

38 XLEY ROAD

Game Design by
Sudhir Vadaketh

3 TO 5 PLAYERS
AGES 60 AND UP



THE BATTLE OVER LEE KUAN YEW'S LAST WILL

by Sudhir Vadaketh

Preface

Lee Kuan Yew (LKY), Singapore's first prime minister, passed away in 2015. In 2017 it came to light that his three children were bitterly divided over what to do with LKY's house at 38 Oxley Road, which has political significance as the birthplace of the ruling People's Action Party (PAP), but which LKY had long said that he wanted to destroy.

His oldest child and current prime minister of Singapore, Lee Hsien Loong (LHL), argued that LKY was open to the idea of preserving the house.¹ LKY's two other children and executors of his estate, Lee Wei Ling (LWL) and Lee Hsien Yang (LHY), believed that LKY wanted the house demolished, and that he had effectively been forced by the establishment into accepting preservation as a viable option.

Though Singaporeans surveyed in 2015 overwhelmingly favoured the demolition option, two camps have emerged, broadly along partisan lines.² The establishment and the PAP appear to support LHL's view of LKY's intentions vis-à-vis 38 Oxley Road, while many in the opposition seem to back the position of LWL and LHY, especially after the latter joined the Progress Singapore Party in 2020.

This partisanship has been mirrored in the media, with mainstream channels echoing LHL's viewpoint and alternative ones generally offering support to his siblings' position.

The attendant streams of accusations and counter-accusations have muddied the waters, with a lack of clarity around a number of issues, including what LKY actually wanted to do with the property; what motivated LHL, LWL and LHY as they pursued their respective positions on the matter; and what roles, if any, Ho Ching (HC) and Lee Suet Fern (LSF), the spouses of LHL and LHY respectively, might have played in the episode.

This book is an attempt to shine a light on these and other issues.

Why now? 2020–21 saw mountains of fresh evidence, including hundreds of e-mails between the Lees, released into the public domain. This happened because of a few legal battles, primarily the case by the Law Society of Singapore against LSF for alleged misconduct in the preparation of LKY's last will.

¹ See [this explainer on conservation and preservation options](#) for the house.

² In [a survey conducted in 2015 by YouGoy](#), 77 percent of Singaporeans said that they are in favour of demolition (only 15 percent were opposed to it).

The Court of Three Judges (C3J), the legal profession's highest disciplinary body, ultimately found LSF guilty of a lesser charge of misconduct and gave her a 15-month suspension from practising law (a verdict that has been the subject of much debate within Singapore's legal fraternity). Media outlets have focussed largely on the verdict and have not bothered scrutinising the evidence for other revelations about the larger Oxley Road crisis. Over the past year, my team and I have done so.

The other reason why it is important to examine this issue now is that an important deadline may be approaching. Once LWL is no longer living at 38 Oxley Road, the Singapore government will have to make a decision as to whether or not to interfere with the free property rights of its current owner, LHY, possibly by gazetting the property under the Preservation of Monuments Act.³ Given LWL's [ailing health](#), this may happen in the coming years.

If the government is to make a decision fair to all parties, and not one that serves one political agenda or another, it is important for all of us to understand not only LKY's own wishes, but also the motivations of all interested parties.

Given the book's focus on the will and the house, it is prudent here to mention what will not be covered. Ancillary cases and investigations—most notably the government's contempt of court case against Li Shengwu, one of LKY's grandsons—as well as other allegations and debates that do not concern the house itself, interesting as they are, are beyond the scope of this book.

At a broader level, some believe that the Lee family drama is just symptomatic of an unresolved sibling rivalry, one that does not merit public interest. Yet given the enduring influence of the family on Singapore, it would be somewhat naive to write this off as a petty squabble in the palace court.

Quite the contrary, the battle over Lee Kuan Yew's last will has offered Singaporeans and observers a peek into the nature of political power among a traditionally guarded and reticent elite. The issues surrounding this battle, from the power of the executive to the privilege of the members of Singapore's first family, cut to the heart of our democracy.

These issues must be interrogated, even if for no other reason than to remind the power brokers in Singapore that these things matter.

³LKY bequeathed the property to LHL, who [then sold it to LHY at market price in 2015](#), seemingly so that the latter could proceed to deal with the demolition issue as he pleased. To be clear, the government can take action on 38 Oxley Road at any time; indeed, some believe that the [amendments it made in November last year to the Preservation of Monuments Act](#) is a precursor to intervention. Nevertheless, I am basing this presumed deadline on LHL's statement in Parliament on 13 April 2015, in which he said that only after LWL "no longer lives in the house" will it be up to the "Government of the day to consider" what to do with 38 Oxley Road.

Author's note and source material

This is the latest and most in-depth of several pieces that I have published on the Lee family over the past few years.

Previous ones include:

[“Lee Kuan Yew Obituary”](#), *Mothership*, 24 March 2015

[“The Oxley Road Dispute and Singapore’s Future”](#), *Foreign Affairs*, 19 July 2017

[“Some final thoughts on Oxley”](#), *Musings from Singapore*, 21 July 2017

Like anyone who writes about Singapore, I have long been fascinated by LKY. Moreover, events of the past few years have made it clear to me that for one to understand Singapore, one has to understand the workings of the broader Lee family.

By no means do I see this piece as a final word on LKY’s will. Rather, it is just another addition to the general public discourse on him and his family, and will hopefully be one day seen as a stepping stone to a more exhaustive exploration of them, and of Singapore.

Importantly, this piece does not incorporate any primary interviews. It relies almost exclusively on secondary research, including the compilation of affidavits, pleadings, formal documents and submissions from the LSF case. In February this year, Singapore’s Supreme Court approved my request to access the case file for this book, but stated that I cannot reproduce it. Others who wish to access the source material, which is referenced throughout, will have to make an application through the Supreme Court (Case C3J/OS 2/2020).

I did not interview anybody because I have limited access. In January last year I wrote to the National Heritage Board (NHB) and the Urban Redevelopment Authority (URA), both of whom politely declined my interview request, pointing me to the Ministerial Committee (MC) Report.⁴ I decided not to make any further requests of the administrative and political elite.

With regards to the Lee family, LHY and LSF, along with one of their three sons, Li Huanwu, are the only three members whom I know personally. It may be years, if at all, before I can secure interviews with the others, including LHL, HC, LWL and the entire next generation of Lees. Including conversations from only one side of the family would, for this topic, necessarily lead to a slanted narrative.

Several lawyers familiar with the case spoke to me off the record, providing background info and helping me understand the legal technicalities of the cases.

⁴Some readers may wonder about the somewhat irregular relationship between NHB, URA and the MC in this matter. See Appendix: Why the formation and findings of the Ministerial Committee are problematic.

The one exception to my lack of primary research is in my direct and specific requests for comment. Before the publication of this piece, in order to seek clarification on unresolved issues in the secondary research, I sent out several requests for comment to the following parties: LHL; LHY and LWL; and Teo Chee Hean and the Ministerial Committee on 38 Oxley Road. I have included both my requests and their responses in the Appendix.

In terms of style, there is a tension between the need for consistency and my desire to preserve the integrity of quotes. For instance, while I prefer to write “the cabinet”—meaning here a political body, not a piece of furniture—there are times when people quoted have written in their e-mails either “Cabinet” or “cabinet”. I have kept their original formulations even at the risk of some stylistic inconsistency.

I would like to thank my team of researchers and advisors for their work over the past year. All of them have chosen to remain anonymous. Thanks also to readers, including Chong Ja Ian, Sonny Liew and Loke Hoe-Yeong, and my editor, Tsen-Waye Tay. All errors are solely my responsibility.

Thanks also to Sonny ([@sonny_liew](#)) for the illustration used for the book’s cover and Shen ([@harlowss](#)) for design and layout. Finally, I would like to thank all the Singaporeans who donated money to my blog, Musings from Singapore ([sudhirtv.com](#)), over the past 18 months. Your support has enabled our team to produce this book and distribute it freely.

Sudhir, June 2022.

How to read this book

I have structured the book in the form of an expanded research paper. There is no slow progression to a grand conclusion. Instead, the key takeaways are in the Executive Summary at the start. If you have only a few minutes, read that.

Subsequent to the Executive Summary is a breakdown of every point, separated into three sections: Lee Kuan Yew's wishes; The investigation; and The children's wishes. The takeaway is in bold and its elaboration below.

In some places the reader may encounter repetition of material. I have tried to minimise this, but it is to some extent unavoidable. It is my hope that this book serves as a stepping stone to a more traditional narrative exploration of Lee Kuan Yew and his family.

About the author

Sudhir Thomas Vadaketh is a Singaporean writer. He is the author of *Floating on a Malayan Breeze: Travels in Malaysia and Singapore* and co-author of *Hard Choices: Challenging the Singapore Consensus*. His work has appeared in a variety of publications, including *The Economist*, *Foreign Affairs*, *Mekong Review*, *MIT Technology Review*, *Nikkei Asian Review*, *The Straits Times* and *South China Morning Post*. Ahead of GE2020 he created a series of four videos that were published on social media and on his blog.

This book represents, for the foreseeable future, Sudhir's last independent effort in Singapore. He has just co-founded a weekly digital magazine, *Jom*, that will be focussed on a broad range of Singaporean issues, from arts and culture to business and politics. *Jom* hopes to grow into an important, credible, independent source of high-quality journalism, producing weekly content but also in-depth investigative reports, such as this one, which are many months in the making.

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The family

Ho Ching (HC)	Lee Hsien Loong's second wife; former boss of Temasek
Kwa Geok Choo	Lee Kuan Yew's late wife; lawyer, co-founder of Lee & Lee
Lee Kuan Yew (LKY)	Singapore's first prime minister
Lee Hsien Loong (LHL)	Lee Kuan Yew's oldest child; current prime minister
Lee Hsien Yang (LHY)	Lee Kuan Yew's youngest child; senior business executive
Lee Suet Fern (LSF)	Lee Hsien Yang's wife; lawyer
Lee Wei Ling (LWL)	Lee Kuan Yew's middle child; doctor

Other key individuals

Kwa Kim Li	Lee Kuan Yew's personal lawyer (and niece)
Elizabeth Kong	Lawyer from LSF's firm in attendance at last will signing
Bernard Lui	Lawyer from LSF's firm in attendance at last will signing
Ng Joo Khin	Lawyer from LSF's firm in attendance at will reading
Teo Chee Hean	Minister, head of the Ministerial Committee on 38 Oxley Road
Lawrence Wong	Minister, member of the Ministerial Committee on 38 Oxley Road
Wong Lin Hoe	Lee Kuan Yew's personal secretary
Lucien Wong	Lee Hsien Loong's personal lawyer turned attorney-general

Other bodies and groups

Court of Three Judges (C3J)	The court that ultimately decided on the case of <i>Law Society of Singapore v Lee Suet Fern</i> . The highest disciplinary body for the legal profession
Disciplinary Tribunal (DT)	The tribunal that first adjudicated on the case of <i>Law Society of Singapore v Lee Suet Fern</i>
Ministerial Committee on 38 Oxley Road (MC)	A committee formed in July 2016 to consider the options for 38 Oxley Road
The executors	Lee Wei Ling and Lee Hsien Yang are the executors of Lee Kuan Yew's estate

Note: It is a conscious, stylistic decision not to use abbreviations for all the parties listed above, but only for those who appear more regularly.

Lee Kuan Yew's Demolition Clause

“I further declare that it is my wish and the wish of my late wife, Kwa Geok Choo, that our house at 38 Oxley Road, Singapore 238629 (“the House”) be demolished immediately after my death, or if my daughter Wei Ling would prefer to continue living in the original house, immediately after she moves out of the House. I would ask each of my children to ensure our wishes with respect to the demolition of the House be carried out.

If our children are unable to demolish the House as a result of any changes in the laws, rules or regulations binding them, it is my wish that the House never be opened to others except my children, their families and descendants.

My view on this has been made public before and remains unchanged. My statement of wishes in this paragraph 7 may be publicly disclosed notwithstanding that the rest of my Will is [private](#).”

Lee Kuan Yew's wishes

Lee Kuan Yew had long wanted 38 Oxley Road to be demolished...

...and while he was open-minded enough to listen to contrarian views...

...he ultimately decided that he still wanted the house demolished, which is why he included a Demolition Clause in his first will, and, most importantly, in his seventh and last will. Based on available evidence, there is no doubt about Lee Kuan Yew's wishes vis-à-vis 38 Oxley Road: he wanted the entire house demolished—nothing else—but he was aware that it might not be.

This is what we now know. It appears, however, that in the weeks following Lee Kuan Yew's death in 2015, there may have been legitimate doubt about his wishes...

...and thus an investigation into the circumstances of his flip-flops, as expressed in seven different wills, may have been warranted...

...yet it is puzzling why the investigation was conducted not solely by the courts but, once probate had been granted, initially by the executive political machinery.

The investigation

In the months and years following Lee Kuan Yew's passing, a few of Lee Suet Fern, Lee Wei Ling and Lee Hsien Yang's actions and words may have justifiably warranted suspicion among the establishment about their true motives...

...so an investigation was arguably necessary to examine their roles in the signing of Lee Kuan Yew's last will. Most importantly, the investigation found that Lee Suet Fern and Lee Hsien Yang, the only two family members involved in the signing of the last will, were following Lee Kuan Yew's orders with respect to his last will...

...the investigation has also shown that Lee Kuan Yew wanted the house demolished, and that in signing his last will he was not deliberately misled or manipulated by Lee Suet Fern, Lee Hsien Yang, or anybody else...

...Lee Kuan Yew was of sound mind and signed the last will, line by line, that he wanted to sign...

...even though the Court of Three Judges cleared Lee Suet Fern of the more serious misconduct charge—in a case brought by the Law Society of Singapore—it found her guilty of the lesser one and suspended her for 15 months, a verdict that has been the subject of much debate...

...in following Lee Kuan Yew's orders Lee Suet Fern was also found to have made one error, which reflects an oversight, not ill-intent...

...Lee Suet Fern has been punished for her error and role in the process, and one might reasonably ask why Lee Kuan Yew himself chose to involve her...

...lawyers in Singapore might view this episode as confirmation that one should not get involved in the wills of one's parents/benefactors...

...in summary the salient finding of the investigation is not that Lee Suet Fern was found to have made an error, but rather that she (and by association Lee Hsien Yang) has been cleared of all suspicion of improper motives or manipulations vis-à-vis Lee Kuan Yew and his will...

...and that Lee Kuan Yew did indeed want his house demolished.

The children's wishes

Lee Hsien Loong was seemingly torn between following his father's demolition wish and serving the establishment's interests.

Lee Wei Ling was seemingly torn between following her father's demolition wish and her desire to keep living in the house (the only one she has ever known).

Lee Hsien Yang, although mindful of the property's value to LKY's estate, was seemingly motivated only by a desire to follow his father's demolition wish.

Lee Suet Fern appeared throughout to simply be following Lee Kuan Yew and Lee Hsien Yang's instructions with regards to 38 Oxley Road.

Ho Ching appeared to be enthusiastic about the prospect of redeveloping (and possibly moving into) 38 Oxley Road; but this was an arrangement that had the blessings of Lee Kuan Yew, who indeed was quite happy for her to lead the redevelopment.

In 2011, Lee Kuan Yew was the first to suggest that 38 Oxley Road (and adjoining properties) should be rezoned so that its full financial value could be reaped by the family...

...however, Lee Hsien Loong did not want to be seen to be profiting financially from 38 Oxley Road...

...but Lee Wei Ling and Lee Hsien Yang had no such qualms...

...and that is the sum of any differences in financial motivation, which Lee Kuan Yew appreciated and supported.

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Lee Kuan Yew had long wanted 38 Oxley Road to be demolished...

“I’ve told the Cabinet, when I’m dead, demolish it,” [LKY told journalists](#) working on his book, *Hard Truths to Keep Singapore Going* (2011). “I’ve seen other houses, Nehru’s, Shakespeare’s. They become a shambles after a while. People trudge through. Because of my house the neighbouring houses cannot build high. Now demolish my house and change the planning rules, go up, the land value will go up.”

Kwa Geok Choo, his late wife, did not want the house to be turned into “a museum for people to tramp through”, LKY told his children in 2012.⁵ She was “[distressed at the thought](#) of people coming through her private spaces”, LHL told Parliament in 2015.

All this must also be set against the backdrop of LKY’s well-known disdain for monuments, noted by fellow PAP politicians such as [LHL](#) and [Ng Eng Hen](#), but perhaps best captured by Li Shengwu, his grandson, as [part of his eulogy](#) for LKY:

“Once, at the suggestion that a monument might be made for him, my grandfather replied, ‘Remember Ozymandias’. He was, of course, referring to Shelley’s sonnet about Ramses the Second, the greatest Pharaoh of the Egyptian empire. In the poem, a lone traveller encounters a broken statue in the desert. On the statue, the inscription, ‘My name is Ozymandias, King of Kings; look on my works, ye mighty, and despair!’ Nothing beside remains.

I think his meaning was that, if Singapore does not persist, then a monument will be no help. And if Singapore does persist, then a monument will be unnecessary. And that assessment is accurate: His legacy is not cold stone, but a living nation. We could no more forget him than we could forget the sky.”

*“His legacy is not cold stone, but a living nation.
We could no more forget him than we could forget the sky.”*

– Li Shengwu, LKY’s grandson



⁵ E-mail from LKY to HC with all children and LSF in cc, 3 Jan 2012, p. 277, Volume 1 Part C, C3J/OS 2 of 2020

...and while he was open-minded enough to listen to contrarian views...

There is sufficient evidence of LKY's open-mindedness on the question of 38 Oxley Road, particularly from an e-mail exchange⁶ in March 2011 with, among others, Patrick Daniel, an English newspaper editor; Mohd Guntor Sadali, a Malay newspaper editor; Han Fook Kwang, an English newspaper editor; Lim Jim Koon, a Chinese newspaper editor; and Andrew Tan, CEO of the National Environment Agency. Also cc-ed were some ministers in the prime minister's office and all interested family members.

The exchange was sparked by LKY's desire to memorialise conversations that had occurred in the house:

"...38 Oxley Road will be demolished when I am no longer here. I suggested a scale model of the house be built because major decisions were made there that have affected and shaped the future of Singapore:

- 1) Formation of the PAP: discussions in my basement dining room from 1952 to 1954;
- 2) 1955 – contest of Legislative Council elections to fill only 4 seats;
- 3) 1959 – to fill all 51 seats to win and form the government;
- 4) 1961 – split with the Chinese-educated left wing types to form Barisan Sosialis led by Dr Lee Siew Choh;
- 5) 1962-63 – discussion on how we should go from Merger and Malaysia, and join the central government in crippling the Barisan and pro-CP [Communist Party] types;
- 6) 1965 – expulsion from Malaysia to independent Singapore.

I can remember still who took part in these discussions at my dining room in the basement floor and these should be recorded, transcribed and corrected by me and put in the National Archives. A summary can be attached to the scale model of the house..."⁷

Below are some excerpts from the subsequent e-mail conversations:

Lim's e-mail to group⁸:

"...Rather than building a scale model of 38 Oxley Road, wouldn't it be better to conserve it and turn it into a museum like the Sun Yat Sen Nanyang Memorial Hall? A rebuilt model, no matter how closely it resembles the original, would not have the same value and could not replace it..."

⁶ E-mails between LKY and newspaper editors, 18 Mar 2011, p. 168-179, Volume 1 Part C, C3J/OS 2 of 2020

⁷ E-mail from LKY to Andrew Tan with newspaper editors in cc, 17 Mar 2011, p. 171, Volume 1 (Part C), C3J/OS 2 of 2020

⁸ E-mail from Lim Jim Koon to LKY with newspaper editors in cc, 18 Mar 2011, p. 170, Volume 1 (Part C), C3J/OS 2 of 2020

LKY responding to Lim⁹:

“...Would be very costly to maintain and kept [sic] in good state, esp with people trampling through it. I do not want to burden the govt for many years. That’s why I decided it is best to demolish it. Am I wrong? What’s the opinion of the others? Do a straw poll of your senior staff.”

