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DISTRICT JUDGE
TAY JINGXI
4 DECEMBER 2025

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGDC 312

District Court Originating Claim No 630 of 2024

Between

(1) Baek Jongwoo

… *Claimant(s)*

And

(1) John s/o Susaretnam

… *Defendant(s)*

GROUNDS OF DECISION

[Tort] – [Negligence] – [Breach of duty]

[Tort] – [Negligence] – [Contributory negligence] – [Passenger's duty to fasten seatbelt whilst on board a vehicle]

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v
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District Judge Tay Jingxi:

Introduction

1 This action arose from a claim brought by Mr Baek Jongwoo ("**Mr Baek**") against Mr John s/o Susaretnam ("**Mr John**") following a collision that occurred at the junction along Anson Road and Maxwell Road on 12 May 2021 (the "**Junction**").[1]

2 A brief summary of the facts will suffice at this point. On the day of the incident, Mr John's vehicle (the "**Car**") collided into a third-party vehicle at the said Junction. The owner and/or driver of that third-party vehicle was not a party to the present proceedings. Mr Baek, who was seated in the rear passenger seat of the Car at the material time, sustained injuries arising from the impact of that

[1] Claimant's Affidavit of Evidence-in-Chief ("**CAEIC**") at [3]; Defendant's Affidavit of Evidence-in-Chief ("**DAEIC**") at [3].

collision between both vehicles. It was an undisputed fact that Mr Baek was not wearing a seatbelt at any point during his journey in the Car. Mr Baek nevertheless contended that he had a valid explanation for his failure to do so. On that basis, Mr Baek sought, at the trial before me, a finding that Mr John was 100% liable for the accident and Mr Baek's injuries, and, correspondingly, a finding that Mr Baek himself bore no contributory negligence.[2]

3 The trial of this action was bifurcated. The first stage – which was dealt with at the trial before me – dealt with responsibility for the accident ("**RFA**"). RFA, as parties agreed, involved the determination of the issues of duty of care, breach of that duty, and relative fault.[3] The second stage would address the issues of causation, remoteness, and damages.

4 The hearing on RFA proceeded before me on 2 July 2025 and concluded on the same day. Following the close of evidence, parties tendered written closing submissions, with only Mr Baek electing to file a written reply.[4]

5 On 18 September 2025, I delivered brief oral grounds on the issue of RFA and entered interlocutory judgment as follows:

(a) That Mr John owed and had breached his duty of care to Mr Baek; and

(b) That the trial on the remaining issues of liability and quantum was to proceed based on my finding that Mr John was 80% responsible for the accident.

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[2] Claimant's Closing Submissions ("**CCS**") at [36].

[3] Notes of Evidence ("**NE**") on 2 July 2025 at page 2, lines 14-23.

[4] Claimant's Reply Submissions ("**CRS**").

6 I also ordered that costs of the trial on RFA be reserved to the conclusion of the residual stage.

7 Dissatisfied with my decision, Mr Baek filed an appeal.

8 I therefore set out the full grounds of my decision.

Facts

9 The facts concerning how the collision between the two vehicles occurred were largely undisputed. These undisputed matters provide a sufficient factual backdrop for the present dispute, and I set out them below:

(a) On 12 May 2021, at around 8:05pm, a collision involving Mr John's Car and a third-party vehicle took place at the Junction (the "**Collision**").[5]

(b) Almost immediately prior to the Collision, Mr John drove through a red traffic light signal.[6]

(c) Mr Baek was travelling as Mr John's ride-hailing passenger and was seated in the rear passenger seat of the Car at the material time.[7]

(d) Mr Baek did not fasten his seatbelt from the time he boarded the Car until the point of the Collision.[8]

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[5] CAEIC at [3]; DAEIC at [3].

[6] NE on 2 July 2025 at page 6, lines 20-22.

[7] Statement of Claim ("**SOC**") at [3]. Defence at D(3). See too NE on 2 July 2025 at page 12, lines 28-29, and on page 29, lines 22-24.

[8] CAEIC at [5]. Defence at D(3).

(e) As a result of the Collision, Mr Baek suffered injuries.[9]

10 Mr Baek also managed to obtain a copy of the in-car camera footage taken from the in-car camera of the third-party vehicle (the "**Footage**"). The authenticity of that Footage was not disputed by counsel for Mr John.[10] It was therefore admitted into evidence via Mr Baek's Affidavit of Evidence-in-Chief ("**AEIC**").[11] Although the Footage did not capture the interior of Mr John's Car – and thus could not shed light on the principal factual dispute in this case (see [2] above) – the contents of the Footage were useful in other ancillary respects. I will refer to this Footage at various points later in this judgment.

