

## Case Commentary - *United Overseas Bank Ltd v Xu Yuanchen and Another* [2026] SGHCR 5

In *United Overseas Bank Ltd v Xu Yuanchen and Another* [2026] SGHCR 5, the High Court awarded UOB S\$125,000.00 in general damages. This is, to date, the highest reported award of general damages to a corporate claimant in a claim for defamation.

### Factual Background

The Claimant, UOB, commenced proceedings against the Defendants, Mr. Xu Yuanchen, the chief editor of an online news website known as "*The Online Citizen*" (the "**Website**"), and Miao Yi Infotech Ltd, a company incorporated in Taiwan which publishes the Website.

The Defendants had, amongst other things, published a series of articles on the Website and posts on the social media platform, Facebook, in relation to UOB's dealings with its customer, Yang Kee Logistics (Singapore) Pte Ltd ("**Yang Kee**").

UOB obtained a default judgment on liability against the Defendants, and the matter was fixed for hearing for the assessment of damages.

### The High Court's decision on the quantum of damages

The High Court followed the position in *Basil Anthony Herman v Premier Security Co-operative Ltd and others* [2010] 3 SLR 110 that a corporate claimant cannot be injured in its feelings and cannot claim damages as a consolation for distress suffered. In this regard, any award of general damages for a claim in defamation can only serve to (i) repair the harm to the claimant's reputation; and (ii) to vindicate the claimant's reputation.

In determining the appropriate quantum of general damages to award UOB, the High Court considered: (i) the nature and gravity of the defamation; (ii) the standing of the parties; (iii) the mode and extent of publication; (iv) whether the natural indignation of the Court should be taken into account as an independent factor; (v) the conduct of the Defendants from the time of publication and their failure to apologise; and (vi) whether the Defendants acted with malice.

The High Court found that the defamation was of a high degree of severity as:

- (a) the Defendants had made serious allegations that impacted the core aspects of UOB's reputation as a banking institution, for example, that UOB was part of a financial scandal;
- (b) the adverse comments from the public on the articles and the posts showed that damage had been caused to UOB's reputation; and
- (c) the allegations were highly specific which made them more believable.

The High Court also found that UOB was an institution of high standing given that, amongst other things, it was one of the three main local banks. As for the Defendant, the High Court found that the Website was operated with the aim of providing independent news coverage and was relatively well known. Therefore, the words published on the Website would have some weight to the public.

It was also noted that the defamatory words were published and republished widely as the posts had hundreds of comments, reactions, and views. Moreover, the words were published on the internet which could be accessed by all users of the internet globally.

The High Court also took into consideration the fact that the Defendants did not remove the defamatory words and that they had refused to apologise and retract the defamatory words even after receiving a letter of demand from UOB. This warranted a higher award of damages to be paid by the Defendants to UOB.

With respect to malice, the High Court was of the view that on the facts of the case it could not be said that the Defendants had acted in such a manner.

The High Court found that the case of *Oversea-Chinese Banking Corp Ltd v Wright Norman and others and another suit* [1994] SGHC 174 ("**Wright Norman**") was most relevant to the case as it was the only reported case that involved the defamation of a major Singapore bank, OCBC Bank. In that case, the High Court had awarded OCBC Bank general damages of S\$50,000.00.

In this respect, although the High Court took the position that *Wright Norman* was a dated precedent, it still served as a helpful comparison.

In the premises, the High Court held that any award of damages would have to be significantly higher than the award in *Wright Norman* as:

- (a) the nature of the defamation in the present case was significantly more grave than in *Wright Norman*. In *Wright Norman*, the statements pertained to OCBC's failure to maintain confidentiality in staff recruitment, whereas in the present case, the defamation addressed the core aspects of UOB's banking business; and
- (b) the extent of publication in *Wright Norman* was less extensive than in the present case. In *Wright Norman*, the publication was made in a newspaper for the business community. However, in the present case, the defamatory words were published over a series of articles on the Website with links posted on Facebook. This also meant that the words were freely available to the public for a much greater time compared to a hard copy newspaper.

The High Court also held that any award of damages should be higher than the highest amount awarded in past cases involving a corporate claimant, the highest award being S\$100,000.00 in the case of *Sin Heak Hin Pte Ltd and another v Yuasa Battery Singapore Co Pte Ltd* [1995] 3 SLR(R) 123 ("**Sin Heak Hin**"). The reason for this was because:

- (a) the allegations in the present case were more severe as they included allegations of criminal conduct;
- (b) the extent of publication was significantly wider in the present case as the publications were generally viewable by the public, whereas in *Sin Heak Hin* the publication was made in a circular to dealers; and
- (c) UOB, being one of Singapore's three main local banks, had a higher degree of prominence than the plaintiffs in *Sin Heak Hin*, which were companies in the business of motor vehicle accessories.

Having considered the authorities and circumstances, the High Court awarded S\$125,000.00 in general damages in favour of UOB.

The team who acted for UOB comprised of partners Ng Yeow Khoon and Sherman Ho as well as senior associate Leong Kit Weng.

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