IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

[2026] SGMC 93

Magistrate's Arrest Case No 901230 of 2025 and others

Public Prosecutor

Against

Ng Siew Teng

JUDGMENT

[Criminal Procedure and Sentencing – Sentencing – Statutory Offences – Section 8(1) Animal and Birds Act 1965]
[Criminal Procedure and Sentencing – Sentencing – Statutory Offences – Section 41C(1)(*a*)(iii) Animal and Birds Act 1965]
[Criminal Procedure and Sentencing – Sentencing – Statutory Offences – Section 48(1) Animal and Birds Act 1965]

TABLE OF CONTENTS

Public Prosecutor
v
Ng Siew Teng

[2026] SGMC 93

Magistrate's Arrest Case No 901230 of 2025 and others
District Judge Justin Yeo
9 July 2026

5 August 2026 Judgment reserved.

District Judge Justin Yeo:

Introduction

1 This case concerns multiple offences under the Animal and Birds Act 1965 ("ABA"). Ms Ng Siew Teng ("the Accused") and her husband, Mr Callurn Lim Yuan Jin ("Lim"), decided to illegally import puppies from Malaysia to sell in Singapore, for the purpose of "earn[ing] extra money".[1] Lim engaged Mr Peh Jia Hao Bryan ("Peh"), as a courier to smuggle the puppies from Malaysia to Singapore for this purpose. The illegal importation succeeded on various occasions, and the illegally imported puppies were housed in the Accused's and Lim's residence in Hougang ("the Residence").

1 Statement of Facts (dated 9 July 2026) ("Statement of Facts") at paragraph 8.

2 The illegal importation scheme was eventually uncovered when, on 27 December 2023, the vehicle that Peh was driving was subject to a random inspection at Woodlands Checkpoint. At that inspection, Immigration & Checkpoints Authority ("ICA") officers found five Pomeranian puppies (referred to respectively as "E1" to "E5" and collectively as "the Puppies") in the boot of the vehicle.

Overview of Charges

3 The Accused pleaded guilty to five proceeded charges, as follows:

(a) Three charges under ABA ss 8(1) and 8(3), for abetting Peh and Lim in importing E1 (MAC-901230-2025), E2 (MAC-901231-2025) and E3 (MAC-901232-2025) from Malaysia into Singapore, without a licence issued by the Director-General, Animal Health and Welfare. I refer to these collectively as the "Importation Charges", or individually as the "E1 Importation Charge" (as the case may be).

(b) One charge (MAC-901235-2025) under ABA ss 41C(1)(*a*)(iii), 41C(2) and 41C(3)(*b*)(i), for abetting Peh and Lim in importing E1, thus subjecting E1 to unnecessary suffering while being transported from Malaysia to Singapore. I refer to this as the "Unnecessary Suffering Charge".

(c) One charge (MAC-901242-2025) under ABA ss 48(1) and 48(2), for keeping 21 puppies in captivity for sale at the Residence, a place that has not been licensed for this purpose under the ABA. I refer to this as the "Unlicensed Captivity Charge".

4 The Accused admitted and consented to eight other charges being taken into consideration ("TIC") for the purposes of sentencing. These comprised:

(a) Four charges under ABA ss 8(1) and 8(3). Two of these charges concerned the illegal importation of E4 and E5, which occurred on the same occasion as the subject matter of the Importation Charges. The other two charges related to the unlicensed importation of two puppies on 11 October 2023. These charges will be considered in the sentencing for the Importation Charges.

(b) Four charges under ABA ss 41C(1)(*a*)(iii), 41C(2) and 41C(3)(*b*)(i), which concerned the unnecessary suffering caused to E2, E3, E4 and E5 while they were being transported from Malaysia to Singapore. These charges will be considered in the sentencing for the Unnecessary Suffering Charge.

Summary of Decision

5 Factoring in a sentencing reduction of imprisonment terms on account of the Accused's plea of guilt where appropriate, the sentences for the respective charges are as follows:

(a) E1 Importation Charge: ten weeks' imprisonment;

(b) E2 Importation Charge: eight weeks' imprisonment;

(c) E3 Importation Charge: eight weeks' imprisonment;

(d) Unnecessary Suffering Charge: nine weeks' imprisonment; and

(e) Unlicensed Captivity Charge: three days' imprisonment, with a fine of $5,000 (in default, two weeks' imprisonment).

6 The imprisonment terms for the E1 Importation Charge, the Unnecessary Suffering Charge and the Unlicensed Captivity Charge shall run consecutively. The imprisonment terms for the E2 Importation Charge and the

E3 Importation Charge shall run concurrently. The aggregate sentence is therefore 19 weeks' and three days' imprisonment, with a fine of $5,000 (in default, two weeks' imprisonment).

7 I now provide detailed reasons for my decision.

Background Facts

8 The following facts are based on the Statement of Facts,[2] to which the Accused admitted without qualification.

9 Lim and Peh were friends who first met as members of a lion dance troupe. Peh knew the Accused as Lim's spouse. Sometime before Peh completed his full-time National Service in April 2023, Lim and the Accused told Peh that they were intending to import dogs from Malaysia to sell in Singapore, as there was "good money involved".[3] Peh declined to participate as he was still serving National Service.

10 In the middle of 2023, the Accused got Peh to follow her TikTok account, "FurryPuppiesSG", and to help repost her stories of puppies that were being sold through the account. The Accused informed Peh that if a potential buyer contacted him about the puppies, he could quote a marked-up price, with the mark-up being his commission.