The parties' cases

The Claimant's case

11 In his AEIC, Mr Baek asserted that he bore no responsibility for the injuries he suffered as a result of the Collision because Mr John did not afford him an opportunity to fasten his seatbelt before driving off.[12] According to Mr Baek, the "less than one (1) minute (*sic*)" it took for Mr John's vehicle to traverse the distance between the location at which Mr Baek boarded the vehicle to the point of the Collision – said to be a distance of approximately 140 metres – was insufficient time for him to fasten his seatbelt.[13] However, Mr Baek's AEIC did not actually provide an explanation as to why this duration was inadequate. Mr Baek only said was that he was carrying a back pack and an iPad

[9] This was not disputed by counsel for Mr John in his cross-examination of Mr Baek.

[10] NE on 2 July 2025 at page 23, L24-29.

[11] CAEIC at page 49.

[12] CAEIC at [9].

[13] CAEIC at [7].

(the "**Belongings**") at the material time and was "about to buckle the seat belt (*sic*)" when the Collision occurred.[14]

12 At trial, Mr Baek's account became somewhat more nuanced. He testified that, after boarding the Car, he had also greeted Mr John before placing his Belongings to one side.[15] Whilst doing so, he might also have been checking his mobile phone to ascertain the licence plate number of the vehicle he had just boarded.[16] All in all, Mr Baek testified that a period of "10 to 20 seconds" elapsed from the time he entered Mr John's Car to the time he even attempted to put his seatbelt on.[17] Mr Baek also confirmed under cross-examination that the Collision occurred within this same period of "10 to 20 seconds".[18] When confronted with the discrepancy between this account and the "less than one minute" he had previously stated in his AEIC that it took for the Collision to occur, Mr Baek chose to cleave to the version he gave at trial; namely, that the Collision had occurred within 20 seconds of him boarding the Car.[19]

13 Ultimately, Mr Baek provided little, if any, further explanation at trial as to why a period of 20 seconds was insufficient for him to fasten his seatbelt.

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[14] CAEIC at [5].

[15] NE on 2 July 2025 at page 8, lines 12-17.

[16] NE on 2 July 2025 at page 9, lines 6-11.

[17] NE on 2 July 2025 at page 12, lines 8-10.

[18] NE on 2 July 2025 at page 13, lines 10-14; see too page 14, lines 3-7.

[19] NE on 2 July 2025 at page 21, lines 20-27.

The Defendant's case

14 Apart from admitting that he had driven through the red light at the Junction and had thereby collided with the third-party vehicle,[20] Mr John was unable to shed any meaningful light on what Mr Baek did or did not do whilst he was a passenger in the Car.

15 In Court, Mr John adopted the same position he did in his AEIC, which was that he could not recall whether he had reminded Mr Baek to fasten his seatbelt on the day of the Collision.[21] Moreover, Mr John also appeared not to know whether Mr Baek had in fact fastened his seatbelt on that day; he did not depose to this fact in his AEIC as a matter within his personal knowledge.

Issues to be determined

16 In my view, three key issues arose for my determination:

(a) First, did Mr John owe Mr Baek, his passenger, a duty of care? (the "**Issue 1**")

(b) Second, did Mr John breach that duty of care? (the "**Issue 2**")

(c) Third, should Mr Baek bear some responsibility for his injuries arising from the Collision? (the "**Issue 3**")

Issue 1: Did Mr John owe Mr Baek a duty of care?

17 At trial, counsel for Mr John informed the Court that his client did not dispute that he owed Mr Baek a duty of care.[22]

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[20] NE on 2 July 2025 at page 6, lines 20-22 and page 27, lines 29-32.

[21] DAEIC at [4]. See too NE on 2 July 2025 at page 29, lines 18-26.

[22] NE on 2 July 2025 at page 2, lines 24-26 and page 3, line 21.

18 Whilst the nature of this duty was not elaborated on by parties in their submissions (presumably because of Mr John's concession as stated at [17] above), the existence and scope of the duty of care Mr John owed to Mr Baek derived, in my view, from the general duty of care a user of the road owes to other users on the road, which is that he must take care not to injure others (*Ng Swee Eng (administrator of the estate of Tan Chee Wee, deceased) v Ang Oh Chuan* [2002] SGHC 137 at [17] to [18]). As a professional GrabCar driver,[23] it is beyond dispute that Mr John owed his passengers a duty to drive in a manner that would not expose them to harm.

19 As to the specific facets of that duty, a natural starting point is the relevant provisions of our road traffic legislation and the Highway Code. It has been emphasised by our appellate Courts that breaches of the Highway Code should never be lightly dismissed (*Cheong Ghim Fah and anor v Murugian s/o Rangasamy* [2004] 1 SLR(R) 628 ("***Cheong Ghim Fah***") at [60]). The Highway Code has the status of subsidiary legislation in Singapore, and a contravention of its provisions is relevant in civil and criminal proceedings as tending to establish or negative any liability which is in question in those proceedings (see *Cheong Ghim Fah* at [55] and [56], citing section 112(5) of the Road Traffic Act, Chapter 276[24] ("**RTA**")). In interpreting s. 112(5) RTA, the High Court in *Cheong Ghim Fah* considered the word "tending" in that provision to be a legislative cue that our Courts should incline towards linking a breach of the Code with a finding of liability or the absence thereof, as the case may be (at [56]).

