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

**[2025] SGHC 111**

Originating Claim No 322 of 2023

Between

Diana Booi Yee Tze

… *Claimant*

And

Anthony Lee Zhen Lin

… *Defendant*

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# JUDGMENT

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[Tort — Negligence — Breach of duty]
[Tort — Negligence — Contributory negligence]

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# Booi Yee Tze Diana
# v
# Lee Zhen Lin Anthony

**[2025] SGHC 111**

General Division of the High Court — Originating Claim No 322 of 2023
Audrey Lim J
7–9 May, 23 May 2025

12 June 2025 Judgment reserved.

**Audrey Lim J:**

1 The claimant ("Ms Booi") was knocked down by a car driven by the defendant ("Mr Lee"). She claims damages for personal injuries suffered as a result of Mr Lee's alleged negligence. The trial before me was to first determine the issue of liability.

## Claimant's case

2 Ms Booi attests in her affidavit of evidence-in-chief ("AEIC") that, on the evening of 28 May 2020, she was returning to her home (at Block 106A Punggol Field ("Blk 106A")) after work. She was walking along the pedestrian pavement (the "Pavement") heading towards the direction of Block 106D Punggol Field ("Blk 106D") when she noticed three vehicles along Edgefield Plain preparing to turn into a service road which was in front of Blk 106D (the

"**Road**").[1]

3 At this juncture, I note that the following facts are undisputed:

(a) The Pavement is designed for pedestrians to cross the Road,[2] and leads to another pedestrian walkway or pavement on the opposite side of the Road where the Housing and Development Board flats are (the "Opposite Pavement"). I will refer to the area of crossing from the end of the Pavement to the start of the Opposite Pavement as the "Road Crossing".[3]

(b) The Opposite Pavement leads to Blk 106D, which is three blocks away from Blk 106A where Ms Booi's home is situated.[4]

(c) The Road is a two-way road. There is a carpark gantry near the entrance of the Road (the "Gantry") for vehicles to enter and exit the carpark in the vicinity of Blk 106D. Vehicles entering the carpark from the Gantry should use the left lane (the "Inbound Lane"), whilst vehicles exiting the carpark towards the Gantry should use the right lane (the "Outbound Lane").[5]

4 Returning to Ms Booi's evidence, she attests that, when she reached the near end of the Pavement, she checked her left, right and left again for oncoming vehicles. There were no vehicles on her left but there were three vehicles on her

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1 Ms Booi's affidavit of evidence-in-chief ("Ms Booi's AEIC") at [5] and [8]–[9].

2 Notes of Evidence dated 7 May 2025 ("7/5/25 NE") 66–67; Notes of Evidence dated 9 May 2025 ("9/5/25 NE") 16.

3 Agreed Bundle of Documents ("AB") 56; 7/5/25 NE 8, 14 and 50.

4 AB 56; 7/5/25 NE 53–54.

5 Ms Booi's AEIC at [6]; 7/5/24 NE 13.



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right queuing in front of the Gantry, which she estimated was about 30m away. She then proceeded to cross the Road towards the Opposite Pavement.[6]

5 After crossing the Inbound Lane, past the centre divider line of the Road (the "Centre Divider") and more than three-quarters across the Road Crossing nearing the kerb of the Outbound Lane, Ms Booi suddenly felt a strong and hard impact on her back and/or right hip.[7] During cross-examination, Mr Lee did not dispute that Ms Booi was hit on her right rear, being her back and right hip.[8] Ms Booi then lost her balance and fell hard onto the ground, while her bag was dropped onto the grass nearby. She was lying on the ground in tremendous pain when Mr Lee approached her and identified himself as the driver of the car which collided into her (the "Car").[9]

6 Ms Booi recognised the Car as the first of the cars she previously spotted waiting to enter the carpark. Ms Booi claims that Mr Lee, in negotiating the bend after the Gantry, failed to keep a proper lookout for pedestrians when she was in the process of crossing the Road. Further, Mr Lee had failed to keep to the Inbound Lane and thus failed to maintain a safe berth from her whilst she was traversing the Outbound Lane. Ms Booi thus claims that the collision was caused solely by Mr Lee's negligence and there was nothing she could have done to avoid the accident.[10]

7 Ms Booi sustained multiple fractures to her hip and pelvic bone, among

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6 Ms Booi's AEIC at [10]–[11]; AB 56; 7/5/25 NE 52 and 70–73.

7 Ms Booi's AEIC at [12].

8 9/5/25 NE 6.