Han’s e-mail to group¹⁰:

“...That story which you are keen to tell to younger Singaporeans will have a greater impact and significance to them if the house was conserved and converted to a museum...”

LKY responding to Han¹¹:

“Noted. Let’s hear from the others.”

Guntor’s e-mail to group¹²:

“...given the chance, we would like to see inside the house...We should preserve the house and keep it as original as possible...the historical value of the house is priceless...please don’t tear it down. Because, if we demolish it, our next generations will regret it...”

Daniel’s e-mail to group (addressing LHY and LWL)¹³:

“...I understand fully your family’s desire to keep it as private space and that you considered the matter carefully...please consider again as 38 Oxley Rd deserves to be public space for future generations...”

...he ultimately decided that he still wanted the house demolished, which is why he included that Demolition Clause in his first will, and, most importantly, in his seventh and last will. Based on available evidence, there is no doubt about Lee Kuan Yew’s wishes vis-à-vis 38 Oxley Road: he wanted the entire house demolished—nothing else—but he was aware that it might not be.

Immediately after the robust exchange with the newspaper editors and historian in March 2011, there was a separate e-mail exchange involving the immediate family.¹⁴

LWL told LKY that “the decision is yours to make.”

LKY answered simply: “My decision is to knock it down.”

Those seven words are telling.

Having sought and received exhaustive views from Singaporean luminaries, LKY still wanted to knock down the 38 Oxley Road house.

⁹ E-mail reply from LKY to Lim Jim Koon, 18 Mar 2011, p. 170, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁰ E-mail from Han Fook Kwang to LKY with newspaper editors in cc, p. 169, Volume 1 (Part C), C3J/OS 2 of 2020

¹¹ E-mail reply from LKY to Han Fook Kwang, 18 Mar 2011, p. 169, Volume 1 (Part C), C3J/OS 2 of 2020

¹² E-mail from Guntor Sadali to LKY with newspaper editors in cc, 18 Mar 2011, p. 168, Volume 1 (Part C), C3J/OS 2 of 2020

¹³ E-mail from Patrick Daniel to LHY and LWL, 18 Mar 2011, p. 173, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁴ E-mails between LKY and all children, HC and LSF, 18 Mar 2011, p. 181-182, Volume 1 (Part C), C3J/OS 2 of 2020

On 20 August 2011, LKY signed what has become known as the “first will”, which included the Demolition Clause.¹⁵

LKY's Demolition Clause [reads](#):

“I further declare that it is my wish and the wish of my late wife, Kwa Geok Choo, that our house at 38 Oxley Road, Singapore 238629 (“the House”) be demolished immediately after my death, or if my daughter Wei Ling would prefer to continue living in the original house, immediately after she moves out of the House. I would ask each of my children to ensure our wishes with respect to the demolition of the House be carried out.

If our children are unable to demolish the House as a result of any changes in the laws, rules or regulations binding them, it is my wish that the House never be opened to others except my children, their families and descendants.

My view on this has been made public before and remains unchanged. My statement of wishes in this paragraph 7 may be publicly disclosed notwithstanding that the rest of my Will is private.”

LKY maintained the Demolition Clause in the second (21 December 2011), third (6 September 2012) and fourth wills (20 September 2012).¹⁶

He removed the Demolition Clause from his fifth (4 October 2012) and sixth (2 November 2012) wills¹⁷ almost certainly because, as we now know, he was under the mistaken impression that 38 Oxley Road had already been gazetted (the first step in a [conservation or preservation process](#)).¹⁸

Shortly after he realised that “de-gazetting” was an option—as captured in a 30 November 2013 exchange with Kwa Kim Li¹⁹—LKY wanted to sign his seventh and last will, in which he re-inserted the Demolition Clause.

The only period in which LKY did not include the clause in his wills was (approximately) the period when he was under a mistaken impression about gazetting. Throughout the periods when he knew the truth about the gazetting, including up to his death, he wanted the clause in.²⁰

Believing a falsehood, LKY took out the Demolition Clause. Armed with the truth, he put it back in. This is arguably the most important point vis-à-vis the Demolition Clause.

¹⁵ Throughout this book, in keeping with popular usage within the family and outside, I will refer to this 20 August 2011 will as the “first will”. LKY signed another six subsequently. He did, however, actually sign a will in 1995, which predates all these. It is irrelevant to the current dispute, and will be referred to here simply as the “original will”. For information on LKY's original 1995 will and the subsequent seven, see Appendix, Timeline: the seven wills

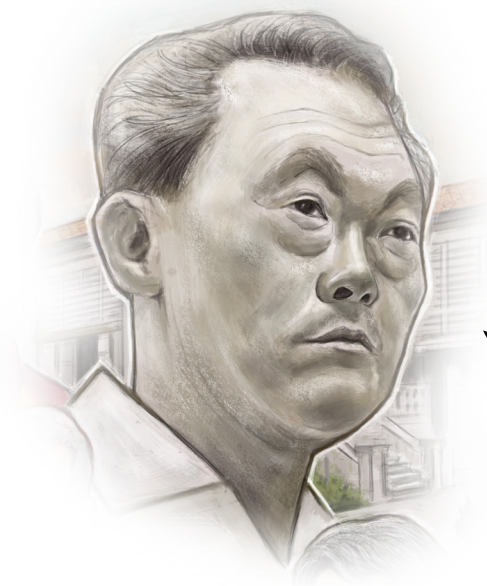
¹⁶ *Law Society v Lee Suet Fern [2020]* SGCH 255 at [5(a)-(d)]

¹⁷ *Law Society v Lee Suet Fern [2020]* SGCH 255 at [5(e)-(f)]

¹⁸ E-mail from LKY to Kwa Kim Li and LWL, 6 Sep 2012, p. 283, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁹ E-mail from Kwa Kim Li to LKY, 30 Nov 2013, p. 13, Volume 1 (Part D), C3J/OS 2 of 2020

²⁰ The slight caution expressed in this argument—about the connection between LKY's impression of gazetting and the Demolition Clause—is deliberate. He seemingly began to believe about gazetting around 6 September 2012, as per Kwa Kim Li's e-mail. Yet he did not immediately remove the clause from his third will (6 September 2012) and fourth will (20 September 2012) but only from his fifth will (4 October 2012). This is the thought process behind my statement: “The only period in which LKY did not include the clause in his wills was (approximately) the period when he was under a mistaken impression about gazetting.”



“My decision is to knock it down.”

– Lee Kuan Yew

So, what exactly were LKY's wishes regarding the house?

- His primary wish was for the entire house to be demolished.
- In the event that it could not be, his secondary wish was that “the house never be opened to others except my children, their families and descendants.”

The presence of a secondary wish, then, is proof that LKY was aware that his primary wish may not be fulfilled. What led him to this belief? Most likely it was because of conversations with LHL and with the cabinet on 21 July 2011.²¹ In a letter to the cabinet on 27 December 2011, LKY said that “Cabinet members were unanimous that 38 Oxley Road should not be demolished as I wanted.”²²

Much of the public disagreement between the establishment, including LHL and the MC on the one side, and the executors of LKY's estate (LHY and LWL) on the other, rests, I think, on the relative emphasis that they place on his primary and secondary wishes.

According to LHL, LKY “accepted” that the government “was likely” to preserve the house, and that “he was prepared for the House to be preserved”.²³

The MC, similarly, [concluded](#) that LKY was “prepared to accept options other than demolition.”²⁴

By contrast, LHY and LWL state that LKY felt forced into acquiescing to the

²¹ This is LHL's recollection: “Mr Lee attended that Cabinet meeting for the specific purpose of expressing his wish to Cabinet that the House be demolished after his passing. What he heard directly for himself at the Cabinet meeting was that the Ministers (other than me) were unanimously against the idea of demolishing the House...Soon after the meeting, Mr Lee asked me for my views on whether 38 Oxley Road would be retained as a heritage site. Given the strong views expressed by the Ministers during the Cabinet meeting of 21 July 2011, which also tied in with my own assessment of the public sentiment, I told Mr Lee that I felt that Cabinet was unlikely to agree to demolish the House after he died.” (LHL, Statutory declaration to MC, 27 Feb 2017, paras 13-15, p. 170, Volume 1 (Part A), C3J/OS 2 of 2020)

²² Note from LKY to the cabinet, 27 Dec 2011, p. 146, Volume 1 (Part B), C3J/OS 2 of 2020

²³ LHL submission to MC, 15 Sept 2016, paras 18 & 20, p. 39, Volume 1 (Part A), C3J/OS 2 of 2020

²⁴ Report of the Ministerial Committee on 38 Oxley Road, para 30, p. 13.

renovation plans because of the apparent inevitability of gazetting, which he “never accepted in any way or form.” According to them, LKY included his secondary wish in the will only “as a contingency...if the Government rejected his wish for the House to be demolished.”²⁵

My assessment, based on available evidence, is that the establishment (LHL and the MC) portrays LKY too positively vis-à-vis preservation, while the executors (LHY and LWL) portray him too negatively.

In other words, LKY seemed neither as cheery about preservation as LHL and the MC make out; nor as dead set against it as LHY and LWL suggest.

The establishment places too much emphasis on LKY's secondary wish; while the executors place too little.²⁶

The result of my thought process is a formulation that puts LKY's thinking between the two, albeit certainly closer to the executors':

LKY wanted the entire house demolished—nothing else—but he was aware that it might not be.

If Singaporeans in the future decide, for whatever reason, to preserve the house—parts of it, or in its entirety—we must be honest enough to face up to a simple fact: we will be directly and unambiguously going against the primary wish of LKY (as he worried we might).

This is what we now know. It appears, however, that in the weeks following Lee Kuan Yew's death in 2015, there may have been legitimate doubt about his wishes...

After LKY passed, LHL discovered that LKY had signed a total of seven wills.²⁷ While that is not in itself unusual, these attendant discoveries might have been²⁸:

- The Demolition Clause, which had existed in the first to fourth wills, had been taken out of the fifth and sixth wills before again being reinserted in the seventh and last will;
- Kwa Kim Li handled the signing of the first to sixth wills, but not the seventh and last will, in which the attending lawyers were senior lawyers from LSF's firm;

²⁵ Letter from LHY and LWL to MC, 28 Feb 2017, para 29, p. 263, Volume 1 (Part D), C3J/OS 2 of 2020

²⁶ The executors have consistently emphasised LKY's primary wish, while paying much less attention to his secondary wish. See next chapter.

²⁷ The fact that LHL obtained and read the seven wills is in itself controversial. LKY had apparently instructed Kwa Kim Li, his lawyer, to destroy all superseded wills, i.e. wills 1-6. In an e-mail to LHL, LHY and LWL on 4 June 2015, Kwa Kim Li shared file records of LKY's previous wills. She said “Each time your father signed a new will, he would ask me to destroy the old will. I have managed to put together the cancelled photocopies.” That she failed to do so is one of three reasons Singapore's High Court on 21 April 2021 [ordered a disciplinary tribunal investigation](#) into her alleged misconduct. On 14 March 2022 the Court of Appeal [affirmed the dismissal](#) of complaints against her. (See E-mail from Kwa Kim Li to LHL, LHY and LWL, 4 Jun 2015, p. 108, Volume 1 (Part D), C3J/OS 2 of 2020)

²⁸ Through a statutory declaration, LHL informed the MC of these discoveries, and released a summary of the declarations available [here](#).

- While there is a record of LKY asking Kwa Kim Li, his lawyer, to remove the Demolition Clause in the fifth and sixth wills²⁹, there is no record of him having asked anybody for the Clause to be reinserted in the seventh and last will;
- LSF and LHY appeared to have played unclear but potentially significant roles in the drafting and signing of the seventh and last will;
- According to LHL, at the reading of the last will (12 April 2015), LSF claimed that Ng Joo Khin, a lawyer from her firm, had handled the preparation of the last will. (LWL and LHY dispute that this exchange occurred.³⁰ Ng Joo Khin in 2017 said that he “did not act for or advise Mr Lee in the drafting and preparation of his Last Will”.³¹);
- LHY removed Kwa Kim Li from the e-mail correspondence on the evening of the signing of the seventh and last will; LSF brought her up to speed the next day after the will was signed;
- LHY’s (and LHL’s) share of the estate increased from the sixth to the seventh and last will, giving all three siblings an equal share (whereas in the sixth will LWL had a bigger share than her brothers, whose share was the same, in a 3:2:2 ratio); and
- In 2014 LWL had, in e-mails to HC, raised suspicions about LHY’s role in the last will, and him possibly having “played her out” with respect to her inheritance share, alongside the suggestion that LSF “has great influence on Yang”.³² (It was only in September 2015, some five months after the last will reading, that LWL, in a lawyer’s letter to LHL, recanted this suspicion.³³)

*“I hv adopted a Hindu concept demonstrated by this Tamil song below:
My widow follows me to the main door
My friends go w me to the main street
My children accompany me to the cemetery Who goes w me to the end.
I go alone to the end. It neither frightens or saddens me.
It is my fate n it suits me.”*

– Lee Wei Ling in an e-mail to Ho Ching, after having alleged that Lee Hsien Yang may have “played her out”, 2014



²⁹ E-mail from Kwa Kim Li to LHL, LHY and LWL, 4 Jun 2015, p. 108, Volume 1 (Part D), C3J/OS 2 of 2020

³⁰ There is no evidence to support LHL’s recollection. LWL and LHY dispute that this exchange happened (their letter to MC, 28 Feb 2017, para 61, p. 18, Volume 1 (Part E), C3J/OS 2 of 2020). This allegation is significant because LHL seems to have been especially [troubled by it](#) (para 22-23), likely one of the first things that raised his suspicions about possible shenanigans around the signing of LKY’s last will. From LHY and LWL’s perspective, the exchange did not even happen.

³¹ E-mail from Ng Joo Khin to Lawrence Wong, 21 Jun 2017, p. 241, Volume 1 (Part A), C3J/OS 2 of 2020

³² E-mail from LWL to HC, 28 Jul 2014, p. 92, Volume 1 (Part D), C3J/OS 2 of 2020

³³ Sept 2015 date – see Letter from executors to MC, 27 Feb 2017, para 58, p. 130, Volume 1 (Part A), C3J/OS 2 of 2020. In September 2016 LHL told the MC about the 2014 conversation between LWL and HC in which the former had shared her suspicions about LHY’s role, but, curiously, did not mention that LWL had already recanted these suspicions one year prior. Only later, including in a [June 2017 summary of his statutory declarations](#) released publicly, did LHL mention the recanting. In April this year, I asked LHL why he did not mention the recanting in his original, September 2016 letter to the MC. Through his press secretary he declined to respond.

...and thus an investigation into the circumstances of his flip-flops, as expressed in seven different wills, may have been warranted...

The above incongruencies might have reasonably worried LHL about the possible manipulation of LKY by LSF and LHY. This is true for him not only as a son and beneficiary but also as prime minister, and hence steward of the public's interest with anything concerning LKY.

LHL's siblings suggest that the entire investigation is a self-interested political one by a first family eager to perpetuate dynastic rule (suggestions LHL has denied). Whatever the validity of the siblings' claim—there is no evidence in the source material to support it—it would, in my view, be unfair to characterise LHL's behaviour as reflecting only political self-interest. Anybody in LHL's shoes might, I believe, have been perturbed by the above discoveries.

...yet it is puzzling why the investigation was conducted not solely by the courts but, once probate had been granted, initially by the executive political machinery.

Even though LHL appears to have had reasonable grounds for worry in 2015, it is not clear why he did not seek recourse through the courts, as would have been the normal procedure for any such family dispute.

On 6 October 2015 the Singapore courts granted probate³⁴ on the will, clearing LKY's estate, as represented by LHY and LWL, to execute it.³⁵

"I did not challenge the validity of the Last Will in court because I wished, to the extent possible, to avoid a public fight which would tarnish the name and reputation of Mr Lee and the family," said LHL [in his submission](#).

On the one hand, there is no clear reason why a court case for a private family matter would become a public fight, partly since the establishment effectively controls all accredited reporters with access to the courts. Singapore has no investigative media presence.

On the other hand, since all suit documents enter into the public record upon being aired in court, there is the possibility of the public finding out, especially if vested interests—either pro- or anti-establishment—sniff an opportunity to pursue an agenda.

³⁴ In a will, an executor is named to deal with the deceased's assets according to their wishes. To make these wishes legally effective (i.e. enforceable by a Court), the executor must apply and receive a [Grant of Probate from a Family Justice Court](#).

³⁵ Letter from LHY and LWL to Lawrence Wong, 14 Jun 2017, para 28, p. 231, Volume 1 (Part A), C3J/OS 2 of 2020

Thus one can empathise with LHL's fear of tarnishing his family's name. Yet if that were his overriding concern, then surely the best course of action would have been to refuse to cooperate with the MC, and to have done all he can to shut down the investigation led by his subordinates. For somebody who wanted "to avoid a public fight", it is strange that LHL chose to engage in a process so vulnerable to partisanship. What we can say now, with the benefit of hindsight, is that at the very least LHL seriously underestimated his siblings' collective stomach for a fight.

Separately, the circumstances surrounding the appointment of LHL's personal lawyer, Lucien Wong, as Singapore's attorney-general (AG) on 14 January 2017 appear to have fuelled his siblings' belief that LHL was seeking to attack the will's legitimacy improperly through the executive political machinery.³⁶

While there is no question about Lucien Wong's legal qualifications, his appointment as AG broke two records. He was the oldest ever AG appointed in Singapore's history, at 63, replacing a predecessor whose term [was not extended](#) after reaching the constitutionally-defined age of 60. Lucien Wong was also the first AG without prior experience on the Bench or in the AG's chambers.

Lucien Wong was presumably advising LHL in 2015 when he decided not to challenge the will in court. By early 2017, Lucien Wong was in a position where an influential office under his charge could lodge a complaint against LSF, as it eventually did, thereby casting doubt on the will's validity. (Note: Lucien Wong had recused himself from all matters regarding 38 Oxley Road. The Complaint was filed by Lionel Yee, the deputy AG.³⁷)

When LHL appointed Lucien Wong as AG, he did not (and did not have to) publicly disclose their former relationship. Only on 14 June 2017, following LHY's and LWL's [first public statement](#) on the matter, was it publicly revealed that Lucien Wong used to be LHL's personal lawyer.

LHL claims that the investigation by the executive political machinery was orchestrated not by him, but independently by fellow ministers representing the public interest. There is no evidence to suggest otherwise. That said, given the nature of political power and hierarchies over Singapore's entire post-colonial history, it would be naive for us to assume that LHL's desires were irrelevant to his subordinates.

³⁶ The executors said: "As far as we know, Mr. Lucien Wong remained on record as LHL's legal advisor on matters relating to 38 Oxley Road and Mr. Lee's Estate, up to his appointment as Deputy Attorney-General on 19 December 2016", Executors' letter to MC, 28 Feb 2017, para 5, p. 140, Volume 1 (Part A), C3J/OS 2 of 2020

³⁷ On 7 January 2019, Lionel Yee, the deputy AG, [made a complaint](#) to the Law Society and requested that it investigate LSF's conduct and set up a Disciplinary Tribunal. After investigating, the Law Society then brought the charges against LSF. So once the AGC made the complaint regarding LSF, the process was officially out of its hands. Thus, one might argue that Lucien Wong's position as AG is insignificant, since anyone is entitled to make such a complaint (indeed as LWL and LHY [later did](#) against Kwa Kim Li). That said, a complaint filed by the AGC is arguably far more influential and significant than one made by members of the public.

First, Singapore's form of elite governance—and, more specifically, the PAP's form of Leninist democratic centralism—concentrates extreme power at the top. In the context of this case, there is also documented evidence that points to the executive's power. "Loong has free reign. He can handle cabinet," LKY told Kwa Kim Li, in response to the removal of the Demolition Clause in the fifth will.³⁸

Second, the Lee family exerts its own aura over others in the political class. Even if LHL did not formally order the MC into the affairs of his late father's will, it is fair to presume that Lawrence Wong and Teo Chee Hean proceeded, as they always do, on the implicit understanding that this course of action would please their boss, LHL.

