

Today Online

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ACRES win appeal

The animal welfare group, Animal Concerns Research and Education Society's (ACRES), has won its appeal against the clerk of works, who oversaw the construction of its wildlife rescue centre.

The rescue centre had to be demolished due to environmental pollution caused by the use of unsuitable backfill material.

In its judgement, delivered on Jan 20, the Court of Appeal concluded that the clerk of works, Mr Tan Boon Kwee, director of ANA Contractor, 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, delay the opening of the shelter and the commencement of the good work the shelter was intended for, as well as put up with the unsightly and noxious effluence being discharged from the site".

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

ACRES had sued ANA Contractor and Mr Tan in September 2008.

In March last year, while Justice Kan Ting Chiu found ANA Contractor liable and ordered the company to pay damages, he dismissed ACRES' claim against Mr Tan personally,

The group then appealed against the dismissal.

ACRES executive director Louis Ng, said it will proceed to assess damages against both ANA Contractor and Mr Tan.

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