9 Ms Booi's AEIC at [13]–[14].

10 Ms Booi's AEIC at [14]–[16]; 7/5/25 NE 76.



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other things.[11]

**Defendant's case**

8 Mr Lee's evidence is as follows.

9 On the evening of 28 May 2020, he was going to a coffeeshop at Block 108 Punggol Drive. He drove the Car (a Toyota Corolla Axio 1.5X A) along Edgefield Plains, then turned left into the road leading to the Gantry in front of Blk 106D to access Block 108 Punggol Drive.[12]

10 At the Gantry, the Car came to a complete stop. After the Gantry opened, he drove the Car into the Road. Mr Lee estimated that he was driving at approximately 20km/h to 30km/h as he continued to move forward from the Gantry into the Road.[13]

11 The Road features a right bend (the "Bend") after the Gantry. Mr Lee slowed the Car down to about 10km/h to 15 km/h to negotiate the Bend. He first noticed Ms Booi on the Pavement when he was slowing down to negotiate the Bend. She was standing near the edge of the Inbound Lane and appeared to have come to a complete stop. He thought she had stopped to give way to him as he had the right of way. Thus, he continued driving on the Road. As he proceeded forward to negotiate the Bend, Ms Booi suddenly dashed diagonally across the Road in front of the Car and towards his right side.[14]

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11 Ms Booi's AEIC at [22]–[23]; 7/5/25 NE 99.

12 Mr Lee's affidavit of evidence-in-chief ("Mr Lee's AEIC") at [3] and [5]–[6]; Notes of Evidence dated 8 May 2025 ("8/5/25 NE") 43.

13 Mr Lee's AEIC at [7].

14 Mr Lee's AEIC at [8]–[10].



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12 Mr Lee immediately jammed his brakes to avoid Ms Booi.[15] There was then an impact between the right side of Ms Booi and the right rear-view mirror (the "Right Mirror") of the Car (the "Collision"). Mr Lee noticed that the Right Mirror was detached after the Collision. During cross-examination, Mr Lee stated that the only part of the Car that had hit Ms Booi was the Right Mirror and nothing else.[16]

13 Mr Lee then immediately stopped the Car on the Outbound Lane and went to check on Ms Booi. She was conscious and complained that she was in pain. He called for the Traffic Police and ambulance, and Ms Booi was subsequently conveyed to the hospital.[17]

14 At this juncture, it should be noted that counsel for both parties together with Mr Lee visited the site of the Collision. There, Mr Lee provided the following estimates.[18] Mr Lee first slowed the Car down to 10km/h to 15km/h at an approximate distance of 14.8m from the Pavement. When Mr Lee first saw Ms Booi dash out from the Pavement onto the Road, the Car was about 7.7m away from the Pavement.

15 Mr Lee claims that the Collision could have been avoided if Ms Booi had kept a proper lookout and had not dashed across the Road.[19]

16 Mr Lee subsequently pleaded guilty to an offence of driving without reasonable consideration for other persons using the road under s 65(1)(*b*)

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15 8/5/25 NE 63 and 66.

16 Mr Lee's AEIC at [10]; AB 14–17; 8/5/25 NE 44–45 and 50.

17 Mr Lee's AEIC at [11]–[12].

18 Claimant's Supplementary Bundle of Documents ("CBD") 72C.

19 Mr Lee's AEIC at [15].



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punishable under s 65(3)(*a*) read with s 65(6)(*d*) of the Road Traffic Act (Cap 276, 2004 Rev Ed) ("RTA"), by failing to keep a proper lookout while negotiating a right bend and colliding into Ms Booi thereby causing her grievous hurt (the "Charge"). On 8 September 2021, he was fined $5,000 and disqualified from holding or obtaining all classes of driving licences for five years.[20]

**My decision**

17 Ms Booi pleads that the Collision was attributed wholly or in part to Mr Lee's negligence in the driving, control and management of the Car. In particular, she pleads the following:[21]

> (a) Mr Lee had failed to keep to the Inbound Lane and thereby failed to maintain a safe berth from Ms Booi who was already in the process of crossing the Road and had almost completed the crossing, thus causing or permitting the Car to collide into her.
>
> (b) Mr Lee had travelled at an excessive speed and/or failed to brake in time or at all to avoid the Collision.

18 Mr Lee pleads that the Collision was caused solely, or contributed to, by Ms Booi's negligence. He pleads that Ms Booi had dashed across the Road ahead of the Car, thus failing to give way to him (when he had the right of way) and this had caught him unaware.[22]

19 There were no eyewitnesses to the Collision, and the key question for my determination is thus whether Ms Booi's or Mr Lee's version of events is

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20 Mr Lee's AEIC at [14], p 10 and pp 14–15.

21 Statement of Claim dated 25 May 2023 ("SOC") at [3], [4(j)] and [4(l)].

22 Defence dated 15 July 2023 ("Defence") at [4].



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more probable. Having analysed the evidence as a whole, I accept Ms Booi's version of events. I find her to be a more forthright and credible witness. Her detailed account has been consistent throughout, from the time of the accident to the making of her reports to the police on 11 June 2020 and to the Traffic Police on 4 July 2020 ("Ms Booi's PC and TP Reports"), and when she commenced this action against Mr Lee and filed her AEIC. This is in contrast to Mr Lee's evidence which I find to be inconsistent and unbelievable. I elaborate below.