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[23] NE on 2 July 2025 at page 29, lines 22-24.

[24] All references to the RTA in these grounds refer to the version of the RTA in force at the material time of the Collision.

20 In my judgment, these principles must apply with at least equal force to breaches of primary road traffic legislation, such as the provisions of the RTA. It would not be coherent for a breach of subsidiary legislation (*i.e.,* the Highway Code) to be relevant to civil liability, whilst a breach of primary legislation (*i.e.,* the RTA) is not. The only principled approach is to recognise that non-compliance with primary statutory obligations may likewise be indicative of a failure to meet the applicable standard of care.

21 Applying these principles to the present case (and there being no submissions to the contrary), the facets of Mr John's duty as a driver which arose in the present case – as will become apparent in the analysis of Issue 2 – were as follows:

(a) The duty to stop at a red traffic light signal (s. 120(3) RTA read with paragraph 110 of the Highway Code); and

(b) The duty to give way, at a traffic junction, to straight-going vehicles on the right (paragraph 69A(a) of the Highway Code).

22 Accordingly, I found the first element of the tort of negligence was established on a balance of probabilities.

Issue 2: Did Mr John breach his duty of care to Mr Baek on the material day?

23 Mr John likewise did not dispute that he had breached the duty of care owed to Mr Baek on the day of the Collision.[25]

[25] NE on 2 July 2025 at page 2, lines 24-26 and page 3, line 21.

24 In determining whether, and in what manner, Mr John breached his duty of care, it is necessary to set out my findings on how the Collision occurred:

(a) Based on the undisputed facts (see [9] above), Mr John was a private-hire driver who had picked up his passenger, Mr Baek, along the driveway in front of International Plaza.[26] Shortly after Mr Baek boarded the Car, the Collision occurred between the Car and a third-party vehicle at the signalised traffic junction of Anson Road and Maxwell Road.

(b) From the Footage, it was evident that the third-party vehicle was travelling straight through the Junction on the right of the Car immediately before the Collision.

(c) From the photographs tendered by Mr Baek – namely, those at pages 24 and 41 of CAEIC – I accepted that the front right portion of the Car's front bumper collided into what was largely the front passenger side of the third-party vehicle. The Collision can therefore be characterised as a "front-to-side collision".

(d) Mr John conceded, and I accordingly found, that he drove through a red traffic light immediately before colliding into the third-party vehicle, which had a green light in its favour and therefore the right of way (see [14] above). In doing so, Mr John not only failed to heed the red traffic light signal against him, but also failed to give way to the straight-going third-party vehicle approaching from his right.

[26] CAEIC at [7].

(e) Despite Mr Baek's assertions[27], I was unable to find that Mr John was driving at a "fast speed" or in excess of the applicable speed limit at the material time.

(i) First, Mr Baek conceded that he did not know the actual speed Mr John was travelling at.[28]

(ii) Second, even if I accepted, for the sake of argument, Mr Baek's assertion that Mr John's Car took less than 20 seconds[29] to traverse the 140 metres from the pick-up point to the point of the Collision[30], that would only yield a maximum speed of approximately 25.2km/h. This calculation in fact assumes a constant rate of travel, which is unlikely given that the Car would have needed time to accelerate from a stationary position. In any event, a speed of 25.2 km/h cannot objectively be described as "fast". Nor can it be said that Mr John had exceeded the speed limit of Anson Road. In this regard, I note Section 2(1)(b) of the Road Traffic (Restriction of Speed on Roads) Notification, which states that the speed of all motor vehicles travelling along any road or part of a road in Singapore shall not exceed 50km/h unless otherwise specified in the Schedules to the Notification. Anson Road is not such a specified road. A rate of speed of 25.2km/h is therefore not in excess of the speed limit governing Anson Road.

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[27] NE on 2 July 2025 at page 21, line 32. See too CCS at [6]-[8].

[28] NE on 2 July 2025 at page 22, lines 7-9.

[29] NE on 2 July 2025 at page 21, lines 20-27.

[30] CAEIC at [7].

(iii) Third, having reviewed the footage exhibited at page 49 of Mr Baek's AEIC several times, I was unable to conclude that Mr John was travelling at the "fast speed" suggested by Mr Baek.

25 Flowing from my findings above, and based on the particulars of negligence stated on pages 3 to 4 of the SOC, I found that Mr John had breached the duty of care he owed to Mr Baek in that he:

(a) Failed to heed the red traffic light signal that was then showing to him (see [21(a)] above);[31]

(b) Failed to give way to the third-party vehicle, which had the right of way at the material time (see [21(b)] above)[32];

(c) Failed to stop, slow down, swerve, or in any other way avoid colliding into the third-party vehicle[33]; and

(d) Drove his Car into the left front passenger side of the third-party vehicle, thereby resulting in the Collision.[34]

Issue 3: Should Mr Baek bear some responsibility for his injuries arising from the Collision?