11 In September 2023, Lim and the Accused decided to import puppies from Malaysia to sell in Singapore, to "earn extra money because the puppies

2 Statement of Facts (dated 9 July 2026) ("Statement of Facts").

3 Statement of Facts at paragraph 6.

were cheaper in Malaysia".[4] The Accused eventually found a supplier on TikTok, going by the name "Barking Puppies".

12 For the first batch of puppies, the Accused purchased three Golden Retriever puppies from the supplier at the cost of $800 each. The Accused and Lim then travelled to Malaysia to collect the three puppies from the supplier and kept them in a plastic container which was then placed in the boot of their car. The Accused returned to Singapore before Lim drove back to Singapore with the puppies. They did this because they were fully aware that smuggling puppies into Singapore was illegal, and Lim did not want the Accused to be implicated if he was caught.

13 After the puppies were brought to Singapore, the Accused decided that none of the three puppies were suitable for her as a pet. She decided to sell them online through her Instagram account "furrypuppies_sg", which was started for the purpose of advertising and selling such puppies. They sold the three puppies at about $2,500 each, thus earning a total profit of about $5,100 (*ie*, $1,700 per puppy). Motivated by the high profit yield, the Accused and Lim continued with the illicit importation scheme. The Accused admitted that she and Lim were the "main instigators" in the scheme.[5]

14 In October 2023, Lim approached Peh to ask if he was interested to bring in puppies from Malaysia. Lim stated that depending on the size of the animal, he would pay Peh a fee of between $250 to $300 per animal. Peh carried out several importations for Lim and the Accused, with each importation following a similar pattern:

---

4 Statement of Facts at paragraph 8.

5 Statement of Facts at paragraph 9.

(a) The Accused would contact Malaysian sellers on social media to check on the availabilities of puppies. She would then place orders with sellers after the prices were agreed upon, and confirmed the delivery arrangements of the puppies to a rental apartment in Johor, Malaysia ("the Rental Apartment").

(b) Lim would then inform Peh to meet up at the Rental Apartment. There, the unknown Malaysia supplier would hand over the puppies to Lim and the Accused, who would then hand them over to Peh.

(c) The puppies would be placed in a plastic storage container purchased by the Accused. The plastic storage container would then be loaded into the boot of a Singapore-registered vehicle ("the Vehicle") driven by Peh.

(d) Lim, the Accused and Peh would then depart from the Rental Apartment separately and return to Singapore.

(e) After entering Singapore, Peh would meet Lim and the Accused at the refuse collection point on the ground floor of the Residence to hand over the illegally imported puppies.

(f) Lim paid Peh a fee of between $250 to $300 per imported animal.

15 On 26 December 2023, the Accused was contacted by a Malaysian seller using the Instagram username "Barking Puppies" to arrange for the delivery of the Puppies from Malaysia to Singapore. The Malaysian seller would liaise directly with buyers to collect the Puppies from Lim and the Accused. The Malaysian seller would pay the Accused $800 for each puppy imported into Singapore. On the same day, Lim contacted Peh (who was already in Malaysia for a social purpose) and sought Peh's assistance to bring the Puppies into

Singapore along with duty unpaid cigarettes. Lim and Peh agreed on a total delivery fee of $1,650, being $400 for the importation of the cigarettes and $250 for the importation of each of the Puppies.

16 On 26 December 2023, an unknown Malaysian man delivered a German Shepherd dog to the Rental Apartment. The initial plan was for the German Shepherd to be imported into Singapore in the Vehicle, with Lim and the Accused to be paid $1,000 for its successful importation. However, as the German Shepherd was too active, Lim decided that he would personally import the German Shepherd, while Peh would import the Puppies. The plan to import the German Shepherd was eventually aborted as the dog was too active; it was subsequently returned to the Malaysian seller.

17 Peh met with Lim and the Accused at the Rental Apartment at around 2am on 27 December 2023. They received the Puppies from an unknown Malaysian man. Lim and Peh loaded the Puppies. E1 and E2 were kept in a pet carrier, and the pet carrier was placed within a plastic storage container. E3, E4 and E5 were placed outside the pet carrier, within the same plastic storage container. The plastic storage container was lined with some towels. Lim and Peh loaded the plastic storage container into the boot of the Vehicle. The Accused did not help with the actual loading process, but was present at the Vehicle and aware of the mode in which the Puppies would be transported. The Puppies and the duty unpaid cigarettes were intended to be delivered by Peh to Lim and Accused at the Residence.

18 After the Accused witnessed the Puppies being loaded into the Vehicle's boot, she left for Singapore with a friend, leaving Lim and Peh behind. This was because she would not ride in a vehicle carrying any illegally imported animals. However, she went back to Malaysia after Lim informed her that the German

Shepherd would be returned to the Malaysian seller. The Accused then returned to Singapore together with Lim, to await Peh's arrival.

19 On 27 December 2023 at around 5.05am, ICA officers at the Woodlands Checkpoint conducted a random inspection on the Vehicle. During the inspection, ICA found the Puppies in the plastic storage container in the Vehicle's boot.

