

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

[2026] SGHC 156

Originating Application No 711 of 2025
(Summons No 619 of 2026)

Between

Abe Isaac (Pte) Ltd

And

Attorney-General

... Applicant

... Respondent

GROUND S OF DECISION

[Administrative Law — Judicial review — Irrationality]

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Abe Isaac (Pte) Ltd

v

Attorney-General

[2026] SGHC 156

General Division of the High Court — Originating Application No 711 of 2025 (Summons No 619 of 2026)

Chua Lee Ming J

29 May 2026, 12 June 2026

31 July 2026

Chua Lee Ming J:

Introduction

1 The applicant, Abe Isaac (Pte) Ltd, operates a nightclub at Orchard Towers under the name “Naughty Girl”. Prior to 31 July 2023, its liquor licence permitted it to sell liquor at the nightclub round the clock. Since then, its liquor licence only permits it to sell liquor until 11.59pm. In December 2024, it applied for extended trading hours (“ETH”) to sell liquor beyond 11.59pm. The licensing officer (“LO”) rejected the application based on its policy of not allowing the supply of liquor in all establishments at Orchard Towers beyond 11.59pm.

2 The applicant applied for a Quashing Order to quash the LO’s decision. I dismissed the application and the applicant has appealed against my decision.

Facts

3 Orchard Towers is a mixed-use development comprising residential and commercial units. The applicant has been operating the Naughty Girl at Orchard Towers for more than 20 years. Until July 2023, the applicant:

- (a) held a public entertainment licence (“PE licence”) issued under the Public Entertainments Act 1958 (2020 Rev Ed), which permitted it to provide live band and dance performances at the nightclub;
- (b) held a Class 1A liquor licence issued under the Liquor Control (Supply and Consumption) Act 2015 (2020 Rev Ed) (“LC Act”), which permitted it to sell liquor at the nightclub from 6.00am to 11.59pm; and
- (c) was granted extension of the trading hours stated in its liquor licence, permitting it to sell liquor at the nightclub from 12.00am to 6.00am.

4 Up until July 2023:

- (a) Orchard Towers housed several nightlife establishments that provided public entertainment (“PE”) such as nightclubs, bars and karaoke outlets (collectively, “PE outlets”) and massage establishments;
- (b) the Singapore Police Force (“SPF”) would commonly receive reports and complaints of public order crimes at Orchard Towers; and
- (c) Orchard Towers was also known for vice activities.

5 The public order issues led to Orchard Towers being identified in 2012 as an exclusion area for PE outlets. This meant that planning permission would not be granted for *new* PE outlets and massage establishments to be set up in

Orchard Towers. The intent was to gradually reduce, or at least limit, the number of PE outlets and massage establishments in Orchard Towers, to address the public order issues in the area.

6 However, the public order situation at Orchard Towers did not improve. From 2017 to 2023, the number of reported cases of public order crimes was higher at Orchard Towers than at other areas along Orchard Road, such as Cuppage Plaza and Orchard Plaza. The SPF deployed more resources, including Special Operations Command troops, to Orchard Towers. Between 2017 and 2019, SPF conducted at least 264 anti-crime operations at Orchard Towers. However, the SPF continued to receive adverse feedback and complaints regarding public safety, crime, vice activities and nuisance at Orchard Towers.

7 In July 2019, a group of patrons at the Naughty Girl was about to leave at around 6.20am when they ran into another group walking into the nightclub. A dispute ensued between the two groups and escalated quickly. Security officers intervened and separated the two groups. However, the altercation resumed at the ground floor of Orchard Towers, during which one person died after being slashed, punched and kicked. Six of seven accused persons were convicted of various offences, including murder. The seventh was administered with a 12-month Conditional Warning in lieu of prosecution. The incident drew national attention and was raised and debated in Parliament.

8 The PE outlets and massage establishments at Orchard Towers could not operate between April 2020 and April 2022 due to measures imposed in response to the COVID-19 pandemic. This resulted in the number of public order crimes reported at Orchard Towers in 2020 and 2021 being substantially lower than before the COVID-19 pandemic.