26 My analysis thus far has addressed the Collision between the Car and the third-party vehicle. As far as that Collision is concerned, Mr Baek, as a passenger, had no role to play.

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[31] See SOC at [3(i)].

[32] See SOC at [3(h)].

[33] See SOC at [3(e)].

[34] See SOC at [3(l)].

27 However, in assessing contributory negligence on the part of a *passenger* involved in a road traffic accident, and more specifically a passenger who failed to fasten his/her seatbelt, the focus is not on the passenger's responsibility for the occurrence of the collision. Rather, the inquiry centres on the passenger's responsibility for the injuries they sustained as a result of the collision. I am guided in this regard by the observations of the High Court at [68] of *Ting Jun Heng v Yap Kok Hua and anor* [2021] SGHC 44, which I set out in full below:

> If the plaintiff had not worn a seatbelt, then there would have been contributory negligence. It is true that whether the seatbelt was worn would have been irrelevant to the occurrence of the accident. However, what matters in a claim for negligence is not just the accident or collision itself, but the damage that flows from it – **the relevant question is whether the plaintiff is responsible for the injury suffered by him**. That was laid down in *Froom v Butcher* [1976] 1 QB 286 at 292 and approved by the Court of Appeal in *Parno v SC Marine Pte Ltd* [1999] 3 SLR(R) 377 at [59]. I was satisfied that as a matter of principle, this position should be applied on the instant facts.
>
> **[emphasis in bold added]**

28 Indeed, parties were *ad idem* on this point; *viz.,* that the question of Mr Baek's responsibility within the contours of the analysis on RFA is actually the question of Mr Baek's responsibility for the *injuries he suffered as a result of the Collision*.[35] This forms the crux of the analysis under Issue 3, and my findings here necessarily inform the determination of contributory negligence at the residual stage.

29 Determining the extent to which Mr Baek and Mr John were respectively responsible for the former's injuries is an exercise in the apportionment of fault. In undertaking such an exercise, the Court must consider the *relative causative*

[35] See CCS at [26] and DCS at [12].

potency and the *relative moral blameworthiness* of parties' breaches (see *Ting Hun Heng* at [42]). Causative potency is the extent to which each party's conduct contributed to the damage in question. The assessment of moral blameworthiness entails a consideration of a wide range of conduct to arrive at a just and equitable result on the facts (see *Ting Hun Heng* at [42]).

30 Coming back to the instant case, it will be recalled that Mr Baek's sole justification for not wearing a seatbelt at the material time was his claim that he did not have sufficient time to do so (see [11] above). Mr Baek asserted that the Collision occurred within 20 seconds[36] of him boarding Mr John's Car, and that these 20 seconds was insufficient for him to fasten his seatbelt.[37] The question, however, is whether the amount of time Mr Baek allegedly had to fasten his seatbelt is relevant to the fault analysis.

31 In my judgment, it is not. This conclusion flows from the nature of the obligation imposed on a passenger of a motor vehicle. On a proper reading of the relevant statutory provisions, Mr Baek's obligation to fasten his seatbelt as a passenger arose *before* Mr John's Car moved off. His omission to fasten his seatbelt *at that point* amounted to contributory negligence because he had at that point already failed to take reasonable care for his own safety.

32 I begin with the applicable statutory provisions. In this regard, Rule 4 of the Road Traffic (Motor Vehicles, Wearing of Seat Belts) Rules 2011 (the "**Seatbelt Rules**") is instructive. That Rule reads as follows:

> **Driver and passengers to wear seat belts**
>
> **4**.—(1) Except as provided by rule 6, the driver and every passenger of a motor vehicle to which these Rules apply shall

[36] See CAEIC at page 8, [1]. See too NE on 2 July 2025 at page 21, line 27.

[37] See CAEIC at [5].

> wear a body-restraining seat belt or a lap belt where such a seat belt or lap belt is available for his use.
>
> (2) The body-restraining seat belt shall be worn by the driver and every passenger of a motor vehicle to which these Rules apply in such a manner as to provide restraint for both the upper and lower parts of the trunk of the wearer in the event of an accident to the vehicle.

33 In essence, Rule 4(1) imposes a mandatory obligation on every passenger of a motor vehicle to wear a seatbelt unless one of the exemptions in Rule 6 applies. Mr Baek did not plead the applicability of either exemption, so my analysis proceeds on the undisputed premise that Rule 4(1) applied to him without qualification.