Conversely, in the event that LHL had made it clear to the cabinet that he wanted to honour his father's primary wish to destroy the house and thereby did not want any further investigation into the will, it seems improbable, given Singapore's political dynamics, that his subordinates would have independently set up an MC, thereby irritating him and the whole Lee family. (LKY himself recognised this, as per aforementioned quote.)

Did LHL orchestrate the formation of the MC by directing his ministers, as his siblings suggest? To reiterate, there is no evidence of this. What is clear, however, is that LHL was at the very least receptive to the idea of the MC.³⁹

This is problematic, I believe, because the formation of the MC in private appears to contradict LHL's public statements.

On 13 April 2015, LHL [had told Parliament](#) that only after LWL "no longer lives in the house" will it be up to the "Government **of the day to consider** [emphasis mine]" what to do with 38 Oxley Road.

But a little over a year later, with LWL still comfortably living in the house, LHL's own government began its investigation into the matter.⁴⁰ On 27 July 2016, in separate letters to the three siblings, Lawrence Wong said that a Ministerial Committee had been formed, with Teo Chee Hean as the head, to "**consider the options** [emphasis mine] for 38 Oxley Road (and the implications thereof)."⁴¹

(See Appendix: Why the formation and findings of the Ministerial Committee are problematic.)

³⁸ Kwa Kim Li handwrote LKY's words on a printout of an e-mail:

"Loong has free reign
He can handle cabinet"

Kwa Kim Li e-mail to LKY, 2 Oct 2012. p. 294, Volume 1 (Part C), C3J/OS 2 of 2020

³⁹ That does not necessarily imply that LHL wanted the house preserved. E-mails show a leader seemingly conflicted: between following his father's wishes and serving the establishment's interests. See last section, "The children's wishes".

⁴⁰ [According to Teo Chee Hean](#), at a cabinet meeting on 1 Jun 2016 which he chaired, the cabinet approved the proposal by Lawrence Wong to set up a Ministerial Committee to draw up the range of possible options for 38 Oxley Road. Prior to this, he says, work had been carried out at staff level with inter-agency consultations as needed.

⁴¹ MC/Lawrence Wong letters to LHL, LWL and LHY, 27 Jul 2016, p. 18,20,21, Volume 1 (Part A), C3J/OS 2 of 2020

“If and when Dr Lee Wei Ling no longer lives in the house, Mr Lee has stated his wishes as to what then should be done...it will be up to the Government of the day to consider the matter.”

– Lee Hsien Loong



In short, the circumstances around the MC’s investigation might have reasonably troubled the executors:

- October 2015: LHL’s decision, as presumably advised by Lucien Wong, not to challenge the will in court;
- July 2016: the formation of an MC by LHL’s subordinates to “consider the options for 38 Oxley Road”, apparently contradicting what LHL had told Parliament in April 2015 (that this would happen only after “Dr Lee Wei Ling no longer lives in the house”).
- September 2016: LHL, as presumably advised by Lucien Wong, offering an affidavit to the MC; and
- December 2016: the appointment of Lucien Wong, an unconventional choice, as Singapore’s Deputy AG (and subsequently AG in January 2017).

In my mind there are still lingering questions about LHL’s chosen path of engagement. These include his decision not to query LKY’s thinking (and possible foul play regarding the will) in court, as might have been expected, but instead to cooperate with (and thus endorse) a private investigation by the executive political machinery—an investigation whose initiation appears to contradict LHL’s [own parliamentary statements](#).

Aside from the procedural question, there is also a financial one. Instead of the Lee siblings paying the legal fees for an investigation in the courts into LKY’s final wishes, the Singaporean taxpayer has had to pay for the MC’s work.⁴²

(Teo Chee Hean, who was probably earning over S\$6,000 per day then, declined to inform me of the MC’s running costs.⁴³)

⁴² Once the MC completed its work, and the AGC issued its complaint about LSF to the Law Society, taxpayer money was no longer involved. The Law Society is funded by the legal profession.

⁴³ Teo Chee Hean as deputy prime minister [likely earned S\\$1,870,000](#) per year. Assuming he worked 300 days per year—compared with some 260 odd for the average worker—that averages over S\$6,000 per day.

Who defines “the public interest”?

In representative democracies like Singapore the notion of the “the public interest” is regularly marshalled by politicians as justification for actions or policies. Every few years citizens elect parliamentarians as their representatives, entrusting them to make decisions on their behalf. This stands in contrast to direct democracies, where citizens are engaged in policies and decision-making to a much greater degree, for example through frequent referendums, plebiscites or ballot initiatives.

Public interest is notoriously difficult to define. It has its proponents and opponents, as captured by [this excerpt from an Oxford Research Encyclopaedia article](#): “...It has been criticised for being empty, inimical to contemporary pluralistic societies, and a mere veil for the self-serving interests of the powerful... Proponents of the concept, however, respond that it is possible to provide a clear account of the public interest that meets (most of) these criticisms... Public interest is used to justify facilities, policies, and actions that are somehow beyond the purview of justice, such as public infrastructure, the disclosure of state secrets, the placing of limits on human rights, and much more.”

It is not just politicians who lean on “the public interest”. Journalists, for example, would argue that it is [their job to question](#) those in power because they are serving that nebulous “public interest”.

In the context of 38 Oxley Road there is one essential distinction to be made: between “the public interest” as interpreted by representatives, and actual public sentiment about an issue.

Throughout his communications with LKY and others, LHL has suggested that his actions with regards to the property are guided by his (and the cabinet’s) perception of current public sentiment on the issue—as opposed to a vague “public interest”, which may also be in service of future generations.

For instance, LHL told the MC: “Given the strong views expressed by the Ministers during the Cabinet meeting of 21 July 2011, which also tied in with my own assessment of the public sentiment, I told Mr Lee that I felt that Cabinet was unlikely to agree to demolish the House after he died.”⁴⁴

⁴⁴ LHL, Statutory declaration to MC, 27 Feb 2017, para 15, p. 170, Volume 1 (Part A), C3J/OS 2 of 2020

In the months and years following Lee Kuan Yew’s passing, a few of Lee Suet Fern, Lee Wei Ling and Lee Hsien Yang’s actions and words may have justifiably warranted suspicion among the establishment about their true motives...

There are three key incidents in the 2015-17 period to consider.

The first occurred at the will reading on 12 April 2015. [According to LHL](#), both Ng Joo Khin and Bernard Lui, LSF’s colleagues, were present at the will reading, during which LSF stated that LKY “had asked her to prepare the Last Will”, but as she had not wanted to get involved, Ng Joo Khin had handled it.⁴⁵ This apparent admission by LSF struck LHL as “rehearsed”.⁴⁶

On 23 April 2015, LHL shared this sentiment with Teo Chee Hean.⁴⁷ This perhaps prompted the latter to eventually set up the MC.

Both LSF and LHY say that this event never happened and that LHL’s “claimed recollection to this effect is clearly erroneous”.⁴⁸ It is not clear which side has offered the correct account. All we can say with some certainty is that this incident was one of the first to spark tensions between the sides in 2015.⁴⁹

The second concerns [the Demolition Clause](#), which has two parts. The first part contains LKY’s primary wish (demolish), and the second is his secondary wish if demolition becomes untenable.

LHY and LWL have repeatedly only wanted the first part disclosed, despite LKY himself saying that both can be: “My statement of wishes in this paragraph 7 may be publicly disclosed notwithstanding that the rest of my Will is private.”

For instance, in early 2015 the NHB wanted LKY’s estate to donate some artefacts from 38 Oxley Road, part of LKY’s estate, for the “We Built a Nation” exhibit.

LHY and LWL, as executors of the estate, offered these items with some conditions. They insisted that only the first part of LKY’s Demolition Clause must be displayed alongside the items, and that they had the right to buy back the items at S\$1 so long as the House was not demolished.⁵⁰

On 22 July 2015 LHL e-mailed LHY (LWL cc-ed), saying: “...The Deed of Gift is a clear example where we have to agree to disagree. I believe the terms go against Papa’s values; he would never have imposed such conditions on a gift...”⁵¹

⁴⁵ [Summary of LHL’s statutory declaration](#), 15 Jun 2017, para 22

⁴⁶ [Summary of LHL’s statutory declaration](#), 15 Jun 2017, para 22

⁴⁷ [Summary of LHL’s statutory declaration](#), 15 Jun 2017, para 23

⁴⁸ LSF and LHY letter to MC, 28 Feb 2017, para 61, p. 270, Volume 1 (Part D), C3J/OS 2 of 2020

⁴⁹ In 2017, Ng Joo Khin said that he “did not act for or advise Mr Lee in the drafting and preparation of his Last Will”. See e-mail from Ng Joo Khin to Lawrence Wong, 21 Jun 2017, p. 241, Volume 1 (Part A), C3J/OS 2 of 2020

⁵⁰ [Speech by Minister Lawrence Wong on the House at 38 Oxley Road](#), 3 July 2017

⁵¹ LHL letter to LHY with LWL in cc, 22 July 2015, p. 245, Volume 1 (Part B), C3J/OS 2 of 2020

Despite disagreements between the estate and the establishment about these conditions and other related matters, the exhibition opened with the items on display on 6 August 2015. Nevertheless this incident, which ultimately involved numerous civil servants and politicians, must have sparked off broader worries about the relationship between LHL and his siblings.⁵²

Why have LHY and LWL always placed more emphasis on the first part of the Demolition Clause? In response to my query on this, LHY said: “It was always clear that LKY wanted his house to be demolished after his passing. This was LKY’s wish. The second part of the clause was not his wish – it was meant to cover the contingency if the government gazetted his house and prevented the demolition from taking place.”

The third incident concerns the alleged misrepresentations and lies by LHY and LSF with regards to the events of 16 December 2013, as covered in the section below.

Taken together, one can see how LHL and other members of the establishment might have grown suspicious about the true motives of LWL, LHY and LSF.

...so an investigation was arguably necessary to examine their roles in the signing of Lee Kuan Yew’s last will. Most importantly, the investigation found that Lee Suet Fern and Lee Hsien Yang, the only two family members involved in the signing of the last will, were following Lee Kuan Yew’s orders with respect to his last will...

The main events surrounding the signing of LKY’s seventh and last will occurred on 16–17 December 2013.

Prior to this, on 13 December 2013, LKY and Kwa Kim Li, his lawyer, had discussed his intention to make changes to his sixth will that would:

- Give his children equal shares in the estate (where previously LWL had an additional share); and
- Bequeath 2 carpets to LHY because LKY said that LHL’s house would not value them and neither would LWL, “to judge from her room’s mess”.⁵³
(Aside: fathers will be fathers.)

So, it is clear that LKY had wanted to change his sixth will before the 16th. (Although it is not evident that he had at that stage mentioned any potential changes to the Demolition Clause.)

⁵² NHB signed the loan deed on 8 June 2015 (perhaps unaware of the complexity of the situation). NHB sent lorries to collect the items on 9 June 2015. But then on 10 June 2015, Rosa Daniel, NHB’s CEO, told LHY that [Lawrence Wong had “changed his mind”](#). The estate responded that “We are shocked and disappointed that NHB is willing to breach a legally binding deed less than 48 hours after signing, and on the morning after many of the items have been collected.” It appears as if LHL, Teo Chee Hean, Lawrence Wong and perhaps other members of the political elite had taken issue not only with (what they saw as) the “unusual” conditions attached to the deed, but also “whether probate had been granted for the will, whether there were any other beneficiaries entitled to the assets of the estate and if so, whether their consent had been obtained for the gift to NHB.” The estate, by contrast, considers these concerns as irrelevant to the deed. See: Lawrence Wong’s [parliamentary statement](#), and LHY’s [Facebook post](#).

⁵³ E-mails between Kwa Kim Li and LKY, 13 Dec 2013, p. 20, Volume 1 (Part D), C3J/OS 2 of 2020

The events of 16 December 2013 are, however, difficult to untangle, especially regarding to whom LKY gave orders and from whom he received his last will. This is partly because LHY and LSF are alleged to have misrepresented (intentionally or not) the events of the night:

(1) Whom did LKY ask to change his will? In Feb 2017, LHY (along with co-executor LWL) had indicated to the MC that LKY had asked LSF to do so. For instance, they said that on 16 December 2013 “...Mr. Lee gave instructions to Mrs Lee Suet Fern for the Final Will to be engrossed...”.⁵⁴ Later, both LHY and LSF told the Disciplinary Tribunal (DT) that LKY had instructed LHY, who then passed the message to LSF.

(2) How did LKY obtain a copy of his first will? LHY and LSF told the DT that LHY had sent LSF the copy of the first will to forward to LKY. Since LSF had been involved in the drafting of the Demolition Clause in the first will, one might reasonably wonder why LSF did not just send LKY the copy she had. There seems to be no reason for LSF to have acted as an intermediary, as opposed to the originator, of this first will. There is no e-mail evidence of LHY sending the first will to LSF. (An oddity, in a case full of e-mail evidence.) All we have is the evidence of LSF sending the draft first will to LKY.

The above inconsistencies are likely important reasons why members of the establishment became suspicious of LHY and LSF’s motives.

In response to my query on point (2), LHY said: “I asked my wife to help me deal with arrangements to get my father’s will executed because we often help each other out in matters, especially when one of us is particularly busy...I E-mailed my wife what I thought was the final Aug 2011 will to make sure KKL did not get it wrong...My wife’s E-mail system at the time auto-deleted any E-mail after 6 months. So she had no E-mail records for 2011. I myself routinely tidy up my E-mails by active deletion so that I only retain what I regard at the time as key E-mails.”

Ultimately, the C3J found that:

- on point (1), LKY told LHY who then told LSF. (Which if true means that LHY offered an inaccurate account to the MC. According to LHY and LSF, this was simply a result of imprecise drafting regarding an insignificant detail, although both the DT and C3J begged to differ.⁵⁵); and

⁵⁴ Letter from LHY and LWL to Lawrence Wong/MC, 28 Feb 2017, para 53, p. 129, Volume 1 (Part A), C3J/OS 2 of 2020

⁵⁵ Notably, the statement cited in the previous footnote was made in the context of LHY explaining to the MC why there was no gift-over clause in LKY’s final will, thus details regarding who exactly received instructions from LKY may have seemed insignificant; this was LHY and LSF’s explanation for the inconsistency. Nonetheless, both the DT and C3J found it strange that such a detail was inadvertently excluded from the MC letter, which was drafted with legal advice; see *Law Society v Lee Suet Fern* [2020] SGCH 255 at [86]. The DT opined that LKY had instructed LSF directly, and that LHY and LSF’s second version of events was a lie to reduce LSF’s culpability (Disciplinary Tribunal Report, para 245-246, Volume 5). However, the C3J ultimately concluded that it was more likely for LKY to have actually instructed LHY directly, and that LHY’s first statement of events in his letter to the MC (i.e., that LKY instructed LSF directly) could have been purposed to downplay his own involvement in the Final Will and the reinsertion of the demolition clause; see *Law Society v Lee Suet Fern* [2020] SGCH 255 at [87]

- on point (2), LSF was indeed the originator of the first will; she did not receive it from LHY but sent it from her own files.⁵⁶ (Which if true means that both LHY and LSF offered inaccurate accounts to the DT.)

This is the final version of events that the C3J subscribed to:

On the 16th, LKY called LHY and told him that he wanted to re-execute his original 2011 will. As LHY was on his way to Brisbane, he called LSF (who was herself on her way to Paris) and asked her to arrange for the re-execution of the first will.⁵⁷

But instead of sending LKY the final version of the first will, LSF mistakenly sent him another version that was missing several clauses that were in the final version. From this, the C3J inferred that the version LSF sent (which became LKY's last will) was actually an earlier draft of the first will.⁵⁸

In this same e-mail to LKY, LSF told LKY that she had attached the "original agreed will" for re-execution.⁵⁹ LSF ostensibly believed that she had correctly followed LKY's instructions because she "wouldn't have dared" send him the e-mail otherwise.⁶⁰ In this e-mail, she cc'd LKY, LHY, and Kwa Kim Li, asking Kwa Kim Li to engross the will (prepare it for execution), as she had handled LKY's previous six wills. Kwa Kim Li never replied.

Next, LHY sent a reply to LKY, LSF and Wong Lin Hoe, LKY's personal secretary, dropping Kwa Kim Li from the chain, saying: "I couldn't get in touch with Kim Li. I believe she is away. I don't think it is wise to wait till she is back..."⁶¹

Before LKY responded, LSF (on instruction from LHY) made arrangements for a partner from her firm, Bernard Lui, to handle the re-execution.⁶² Later on the night of 16 December 2013 LKY agreed to this idea, i.e. to not wait for Kwa Kim Li.⁶³

Thus in the morning on 17 December 2013 Bernard Lui eventually oversaw the re-execution of the will. That same afternoon LSF updated Kwa Kim Li on the relevant events.

Whatever misrepresentations or inaccuracies they might have been accused of (and possibly responsible for), it is nonetheless clear that LHY and LSF, the only two family members involved in the signing of the last will, were following LKY's orders with respect to it.

⁵⁶ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [102]

⁵⁷ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [81]

⁵⁸ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [100]

⁵⁹ E-mail from LSF to LKY, 16 Dec 2013. p. 29, Volume 1 (Part D), C3J/OS 2 of 2020

⁶⁰ [Law Society v Lee Suet Fern \[2020\]](#) SGHC 255 at [159(b)]

⁶¹ E-mail from LHY to LSF with LKY and Wong Lin Hoe in cc, 16 Dec 2013. p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

⁶² E-mail from LSF to Wong Lin Hoe with LHY and Bernard Lui in cc, 16 Dec 2013. p. 45-46, Volume 1 (Part D), C3J/OS 2 of 2020

⁶³ E-mail from LKY to LHY, 16 Dec 2013. p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

“Dear Pa Pa This was the original agreed Will which ensures that all 3 children receive equal shares.”

– Lee Suet Fern



Below are excerpts from relevant e-mails:

16 December 2013, 7.08pm

LSF to LKY; LHY and Kwa Kim Li cc-ed

“Dear Pa Pa

This was the **original agreed Will** [emphasis mine] which ensures that all 3 children receive equal shares, taking into account the relative valuations (as at the rate of demise) of the properties each receives.

Kim Li

Grateful if you could please engross.”⁶⁴

16 December 2013, 7.31pm

LHY to LSF; LKY and Wong Lin Hoe cc-ed

“Pa

I couldn’t get in touch with Kim Li. I believe she is away. I don’t think it’s wise to wait till she is back. I think all you need is a witness to sign the will. Fern can get one of her partners to come round with an engrossed copy of the will to execute and witness. They can coordinate it with Lin Hoe for a convenient time.”⁶⁵

Note: Much has been made about LHY’s decision to take Kwa Kim Li off the above e-mail thread, as if this reflects shady behaviour. I might have given more credence to that theory if he had also taken off Wong Lin Hoe. But he didn’t. LKY’s personal secretary, a neutral, non-family member from the Prime Minister’s Office, was privy to all deliberations regarding the signing of the last will.

16 December 2013, 9.42pm

LKY to LHY; LSF and Wong Lin Hoe cc-ed

“OK. Do not wait for Kim Li.

Engross and I will sign it before a solicitor in Fern’s office, or from any other office.”⁶⁶

Note: LKY appeared totally confident and at ease with any solicitor overseeing the signing of his last

⁶⁴ E-mail from LSF to LKY, 16 Dec 2013. p. 34, Volume 1 (Part D), C3J/OS 2 of 2020

⁶⁵ E-mail from LHY to LSF with LKY and Wong Lin Hoe in cc, 16 Dec 2013, p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

⁶⁶ E-mail from LKY to LHY, 16 Dec 2013. p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

will. He did not need Kwa Kim Li, his personal lawyer, there.

17 December 2013, 11.00-11.20am

LKY signed his last will in the presence of Elizabeth Kong and Bernard Lui, two lawyers from LSF's firm.⁶⁷

17 December 2013, 1.16pm

LSF forwards the previous night's 7.08pm e-mail to Kwa Kim Li, and says "Kim

Just a quick note to say this has been dealt with already,
Wishing you, Gordon and children a wonderful Christmas season."

