**IN THE GENERAL DIVISION OF**
**THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

**[2026] SGHC 85**

Magistrate's Appeal No 9138 of 2025

Between

Song Chao

… *Appellant*

And

Public Prosecutor

… *Respondent*

---

# JUDGMENT

---

[Criminal Law — Statutory offences — Road Traffic Act — Drink driving]
[Criminal Law — Statutory offences — Road Traffic Act — Careless driving for serious offender]
[Criminal Procedure and Sentencing — Sentencing — Appeals]
[Criminal Procedure and Sentencing — Sentencing — Benchmark sentences]

## TABLE OF CONTENTS

# Song Chao
# v
# Public Prosecutor

## [2026] SGHC 85

General Division of the High Court — Magistrate's Appeal No 9138 of 2025
Christopher Tan J
2 April 2026

16 April 2026 Judgment reserved.

**Christopher Tan J:**

1 The appellant in this case ("Appellant") had consumed four to five glasses of beer before getting behind the wheel and attempting to drive home. During the journey, he collided with a stationary vehicle. Fortunately, no one was hurt. The Appellant pleaded guilty to the following two charges:[1]

(a) One charge for drink driving, *ie*, driving with so much alcohol in his body that the alcohol proportion in his breath exceeded the prescribed statutory limit, in contravention of s 67(1)(*b*) of the Road Traffic Act 1961 ("RTA") and punishable under s 67(1) read with ("r/w") s 67(2)(*a*) RTA ("Drink Driving Charge").

[1] Record of Appeal ("ROA") at pp 5–8.

(b) One charge for careless driving, *ie*, driving without due care and attention under s 65(5)(*a*) RTA. As no hurt was caused, this offence would ordinarily have been punishable under s 65(5)(*a*) RTA. However, given the Appellant's concurrent conviction for the Drink Driving Charge in (a) above, he was deemed by s 64(8) RTA as a "serious offender" for the purpose of the careless driving charge. This charge ("Serious Careless Driving Charge") triggered the enhanced punishment provisions in ss 65(5)(*c*) and 65(6)(*i*) RTA.

2 For each of the two charges above, the learned District Judge below ("DJ") sentenced the Appellant to: (a) five weeks' imprisonment; and (b) disqualification ("DQ") from holding or obtaining all classes of driving licences for a period of 48 months, with effect from the date of his release from imprisonment. Both sentences were ordered to run concurrently.[2]

3 The Appellant filed the present appeal against the sentences, asking that: (a) the imprisonment terms for each charge be reduced from five weeks to one; and (b) the DQ period for each charge be reduced from 48 months to 36.

4 I dismiss the appeal and now explain my reasons for doing so. Bearing in mind that there have been several rounds of amendments to the RTA of late, all references in this judgment to the RTA will be to the version of the statute in force as at the date of commission of the offences, *ie*, 2 September 2023, unless specified otherwise.

---

[2] See the DJ's decision in *Public Prosecutor v Song Chao* [2025] SGDC 261 ("GD").

**Facts**

5 The salient features of this case can be gleaned from the Statement of Facts ("SoF"),[3] which the Appellant admitted to without qualification, as well as from a video tendered by the Prosecution before the DJ.[4]

6 On the evening of 2 September 2023, the Appellant drank four to five glasses of 'Tiger' beer at a restaurant in Chinatown. Thereafter, he decided to drive his car home. At or around 10.58pm, the Appellant was driving along South Bridge Road, heading in the direction of Neil Road. He was alone in the car and felt very sleepy. At around that time, the police were conducting a special operation in the vicinity and had parked a red Special Operations Command truck ("police truck") on South Bridge Road, near the intersection with Upper Circular Road. The police truck, which had its hazard lights *and* strobe lights switched on, was parked on the rightmost lane. The Appellant was similarly driving on the rightmost lane, heading towards the rear of the police truck. As the Appellant approached the police truck, his car drifted to the left (*ie*, towards the second lane from the right) without signalling. This lane switch could not be completed by the time the Appellant's car reached the police truck. The right side of the Appellant's car thus collided into the left rear portion of the police truck. At that point, visibility was clear (the road was lit with streetlamps), the road was dry, and traffic was light.

7 After the collision, the Appellant reversed slightly away from the police truck – against the flow of traffic – and moved forward, intending to drive off. However, he was stopped by police officers from the police truck, one of whom stood in front of the Appellant's car to block it from advancing any further. A

---

3 ROA at pp 9–13.

4 ROA at p 243.

breathalyser test was conducted on the Appellant, which he failed. He was arrested and escorted to the Traffic Police Headquarters. There, a Breath Analysing Device test performed on the Appellant revealed that he had 78 microgrammes of alcohol in every 100 millilitres of breath ("µg/100ml").

8 The total cost of repairing the police truck was $17,068.27, for which the Appellant made full restitution.[5]

**My Decision**

9 Both parties to the appeal agree with the DJ's decision that the custodial threshold has been crossed, for both the Serious Careless Driving Charge and the Drink Driving Charge. They also agree that the imprisonment terms for both charges should run concurrently. On the facts of this case, I see no reason to disagree with those positions. The primary issue is thus whether the *duration* of the imprisonment term and DQ period imposed by the DJ was excessive.

10 I will canvass the sentence for the Serious Careless Driving Charge first, followed by that for the Drink Driving Charge.

***Serious Careless Driving Charge***

11 The base offence constituted by the Appellant's careless driving, alluded to at [1(b)] above, is a contravention of s 65(1)(*a*) RTA. As no hurt was caused, the applicable punishment provision would ordinarily have been s 65(5)(*a*) RTA, which prescribes a fine of not less than $1,500 and/or an imprisonment term not exceeding six months. However, because the Appellant was also convicted of the Drink Driving Charge, he is deemed under s 64(8) RTA to be

[5] ROA at pp 10 and 13.

a "serious offender". This triggered the enhanced punishment in s 65(5)(*c*) RTA, which renders the Appellant liable to an *uplift* in both the fine (being an increment of not less than $2,000 and not more than $10,000) and the imprisonment term (being an increment of not more than 12 months). Reading (*a*) and (*c*) of subsection 65(5) RTA in tandem means that the punishment for the Serious Careless Driving Charge is:

(a) a fine of not more than $11,500 (*ie*, $1,500 plus the increment of $10,000) and not less than $2,000; and/or

(b) an imprisonment term not exceeding 18 months (*ie*, six months plus the increment of 12 months).