***Whether Ms Booi was keeping a proper lookout***

20 First, I accept that when Ms Booi was walking along the Pavement towards the direction of the Road, she saw three cars queueing at the Gantry to enter the Road.[23] She was consistent in her testimony, maintaining that there were three cars at the Gantry. She observed that the first car in front of the Gantry was grey, and this was the Car that subsequently collided into her.[24] That Ms Booi could see the cars at the vicinity of the Gantry when she was walking along the Pavement is consistent with Mr Lee's testimony that, when his Car was at the Gantry and when he was travelling along the Inbound Lane towards the Road Crossing, he was also able to see the Pavement and whether there were any pedestrians crossing the Road from it.[25] The photographs tendered in court also confirm the above.[26] Ms Booi's testimony that the first car queueing at the Gantry was a grey car (which turned out to be the Car which hit her) also comports with Mr Lee's testimony that there were no vehicles in front of his

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23 AB 46A.

24 7/5/25 NE 72–74, 76 and 82.

25 8/5/25 NE 37–38; 9/5/25 NE 21.

26 AB 46, 48 and 67–71.



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Car when he was queuing at the Gantry to enter the Road.[27]

21 Second, I accept Ms Booi's testimony that she continued to keep a proper lookout just before she stepped off the Pavement onto the Road, by checking her left, then right, then left again to ensure that it was safe to cross the Road; and that she continued to keep a proper lookout for vehicles as she started to cross the Road.[28] As previously mentioned, Ms Booi's evidence in this regard was detailed and consistent, and there was no reason to doubt it.

***Ms Booi's and the Car's positions on the Road when the Collision occurred***

22 Third, I accept Ms Booi's testimony that at the point of Collision, she had already crossed about three-quarters of the Road Crossing, and Mr Lee's Car had traversed into the Outbound Lane. Ms Booi had consistently maintained this version of events from the time of the Collision up till the proceedings before me.

(a) In the immediate aftermath of the Collision, when Mr Lee approached Ms Booi whilst she was lying on the Road, she said to him, "[w]hy did you enter the lane I was in, why didn't you drive along the [Inbound Lane], where you were supposed to? Why did you drive onto the [Outbound Lane and] knocked me down?" Ms Booi reported in Ms Booi's PC and TP Reports that she said those words at the material time. Mr Lee also confirmed in court that Ms Booi had said these words to him.[29]

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27 9/5/25 NE 22.

28 Ms Booi's AEIC at [10]–[11]; 7/5/25 NE 73, 79 and 83–85.

29 AB 20 and 24; 8/5/25 NE 97; 9/5/25 NE 11.



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(b) Ms Booi's version of events was maintained in her Statement of Claim ("SOC") (see [17] above). In her AEIC, she also attested that she had passed the Centre Divider and was more than three-quarters across the Road Crossing and near the kerb of the Outbound Lane when the Collision occurred.[30]

23 Ms Booi's testimony in the above regard is to be contrasted with Mr Lee's silence as to the position of his Car when the Collision occurred. Despite knowing of Ms Booi's allegation (*ie*, that he had driven into the Outbound Lane and collided into her in that lane) *in the immediate aftermath of the Collision*, his police report, filed on the same day as the accident, did not state the position of his Car when it collided into Ms Booi.[31]

24 Even if I accept Mr Lee's explanation in court, that he did not include details of the Collision in the police report because he was nervous when making the report and was informed by the police to keep his report brief,[32] I note that Mr Lee was also silent in his AEIC on the position of his Car when the Collision occurred. This is in contrast to Ms Booi who repeated her version of events in her AEIC. This is to be further contrasted with the other details Mr Lee included in his AEIC, such as why he had turned off the Car's front in-vehicle camera and his estimated speed when he was travelling after the Gantry, navigating the Bend and just before the Collision.[33]

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30 Ms Booi's AEIC at [12].

31 AB 10.

32 8/5/25 NE 18.

33 Mr Lee's AEIC at [4] and [7]–[8].



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25 In court, Mr Lee then asserted that he was driving on the Inbound Lane all along until the Collision occurred, and he was certain that the Car did not traverse into the Outbound Lane but at most touched the Centre Divider.[34] I find this assertion to be a belated afterthought, as Ms Booi's counsel ("Mr Shergill") submitted.[35] Indeed, Mr Lee's evidence as to the position of his Car and the Collision vacillated in court:

(a) He first claimed that he was driving on the Inbound Lane all along and that *the Collision occurred when the Car was in the Inbound Lane*. He then stated that the Car *might have "touched" the Centre Divider*, but maintained he was driving on the Inbound Lane.[36]

(b) He also stated that he was certain that his Car did not traverse into the Outbound Lane as this would otherwise have endangered himself and any oncoming cars on that lane.[37]

(c) He then stated that, when the Collision occurred, his Car was at the Centre Divider or *slightly over the Outbound Lane*. He claimed that he had mentioned this in his Traffic Police report ("Mr Lee's TP Report"), which I disbelieve.[38] Mr Lee's TP Report was not produced in these proceedings, and it was strange that he had omitted to mention this fact in his Defence or AEIC thereafter.