17 December 2013, 2.59pm

Kwa Kim Li to LSF

"Dear Fern

Thanks for your mail. I don't seem to have received your first mail of 16 dec 7.08pm asking me to engross.

With reference to your E-mail of 17 dec, does this mean that he has signed a new will yesterday, in which case the former will which is on my record is revoked? If so, I will update my file record.

Happy holidays to you Yang and the boys."

Note: In keeping with LKY's aforementioned confidence, Kwa Kim Li also does not appear to see anything unusual in all of this: that LKY had just signed his seventh will, the first executed without her presence as his personal lawyer; or that LSF had been directly involved. Kwa Kim Li does not ask LSF to reforward the original mail that she missed. All she wants to do is "update my file record."

17 December 2013, 3.10pm

LSF to Kwa Kim Li

"Yes he has signed already in fact this is just **going back to his 2011 will** [emphasis mine] so it supercedes all. He read it extremely carefully before signing.

Will the family be off at Christmas? Any travel plans?"⁶⁸

Separately...

17 December 2013, 10.27pm

LKY to Wong Lin Hoe: "You keep original in office and send Kim Li a copy."

17 December 2013, 10.29pm

LKY to Wong Lin Hoe: "Tell Kim Li this is **the agreement between the siblings** [emphasis mine]."⁶⁹

⁶⁷ Annex A, Respondent's Closing Submissions, Law Society vs Lee Suet Fern, p. 133-34, Volume 1 (Part I), C3J/OS 2 of 2020

⁶⁸ E-mail from LSF to Kwa Kim Li, 16-17 Dec 2013. p. 168-169, Volume 1 (Part B), C3J/OS 2 of 2020

⁶⁹ E-mails from LKY to Wong Lin Hoe, 17 Dec 2013. p. 171-172, Volume 1 (Part B), C3J/OS 2 of 2020

Is the High Court's decision sacrosanct? Or do lawyers and members of the public have the right to scrutinise it?

Most Singaporeans are reticent when it comes to matters of the law. This is due to numerous historical, social and political reasons, including the PAP's long-standing sensitivity to any criticism of the courts, and the strict, elitist social hierarchies, which suggest that the law is best left to lawyers.

Though the primary purpose of this book is to simply inform and educate on events surrounding Lee Kuan Yew's last will and house at 38 Oxley Road, one secondary objective is to inspire interest and involvement in the law, including with judicial decisions.

While commenting on ongoing cases is a fraught endeavour, because of the potential of [contempt of court](#), the ability to (fairly and respectfully) criticise judicial decisions is a hallmark of any vibrant democratic society. Media channels should be doing so in a more deliberate fashion in order to provoke thought amongst people.

It is also important, in my view, to encourage Queen's Counsels and other foreign legal experts to do so. This is despite the obvious accusation of neo-colonial interference. Whether in law, art or technology, Singapore benefits from the views of global experts.

In the case of *Law Society of Singapore v Lee Suet Fern*, whether or not the judgement (on misconduct) and punishment (a 15-month suspension) by Singapore's highest

court is too harsh is a matter of heated debate, with lawyers I know falling on either side.

Here I want to focus on a specific point that I believe is interesting and digestible enough to be the subject of discussion for anybody. On the evening of 16 December 2013, did Lee Suet Fern send Lee Kuan Yew the will that he wanted?

Timothy Dutton, a Queen's Counsel, [argues that](#), contrary to the C3J's findings, LSF did so. He bases this on the fact that LSF e-mailed LKY a will that she called "the original agreed Will which ensures that all 3 children receive equal shares."

One might argue that LSF was not misleading LKY in any way. She did indeed send him "the original agreed will" (albeit not the one that ultimately became his first will).⁷⁰

However, one point that Dutton does not dwell on is that in LSF's e-mail to Kwa Kim Li just hours after LKY signed his seventh will, LSF said "this is just going back to his 2011 will".⁷¹ This suggests that LSF thought that she had sent LKY the actual first will.

Still, did LKY get the draft will that he wanted? We know that he carefully read the draft that LSF had sent him, and signed it in the morning on 17 December 2013. Moreover, later that same evening, he re-read the will. He then subsequently asked his personal secretary to forward it on to Kwa Kim Li as "the agreement between the siblings".⁷²

Do review the chain of e-mails in the previous section (and see "Timeline: the signing of the last will aka the events of 16-17 December 2013" in the Appendix).

Do you think that Lee Suet Fern sent Lee Kuan Yew the will that he wanted?

⁷⁰ Dutton argues that there is insufficient evidence to prove 'beyond reasonable doubt' that LKY actually wanted anything other than this original agreed will

⁷¹ E-mail from LSF to Kwa Kim Li, 17 Dec 2013, p. 206, Volume 1 (Part B), C3J/OS 2 of 2020. Lee Kuan Yew actually signed his first and second will in 2011, but this is probably not something LSF would have known when she told Kwa Kim Li that "this is just going back to his 2011 will"

⁷² E-mails from LKY to Wong Lin Hoe, 17 Dec 2013. p. 171-172, Volume 1 (Part B), C3J/OS 2 of 2020

...the investigation has also shown that Lee Kuan Yew wanted the house demolished, and that in signing his last will he was not deliberately misled or manipulated by Lee Suet Fern, Lee Hsien Yang, or anybody else...

LKY signed his last will in the presence of two lawyers from LSF's firm between 11.00 and 11.20am on 17 December 2013.⁷³

The same afternoon, LKY wanted to re-read it. LSF's office sent a copy to his personal assistant, Wong Lin Hoe, at 4.29pm: "We have received a faxed copy of the signed document for Mr Lee to re-read in the office."⁷⁴

On 2 January 2014, LKY drafted and executed a codicil to his last will himself. No other lawyers were present. Wong Lin Hoe and "one Lee Koon San" were witnesses.⁷⁵

Put another way, on two separate occasions after he signed his last will, LKY wanted to review it: once the day after, and once some two weeks after.

This fact alone is sufficient, in my view, to show that he understood his last will.⁷⁶

...Lee Kuan Yew was of sound mind and signed the last will, line by line, that he wanted to sign...

LHL and fellow PAP politician Indranee Rajah, among others, have long suggested that LKY may not have known that in his seventh and last will he was reverting to his (effective) first will, one of five with the Demolition Clause.⁷⁷ The insinuation here is that LKY did not know what he was signing.

Through this investigation this insinuation has been clearly rubbished.

We now know about LKY's condition when he signed his last will through this eyewitness account by Elizabeth Kong, one of the lawyers who had visited 38 Oxley Road from 11.00-11.20am on 17 December 2013.⁷⁸

Elizabeth Kong made this contemporaneous note:

"LKY appeared frail and his speech was slurred, but his mind was certainly lucid – he asked us who drafted the will and specifically instructed us to date the will today. LKY read through every line of the will and was comfortable to sign and initial at every page, which he did in our presence."⁷⁹

⁷³ Annex A, Respondent's Closing Submissions, Law Society vs Lee Suet Fern, p. 133-34, Volume 1 (Part I), C3J/OS 2 of 2020

⁷⁴ Executors' letter to MC, 28 Feb 2017, para 64, p. 152, Volume 1 (Part A), C3J/OS 2 of 2020; actual e-mail at p. 32, Volume 1 (Part D), C3J/OS 2 of 2020

⁷⁵ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [32]

⁷⁶ Executors' letter to MC, 28 Feb 2017, para 65, p. 152, Volume 1 (Part A), C3J/OS 2 of 2020

⁷⁷ Indranee Rajah's words would have carried extra weight because she was in the same constituency group team as LKY in 2013; she would—or at least should—have had intimate knowledge of his overall condition when he signed the will.

⁷⁸ Annex A, Respondent's Closing Submissions, Law Society vs Lee Suet Fern, p. 133-34, Volume 1 (Part I), C3J/OS 2 of 2020

⁷⁹ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [26]

Aside from the above account, e-mail evidence also indicates that LKY was happy with his last will.

At 7:08pm on 16 December 2013, LSF sent LKY and Kwa Kim Li a will that she called “the original agreed Will which ensures that all 3 children receive equal shares.”⁸⁰

At 10.06pm on 16 December 2013, LWL e-mailed LHY stating: “To get a notary public not from Lee n Lee to witness his signature n that settles it.” The subject line of the e-mail was “Papa says go back to 2011 will”.⁸¹

In short, LKY wanted his original 2011 will to be his last; and when signing it he was “lucid” and “read through every line”.

In deciding against imposing a heavier sentence on LSF, the C3J found that LKY was content with his will: “...while [LKY] had previously changed his will several times, after the Last Will was signed, he was content with it. He lived for more than a year after executing it and did not revisit it, apart from providing for the bequest of two carpets to Mr LHY in the Codicil.”⁸²

...even though the Court of Three Judges cleared Lee Suet Fern of the more serious misconduct charge—in a case brought by the Law Society of Singapore—it found her guilty of the lesser one and suspended her for 15 months, a verdict that has been the subject of much debate...

The Law Society’s two charges against LSF relate to two problems with her getting involved in LKY’s will:

- 1) She was in a conflicted position where she could not, by definition, have acted solely in LKY’s interest (as is the duty of a solicitor); she was affected by LHY’s interests, and thus her own;⁸³ and
- 2) As the last will did in fact increase LHY’s share of the estate, LSF was technically involved in a ‘gift’ that LKY was giving to her husband (a clear conflict), but did not tell LKY that he would need independent legal advice.⁸⁴

For each of these charges, the Law Society claimed that LSF acted improperly because either:

- (a) There had been a solicitor-client relationship between LSF and LKY, in which case LSF had acted with “improper” or even “grossly improper” conduct; or
- (b) Even without a solicitor-client relationship, LSF had conducted herself in a way “unbefitting an advocate and solicitor.”⁸⁵

⁸⁰ E-mail from LSF to LKY with LHY and Kwa Kim Li in cc, p. 169, Volume 1 (Part B), C3J/OS 2 of 2020

⁸¹ E-mail from LWL to LHY with LSF in cc, p. 25, Volume 1 (Part D), C3J/OS 2 of 2020

⁸² [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [163]

⁸³ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [37]

⁸⁴ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [38]

⁸⁵ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [39]

Of the two, (a) is more serious than (b) because impropriety with respect to a client is much worse than misconduct in general. But was LKY “a client”?

Although LKY never formally hired, or ‘retained’, LSF as his lawyer, the law recognises certain situations in which it should treat two people as a solicitor and client. There may have been an “implied retainer”: circumstances in which the court should objectively “attribute”, to both people, an “intention to enter into a solicitor-client relationship”.

According to the C3J, LSF must have “reasonably” thought that an implied retainer existed.⁸⁶ When LSF sent LKY the draft that would become the last will, and assured him that it was his first will, Kwa Kim Li had been copied. However, when LKY decided to proceed after Kwa Kim Li had been excluded from the chain, LKY’s only assurance that it was actually the first will came from LSF. Thus, according to the C3J, LSF “must have known” that she was taking on the responsibility of being his lawyer.⁸⁷

According to the C3J, this was reinforced by the fact that LSF, even during her flight to Paris, made arrangements for Elizabeth Kong and Bernard Lui to handle the re-execution.⁸⁸ When LSF wrote to notify Kwa Kim Li, LKY’s actual lawyer, she did not tell Kwa Kim Li of the hurried circumstances of the will-signing, which, according to the C3J, would have been especially important as Kwa Kim Li told LSF that she had missed the crucial e-mail from the previous night.⁸⁹ The C3J felt that a lawyer with 37 years of experience like LSF could not have been oblivious to the circumstances that might have created an implied retainer.

However, the C3J ultimately decided that there was no implied retainer because the necessary intention to enter into a solicitor-client relationship could not be attributed to LKY, given the circumstances.⁹⁰ This was because LKY himself seemed to have proceeded with the re-execution without Kwa Kim Li because LHY had encouraged him to do so, and had told him that LSF would merely perform an administrative function.⁹¹ There was insufficient evidence for the C3J to find, beyond reasonable doubt, that LKY could reasonably have regarded LSF as his lawyer, thus no solicitor-client relationship existed. Therefore, the severe charges under (a) were not applicable.

Despite this, the conduct outlined above was, in the C3J’s view, sufficiently serious to warrant a finding of improper conduct, as per (b), and thus the C3J gave LSF a 15-month suspension. In its judgement the C3J argued that LSF “would reasonably have regarded [LKY] as her client.”.

⁸⁶ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [127]

⁸⁷ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [119]

⁸⁸ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [121]

⁸⁹ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [124]

⁹⁰ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [133]

⁹¹ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [130]

To be clear, the C3J’s conclusion—that an a solicitor-client relationship “reasonably” existed from LSF’s perspective but not LKY’s—is the subject of much heated debate for its unique, threading-the-needle precision.

Though the finding has been cheered by some lawyers, there are also some dissenting opinions both inside and outside Singapore, including from two Queen’s Counsels.

...in following Lee Kuan Yew’s orders Lee Suet Fern was also found to have made one error, which reflects an oversight, not ill-intent...

At 7:08pm on 16 December 2013, LSF sent LKY and Kwa Kim Li a will that she called “the original agreed Will which ensures that all 3 children receive equal shares.”⁹² The file that she sent was not the actual first will that LKY signed, but an earlier draft of it.

Before discussing LSF’s alleged error in this process, it is worth first considering the genesis of her involvement in LKY’s will, which can be traced to 15 August 2011, when an important exchange occurred between LKY, LHY and LWL.

LWL complained about “a platoon of people trooping through Oxley” and said, “Even if the government does gazette Oxley, Yang suggests that if you state in your will that it not be open to public. If indeed public can be prevented from coming into Oxley, you, Yang and I would be less upset.”⁹³

LKY concurred and said, “Best is to prevent people from trampling through the house. Will require that in my will.” LHY suggested, “Fern can try and draft something to include in the will to express your clear desires and intentions on the house...”

Again, LKY concurred.

17 August 2011

LSF to LKY, LHY and LWL cc-ed, 11.21pm:

“Papa, Draft language for inclusion in your revised will for your consideration...”

LKY adds Kwa Kim Li, 11.23pm:

“Thanks. Kim Li include this in my will please.”

LHY replies to LKY; Kwa Kim Li, LSF and LWL cc-ed, 11.26pm⁹⁴:

“Kim

Please do not circulate this. We can’t draft the will by committee.”

At this point, it seems that HC and LHL are not privy to the fact that LSF has crafted the demolition clause.

⁹² E-mail from LSF to LKY and Kwa Kim Li, 16 Dec 2013, p. 212, Volume 1 (Part B), C3J/OS 2 of 2020

⁹³ E-mails between LKY, LHY and LWL, 15 Aug 2011, p. 131-132, Volume 1 (Part B), C3J/OS 2 of 2020

⁹⁴ E-mails between LKY, LHY, LWL, LSF and Kwa Kim Li, 17 Aug 2011, p. 129, Volume 1 (Part B), C3J/OS 2 of 2020

But in an hour they will be.

18 August 2011

Kwa Kim Li to LKY only, new e-mail thread, 12.11am

“OK. Will look through the language for oxley “wishes” and settle with fern.

...

Maybe best for me to talk to you on the phone briefly?”⁹⁵

LKY responds to Kwa Kim Li, but adds entire family onto thread, 12.24am

“Fern knows. She can tell you.”

Thus on 18 August 2011, LKY made it clear to the entire family that LSF had been involved in the language for LKY’s Oxley wishes. (LKY signed his first will on 20 August 2011.)

There is therefore nothing surprising about LSF sending LKY the draft first will, which would become his seventh and last will.

LSF’s alleged error, however, was that the “original agreed Will” in her possession was not in fact the one LKY ultimately signed as his first will.⁹⁶ There were two minor differences between the two.⁹⁷

- LKY’s actual first will contained a gift-over clause, making provisions in the event that one of his children died before him. The “original agreed Will” LSF sent him did not. (Note: moot, since LKY died first.)
- According to LKY’s actual first will, LHL would have had to pay for the upkeep of 38 Oxley Road while LWL lived there. This requirement was not in the “original agreed will” LSF sent him.

LKY, as he read and initialled “line by line”, did not notice these two minor differences because, in all likelihood, they were overshadowed by the presence of the four main elements of “the original agreed Will”: equal shares between the three children; the specific property allocation; LWL’s life interest in 38 Oxley Road; and the Demolition Clause.

When LKY himself reexamined his last will on two occasions (18 December 2013 and 2 January 2014) he did not notice these two minor differences.

When LKY’s lawyer, Kwa Kim Li, subsequently went over her e-mails and the seventh and last will, she also seemingly did not pick up on these two minor differences.

⁹⁵ E-mail from Kwa Kim Li to LKY, 17 Aug 2011, p. 135, Volume 1 (Part B), C3J/OS 2 of 2020

⁹⁶ The C3J concluded that LSF had in her possession both the original agreed will (what C3J calls the “Draft Last Will”) as well as a draft (what C3J calls the “Version 3 Draft”) of what appears to have become the actual first will. “...it can be inferred...that the Draft Last Will was an earlier draft of the First Will which was subsequently superseded by the Version 3 Draft...” It is unclear why she sent LKY an earlier draft when she actually did have the final draft. [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [100]

⁹⁷ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [15]

The only person who has benefited financially from LSF's alleged error is LHL, not LHY, her husband. It appears as if LSF made an innocent mistake, in not realising that the "original agreed will" she had was not the actual first will.

...Lee Suet Fern has been punished for her error and role in the process, and one might reasonably ask why Lee Kuan Yew himself chose to involve her...

Whether or not the judgement (on misconduct) and punishment (a 15-month suspension) by Singapore's highest court was too harsh is a matter of debate. Some lawyers I know believe that she got what she deserved; others think the judgement was bizarre and her penalty uncommonly harsh.

It is worth noting that LKY himself was eager for LSF to be involved, not only in the contentious execution of the last will, but even right at the start. In 2011, he had asked her to craft the language for the Demolition Clause. LKY himself was surely aware of the potential conflicts of interest. Why did he involve LSF at all?

...lawyers in Singapore might view this episode as confirmation that one should not get involved in the wills of one's parents/benefactors...

Lawyers have told me that, as a matter of principle and law, children/beneficiaries must never get involved in the wills of their parents.

Still, many do. Within the confines of the family, this is understandable. Why pay an outsider for something one of your kids can do?

It is not simply a matter of costs, some have contended; but also one of comfort and familiarity. Many parents trust their children's counsel.

One can therefore perhaps empathise with LSF's position. Should she have turned down her own father-in-law—LKY, no less—when he had asked for her help? Strictly speaking, some would argue that she should have.

Following the judgement against LSF, it seems clear that lawyers in Singapore are going to exercise much more caution with this potential conflict of interest.

(In [his opinion disagreeing with the C3J's decision](#), Timothy Dutton, Queen's Counsel, noted that under English law "a solicitor may, even where the parent has not taken separate advice, assist a surviving parent to draft a will where the solicitor is an equal beneficiary under the will with his/her siblings.")

...in summary the salient finding of the investigation is not that Lee Suet Fern was found to have made an error, but rather that she (and by association Lee Hsien Yang) has been cleared of all suspicion of improper motives or manipulations vis-à-vis Lee Kuan Yew and his will...

The mainstream media has unsurprisingly focussed on LSF's charge and 15-month suspension, thereby, consciously or not, distracting members of the public from the fact that she has been cleared of all ill intent.

The important perspective must incorporate the last six years. Consider the numerous suggestions in LHL's statutory declaration to the MC in 2016, including that there may have been a conflict of interest on the part of LSF; that LKY may not have been advised properly; that the provisions in the last will may not have been explained to him sufficiently; and that LKY may not have wanted the Demolition Clause re-inserted into the last will.⁹⁸

In the face of those suggestions in 2016, which were repeated again in 2017, LSF by the end of 2020 appears to have emerged relatively unscathed. All of the aforementioned suggestions have been debunked through the C3J's findings.

