 regime."[3] The evidence does not bear out any consideration

[3] Dr Yang's written submissions, [55]

by SMC of the validity of the appeal: all that appears is that SMC constituted the DT because the Minister had directed it to do so – there was no need for SMC to consider whether there was a valid appeal that led to the Minister's direction, and nothing to indicate that SMC even thought about this. SMC was merely a conduit, and the relevant decision maker was the Minister.

16 Dr Yang cites *Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147 ("*Foreign Compensation Commission*") and *Chng Suan Tze v Minister for Home Affairs* [1988] 2 SLR(R) 525 ("*Chng Suan Tze*"), but in those cases the relevant decision maker was a defendant: in *Anisminic*, the Commission (which had made a decision against the plaintiffs) was a defendant; in *Chng Suan Tze*, the Minister for Home Affairs (who had issued detention orders in respect of the appellants) was a defendant.

17 Even on Dr Yang's case that he is challenging the *complainant's* right to have appealed to the Minister, he has not made the complainant a defendant to this OA. Instead, SMC is the sole defendant. But SMC is not the appropriate party to be defending the Minister's decision, nor can SMC speak on behalf of the Attorney-General, or the complainant. If Dr Yang succeeds in this OA, the only parties bound by such a decision would be Dr Yang and SMC. The complainant would not be bound, and neither would the Minister; the Minister's direction to SMC to appoint a DT would still stand. If the court were to declare invalid the constitution of the DT (and the related Notice of Inquiry), that would leave SMC in an invidious position: it would still be the recipient of a direction from the Minister requiring it to appoint a DT, but where the court had declared the appointment of the DT in the present case to be invalid.

18 The "real controversy" (*Karaha Bodas* at [14(e)]) is not between Dr Yang and SMC, it is between Dr Yang and the Minister – it is the Minister's

decision of 20 January 2025 that caused the DT to be appointed, with SMC merely acting as a conduit. As a corollary, the real remedy that Dr Yang seeks – indeed, the appropriate remedy – is an order quashing the Minister's decision, which he ought to have sought by way of judicial review.

19 Even if notice of this OA were now to be given to the Minister, the Attorney-General, and the complainant, or they were joined as parties, there would still be the issue of lateness in Dr Yang applying to court.

20 In substance, this is a judicial review application, a very belated one. The application for declarations in this case impermissibly side-steps the deadline and other requirements for judicial review.

21 The circumstances of this case do not justify the granting of the discretionary remedy of a declaration (*Karaha Bodas* at [14(c)]), not all the persons whose interests might be affected by the declarations are before the court (*Karaha Bodas* at [14(d)]), and the granting of declarations (in the absence of the Minister) would not resolve the real controversy which is between Dr Yang and the Minister (*Karaha Bodas* at [14(e)]). This is sufficient for the OA to be dismissed.

The merits of the case

22 In any event, I am not persuaded by Dr Yang's case on the merits.

23 His case is as follows:

(a) the MRA 1997 was amended by the Medical Registration (Amendment) Act 2020 (Act 34 of 2020) (the "MRAA"), effective 1 July 2022;

(b) the MRAA repealed Part 7 of the MRA 1997 that was in force up to 30 June 2022 (the old Part 7), and replaced it with a new Part 7 effective 1 July 2022;

(c) as of 1 July 2022, any right of appeal that had yet to accrue under s 49(11) of the old Part 7 could not accrue thereafter; from 1 July 2022 there was instead a right to apply to a Review Committee under s 54(2) of the new Part 7; and

(d) on 10 May 2023, when the complainant appealed to the Minister purportedly under s 49(11) of the old Part 7, that section had already been repealed, the saving provisions did not extend the application of that section after 30 June 2022, and she had no such right of appeal.

24 The issue turns on the interpretation of the saving provisions in s 23 of the MRAA, of which s 23(2) and (3) are set out below:

> (2) The provisions of Part 7 of the principal Act in force immediately before the date of commencement of section 7 (called in this subsection and subsection (3) the old Part 7) continue to apply in relation to the following as if that Part had not been repealed:
>
> > (*a*) any complaint or information made or referred to the Medical Council under section 39(1) of the old Part 7 before that date;
> >
> > (*b*) any complaint or information made or referred by the Medical Council to the chairman of the Complaints Panel under section 39(3)(*a*) of the old Part 7 before that date;
> >
> > (*c*) any notification by the Medical Council to a registered medical practitioner under section 39(3)(*b*) of the old Part 7 before that date;
> >
> > (*d*) any right of appeal from any inquiry, investigation or proceedings that accrued before that date;

> (*e*) any right to apply to a Review Committee under section 55(2) of the old Part 7 that accrued before that date.
>
> (3) For the purposes of subsection (2) —
>
> (*a*) any Complaints Panel, Complaints Committee, Disciplinary Tribunal, Health Committee or Interim Orders Committee appointed under a provision of the old Part 7, continues to exist to complete any proceedings before it and may take any action or make such order or decision as it could have taken or made under the relevant provisions of the old Part 7;
>
> and
>
> (*b*) the Medical Council may take such action or make such order or direction as it could have taken or made in connection with such proceedings under the old Part 7.