34 It is therefore clear that Mr Baek was required to wear a seatbelt for as long as he was a passenger in Mr John's Car. This much was accepted by Mr Baek.[38] The real question is *when* that obligation to wear his seatbelt arose. Did it arise at the point Mr Baek boarded the Car and before it moved off from the driveway? Or does the law give some leeway, in terms of giving reasonable time from the boarding of the vehicle, before that obligation kicks in? To my mind, it is only if the latter construction applies that Mr Baek's explanation of having insufficient time to fasten his seatbelt becomes legally relevant. I therefore specifically directed parties to address this question on 3 July 2025, and parties did so in their written submissions.

35 Having considered these submissions, I found that the obligation in Rule 4(1) is triggered *before* the vehicle which the passenger is seated in moves off.

36 First, the scope of Rule 4(1) of the Seatbelt Rules is not limited to *moving vehicles.* This is eminently commonsensical, as the risks to a passenger

[38] CCS at [11].

on the road are not ameliorated simply because the vehicle he is in is stationary. Being on the road is by itself an inherently dangerous activity. A person may not act carelessly on the road, but other road users very well may. The risks created by the bad behaviour of other road users can affect, sometimes very seriously, even persons seated inside a stationary vehicle. A prudent adult passenger (such as Mr Baek) ought reasonably to foresee such risks (*Parno v SC Marine Pte Ltd* [1999] 3 SLR(R) 377 at [59]). In my judgment, he must therefore fasten his seatbelt upon entering a vehicle, and ensure that he has done so before the vehicle moves off. Only then can such a passenger fulfill the duty he owes to himself to take reasonable care for his own safety on the road.

37 Second, it is only if the passenger's duty arises *before* the vehicle he is in moves off can the driver of that vehicle discharge his *own* duty under Rule 5 of the Seatbelt Rules in a safe and effectual manner. Rule 5 obliges the driver of a motor vehicle to ensure that all his passengers comply with Rule 4. A driver can realistically and safely do so only before driving off and not whilst driving. This is so for two principal reasons.

38 The first is the avoidance of distractions. Being on the road already requires a motorist to multitask. He has to watch the road, keep a lookout for oncoming traffic and traffic signs, and ensure that he complies with all traffic regulations (such as keeping to the speed limit). He cannot afford to be distracted by having to simultaneously ensure that his passengers have fastened their seatbelts. This difficulty is heightened in relation to backseat passengers: a driver cannot be expected to turn around or repeatedly check his rear-view mirror whilst driving in order to verify their compliance with Rule 4.

39 The second concerns the practical effectiveness of the driver's supervision. Even if the driver were to issue a verbal reminder to his passengers

(which arguably poses minimal distraction to his driving), that reminder by itself does not ensure that his passengers actually comply. His passengers might simply ignore his instruction. For the driver to be aware of this non-compliance in the first place, and be able to take steps to address it while preserving the safety of all occupants of the vehicle, the driver must be able to *see* that his passengers have not fastened their seatbelts. For the same reasons stated earlier at [37], he should not be doing so whilst driving to prevent his attention from being diverted from the road. Further, as emphasised at [36] above, being on the road is inherently hazardous to all who travel on it, be it as a motorist or a passenger. Thus, the most logical and effectual way for a driver to manage such non-compliant passengers whilst safeguarding their safety on the road is *not to move off* until everyone in the vehicle has fastened their seatbelts. This approach also provides the driver with practical avenues to secure compliance; for example, fastening the seatbelt of a front-seat passenger who is known to him (such as a family member), or refusing to convey a passenger who declines to comply.

40 Put simply, for both Rules 4 and 5 of the Seatbelt Rules to operate coherently, and for drivers and passengers of motor vehicles to reasonably be able to fulfill their respective obligations under the Rules, a passenger's duty to fasten his seatbelt must arise before the vehicle he is in moves off. Only then can the driver ensure that all occupants of that vehicle comply with the law and take proper care for their own safety.

41 Third, a challenge may be raised as to whether a duty framed in the above-stated manner might be too onerous for most passengers to adhere to. I disagree. If the argument is that a passenger may not be physically able to fasten his seatbelt before the driver moves off, the answer – at least in the context of private-hire vehicles ("**PHVs**") – is that the passenger ought simply to inform

the driver not to depart the designated pick-up point until he has fastened his seatbelt. One must remember that the law requires PHVs to pick up their passengers only at designated pick-up points, or risk fines or demerit points being imposed (see, for example, Rule 22B(1)(a) and Rule 22D of the Road Traffic (Public Service Vehicles) (Vocational Licences and Conduct of Driver, Conductors, Trishaw Riders and Passengers) Rules ("**RT(PSV) Rules**")). These designated pick-up points allow PHVs to stop and wait for reasonable periods. There is therefore no physical impediment to a passenger requesting that the driver delays moving off for a few seconds whilst he secures his seatbelt.

