

[Webinar] The Legal Implications of the Decision in Tan Seng Kee v Attorney-General [2022] SGCA 16



13 May 2022, Friday
2.30pm – 4.30pm



This programme is conducted as a live webinar.



No. of Public
CPD Points:
2.0

Practice Area:
Government

Training Level:
General

About the Programme

On 28 February 2022, a five-judge Court of Appeal dismissed three challenges to the constitutionality of section 377A of the Penal Code. The Court held that section 377A is legally unenforceable because of a parliamentary statement by the Prime Minister in 2007 which said the government would retain the section but not enforce it, and a press release by the Attorney-General in 2018 which said it was not in the public interest to prosecute two consenting adults in a private place.

The Law Society of Singapore's Public & International Law Committee is organising a webinar, "*The Legal Implications of the Decision in Tan Seng Kee v Attorney-General [2022] SGCA 16*" which will explore the judgment's effects on constitutional and administrative law as well as the implications on prosecutorial discretion.

During this half-day webinar, speakers and panellists will closely examine the decision itself, particularly the discussion on the role of the Court, the issue of political compromise and uncertainties, the doctrine of substantive legitimate expectations and finally, whether section 377A is at odds with Articles 9, 12 and 14 of the Constitution.

The webinar will be relevant to persons with an interest in constitution and administrative law in Singapore.

Programme Outline

Time	Programme
2.00pm – 2.30pm	Registrants to log on
2.30pm – 2.50pm	Diving for Pearls in the Ocean of Public Law Jurisprudence: Rule of Law Implications Arising from Tan Seng Kee v Attorney-General [2022] SGCA 16 Jordan Tan - Co-Managing Partner, Audent Chambers LLC
2.50pm – 4.30pm	Panel Discussion <u>Moderator</u> Dr Jack Tsen-Ta Lee <u>Panellists</u> Prof Michael Hor – Consultant, Peter & Choo LLC; Professor (Law Faculty), University of Hong Kong Prof Eugene Tan – Associate Professor of Law, Yong Pung How School of Law, Singapore Management University Jordan Tan – Co-Managing Partner, Audent Chambers LLC Ramesh Tiwary – Sole Proprietor, Ramesh Tiwary Advocate & Solicitor
4.30pm	End

Speakers' Profile



Jordan Tan – Co-Managing Partner, Audent Chambers LLC

Jordan graduated from the National University of Singapore's Law Faculty in 2008 with first class honours, winning the Adrian Clarke Memorial Medal and Singapore Academy of Law Award for being the top student in the final year exams.

He regularly appears at all court-levels. He has been appointed *amicus curiae* twice including by a 3-Judge High Court chaired by the Chief Justice in a landmark case which is now the *locus classicus* on the exercise of judicial mercy in criminal cases. He has also acted successfully in various complex commercial litigation, including acting as lead counsel for the alleged majority shareholders of a family company with assets in excess of S\$100 million and for an international bank which was sued for hundreds of millions in losses from alleged fraud.

He has been ranked as a "Next Generation Lawyer" and "Rising Star" in Legal500 (2019 and 2020 editions) and described as "*smart, professional, persuasive, organised and a future SC.*" He has also been recognised as a "Leader" in Prestige's 40 under 40 2019 listing of prominent under 40 entrepreneurs, professionals and thought-leaders.

He was a former Justices' Law Clerk and Assistant Registrar of the Supreme Court where he headed the Court of Appeal desk at the Registry and was coordinating-editor of Court of Appeal judgments. Thereafter, he practised at a magic circle firm.

He is a member of the main committee of the Singapore Academy of Law's Law Reform Committee and Professional Affairs Committee both chaired by Judges of Appeal. He also serves as Co-Head of the Young Members' Chapter. He has also taught at his alma mater, winning the Faculty Teaching Excellence Award in 2010.



Dr Jack Tsen-Ta Lee

Dr Jack Tsen-Ta Lee graduated from the National University of Singapore in 1995, and was called to the Bar the following year. After practising for about six years as a litigator, he completed an LLM at University College London in 2003 on a Chevening Scholarship. In 2012, he was conferred a PhD for research into the interpretation of bills of rights by the University of Birmingham. Jack previously taught at the Singapore Management University School of Law, during which he was a 2009 Lee Foundation Fellow for Research Excellence; and between 2017 and 2019 he was a Deputy Research Director of the Singapore Academy of Law working in law reform. He maintains research interests in constitutional and administrative law, heritage law, and media law. His recent publications include papers on standing in public law (2020), regulating public assemblies and responding to online falsehoods (2020), the intersection between built heritage and intangible cultural heritage (2020), and the relationship between representative democracy and the rule of law (2021, with Jaclyn Neo).



Prof Michael Hor – Consultant, Peter & Choo LLC; Professor (Law Faculty), University of Hong Kong

Michael is a Consultant in Peter Low & Choo LLC and also concurrently serves as Professor of The University of Hong Kong's Law Faculty where he was the Dean from 2014-9.

Michael brings with him a wealth of knowledge and experience from a variety of jurisdictions, making him a huge asset to the firm when tackling complex or novel issues of law. Michael's expertise lies in criminal law and procedure as well as evidence, having taught, researched and published extensively in these areas.

Previously, Michael was a Professor with the National University of Singapore's Law Faculty. Michael has also served as a Consultant to the Ministry of Law and the Law Society of Singapore's Criminal Practice Committee.



Prof Eugene Tan – Associate Professor of Law, Yong Pung How School of Law, Singapore Management University

Eugene K.B. Tan is associate professor of law at Yong Pung How School of Law, Singapore Management University (SMU). At SMU, he teaches courses at the law, business, and social sciences schools at the undergraduate, graduate, and executive education levels.

Eugene's inter-disciplinary research interests include constitutional and administrative law, the government and politics of Singapore, and the regulation of ethnic conflict. His recent and forthcoming scholarly publications on Singapore examine commercial judicial review, death penalty, corporate social responsibility, the elected presidency, access to justice, Article 152 of the Singapore Constitution, international (technical) standards and innovative entrepreneurship, and COVID-19 and migrant worker treatment. With Benjamin Joshua Ong and Kenny Chng, Eugene contributed to the 2020 reissue of constitutional law volume and 2021 reissue of the administrative law volume for the *Halsbury's Laws of Singapore*.

He consults regularly for a variety of organisations, most recently for a South Asian government for its constitutional reforms and public administration review. An advocate and solicitor of the Supreme Court of Singapore, Eugene was educated at the National University of Singapore, the London School of Economics and Political Science, and Stanford University where he was a Fulbright Fellow. Eugene served as a Nominated Member of Parliament in Singapore's 12th Parliament.



Ramesh Tiwary – Sole Proprietor, Ramesh Tiwary Advocate & Solicitor

Ramesh Tiwary has been practicing at the criminal bar since 1990 and in the law practice of Ramesh Tiwary since 2006. He has also been an advocacy trainer with the Law Society and a trainer in Part B for many years now and an active volunteer on the Supreme Court's Legal Assistance Scheme for Capital Offences (LASCO) panel.

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SCCA Member	\$144.00
Non-member	\$160.00

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No of Public CPD Points: 2.0
Practice Area: Government
Training Level: General

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