

MEDIA STATEMENT
20 May 2015

**HIGH COURT ALLOWS AGC'S STRIKING OUT OF YONG VUI KONG'S JUDICIAL
REVIEW APPLICATION**

1. On 14 November 2013, Yong Vui Kong was re-sentenced by the High Court to life imprisonment and the mandatory minimum 15 strokes of the cane for trafficking in 47.27 grammes of diamorphine.
2. Yong Vui Kong subsequently challenged the constitutionality of his sentence of caning and Singapore's legislative provisions on caning by appealing to the Court of Appeal in *Yong Vui Kong v Public Prosecutor* [2015] 2 SLR 1129. The appeal was heard on 22 August 2014 and eventually dismissed on 4 March 2015.
3. Shortly after the dismissal of Yong Vui Kong's appeal, Ms L F Violet Netto ("Ms Netto") informed the Commissioner of Prisons ("the Commissioner") that she would be commencing judicial review proceedings on Yong Vui Kong's behalf, for an order prohibiting the Commissioner from carrying out the sentence of caning on Yong Vui Kong ("application for judicial review"). She proceeded to do so on 13 March 2015, even after the Attorney-General gave her notice that the intended application for judicial review was premised on non-existent facts.
4. The Attorney-General subsequently applied on 14 April 2015 to strike out the application for judicial review on the basis that it was an abuse of process of the court or, alternatively, was frivolous and vexatious ("striking out application").
5. On the same day, Ms Netto applied to amend the application for judicial review to introduce new grounds for judicial review based on the way in which caning was allegedly administered by the Commissioner and delete the original grounds ("amendment application").

6. The amendment application was resisted by the Attorney-General on the basis that the proposed amendments would allow Yong Vui Kong to use the High Court's civil jurisdiction to re-litigate an issue determined by the Court of Appeal in its criminal jurisdiction, and therefore constituted an abuse of process of court.

7. The amendment application was heard together with the Attorney-General's striking out application in the High Court this morning.

8. The High Court dismissed Yong Vui Kong's application to amend the judicial review application, and allowed the Attorney-General's striking out application. The Attorney-General applied for costs to be paid by Ms Netto personally on the basis that costs had been incurred unreasonably or improperly, or wasted by her failure to conduct proceedings with reasonable competence and expedition. Ms Netto was ordered to pay costs and disbursements totalling \$2,500 personally to the Attorney-General.

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