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34 8/5/25 NE 53–56.

35 Claimant's Written Submissions dated 20 May 2025 ("CWS") at [16].

36 8/5/25 NE 53–55.

37 8/5/25 NE 56.

38 8/5/25 NE 94–96.



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(d) Mr Lee's attention was then brought to a photograph which showed Ms Booi lying on the Road in the immediate aftermath of the Collision ("Photo 348").[39] Mr Lee then agreed that Photo 348 supported that the Collision occurred on the Outbound Lane when Ms Booi was about three-quarters across the Road Crossing.[40]

26 I turn to examine Photo 348, which was taken almost immediately after the Collision. It shows the Right Mirror having fallen onto the middle of the Outbound Lane and Ms Booi laying near the kerb of the Outbound Lane. The following should be noted:

(a) Both parties accept that Ms Booi fell in front of the Car after she was hit, and she was not flung away.[41]

(b) Mr Lee also accepts that his Car came to a complete stop after the Collision, and the Right Mirror fell onto the Road "just right beside" where his Car had stopped, or next to the right side of his Car.[42]

(c) Mr Lee does not dispute that Photo 348 shows Ms Booi's resting position and the position of the Right Mirror in the aftermath of the Collision. He concedes that the photograph supports Ms Booi's account that the Collision occurred on the Outbound Lane when she had crossed about three-quarters of the Road Crossing.[43]

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39 Bundle of AEICs dated 8 April 2025 (Vol 2) at p 348.

40 9/5/25 NE 8.

41 7/5/25 NE 55–60; 8/5/25 NE 96

42 9/5/25 NE 7 and 23–24.

43 9/5/25 NE 4–5 and 8.



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27 Photo 348, being a compelling piece of objective evidence, coupled with Mr Lee's testimony above, coheres with Ms Booi's testimony that she had traversed about three-quarters across the Road Crossing and well onto the Outbound Lane when she was hit by the Car.

***Whether Mr Lee was driving at 10km/h to 15km/h just before the Collision***

28 Fourth, I disbelieve Mr Lee that he was driving at only 10km/h to 15km/h whilst negotiating the Bend, that he jammed his brakes when he saw Ms Booi dash across the Road when his Car was some 7.7m away from the Road Crossing, and that this resulted in the Right Mirror of the Car hitting her.

29 In court, Mr Lee agreed that, at the speed of 10km/h to 15km/h, he was barely pressing on the accelerator and the Car was practically inching forward and moving very slowly.[44] Mr Lee also asserted that, when he first saw Ms Booi dash across the Road from a distance of about 7.7m from his Car, he *immediately* jammed on the brakes.[45] Mr Lee also agreed that if he jammed his brakes whilst the Car was travelling at a very slow speed of 10km/h to 15km/h, the Car would more or less have come to a sudden stop.[46] He later stated that there might have been a "slight" braking distance but he could not recall.[47]

30 If Mr Lee's testimony is to be believed, that he was travelling at a very slow speed of 10km/h to 15km/h, and that he immediately jammed his brakes when he saw Ms Booi dash out from a distance of about 7.7m from his Car, it is more likely than not that the Car would have come to a stop almost

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44 9/5/25 NE 12 and 17.

45 8/5/25 NE 53, 63 and 81–82.

46 8/5/25 NE 66–67.

47 9/5/25 NE 3–4.



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immediately (as Mr Lee himself stated) and would not have traversed a further distance of over 7m to collide into Ms Booi. This is not even considering that Ms Booi was hit, not by the front of the Car, but by the Right Mirror on the side, which would have been even further away from Ms Booi.[48] It is also unlikely that the impact of the Collision would have been so great as to cause the Right Mirror to completely break off and detach from the Car.[49] Mr Lee accepts, as I have observed in court, that Ms Booi is a woman of average height and size.[50] In my view, the damage to the Car (*ie*, the complete detachment of the Right Mirror) coupled with the multiple fractures that Ms Booi suffered are more consistent with Mr Lee having driven at a much faster speed than he claimed before the Car collided with Ms Booi. It should also be noted that the first time Mr Lee attested to the speed at which he drove (*ie*, between 20km/h to 30km/h after passing the Gantry, and between 10km/h to 15km/h when negotiating the Bend) was in his AEIC.[51] Despite Ms Booi having pleaded in her SOC that Mr Lee "[t]ravelled at an excessive speed" and/or failed to brake in time or at all to avoid the Collision,[52] Mr Lee did not mention in his Defence the speed at which he was travelling to rebut Ms Booi's pleaded case. Mr Lee's attempt to explain that this fact was mentioned in Mr Lee's TP Report is again unbelievable.[53]

31 At this juncture I deal with some of the submissions raised by Mr Lee's counsel ("Ms Shahira") pertaining to Mr Lee's travelling speed on the Road.