The PEL Policy

9 In July 2022, a policy was introduced with a view to ceasing all PE-related activities at Orchard Towers by 30 May 2023 (“PEL Policy”). The PEL Policy was reported in the mainstream media. Advance notice of the policy was given to existing PE outlets at Orchard Towers (including the Naughty Girl). By letter dated 15 July 2022, the applicant was told that its PE licence would expire on 27 May 2023 and there would be no renewals thereafter.¹

10 The applicant met up and corresponded with the SPF, putting forward its case as to why its PE licence should be renewed. The Singapore Nightlife Business Association and the operators of the PE outlets at Orchard Towers appealed to the Ministry of Home Affairs (“MHA”) to allow the extension of PE licences at Orchard Towers. The MHA agreed to grant a two-month extension of the PE licences. On 12 April 2023, the applicant was informed that its PE licence would expire on 27 May 2023, any application by the applicant to renew its PE licence would only be granted until 27 July 2023 and there would be no further renewal of its PE licence after 27 July 2023.² The applicant was also informed that any application for a liquor licence would be assessed based on prevailing policies and relevant licensing conditions.

11 Subsequently, the applicant’s PE licence was renewed until 27 July 2023, and its liquor licence was renewed (with ETH from 11.59pm to 6.00am) until 31 July 2023. The applicant continued to engage the LO on its PE licence.

¹ 1st Affidavit of Jarrod Bernard Pereira dated 31 May 2024 filed in OA 319 (“Pereira’s 1st Affidavit in OA 319”), at pp 76–77.

² Pereira’s 1st Affidavit in OA 319, at p 106.

The ETH Policy

12 In July 2023, the LO decided as a matter of general policy that no liquor licence with ETH beyond 11.59pm would be granted for all establishments at Orchard Towers (“ETH Policy”).³ This was due to the high number of liquor-related crime cases reported at Orchard Towers, which generally took place late into the night / in the early hours of the morning.

The applicant’s applications between July and October 2023

13 On 21 July 2023, the applicant applied for:

- (a) a PE licence from end July 2023 to 27 July 2024; and
- (b) a liquor licence from 4 August 2023 to 3 August 2024, with ETH from midnight to 6.00am.

14 On 31 July 2023, the LO informed the applicant that it was unable to (a) extend the liquor trading hours beyond 11.59pm, and (b) renew the applicant’s PE licence beyond 31 July 2023.⁴

15 On 2 August 2023, the applicant filed further applications for a PE licence and ETH (11.59pm to 6.00am) for its liquor licence. On 10 August 2023, the LO rejected the applicant’s application for a PE licence. On 29 September 2023, the LO rejected the applicant’s application for ETH for its liquor licence.

³ Pereira’s 1st Affidavit in OA 319, at para 59.

⁴ Pereira’s 1st Affidavit in OA 319, at pp 134–135.

16 Undeterred, on 3 October 2023, the applicant filed another application for ETH (from 11.59pm to 4.00am) for its liquor licence. On 18 December 2023, the LO rejected the application.

HC/OA 319/2024

17 On 2 April 2024, the applicant filed HC/OA 319/2024 (“OA 319”), seeking permission to apply for the following:

- (a) a Quashing Order to quash the decision to not issue a PE licence to the applicant;
- (b) a Mandatory Order requiring the LO to issue or renew the PE licence for the applicant’s premises; and
- (c) a Mandatory Order requiring the LO to extend the trading hours in its liquor licence from 12.00am to 6.00am.

During oral submissions, the applicant clarified that it was challenging the decision in the *15 July 2022* letter informing it that its PE licence would expire on 27 May 2023 and that there would be no renewals thereafter (see [9] above).

18 On 23 August 2024, I dismissed OA 319. I found (among other things) that:

- (a) the applicant had not shown that the decision not to renew its PE licence was irrational; and
- (b) the prayers for mandatory orders were in any event not sustainable: *Gobi a/l Avedian v Attorney-General* [2020] 2 SLR 883 (“*Gobi*”) at [47].

The applicant did not appeal against my decision.