Imagine an athlete suspected of wilfully taking anabolic steroids, or using blood transfusions to bolster their performance—but who is then found only to have mistakenly had a bit too much caffeine from their coffee in their blood. (Aha! Got you.)

Lawyers (and the public) will continue to debate the merits of the judgement against LSF. What I can say with some certainty is that in the court of public opinion—mediated largely by the establishment and the mainstream media—she has been judged unfairly.

...and that Lee Kuan Yew did indeed want his entire house demolished.

In signing his last will LKY was not misled or manipulated by anybody. If one ever tires of hearing what others have to say about LKY's wishes, do re-read his Demolition Clause. His wishes with regards to 38 Oxley Road are clearly expressed there.

⁹⁸ Letter from LHL to MC, 15 Sep 2015, para 56, p. 43, Volume 1 (Part A), C3J/OS 2 of 2020

Lee Hsien Loong was seemingly torn between following his father's demolition wish and serving the establishment's interests.

Of the siblings, LHL, as Singapore's prime minister, has always appeared the most conflicted about following his father's primary wish. The reason is that LKY's long-held desire to demolish the house directly contradicts the desire of many members of the establishment—purporting to represent the public—to preserve it.

LHL's critics contend that he himself may have also wanted to preserve the house for his own purposes.⁹⁹ There is no evidence to support this. What the evidence does show, quite clearly, is a person oscillating between support of his father's primary wish and other competing interests.

It is important to distinguish between the establishment's interests and the public's.¹⁰⁰ In his communications on 38 Oxley Road, including to LKY, LHL has often suggested that the public wants to preserve the house, despite there never having been any clear evidence of this. In his statutory declaration to the MC on 31 May 2017, LHL said that "...Cabinet, reflecting what it honestly believed was the public's view, was firmly against demolition."¹⁰¹

What the available evidence demonstrates is that the cabinet got it precisely wrong. In a survey conducted [in 2015 by YouGov](#), 77 percent of Singaporeans said that they are in favour of demolition (only 15 percent were opposed to it).¹⁰² The establishment's interests, as seemingly captured by the cabinet, appear completely at odds with the public's.

LKY believed that it was certainly within the PM's power to control the cabinet and unilaterally decide on the house's future. That LHL did not do so appears to have dismayed LKY and led to a communication breakdown between them, with LKY for a long time wrongly believing that the house had already been gazetted.

It is worth tracking the evolution of LHL's comments on the matter.

1. LHL indicates that it will be fairly easy for LKY to knock down 38 Oxley Road, 18 March 2011

18 March 2011, 8.08pm

LKY to LHL, HC, LWL, LHY and LSF

LKY reiterated his desire to knock down the house despite opposition from newspaper editors.

⁹⁹ The insinuation by LHL's critics is that by preserving the house (or parts of it), he can maintain a physical link to his father's political legacy, thereby cementing his own political platform and possibly that of Li Hongyi, his son, whom some suspect is being groomed for high office.

¹⁰⁰ For sure, in Singapore's representative democracy, elected representatives are supposed to represent the public's interest as they see it. Yet in many instances, including in LHL's communication with his father here, one suspects that "the public" is used instrumentally to achieve some narrower establishment goal.

¹⁰¹ LHL Statutory Declaration to MC, 31 May 2017, para 11, p. 202, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁰² Letter from LWL and LHY to MC, para 14, p. 50, Volume 1 (Part A), C3J/OS 2 of 2020

LHL responded: “In that case it would be best if you reply to the editors to tell them that having considered their views, you reaffirm your decision to knock down 38 Oxley Road, and that you have so instructed the three children. If you say that you have your wishes, but that the children will decide, it will reopen the question and make it impossible for us to do so.”

LKY replied “OK.”¹⁰³

Note: At this point, LHL effectively conveys a message to LKY and his siblings, that in order for LKY to knock down 38 Oxley Road, a simple note from LKY to the newspaper editors will suffice. There is no suggestion by LHL that any other opposition will arise; there is no mention of the cabinet or the public.

2. LHL introduces a financial conflict-of-interest complication into the demolition process, 18 April 2011

18 April 2011, 10.41pm

LHL to LHY and LWL, LSF and HC cc-ed

A month later LHL reopened the seemingly settled issue in a note to LHY and LWL, with LSF and HC cc-ed. LKY was not on this e-mail. For the first time LHL expressed his concern with potential financial conflicts of interest.

“...Papa has decided that the building should not be kept, and said so publicly. But nevertheless when the time comes I expect the issue to open up again, and the govt will come under great pressure to preserve it. I think if we want to tear it down and redevelop the site, it is best if the heirs do not benefit financially from the redevelopment. Better for us to announce that we will redevelop it in accordance with Papa's wishes, but that we will donate all the proceeds to some suitable beneficiary...We don't need the money.

Do you agree?”¹⁰⁴

There do not appear to be any replies to the above.

Note: It is probably from this point that the siblings' views on the Oxley property began to diverge. As later comments and events would prove, LHL's view that “We don't need the money” was wrong. LWL, quite clearly, felt that she needed the money to cover potential future medical expenses. Perhaps LHL was unaware of his sister's financial situation.

3. LHL introduces supposed public opposition, and then later cabinet opposition, into the demolition process, 19 July 2011

19 July 2011, 9.28am

LKY to LHL, LHY and LWL cc-ed

The conflict-of-interest conversation continued in an e-mail thread that LKY initiated with his three children.

¹⁰³ E-mail LKY to children with LSF and Ho Ching in cc, 18 Mar 2011, p. 182, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁰⁴ E-mail from LHL to LHY and LWL with LSF and HC in cc, 18 Apr 2011, p. 183, Volume 1 (Part C), C3J/OS 2 of 2020

“Ling and Yang have been discussing their shares of Oxley Rd. They do not see the need neither do they wish to make any political statement by donating Oxley to charity. Their desire is to develop Oxley in situ and share it three ways. Your one third you can do as you think fit.

I go along with their wishes.” [Emphasis mine.]¹⁰⁵

LHL responded, but only to LKY (he seemingly removed LHY and LWL from the thread): “I think if the family does not undertake to donate the full proceeds from developing Oxley to charity, we will not be able to demolish and rebuild the house. **Whatever you write in your will, there will be huge public pressure to preserve the house, and the govt will not buck it.** [Emphasis mine.] If the family is seen as benefiting financially from developing the site it will become even more untenable. Hence my suggestion to donate the proceeds.”

Note: This is perhaps the first sign to LKY that LHL will not put his father's interests above the establishment's.

LKY responded, reinserting LHY and LWL into the thread:

“Ling wants to live in her redeveloped portion in situ. She is accustomed to and comfortable with staying in Oxley.

If what you say is true, then it is better to redevelop it while I am still around.

The public cannot decide what will belong to the three siblings.

[Emphasis mine.] Yang must figure out how this can be done.”¹⁰⁶

LHL responded to all:

“It is safest to redevelop while you are around. The house will belong to the estate, but the govt will come under great pressure to acquire it compulsorily and make it a national monument. Many ministers will support this.”¹⁰⁷

LKY responded to all:

“But it will not be the same house.

It will be a three story building with strata title.”

LHL responded to all:

“I meant if we do not redevelop it while you are around, then later the govt will come under great pressure to acquire the present building. But it will not be a case of the Cabinet reluctantly doing something against their will. I believe most of the ministers would like the house to be preserved, though they know your own strong preference is to demolish it.”¹⁰⁸

¹⁰⁵ E-mail from LKY to LHL with LHY and LWL in cc, 19 Jul 2011, p. 187, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁰⁶ E-mail from LKY to LHL with LHY and LWL in cc, 19 Jul 2011, p. 186-187, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁰⁷ E-mail from LHL to LKY with LHY and LWL in cc, 19 Jul 2011, p. 186, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁰⁸ E-mail from LHL to LKY with LHY and LWL in cc, 19 Jul 2011, p. 186, Volume 1 (Part C), C3J/OS 2 of 2020

Note: During the course of a few hours, LHL's narrative has shifted slightly. Initially his line of argument was that "the govt will not buck" the "huge public pressure" to preserve the house, giving the impression that the government's hand is being forced by the public (a rather unusual phenomenon in Singapore). By the last e-mail it is apparent that most ministers also want the house preserved. This shifting and tweaking is reflective of the distinction between the establishment's desires, which LHL is probably aware of, and the public's, which, despite his claims, he is likely not.

4. LHL suggests that LKY can redevelop the house, sell it off, and then donate the proceeds to a beneficiary that he designates—a suggestion accepted by LKY, 19-20 July 2011

Late on 19 July 2011 LHY, in an e-mail to LKY and his two siblings, suggested that LKY could "gift the property to 'the people of Singapore' subject to a condition that the house must be torn down, and that it be turned into a small park for the public..."¹⁰⁹

LHL said that this was worth considering, but also offered "a variation: to state in your will that the house be torn down and the site redeveloped and sold, and the proceeds then go to a beneficiary which you also name."

Early on 20 July 2011 LKY accepted LHL's proposal, saying that he wished to: "...redevelop and sold proceeds to go charity, esp PCF kindergarten to improve English of children from poor dialect or Mandarin speaking homes."¹¹⁰

Note: Knowing what happened after, this is one of the strangest exchanges of all. LHL essentially offered LKY a workable option, which he accepted. Barely a day later, LHL would get LKY to meet LHL's ministers, who would collectively push LKY away from this option.

5. LHL invites LKY to attend a cabinet meeting to express his wishes with regards to 38 Oxley Road directly to the other ministers, 21 July 2011

On 20 July 2011, having accepted LHL's above proposal, LKY sent a note to the cabinet, reiterating his "wish to have the house demolished when I am no longer alive."¹¹¹

The very next day LHL asked LKY if he would attend a cabinet meeting so that he could speak directly to the ministers (and presumably also hear their thoughts).

According to LWL, the only child staying with LKY, her father "deeply regretted attending the meeting." He felt that it "was an ambush set up by Hsien Loong to try to change his mind."¹¹²

LWL later e-mailed K Shanmugam: "MM thinks Loong asked him to speak to the cabinet because Loong wanted cabinet to tell father that they want it preserved."¹¹³

¹⁰⁹ E-mail from LHY to LKY with LHL and LWL in cc, 19 Jul 2011, p. 208, Volume 1 (Part C), C3J/OS 2 of 2020

¹¹⁰ E-mail from LKY to LHL and LHY with LWL in cc, 20 Jul 2011, p. 207, Volume 1 (Part C), C3J/OS 2 of 2020

¹¹¹ Note from LKY to the cabinet, 20 Jul 2011, p. 224, Volume 1 (Part C), C3J/OS 2 of 2020

¹¹² Letter from executors to Lawrence Wong, 14 June 2017, para 14, p. 228, Volume 1 (Part A), C3J/OS 2 of 2020

¹¹³ Letter from executors to Lawrence Wong, 14 June 2017, para 14, p. 228, Volume 1 (Part A), C3J/OS 2 of 2020

Largely as a result of this meeting, LKY shifted his position on the house. He included a contingency in the Demolition Clause, and slowly made preparations to renovate the house to strengthen its foundations, rather than demolish it altogether, as he had hitherto wanted.

6. LHL makes it clear to LKY that the house is unlikely to be demolished after he dies, sometime after the 21 July 2011 cabinet meeting

LHL told the MC:

“Soon after the meeting, Mr Lee asked me for my views on whether 38 Oxley Road would be retained as a heritage site. Given the strong views expressed by the Ministers during the Cabinet meeting of 21 July 2011, which also tied in with my own assessment of the public sentiment, I told Mr Lee that I felt that Cabinet was unlikely to agree to demolish the House **after he died** [emphasis mine].”¹¹⁴

7. LHL does not counter LKY's view that gazetting is inevitable, circa 11 August 2011 onwards

From 11 August 2011 onwards, there is evidence that LKY believed that LHL, as PM, had the power to unilaterally gazette the house, and that indeed he would.

On 10 August 2011, LHY sent an e-mail to LKY, cc-ing LHL and LWL, saying that his will should clearly state that “...you and Mama have always been of the view that the house should never be converted into a museum for the public for public viewing.”¹¹⁵

On 11 August 2011, LKY replied that LHL had said that the house would “inevitably” be gazetted.

But, LWL said, LKY called the shots.

LKY responded: “I cannot call the shots. Loong as PM has the final word”; and that “Even if I knock it down while I am alive, the PM can gazette it as a heritage site and stop the demolition.”¹¹⁶

LHL was copied on all the above communications but did not respond.

Recall that on 19 July 2011, LHL had told LKY that “It is safest to redevelop while you are around.” Less than a month later, LKY came to believe that even this option was no longer viable.

Meanwhile, by October 2011, HC had become the family's lead for the proposed redevelopment of 38 Oxley Road. She wrote to LKY seeking permission to organise a site survey.

¹¹⁴ ELHL, Statutory declaration to MC, 27 Feb 2017, para 15, p. 170, Volume 1 (Part A), C3J/OS 2 of 2020

¹¹⁵ E-mail from LHY to LKY with LHL, LWL and Kwa Kim Li in cc, 10 Aug 2011, p. 45, Volume 1 (Part H), C3J/OS 2 of 2020

¹¹⁶ E-mail from LKY to LHY with LHL, LWL and Kwa Kim Li in cc, 11 Aug 2011, p. 43, Volume 1 (Part H), C3J/OS 2 of 2020

On 3 October 2011, LKY responded: “Yes. But Loong as PM has indicated that he will declare it a heritage site. That will put an end to any rebuilding.”¹¹⁷

Again, LHL was copied but did not feel the need to respond.

A year later, LKY was still under this misconception.

On 6 September 2012, in an e-mail to Kwa Kim Li and LWL, LKY said:

“Although it has been gazetted as a Heritage house it is still mine as owner. But I cannot alter the basic structure of the house. And the cabinet has opposed tearing it down and rebuilding, because 2 PMs have lived in the house, me and Loong..”¹¹⁸

On this printed e-mail, Kwa Kim Li wrote: “I can’t find gazette. Told him.”

Note: From this e-mail we have a better idea of the cabinet’s thinking on 38 Oxley Road. The cabinet’s motivation for preservation, in LKY’s view, was not about the PAP’s founding in the 1950s or about the structure’s architectural value, but rather that the house had been the home of two party leaders and prime ministers.

On 2 October 2012, LKY told Kwa Kim Li that “Loong has free reign. He can handle Cabinet. Heat + hit.”¹¹⁹

On 30 Nov 2013, there is finally an indication that LKY has been freed of the misconception that 38 Oxley Road will inevitably be gazetted.

In an e-mail to LKY, Kwa Kim Li says: “Last night, you raised the possibility that Oxley may one day be ‘de-gazetted’ after your passing,”¹²⁰

As we now know, a couple of weeks later, LKY signed his seventh and last will in which he re-inserted the Demolition Clause.

In short, for over two years, LKY was under the misconception that the house had been or would be gazetted. He believed LHL had “free reign” and that he could “handle Cabinet”.

To be sure, there is no evidence of LHL saying anything to his father in order to spark or feed this misconception. The 2011 e-mails simply show that LHL was kept in the loop about LKY’s misconception (that gazetting is inevitable), and seemingly did nothing to counter it.

Put another way, LHL made it clear to LKY that the house was unlikely to be demolished after he died. But it is unclear if LHL supported LKY’s bid to demolish the house while he was still alive. The evidence, in my view, presents a mixed picture.

¹¹⁷ Letter from executors to Lawrence Wong, 28 Feb 2017, para 37, p. 110, Volume 1 (Part A), C3J/OS 2 of 2020

¹¹⁸ E-mail from LKY to Kwa Kim Li and LWL, 6 Sep 2012, p. 283, Volume 1 (Part C), C3J/OS 2 of 2020

¹¹⁹ Handwritten on e-mail from Kwa Kim Li to LKY, 2 Oct 2012, p. 294, Volume 1 (Part C), C3J/OS 2 of 2020

¹²⁰ E-mail from Kwa Kim Li to LKY, 30 Nov 2013, p. 13, Volume 1 (Part D), C3J/OS 2 of 2020

(LHL declined to respond to my query on this.)

In summary, this is the evolution of LHL's comments and positions to LKY, his father, and the rest of the family:

18 March 2011: LHL indicates that it will be fairly easy for LKY to knock down 38 Oxley Road;

18 April 2011: LHL introduces a financial conflict-of-interest complication into the demolition process;

19 July 2011: LHL introduces supposed public opposition, and then later cabinet opposition, into the demolition process;

19-20 July 2011: LHL suggests that LKY can redevelop the house, sell it off, and then donate the proceeds to a beneficiary that he designates—a suggestion accepted by LKY;

21 July 2011: LHL invites LKY to attend a cabinet meeting to express his wishes with regards to 38 Oxley Road directly to the other ministers (and presumably to hear their responses);

Shortly after above meeting: LHL makes it clear to LKY that the house is unlikely to be demolished after he dies; and

11 August 2011 onwards: LHL does not counter LKY's view that gazetting is inevitable, circa 11 August 2011 onwards.

A charitable view of LHL's actions and words is that he wanted to follow his father's wishes, and was simply doing his best to bulletproof LKY's plans. With each passing month, he was thinking preemptively about new hurdles that might emerge along the way, reacting like a loyal son might, eager to help his father overcome them.

A cynical view is that LHL himself wanted to preserve the house, whether for personal reasons or on behalf of the establishment, but could not bring himself to tell his father, perhaps not wanting to appear unfilial. Instead he allowed a slow succession of opposing forces to appear on the scene.

It is easy to see how LHL's actions and words could be useful fodder for both his supporters and critics. Perspective and bias matter. This ambiguity has likely fed the polarisation around the issue.

What does seem clear is that as LKY entered the twilight of his life, he grew to believe, rightly or wrongly, that his own son was not exercising the power that he had in order to fulfil his last primary wish.

For both father and son, that is unfortunate.



“Loong has free reign. He can handle Cabinet. Heat + hit”

– Lee Kuan Yew

Lee Wei Ling was seemingly torn between following her father’s demolition wish and her desire to keep living in the house (the only one she has ever known).



“Teow, your pSO and I all agree that people will just come to see the place out of curiosity. Perhaps to try to confirm rumours that you have 8 servants (gossip that Teow overheard at a kopi tiam).”

– Lee Wei Ling

Part of the reason why the family found it difficult to proceed with renovation or demolition plans was because LKY and LWL were still living at 38 Oxley Road in 2011, when discussions began.

For LKY, the process of renovation or demolition would have required him (and his entourage of Gurkhas and other staff) to move out of Oxley Road¹²¹, which would have been disruptive for an 88-year-old man; he was justifiably concerned about his life “being turned upside down”.¹²² On her part, LWL was also concerned about the

¹²¹ E-mail from LKY to LHY with LWL in cc, 19 Jul 2011, p. 193, Volume 1 (Part C), C3J/OS 2 of 2020

¹²² E-mail from LKY to LHY with LHL and LWL in cc, 19 Jul 2011, p. 192, Volume 1 (Part C), C3J/OS 2 of 2020

disruption to LKY's routines and the attendant difficulties.¹²³

Once a consensus seemed to have been reached to redevelop the house after LKY's passing, LWL agreed but nonetheless wanted to continue living in the redeveloped property. On 19 July 2011 LKY had said that LWL "is accustomed to and comfortable with staying in Oxley".¹²⁴

This is why in the first will (20 August 2011) LKY bequeathed 38 Oxley Road to LHL, but included a provision for LWL to stay there as long as she wished after his passing.

By the end of 2011, LKY's view on the matter had changed.

10 December 2011

LKY to Kwa Kim Li and LWL, rest of family cc-ed:

"Ling: I discussed this thoroughly with Loong and Ho Ching several times, including lunchtime today. Best to redevelop 38 Oxley Rd straight away.

It is not practical for you, Ling, to live in this big house without two maids cleaning and airing so many empty rooms without any purpose.

Ho Ching has offered a flat at Oxley Rise that you, Ling, can manage with one maid, and get a maid who can also be your driver.

Ling: Oxley Rd is too big for anyone to live alone.

Kim Li: please change my will to give 38 Oxley Rd to Loong without any encumbrance."¹²⁵

Thus was borne the second will (21 December 2011), which included the demolition clause, but also allowed HC and LHL to do as they please with the home following LKY's passing, i.e. LWL had no right to live there.