20 Based on the Animal Health and Welfare Assessment Report dated 14 January 2024 ("the Animal Welfare Report") by Dr Alwyn Tan ("Dr Tan"), the mode of transportation and manner which the Puppies were transported compromised their welfare and subjected them to unnecessary suffering.[6] In the Animal Welfare Report, Dr Tan made the following findings:

(a) The plastic storage container in which the Puppies were kept did not meet the International Air Transport Association Live Animal Regulations ("IATA Regulations") for the transport of animals, which requires that "[e]ach container must be suitable for the species being transported. It must in general allow the animal to stand, turn and lie down in a natural manner".[7]

(b) E3, E4 and E5, being outside the pet carrier and within the plastic storage container, were transported in cramped conditions.[8] Given the dimensions of the storage container, with the pet carrier placed within it, and the number and size of animals being transported, E3, E4 and E5 would have been prevented from standing, turning around, and lying

---

6 Animal Welfare Report at paragraph 11(d).

7 Animal Welfare Report at paragraphs 11(a) and 11(b).

8 Animal Welfare Report at paragraph 11(b).

down in a natural manner.[9] They would have experienced discomfort as a result of restricted movement and their inability to adopt natural positions.[10] There was also an increased risk of injury through jostling, given that there were several animals sharing a confined space.[11] In addition, the pet carrier (carrying E1 and E2) was not secured in position and could potentially tip over or slide sideways, which could have injured E3, E4 and E5.[12]

(c) There was insufficient ventilation for the Puppies, a situation that was exacerbated by the cramped conditions for E3, E4 and E5.[13] For adequate ventilation, there should be ventilation openings on three sides of the receptacle.[14] In this regard, only the top of the plastic storage container was left open.[15] As for E1 and E2, although they were in the pet carrier which had openings on three or more sides, the pet carrier itself was placed within a storage box that only had a single opening.[16] As such, all the Puppies suffered from poor ventilation.

---

9 Animal Welfare Report at paragraph 11(b).

10 Animal Welfare Report at paragraph 11(b).

11 Animal Welfare Report at paragraph 11(b).

12 Animal Welfare Report at paragraph 11(b).

13 Animal Welfare Report at paragraph 11(c).

14 Animal Welfare Report at paragraph 11(c).

15 Animal Welfare Report at paragraph 11(c).

16 Animal Welfare Report at paragraph 11(c).

(d) The Puppies were estimated to be approximately two months' old.[17] The suffering they experienced in view of the transport conditions would be exacerbated by their young age.[18]

(e) Two of the Puppies had medical issues – one had a mild clear discharge from both eyes, while the other was infested with one tick.[19]

(f) The Puppies tested positive for Canine Parvovirus ("CPV").[20] CPV is a highly contagious virus transmitted through faecal-oral contact and causes gastrointestinal disease in dogs.[21] Infected animals typically suffer from anorexia, lethargy, vomiting and diarrhoea, resulting in rapid dehydration, sepsis and, ultimately, death.[22] Unvaccinated dogs younger than four months' old are highly susceptible and more severely affected by CPV.[23] The mortality rate for CPV ranges from 10-90%, depending on the age, size of puppies and how aggressive and early treatments are given.[24]

(g) At the time of the Animal Welfare Report, the Puppies remained well.

21 From October to December 2023, Lim and the Accused kept illegally imported puppies at the Residence. The Accused advertised the puppies on the

---

17 Animal Welfare Report at paragraph 11(e).

18 Animal Welfare Report at paragraph 11(e).

19 Animal Welfare Report at paragraph 11(e).

20 Animal Welfare Report at paragraph 11(f).

21 Animal Welfare Report at paragraph 11(g).

22 Animal Welfare Report at paragraph 11(g).

23 Animal Welfare Report at paragraph 11(g).

24 Animal Welfare Report at paragraph 11(g).

Instagram account "furrypuppies_sg", which she created and handled. The Instagram posts would have a picture and description of the puppies, with some of the posts stating the price at which the puppies were to be sold. Together with Lim, the Accused conducted viewings of the puppies for prospective purchasers at the void deck of the Residence. When a purchaser decided to buy a puppy, the puppy would be collected from Lim and the Accused.

22 From October to December 2023, the Accused sold 21 puppies through the Instagram account, at a total revenue of about $48,700, of which $21,000 was profit. The profit was approximately $1,000 per puppy. Details of the puppies kept at the Residence and subsequently sold are as follows:

S/N	**Puppy**	**Estimated Price Sold**	**Date Advertised**
1	1 Pomeranian, Male, 7 weeks' old	$1,900	11 Oct 2023
2	1 Corgi, Female, 6 weeks' old	$3,000	11 Oct 2023
3	1 Corgi, Male, 6 weeks' old	$3,000	11 Oct 2023
4	1 Husky, Male, 7 weeks' old	$2,000	11 Oct 2023
5	5 Golden Retrievers, 4 Male and 1 Female, 8 weeks' old	$2,000 each ($10,000 total)	12 Oct 2023
6	1 Corgi, Male, 9 weeks' old	$2,300	2 Nov 2023
7	6 Golden Retrievers, 5 Male and 1 Female, 9 weeks' old	$2,000 each ($12,000 total)	6 Nov 2023
8	4 Golden Retrievers, 3 Male and 1 Female, 7 weeks' old	$3,000 each ($12,000 total)	29 Nov 2023
9	1 Labrador Retriever, Male, 6 weeks' old	$2,500	16 Dec 2023

23 For completeness, the criminal proceedings for the co-accused persons (*ie,* Lim and Peh) are dealt with separately. The proceedings against Lim are ongoing, whereas the proceedings against Peh are concluded. Peh, who had served as Lim's and the Accused's courier of illegally imported animals, pleaded guilty to four charges (three charges under ABA s 8(1) and one charge under ABA s 41C(1)(*a*)(iii)), and consented to the remaining eight charges being taken into consideration for the purposes of sentencing. For each of the proceeded charges, Peh was sentenced to eight weeks' imprisonment, with two of the imprisonment terms running consecutively for an aggregate of 16 weeks' imprisonment.