25 Section 23(2)(a) and (d) of the MRAA are particularly noteworthy.

26 Section 23(2)(a) provides that the provisions of the old Part 7 continue to apply, as if that Part had not been repealed, in relation to any complaint or information made or referred to the Medical Council under s 39(1) of the old Part 7 before the relevant commencement date (1 July 2022).

27 The complaint against Dr Yang was such a complaint, as it was made on 25 November 2021 (before 1 July 2022). SMC says that s 23(2)(a) of the MRAA expressly provides that the provisions of the old Part 7 apply in relation to that complaint, and those provisions of the old Part 7 include s 49(11) pursuant to which the complainant appealed to the Minister, and s 49(13)(c)(i) pursuant to which the Minister decided that appeal and directed SMC to appoint a DT.

28 Dr Yang, on the other hand, says that s 23(2)(d) of the MRAA specifically addresses rights of appeal that accrued before 1 July 2022, and s 23(2)(d) of the MRAA says that the provisions of the old Part 7 continue to

apply, as if that Part had not been repealed, in relation to any right of appeal that accrued before 1 July 2022. The complainant's right of appeal under s 49(11) of the old Part 7 had not accrued before 1 July 2022, for it was only on 20 April 2023 that the CC made its decision on the complaint.

29 Dr Yang thus argues that when the CC made its decision on 20 April 2023, no right of appeal accrued to the complainant because the old Part 7 had already been repealed, and s 23(2)(d) which preserved the operation of the old Part 7 in relation to rights of appeal, only applied to rights of appeal that had accrued before 1 July 2022.

30 The language of s 23 of the MRAA cannot support Dr Yang's interpretation of the saving provisions. There is no need to resort to s 23(2)(d) of the MRAA for the complainant to acquire a right of appeal under s 49(11) of the old Part 7, because that is already achieved by s 23(2)(a) of the MRAA: the complaint was made or referred to SMC under the old Part 7 before 1 July 2022, and so (as s 23(2)(a) of the MRAA says) the provisions of the old Part 7 continue to apply in relation to that complaint – those provisions include s 49(11) pursuant to which the complainant appealed to the Minister, and s 49(13)(c)(i) pursuant to which the Minister decided that appeal.

31 Applying the whole of the old Part 7 to complaints that had been made under the old Part 7 means:

(a) if no CC has been appointed yet, a CC may be appointed under the old Part 7;

(b) if a CC has already been appointed (as in the present case), that CC may continue to handle the matter under the old Part 7 (this is reinforced by s 23(3)(a) of the MRAA which says that a CC appointed

under the old Part 7 "continues to exist to complete any proceedings before it and may take any action or make such order or decision as it could have taken or made under the relevant provisions of the old Part 7";

(c) a CC (whether newly appointed, or already appointed before 1 July 2022) may take any action or make such order or decisions as it could have taken or made under the old Part 7 (see point (b) above in relation to CCs that had already been appointed);

(d) a complainant dissatisfied with an order of a CC may appeal to the Minister pursuant to s 49(11) of the old Part 7; and

(e) the Minister may decide that appeal under s 49(13) of the old Part 7.

32 Dr Yang does not dispute that the CC in his case could continue operating under the old Part 7 even after 30 June 2022, and make a decision (as it did on 20 April 2023) under s 49(1)(a) of the old Part 7. But he says the operation of the old Part 7 stops there: the complainant no longer had a right to appeal to the Minister under s 49(11) of the old Part 7, and the Minister no longer had the right to make orders under s 49(13) of the old Part 7.

33 There is nothing in the MRAA to support such a *partial* saving of the old Part 7 in relation to complaints made under the old Part 7 before 1 July 2022, and this would be contrary to the express provision in s 23(2)(a) of the MRAA, which preserves the continued application of *all* of the provisions in the old Part 7.