The Serious Careless Driving Charge also comes with a minimum DQ period of two years: s 65(6)(*i*) RTA.

12 At the hearing below, the DJ sought to adapt the sentencing framework in *Wu Zhi Yong v Public Prosecutor* [2022] 4 SLR 587 ("*Wu Zhi Yong*") to derive the sentence for the Serious Careless Driving Charge. Using the framework, she concluded that an appropriate imprisonment term would be 5½ weeks, which she then reduced by 10% in accordance with the "Guidelines on Reduction in Sentences for Guilty Pleas" issued by the Sentencing Advisory Panel ("PG Guidelines") to arrive at the final imprisonment term of five weeks. Both parties agree with the DJ that the *Wu Zhi Yong* framework – which was designed for the offence of *reckless/dangerous* driving by serious offenders – can be adapted to the present offence of *careless* driving by serious offenders.

13 In *Wu Zhi Yong*, the offender had attempted to evade a roadblock and, in doing so, drove against the flow of traffic for at least 140m. He was ultimately stopped by the police before his actions could result in any property damage or

personal injuries (at [4]–[5]). The offender pleaded guilty to and was convicted of two charges. As in the Appellant's case, one of these was for the offence of drink driving under s 67(1)(*b*) RTA – the offender in *Wu Zhi Yong* was found to have an alcohol level of 46μg/100ml. The other charge faced by the offender in *Wu Zhi Yong* was for *reckless* driving under s 64(2C) RTA, being a more serious offence than the *careless* driving offence in the Appellant's case. The base offence of reckless driving attracted the punishment provision in s 64(2C)(*a*) RTA, which prescribes a fine not exceeding $5,000, or imprisonment for a term not exceeding 12 months, or both. However, as the offender in *Wu Zhi Yong* was a "serious offender" (within the meaning of s 64(8) RTA) by virtue of his conviction for the drink driving offence, this triggered the enhanced punishment under s 64(2C)(*c*) RTA. The collective effect of the applicable punishment provisions was that the offender in *Wu Zhi Yong* was liable to:

(a) a fine of not more than $15,000 and not less than $2,000; and/or

(b) an imprisonment term not exceeding 24 months.

The offender in *Wu Zhi Yong* also faced a minimum DQ period of two years for the reckless driving offence, under s 64(2D)(*i*) RTA.

14 In *Wu Zhi Yong*, Sundaresh Menon CJ set out a framework to govern sentencing for reckless or dangerous driving by serious offenders. The *Wu Zhi Yong* framework revolves around three sentencing bands – each capturing different degrees of seriousness – where the degree of seriousness is informed in part by the offender's alcohol level. The alcohol level is in turn adjudged using the sentencing framework in the case of *Rafael Voltaire Alzate v Public Prosecutor* [2022] 3 SLR 993 ("*Rafael*"), where the court set out four

sentencing bands (referred to in this judgment as the "*Rafael* band(s)") to govern drink driving offences. I elaborate on the sentencing framework in *Rafael* below (at [27] of this judgment), but it suffices to note at this juncture that higher alcohol levels will fall within the higher *Rafael* bands, where higher punishments are prescribed under the *Rafael* sentencing framework. The three sentencing bands under the *Wu Zhi Yong* framework (explained in [39] to [44] of *Wu Zhi Yong*) are restated below:

| Band | Degree of seriousness | Sentencing range |
|---|---|---|
| **1** | This band captures cases at the lower level of seriousness, where the offence-specific aggravating factors are either absent or present to only a limited extent.<br>The offender's blood alcohol level is likely to be in the lowest or second lowest *Rafael* band. | Fine of $2,000 - $15,000 and/or<br>Imprisonment of up to one month.<br>DQ for two to three years. |
| **2** | This band captures cases with higher levels of seriousness and usually contains two or more offence-specific aggravating factors. Culpability and blood alcohol level will typically be on the higher side.<br>Where the blood alcohol level is in the highest or second highest *Rafael* band, the case is likely to fall at least within Band 2 of the *Wu Zhi Yong* framework. | Imprisonment of between one month and one year<br>DQ for three to four years. |
| **3** | This band captures the most serious cases of reckless or dangerous driving whilst under the influence of drink.<br>There will be multiple aggravating factors suggesting higher levels of culpability and higher alcohol levels. | Imprisonment of between one to two years<br>DQ for four to five years. |

15 Under the *Wu Zhi Yong* framework, the appropriate sentence for the offence is derived via two steps:

(a) At the first step, the court determines which of the three bands applies to the case, as well as the indicative starting sentence within that band, having regard to the offence-specific factors: *Wu Zhi Yong* at [35]. The examples of offence-specific aggravating factors enumerated in *Wu Zhi Yong* (at [36]) are:

(i) serious potential harm;

(ii) serious property damage;

(iii) high alcohol level in the offender's blood or breath;

(iv) the offender's reasons or motivation for driving (*eg*, driving a passenger for reward);

(v) increased culpability (*eg*, a *particularly* dangerous manner of driving); and

(vi) the offender's conduct following the offence (*eg*, belligerent or violent conduct at the point of arrest) or attempt to evade arrest.

(b) At the second step of the *Wu Zhi Yong* framework, the court will adjust the sentence having regard to the offender-specific factors. Examples of these factors include offences taken into consideration for the purpose of sentencing, relevant antecedents, as well as the offender's demonstration of remorse or youth: *Wu Zhi Yong* at [48].

16 Returning to the present case, I agree that the *Wu Zhi Yong* framework can be adapted to the offence of careless driving by serious offenders. The *actus reus* of the offence of reckless or dangerous driving, to which the *Wu Zhi Yong* framework relates, bears extensive similarities with that of careless driving. The offence-specific factors under the first stage of the *Wu Zhi Yong* framework, as

well as the offender-specific considerations at its second stage, apply equally to the careless driving offence as they do to the reckless/dangerous driving context. Furthermore, the mischief of curbing drunk drivers applies with equal force whether the offence is one of reckless/dangerous driving or careless driving.