By the time of the fifth will (4 October 2012), LKY had removed the demolition clause; but had reinstated LWL's right to reside at 38 Oxley Road, subject to LHL's consent (and without any life interest in the property).

This right was maintained in the sixth will (2 November 2012).

In the seventh and last will (17 December 2013), LWL was given the unencumbered right to live at 38 Oxley Road, even though the property was (still) bequeathed to LHL.

LKY's last will effectively means that LWL can continue living at 38 Oxley Road as long as she wants. And no major decisions will be made about the property as long as she does.

¹²³ E-mail from LWL to LHL, LKY and LHY, 19 Jul 2011, p. 192, Volume 1 (Part C), C3J/OS 2 of 2020

¹²⁴ E-mail from LKY to LHL with LWL and LHY in cc, 19 Jul 2011, p. 186, Volume 1 (Part C), C3J/OS 2 of 2020

¹²⁵ E-mail from LKY to Kwa Kim Li and LWL with rest of family in cc, 10 Dec 2011, p. 141, Volume 1 (Part B), C3J/OS 2 of 2020

Lee Hsien Yang, although mindful of the property's value to LKY's estate, was seemingly motivated only by a desire to follow his father's demolition wish.

Of the three children, LHY was the least nominally conflicted about implementing LKY's demolition wish. Unlike LHL, he did not have to weigh LKY's wish against the interests of the establishment. And unlike LWL, he did not live there.

Some of LHY's critics have sought to characterise his actions as being motivated by money. He always wanted the house demolished, so it goes, so that he could maximise his personal take from it, perhaps through a future redevelopment based on new zoning rules.

Though the evidence shows him being mindful of the property's value, it does not support such an allegation.

Most importantly, it was LKY, ever the sharp entrepreneur, who recognised the property's unrealised real estate value; and who gave specific instructions to LHY to try and maximise it. (See below.)

LHY, by contrast, did not initially seem too bothered about the proceeds from Oxley. On 19 July 2011, he suggested that LKY could "gift the property to 'the people of Singapore' subject to a condition that the house must be torn down, and that it be turned into a small park for the public. It could come out of Loong and my share of the value of the property..."¹²⁶

His position appears to have shifted a day later. On 20 July 2011 (a day before LKY met the cabinet), the company Premas valued the Oxley property at S\$20m. This valuation was above the expectations of both LHY and HC.

20 July 2011 conversation

LHY: "...I am surprised at the value of [redacted property name] and Oxley Road \$20m. I had thought both of them might fetch half those kinds of value..."

HC: "...you are right that the valuations of [redacted property name] and Oxley are surprising..."

LHY: "...If Oxley is at these kind [sic] of levels, I will reconsider my position on it."¹²⁷

The likelihood of LHY being financially calculative, on behalf of the entire family, does not alter one's view of his motivations with regards to 38 Oxley Road. He consistently wanted to fulfil his father's primary wish of demolishing the house. Thinking its value was lower, he was open to the idea of giving away its proceeds. Once he knew of its higher value, he believed it should form part of the overall inheritance of LKY's three children. Both before and after LHY knew of the house's value, he wanted it demolished.

¹²⁶ E-mail from LHY to LKY with LHL and LWL in cc, 19 July 2011, p. 208, Volume 1 (Part C), C3J/OS 2 of 2020

¹²⁷ E-mails between LHY to HC with rest of family in cc, 20 July 2011, p. 225, Volume 1 (Part C), C3J/OS 2 of 2020

A conversation on 14 August 2011 offered perhaps the last insight into LHY's motivations. In light of the valuations and other considerations, HC had told LKY, with the family cc-ed, that "The main issue that you really need to decide is whether to will Oxley to Loong or Yang."

LHY responded: "I would like [redacted property name] as I had spent much time on its construction. Besides that, I prefer to take the $\frac{1}{3}$ share in either financial assets, or if not, the apartments rather than landed property.

I would be willing to take 38 Oxley Road as part of my $\frac{1}{3}$ share, with Ling having a life interest to live there as long as she wishes."¹²⁸

It is clear from this that LHY, as part of his inheritance, preferred apartments to landed properties (including 38 Oxley Road); and that if indeed he was given 38 Oxley Road, then his sister could live there as long as she wanted, scuppering any possibility of an imminent redevelopment.

*"If Oxley is at these kind [sic] of levels,
I will reconsider my position on it."*

– Lee Hsien Yang



Lee Suet Fern appeared throughout to simply be following Lee Kuan Yew's and Lee Hsien Yang's instructions with regards to 38 Oxley Road.

LSF's primary contributions to LKY's wills were, firstly, in her crafting of the Demolition Clause in 2011 (following LKY's instructions); and, secondly, in her getting involved in the execution of his seventh and last will (following LHY's instructions).

There is no evidence of her seriously attempting to influence LKY's thinking on 38 Oxley Road. Over the course of the Lee family's e-mail communications about the house, there is only one instance of LSF proposing an idea.

18 July 2011

LSF to LWL:

"Ling, I had not wanted to chime in as a mere "in law". I did not think that Loong and

¹²⁸ E-mail from LHY to HC with rest of family in cc, 20 July 2011. p. 118, Volume 1 (Part B), C3J/OS 2 of 2020

Ho Ching's idea was a good one but I know Ho Ching is very keen and has persuaded Loong on this.

I have suggested to Yang that another alternative is to develop Oxley Road ourselves (ie all 3 children). We can fund this easily out of the company so that should not be a worry to you. The architect envisages that we could build several units. We could then divide them up (like [redacted property name]) and you could keep one unit of yours to stay if you wish. As a politician, if Loong wishes, he can sell his unit and give this to charity.

What do you think?"¹²⁹

LSF's idea, which LWL liked, sparked further conversations among LKY and his children about the possible rebuilding, as well as the associated difficulties with LKY and LWL having to move out of the house during renovation.

Note: Here is an early suggestion that Ho Ching was eager, presumably, to move into 38 Oxley Road, and that she was influencing LHL's thoughts on this.

Ho Ching appeared to be enthusiastic about the prospect of redeveloping (and possibly moving into) 38 Oxley Road; but this was an arrangement that had the blessings of Lee Kuan Yew, who indeed was quite happy for her to lead the redevelopment.

Ho Ching's enthusiasm is best captured in her 3 January 2012 e-mail to the family (see below), in which she muses about the property's architectural and heritage value, delights in the fact that it used to have space for horses and a horse-carriage, and calls it "A house to be respected."¹³⁰

It also appears that over the course of 2011 the siblings grew increasingly suspicious of HC's alleged motives and machinations.

It is nevertheless also clear that HC's plans to move into 38 Oxley Road had the blessings of LKY, who indeed was quite happy for HC to lead the redevelopment.

HC's critics have long suggested that she wants to move into the house because of its political symbolism. By perpetuating the link to LKY, so it goes, she cements her own family's legacy and possibly, some suspect, paves the way for her son, Li Hongyi, to also one day run for high office.

There is only a little evidence of HC's awareness of the symbolism, in her desire to maintain the basement dining room, the site of early PAP pow-wows, even as she wanted to redo the rest of the house's interior.

¹²⁹ E-mail from LSF to LWL, 13 Jul 2011, p. 195, Volume 1 (Part C), C3J/OS 2 of 2020

¹³⁰ E-mail from HC to LWL with rest of family in cc, 3 Jan 2012, p. 276, Volume 1 (Part C), C3J/OS 2 of 2020

Still, the obvious rejoinder to HC's critics is: "So what?" Whatever her motivations, LKY supported her plans as a less favourable, albeit still seemingly tolerable, alternative to demolition. The possibility of LHL and HC moving into the house, or of them renting it out, was a means of fulfilling this secondary wish.

The e-mails below offer insights into HC's involvement in 38 Oxley Road.

August 2011

15 August 2011

LWL to LKY, cc LHY

"There is a platoon of people trooping through Oxley right now.

I don't like it, and it will be worse if it is ever open to public.

...

Even if the government does gazette Oxley, Yang suggests that if you state in your will that it not be open to public. If indeed public can be prevented from coming into Oxley, you, Yang and I would be less upset.

Yang is right. The entire series of ideas of what to do to Oxley:

- 1) Tear down, build, sell, donate proceeds to charity, Then**
- 2) Make video, model etc. And**
- 3) Getting Loong to get you to talk to the cabinet**

Are all HC's doing. [Emphasis mine.] We cannot undo it, but we should try to limit what we consider intrusion into our privacy."

LKY's response:

"Agree with you and Yang's sentiments. But we are where we are now. Best is to prevent people from trampling through the house. Will require that in my will."¹³¹

Note: This conversation occurred about a month after LKY met the cabinet to hear their views. It is the first recorded instance of LHY and LWL expressing their scepticism about HC's manoeuvrings to LKY. Though LKY agreed with their sentiments, he also seemed to accept the state of affairs. He subsequently accepted LHY's suggestion for LSF to craft something in his will that would "express your clear desires and intentions on the house." A few days later LKY signed his first will.

October 2011

By October 2011, HC had become the family's lead for the proposed redevelopment of 38 Oxley Road. She wrote to LKY seeking permission to organise a site survey.

¹³¹ E-mail from LWL to LKY with LHY in cc, 15 Aug 2011, p. 242-243, Volume 1 (Part C), C3J/OS 2 of 2020

On 3 October 2011, LKY responded: “Yes. But Loong as PM has indicated that he will declare it a heritage site. That will put an end to any rebuilding.”¹³²

Note: One puzzling aspect of all this has to do with the possible gazetting of the house. We know that for over a year LKY held the belief that gazetting had already occurred, or that it would inevitably happen. If LKY could not demolish the house because of a preservation order, then how would HC be able to renovate it for her family's purposes? There are, of course, different forms and extents of “conservation” and “preservation” under the law. Still, here one observes LKY teasing out the supposed contradiction between LHL's and HC's positions vis-à-vis the house.

December 2011-May 2012

This is the period when, following conversations with HC and LHL, LKY appears to have become convinced of the need to redevelop the house as soon as possible, which led to him signing his second will (21 December 2011), which allowed free rein to HC and LHL to do as they please with the home following LKY's passing. (“Ling: I discussed this thoroughly with Loong and Ho Ching several times, including lunchtime today. Best to redevelop 38 Oxley Rd straight away,” LKY wrote on 10 December 2011.¹³³)

27 December 2011

Letter to the cabinet, LKY said:

“Cabinet members were unanimous that 38 Oxley Road should not be demolished as I wanted...if 38 Oxley Road is to be preserved, it needs to have its foundations reinforced and the whole building refurbished. It must then be let out for people to live in...”¹³⁴

Note: The above sequence of events kickstarts HC's deeper involvement in the redevelopment of Oxley Road. LKY was supportive of her decision-making and plans, as shown below.

2-3 January 2012

HC to LWL and LHY, rest of family cc-ed:

“...As Loong mentioned, the first preference is to demolish the Oxley house and build afresh. The next best alternative is to renovate and redevelop parts of the house/annex, so that it is livable/rentable for many more years but with a new internal layout.

The renovation/renewal idea is to keep/renew the main Oxley house structure, retaining its old world ambience but completely changing the internal layout except for the basement dining room, and redeveloping the back annex into a 2 storey annex connected to the main house...

...If there is objection to renting out to say expats, then the family could consider

¹³² Letter from executors to Lawrence Wong, 28 Feb 2017, para 37, p. 126, Volume 1 (Part A), C3J/OS 2 of 2020

¹³³ E-mail from LKY to Kwa Kim Li and LWL with rest of family in cc, 10 Dec 2011, p. 141, Volume 1 (Part B), C3J/OS 2 of 2020

¹³⁴ Note from LKY to the cabinet, 27 Dec 2011, p. 146, Volume 1 (Part B), C3J/OS 2 of 2020

moving in at least for the initial years, so Ling can use one of the big bdrms, and Loong/I can use the other big bdrm...”¹³⁵

LKY: “Noted.

It is for you all to decide whether you want to refurbish and stay or to rent out.

That will decide the layout.

I am easy as to whether you will stay in Oxley or let it out.

So it depends on whether you and Loong want to uproot from Rochalie and live in Oxley.

Mama would not like [it] to become a museum for people to tramp through.

If it is refurbished and rented out it is OK.”¹³⁶

HC: “Understand – the idea is not to make it a museum but a living space for a family.”

LWL: “I would be happy to eventually move back to Oxley, but it will not be possible if you are renting it out. Nor does it make sense for one person just using one room in the present Oxley.

Having stayed at Rochalie, I think u and Loong will find it difficult to adapt to Oxley.”

HC: “Understand your sentiments.

First priority is to change the house sufficiently so as to lower the risk of compulsory acquisition to turn into a public museum of sorts...”

LKY: “**I have confidence in your [HC’s] judgement.** [Emphasis mine.]

Do what gives you maximum opportunities for later use.”

HC (later in the thread):

“...It was quite fascinating to discover that the current garage was originally meant to be a coach-house, presumably for the coach, with two stalls behind it, presumably for a horse each, followed by a room for the scye or coachman. The rest of the annex were a kitchen and servant’s quarter. All very much like how the annex is in use today..

...There was also a well between the annex and the house, near about where the dog kennel is.

Not sure when the well was covered up, but we probably can find the well lining walls if we excavate a little below the old well location.

A house to be respected...”¹³⁷

¹³⁵ E-mail from HC to family, 2 Jan 2012, p. 148-149, Volume 1 (Part B), C3J/OS 2 of 2020

¹³⁶ E-mail from LKY to children, 2 Jan 2012, p. 152-153, Volume 1 (Part B), C3J/OS 2 of 2020

¹³⁷ E-mail from HC to rest, 3 Jan 2012, p. 151, Volume 1 (Part B), C3J/OS 2 of 2020

"It was quite fascinating to discover that the current garage was originally meant to be a coach-house...A house to be respected."

– *Ho Ching*



30 April 2012

HC to LKY, rest of family cc-ed

"Architect Mok Wei Wei has just gotten the written approvals from URA for the redevelopment of Oxley as a partially conserved two storey dwelling with a new 2-storey annex..."

...it has been discovered that 38 Oxley has encroached on the neighbouring plot, along the driveway going down to the garage in the annex, roughly the width of the planting strip along the wall. There is no action required for now, but when we start any redevelopment in future, we will have to return that strip of land to the neighbouring plot..."

LKY: "Noted. Nothing to follow up or sign by me. Permission has been granted as I had previously signed in letters to them. Will send them to you."¹³⁸

15 May 2012

HC to LKY, cc LHL

"...Now that the URA has approved the proposed redevelopment plan for Oxley, based on architectural submission, I would like to recommend that we take the next step of working through the structural and other details for the Oxley redevelopment proposal..."

LKY: "Noted. Proceed."¹³⁹

1 Oct 2012

LKY to Kwa Kim Li

"...My will can say that Ling would like to stay on in Oxley, if Loong agrees..."

"Ho Ching has plans to develop Oxley. Ling has no life interest.

It is bequeathed to Loong and Ho Ching.

Three children have agreed on who gets what."¹⁴⁰

Note: The above two e-mails are some of the last bits of evidence we have of HC's plans for 38 Oxley Road. LKY's note to Kwa Kim Li was in preparation for his fifth will, which would remove LWL's absolute right to live in Oxley.

¹³⁸ E-mails between LKY and HC with rest of family in cc, 30 Apr 2012, p. 156, Volume 1 (Part B), C3J/OS 2 of 2020

¹³⁹ E-mails between LKY to HC with LHL in cc, 15 May 2011, p. 158, Volume 1 (Part B), C3J/OS 2 of 2020

¹⁴⁰ E-mails from LKY to Kwa Kim Li, 1 Oct 2012, p. 147, Volume 1 (Part D), C3J/OS 2 of 2020

The women are to blame

Some readers may think that my assessment of the respective motivations of HC and LSF is naive, especially given the opprobrium both have faced in recent years. I have tried my best to follow the available evidence while shutting off some of the noise, including the interesting but tangential accusations.

For instance, in 2017 [LHY accused HC of “theft and intermeddling”](#) for taking items belonging to LKY shortly after he passed and loaning them to NHB. HC denied the accusations, claiming she was doing “dogsbody work” and had informed LHY and LWL of her actions. This is not an incident that, in my view, deserves discussion given this book’s focus on the will and house.

Did HC and LSF have other motivations? The available evidence, in my reading, does not point to any.

What is fairly obvious to me, having followed the saga over the past seven years, is the (misogynistic) temptation for many people to blame one or more of the concerned women for the current state of affairs. Some of the common accusations are:

- HC is the one controlling LHL
- LSF is the one controlling LHY
- LWL cannot be trusted because of her mental state.

The most outlandish one, told to me by one person, is that even Kwa Geok Choo, LKY’s late wife, is to blame. It was she, so the story goes, who wanted LHL, her oldest son, to enter politics, choosing him over the apparently more affable and suitable LHY. Put another way, Kwa Geok Choo is the one who sparked the sibling rivalry that apparently drives the entire conflict.

The point of repeating all these here is simply to make the reader aware of what I believe is a strand of misogyny running through popular interpretations of the Oxley Road saga.

In 2011, Lee Kuan Yew was the first to suggest that 38 Oxley Road (and adjoining properties) should be rezoned so that its full financial value could be reaped by the family...

“Because of my house the neighbouring houses cannot build high,” [LKY told journalists](#) working on his book, *Hard Truths to Keep Singapore Going* (2011).

“Now demolish my house and change the planning rules, go up, the land value will go up.”

In later communications with his children, LKY also suggested this course of action.

“Yang get an architect who can put up a [sic] attractive three story condo.”¹⁴¹

...however, Lee Hsien Loong did not want to be seen to be profiting financially from 38 Oxley Road...

LHL appeared concerned throughout with the public's perception of the family's conflicts of interest. He seemed worried that he/they might be perceived as opposing [conservation or preservation](#) not simply out of a desire to fulfil their father's wishes, but also because of potential financial gain (through the redevelopment and sale of the property). Therefore, LHL repeatedly stressed the importance of giving away any proceeds from the property.¹⁴²

...but Lee Wei Ling and Lee Hsien Yang had no such qualms...

LWL and LHY regarded any financial proceeds from the commercial sale or redevelopment of 38 Oxley Road the same way any child would any part of their parents' estate.

As detailed above, LHY was initially open to the idea of giving away the property, though he seemingly changed his mind once he learned of the property's valuation.¹⁴³

By contrast, LWL was ostensibly never open to this idea (of donating the property). She wanted her share of the Oxley estate partly as a financial cushion for possible future medical expenses. “I may eventually hv to seek treatment in the US,” she told the whole family in an e-mail on 18 July 2011.¹⁴⁴

In the recorded conversations over the years, it seems clear that LKY and the siblings were all well aware of their respective levels of wealth: LHL and LHY (along with their own families) being better off than (the single) LWL.

On 16 October 2012, leading up to his sixth will, LKY had told Kwa Kim Li:

“On reflection, I have decided to give more to Ling. The boys have higher incomes and also wives with big earnings. Have my will in 5 shares, 3 to Ling and 1 to each Loong

¹⁴¹ E-mail from LKY to LHY, 19 July 2011, p. 72, Volume 1 (Part B), C3J/OS 2 of 2020

¹⁴² E-mail from LHL to LKY and siblings with HC and LSF in cc, 18 July 2011, p. 185, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁴³ E-mail from LHY to HC with rest of family in cc, 20 July 2011, p. 110, Volume 1 (Part B), C3J/OS 2 of 2020

¹⁴⁴ E-mail from LWL to LKY and LHY with rest of family in cc, 18 Jul 2011, p. 185, Volume 1 (Part C), C3J/OS 2 of 2020

and Yang.”¹⁴⁵ The ratio was subsequently changed to 2:3:2 in the sixth will; and then back to equal shares in the seventh and last.

Put another way, of the three children, LWL was the only one who appeared, with the full knowledge of the family, as actually in need of her inheritance.