The Importation Charges

24 I turn first to the Importation Charges.

Statutory Provisions

25 The relevant statutory provisions are ABA ss 8(1) and 8(3). The prescribed punishment for each charge is a fine of up to $10,000 or imprisonment for up to 12 months or both. The provisions are as follows:

> **No person to import or tranship any animal, bird or veterinary biologics without licence**
>
> 8.—(1) Except as provided in any order made under section 7(1), a person must not import or tranship any animal, bird or veterinary biologics, except in accordance with a licence issued in that behalf by the Director-General and in accordance with the conditions (if any) of that licence and such other conditions as may be prescribed.
>
> …
>
> (3) Any person importing or transhipping an animal, bird or veterinary biologics in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both.

26 As the Importation Charges concern the Accused's abetment of Peh and Lim by engaging in a conspiracy to illegally import E1, E2 and E3, s 109 of the Penal Code 1871 ("PC") is relevant:

> **Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment**
>
> 109. Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

Parties' Arguments

27 The Prosecution sought a sentence of eight to ten weeks' imprisonment for each of the Importation Charges,[25] while the Defence sought a sentence of six to eight weeks' imprisonment for each charge.[26] By way of comparison, Peh was sentenced to eight weeks' imprisonment for a similar charge.

28 The Prosecution arrived at its sentencing position by an application of the sentencing factors discussed in *Public Prosecutor v Gobysuwaran Paraman Sivan* [2023] SGMC 23 ("*Gobysuwaran*").[27] As I generally agree with the Prosecution's submissions on the various sentencing factors, I do not set out these submissions at any length, reserving my observations instead for the sentencing analysis and decision below.

29 The Defence did not disagree with the applicability of *Gobysuwaran* but contended that the case could be distinguished on the facts.[28] Specifically, the

---

25 Prosecution's Address on Sentence at paragraph 13.

26 Mitigation Plea at paragraph 32.

27 Prosecution's Address on Sentence at paragraphs 12 and 13.

28 Mitigation Plea at paragraph 29.

Defence argued that the circumstances in *Gobysuwaran* were markedly more egregious in that *Gobysuwaran* involved the transportation of a significantly larger number of animals under deplorable conditions.[29] Most of the specific arguments raised, however, were characterised by the Defence as relating to the Unnecessary Suffering Charge (see [48] below).[30]

30 The Defence sought to contextualise the Accused's culpability by submitting that the profits from the illegal importation were directed towards Lim's financial difficulties arising from renovation costs and bank loans incurred in respect of the Residence, as well as guarantor obligations in relation to a business venture.[31] When the business failed, the debts escalated and loans were taken from illegal moneylenders.[32] The Defence thus submitted that against the backdrop of acute financial distress, sustained pressure from illegal moneylenders and her caregiving responsibilities,[33] the Accused's actions were primarily out of a sense of duty to protect her family and maintain their welfare during a period of acute financial distress.[34] These same arguments were also raised in the context of the Unnecessary Suffering Charge and the Unlicensed Captivity Charge.

Sentencing factors for offences under ABA s 8(1)

31 In *Gobysuwaran*, the court helpfully set out sentencing factors for offences under ABA s 8(1). These factors have since been considered or applied

29 Mitigation Plea at paragraph 29.

30 Mitigation Plea at paragraphs 33 to 44.

31 Mitigation Plea at paragraph 10.

32 Mitigation Plea at paragraph 10.

33 Mitigation Plea at paragraph 14.

34 Mitigation Plea at paragraph 20.

by District and Magistrate's Courts in *Public Prosecutor v Ong Yong Meng* [2026] SGMC 8 ("*Ong Yong Meng*"), *Public Prosecutor v Leow Seng Lee* [2024] SGDC 76 ("*Leow Seng Lee*") and *Public Prosecutor v Ng Liang Huat and another* [2023] SGDC 175 ("*Ng Liang Huat*"). The factors are as follows (*Gobysuwaran* at [95]):

(a) Offence-specific factors relating to the harm caused:

(i) Number of animals involved.

(ii) Presence or absence of disease agent in the animal.

(iii) Presence of disease agent in the animal having potential risk to affect animal and/or human health or infected humans and/or other animals.

(b) Offence-specific factors relating to the offender's culpability:

(i) Importation for the purpose of trade or sale, *ie*, element of financial gain.

(ii) Ignorance or wilful disregard of licensing requirement.

(iii) Scale of operation, including any syndicate or transnational element.

(iv) Role of the offender in the commission of the offence.