17 However, although the DJ sought to apply the *Wu Zhi Yong* framework to the present case, she failed to address the critical fact that the punishment prescribed by statute for the offence in this case, *ie*, careless driving by serious offenders (see [11] above), is *lower* than that for reckless/dangerous driving by serious offenders (see [13] above) – the latter being the offence which the *Wu Zhi Yong* framework caters to. Given the lack of parity, the framework's numbers clearly require some calibration before it can be applied to the present offence. For ease of comparison, the differences are tabulated below:

| **Reckless / Dangerous driving by serious offenders under 64(2C)(*c*) RTA** | **Careless driving by serious offenders under 65(5)(*c*) RTA** |
|---|---|
| $2,000 ≤ Fine ≤ $15,000 and/or<br>Imprisonment ≤ **24** months<br>DQ ≥ 2 years | $2,000 ≤ Fine ≤ $11,500 and/or<br>Imprisonment ≤ **18** months<br>DQ ≥ 2 years |

As can be seen, the maximum imprisonment term for *careless* driving by serious offenders is 75% of that for *reckless/dangerous* driving by serious offenders.

18 The sentencing bands in the *Wu Zhi Yong* framework (at [14] above) can thus be adapted to careless driving by serious offenders via a *proportionate* calibration of the imprisonment ranges, by reducing the imprisonment ranges to 75% of the ranges in each of the three bands to fit the scheme of punishment applicable to careless driving by serious offenders. The recalibration gives rise to the imprisonment ranges in the right column below:

| Band | Reckless / Dangerous driving by serious offenders under 64(2C)(*c*) RTA (*ie*, the *Wu Zhi Yong* framework) | Careless driving by serious offenders under 65(5)(*c*) RTA |
|---|---|---|
| **1** | Fine of $2,000 – $15,000 and/or Imprisonment ≤ **1 month** DQ: 2 – 3 years | Fine of $2,000 – $11,500 and/or Imprisonment ≤ **3 weeks** DQ: 2 – 3 years |
| **2** | Imprisonment: **1** – **12 months** DQ: 3 – 4 years | Imprisonment: **3 weeks** – **9 months** DQ: 3 – 4 years |
| **3** | Imprisonment: **12** – **24 months** DQ: 4 – 5 years. | Imprisonment: **9** – **18 months** DQ: 4 – 5 years. |

The downward calibration to 75% of the imprisonment ranges in the three bands of the *Wu Zhi Yong* framework also sufficiently accounts for the lower culpability (all other parameters being equal) of offenders in careless driving cases as opposed to those involved in reckless/dangerous driving.

19 The approach of applying a proportionate calibration was also adopted by the General Division of the High Court in *Ng En You Jeremiah v Public Prosecutor* [2025] 4 SLR 395 ("*Jeremiah Ng*"), where a three-judge coram dealt with a case of drink driving after the applicable maximum imprisonment terms under s 67 RTA had been effectively doubled due to legislative amendments (at [89]). The court noted that the relevant sentencing framework at the time, as set out in the case of *Stansilas Fabian Kester v Public Prosecutor* [2017] 5 SLR 755 ("*Stansilas*"), could be recalibrated by correspondingly doubling the imprisonment range for each harm-culpability permutation within the framework's matrix, in a proportionate and linear fashion. In taking that approach, the court remarked that such a recalibration by way of arithmetic doubling, is "uncontroversial" and would "allow the court to utilise the full

spectrum of the punishment prescribed by law, and, at the same time, consider the full extent of any aggravating and mitigating factors": *Jeremiah Ng* at [94].

20 I am of course mindful that the comments in *Jeremiah Ng* were made in the context of recalibrating a sentencing framework for an existing offence to fit that *same* offence after the applicable punishment range has been amended by legislative amendments. This is to be distinguished from the present case, where I am proposing to recalibrate the sentencing framework for one offence to fit *another* offence. For the latter, some caution is in order – a sentencing framework designed for one offence should not be unthinkingly imported wholesale to another offence, without regard to differences between the offences. Having said that, I am of the view that given the extensive similarities between both offences (highlighted at [16] above), it is appropriate to adapt the bands in the *Wu Zhi Yong* framework – notwithstanding that they apply to *dangerous/reckless* driving by serious offenders – by recalibrating the punishment ranges to fit *careless* driving by serious offenders. This view is fortified by the fact that the relevant sentencing factors under the *Wu Zhi Yong* framework have been regarded as useful in offering guidance when sentencing for careless driving by *serious offenders who are also repeat* offenders, notwithstanding that the *Wu Zhi Yong* framework was promulgated in the context of *reckless/dangerous driving by serious offenders other than repeat* offenders: see *Public Prosecutor v Cheng Chang Tong* [2023] 5 SLR 1170.

21 As for the DQ period, the statute does not distinguish between what is prescribed for reckless/dangerous driving by serious offenders (to which the *Wu Zhi Yong* applies) and careless driving by serious offenders – both offences attract a minimum of DQ period of two years: ss 64(2D)(*i*) and 65(6)(*i*) RTA. Hence, unlike in the case of the imprisonment terms for both offences where there is a disparity in the prescribed maximum, there is no difference in the

statutorily-prescribed DQ duration for the offences meriting downward recalibration of the DQ periods in the three *Wu Zhi Yong* bands, before applying them here. I do not propose to perform such a recalibration, especially since parties did not submit that such recalibration is necessary. Nonetheless, it must still be noted that there *is* a difference in the level of *culpability* as between careless driving and reckless/dangerous driving. As such, I do not rule out the prospect that if a case involves careless (as opposed to reckless/dangerous) driving, the differential in culpability may well impact on where the case should be pegged *within* the DQ range in the sentencing band concerned.