Aside: in one of several flip-flops, LKY had actually earlier taken away LWL's inheritance. According to Kwa Kim Li, LKY had become concerned in September 2012 that LWL “was going to give her Estate to charity.”¹⁴⁶ LKY might have been aghast at the thought of his hard-earned wealth going not to descendants but dogs (whom LWL [has recently described](#) as making “better friends than humans”). Thus was born the third will, which gave LWL only a life interest in the estate, giving her only the rental and other income, not the capital.¹⁴⁷

...and that is the sum of any differences in financial motivation, which Lee Kuan Yew appreciated and supported.

LKY appreciated and supported his children's respective financial motivations with regards to the Oxley Road property. He did not believe that the potential conflict of interest was one that should bother the family.

“Ling and Yang have been discussing their shares of Oxley Rd.
They do not see the need neither do they wish to make any political statement by donating Oxley to charity.
Their desire is to develop Oxley in situ and share it three ways.
Your one third you can do as you think fit.
I go along with their wishes.”

– LKY to children, 9.28am, 19 July 2011¹⁴⁸

“...The public cannot decide what will belong to the three siblings...” – LKY to children, 10.17am, 19 July 2011¹⁴⁹

¹⁴⁵ E-mail from LKY to Kwa Kim Li, 16 Oct 2011, p. 3, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁴⁶ E-mail from Kwa Kim Li to LHL, LWL and LHY, 4 Jun 2015, para (f), p. 109, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁴⁷ LHL statutory declaration to Lawrence Wong/MC, para 44, p. 209, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁴⁸ E-mail from LKY to children, 19 Jul 2011, p. 187, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁴⁹ E-mail from LKY to children, 19 Jul 2011, p. 187, Volume 1 (Part C), C3J/OS 2 of 2020

I would like to conclude with my own personal views on the Lee family members and the house.

While there have been numerous misunderstandings over the years between the five key family members—LKY’s three children and his two daughter-in-laws—we should not ignore LKY’s own culpability for the state of affairs.

For somebody so decisive in life, he has proved frustratingly ambiguous in death. Although his final wishes in the Demolition Clause are clear enough, he probably knew, given the evidence, that it would fuel a fight between two camps. I wonder why he did not find a way to demolish the house while he was around.

It is unfortunate that the streams of accusations and counter-accusations by the two sides has fed Singapore’s political polarisation. The family’s fracture is mirrored, somewhat, by society.

Many PAP supporters now view LHY and LSF negatively. Many outside view LHL and HC similarly. It is Singapore’s loss that four key members of the Lee family are now distrusted by “the other side”.

It is undoubtedly important for Singapore to move past the Lee family. It is my hope that once LHL retires from politics, no other family member is allowed near the levers of real power, at least for a generation or two. (Their stellar genes notwithstanding.)

This is important for many reasons, including the need for institutions such as the PAP, the civil service and Temasek to emerge from the shadow of the Lee family; and, related, the notion that Singapore’s socio-political progress depends partly on an honest assessment of LKY’s legacy, something that has hitherto proved difficult.

That said, it is also clear that the Lee family members still have much to contribute, perhaps in advisory capacities or in non-political positions. Nothing exemplifies society’s loss as much as the fact that Li Shengwu, LHY’s and LSF’s eldest son and on paper one of the most accomplished academics Singapore has ever produced, probably feels unwelcome here following the conclusion of his contempt of court case.

Many Singaporeans I speak to are just tired of the bickering and infighting. That the most politically influential family in Singapore, one so intimately connected to our post-colonial history and development, is divided is a cause of grief for many. That “public sentiment” was incorporated into LKY’s decision-making process on his house, on his final wishes, has implicated us all.

Far-fetched as it is, many of us pine for the day when ties within the family are mended. It is part of a conciliatory process that will slowly, hopefully, heal some political divides and foster a healthier climate of public discourse and debate, even as socio-political diversity increases.

What, then, should Singapore do with the house at 38 Oxley Road? It is important first to note that it is not just the establishment that has wanted to preserve/conservate it. Over the years different groups with slightly different motivations have expressed similar sentiments. This includes architects, historians, journalists and political junkies.

I belong to the last group. In 2017 I [wrote about my hope](#) that the site of early PAP meetings might one day serve a public education role, perhaps inspiring political interest in a traditionally apathetic society.

During the course of my research for this book, having closely reviewed the communications between LKY and others, my view has decisively changed. Once LWL is no longer living there, the government should not stand in the way of the executors destroying the house to honour LKY's final primary wish.

Let me explain my shift. My starting point in 2017 was that Singapore has long put society's interests above the individual's. LKY clearly recognised this in his communications about his final will. No matter what he as an individual wanted, the government, representing the people, could overrule him. He might have also recognised the situational irony: like so many other dominant socio-political values in this country, he championed the notion of the collective above the individual, the one that could (still) end up denying him his final primary wish.

I would have stuck to that position if all of the above had been clearly explained to LKY, if the establishment had just told him something to the effect of, "We know what you want, but we cannot give it to you. We want to preserve/conservate the house for these reasons."

But there was no such clarity. LKY lived his last few years in a fog of flip-flops and misconceptions, aware that his own children were growing suspicious of each other. He died not knowing if his final primary wish would be honoured.

I can empathise with LHL and other members of the establishment. It must have been hard saying "no" to LKY on any issue, much less a decision about his own house. Yet given the circumstances, it is my belief now that the right course of action is to demolish the house.

That is just my view. And it is my hope that this book has helped you form yours.

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Why the formation and findings of the Ministerial Committee are problematic

Shortly after LKY's passing LHL [told Parliament on 13 April 2015](#): "If and when Dr Lee Wei Ling no longer lives in the house, Mr Lee has stated his wishes as to what then should be done. At that point, speaking as a son, I would like to see these wishes carried out. However, it will be up to the Government of the day to consider the matter."

Three things are clear from this public statement:

1. LKY had clearly stated his wishes with regards to 38 Oxley Road;
2. LHL would like to see those wishes carried out; and
3. Only after LWL "no longer lives in the house" will it be up to the "Government of the day to consider" what to do with 38 Oxley Road.

But a little over a year later, with LWL still living comfortably in the house, LHL's own government began its investigation into the matter.¹⁵⁰ This private setting up of the MC in July 2016, I believe, appears to contradict LHL's public statement in April 2015.

The sequence of events leading to the MC's investigation, the actual wording of the MC's statements regarding its purpose, and some of the findings from the actual MC report together suggest that the then cabinet, rather than leaving the decision to the "Government of the day", was actively striving, using taxpayers' funds, to influence the decision about 38 Oxley Road.

One might argue that it was their right as elected representatives of Singapore to do so. Even so, greater transparency would have bolstered the public's faith in the MC's work. There is no reason to keep private an investigation into something—the question of LKY's house—for which there is overwhelming public interest. Doing so has cast doubt on the MC's motives.

The first problem concerns the very need for such a committee. In his July 2016 letters to the three siblings, Lawrence Wong stated that a Ministerial Committee had been formed, with Teo Chee Hean as its head, in order to "look into various aspects [of 38 Oxley Road], including what Mr Lee Kuan Yew's thinking on the matter was."¹⁵¹

¹⁵⁰ [According to Teo Chee Hean](#), at a cabinet meeting on 1 Jun 2016 which he chaired, the cabinet approved the proposal by Lawrence Wong to set up a Ministerial Committee to draw up the range of possible options for 38 Oxley Road. Prior to this, he says, work had been carried out at staff level with inter-agency consultations as needed.

¹⁵¹ MC/Lawrence Wong letters to LHL, LWL and LHY, 27 Jul 2016, p. 18,20,21, Volume 1 (Part A), C3J/OS 2 of 2020

Yet LHL's parliamentary statement the year before indicated that LKY had already clearly stated his wishes with regards to the house. What additional information about "Mr Lee Kuan Yew's thinking" on 38 Oxley Road warranted an investigation by ministers? (Teo Chee Hean declined to respond to this question.)

Singapore certainly does not need a Ministerial Committee to make decisions about conservation and preservation. As academics Terence Chong and Yeo Kang Shua [pointed out in 2015](#), "...state agencies like NHB and URA have the legal tools and institutional capacity at their disposal to ensure that due process is carried out."

The second problem concerns the obvious conflict of interest. The MC was chaired by Teo Chee Hean, then deputy prime minister, and included K Shanmugam, law minister, Grace Fu, then minister for culture, community and youth, and Lawrence Wong, then minister for national development.¹⁵²

The two senior most members of the MC were also key members of the cabinet in July 2011, the same one that, in LKY's words, was "unanimous" in wanting to preserve the house.¹⁵³ In 2012 LKY said in an e-mail that "...the cabinet has opposed tearing it down and rebuilding, because 2 PMs have lived in the house, me and Loong..."¹⁵⁴

We thus know that since at least 2011 Teo Chee Hean, the MC's chair, and K Shanmugam, its other senior member, were against demolition.¹⁵⁵ Put another way, a committee that was already seemingly in favour of preservation was tasked with assessing the late LKY's thinking on preservation (and the alternatives).

(Teo Chee Hean declined to respond to my query about this potential conflict of interest.)

The next thing to consider is that the MC's stated objectives appear to have evolved over time.

On 27 July 2016, in separate letters to the three siblings, Lawrence Wong said that a Ministerial Committee had been formed, with Teo Chee Hean as the head, to "**consider the options** [emphasis mine] for 38 Oxley Road (and the implications thereof)."¹⁵⁶

When prodded by the estate (LHY and LWL), Lawrence Wong clarified that "the Government has no intention or plans to do anything with the property now...The basic point is that the government should prepare ahead to **understand its options** [emphasis mine], and their implications."¹⁵⁷

¹⁵² In [a statement](#) upon release of the report, the PMO said that the MC "included Cabinet members responsible for heritage, land issues and urban planning i.e. Minister for Culture, Community and Youth Grace Fu, Minister for Law K Shanmugam, and Minister for National Development Lawrence Wong."

¹⁵³ Note from LKY to the cabinet, 27 Dec 2011, p. 146, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁵⁴ E-mail from LKY to Kwa Kim Li and LWL, 6 Sep 2012, p. 283, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁵⁵ A further potential conflict for K Shanmugam is that, at the request of LWL, [he had earlier advised LKY on his final wishes](#). Put another way, K Shanmugam was, as part of the MC, tasked to assess LKY's thinking through a document (the will) whose language he may have, in some way, influenced.

¹⁵⁶ MC/Lawrence Wong letters to LHL, LWL and LHY, 27 Jul 2016, p. 18,20,21, Volume 1 (Part A), C3J/OS 2 of 2020 (Note: letter from MC to LHL stated "for 38 Oxley road". Letters to LHY and LWL were phrased "consider the options in respect of 38 Oxley Road".)

¹⁵⁷ MC/Lawrence Wong letter to LWL and LHY, 24 Aug 2016, p. 32, Volume 1 (Part A), C3J/OS 2 of 2020

It is unsurprising that LHY and LWL began to doubt the motives of their brother and his cabinet. LHL was seemingly saying one thing in public (leave it to the government of the day to consider the options); while his cabinet was apparently doing another in private (we will start considering the options).¹⁵⁸

If not for LWL and LHY releasing [a statement](#) on 14 June 2017, Singaporeans may never have known about the MC. For sure, the government regularly sets up Ministerial Committees as working groups to coordinate actions across ministries; not all are disclosed to the public. Yet from the perspective of public interest the Ministerial Committee on 38 Oxley Road is fundamentally different; its very existence seems to contradict what LHL told Parliament.

On 3 July 2017, once the MC's existence was public knowledge, Teo Chee Hean, perhaps recognising this potential contradiction, used new wording about its stated objectives [in Parliament](#): “It is merely preparing drawer plans of various options and their implications so that **a future Government can refer to them** [emphasis mine] and make a considered and informed decision when the time comes to decide on the matter.”

To surmise, this is the evolution of the MC's stated objectives.

“...consider the options for 38 Oxley Road (and the implications thereof).”

– Lawrence Wong, in private¹⁵⁹, 27 July 2016

“...the government should prepare ahead to understand its options, and their implications.”

– Lawrence Wong, in private¹⁶⁰, 24 August 2016

“...merely preparing drawer plans of various options and their implications so that a future government can refer to them...”

– Teo Chee Hean, in public, 3 July 2017

In the space of one year, the MC's stated objectives had evolved from serving the current government to a future one. Since that last statement, the idea that the MC is “merely preparing drawer plans” has been taken for granted as its *raison d'être* by many in Singapore.

To give the MC the benefit of the doubt, perhaps this is a semantic argument, i.e. even when Lawrence Wong had originally said that the government needs to “understand its options”, he might have actually been referring not to the present government but a future one.

Yet there is a fourth and final thing that suggests that the MC was doing more than “merely preparing drawer plans”. This is the actual content and structure of the [MC's report](#).

¹⁵⁸ On 15 April 2015, [LHL informed the cabinet](#) that he would recuse himself from all government decisions to be taken on the 38 Oxley Road house.

¹⁵⁹ MC/Lawrence Wong letters to LHL, p. 18, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁶⁰ MC/Lawrence Wong letters to LWL and LHY, p. 32, Volume 1 (Part A), C3J/OS 2 of 2020

One glaring omission, for instance, is any mention of the [2015 YouGov survey](#), in which 77 percent of Singaporeans surveyed were in favour of demolition. On page three of the report, the MC says that the “issue of whether to preserve Mr Lee’s home after his passing, to demolish it, or some other option has become a matter of public interest.”

Meanwhile, we know that LHL has repeatedly stressed to LKY and others how much public sentiment on this issue matters to him and his cabinet members in the formulation of their own thoughts on the house.

Given all that, why was there no mention in the MC report of the one available relevant data point?

Another problem is with the final, editorialised chapter, “Committee’s views”, where the MC presents the reader with a table of three options.

Option	(1) Retain the property	(2) Retain the Dining Room and tear down the rest of the Property	(3) Allow the Property to be demolished fully, and allow redevelopment
Sub-options	(a) Gazette and preserve as a National Monument; or (b) Gazette for conservation	The Dining Room would be gazetted as a National Monument, and integrated with an alternative use for the site (e.g. park, heritage centre)	(a) By the owner for residential use; or (b) By the State for alternative use (e.g. park, heritage centre), after acquisition of the site
Remarks	Both sub-options could include further steps to significantly address Mr Lee’s concerns about privacy (e.g. significant interior renovations of the private spaces, and/or with restricted access).	Even if there is public access to the Dining Room for national education purposes, demolition of the rest of the Property including the private spaces would ensure that the privacy of Mr and Mrs Lee would be respected.	Sub-option (a) could result in the loss of a historically significant property, and the potential of that history being leveraged for commercial profit.

The “Remarks” column shows the MC unashamedly nudging the reader towards options (1) and (2). Option (3) is portrayed in an overly negative light and is missing arguably the most pertinent takeaway: that this was LKY’s primary wish.

The MC was not, based on my reading, “merely preparing drawer plans”; it was also ensuring that the reader knew the content of its top drawers.

“Choose wisely”, seems to be the MC’s message to a future government. This future government, of course, will presumably consist of the current cabinet’s meticulously picked successors. The MC’s report, in other words, can be seen as an instruction booklet offered by incumbents to their incoming disciples.

It is worth reiterating that if the MC had conducted all its work publicly from the start, then there would have been much less reason to doubt its current stated motive (“preparing a drawer of options” for a future government). As it stands, one cannot help but wonder.

Timeline: the seven wills

7 Dec 1995	<p>Original will Kwa Kim Li to three siblings, 4 June 2015: “For background information: your father signed a Will on 7 December 1995 Will (copy attached) which your mother drafted for him. This will mirrored your mother’s Will. Life interest to your mother, and residuary estate to 3 children in equal shares.”¹⁶¹</p>
2 Oct 2010	Kwa Geok Choo, LKY’s wife, passes.
20 Aug 2011	<p>First will Kwa Kim Li to three siblings, 4 June 2015: LKY signed his first will since 1995, which included the Demolition Clause. Equal shares to children. 38 Oxley to LHL, but LWL can stay rent-free as long as she likes, with upkeep paid for by LHL.</p>
21 Dec 2011	<p>Second will As above, but removed LWL’s right to stay at 38 Oxley; she could stay on only with LHL’s permission.¹⁶²</p>
6 Sep 2012	<p>Third will As above, but LWL no longer gets a share of the estate. She thus had only a “life interest” in the estate, benefiting from rental and other income but not the capital. (Change prompted by LKY’s fear that LWL would give her share to charity.)¹⁶³</p>

¹⁶¹ E-mail from Kwa Kim Li to LHL, LWL and LHY, 4 Jun 2015, p. 108-109, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁶² E-mail from Kwa Kim Li to LHL, LWL and LHY, 4 Jun 2015, para (e), p. 109, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁶³ E-mail from Kwa Kim Li to LHL, LWL and LHY, 4 Jun 2015, para (f), p. 109, Volume 1 (Part D), C3J/OS 2 of 2020

20 Sep 2012	Fourth will LWL gets back her shares in the estate. Back to equal shares. ¹⁶⁴
4 Oct 2012	Fifth will Demolition clause removed to allow LHL freedom over Oxley. Ling has no life interest, but has the right to reside, subject to LHL's consent. ¹⁶⁵
2 Nov 2012	Sixth will LWL share of estate increased, 2:3:2 split “On reflection, I have decided to give more to Ling. The boys have higher incomes and also wives with big earnings.”
17 Dec 2013	Seventh and last will Back to equal shares. Demolition clause reinserted. LWL's right to live unencumbered at 38 Oxley Road reinstated.
2 Jan 2014	Codicil to last will ¹⁶⁶ To bequeath two carpets to LHY.