42 Fourth, it would, in my view, be far from ideal for the law to impose varying standards on passengers in relation to when the obligation under Rule 4(1) of the Seatbelt Rules arises – whether, for example, within 10 seconds, 20 seconds, or a minute from boarding. It also cannot be that the standard differs depending on the passenger's circumstances, such as whether he/she enters a vehicle with, *inter alia,* belongings, children, and/or pets.

43 I conclude this part of my analysis by observing that Mr Baek did not dispute that both he and Mr John were legally obliged to ensure that he fastened his seatbelt *before* the Car moved off.[39] However, perhaps in an attempt to avoid the consequences of this concession, counsel for Mr Baek argued that having insufficient time to fasten one's seatbelt is akin to not having a seatbelt available for one's use.[40]

44 I categorically rejected that argument. That argument is a non-starter simply because Mr Baek had a seatbelt *physically accessible to him,* knew that

[39] CCS at [12] and [15].

[40] CCS at [11].

he was obliged by law to fasten it, and yet did not do so. The present case is therefore wholly unlike a situation in which a vehicle lacks seatbelts altogether. A passenger in such a vehicle would not be able to fasten his seatbelt even if he wanted to. In other words, there would be limits to how far such a passenger can go to take reasonable care of his own safety. I would venture to say that such a passenger cannot be held morally blameworthy for failing to do the impossible (see *Ting Hun Heng* at [42]). On the other hand, Mr Baek cannot escape a finding of moral blameworthiness because he *could* have taken reasonable steps to ensure his own safety by fastening his seatbelt, but chose not to do so.

45 In light of my findings above, any discussion of whether Mr Baek had sufficient time to fasten his seatbelt after boarding the Car is *irrelevant* to the assessment of relative fault. The fact remains that Mr Baek was obliged by law to ensure that he was able to and did in fact fasten his seatbelt before Mr John started moving off from the driveway of International Plaza, and he failed to do so. There was no evidence before me as to why Mr Baek did not or could not have told Mr John to delay moving off before he fastened his seatbelt, particularly given his admitted knowledge that he was under a legal obligation to do so as a passenger in a vehicle on Singapore's roads.[41]

46 I also rejected Mr Baek's unsupported assertion that he was "in the process of putting on his seatbelt" whilst inside the Car.[42] This assertion was raised for the first time in submissions, and it was telling that counsel for Mr Baek did not refer to any part of the pleadings, AEICs, or NE in support of this claim. In fact, this assertion was contradicted by Mr Baek's own testimony that

[41] CAEIC at [8].

[42] CCS at [15] and [21(2)].

he was seated for "10 to 20 seconds" *before he attempted to put on his seatbelt*[43], by which time, according to him, the Collision had already occurred. To put this matter beyond doubt, I replicate the relevant portion of the NE below[44]:

8	Q	So, Mr Baek, based on your memory, do you recall how long
9		you were seated before you attempted to put on the seatbelt?
10	A	I think it was 10 to 20 seconds.

47 In short, the evidence demonstrated – and I so found – that Mr Baek did not at any point attempt to fasten his seatbelt before the Collision occurred.

48 Returning to the principle of causative potency, I found that Mr Baek's failure to fasten his seatbelt at any point during his journey more likely than not contributed to his injuries. First, it was simply as a matter of logic. It is well-recognised in the modern age that a passenger puts himself at risk of injury if he deigns to travel in a vehicle without wearing a seatbelt. In fact, as early as 1975, Lord Denning, M.R., in the seminal case of *Froom v Butcher* [1976] QB 286 ("***Froom v Butcher***"), accepted that proposition in his characteristically candid way:

> Other people take the view that the risk of an accident is so remote that it is not necessary to wear a seat belt on all occasions, but only when there are circumstances which carry a high risk, for example, driving on a motorway in conditions of fog, ice or snow; or engaging in road racing activities. This view was forcibly expressed by Mr. Justice Shaw in *Challoner v. Williams*,; by Mr. Justice O'Connor in *Smith v. Blackburn*; and by Mr. Justice Stocker in *Chapman v. Ward*. **I cannot accept this view either. You never know when a risk may arise. It often happens suddenly and when least anticipated, when there is no time to fasten the seat belt. Besides, it is easy to forget when only done occasionally. But, done regularly, it becomes automatic. Every time that a car goes out on**

[43] NE on 2 July 2025 at page 12, lines 8-10.