22 The recalibrated sentencing bands, with imprisonment ranges set at 75% of those in the *Wu Zhi Yong* framework, can then be fashioned into the following sentencing framework for careless driving by serious offenders, which this judgment will refer to as "the serious careless driving framework":

| Band | Degree of seriousness | Sentencing range |
|---|---|---|
| **1** | Lower level of seriousness, where the offence-specific aggravating factors are either absent or present to only a limited extent.<br>Offender's alcohol level is likely to be at the lowest or second lowest *Rafael* band. | Fine ($2,000 – $11,500) and/or<br>Imprisonment ≤ **3 weeks**.<br>DQ for 2 – 3 years. |
| **2** | Higher level of seriousness – usually contains two or more offence-specific aggravating factors. Culpability will typically be on the higher side.<br>Offender's alcohol level will typically be on the higher side. Where the alcohol level is in the highest or second highest *Rafael* band, the case is likely to fall at least within Band 2. | Imprisonment<br>**3 weeks – 9 months**.<br>DQ for 3 – 4 years. |
| **3** | Amongst the most serious of cases of careless driving whilst under the influence of drink, with multiple aggravating factors suggesting higher levels of culpability.<br>Offender's alcohol level will be higher. | Imprisonment<br>**9 – 18 months**.<br>DQ for 4 – 5 years. |

Having recalibrated the imprisonment ranges within the sentencing bands, I am of the view that much of the two-step analysis in the *Wu Zhi Yong* framework can be imported to the serious careless driving framework:

(a) In the first step, the court determines which of the three bands (as recalibrated above) is applicable, after which the court then pegs the indicative starting sentence within the applicable band. This exercise is undertaken having regard to offence-specific factors, including those set out in *Wu Zhi Yong* which I have summarised at [15(a)] above.

(b) At the second step, the court adjusts the sentence having regard to the offender-specific factors.

23 I would also caution that given how the *Wu Zhi Yong* framework was promulgated in the context of reckless/dangerous driving, parties must remain alive to the qualitative differences between that offence and the offence of careless driving (to which the serious careless driving framework at [22] relates). The differences may be of consequence in cases falling under Band 1, where a key issue (whether under the *Wu Zhi Yong* framework or the serious careless driving framework) is likely to be whether the custodial threshold has been crossed. If the offence is one involving reckless/dangerous driving, the very fact that the driving was reckless or dangerous (as opposed to being merely careless) may, when viewed alone or alongside other factors, possibly have some bearing on whether the custodial threshold is crossed. Just because the sentencing frameworks for both offences are derived from the same source (*ie*, *Wu Zhi Yong*), this does not necessarily mean that the exact same considerations apply when determining if the custodial threshold has been crossed – see also the comments of See Kee Oon JAD in *Chan Chow Chuen v Public Prosecutor* [2024] SGHC 294 at [22]. Nevertheless, this specific concern does not arise

here, where the Appellant concedes[6] that the custodial threshold has been crossed – a concession which I view as rightly made, in light of the aggravating factors present.

24 As will be explained in the next section, I would peg the Serious Careless Driving Charge in the present case at the lower end of Band 2 of the serious careless driving framework at [22] above. The Appellant agrees that if the *Wu Zhi Yong* framework applies, the present case should fall within Band 2[7] but nevertheless argues that adapting that framework to the Serious Careless Driving Charge requires recalibration of Band 2's lower bound (being also Band 1's upper bound) to just *one week*'s imprisonment, rather than the three weeks set out at [22] above. On that premise, the Appellant argues that the appropriate starting imprisonment term for him under the serious careless driving framework should only be one week.[8]

25 I reject the Appellant's proposal as it squeezes the imprisonment range in Band 1 of the serious careless driving framework into an exceedingly narrow margin – being *less than a quarter* of the one-month range in Band 1 of the *Wu Zhi Yong* framework. It is difficult to justify this when the maximum imprisonment term for the offence underlying the serious careless driving framework stands at a much higher proportion, *ie*, 75%, of that for the offence underlying the *Wu Zhi Yong* framework. As explained at [18], setting the imprisonment range for Band 1 of the serious careless driving framework at three weeks – being 75% of the imprisonment range in Band 1 of the *Wu Zhi Yong* framework – better accords with principle. In addition, a three-week range

---

6 Appellant's Written Submissions ("AWS") at para 4.

7 AWS at para 34.

8 AWS at para 36.

of imprisonment in Band 1 would give sentencing courts a wider berth in deciding where to peg the indicative starting imprisonment term – assuming the custodial threshold has been crossed – and avoid a situation where the imprisonment terms in such cases cluster at the one-week mark.

*The appropriate imprisonment term*

26 I now apply the serious careless driving framework at [22] above to the present facts.

(1) Step 1: The appropriate band and the indicative starting sentence

27 At the first step of the serious careless driving framework, I would categorise the offence in the Serious Careless Driving Charge as falling under Band 2. This conclusion is supported in part by the Appellant's alcohol level, which must be assessed against the backdrop of the *Rafael* bands (see [14] above). In *Rafael*, Menon CJ explained that for drink driving cases where *hurt or property damage has* ***not*** *been caused* to others, the appropriate punishment would comprise a fine and a DQ period that increases with the offender's level of alcohol. To that end, the learned Chief Justice laid out the four sentencing bands, which I reproduce below:

| **Band** | **Level of alcohol** (μg/100ml) | **Fine range** | **DQ period** |
|---|---|---|---|
| **1** | 36 – 54 | $2,000 - $4,000 | 24 - 30 months |
| **2** | 55 – 69 | $4,000 - $6,000 | 30 - 36 months |
| **3** | 70 – 89 | $6,000 - $8,000 | 36 - 48 months |
| **4** | ≥ 90 | $8,000 - $10,000 | 48 - 60 months (or longer) |

In the present case, the Appellant's alcohol level was 78 μg/100ml, placing him in *Rafael* band 3, which is the second highest of the four *Rafael* bands. As

explained at row 2 of the table at [22] above, cases where the offender's alcohol level falls within the highest or second highest *Rafael* bands would likely fall under Band 2 of the serious careless driving framework.

28 That the offence underlying the Serious Careless Driving Charge falls under Band 2 is fortified by the presence of the following two offence-specific aggravating factors:

(a) The Appellant attempted to drive away from the scene but was stopped by police officers from doing so (see also *Wu Zhi Yong* at [36(f)]).

(b) The amount of property damage in this case, standing at $17,068.27, was substantial – even if the Appellant had made full restitution (see also *Wu Zhi Yong* at [36(b)]).

29 The Prosecution also seeks to rely on potential harm as a further aggravating factor.[9] I note that there was *some* potential harm, in that there was a vehicle travelling behind the Appellant's car at the point of impact. That vehicle could have hit the Appellant's car after the latter collided into the police truck. However, the driver of the vehicle had maintained a safe distance behind the Appellant's car and managed to stop in good time upon witnessing the collision. Other than that, as stipulated in the SoF, "traffic flow was light."[10] Viewing these circumstances in totality, I do not think that the potential harm here was sufficiently serious as to constitute an aggravating factor.