32 I suggest four refinements to *Gobysuwaran*'s list of offence-specific factors, as follows:

(a) The second and third harm factors ("Presence or absence of disease agent in the animal" and "Presence of disease agent in the animal having potential risk to affect animal and/or human health or infected humans and/or other animals") may perhaps better be formulated as a single graduated factor concerning the presence of any disease agent in the imported animal and the actual or potential harm arising therefrom. This encompasses a spectrum of situations ranging from cases where the imported animal is in fact diseased and disease transmission has occurred, to cases where the illegal importation itself created a material risk of harm by bypassing Singapore's biosecurity safeguards even if the animal was not shown to be infected (see *Ong Yong Meng* at [10]–[14]). Such a consolidated factor may be labelled "Presence of disease agent in the imported animal and any actual or potential impact on animal or human health".

(b) There should be an additional harm factor relating to the manner of confining and transporting the animal during the illegal importation, and any adverse effects on the animal's welfare. Such a factor could be labelled "Manner of confinement and transportation during importation and its impact on the animal's welfare". Double counting of this factor should be avoided if the suffering of the animal during the importation is already the subject of a separate charge, as is the situation in the present case (see a similar observation in *Gobysuwaran* at [144]).

(c) The second culpability factor ("Ignorance or wilful disregard of licensing requirement") would better be labelled "Wilful disregard of licensing requirements", without making reference to "Ignorance". This helps to reflect the rationale underlying the factor, namely, that deliberate circumvention of the licensing regime is an aggravating feature of the offending.

(d) The fourth culpability factor ("Role of the offender in the commission of the offence") should be modified slightly to "Role and degree of involvement of the offender in the commission of the offence", for consistency with the sentencing factors relating to offences under ABA s 41C (see [49] below).

33 In the light of these four observations, I express the refined list of offence-specific factors as follows:

(a) Offence-specific factors relating to the harm caused:

(i) Number of animals involved.

(ii) Presence of disease agent in the imported animal and any actual or potential impact on animal or human health.

(iii) Manner of confinement and transportation during importation and its impact on the animal's welfare.

(b) Offence-specific factors relating to the offender's culpability:

(i) Importation for the purpose of trade or sale, *ie*, element of financial gain.

(ii) Wilful disregard of licensing requirements.

(iii) Scale of operation, including any syndicate or transnational element.

(iv) Role and degree of involvement of the offender in the commission of the offence.

34 In addition to the offence-specific factors set out above, the court also has regard to the usual offender-specific considerations that apply in criminal sentencing. These include aggravating factors such as TIC charges, relevant

antecedents and a lack of remorse, as well as mitigating factors such as a plea of guilt and cooperation with the authorities.

Sentencing Analysis and Decision

35 I now turn to analyse the offence-specific factors, followed by the offender-specific factors, before arriving at my sentencing decision on the Importation Charges.

Offence-specific Factors

36 My analysis of the offence-specific harm factors is as follows:

(a) *Number of animals involved*. Each of the Importation Charges concerned a single Pomeranian puppy. As such, this factor does not aggravate the level of harm for each charge; rather, the number of animals that were illegally imported should be considered as an offender-specific factor in the context of TIC charges (see *Gobysuwaran* at [107]).

(b) *Presence of disease agent in the imported animal and any actual or potential impact on animal or human health*.

(i) The Puppies tested positive for CPV, a highly contagious viral disease. The presence of CPV posed a serious risk to their health, as well as a real risk of transmission to other animals, given the highly contagious nature of the disease (see [20(f)] above). While the Defence has argued that the presence of CPV cannot be attributed to the Accused as the period for which the Puppies were in the Accused's (or her co-accused's) custody was too brief (see [48(e)(iv)] below), no expert evidence has been provided to buttress this submission. In any event, the point remains that the Puppies were *in fact* found to be carrying CPV, which not only impacts their health but also introduces *potential* transmission risks had they entered Singapore undetected.

(ii) Related to this, as the Prosecution pointed out, there is also the potential importation of diseases such as rabies.[35] In *Ong Yong Meng*, the court accepted that the potential harm arising from the importation of diseases such as rabies, even by the illegal importation of a single Pomeranian puppy, was "not low", having regard to Singapore's dense population and the consequential risk of an outbreak of zoonotic disease (*Ong Yong Meng* at [14]). This was so notwithstanding that the puppy in question did not in fact carry rabies (*Ong Yong Meng* at [9]). The court further observed that this assessment was informed by the fact that the animal imported was a dog – a common rabies carrier – and that it had been imported from Malaysia, a country classified as carrying an undetermined risk of rabies (*Ong Yong Meng* at [10]). The same potential harm arises in the present case, given that the Puppies were imported from Malaysia.[36]

(c) *Manner of confinement and transportation during importation and its impact on the animal's welfare*. I do not accord aggravating weight to this factor, given that it is the subject of the Unnecessary Suffering Charge (in respect of E1) and the four TIC charges under ABA s 8(1) (in respect of E2 to E5). The factor is thus already adequately accounted for in the overall sentencing calculus.

35 Prosecution's Address on Sentence at paragraphs 19 to 22.

36 Prosecution's Address on Sentence at paragraph 5.

37 I now consider the offence-specific culpability factors:

(a) *Importation for the purpose of trade or sale, ie, element of financial gain*. The importation of the Puppies was for profit – specifically, the Malaysian seller had agreed to pay the Accused $800 for importing each of the Puppies.

