

Channel News Asia

24 January 2011

ACRES win appeal

Animal welfare group, ACRES, (Animal Concerns, Research & Education Society) has won its appeal against the Clerk-of-Works who oversaw the construction of its Wildlife Rescue Centre (AWRC).

The AWRC had to be demolished due to environmental pollution caused by the use of unsuitable backfill materials.

In its judgement, delivered on January 20, the Court of Appeal concluded that Mr. Tan Boon Kwee was in breach of his duty of care to ACRES.

This negligence caused ACRES to suffer economic losses.

Justice Andrew Phang stated that ACRES has had to suffer the unnecessary stress and inconvenience of having to deal with a number of government agencies regarding the environmental damage from the contaminated back as well as delay the opening of the shelter and the commencement of the good work the shelter was intended for.

Justice Phang said while these may not be legally recoverable losses, it was a testament to the fortitude and determination of ACRES staff that they were not deterred by the numerous setbacks.

ACRES had sued the main contractor, ANA Contractor, and Mr Tan back in September 2008.

In March 2010, while Justice Kan Ting Chiu found the contractor liable and ordered them to pay damages, he dismissed the claim against Mr Tan. ACRES then appealed against the dismissal.

ACRES Director, Louis Ng, expressed delight at the verdict and said justice had been served. He added that ACRES will proceed to assess damages against both ANA and Mr. Tan.

The National Environment Agency has also filed criminal charges against both ANA and Mr Tan.

The NEA trial is scheduled for February.