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## **Susan Lim decides to appeal against High Court verdict**

**By MICHELLE QUAH**

SUSAN Lim has decided to appeal the High Court's decision to dismiss her attempt to stop the Singapore Medical Council (SMC) from trying her case.

She filed her Notice of Appeal to the Court of Appeal - Singapore's final court of appeal - yesterday afternoon, in which she stated that she was 'dissatisfied with the decision of the Honourable Justice Philip Pillai given on the 26th day of May 2011'.

Justice Pillai had said he found no evidence of the illegality, impropriety or bias on the part of the SMC alleged by Dr Lim in her applications - applications which Dr Lim told The Business Times were motivated by something Chief Justice Chan Sek Keong had said.

Her move to appeal means that, even though the High Court had dismissed her efforts to stop the SMC from trying her case, the second disciplinary committee appointed by the council cannot proceed until after her appeal is heard.

Dr Lim will now have two months in which to file the grounds of her appeal.

Justice Pillai had dismissed Dr Lim's applications to quash and prohibit the SMC from looking further into allegations that she had overcharged her wealthy Bruneian patient. He had called Dr Lim's allegations 'weightless', her arguments 'strained' and her assertions 'bald'.

Speaking exclusively to BT two weeks after the delivery of Justice Pillai's judgment, Dr Lim said that her decision to apply for a judicial review of the SMC's disciplinary process was, in part, prompted by something the chief justice had said. Some months after the first disciplinary committee recused itself, Dr Lim came across a speech made by CJ Chan last October, in which he talked about how judicial review of administrative actions can meaningfully contribute to good governance.

'It really gave me a lot of comfort that I was doing the right thing, because what the chief justice said is that a judicial review is about the application by a private citizen to challenge the lawfulness of the governance of a public body,' she said.

She added that her decision to apply for a judicial review was not a way of circumventing the SMC's disciplinary process, as many took it to be.

'I have the highest regard for the judicial system of Singapore and its leadership because I am a child of the soil.

'I, as a law-abiding Singaporean, submitted myself (to the disciplinary process.'

But when she lost confidence in that process, she said she felt she had 'the right to question'.

Applying for a judicial review, however, meant that what would otherwise have remained a confidential matter between Dr Lim and the SMC was later exposed to the entire public -

along with the SMC's allegations of massive mark-ups and grossly inflated bills.

Dr Lim said she was not worried about what the publication of such material would do to her, but that she was concerned about the possible breach of confidentiality for her patient, who was a very private person.

And that, she said, was the impetus for her to write to then-foreign minister George Yeo - a letter which the SMC said amounted to a threat to the minister and another attempt by Dr Lim to 'subvert the legal process'.

She said she wrote to Mr Yeo only because he was copied in earlier correspondence between her and Brunei's Health Ministry.

'I know George personally. Why would I threaten him? What I wrote to him was in no way threatening. It was a letter written with such good intentions. And I would do it again to protect my patient's confidentiality,' she said.

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## Timeline

**Oct 2001:** Pengiran Anak Hajah Damit, younger sister of the Queen of Brunei, comes to see Dr Susan Lim with advanced-stage cancer.

**May 2004:** The Queen of Brunei asks Dr Lim to take a look at her sister as she cannot walk. Subsequently, Pengiran agrees to come to Singapore for treatment if Dr Lim acts as her primary physician.

**2007:** The year of dispute. Patient becomes very ill and Dr Lim says she and her team spend 153 days of the year working intensively on her patient.

**July 2007:** Brunei's Ministry of Health (MOHB) expresses concern about Dr Lim's bill (then \$24.8 million).

**Aug 2007:** Dr Lim sends her final discounted bill of \$12.1 million to MOHB. Patient dies some days later.

**End-Aug 2007:** MOHB writes to Singapore's Ministry of Health (MOHS) about Dr Lim's bill.

**Nov 2007:** 'Don't pay me then.' Dr Lim tells Brunei not to pay her anything except the third-party costs.

**Jan 2009:** Meeting between Dr Lim and MOHB, in which Dr Lim says she held firm to her invoiced amount of \$12.1 million.

**Jan 2010:** Disciplinary inquiry into Dr Lim's charges begins.

**July 2010:** First disciplinary committee recuses itself.

**Sept 2010:** Second disciplinary committee is convened. Dr Lim subsequently applies for a judicial review.

**May 2011:** High Court dismisses her applications for a judicial review.

**June 2011:** Dr Lim files notice of appeal against High Court decision.

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