(b) *Wilful disregard of licensing requirements*. The Accused was fully aware that the Puppies were being illegally imported. That she was aware of this is clearly reflected in her refusal to be in any vehicle with illegally imported animals.[37]

(c) *Scale of operation, including any syndicate or transnational element*. The present offending involved a transnational element, in that the Accused was approached by a Malaysian seller to arrange for the importation of puppies from Malaysia into Singapore. The arrangements required coordination between the Malaysian seller, Lim, the Accused, and Peh. Further, the scheme was not confined to a single animal. In addition to the five Puppies, it was also contemplated that a German Shepherd dog would be illegally imported into Singapore, although that importation was eventually aborted. Taken together with the illegal importation of dogs that had taken place from October to December 2023 (see [14] and [22] above), these features indicate that the offending was not an isolated or opportunistic act, but instead formed part of a scheme of considerable scale, featuring transnational elements.

---

[37] Statement of Facts at paragraphs 9 and 16.

(d) *Role and degree of involvement of the offender in the commission of the offence*. The Accused and Lim were the "main instigators"[38] of the scheme to illegally import puppies from Malaysia into Singapore. In relation to the Importation Charges, although the Malaysian seller had reached out and had arranged buyers for the Puppies, the Accused was the contact point with the Malaysian seller and played a facilitative role in the importation. In addition, after witnessing the loading of the Puppies into the vehicle, she deliberately left Malaysia and returned to Singapore separately, reflecting her conscious decision to distance herself from the physical act of importation and from the attendant risk of interception. Her role is thus characterised by careful planning and organisation, and her culpability is higher than that of a mere courier.

38 In view of the offence-specific factors above, I find that the starting point sentence on a claim-trial basis is 11 weeks' imprisonment for each of the Importation Charges.

39 This starting point, which is three weeks' higher per charge than the starting point sentence in *Gobysuwaran*, is warranted in the light of two aggravating factors that did not feature in *Gobysuwaran*, as follows:

(a) First, the offender in *Gobysuwaran* was a courier. Here, the Accused played an upstream role in securing the transaction with the Malaysian seller, thus rendering her more culpable than a courier (see *Leow Seng Lee* at [111] and *Ng Liang Huat* at [145]).

(b) Second, and related to the above, although every act of illegal importation entails some attempt to avoid detection, the Accused took

---

38 Statement of Facts at paragraph 9.

specific steps in this case to minimise the risk of being apprehended in possession of the illegally imported animals (see [37(d)] above).

Offender-specific Factors

40 I now consider the offender-specific aggravating and mitigating factors:

(a) *Aggravating factors.* The relevant offender-specific aggravating factor is the presence of four TIC charges under ABA s 8(1). Two of these charges concerned the importation of E4 and E5 respectively, which occurred on the same day as the subject matter of the Importation Charges. The other two each related to the unlicensed importation of a live puppy on 11 October 2023. Given that the first two TIC charges were effectively in the same transaction as the E1 Importation Charge, and the other two TIC charges were effectively in the same transaction on 11 October 2023, I assess the suitable uplift to be three weeks' imprisonment. This brings the sentence to 14 week's imprisonment.

(b) *Mitigating factors.* The relevant offender-specific mitigating factors are the Accused's cooperation with the authorities and her early plea of guilt within within Stage 1 of the Sentencing Advisory Panel's "Guidelines on Reduction in Sentences for Guilty Pleas" ("Guilty Plea Guidelines"). For completeness, I do not find the factors raised at [30] above to be of mitigating value. It is well established in Singapore's criminal law that save for "exceptional" (or "very rare") cases, the fact that an offender committed an offence against the backdrop of financial difficulty is of no mitigating weight (see, *eg*, *Lai Oei Mui Jenny v Public Prosecutor* [1993] 2 SLR(R) 406 at [10] and *Public Prosecutor v Ong Ker Seng* [2001] 3 SLR(R) 134 at [30]). Any financial hardship experienced by Lim and the Accused may provide some context to the

Accused's reasons for offending, but does not reduce her culpability for this sustained and profit-oriented scheme of illegal importation.

Sentencing Decision

41 In the light of the above, a claim-trial sentence for the E1 Importation Charge would have been 14 weeks' imprisonment (being 11 weeks' imprisonment with an uplift of three weeks' imprisonment). With a 30% sentencing reduction on account of her early plea of guilt, the appropriate sentence for the E1 Importation Charge is ten weeks' imprisonment. Such a sentence is not disproportionate to the eight weeks' imprisonment imposed on Peh (who served as the courier), or on the courier in *Gobysuwaran*.

42 For the E2 and E3 Importation Charges, I do not double-count the aggravating effect of the four TIC charges under ABA s 8(1). As such, for each of these charges, a claim-trial sentence would have been about 11 weeks' imprisonment. With a 30% sentencing reduction on account of the Accused's early plea of guilt, this would be eight weeks' imprisonment for each of the E2 and E3 Importation Charges.

The Unnecessary Suffering Charge

43 I turn next to the Unnecessary Suffering Charge.

Statutory Provisions

44 The relevant statutory provisions are ABA ss 41C(1)(*a*)(iii), 41C(2) and 41C(3)(*b*)(i), which carry punishment of a fine of up to $10,000 or imprisonment for up to 12 months or both. The provisions are as follows:

Duty of care of animal owners

41C.—(1) Every owner of an animal —

(a) must take reasonable steps to ensure that —

…

(iii) the animal is not kept in confinement, conveyed, lifted, carried or handled in a manner or position that subjects the animal to unreasonable or unnecessary pain or suffering;
…

…

(2) Any person who fails to comply with subsection (1)(*a*), (*b*) or (*c*) shall be guilty of an offence.