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48 8/5/25 NE 26–27

49 AB 16–17.

50 9/5/25 NE 25.

51 9/5/25 NE 13

52 SOC at [4(j)].

53 9/5/25 NE at 13.



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32 First, Ms Shahira submitted various calculations to show that, if Mr Lee was travelling at the speed of 10km/h to 15km/h, and taking into account the estimated perception and reaction time ("PRT") of 1.5 to 2 seconds for Mr Lee to jam the brakes after seeing Ms Booi dash onto the Road, the Car would have traversed the 7.7m so quickly that Mr Lee could not have avoided the Collision.[54] Based on the computations, Ms Shahira submits that Mr Lee's version of events was more believable, *ie*, his Car was much closer to Ms Booi when she dashed across the Road, thus leaving him little time to react.

33 I find that Ms Shahira's submissions do not assist Mr Lee. They are premised on Mr Lee having driven at between 10km/h to 15km/h, but I have rejected this and found that he was driving at a much higher speed. Ms Shahira's submissions are also premised on Ms Booi dashing onto the Road when the Car was about 7.7m away from the Pavement. But as I have rejected Mr Lee's version of events and found that Ms Booi was already on the Outbound Lane when the Collision occurred, it is more probable than not that Ms Booi had begun crossing the Road when the Car was further away.

34 For completeness, the cases relied on by Ms Shahira to show that the PRT would have been between 1.5 to 2 seconds do not assist Mr Lee's case and must be read in context. In *Public Prosecutor v Tubbs Julia Elizabeth* [2001] 2 SLR(R) 716 ("*Tubbs*"), both parties appointed two experts each and the experts agreed that the normal PRT of a driver *under the circumstances of the case* was between 1.5 to 2 seconds (at [12]). Therefore, the expert opinion in that case cannot simply be transposed to the present facts which are quite different. Neither party in this case tendered expert evidence on the issue of PRT, and the court in *Tubbs* had warned against the court coming to its own conclusions on

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54 Defendant's Closing Submissions dated 20 May 2025 ("DCS") at [73]–[80].



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technical matters not easily explicable by recourse to common sense without the aid of expert testimony (at [37]). In *Public Prosecutor v Hue An Li* [2014] 4 SLR 661, the court discussed the sentencing considerations for an offence of causing death by a negligent act under s 304A(*b*) of the Penal Code (Cap 224, 2008 Rev Ed) in the context of a road traffic accident. One of the factors identified was that of speeding, and the court made a passing reference to a typical driver's response time when explaining why speeding increases the risk of harm occurring (at [82]–[83]). The court did *not* affirm that a driver's response time is always 1.5 seconds in all circumstances.

35 Next, Ms Shahira submits that if Mr Lee's Car was still in the vicinity of the Gantry when Ms Booi started crossing the Road (which is Ms Booi's version of events), then the Car could not have travelled a distance of about 39m from the Gantry to the point of the Collision within a short span of 2.5 to 3 seconds (which Ms Booi accepted was the time she required to reach the Collision point on the Outbound Lane after stepping off the Pavement).[55] But Mr Lee and Ms Shahira have not proffered evidence to suggest that it was *not possible* for Mr Lee to have traversed a distance of some 39m in a few seconds. In fact, Ms Shahira herself was able to compute the exact speed at which Mr Lee had to be travelling in order to cover that distance in a short time span.[56]

36 In my view, it is possible and not improbable for Mr Lee to have sped up after clearing the Gantry and then travelled at a high speed on the Road before colliding into Ms Booi. Mr Lee's Car was the first in line at the Gantry and there were no other cars in front of his (see [20] above). Ms Booi also attested that, when she was about to cross the Road from the Pavement, she

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55 DCS at [57]–[68] and [88]–[90]; 7/5/25 NE 89–90.

56 DCS at [62]–[63].



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observed there were no cars on the Outbound Lane (see [4] above), and this was not challenged by Mr Lee who could only say that he could not recall if there were any vehicles on that lane before the Collision.[57] Indeed, Ms Shahira pointed out that the accident occurred during the circuit breaker period of the COVID-19 pandemic when many activities had ceased and only essential workers were allowed to work and the roads (including the Road) were naturally much less busy.[58] Hence, it would not have been improbable for Mr Lee to have sped along the Road after clearing the Gantry (given that the Road after the Gantry was initially straight for a distance before the Bend),[59] traversed into the Outbound Lane, and subsequently collided into Ms Booi. Indeed, there were no cars in front of him on the Inbound Lane, and there was no evidence of any cars approaching from the Outbound Lane.