---

9 Respondent's Written Submissions ("RWS") at para 41.

10 ROA at p 10.

30 Next, still within the first step of the serious careless driving framework, I consider the *appropriate starting sentence* ***within Band 2*** at which the offence in the Serious Careless Driving Charge should be pegged. I begin with the Appellant's alcohol level of 78 µg/100ml. This sits at a relatively low end of the spectrum encompassed by *Rafael* bands 3 and 4, which collectively span from 70 µg/100ml to well over 90 µg/100ml. Preliminarily, this provides some support for pegging the indicative starting sentence close to the *lower* end of Band 2, where the imprisonment term has a floor of three weeks. Nevertheless, I am of the view that an uplift should be factored into the indicative starting imprisonment term to bring it beyond the Band 2 floor of three weeks, on account of the aggravating factors here – including the Appellant's attempt to drive away after the collision.

31 The Appellant argues that less weight should be given to this aggravating factor because the duration over which he had tried to flee was very short, lasting only a few seconds. With respect, this submission cuts no ice. The Appellant's attempt to drive away was brought to an abrupt halt only because the police officer stood in front of the car and prevented him from driving any further. This was not a situation where the Appellant had fled for a very short distance before having a change of heart and stopping his vehicle to face the music. He deserves no credit for the short-lived nature of his attempt to flee. I would also observe that the aggravating impact of fleeing after having carelessly or recklessly caused an accident is somewhat amplified in the drink driving context. It is serious enough if the offender merrily drives off while sober. But if the offender is under the influence of alcohol, his act of fleeing in his vehicle connotes a resolve by him to *continue* his inebriated foray behind the wheel, notwithstanding that this will subject yet more road users (other than the victims of the accident that the offender is fleeing from) to the hazards of his drunken driving.

32 The Appellant also sought to downplay the extent of the harm in this case by suggesting that as the police truck was a purpose-built vehicle meant for special operations, the cost of any bespoke repairs would naturally be higher, such that responsibility for these costs cannot be placed entirely on his shoulders.[11] I have no hesitation in dismissing this argument. As was observed in *Wu Zhi Yong* (at [36(b)]), the amount of any loss or damage may serve as a proxy indicator of harm. I do not rule out the prospect of instances where – despite the collision's impact being relatively mild – the peculiar traits of the victim's property engender loss or damage that is of such outsized proportions that the harm to the victim could not by any stretch of the imagination have been foreseeable. That is *not* the situation here. The collision was a violent one that threw the Appellant's car into a diagonal position and tore off a good portion of the metal work on the car's right. Against the backdrop of that kind of impact on the police truck, there is little to suggest that any portion of the repair costs should be discounted as being unforeseeable. I am thus of the view that the *full* cost of repairs to the police truck should be taken as a proxy of the harm caused.

33 Given the aggravating factors, I am of the view that an indicative starting imprisonment term of 5½ weeks, which effectively incorporates an uplift of 2½ weeks' imprisonment beyond the floor of Band 2 of the serious careless driving framework at [22] above, is appropriate.

(2) Step 2: Adjustments for offender-specific factors

34 At the second step, I consider the *offender*-specific factors that either mitigate or aggravate the offence.

---

11 AWS at para 46.

35 Firstly, I am of the view that the Appellant is entitled to credit for making full restitution for the repair costs of the police truck. On this alone, I would reduce the indicative starting imprisonment term of 5½ weeks by 10% – being a reduction of about half a week.

36 Next, I consider the Appellant's antecedents. Disregarding the antecedents which the Appellant disputed in the court below[12] and those which are more dated, I note that the Appellant had previously committed the following driving-related offences:

(a) an offence of speeding committed on 2 April 2022 (compounded by payment of $300); and

(b) an offence of using a mobile phone device while driving, committed on 18 July 2020 (compounded by payment of $400).

These compounded offences are relevant to the determination of sentence in this case (see also s 139AA RTA). While they do not pertain to the same offence as that underlying the Serious Careless Driving Charge, they still paint a picture of someone who is not particularly fastidious about abiding by the law when plying our roads.

37 In my view, the Appellant's less than satisfactory driving record justifies a slight uplift to the indicative starting imprisonment term. That uplift would nevertheless be offset by the discount to be accorded to him on account of his plea of guilt, under the PG Guidelines. The Appellant indicated his intention to plead guilty only on the day before trial and eventually pleaded guilty on the

[12] Notes of Evidence for 3 September 2025 ("NE") at p 6 (line 1) to p 7 (line 22).

first day of trial.[13] Therefore, the reduction in sentence for his plea of guilt would have been a very modest one. The sum total of the countervailing factors in this paragraph, read with the half-week reduction for restitution made (see [35] above) means that the indicative starting imprisonment term of 5½ weeks should be adjusted downwards to five weeks.

38 In light of the foregoing, I see no reason to disturb the DJ's decision to sentence the Appellant to five weeks' imprisonment for the Serious Careless Driving Charge.

(3) Comparing the imprisonment term imposed with the precedents

39 In my view, a sentence of five weeks' imprisonment is appropriate and can be rationalised with most of the precedents cited by the parties.

40 Before me, parties canvassed three precedents where the offenders, like the Appellant, pleaded guilty to one charge of drink driving under s 67(1) RTA and one charge of careless driving as a serious offender under s 65(5)(*c*) RTA: *Ching Kelvin v Public Prosecutor* [2024] SGHC 297 (*"Kelvin Ching*"), *Public Prosecutor v Chan Wei-Jin Calvin Lanz* [2024] SGDC 106 ("*Calvin Lanz*") and *Public Prosecutor v Florence Poo Kean Keng* [2025] SGDC 153 ("*Florence Poo*"). As with the Appellant's case, no hurt was caused by the offenders in these precedents, who all had alcohol levels falling within either the highest or second highest *Rafael* band:

(a) *Kelvin Ching* involved an offender who had driven with an alcohol level of 95 µg/100ml. He drove over the road centre divider, traversed onto the adjacent road (where traffic was coming from the

[13] NE at p 1 (lines 16–26).

opposite direction) and then collided into a guard rail. Fortuitously, no one was hurt even though the offence took place at 8.50am, when other persons might have been driving to work. There was also no property damage – the guard rail sustained no visible damage. Prior to the offence, the offender had a clean record. In respect of the charge of careless driving as a serious offender, the District Court imposed an imprisonment term of four weeks and a DQ period of three years. On appeal to the High Court by the Appellant, the imprisonment term was reduced to **three weeks**. However, the offender had pleaded guilty at the first mention, meaning that *if* the PG Guidelines had been applicable at the time, he could have qualified for a discount in sentence of up to 30%.

