

Celine Fong (LKKAUTO)

From: Boo Moh Cheh <boo@kurupnboo.com.sg>
Sent: Tuesday, 28 September 2021 10:26 AM
To: Celine Fong (LKKAUTO); 'Chee Kiong'
Cc: 'Samson Woon'; 'Gideon Phng'; assignments; yewtee@fkl.com.sg; 'Heng Xin Yi'
Subject: RE: URGENT - SJE APPOINTMENT : SOP file ref: 20.28017 : MC 7494 OF 2020 - GIN TIAN LOGISTICS PTE LTD (OWNER) : 21.28017
Attachments: 3375.EMAIL.LKK.28.9.21.pdf

Our Ref : BMC.3375.19..wh

Dear Mr Xing Guo Qiang

MC / MC SUIT NO. 7494 OF 2020
CLAIMANT: GIM TIAN LOGISTICS PTE LTD (OWNER)
CLAIMANT'S VEHICLE NO. XE 3025Z
ALLEGED ACCIDENT DATE: 18.08.2019
AXA VEHICLE NO: SHD 9516D

We refer to the law report named Ley Choon Constructions and Engineering Pte Ltd v Tan Koon Huee Adrian ("**Ley Choon Constructions**") that Mr Tan Chee Kiong sent to you under the covering of his email dated 27 September 2021 at 4.37 pm.

Our present email is to inform you that the learned Deputy Registrar's decision in Ley Choon Constructions is not applicable to the cost of repairs in the present case.

We attach copies of the following documents for your attention:

- 1) The first two page in the Ley Choon Constructions marked as page Y1 & Y2
- 2) The quotation dated 7 January 2020 and the Tax Invoice dated 19 February 2020 for costs at \$68,266.00 for a new complete Scorpion Truck Mounted Attenuator ("**TMA**") marked as page Z3 & Z4 in relation to another of our client's case involving damage to the complete TMA.

In page Y2, you will note that the Court noted the following facts:

- (a) At paragraph 4(a) the Ley Choon Constructions was claiming \$48,000.00 being the costs of a new TMA.
- (b) In paragraph 5, the Plaintiff claimed \$53,630, comprising \$51,830 being the cost of supplying and installing a new TMA and \$1,800 being damages for the loss of use of the TMA.

In January /February 2020 the cost of a new Scorpion brand TMA is \$68,266.00 (inclusive of GST) see pages Z3 and Z4.

In our present case, our client is claiming only a sum of \$11,663.00. Please see page 47 of Mr Yip Kai Sum's Affidavit of Evidence in Chief ("**AEIC**").

Our client is only claiming for part of the TMA that was damaged; the part being the Module A Energy Absorber priced at \$9,500.00 (before GST). Please refer to page 47 of Mr Yip Kai Sum's AEIC.

To show you what is Module A Energy Absorber part of complete Scorpion brand TMA, you may wish to turn to page 42 of Mr Yip Kai Sum's AEIC. This photograph of the complete Scorpion will show you that the Module A is only a small part of the complete Scorpion TMA.

Accordingly, we must emphasize that Ley Choon Constructions' case is not applicable because the Plaintiff in Ley Choon Constructions was claiming the total loss of the damaged TMA for a new one.

In our present case, our client is only claiming for cost of repair at \$11,663.00 inclusive of GST (please see page 47 of Mr Yip Kai Sum's AEIC) as against the total cost of the complete Scorpion brand TMA priced at \$68,266.00 (inclusive of GST) – see page Z4.

Regards

Boo Moh Cheh
Kurup & Boo
111 North Bridge Road
#15-03 Peninsula Plaza
Singapore 179098
Tel : 6223 3343
Fax : 6225 7248

From: cheekiong@seahong.com.sg <cheekiong@seahong.com.sg>
Sent: Monday, 27 September, 2021 4:37 PM
To: 'Boo Moh Cheh' <boo@kurupnboo.com.sg>; 'Celine Fong (LKKAUTO)' <celinefong@lkkauto.com>
Cc: 'Samson Woon' <samson@seahong.com.sg>; 'Gideon Phng' <gideon@seahong.com.sg>; 'assignments' <assignments@lkkauto.com>; yewtee@fkl.com.sg; 'Heng Xin Yi' <xinyi@seahong.com.sg>
Subject: RE: URGENT - SJE APPOINTMENT : SOP file ref: 20.28017 : MC 7494 OF 2020 - GIN TIAN LOGISTICS PTE LTD (OWNER) : 21.28017

Dear Guo Qiang

I refer to the above.

I enclose herewith the decision for the case of Ley Choon vs Tan Koon Huee for your perusal.

Yours
Chee Kiong

From: Boo Moh Cheh <boo@kurupnboo.com.sg>
Sent: Monday, 27 September 2021 2:09 pm
To: 'Celine Fong (LKKAUTO)' <celinefong@lkkauto.com>
Cc: 'Samson Woon' <samson@seahong.com.sg>; 'Gideon Phng' <gideon@seahong.com.sg>; 'assignments' <assignments@lkkauto.com>; yewtee@fkl.com.sg; 'Heng Xin Yi' <xinyi@seahong.com.sg>; 'Chee Kiong' <cheekiong@seahong.com.sg>
Subject: RE: URGENT - SJE APPOINTMENT : SOP file ref: 20.28017 : MC 7494 OF 2020 - GIN TIAN LOGISTICS PTE LTD (OWNER) : 21.28017

Our Ref : BMC.3375.19..wh

Dear Mr Xing Guo Qiang

MC / MC SUIT NO.	7494 OF 2020
CLAIMANT:	GIM TIAN LOGISTICS PTE LTD (OWNER)
CLAIMANT'S VEHICLE NO.	XE 3025Z
ALLEGED ACCIDENT DATE:	18.08.2019
AXA VEHICLE NO:	SHD 9516D

We act for Gim Tian Logistics Pte Ltd in the above Court Case.