37 Ms Shahira also made mention that Ms Booi did not disagree in court with Mr Lee's approximate travelling speed of 20km/h to 30km/h at the initial stage and submits that Ms Booi has not proved on a balance of probabilities that Mr Lee had proceeded beyond 30km/h at any point in time.[60] I find this argument to be disingenuous. That Ms Booi did not disagree with Mr Lee's travelling speed does not therefore mean that his testimony in this regard must be accepted. Ms Booi explained in court that she did not observe the speed at which the Car was travelling because the Car was still far away in the vicinity of the Gantry when she stepped off the Pavement and crossed the Inbound Lane,

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57 9/5/25 NE 22.

58 7/5/25 NE 38–40.

59 DCS at [52]; CBD 72.

60 DCS at [44]–[46].



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and that when she was pass the Inbound Lane and walking on the Outbound Lane, she was looking for oncoming vehicles on the Outbound Lane.[61]

38 In any event, Ms Shahira's arguments regarding the speed at which Mr Lee was travelling do not affect my finding that Ms Booi had crossed about three-quarters of the Road Crossing, and that the Car had traversed into the Outbound Lane, when the Collision occurred (see [22]–[27] above).

***Mr Lee's conviction for a road traffic offence pertaining to the Collision***

39 Finally, I deal with Mr Lee's plea of guilt to the Charge (see [16] above). Mr Singh submits that the Charge and the accompanying Statement of Facts ("SOF") which Mr Lee admitted to when he pleaded guilty are admissible by virtue of s 45A of the Evidence Act 1893 (2020 Rev Ed) ("EA"), and that they support that Mr Lee had failed to keep a proper lookout whilst negotiating the Bend thereby causing the Collision.[62] In his AEIC, Mr Lee referred to the Charge and SOF without more.[63] In court, he then explained that he was unrepresented when he pleaded guilty to the Charge as he could not afford a lawyer, he pleaded guilty after the judge had explained that the offence would attract a fine and an order of disqualification from driving, and he wanted to resolve the matter quickly as he was feeling anxious about the accident.[64]

40 The Charge and SOF are admissible by virtue of s 45A of the EA and are relevant in determining whether Mr Lee had failed to keep a proper lookout whilst negotiating the Bend (*Ong Bee Nah v Won Siew Wan (Yong Tian Choy,*

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61 7/5/25 NE 80, 83–85 and 91–92.

62 CWS at [40]–[42].

63 Mr Lee's AEIC at [16].

64 9/5/25 NE 29.



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*third party)* [2005] 2 SLR(R) 455 ("*Ong Bee Nah*") at [42]). However, the weight to be given to the Charge and SOF depends on the specific facts and circumstances of the case and the court should consider any evidence to the contrary which might prevail at the end of the day (*Ong Bee Nah* at [59] and [62]).

41 In the present case, the Charge and SOF merely state that Mr Lee had failed "to keep a proper lookout while negotiating the [Bend]" and collided into Ms Booi. In court, Mr Lee accepted that he failed to exercise reasonable care, skill and prudence in driving his Car when he negotiated the Road.[65] That said, the Charge and SOF do not mention the speed at which Mr Lee was driving, whether Ms Booi had walked or dashed across the Road, or the point of the Collision (*eg*, whether it was on the Inbound Lane or Outbound Lane). Thus, it did not assist me materially in determining whether Ms Booi's or Mr Lee's version of events of the accident is more credible. This is unlike in *Ong Bee Nah* (which Mr Shergill relies on), where the court found the defendant's conviction to be an extremely significant piece of evidence. There, the defendant's admission in that SOF (that she failed to give way to oncoming vehicles, which had the right of way, when making a right turn without the green filter arrow showing yet) was the *exact opposite* of her evidence in the civil proceedings where she claimed she had the right of way when she executed the turn on the road and the green arrow was in her favour (at [54]–[57]). Unlike the present case, the defendant in *Ong Bee Nah* was cross-examined rather extensively on why she pleaded guilty and was given ample opportunity to explain this, and the court found the answers she gave to have a significant bearing on her reliability and credibility as a witness (at [68]–[77]). In sum, I do not need to

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65 9/5/25 NE 9.



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rely on Mr Lee's plea of guilt to the Charge and admission to the SOF as there is sufficient evidence to satisfy me on a balance of probabilities that Ms Booi's version of events should be accepted.