(b) *Calvin Lanz* involved an offender who had driven with an alcohol level of 82 µg/100ml. He mounted a road kerb island before driving across a zebra crossing and onto a pedestrian pavement. He then collided into a 'Give Way' sign, lamp post and pavement barriers. Fortunately, no one was hurt (the offence took place at 5.08am). The cost of repairs for the lamp post and the pavement barriers was $966.37, for which the offender made full restitution. In terms of recent antecedents, he had previously committed an offence of failing to conform to a red-light signal, which he compounded. For the charge of careless driving as a serious offender, the offender was sentenced by the District Court to **three weeks'** imprisonment and a DQ period of three years. The offender appears to have qualified for a discount of up to 30% on account of his early plea of guilt,[14] although the District Court did not expressly stipulate what the notional sentence would have been had the

[14] See minutes of hearing in District Court 7B on 7 December 2023.

offender claimed trial. The offender's appeal against sentence was dismissed by the High Court.

(c) *Florence Poo* involved an offender who had driven with an alcohol level of 221 milligrams per 100ml of blood (translating to 96.68 μg/100ml). She drove over a kerb in the middle of a road and struck a bollard, before driving another ten metres to turn into her condominium, where she sideswiped the pedestrian gate. She then drove into her condominium carpark where she hit a parked car at 10.42pm. No one was hurt in any of the three collisions. The cost of the repairs to the bollard, pedestrian gate and parked car totalled $661, for which the offender made full restitution. Prior to the offence, she had a clean record. For the offence of careless driving as a serious offender, the offender was sentenced by the District Court to **one week's** imprisonment and a DQ period of five years. A further charge of failing to stop after striking the bollard was taken into consideration for the purpose of arriving at this sentence. Without factoring in the 20% reduction in sentence for her plea of guilt under the PG Guidelines and a further 10% reduction for the restitution made, the offender's imprisonment term would have been ten days (at [37]). The Prosecution's appeal against sentence was dismissed.

41 For the first two cases above, *ie*, *Kelvin Ching* and *Calvin Lanz*, the notional imprisonment term – if one assumes that a 30% discount was given for the early plea of guilt – would have been a little over four weeks if the offenders had claimed trial. This is slightly below the notional imprisonment term in the Appellant's case, which would have been a little over five weeks if he had claimed trial (see [37] above). I am of course aware that the alcohol level of the offender in *Calvin Lanz* was higher, and that of the offender in *Kelvin Ching*

was *much* higher, than that of the Appellant. The potential harm in *Kelvin Ching* was also significant, given that the offender had crossed the divider to the adjacent road (where he would have gone against the flow of traffic) before crashing, at a time when other road users would usually be driving to work. However, the uplift in the imprisonment term imposed on the Appellant is amply justified on the aggravated facts here. The Appellant tried to drive away from the scene in his inebriated state. The property damage here also dwarfs that in *Calvin Lanz*, while the offence in *Kelvin Ching* caused no property damage to others. Further, unlike the offender in *Kelvin Ching,* the Appellant does not have a clean driving record.

42 As for *Florence Poo*, the Prosecution invites me to disregard this case on account of it being (to use the term employed by the Prosecution during oral submissions) an "outlier". I am inclined to agree. Although the Prosecution's appeal against the one-week imprisonment term imposed by the District Court was dismissed by the High Court, the absence of published grounds at the appellate level places some constraints on my ability to embark on a deeper discourse into the merits of the sentence. I do note, however, that the offender's alcohol level in *Florence Poo* was significantly higher than the Appellant's and that the offender in *Florence Poo* was responsible for *not one but three* successive collisions – hence the additional charge of not stopping after the first collision, which was taken into consideration for sentencing. Suffice to say that I do not consider *Florence Poo* to be a persuasive sentencing precedent here.

*The appropriate DQ period*

43 Given that the present case falls within Band 2 of the serious careless driving framework at [22] above, the appropriate DQ period would have been between three to four years: see the second row of the table at [22] above. As I

have found the Appellant's offence to be slightly more aggravated than that in *Kelvin Ching* and *Calvin Lanz* – where a DQ period of three years was imposed – I take the view that the DQ period for the Serious Careless Driving Charge ought to *exceed* three years.

44 A question which then arises is whether the DQ period should be as high as the four-year period imposed by the DJ (which falls at the *highest* end of Band 2) or whether it should be a little under four years. Nevertheless, I do not think that this question is of practical significance, on the facts of the present case. As will be explained below, I view the four-year DQ period imposed by the DJ for the *Drink Driving* Charge to be entirely appropriate. This will eclipse the DQ period for the Serious Careless Driving Charge, regardless of whether the latter is pegged at four years or a little under that. I thus do not propose to disturb the four-year DQ period imposed by the DJ for the Serious Careless Driving Charge, given that doing so will hold no operative impact.

***Drink Driving Charge***

45 I now turn to consider the sentence for the Drink Driving Charge. The applicable sentencing framework for this offence is that set out in *Jeremiah Ng* (referred to at [19] above), where the court set out a framework for determining the appropriate imprisonment term for drink driving offences involving property damage or personal injury. This framework centres on a harm-culpability matrix, containing 12 cells that each capture a different harm-culpability permutation (see *Jeremiah Ng* at [101]):

| Harm / Culpability | **Slight** | **Moderate** | **Serious** | **Very Serious** |
|---|---|---|---|---|
| **Low** | Fine of $2K – $10K | Imprisonment ≤ 2 months | Imprisonment ≤ 2 months | Imprisonment 2 – 4 months |
| **Medium** | Imprisonment ≤ 2 months | Imprisonment ≤ 2 months | Imprisonment 2 – 4 months | Imprisonment 4 – 8 months |
| **High** | Imprisonment 2 – 4 months | Imprisonment 2 – 4 months | Imprisonment 4 – 8 months | Imprisonment 8 – 12 months |