(3) A person who is guilty of an offence under subsection (2) shall be liable on conviction —

…

(b) in any other case —

(i) for a first offence, to a fine not exceeding $10,000 or to imprisonment for a term not exceeding 12 months or to both; and

…

45 As with the Importation Charges, PC s 109 applies to the Unnecessary Suffering Charge given that it concerns the Accused's abetment of Peh and Lim (see [26] above).

Parties' Arguments

46 The Prosecution sought a sentence of ten to 12 weeks' imprisonment on this charge,[39] while the Defence sought a sentence of six to eight weeks' imprisonment.[40] By way of comparison, Peh was sentenced to eight weeks' imprisonment for a similar charge.

[39] Prosecution's Address on Sentence at paragraph 13

[40] Mitigation Plea at paragraph 44

47 The Prosecution arrived at its sentencing position by an application of the sentencing factors discussed in (“*Gobysuwaran*”).[41] I do not set out the Prosecution’s submissions here, reserving my observations instead for the sentencing analysis and decision below.

48 The Defence did not disagree that *Gobysuwaran* was applicable, but argued that the Puppies were not subjected to “such levels of poor ventilation or unsuitable conditions, nor were they caused any unnecessary suffering as what prosecution tries to portray”.[42] Defence counsel clarified at the hearing that this was not a qualification of the plea. Rather, his point was that the *extent* of the unnecessary suffering was not as egregious as what the Prosecution portrayed. He raised the following arguments:

(a) First, the Accused claimed that prior to being placed in the storage box, the Puppies were showered, dried and kept comfortable.[43] They were fully fed with milk and appropriately cared for.[44]

(b) Second, soft towels were included in the plastic storage container for added comfort during transportation.[45]

(c) Third, the period of “custody”, or the “journey”, was approximately 30 minutes.[46]

---

41 Prosecution’s Address on Sentence at paragraphs 12 and 13.

42 Mitigation Plea at paragraph 35.

43 Mitigation Plea at paragraph 35.

44 Mitigation Plea at paragraph 35.

45 Mitigation Plea at paragraph 35.

46 Mitigation Plea at paragraphs 35, 36, 43(f) and 43(g).

(d) Fourth, the Accused understood from Peh that especial care was taken to adjust the car environment to keep the Puppies comfortable during transport.[47] The rear seats were lowered to create a direct airflow path from the cabin into the boot area, allowing cool air to circulate; the air-conditioning was kept at the maximum; and the seats were returned upright only near Woodlands Checkpoint, which meant that the period of reduced ventilation was only about ten minutes or less.[48]

(e) Fifth, the Defence disagreed with various aspects of the Animal Welfare Report:

(i) While the Animal Welfare Report suggested that there was insufficient ventilation based on IATA requirements, the plastic storage container was uncovered and the Vehicle's boot was ventilated with air-conditioning.[49] Such an open-box design was sufficient for transporting animals.[50]

(ii) While the Animal Welfare Report highlighted the potential risk of the container shifting during transport, the photographs showed that the containers were positioned between other containers and clothing bundles, thus minimising the likelihood of movement.[51]

(iii) While the Animal Welfare Report characterised the Puppies as being transported in cramped conditions, the

---

47 Mitigation Plea at paragraph 38.

48 Mitigation Plea at paragraph 38.

49 Mitigation Plea at paragraph 43(a).

50 Mitigation Plea at paragraph 43(d).

51 Mitigation Plea at paragraph 43(b).

photographs showed that the animals had sufficient space to move and stand.[52]

(iv) While the Puppies may have had CPV, this cannot be attributed to the Accused as the puppies were only in the Accused's (or her co-accused's) custody for about thirty minutes, which is too brief for these conditions to develop.[53]

Sentencing factors for offences under ABA s 41C(1)(a)(iii)

49 In *Gobysuwaran*, the court set out a helpful list of harm and culpability factors to be considered when sentencing for an offence under ABA s 41C, as follows (*Gobysuwaran* at [136]):

(a) Offence-specific factors relating to the harm caused (including potential harm):

(i) Extent of pain or suffering caused to the animal, including any disease, disability or death.

(ii) Duration of the inadequate care causing unnecessary suffering.

(b) Offence-specific factors relating to the offender's culpability:

(i) Degree of pain or suffering caused to the animal including any steps taken to prevent unnecessary suffering.

(ii) Manner of confining and transporting the animal.

52 Mitigation Plea at paragraph 43(c).

53 Mitigation Plea at paragraph 43(f) and (g).

(iii) Role and degree of involvement of the offender in the commission of the offence.

(iv) Negligent, reckless or wilful act of the offender, *ie*, reason or motivation for causing the pain or suffering.

50 I offer three refinements to that list, primarily for the purposes of conceptual clarity and to minimise potential overlap between categories. These refinements do not depart from the substance of the *Gobysuwaran* list of factors. Indeed, they largely express the factors in a manner that is closely aligned with how the court applied them in its analysis of various sentencing precedents (see *Gobysuwaran* at [142]). The three refinements are as follows:

(a) The first harm factor is the "extent of pain or suffering caused to the animal, including any disease, disability or death", while the first culpability factor is the "degree of pain or suffering caused to the animal including any steps taken to prevent unnecessary suffering". The distinction between "extent" and "degree" may not be immediately apparent. In my view, greater analytical clarity may be achieved if the harm inquiry focuses on the suffering experienced by the animal due to the offender's conduct, while the culpability inquiry focuses on the offender's conduct itself, *ie*, the extent to which the offender created, disregarded, or mitigated the risk of unnecessary pain or suffering. In the circumstances:

(i) The first culpability factor should be labelled "Extent to which the offender created, disregarded, or mitigated the risk of unnecessary pain or suffering". To clarify, this is *not* the same as the third culpability factor ("Role and degree of involvement of the offender in the commission of the offence"), concerns the offender's relative responsibility for the offending venture as a whole (*eg*, whether the offender conceived, organised, directed, supervised, or executed the offending conduct).