***Summary***

42 In sum, I accept Ms Booi's version of events that she had kept a proper lookout before she stepped off the Pavement onto the Road and had crossed about three-quarters of the Road Crossing when Mr Lee's Car then traversed into the Outbound Lane and collided into her. I reject Mr Lee's evidence that he was driving at only around 10km/h to 15km/h when negotiating the Bend, that he kept to the Inbound Lane throughout, and that Ms Booi had dashed across the Road suddenly whereupon he immediately jammed his brakes. I find that Mr Lee had failed to keep a proper lookout, and it was more likely than not that he was also speeding along the Road when the Collision occurred.

43 I find that Ms Booi was a credible and reliable witness who was consistent in her evidence throughout, including from the immediate aftermath of the Collision when she alleged to Mr Lee that his Car had traversed into the Outbound Lane and hit her. Photo 348, being an objective piece of evidence, also supports Ms Booi's version of events. This was unlike Mr Lee, who remained silent on material issues (such as the speed at which he was driving) until he filed his AEIC.

**Whether Ms Booi was contributorily negligent**

44 Ms Shahira submits that, if Mr Lee's version of events is accepted, he should only be liable for 40% of the damages, as Ms Booi was contributorily



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negligent and should be held responsible for 60% of the damages.[66] Mr Shergill submits that, if Ms Booi's version of events is accepted, she should not be held to be contributorily negligent at all.[67]

45 It is undisputed that road users, whether pedestrians or motorists, have a duty to keep a proper lookout and take reasonable care to avoid causing harm whether to other road users or to themselves. But the nature, extent and degree of a road user's responsibility in this regard is a fact-sensitive inquiry. In determining whether a claimant was contributorily negligent, the court looks at the culpability of the parties involved. In determining each party's contribution, both causative responsibility and blameworthiness must be considered (*Cheng William v Allister Lim & Thrumurgan and another and another appeal* [2015] 3 SLR 201 at [45]).

46 Mr Lee accepts that he failed to exercise reasonable care, skill and prudence in driving his Car when negotiating the Road (see [41] above). He knew that the Pavement and Opposite Pavement were designed for pedestrians to cross the Road. He knew that pedestrians might be using the Road Crossing at the material time and that he had to keep a proper lookout for them. He also agrees that, from the time his Car was at the Gantry and whilst travelling along the Inbound Lane towards the Road Crossing, he could see the Pavement and whether there were any pedestrians crossing the Road from it.[68] I have also found that Mr Lee's Car had traversed into the Outbound Lane during the Collision, when he should have kept to the Inbound Lane. It is not disputed that the Inbound Lane was sufficiently wide for cars to have stayed within that lane

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66 DCS at [118].

67 CWS at [61]

68 9/5/25 NE 9–10, 16 and 21.



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even whilst navigating the Bend.[69] Hence, it is clear that Mr Lee was culpable in causing the Collision; he accepts he is partially liable for the damages caused (albeit only at 40%).

47 However, I do not agree that Ms Booi was contributorily negligent.

48 Ms Booi had not crossed the Road indiscriminately. She used the Pavement, which was a properly designated pedestrian pavement, to cross the Road. If Ms Booi had seen any vehicles nearby before she stepped off the Pavement onto the Road, she should have exercised reasonable care and even allowed the vehicles to pass before crossing the Road.[70] But this was not such a case. I have accepted Ms Booi's evidence that, when she stepped off the Pavement, there were no vehicles nearby, either on the Inbound Lane or the Outbound Lane.

49 I have found that Ms Booi was knocked down by Mr Lee's Car on the *Outbound Lane*, *after she had safely traversed the Inbound Lane* and was nearly reaching the Opposite Pavement. Importantly, *the Car had wrongly traversed onto the Outbound Lane*. She was also hit from her *back*, by a car which was being driven on the wrong side of the Road. When crossing the Outbound Lane, Ms Booi had rightly looked to her left for any *oncoming* vehicles on that lane (*ie*, vehicles moving from her left to her right). In my view, having safely crossed the Inbound Lane, it would not have been reasonable to expect her to also simultaneously look back (to her right) at the Inbound Lane for any vehicles that might be speeding *in the wrong direction*. It is unclear how Ms Booi could be said to have caused the Collision, when it was Mr Lee who had sped and

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69 7/5/25 NE 101.

70 7/5/25 NE 66–67.



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driven his Car into the wrong lane where the Collision occurred. In the circumstances of the case, I find that Ms Booi had acted reasonably and taken sufficient preventive measures in crossing the Road.

50 I turn to the cases that Ms Shahira relies on to persuade the court that Ms Booi should be held partially liable for the Collision. In my view, these cases do not assist Mr Lee and can be distinguished.