34 Indeed, if the CC in the present case had decided that a DT should be appointed, s 23(2)(a) would have preserved the application of the old Part 7 to SMC's appointment of that DT, the DT conducting proceedings under the old Part 7, and the DT making such order or decisions as it could have taken or made under the relevant provisions of the old Part 7. In relation to DTs that had already been appointed before 1 July 2022, this is expressly provided for in s 23(3)(a) of the MRAA, which applies to "any Complaints Panel, Complaints Committee, Disciplinary Tribunal, Health Committee or Interim Orders Committee appointed under a provision of the old Part 7". The continued application of the old Part 7 to DTs in relation to complaints made under the old Part 7, goes against any interpretation of the saving provisions stopping at the decision of a CC.

35 Further, s 23(3)(b) of the MRAA provides that "the Medical Council may take such action or make such order or direction as it could have taken or made in connection with such proceedings under the old Part 7."

36 That reinforces what s 23(2)(a) of the MRAA provides, which is that all the provisions of the old Part 7 continue to apply in relation to complaints made under the old Part 7, and that includes what might be done by a Complaints Panel, Complaints Committee, Disciplinary Tribunal, Health Committee or Interim Orders Committee, or SMC.

37 Dr Yang is left with the argument that, of all the provisions in the old Part 7, the only ones which do not continue to apply are those in relation to rights of appeal. That is illogical. As discussed above, the saving provisions preserved the continued application of the old Part 7 to DT proceedings in relation to complaints that had been made under the old Part 7, but Dr Yang attacks the present DT proceedings against him on the basis that there the

complainant had no right to appeal the CC's decision to the Minister, and so the Minister had no right to direct SMC to appoint a DT. At the time the complaint was made, the disciplinary framework under the MRA 1997 gave complainants the right to appeal to the Minister against decisions of a CC. There is nothing in the MRAA to indicate that the legislature intended that:

(a) if the CC decided on the complaint before 1 July 2022, the complainant would have a right to appeal to the Minister; but

(b) if the CC decided on the complaint on or after 1 July 2022, the complainant would not have a right to appeal to the Minister.

38 Dr Yang's argument is, in effect, that if s 23(2)(d) of the MRAA does not preserve the continued application of the old Part 7 in relation to appeals (because the right of appeal had not accrued before 1 July 2022), no other saving provision (such as s 23(2)(a) of the MRAA) can do so. But there is no reason why not.

39 Moreover, Dr Yang's interpretation would involve reading what s 23(2)(d) of the MRAA *does not address* (rights of appeal accruing from 1 July 2022) as overriding what s 23(2)(a) *does address* (application of the whole of the old Part 7) in relation to complaints under the old Part 7.

40 Among other things, the MRAA introduced a new disciplinary framework, by replacing the old Part 7 with the new Part 7 – that is the purpose or object of that aspect of the MRAA, but the context of s 23 in that regard is that it contains saving provisions which preserve the application of the old Part 7 to complaints that had been made under the old Part 7. Put simply, the old Part 7 continues to apply to complaints that had been made under the old Part 7 (before 1 July 2022), and the new Part 7 applies to complaints made under the

new Part 7 (on or after 1 July 2022). This ordinary meaning of s 23(2)(a) is consistent with the context of s 23 in the MRAA, and the object and purpose underlying the MRAA's replacement of the old Part 7 with the new Part 7.

41 That all the provisions of the old Part 7 continue to apply to complaints made under the old Part 7 (which is what s 23(2)(a) of the MRAA says) is reinforced by what was said during the parliamentary debates on the MRAA (when it was the Medical Registration (Amendment) Bill). Minister Edwin Tong, SC, who was then the Second Minister for Law, said:

> Internally, the SMC has devoted separate and additional resources to clear the existing backlog because Members will know that if and when this Bill is passed, this process and procedure will apply to new cases but not to the existing ones, which are to be resolved under the old regime.[4]
>
> ……
>
> Over the last two years or so, the SMC had worked very hard and managed to resolve many of these cases. As I have explained to members, this new regime will not be able to apply to existing cases. So, the existing cases still have to follow the current track and the current timelines. Cases filed once this Bill is in force will enjoy the new track.[5]

42 That drew a clear distinction between existing cases "which are to be resolved under the old regime" and "still have to follow the current track", and "[c]ases filed once this Bill is in force [which] will enjoy the new track", with "this process and procedure [under the Bill applying] to new cases but not to the existing ones".