Application for PE licence in December 2024

19 On 3 December 2024, the applicant again applied for a PE licence for its nightclub (“Dec 2024 PE Application”).⁵

20 On 24 December 2024, the LO informed the applicant that the Dec 2024 PE Application could not be approved because “Orchard Towers is currently listed as a location where a PE licence is unlikely to be granted so as to manage the number of PE establishments and to mitigate law-and-order concerns in the area”.⁶

21 On 8 January 2025, the applicant submitted an appeal to the Public Entertainment Appeal Board (“PEAB”) against the decision to reject its Dec 2024 PE Application. On 2 June 2025, the PEAB rejected the applicant’s appeal.⁷

Application for ETH in December 2024

22 Also on 3 December 2024, the applicant applied for ETH for its liquor licence from 12.00am to 6.00am (“Dec 2024 ETH Application”).⁸ On 11 April 2025, the LO rejected the Dec 2024 ETH Application.⁹ An email dated

⁵ 1st Affidavit of Jarrod Bernard Pereira dated 3 September 2025 filed in OA 711 (“Pereira’s 1st Affidavit in OA 711”), at pp 269–271.

⁶ Pereira’s 1st Affidavit in OA 711, at pp 276–277.

⁷ Pereira’s 1st Affidavit in OA 711, at pp 391–392.

⁸ 1st Affidavit of Abraham Aaron Isaac dated 8 July 2025 filed in OA 711 (“Isaac’s 1st Affidavit in OA 711”), at pp 397–402.

⁹ Pereira’s 1st Affidavit in OA 711, at p 400.

2 May 2025 to the applicant explained that the application was rejected based on the ETH Policy.¹⁰

23 On 21 April 2025, the applicant submitted an appeal to the Liquor Appeal Board (“LAB”) against the LO’s rejection of its Dec 2024 ETH Application.¹¹ On 25 April 2025, the secretary to the LAB informed the applicant that the LAB was of the view that the LO’s rejection of the application was not an appealable decision under s 25(4) of the LC Act.¹²

24 On 11 July 2025, the applicant’s application for a Class 1A liquor licence, with trading hours from 6.00am to 11.59pm, was approved.¹³

The present application (HC/OA 711/2025)

25 On 9 July 2025, the applicant filed the present application seeking permission to commence judicial review proceedings for the following orders:

- (a) a Quashing Order to quash the decision dated 11 April 2025 rejecting its Dec 2024 ETH Application; and
- (b) a Mandatory Order directing the LO to approve its Dec 2024 ETH Application.

26 In its Statement filed in support of its application (pursuant to O 24 r 5(3)(a) of Rules of Court 2021) (“Statement”), the applicant relied on the following grounds:

¹⁰ Pereira’s 1st Affidavit in OA 711, at p 412.

¹¹ Pereira’s 1st Affidavit in OA 711, at pp 403–409.

¹² Isaac’s 1st Affidavit in OA 711, at p 511.

¹³ Pereira’s 1st Affidavit in OA 711, at pp 417–418.

- (a) Breach of statutory right to appeal, *ie*, the refusal to process the statutory appeal against the decision rejecting the Dec 2024 ETH Application constituted a procedural impropriety and breach of natural justice.
- (b) Administrative law grounds –
 - (i) Ultra vires and illegality, *ie*, the LO exceeded its statutory powers by unlawfully imposing a requirement for a PE licence as a precondition for ETH.
 - (ii) Procedural impropriety and denial of fair hearing, *ie*, the LO rejected the Dec 2024 ETH Application without affording the applicant a fair opportunity to be heard.
 - (iii) Improper purpose and unlawful exercise of discretion, *ie*, the LO failed to consider relevant factors and relied on irrelevant policy considerations, namely the ETH Policy and public order grounds.
 - (iv) Procedural impropriety, *ie*, denial of fair hearing and application of the unstated and undisclosed ETH Policy to eliminate nightlife at Orchard Towers.
 - (v) Constructive revocation and economic deprivation – unlawful exercise of power amounting to illegality, *ie*, by making Orchard Towers commercially unusable through licence refusals, the LO’s actions amounted to an unlawful deprivation of property use.
- (c) Constitutional grounds – breach of Article 12 of the Constitution of the Republic of Singapore (2020 Rev Ed) (“Constitution”), *ie*, the

treatment of Orchard Towers compared to surrounding establishments was discriminatory and unequal.