We refer to the two emails dated 27 September 2021 sent to by Mr Tan Chee Kiong of Seah Ong & Partners LLP.

Our client is the owner of the Scorpion brand Truck Mounted Attenuator that was damaged the accident on 18.8.2019 ("**the TMA**"). This email is to put you on notice that the Land Transport Authority ("**the LTA**") considers all Truck Mounted Attenuator ("**all TMAs**") to be safety equipment used for road works on expressway and roads in speed limit 70km/h in Singapore.

In this respect, the LTA has therefore issued a Code of Practice for Traffic Control at Work Zone (July 2019 edition) for amongst others, installation, maintenance and repairs all TMAs. In summary, the LTA requires the following:

- 1) Installation : The TMA shall be installed by a workshop authorised by the TMA manufacturer in accordance with the Drawings approved by Vehicle Approval & Control (VAC) of LTA
- 2) Requirements for inspection, maintenance and repair to be carried out by authorised workshop shall meet the requirements specified by the manufacturer

For Scorpion brand TMAs, the manufacturer's approved workshop is Eng Soon Huat Engineering Worsk and the sole dealer is Inopave Group Pte Ltd.

We attach the Affidavit of Evidence in Chief ("**AEIC**") of Mr See Tiong Soon of Eng Soon Huat Engineering Works and Mr Yip Kai Sum of Inopave Group Pte Ltd.

In the case of Mr See Tiong Soon, you may wish to refer to the documents exhibited from pages 21 to 36 of his AEIC. In particular, you may wish to refer to the paragraphs in pages 33 and 35.

In the case of Mr Yip Kai Sum you should refer to pages 23 to 36 of his AEIC in particular you should focus on the highlighted paragraphs in pages 34 & 36.

Please let us know if you require further clarification.

Regards

Boo Moh Cheh
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Fax : 6225 7248

From: cheekiong@seahong.com.sg <cheekiong@seahong.com.sg>

Sent: Monday, 27 September, 2021 9:43 AM

To: 'Celine Fong (LKKAuto)' <celinefong@lkkauto.com>

Cc: 'Samson Woon' <samson@seahong.com.sg>; 'Gideon Phng' <gideon@seahong.com.sg>; 'assignments' <assignments@lkkauto.com>; yewtee@fkl.com.sg; 'Boo Moh Cheh' <boo@kurupnboo.com.sg>; 'Heng Xin Yi' <xinyi@seahong.com.sg>

Subject: RE: URGENT - SJE APPOINTMENT : SOP file ref: 20.28017 : MC 7494 OF 2020 - GIN TIAN LOGISTICS PTE LTD (OWNER) : 21.28017

Video enclosed

From: cheekiong@seahong.com.sg <cheekiong@seahong.com.sg>

Sent: Monday, 27 September 2021 9:42 am

To: 'Celine Fong (LKKAuto)' <celinefong@lkkauto.com>

Cc: 'Samson Woon' <samson@seahong.com.sg>; 'Gideon Phng' <gideon@seahong.com.sg>; 'assignments' <assignments@lkkauto.com>; yewtee@fkl.com.sg <yewtee@fkl.com.sg>; 'Boo Moh Cheh' <boo@kurupnboo.com.sg>; 'Heng Xin Yi' <xinyi@seahong.com.sg>

Subject: RE: URGENT - SJE APPOINTMENT : SOP file ref: 20.28017 : MC 7494 OF 2020 - GIN TIAN LOGISTICS PTE LTD (OWNER) : 21.28017

Solicitors for the Plaintiff: Kurup & Boo
File ref: BMC.3375.19.wh

Solicitors for the 2nd Defendant: Foo Kwok LLC
File ref: KCYT/R2-644-20/nn

Dear Mr Xing Guo Qiang

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CLAIMANT: GIM TIAN LOGISTICS PTE LTD (OWNER)
CLAIMANT'S VEHICLE NO. XE 3025Z
ALLEGED ACCIDENT DATE: 18.08.2019
AXA VEHICLE NO: SHD 9516D

1. We act for the 1st Defendant in the above action and M/s Kurup & Boo acts for the Plaintiff and M/s Foo Kwok LLC acts for the 2nd Defendant. Kindly note that they are also copied in this email.
2. **Please be informed that the Court has appointed you, Mr Xing Guo Qiang, as the single joint expert for this action.** As the SJE, your duty is to give your recommendation and report to the Court on issue of damage, repair cost and period of repair. The vehicle which is damaged in this case is a Truck Mounted Attenuator ("TMA").
3. We forward the following for your attention.
 - a. Parties' GIA statement and photos;
 - b. The 1st Defendant's accident video footage (will send by a later email).
 - c. Our client's surveyor report.
 - d. Plaintiff's surveyor's report, letter of demand (with enclosures), scene photos and invoice.
4. Please forward your SJE report by 18 October 2021. Thanks !

Yours
Chee Kiong