46 The harm is determined by the extent of the property damage or physical injury caused. Culpability in turn hinges on the offender's manner of driving and alcohol level. In respect of the latter, the *Jeremiah Ng* framework (as with the *Wu Zhi Yong* framework) leverages on the *Rafael* bands set out at [27] above. Specifically, alcohol levels falling within the higher *Rafael* bands will connote a higher degree of culpability:

| **Harm** | | **Culpability** | |
|---|---|---|---|
| **Slight** | Slight or moderate property damage and/or slight physical injury characterised by no hospitalisation or medical leave | **Low** | Alcohol level typically within *Rafael* band 1 *and* no evidence of dangerous driving behaviour |
| **Moderate** | Serious property damage and/or moderate personal injury characterised by hospitalisation or medical leave but no fractures or permanent injuries | **Medium** | Alcohol level typically within *Rafael* bands 2 and 3 *or* dangerous driving behaviour |
| **Serious** | Serious personal injury usually involving fractures, including injuries which are permanent in nature and/or which necessitate significant surgical procedure | **High** | Alcohol level typically within *Rafael* band 4 *and* dangerous driving behaviour |
| **Very serious** | Loss of limb, sight or hearing or life; or paralysis | | |

47 I note that the *Jeremiah Ng* framework does not explicitly set out a second step where, after the appropriate harm-culpability cell has been selected and the appropriate indicative starting sentence within that cell has been pegged, the court moves on to make adjustments on account of *offender*-specific mitigating and aggravating factors. This has to be contrasted with the *Wu Zhi Yong* framework, which explicitly prescribes such a second step – see [15(b)] above. Parties did not address me on this and simply assumed that such a second step should be undertaken even under the *Jeremiah Ng* framework.[15] In my view, parties were not wrong to proceed as such – the *Jeremiah Ng* framework must be read as incorporating a second step where the indicative starting sentence is adjusted for offender-specific factors. As this is an almost ubiquitous feature of our sentencing frameworks, the court in *Jeremiah Ng* would have intended that relevant *offender*-specific considerations be factored into the mix, once the indicative starting sentence has been derived in accordance with *offence*-specific considerations. Indeed, the *Jeremiah Ng* framework was a recalibration of the *Stansilas* framework (see [19] above), where Menon CJ had adjusted the indicative starting sentence downward on account of restitution, which is an established *offender*-specific mitigating factor: *Stansilas* at [115].

48 As for the appropriate DQ period, the court in *Jeremiah Ng* explained (at [100]) that for drink driving offences involving property damage or personal injury, the ranges of DQ periods in the *Rafael* bands can *still* be relevant for purposes of determining the appropriate duration of DQ *provided that* adjustments are made to reflect the greater harm caused. In this respect, the court was at pains to caution that the DQ ranges prescribed within the *Rafael* bands should *not* be applied without considering the need for further adjustment to reflect the seriousness of the offence in each case, holding as follows (at [103]):

---

15 See *eg*, RWS at para 50.

> The circumstances of the commission of the offence are, amongst others, a relevant and material factor to be taken into account. This includes considering the extent of harm caused as well as the potential harm that could have resulted from the act constituting the driving offence in question.

49 I now move on to assess the sentence imposed for the Drink Driving Charge, which the DJ had arrived at in reliance on the *Jeremiah Ng* framework.

*The appropriate imprisonment term*

50 In applying the *Jeremiah Ng* framework, the DJ took the position that the present case falls within the slight harm / medium culpability cell.[16] I agree, given the following considerations:

(a) As regards culpability, the Appellant's alcohol level (78 μg/100ml) fell towards the lower end of *Rafael* band 3. This would sit comfortably within "medium" culpability.

(b) As regards harm, the property damage was relatively significant, costing $17,068.27 in repairs. However, there was no physical injury. In my view, harm could still be considered as slight.

51 The appropriate cell in the matrix, being slight harm / medium culpability, embodies an imprisonment range of up to two months. The next step would thus have been to peg the appropriate starting imprisonment term within the two-month range. Regrettably, the reasoning in the DJ's decision at this point of the analysis[17] was a little difficult to follow. Specifically, the DJ did not appear to have set out the indicative starting sentence within the harm/culpability cell, before going on to consider offender-specific factors such

---

16 GD at [29]–[33].

17 GD at [33].

as restitution. From what I can glean, it appears that the DJ likely arrived at an indicative starting imprisonment term of about five weeks. The DJ had then increased this to 5½ weeks, after having juxtaposed the aggravating factors against the restitution that was made. She had then applied a reduction under the PG Guidelines, on account of the Appellant's plea of guilt, to reduce the 5½ weeks back down to the ultimate imprisonment term of five weeks.

52 In my view, an indicative starting imprisonment term in the realm of five weeks is too high. Bearing in mind the level of alcohol and the damage involved, a more appropriate term might have been about three weeks. This would peg the case at about the one-third point of the two-month imprisonment range embodied in the harm-culpability cell. That would then allow for further upward calibration in future cases falling within the same cell where, for example, the offender's alcohol level falls at the higher end of *Rafael* band 3, or where much more risky driving has occurred.

53 The next step would then be to calibrate the indicative starting sentence according to the offender-specific factors – as explained at [47] above. A key mitigating factor which the DJ rightly took into account was the restitution which the Appellant made for the police truck's repair costs.[18]

54 As for the aggravating factors, the DJ took account of the Appellant's attempt to drive off after the collision.[19] I note that while an offender's attempt to flee is expressly listed under the *Wu Zhi Yong* framework as one of the *offence*-specific culpability factors relevant to determination of the appropriate sentencing band and indicative starting sentence (see [15(a)(vi)] above), this

---

18 GD at [33].

19 GD at [33].

factor does not expressly feature as a determinant of the appropriate cell within the *Jeremiah Ng* harm-culpability matrix (or the indicative starting sentence within that cell). Rather, the offence-specific culpability factors which *Jeremiah Ng* has expressly spelt out as impacting on the choice of the cell within the harm-culpability matrix pertain to the offender's alcohol level and manner of driving – see the right column of the table at [46] above. Be that as it may, an attempt to flee is clearly still relevant under the *Jeremiah Ng* framework, albeit as an *offender*-specific factor which comes into play after the offence-specific considerations have been used to determine the indicative starting sentence. Such an attempt shows a blatant lack of remorse, which is a well-recognised offender-specific aggravating factor. Accordingly, I agree with the DJ that the Appellant's attempt to drive away from the scene is a relevant factor for the purpose of according aggravating weight.