27 On 11 February 2026, I granted the applicant permission to commence judicial review proceedings for a Quashing Order to quash the decision dated 11 April 2025 rejecting the Dec 2024 ETH Application, *limited to the following questions*:

- (a) whether the ETH Policy could be said to be irrational; and
- (b) whether the LO’s decision that the applicant’s circumstances did not warrant departing from the ETH Policy could be said to be irrational.

28 I dismissed the applicant’s application with respect to the other grounds relied on by the applicant for a Quashing Order. In my view, there was no arguable case with respect to any of the other grounds. I also dismissed the applicant’s application for a Mandatory Order. I found that the applicant was estopped from making its application for a Mandatory Order because of my decision in OA 319. In addition, the application was unsustainable based on *Gobi* (see [18(b)] above). The applicant did not appeal against my decision dismissing its application for (a) a Quashing Order based on its other grounds, and (b) a Mandatory Order.

Application for Quashing Order (HC/SUM 619/2026)

29 On 25 February 2026, pursuant to the permission that I granted on 11 February 2026 (see [27] above), the applicant filed HC/SUM 619/2026 (“SUM 619”), seeking an order to quash the LO’s decision dated 11 April 2025 rejecting the Dec 2024 ETH Application on the grounds that:

- (a) the ETH Policy was irrational; and/or

- (b) the LO's decision that the applicant's circumstances did not warrant departing from the ETH Policy was irrational.

Applicant's submissions in SUM 619 exceeded permission granted

30 As stated above, I gave the applicant permission to apply for a Quashing Order limited to only the two specific questions. The only ground raised in those questions was irrationality. However, in its written submissions in support of SUM 619, the applicant exceeded the permission granted by relying on grounds for which permission had not been granted. In particular, substantial portions of the applicant's written submissions dealt with illegality. The applicant's written submissions also sought to rely on Article 12 of the Constitution. I had dismissed the applicant's application for permission based on these grounds.

31 I agreed with the respondent that the applicant's attempt to rely on grounds other than irrationality was a flagrant disregard for the limited scope of the permission that I had granted on 11 February 2026 and constituted an abuse of the process of the court.

32 The applicant argued that the scope of "irrationality" was very wide and that its scope could include breach of the Constitution and illegality. The applicant relied on a statement in *Tan Seet Eng v Attorney-General* [2016] 1 SLR 779 ("*Tan Seet Eng*") at [81] to the effect that "a decision ... can fall within both illegality and irrationality". However, the fact that a decision can be illegal and irrational did not mean that the applicant could conflate illegality and irrationality; both remain separate grounds for judicial review. As the Court of Appeal itself stated in *Tan Seet Eng* (at [80]), illegality and irrationality are separate although overlapping heads. It was clear in the present case that I had

granted permission to commence judicial review proceedings limited to the ground of irrationality.

33 The applicant also submitted that in giving permission to proceed on the ground of irrationality, I had given it a wide scope that allowed it to rely on other grounds. In my view, this submission was both mischievous and disingenuous. My decision was clear. I gave permission to proceed on the ground of irrationality and expressly stated that there was no arguable case with respect to the other grounds relied upon by the applicant.

34 Thus, for the purposes of SUM 619, I disregarded the applicant's submissions that relied on grounds other than irrationality. In addition, the applicant's case based on irrationality was confined to its grounds of irrationality as stated in its Statement, namely:¹⁴

(a) the decision to renew the applicant's liquor licence while simultaneously refusing to extend trading hours was a logically inconsistent and irrational approach that undermined regulatory certainty; and

(b) the invocation of public order concerns lacked evidential basis, especially when no incidents had been linked to the applicant's operations in over 20 months and other venues with public order issues continued to operate.

¹⁴ Statement, at section (vi) – paras 3.12–3.13.