[44] *Ibid.*

> **the road there is the risk of an accident. Not that you yourself will be negligent. But that someone else will be. That is a possibility which a prudent man should, and will, guard against. He should always, if he is wise, wear a seat belt.**
>
> **[emphasis added]**

49 This proposition is incontrovertible.

50 Second, it was as a matter of fact. According to Mr Baek, he would still have suffered the same injuries from the Collision as he now has had he fastened his seatbelt before the Collision (the "**Assertion**").[45] Mr Baek testified that, upon impact, he had been thrown both "right and front" – to the front due to the force of the Collision, and to the right as a result of the left rear airbag deploying and striking him on his left side, thereby pushing him to the right.[46] This "right and front" movement caused him to hit his head on the central storage compartment located between the two front seats of the Car.[47]

51 From Mr Baek's *own* testimony, it is plain that his Assertion cannot stand up to scrutiny. By Mr Baek's own concession, *had* he worn his seatbelt, his "body would have been still, but [his] head would still be moved forward".[48] On that basis, there would have been a significantly reduced impact between Mr Baek's head and the central storage compartment, as the seatbelt would have restrained his body and thereby diminished the force behind the forward movement of his head. In fact, I have my doubts as to whether his head could have even *reached* the centre storage compartment had his body been properly restrained by the seatbelt. In any event, a smaller or non-existent impact

[45] NE on 2 July 2025 at page 21, lines 17-19.

[46] NE on 2 July 2025 at page 20, lines 15-21.

[47] NE on 2 July 2025 at page 20, lines 1-12.

[48] NE on 2 July 2025 at page 21, lines 13-16.

between his head and the storage compartment would in all likelihood have led to less severe injuries than those he sustained. Consequently, I reject his Assertion; Mr Baek's failure to wear his seatbelt was a contributing factor to his injuries.

52 Further, I also regarded Mr Baek's failure to abide by Rule 4(1) of the Seatbelt Rules, despite being fully aware of the necessity of putting on his seatbelt as a passenger on our roads,[49] as attracting a degree of moral blameworthiness. Knowing that a law exists (for one's own safety, no less) and yet refusing to obey it is an attitude warranting the Court's disapprobation. As to the relative degree of moral blameworthiness Mr Baek and Mr John exhibited *vis-à-vis* each other, I consider that under my analysis of the apportionment of fault below (see [59] to [62] below).

53 Even if I am wrong on the law, and the law does in fact permit a passenger reasonable time upon boarding a vehicle to fasten his seatbelt, I would have found that Mr Baek did not fasten his seatbelt within a reasonable time upon entering Mr John's vehicle. I arrived at this conclusion for the following reasons.

54 First, I do not understand how or why Mr Baek needed 20 seconds – being the time it allegedly took for the Collision to occur – to fasten his seatbelt. At [5] of his AEIC, Mr Baek stated that he had just put his Belongings to the side and was "about to buckle the seatbelt (*sic*)" when the Collision occurred. Read together with Mr Baek's sworn testimony referred to at [46] above, I understood Mr Baek to mean that he took about 10 to 20 seconds to put his Belongings to the side. This must necessarily be so; if Mr Baek had taken any

[49] CAEIC at [8].

less time to do so, the remaining seconds would be unaccounted for. This would certainly not assist him in the contributory negligence analysis.

55 However, I am unable to see why Mr Baek needed 10 to 20 seconds merely to place his Belongings aside. Putting relatively small items such as a backpack and an iPad to one's side would in my judgment require less than five seconds, not 20 seconds. This is especially so when there was no allegation of physical infirmity hampering Mr Baek's ability to do so. The very short amount of time required for this task was to a certain extent demonstrated by an "experiment" conducted by counsel for Mr John at trial. That "experiment" showed that Mr Baek required only around five seconds to greet an imaginary driver and to put his belongings to the side of him (whilst seated in the witness box).[50] Thus, in order to persuade me of the credibility of his claim, Mr Baek would have to offer a convincing explanation as to why he needed 20 seconds or more to do so.

56 This leads to my second reason. No such convincing explanation was forthcoming from Mr Baek. Mr Baek did not claim, for example, that his backpack was unusually heavy or unwieldy, and therefore required more time and effort to wrangle to the side. Nor did he say, for example, that his iPad had fallen to the floor and needed to be retrieved (which would take up more time). All Mr Baek asserted was that he needed time to place his Belongings to the side, but he did not explain *why* he needed that length of time to do so. In other words, his case was founded on an assertion without explanation. As alluded to earlier (see [54] to [55]), I found this unsubstantiated assertion to be wholly persuasive.

[50] NE on 2 July 2025 at page 11, lines 10-19.

57 In fact, I felt that Mr Baek had a tendency to pad his evidence in a bid to "extend" the amount of time he needed from the point of boarding to sort himself and his Belongings out. At trial, Mr Baek claimed that he not only put his bag and iPad to the side after boarding, but *also* (a) greeted Mr John[51]; and (b) "probably [looked] his [his] phone trying to check the car plate number as well"[52] within the seconds prior to the Collision. I did not find these new additions to his evidence compelling, and I do not accept that they occurred for the following reasons:

(a) If these two additional events did in fact occur, it is curious why they were not mentioned in his AEIC.

(b) Even if Mr Baek had greeted Mr John right after boarding, that would not have prevented him from putting his Belongings to the side and/or putting on his seatbelt.