55 The Appellant nevertheless submits that the DJ ought not to have taken this as an aggravating factor for the Drink Driving Charge, seeing as how it had already been considered in the context of the Serious Careless Driving Charge. The Appellant argues that this amounted to *double counting* an aggravating factor.[20] With respect, the Appellant's claims of double counting are unpersuasive. Both the Drink Driving Charge and Serious Careless Driving Charge pertain to *separate* offences. The Appellant's attempt to drive away from the scene is a critical component of the sequence of events by which both offences had been committed. Disregarding this aggravating factor for any one of the two charges would portray an incomplete picture of the Appellant's culpability for the charge concerned. In like vein, the common *mitigating* factor of restitution for the repairs to the police truck has been taken into account for

[20] AWS at para 74.

both offences, thereby giving a holistic perspective of the Appellant's culpability for each offence.

56 If the fear is that the Appellant will be prejudiced by having a single aggravating factor magnify the sentence for multiple charges, that concern can be addressed by having those sentences run concurrently – which is precisely what has happened here, where the sentences for both of the Appellant's charges were ordered to run concurrently. On this point, the observations of Menon CJ in *Wu Zhi Yong* (at [62]) are instructive:

> Furthermore, **running such sentences under ss 64 and 67 consecutively where they relate to the *same set of facts* would also seem to be inconsistent with the stricture against double counting factors in sentencing.** In *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799, I considered that double counting would arise "where a factor is expressly or implicitly taken into account in sentencing even though it has already formed the factual basis of a statutory mechanism for the enhancement of the sentence, or of other charges brought against the offender" (at [85]). If a factor already forms the basis of a charge framed against the offender or of a statutorily enhanced sentence, the "due weight" that should be given by the court to that factor in sentencing will generally be "none" (at [91]). This principle would apply here as well, where the factor forms the basis of a statutorily enhanced sentence for a different charge. **Given that the offender's act of drink driving is taken into account in sentencing under s 64(2C)(*c*), the sentence for the offence under s 67 arising out of the same facts should generally run concurrently to avoid the problem of double counting.**
>
> [original emphasis in italics; emphasis added in bold and underline]

The learned Chief Justice thus recognised that if the same factor has aggravated the sentences for two charges, running the sentences for both charges consecutively may constitute impermissible double counting of that factor. However, the *anterior* issue of whether a common factual element can aggravate the sentence for both the charges is a separate matter – the Appellant

has not furnished any authorities to show why that would in and of itself constitute impermissible double counting.

57 Another aggravating factor which the DJ had taken into account was that the Appellant drove his car while drunk and sleepy.[21] In this respect, the DJ erred when she took the Appellant's *drunkenness* as an aggravating factor. Intoxication is an essential ingredient of the Drink Driving Charge – in counting this as an aggravating factor, the DJ's reasoning fell within one of the categories of impermissible double counting highlighted in *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 (at [84]). As for the fact that the Appellant was sleepy, I find it difficult to accord much weight on this as a *discrete* aggravating factor, at least under the facts of this case. The SoF was thin on particulars regarding the cause and extent of the Appellant's sleepiness (*cf*, *Public Prosecutor v Hue An Li* [2014] 4 SLR 661, where details were furnished as to how the offender had worked for 24 hours without rest prior to getting behind the wheel). It is thus difficult for me to assess whether the Appellant's sleepiness had served to impede his alertness – *beyond* the intoxicating effects of the alcohol – to any meaningful degree, such that his sleepiness should be regarded as an *additional* aggravating factor in its own right.

58 Based on the foregoing offender-specific factors, I conclude that there is no need to adjust the indicative starting sentence:

(a) The aggravating effect of the Appellant's attempt to drive away can be balanced against the mitigating effect of the substantial restitution made by him towards the repair costs of the police truck.

---

21 GD at [33].

(b) Furthermore, as alluded to at [37] above, while the Appellant's less than satisfactory driving record (which I would regard to be as relevant to the Drink Driving Charge as it is to the Serious Careless Driving Charge) would have justified a slight uplift in the sentence, this would be offset by the modest discount accorded to the Appellant on account of his relatively late plea of guilt.

59 The indicative starting imprisonment term of three weeks (as stated at [52] above) is therefore an appropriate sentence for the Drink Driving Charge. I should also add that I have not placed much reliance on the drink driving precedents cited by the parties as they all predated *Jeremiah Ng*.

*The appropriate DQ period*

60 As explained at [48] above, the ranges of DQ periods in the *Rafael* bands can be used to determine the appropriate DQ period for cases such as the present, where the drink driving resulted in property damage – notwithstanding that the *Rafael* bands were meant to apply to scenarios where no property damage or hurt has been engendered. The caveat is that adjustments must be made to reflect the greater harm caused.

61 To recapitulate, the four *Rafael* bands have been set out at [27] above. The Appellant's alcohol level of 78 µg/100ml falls approximately within the middle of *Rafael* band 3, which prescribes a DQ duration of 36 to 48 months. In the absence of any property damage, I would have pegged the indicative starting DQ period at 42 months, which sits in the middle of *Rafael* band 3. Given the substantial cost of the damage to the police truck (and notwithstanding that restitution was made), it would be appropriate to factor an upward adjustment to the indicative starting DQ period to account for the extent of harm caused. This would comfortably bring the DQ duration to 48 months.

Viewed against this analysis, the DQ period ordered by the DJ could not be regarded as manifestly excessive.

**Conclusion**

62 In light of the foregoing, the sentence for the Serious Careless Driving Charge is upheld. As for the Drink Driving Charge, the imprisonment term is reduced from five weeks to three weeks while the 48-month DQ period is to stand.

63 As per the DJ's decision below, the sentences for both charges are to run concurrently, meaning that the effective global imprisonment term of five weeks remains. The 48-month DQ period, which is to commence after expiration of the Appellant's imprisonment term, is also to stand.

Christopher Tan
Judge of the High Court

Ng Huiling Cheryl (Foxwood LLC) for the appellant;
Goh Yong Ngee and Nivethaa Ravintharan (Attorney-General's Chambers) for the respondent.