Irrationality – legal principles

35 The applicant bears the burden of demonstrating irrationality. It is trite that the threshold for establishing irrationality is a high one. To succeed, a decision or policy must be so absurd that no reasonable decision-maker could have come to it: *Tan Seet Eng* at [80].

36 The exercise of an administrative discretion is not irrational merely because it was made in accordance with a general policy; the question is whether the policy is irrational: *Lines International Holding (S) Pte Ltd v Singapore Tourist Promotion Board* [1997] 1 SLR(R) 52 (“*Lines International*”) at [78], cited with approval by the Court of Appeal in *City Developments Ltd v Chief Assessor* [2008] 4 SLR(R) 150 at [10].

Whether the ETH Policy was irrational

37 The LO implemented the PEL Policy in July 2022. Without a PE licence, the operators of nightclubs and bars could not provide live band and dance performances. The PEL Policy did not affect the issuance of liquor licences. It was only in July 2023 that the LO implemented the ETH Policy, pursuant to which liquor licences at Orchard Towers would not be granted ETH, *ie*, the liquor licences would not permit the sale of liquor beyond 11.59pm.

38 The LO explained his decision to implement the ETH Policy as follows:

- (a) The PEL Policy was introduced with a view to ceasing all PE-related activities at Orchard Towers. He had envisaged that without PE licences, the operators of PE outlets at Orchard Towers would either cease operations or change their business models such that

law-and-order concerns would be mitigated.¹⁵ As such, he did not consider it necessary at that time to implement a separate policy in relation to liquor licences.

(b) Most PE outlets at Orchard Towers ceased operations after the PEL Policy was implemented.¹⁶ However, the applicant continued its operations at Orchard Towers, playing free-to-air radio music (which did not require a PE licence) at loud volumes as entertainment for patrons, instead of live music, and continuing to serve liquor.¹⁷ This was not within the LO's original contemplation when formulating the PEL Policy.

(c) Liquor was a significant contributing factor to public order crime in Orchard Towers.¹⁸ Based on statistics from the SPF, 78% of all liquor-related public order crimes recorded at Orchard Towers between 2017 and 2023 took place after midnight. The exception was 2020–2021 when COVID-19 measures were in place. This was consistent with SPF's experience on the ground while patrolling and conducting raids at Orchard Towers.

(d) The LO's assessment was that the PEL Policy alone was not sufficient to address the existing law-and-order concerns.¹⁹ As such, the

¹⁵ 2nd Affidavit of Jarrod Bernard Pereira dated 22 April 2026 filed in OA 711 ("Pereira's 2nd Affidavit in OA 711"), at para 9.

¹⁶ Pereira's 2nd Affidavit in OA 711, at para 11.

¹⁷ 3rd Affidavit of Abraham Aaron Isaac dated 20 May 2026 filed in OA 711 ("Isaac's 3rd Affidavit in OA 711"), at paras 7–8.

¹⁸ Pereira's 2nd Affidavit in OA 711, at para 15.

¹⁹ Pereira's 2nd Affidavit in OA 711, at paras 14 and 16.

LO decided to implement the ETH Policy in conjunction with the PEL Policy.

39 The LO also gave evidence that the PEL Policy, applied in conjunction with the ETH Policy, had been effective in addressing the law-and-order concerns in Orchard Towers.²⁰ 27 cases of liquor-related public order crimes were reported from January to July 2023 (before the ETH Policy was introduced). After the ETH Policy was introduced in July 2023, one case was reported in August 2023, and another case was reported in October 2023.

40 The applicant made several submissions. First, the applicant submitted that the ETH Policy was irrational because the LO’s rejection of the Dec 2024 ETH Application (pursuant to the ETH Policy) was inconsistent with the grant of the liquor licence allowing the applicant to sell liquor until 11.59pm. I rejected this submission. It was baseless and illogical. As the LO explained, 78% of all liquor-related public order crimes recorded at Orchard Towers between 2017 and 2023 took place after midnight (see [38(c)] above).

41 Second, the applicant submitted that the application of the ETH Policy to Orchard Towers was arbitrary because other nightlife areas such as Boat Quay, Clarke Quay, Upper Circular Road and other areas in Orchard Road had been granted ETH. I disagreed with the applicant’s submission.