¹⁶⁴ E-mail from Kwa Kim Li to LHL, LWL and LHY, 4 Jun 2015, para (h), p. 109, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁶⁵ E-mail from Kwa Kim Li to LHL, LWL and LHY, 4 Jun 2015, para (i), p. 109, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁶⁶ [Law Society v Lee Suet Fern \[2020\]](#) SGCH 255 at [32]

Timeline: the signing of the last will aka the events of 16-17 December 2013

30 Nov 2013, 11.25am	<p>Kwa Kim Li e-mails LKY because he apparently wants to update his sixth will.</p> <p>Kwa: “...Last night, you raised the possibility that Oxley may one day be ‘de-gazetted’ after your passing...”¹⁶⁷</p>
16 Dec 2013, Morning-early afternoon ¹⁶⁸	<p>LKY calls LHY and tells him that he wants to re-execute his original 2011 will.</p> <p>As LHY is on his way to Brisbane, he calls LSF (who is herself on her way to Paris) and asks her to arrange for the re-execution of the first will.¹⁶⁹</p>
16 Dec 2013, 7.08pm	<p>LSF, upon receiving instructions from LHY, e-mails LKY a draft will, with LHY and Kwa Kim Li cc-ed.¹⁷⁰</p> <p>LSF: “...the original agreed Will which ensures that all 3 children receive equal shares...Kim Li, grateful if you could please engross.”¹⁷¹</p>
16 Dec 2013, 7.31pm	<p>LHY e-mails LSF, with LKY and Wong Lin Hoe cc-ed, saying that they should not wait for Kwa Kim Li.</p> <p>LHY: “Pa, I couldn’t get in touch with Kim Li. I believe she is away. I don’t think it’s wise to wait till she is back...Fern can get one of her partners to come round with an engrossed copy of the will to execute and witness. They can coordinate it with Lin Hoe...”¹⁷²</p>
16 Dec 2013, 9.42pm	<p>LKY e-mails LHY, with LSF and Wong Lin Hoe cc-ed, confirming that there is no need to wait for Kwa Kim Li.</p> <p>LKY: “OK. Do not wait for Kim Li. Engross and I will sign it before a solicitor in Fern’s office, or from any other office.”¹⁷³</p>

¹⁶⁷ E-mail from Kwa Kim Li to LKY, 30 Nov 2013, p. 13, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁶⁸ Annex A, Respondent’s Closing Submissions, Law Society vs Lee Suet Fern, p. 128, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁶⁹ *Law Society v Lee Suet Fern [2020]* SGCH 255 at [81]

¹⁷⁰ LHY and LSF say that LHY had sent her a copy of the first will, which she then in turn forwarded to LKY. The C3J rejected this account, concluding that the draft first will, which would become the seventh and final, originated from LSF

¹⁷¹ E-mail from LSF to LKY, 16 Dec 2013, p. 34, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁷² E-mail from LHY to LSF with LKY and Wong Lin Hoe in cc, 16 Dec 2013, p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁷³ E-mail from LKY to LHY with LSF and Wong Lin Hoe in cc, 16 Dec 2013, p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

16 Dec 2013, 10.06pm	LWL e-mails LHY, with subject line: “Papa says go back to 2011 will” LWL: “To get a notary public not from Lee n Lee to witness his signature n that settles it.” ¹⁷⁴
17 Dec 2013, 4.53am	LHY e-mails LKY, with LSF and Wong Lin Hoe cc-ed, confirming that a Stamford Law lawyer will meet him. LHY: “We will get someone to come to execute it either in Oxley Road or at your office at your convenience...” ¹⁷⁵
17 Dec 2013, 10.17am	Wong Lin Hoe e-mails LKY, with LHY, LSF and LWL cc-ed, confirming the appointment at 11am. Wong: “...have arranged for Bernard Lui and Elizabeth Kong from Stamford Law to see Mr Lee at 11.00 am...” ¹⁷⁶
17 Dec 2013, 11.00-11.20am	LKY signs his last will in the presence of Elizabeth Kong and Bernard Lui, two lawyers from LSF’s firm. ¹⁷⁷
17 Dec 2013, 12.25pm	Elizabeth Kong e-mails LSF, confirming that LKY was of sound mind Kong: “...his mind was certainly lucid...LKY read through every line of the will and was comfortable to sign...” ¹⁷⁸
17 Dec 2013, 1.16pm	LSF e-mails Kwa Kim Li, informing her of new will. LSF attaches her original 7.08pm e-mail from the previous day. LSF: “Kim, Just a quick note to say this has been dealt with already...” ¹⁷⁹
17 Dec 2013, 2.59pm	Kwa Kim Li e-mails LSF requesting more info. Kwa: “...I don’t seem to have received your first mail of 16 dec 7.08pm asking me to engross. With reference to your E-mail of 17 dec, does this mean that he has signed a new will yesterday, in which case the former will which is on my record is revoked? If so, I will update my file record.” ¹⁸⁰

¹⁷⁴ E-mail from LWL to LHY, 16 Dec 2013, p. 35, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁷⁵ E-mail from LHY to LKY with LSF and Wong Lin Hoe in cc, 16 Dec 2013, p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁷⁶ E-mail from LHY to LKY with LSF and Wong Lin Hoe in cc, 16 Dec 2013, p. 33, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁷⁷ Annex A, Respondent’s Closing Submissions, Law Society vs Lee Suet Fern, p. 133-34, Volume 1 (Part I), C3J/OS 2 of 2020

¹⁷⁸ *Law Society v Lee Suet Fern [2020]*, SGCH 255 at [26]

¹⁷⁹ E-mail from LSF to Kwa Kim Li, 17 Dec 2013, p. 168, Volume 1 (Part B), C3J/OS 2 of 2020

¹⁸⁰ E-mail from Kwa Kim Li to LSF, 17 Dec 2013, p. 168, Volume 1 (Part B), C3J/OS 2 of 2020

17 Dec 2013, 3.10pm	LSF responds to Kwa Kim Li with more info. LSF: “Yes he has signed already in fact this is just going back to his 2011 will so it [sic] supercedes all. He read it extremely carefully before signing...” ¹⁸¹
17 Dec 2013, 4.29pm	LSF’s office, upon receiving instructions from LKY’s office, sends a copy of the recently-signed will for him to re-read. Wong Lin Hoe: “We have received a faxed copy of the signed document for Mr Lee to re-read in the office...” ¹⁸²
17 Dec 2013, 10.27pm, 10.29pm	LKY e-mails Wong Lin Hoe, telling him to keep the new original will in his office and to send Kwa Kim Li a copy. LKY: “Tell Kim Li this is the agreement between the siblings.” ¹⁸³
3 Jan 2014, 10.30am	Wong Lin Hoe e-mails LSF, Kwa Kim Li and entire family cc-ed Wong: “...attached is a copy of Mr Lee’s codicil for your information. As instructed by Mr Lee, we will retain the original copy of Mr Lee’s last Will & Testament and the Codicil in my office for safekeeping, and send a copy to Ms Kwa Kim Li for her record..” ¹⁸⁴
3 Jan 2014, 11.25am	LHL responds to above mail, same group cc-ed LHL: “TY” ¹⁸⁵

¹⁸¹ E-mail from LSF to Kwa Kim Li, 17 Dec 2013, p. 168, Volume 1 (Part B), C3J/OS 2 of 2020

¹⁸² Executors’ letter to MC, 28 Feb 2017, Para 64, p. 152, Volume 1 (Part A), C3J/OS 2 of 2020 and actual e-mail at p. 32, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁸³ E-mail from LKY to Wong Lin Hoe, 17 Dec 2013, p. 171, Volume 1 (Part B), C3J/OS 2 of 2020

¹⁸⁴ E-mail from Wong Lin Hoe to LSF with entire family and Kwa Kim Li in cc, 17 Dec 2013, p. 171, Volume 1 (Part B), C3J/OS 2 of 2020

¹⁸⁵ E-mail from LHL to Wong Lin Hoe with entire family and Kwa Kim Li in cc, 17 Dec 2013, p. 171, Volume 1 (Part B), C3J/OS 2 of 2020

Request for comment: Lee Hsien Loong

- 1. Is there a reason that, in his letter to the MC on 15 September 2016, Lee Hsien Loong (LHL) did not mention Lee Wei Ling's (LWL's) recanting of her suspicions about Lee Hsien Yang's (LHY's) manoeuvrings vis-à-vis the final will? Is there a reason that LHL subsequently did mention this recanting in a Summary of Statutory Declarations on Facebook?**

Background:

In July 2014, in an e-mail to Ho Ching (HC), LWL harboured doubts about LHY's role (and possibly Lee Suet Fern's) in the formulation of Lee Kuan Yew's (LKY's) seventh and last will.¹⁸⁶

In September 2015, according to the executors, LWL had cleared up these doubts in a letter from the executors' solicitors to LHL's solicitors.¹⁸⁷

In September 2016, LHL told the MC about the 2014 conversation between LWL and HC in which the former had shared her suspicions about LHY's role¹⁸⁸ (Without mentioning that one year earlier LWL had, according to the executors, already recanted these suspicions).

Then later, in a "[Summary of Statutory Declarations](#)" published on Facebook, LHL mentions the suspicions and the recanting of them.¹⁸⁹

Questions:

Why did LHL not mention LWL's recanting of her suspicion of LHY in the private letter to the MC on 15 September 2016? Is it because LHL was unaware of the recanting at the time?

(Note: it appears to me that the only evidence of this recanting in September 2015 comes from the executors.¹⁹⁰)

What prompted LHL to then later include this recanting in the "[Summary of Statutory Declarations](#)" on Facebook?

¹⁸⁶ E-mail from LWL to HC, 28 Jul 2014, p. 92, Volume 1 (Part D), C3J/OS 2 of 2020

¹⁸⁷ Letter from executors to MC, 27 Feb 2017, para 58, p. 130, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁸⁸ Letter from LHL to MC, 15 Sep 2016, Para 47, p. 42, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁸⁹ Paragraph 17-18, Summary of Statutory Declarations, LHL's Facebook

¹⁹⁰ Letter from executors to MC, 27 Feb 2017, para 58, p. 130, Volume 1 (Part A), C3J/OS 2 of 2020

2. Did LHL support LKY's freedom to demolish the house at 38 Oxley Road while he was still alive?

Background:

It is clear that LHL was the most conflicted of all parties, having to manage competing considerations as son, prime minister and party leader.

One can see how these tensions might have been eased if LKY had demolished the house while he was still alive.

Indeed on 19 July 2011, LHL had told LKY (cc-ing his siblings) that "It is safest to redevelop while you are around."¹⁹¹

LHL reiterated this view following LKY's meeting with the cabinet on 21 July 2011:

"Soon after the meeting, Mr Lee asked me for my views on whether 38 Oxley Road would be retained as a heritage site. Given the strong views expressed by the Ministers during the Cabinet meeting of 21 July 2011, which also tied in with my own assessment of the public sentiment, I told Mr Lee that I felt that Cabinet was unlikely to agree to demolish the House **after he died** [emphasis mine]."¹⁹²

LHL was clear to LKY that the house was unlikely to be demolished after he died. However LKY soon came to believe that he could not even demolish it while he was alive.

In an e-mail exchange between LKY and his three children and KKL, initiated on 10 August 2011, LKY said that: "Even if I knock it down while I am alive, the PM can gazette it as a heritage site and stop the demolition."¹⁹³

Meanwhile, by October 2011, HC had become the family's lead for the proposed redevelopment of 38 Oxley Road. She wrote to LKY seeking permission to organise a site survey.

On 3 October 2011, LKY responded: "Yes. But Loong as PM has indicated that he will declare it a heritage site. That will put an end to any rebuilding."¹⁹⁴

LHL was cc-ed on the above e-mails but did not respond. It is unclear how closely he was following the conversations.

The available evidence, in my view, presents a mixed picture on the larger question.

Response from Chang Li Lin, press secretary to LHL:

Hello Sudhir

The Prime Minister has nothing to add to what he has said on the public record.

Li Lin

¹⁹¹ E-mail from LHL to LKY with LHY and LWL in cc, 19 Jul 2011, p. 186, Volume 1 (Part C), C3J/OS 2 of 2020

¹⁹² LHL, Statutory declaration to MC, 27 Feb 2017, paras 13-15, p. 170, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁹³ E-mail from LKY to LHY with LHL, LWL and Kwa Kim Li in cc, 11 Aug 2011, p. 43, Volume 1 (Part H), C3J/OS 2 of 2020

¹⁹⁴ Letter from executors to Lawrence Wong, 28 Feb 2017, para 37, p. 110, Volume 1 (Part A), C3J/OS 2 of 2020

Request for comment: Lee Hsien Yang and Lee Wei Ling

1. Why have the executors repeatedly stressed only the first half of Lee Kuan Yew's (LKY's) Demolition Clause while often seeming to ignore the second?

Background:

As per LKY's Demolition Clause, he had two wishes:

- His primary wish was for the house to be demolished.
- In the event that it could not be, his secondary wish was that "the house never be opened to others except my children, their families and descendants."

The clause ends: "My statement of **wishes** [emphasis mine] in this paragraph 7 may be publicly disclosed notwithstanding that the rest of my Will is private."

The executors have often given prominence only to the first half of the clause. For instance, in 2015 the National Heritage Board (NHB) had wanted to loan some items from LKY's estate for the "We Built a Nation" exhibit. As part of the loan, the executors insisted that only the first part of the clause must be displayed alongside the items, and that if any term was breached, they could buy back the items at S\$1.¹⁹⁵

Question: Why have the executors not given equal prominence in public to the full clause, including both primary and secondary wishes, as appears to have been LKY's intention?

Response from Lee Hsien Yang:

It was always clear that LKY wanted his house to be demolished after his passing. This was LKY's wish. The second part of the clause was not his wish - it was meant to cover the contingency if the government gazetted his house and prevented the demolition from taking place. The provision allowing the demolition clause to be made public was to assist the executors to ensure his wish to demolish the house be fulfilled.

(In Parliament in April 2015 Lee Hsien Loong referred to Lee Kuan Yew's "unwavering" wish that his house be demolished. In Lee Hsien Loong's facebook post of 4 December 2015, he also only referenced LKY's wish that his house be demolished. <https://www.facebook.com/leehsienloong/posts/1009772182418821>.)

This attempt now to describe the demolition provision as primary and secondary wishes is incorrect. There was only one wish - that the house be demolished.)

¹⁹⁵ [Speech by Minister Lawrence Wong on the House at 38 Oxley Road, 3 July 2017](#)

2. What was Lee Hsien Yang's (LHY's) thinking behind involving Lee Suet Fern (LSF) in the e-mailing of the draft of the first will (that would also become the last) to LKY?

Background:

On 16 December 2013, there was a series of conversations that ultimately led to LSF e-mailing LKY a draft of his first will that would become his last will.

First, LKY called LHY and told him that he wanted to re-execute his original 2011 will. As LHY was on his way to Brisbane, he called LSF (who was herself on her way to Paris) and asked her to arrange for the re-execution of the first will.¹⁹⁶

According to both LHY and LSF, LHY then e-mailed LSF a copy of the first will, which she then in turn forwarded to LKY, cc-ing LHY and Kwa Kim Li.¹⁹⁷ Given that there is no evidence of LHY's e-mail to LSF, the Court of Three Judges later rejected this account, concluding that the draft first will, which would become the seventh and final, originated from LSF.

Questions:

Why didn't LHY just e-mail the draft first will directly to LKY, cc-ing Kwa Kim Li and LSF?

If there was some reason for it to come from LSF, why didn't she just e-mail LKY directly herself? (Given that she was involved with the formulation of the original will in 2011.)

Is there any reason why this particular e-mail (showing LHY sending LSF the draft first will) cannot be found?

Response from Lee Hsien Yang:

I asked my wife to help me deal with arrangements to get my father's will executed because we often help each other out in matters, especially when one of us is particularly busy.

I had been away in the US on business until Sun 15 Dec 2013. When I returned to Singapore, I was instructed by my father that he wanted to revert to his original agreed 2011 will. I tried unsuccessfully to reach KKL. As I was departing for Australia for business early evening of Mon 16 Dec 2016, I asked my wife to help deal with the arrangements. I E-mailed my wife what I thought was the final Aug 2011 will to make sure KKL did not get it wrong.

¹⁹⁶ *Law Society v Lee Suet Fern [2020]* SGCH 255 at [81]

¹⁹⁷ E-mail from LSF to LKY, 16 Dec 2013, p. 34, Volume 1 (Part D), C3J/OS 2 of 2020

I was very rushed at the time. In that rush, I instinctively asked my wife to help with the task of following up with KKL.

My wife's E-mail system at the time auto-deleted any E-mail after 6 months. So she had no E-mail records for 2011. I myself routinely tidy up my E-mails by active deletion so that I only retain what I regard at the time as key E-mails.

In any event, nothing hangs on the source of the document. My father had wanted the "agreement between (sic) the children" as he described to his secretary, Wong Lin Hoe after signing his 2013 will. He referred to the agreed 2011 will in his instructions to me. Indeed, in sending the 2011 will to KKL and to him in 2013 on my instructions, my wife referred to it as the "original agreed will". It was that: a draft agreed by the children and dated late night the night before the 2011 will was executed. None of the children had any knowledge, or agreement for that matter, that very minor drafting changes were made the following morning before the 2011 will was executed.

The evidence before the Tribunal and the Court of 3 demonstrated that as between the 'agreed will' in 2011, and the final form LKY executed the next day in 2011, I was slightly worse off in the 'agreed will'. Neither therefore dealt with my lack of motive for any rush. People are used to rushing to obey LKY's instructions. I was doing no more than that.

What is now clear is that in 2013 my father had been having extensive discussions on changes he wanted made to his will with Kwa Kim Li, his lawyer, on his concerns about degazetting of Oxley Rd.

KKL was sent the will that was to be executed prior to its execution by my wife, and also promptly after the execution of the will. If there was any material discrepancy between what he signed and his discussions with KKL, she would have noticed and brought it to his attention.

LKY noted after the signing and after rereading of his will that there was one point he had discussed with KKL in 2013 which was not captured in the 2011 will. He proceeded to draft a codicil himself and to have it executed with his secretary and security officer as witnesses. This was then informed to his family and to KKL. The Court of 3 found that LKY was content with his will, contrary to LHL's assertions made under oath that there was no evidence LKY was aware that the demolition and Wei Ling's right to live clause had been reinstated into the final will.

Request for comment: Teo Chee Hean

1. Do you think that the setting up of the Ministerial Committee on 38 Oxley Road (MC) in July 2016 in any way contradicts the parliamentary statement of Lee Hsien Loong (LHL) in April 2015? Why or why not?

Background:

On 13 April 2015, Lee Hsien Loong (LHL) told Parliament: “If and when Dr Lee Wei Ling [LWL] no longer lives in the house, Mr Lee has stated his wishes as to what then should be done. At that point, speaking as a son, I would like to see these wishes carried out. However, it will be up to the Government of the day to consider the matter.”

In other words, LHL had said that only after LWL “no longer lives in the house” will it be up to the “Government of the day to consider [emphasis mine]” what to do with 38 Oxley Road.

Subsequently in July 2016, while LWL was still living in the house, the MC with you as the head was formed to (in the words of Lawrence Wong) “consider the options for 38 Oxley Road (and the implications thereof).”¹⁹⁸

Questions:

Do you think that the private setting up of the MC in July 2016 in any way contradicts the public statement of LHL in April 2015? Why or why not?

2. Do you feel that the Demolition Clause that Lee Kuan Yew included in his last will accurately describes his thinking on the matter? Why or why not?

Background:

In two letters on 27 July 2016—one to Lee Hsien Loong; the other to Lee Hsien Yang and Lee Wei Ling¹⁹⁹—Lawrence Wong stated that a Ministerial Committee has been formed, with you as the head, in order to “look into various aspects [of 38 Oxley Road], including what Mr Lee Kuan Yew’s thinking on the matter was.”

Mr Lee had wanted the Demolition Clause in his will to be published publicly, ostensibly so that all Singaporeans could understand his thinking on 38 Oxley Road.

Questions:

Did you feel that the Demolition Clause accurately describes “Mr Lee Kuan Yew’s thinking” on the matter? Why or why not?

¹⁹⁸ MC/Lawrence Wong letters to LHL, LWL and LHY, 27 Jul 2016, p. 18,20,21, Volume 1 (Part A), C3J/OS 2 of 2020

¹⁹⁹ *ibid*

If yes, then why did Singapore need further ministerial investigation of this?

If not, what additional information about “Mr Lee Kuan Yew’s thinking” on 38 Oxley Road, in July 2016, warranted an investigation by ministers, and perhaps was not captured in the clause?

3. Do you feel that there was any conflict of interest arising from your and K Shanmugam’s involvement with the MC? Why or why not?

Background:

In a statement upon release of the MC’s report, the PMO said that the MC “included Cabinet members responsible for heritage, land issues and urban planning i.e. Minister for Culture, Community and Youth Grace Fu, Minister for Law K Shanmugam, and Minister for National Development Lawrence Wong.”

We know that the two senior most members of the MC—Mr Shanmugam and yourself—were also key members of the cabinet in July 2011, the same one that, in LKY’s words, was “unanimous” in wanting to preserve the house.²⁰⁰ In 2012 LKY said that “...the cabinet has opposed tearing it down and rebuilding, because 2 PMs have lived in the house, me and Loong..”²⁰¹

So we know that Mr Shanmugam and yourself were, in your capacity as cabinet members, against the demolition of the house at 38 Oxley Road, from at least July 2011. And in 2016 you joined a Ministerial Committee, as its senior most members, which was tasked with assessing the late “Mr Lee Kuan Yew’s thinking” on the matter.

Questions:

Do you believe that this represents a conflict of interest on the part of Mr Shanmugam and yourself? Why or why not?

4. What was the total running cost of the MC? Or, how many ministerial man-hours, as well as support staff hours, were consumed by MC deliberations?

The purpose of these questions is to get a sense of the cost of the MC’s work to the taxpayer.

Response from Ang Wee Keong, special assistant to Teo Chee Hean

Dear Mr Sudhir Vadaketh,

The Ministerial Committee report is on the public record and SM Teo has nothing to add to that.

Best regards,
Wee Keong

²⁰⁰ Note from LKY to Cabinet, 27 Dec 2011, p. 146, Volume 1 (Part B), C3J/OS 2 of 2020

²⁰¹ E-mail from LKY to Kwa Kim Li and LWL, 6 Sep 2012, p. 283, Volume 1 (Part C), C3J/OS 2 of 2020