43 The Second Minister for Law's statement confirms that s 23(2)(a) of the MRAA means what it says: it confirms "that the meaning of the provision is the

---

4 2RBA 451

5 2RBA 499.

ordinary meaning conveyed by the text of the provision taking into account its context in the written law and the purpose or object underlying the written law" (s 9A(2)(a) of the Interpretation Act 1965).

44 The Second Minister for Law's statement was then echoed by SMC Circular No 3/2022 published by the Ministry of Health on 1 July 2022 on the commencement of the MRAA, which states: "With the commencement, complaints filed with the SMC, or referred directly to the Disciplinary Commission ("DC") by the SMC, on or after 1 July 2022, will follow the new processes under the amended MRA."[6]

45 Further, Dr Yang's argument that the old Part 7 applies in the present case, but only up to the point of the CC deciding merely to issue a letter of advice, creates an unworkable situation: it would involve applying the new Part 7 which provides for a review application to a Review Committee (RC), to a decision of a CC made under the old Part 7. If the RC decided to remit the matter to the CC, would the CC then continue to operate based on the old Part 7 (which did not contemplate such a scenario), or the new Part 7? Indeed, could the RC deal with the matter in the first place, since s 54 of the new Part 7 provides for review of "any direction or decision of a Complaints Committee under section 46(1) [of the new Part 7]", but the CC here did not make a decision under that section, but under s 49 of the old Part 7. Dr Yang suggests that the complainant ought to have pursued a review application which, on the terms of the new Part 7, was not open to her. That reinforces the interpretation of the saving provisions advanced by SMC.

---

6 2RBA 406.

46 Finally, if Dr Yang were right, that there is no right of appeal under the old Part 7 against decisions of CCs (or DTs) made on or after 1 July 2022 (in relation to complaints made under the old Part 7), then all the court cases that had considered such appeals on their merits, or applied appeal provisions from the old Part 7, would have been wrongly decided. For instance:

(a) In *Lee Pheng Lip Ian v Singapore Medical Council* [2025] 4 SLR 728, the complaints were made before 1 July 2022 (on 14 February 2014 and 30 April 2015 – see [6] and [9]), and the DT gave its decision on or after 1 July 2022 (on 16 January 2024 – see [22]). Dr Lee appealed under s 55 of the old Part 7, the court heard the appeal on its merits, and the court cited s 55(11) of the old Part 7 regarding the threshold for appellate intervention – see [79] and [135].

(b) In *Ang Yong Guan v Singapore Medical Council* [2024] 4 SLR 1364, the complaint was made before 1 July 2022 (on 11 April 2017 – see [7]), and the DT gave its decision on or after 1 July 2022 (on 11 May 2023 – see *Singapore Medical Council v Ang Yong Guan* [2023] SMCDT 2). Both Dr Ang and SMC appealed against the DT's decision under s 55 of the old Part 7, the court heard the appeals on their merits, and the court cited s 55(11) of the old Part 7 regarding the threshold for appellate intervention – see [86].

(c) In *Singapore Medical Council v Ling Chia Tien* [2024] 6 SLR 217, SMC referred the matter to the Complaints Panel before 1 July 2022 (on 25 May 2017 – see [6]), and the DT gave its decision on or after 1 July 2022 (on 14 December 2023 – see [24]). SMC appealed under s 55 of the old Part 7, and the court heard the appeal on its merits.

(d) In *Ho Tze Woon v Singapore Medical Council* [2024] 3 SLR 1245, the complaint was made before 1 July 2022 (on 10 March 2017 – see [11]), and the DT gave its decision on or after 1 July 2022 (on 21 February 2023 – see *Singapore Medical Council v Dr Ho Tze Woon* [2023] SMCDT 1). The court heard the appeal on its merits.

47 Dr Yang says that the question of whether there was still a right of appeal under the old Part 7 was not expressly addressed in those court judgments, and that there is no difference in substance between s 55 of the old Part 7 and s 59G of the new Part 7 which replaced it. The fact remains that the appeals were brought under s 55 of the old Part 7 and were dealt with on their merits, and in some instances the court itself cited s 55 of the old Part 7.

48 Thus, if this were an appropriate case for declaratory relief (which it is not), I would have decided against Dr Yang on the merits.

Conclusion

49 For the above reasons, I dismiss this OA.

50 After hearing submissions on costs, I award SMC costs of $22,000 (all in).

Andre Maniam
Judge of the High Court

Mary Ong (DCMO Law Practice LLC) for the applicant;
Chia Voon Jiet, Sim Bing Wen, Chin Dan Ting (Drew & Napier LLC) for the respondent.