42 As the LO explained:

(a) Unlike Orchard Towers, none of the other areas in Orchard Road had been identified as exclusion areas for PE outlets (*ie*, “hotspots”) by

²⁰ Pereira’s 2nd Affidavit in OA 711, at para 17.

the SPF.²¹ As a “hotspot”, planning permission would not be granted for new PE outlets and massage establishments.

(b) The number of liquor-related public order incidents reported at Orchard Towers from 2017 to 2019 and 2022 to 2023 was consistently higher than the other areas in Orchard Road.²² The sharp drop in the number of incidents reported at Orchard Towers since the beginning of 2024 resulted from the implementation of the ETH Policy.

(c) Different circumstances and considerations applied to Boat Quay, Clarke Quay and Upper Circular Road. For example, Boat Quay and Clarke Quay had been identified as historic and conservation areas and the Government had put in place revitalisation measures in those areas.²³ Since 2009, measures had been introduced to address law-and-order concerns, and these measures had been successful.²⁴

(d) The granting of ETH to operators at Boat Quay, Clarke Quay and Upper Circular Road was part of initiatives by the Government on a one-year pilot with effect from August 2025 to enhance vibrancy and provide opportunities for businesses in the city centre.²⁵

43 In addition, the granting of ETH to operators at Boat Quay, Clarke Quay and Upper Circular Road took place *after* the applicant’s Dec 2024 ETH Application was rejected. I agreed with the respondent that, in general, the court

²¹ Pereira’s 1st Affidavit in OA 711, at para 120.

²² Pereira’s 1st Affidavit in OA 711, at para 121.

²³ Pereira’s 1st Affidavit in OA 711, at para 124.

²⁴ Pereira’s 1st Affidavit in OA 711, at para 125.

²⁵ Pereira’s 1st Affidavit in OA 711, at para 126.

should disregard events that took place after the decision being challenged was made.

44 As the English Court of Appeal explained in *R (Tesfay) v Secretary of State for the Home Department* [2016] 1 WLR 4853 (“*Tesfay*”) at [78]:

78 Rolling or evolving judicial review of this kind does, in my view, give rise to difficulties both in principle and in practice. In *R (A) v Chief Constable of Kent Constabulary* [2013] EWCA Civ 1706, Beatson LJ observed that the impact of the reviewing court scrutinising post-decision material is likely to be particularly significant in contexts in which there will frequently be a change of circumstances or in the evidence available between the time of the original decision and the time the matter comes before the reviewing court. Sometimes, in an immigration context for example, the Secretary of State will not object to the court considering further evidence, which was not before the Secretary of State. Here the court may be willing to adopt a flexible approach which will enable it to do justice. However, there are dangers in a court becoming too entangled in post-decision material and the legality of later decisions (see para 83):

“Moreover, in a sense, the court can be said to step outside its primary role. It will not only be adjudicating on the dispute between the parties as to the legality of the original decision made. It will become part of a rolling administrative decision-making process, in which a decision by the Secretary of State is followed by challenge, which is followed by new material which in turn is followed by a further decision, with the possible interposition of the court at any or all of these stages. Such ‘rolling judicial review’ appears unprincipled. It is also liable to lead to confusion and to sideline the administrative process laid down by the legislature.”

45 The English Court of Appeal in *R (Spahiu) v Secretary of State for the Home Department (Practice Note)* [2019] 1 WLR 1297 agreed (at [62]) with the above passage in *Tesfay*, and observed (at [63]):

63 In short, there is no hard and fast rule. It will usually be better for all parties if judicial review proceedings are not treated as “rolling” or “evolving”, and it is generally simpler and

more cost-effective for the reviewing court to avoid scrutinising post-decision material. But there will also be a need to maintain a certain procedural flexibility so as to do justice as between the parties.

46 In my view, there was no reason why the general principle should not apply in the present case. I agreed with the respondent that the relevant inquiry in the present case was whether the LO acted irrationally when he rejected the Dec 2024 ETH Application on 11 April 2025.