(c) It simply made no sense for Mr Baek to check the licence plate number of Mr John's car whilst *inside* the Car, given that a licence plate can ordinarily only be viewed from the *outside.* Indeed, Mr Baek later corrected himself whilst on the stand by stating that he had probably checked the licence plate number *before* boarding the Car.[53]

58 In sum, I accept that the only activity consuming Mr Baek's time after boarding was the placement of his Belongings to the side. Consequently, my earlier findings that he would not have needed 10 to 20 seconds to do so remain.

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[51] NE on 2 July 2025 at page 8, line 16.

[52] NE on 2 July 2025 at page 9, lines 9-11.

[53] NE on 2 July 2025 at page 7, lines 17-19.

59 I therefore find that Mr Baek, in taking his time and ultimately failing to fasten his seatbelt after boarding Mr John's Car, was clearly careless in ensuring his own safety on the road. He was therefore partially responsible for his own injuries, and I so held.

60 Now, to what extent were Mr Baek and Mr John each at fault for the former's injuries arising from the Collision? In answering this question, I took reference from the scenario in Table B(4) on page 134 of the *Motor Accident Guide* ("**MAG**"). That scenario contemplates a situation in which the driver's negligence causes the accident and the passenger is not wearing a seatbelt at the material time. In such a case, the passenger should bear 20% of the responsibility for the accident relative to the driver. This apportionment was what counsel for Mr John submitted for,[54] and I accepted his submission over counsel for Mr Baek's submission that his client should bear no fault at all.[55] My decision was premised on two grounds:

(a) On the evidence, there was no reason for me to depart from the apportionment in the MAG. I have already rejected the principal arguments advanced by Mr Baek for placing the entirety of the blame for his injuries on Mr John. Consequently, Mr Baek offered no satisfactory explanation for why the apportionment in Table B(4) should not apply.

(b) It was appropriate for Mr John to bear greater responsibility for Mr Baek's injuries. Although it might be arguable that Mr John's poor (and possibly illegal) manner of driving and Mr Baek's failure to put on his seatbelt were equally causatively potent as regards Mr Baek's

[54] DCS at [56].

[55] CCS at [36].

> injuries, Mr John was, in my view, more morally blameworthy for running the red light and failing to give way to straight-going vehicles on his right. It would be immediately obvious to a reasonable driver – especially one who drives for a living – that such an action posed a grave danger not only to himself and his passenger, but also to the vehicles on his right and the pedestrians in the vicinity at the material time.[56] Essentially, Mr John's actions put more people at risk of harm, whilst Mr Baek's omission only put himself at risk of harm.

61 For completeness, I found that Mr Baek should bear 20% of the fault for his injuries regardless of whether Mr John had fulfilled his own duty as a driver under Rule 5 of the Seatbelt Rules. Mr John could not recall whether he had told Mr Baek to fasten his seatbelt, and his alleged "practice"[57] of telling passengers to fasten their seatbelts was in my view insufficient proof that he had done so on this occasion. Nevertheless, Mr John's breach of the Rules neither absolved nor mitigated Mr Baek's own blameworthiness. The fastening of one's seatbelt is such a basic and instinctive rule of the road that any adult passenger should know it without being told. As Lord Denning put it in *Froom v Butcher*:

> Under the Highway Code a driver may have a duty to invite his passenger to fasten his seat belt: but adult passengers possessed of their faculties should not need telling what to do.

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[56] The Footage shows pedestrians crossing the road at a pedestrian crossing very close to Mr John's Car when he drove across the said crossing in running the red light. In fact, one might say that Mr John drove *in between* these pedestrians. However, as no submissions were made on this point, I say no more about this fact other than to observe that there *were* pedestrians on the road at the time Mr John ran the red light.

[57] DAEIC at [4]. See too NE on 2 July 2025 at page 29, lines 18-26.

> If such passengers do not fasten their seat belts, their own lack of care for their own safety may be the cause of their injuries.

62 Accordingly, I did not accept that Mr Baek could rely on Mr John's failure to ensure that he fastened his seatbelt as a basis for reducing his own share of responsibility for failing to do so.

Conclusion

63 A passenger may, in many instances, reach his destination safely even if he unwisely fails to wear a seatbelt. The present case was not such an instance. Whilst the injuries Mr Baek suffered were unfortunate, part of the blame falls squarely on his shoulders given his failure to take the most basic of precautions to ensure his own safety on the road.

64 In the circumstances, I found that Mr Baek was partly to blame for the injuries he sustained in the Collision, and I apportioned responsibility to him in the amount of 20%.

65 I reserved costs of the trial on RFA to the conclusion of the residual stage.

Tay Jingxi
District Judge

Mr Low Kuang Ting Winston (Winston Low and Partners) for the Claimant;
Mr Tan Seng Chew Richard and Ms Cynthiya C Charles Christy (Tan Chin Hoe & Co) for the Defendant.