51 In *Asnah bte Ab Rahman v Li Jianlin* [2016] 2 SLR 944 ("*Asnah*"), the majority of the Court of Appeal apportioned liability to the pedestrian at 15%. However, in *Asnah*, the pedestrian was knocked down by an oncoming vehicle in the direction which he should have looked out for traffic when he was crossing the road. Interestingly, the majority held that the cases the pedestrian relied on to argue that he should not be held contributorily negligent could be distinguished on the basis that the pedestrians in those cases *had crossed a significant portion of the crossings* (at [104]). In our present case, not only have I found that Ms Booi had crossed a significant portion of the Road Crossing, but she was also knocked down by the Car which had traversed onto the wrong side of the Road.

52 In *Cheong Ghim Fah and another v Murugian s/o Rangasamy* [2004] 1 SLR(R) 628, the deceased pedestrian was found to be contributorily negligent and responsible for 15% of the accident because he was jogging with his back to oncoming traffic and had failed to use the adjoining pavement which was perfectly suitable for jogging (at [83] and [87]). Here, Ms Booi used a designated pathway to cross the Road (*ie*, from the Pavement to the Opposite Pavement) and she was rightly looking to her left for oncoming vehicles when she was crossing the Outbound Lane.



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53 In *Tan Siok Yee (suing by the committee of the person and estate, Liew Chee Kong) and others v Chong Voon Kee Ivan* [2005] SGHC 157 ("*Tan Siok Yee*"), the defendant ("D") was reversing his car along a one-way road (comprising two lanes with parking bays on both sides of the road) to get into a vacant parking bay, when he hit the first plaintiff ("P") who was crossing the street from behind D's car. P subsequently fell onto the road and sustained serious head injuries. P was found to be contributorily negligent and 50% liable for the accident. It should be noted that P did not testify at the trial as she was in a comatose state, and there was no reliable eyewitness account of what actually transpired (at [43]).

54 Importantly, the court in *Tan Siok Yee* found the following. D had reversed the car *slowly* (at about 10km/h to 15km/h); P had "*suddenly stepped*" onto the road by making her way *through a gap between the parked vehicles* and failed to look out for traffic in the process; and D did not see P because she was *within the blind spots of the car* when she attempted to cross the road (at [46], [54] and [60]). This is to be contrasted with the present case, where I found that Mr Lee was driving much faster than he claimed, and Ms Booi did not suddenly dash across the Road (as asserted by Mr Lee) but had instead crossed three-quarters of the Road Crossing when the Collision occurred. Also, Mr Lee could clearly see the Road in front of him and there were no blind spots when he was driving towards the Road Crossing.[71] The stretch of the Road from the Gantry until the Collision point (and even past that point) did not have parking bays such that pedestrians might not be clearly seen emerging from between parked vehicles. It is thus arguable that, following *Tan Siok Yee*, a pedestrian emerging from between vehicles parked at the side of the road should exercise

[71] 9/5/25 NE 21.



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heightened care in crossing the road as his presence to other motorists traversing the road might be blocked by the parked vehicles. However, that was not the present case.

55 In *Sim Hau Yan as Administrator of the estate of Sim Khoon Chye and also for the benefit of the other dependents of Sim Khoon Chye, deceased v Ong Sio Beng and another* [1996] SGHC 256, the court accepted the defendant's version of events that, as the defendant was driving along a road at around 30km/h to 40km/h and was passing a parked vehicle on the left, the deceased *dashed out* from the left, and the defendant could not avoid knocking into the deceased despite applying brakes and swerving to the right. The court held that the deceased was solely to blame for the accident (at [9]). Once again, this case involved a pedestrian who emerged from behind a parked vehicle on the side of the road (at [8]). But in the present case, I found that Ms Booi did not dash across the Road, and Mr Lee's view of the Road Crossing was largely unobstructed whilst he was driving towards it.

56 In *Ang Kuang Hoe v Chia Chor Yew* [2004] 1 SLR(R) 696, the pedestrian was knocked down by the defendant's vehicle who was travelling on the side of the road which the pedestrian should have checked before crossing. The pedestrian also crossed the road at an unmarked part when a designated pedestrian crossing with traffic lights was less than 50m away (at [30] and [32]). In the present case, Ms Booi was hit from behind by the Car which wrongly traversed onto the Outbound Lane, and I found that she had not crossed the Road indiscriminately (see [46] and [48] above).



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**Conclusion**

57 In conclusion, I find that Mr Lee had breached his duty of care to Ms Booi and that this had caused the accident. I further find that there was no contributory negligence on Ms Booi's part. I thus order interlocutory judgment to be entered for Ms Booi on the basis that Mr Lee is fully liable for the accident.

58 I will hear parties on costs.

Audrey Lim J
Judge of the High Court

Raj Singh Shergill and Koh Jia Min Desiree (Lee Shergill LLP) for the claimant;
Shahira binte Mohd Anuar and Lee Ying Hui (Securus Legal LLC) for the defendant.



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