47 Third, the applicant submitted that the LO's rejection of the Dec 2024 ETH Application pursuant to the ETH Policy was irrational because licences were granted for PE performances which were held at Orchard Towers on 19 and 20 December 2025. However, the fact that these performances were held did not assist the applicant. These were post-decision events and there was no reason why they should not be disregarded.

48 In any event, these performances were held pursuant to an Arts Entertainment Licence issued under the purview of the Infocomm Media Development Authority.²⁶ The LO did not issue the licence for these performances. The respondent had informed the applicant's solicitors of this. Yet, the applicant still chose to rely on the fact that licences for these two performances on 19 and 20 December 2025 were issued, without any explanation as to how this fact was relevant. The applicant's conduct in doing so left much to be desired.

49 Fourth, the applicant relied on the following passage in *Lines International* (at [78]):

²⁶ Isaac's 3rd Affidavit in OA 711, at pp 11–13.

78 The cases show that the adoption of a general policy by a body exercising an administrative discretion is perfectly valid provided that:

(a) the policy is not unreasonable in the special sense given to the term in *Associated Provincial Picture Houses, Limited v Wednesbury Corporation* [1948] 1 KB 223, ie it is not a decision that is so outrageous in its defiance of logic or accepted moral standards that no sensible person who applied his mind to the question to be decided could have arrived at it or that no reasonable person could have come to such a view: see also *Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374;

(b) in considering unreasonableness in the *Wednesbury* sense, the courts are not entitled to substitute their views of how the discretion should be exercised with that actually taken: see *Chan Hiang Leng Colin v PP* ([56] *supra*) nor is unreasonableness established if the courts merely come to the view that such a policy or guideline may not work effectively as another since the courts are not exercising an appellate function in respect of administrative decisions [*Council of Civil Service Unions v Minister for the Civil Service* [1985] AC 374 at 414]; and the burden of proving that the policy or guideline is illegal or *ultra vires* is on the plaintiffs: see *Chan's* case;

(c) they are made known to the persons so affected; and

(d) neither PSA nor STPB fetters its discretion in the future and is prepared to hear out individual cases or is prepared to deal with exceptional cases: see *Findlay's* case ([77] *supra*) and also *British Oxygen Co Ltd v Minister of Technology* [1971] AC 610.

50 In particular, the applicant relied on the requirement in (c) above and complained that there was no prior disclosure or notification of the ETH Policy and affected operators, including the applicant, were not consulted or given an opportunity to respond to the policy. I rejected the applicant's submission.

51 In my view, the four conditions in *Lines International* (at [78]) pertain to the question of the *validity* or *legality* of the policy. That case concerned guidelines issued by the Port of Singapore Authority ("PSA"). The guidelines

included a rule that Cruises to Nowhere (“CNW”) undertaken by cruise vessels should not exceed 30% of the voyages undertaken by a cruise vessel on a three-monthly basis and that berths might not be allocated for CNW cruises in excess of the 30% limit. The plaintiffs commenced an action seeking (among other things) a declaration that PSA had wrongfully denied berthing rights to the plaintiffs. The statement of claim pleaded (among others) an administrative law claim based on *ultra vires* and/or illegality: *Lines International* at [4]. The passage in *Lines International* (at [78]) that the applicant relied on falls under the heading “Legality of the various guidelines” in the judgment (at p 73) and refers to *validity*. “Reasonableness” and “prior notification” are separate requirements of *validity*. Prior notification is not a requirement of “reasonableness”.

52 I had granted the applicant permission to commence judicial review proceedings only on the ground of irrationality. The applicant did not appeal against my decision. It was not open to the applicant to argue that there was no prior notification of the ETH Policy, as this argument pertained to illegality and not irrationality.

53 In my view, the applicant failed to demonstrate that the ETH Policy was irrational. The LO realised that he was wrong in his original assessment that the PEL Policy would be sufficient to address the law-and-order concerns at Orchard Towers. His decision to remedy this by implementing the ETH Policy could not be said to be irrational in view of the evidence that a very significant percentage of liquor-related public order crimes recorded at Orchard Towers took place after midnight.

Whether the decision that the applicant’s circumstances did not warrant departing from the ETH Policy was irrational

54 As the court held in *Lines International* (at [78(d)]) (see [49] above), a general policy must not fetter the decision-maker’s exercise of discretion in the future, and the decision-maker must be prepared to hear out individual cases or to deal with exceptional cases.

55 In this case, the LO assessed that the applicant’s circumstances did not warrant a departure from the ETH Policy, which was implemented to address the law-and-order concerns that persisted in Orchard Towers.²⁷ He considered the following:²⁸

- (a) if an individual operator was exempted from the ETH Policy, fairness would require the LO to generally treat other operators in the same way;
- (b) exempting one or more operators in Orchard Towers from the ETH Policy would give rise to law-and-order concerns, in view of the long history of law-and-order issues at Orchard Towers; and
- (c) the public order situation at Orchard Towers would likely deteriorate again if the supply and consumption of liquor were allowed to continue past 11.59pm.

56 Against this, the applicant made several submissions. First, the applicant submitted that the ETH Policy was a blanket policy that permitted no exceptions and thus fettered the LO’s exercise of discretion. I disagreed with the applicant.

²⁷ Pereira’s 2nd Affidavit in OA 711, at para 19.

²⁸ Pereira’s 2nd Affidavit in OA 711, at paras 20–22.

The LO had considered whether the applicant's circumstances warranted a departure from the ETH Policy. The fact was that the applicant was unable to persuade the LO to depart from the ETH Policy.

57 Second, the applicant submitted that the renewal of its liquor licence did not contain any condition, restriction or indication that the licence would not be eligible for ETH. I rejected this submission. It did not in any way demonstrate that the LO's decision not to exempt the applicant from the ETH Policy was irrational. Further, there was no basis for such a complaint. The applicant's liquor licence expressly permitted the applicant to sell liquor from 6.00am to 11.59pm. It was for the applicant to apply for ETH if it so wished and any such application would then be considered by the LO, who was entitled to take into account the ETH Policy and to consider whether the applicant had shown circumstances warranting a departure from the ETH Policy.

58 Third, the applicant submitted that the LO had failed to consider the fact that the applicant was running a nightclub when the liquor licence was granted to it. In my view, there was no basis at all for this submission. The fact that the applicant continued to operate a nightclub, playing free-to-air music (instead of providing live entertainment) and serving liquor, was what led to the implementation of the ETH Policy (see above at [38(b)]).

59 Fourth, the applicant submitted that the LO had failed to consider the fact that its use of its premises at Orchard Towers as a nightclub was an approved lawful use. In my view, this submission was neither here nor there. The fact that the applicant could lawfully run a nightclub at its premises did not mean that therefore the LO had to grant ETH for its liquor licence.

60 Finally, the applicant submitted that the absence of liquor-related crime and public disorder at Orchard Towers at the present moment should weigh in favour of its Dec 2024 ETH Application. I rejected the submission. The present public order situation at Orchard Towers was the result of the PEL and ETH Policies.

61 Accordingly, I found that the applicant had failed to demonstrate that the LO's decision not to exempt the applicant from the ETH Policy was irrational.

Conclusion

62 For the above reasons, I dismissed SUM 619.

63 I ordered the applicant to pay costs of the application for permission to commence judicial review proceedings. Given the number of grounds raised and the voluminous documents relied upon, I fixed the costs at \$15,000 plus disbursements to be fixed by me if not agreed.

64 I ordered the applicant to pay costs of SUM 619 fixed at \$14,000 plus disbursements to be fixed by me if not agreed. In assessing the amount of costs, I found it appropriate to take into account the fact that the applicant's submissions showed flagrant disregard for the limited scope of the permission that I granted on 11 February 2026.

Chua Lee Ming
Judge of the High Court

Vijay Kumar Rai and Jasleen Kaur (Arbiters Inc Law Corporation)
for the applicant;
Dierdre Grace Morgan, Wong Li De Brian and Gabriel Yap
(Attorney-General's Chambers) for the respondent.