(ii) As for the first harm factor, it may be useful to add "injury" to the existing list of "disease, disability or death". This recognises that an animal may sustain significant physical harm even where such harm does not manifest as a disease, result in a disability, or lead to death. It may also be preferable to use the terminology of "experienced by" rather than "caused to", to emphasise that the harm inquiry is directed at the consequences suffered by the animal. As such, the first harm factor should be labelled "Extent of unnecessary pain or suffering experienced by the animal, including any injury, disease, disability or death".

(b) The second harm factor ("Duration of the inadequate care causing unnecessary suffering") may be more clearly phrased as "Duration for which the animal was subjected to unnecessary pain or suffering". This formulation helps direct attention to the period during which the animal experienced unnecessary pain or suffering. The revised formulation also ensures consistency with the legislative provision and the phrasing of the other sentencing factors, in that reference should be made to *both* pain and suffering.

(c) The fourth culpability factor ("Negligent, reckless or wilful act of the offender, *ie*, reason or motivation for causing the pain or suffering") should be refined to avoid any risk of overlap with the first culpability factor as reformulated in [50(a)] above. Further, the focus should be on the offender's motivation for engaging in the *conduct* that resulted in the pain or suffering, rather than the offender's motivation for *causing the pain or suffering* itself. In many cases, the offender's objective is not to inflict pain or suffering upon the animal as an end in itself. Rather, the pain or suffering arises because of conduct undertaken for other reasons, such as financial gain (see the analysis of the precedents in *Gobysuwaran* at [142]). The fourth culpability factor should thus be labelled "Motivation for engaging in conduct that caused the pain or suffering".

51 In summary, I express the refined list of offence-specific factors as follows:

(a) Offence-specific factors relating to the harm caused:

  (i) Extent of unnecessary pain or suffering experienced by the animal, including any injury, disease, disability or death.

  (ii) Duration for which the animal was subjected to unnecessary pain or suffering.

(b) Offence-specific factors relating to the offender's culpability:

  (i) Extent to which the offender created, disregarded, or mitigated the risk of unnecessary pain or suffering.

  (ii) Manner of confining and transporting the animal.

  (iii) Role and degree of involvement of the offender in the commission of the offence.

  (iv) Motivation for engaging in conduct that caused the pain or suffering.

52 As with offences under ABA s 8(1), the usual offender-specific considerations apply (see [34] above).

Sentencing Analysis and Decision

53 I now turn to analyse the offence-specific factors, followed by the offender-specific factors, before arriving at my sentencing decision on the Unnecessary Suffering Charge.

Offence-specific Factors

54 For the avoidance of doubt, the sentencing analysis concerns only the unnecessary suffering caused to E1, which is the subject of the Unnecessary Suffering Charge. The unnecessary suffering caused to E2 to E5 will be taken into consideration when assessing the appropriate uplift arising from the TIC charges relating to those puppies.

55 My analysis of the offence-specific harm factors is as follows:

(a) *Extent of pain or suffering experienced by the animal, including any injury, disease, disability or death*. Dr Tan assessed that the transportation conditions had compromised the Puppies' welfare and subjected them to unnecessary suffering (see [20] above). As Dr Tan reported, E1 was transported in cramped and poorly ventilated conditions that did not comply with IATA requirements, and – together with E2 to E5 – tested positive for CPV. I am unable to accept the Defence's contentions as set out at [48(d)] and [48(e)] above, which are founded largely on the Accused's understanding of what Peh had told her and a lay interpretation of the photographs, neither of which constitutes persuasive evidence on the suitability of the transportation conditions. They also contradict Dr Tan's expert veterinary assessment without the support of any expert opinion.

(b) *Duration for which the animal was subjected to unnecessary pain or suffering*. There is a dispute as to the duration of the inadequate transportation conditions. The Prosecution submitted that the Puppies were subjected to those conditions for at least two hours, having been loaded into the Vehicle at about 3.00am and remaining there until the Vehicle was stopped at Woodlands Checkpoint at about 5.05am.[54] The Defence, by contrast, submitted that the "journey" or period of "custody" was approximately 30 minutes (see [48(c)] above), and that the period of reduced ventilation was "brief – about 10 minutes or less" because the rear seats of the Vehicle were allegedly only returned upright near Woodlands Checkpoint.[55]

(i) There is no clear evidence as to when precisely the Puppies were loaded into the Vehicle. That said, the Prosecution's estimate appears, as a matter of logic, to be the more plausible one. On the evidence, after witnessing the loading of the Puppies into the Vehicle, the Accused had sufficient time to return to Singapore, travel back to Malaysia after the plan to import the German Shepherd was aborted, and thereafter return to Singapore once again to await Peh's arrival at the Residence (see [18] above). That sequence of events suggests that the Puppies may well have been confined in the Vehicle for a period substantially longer than 30 minutes. Nevertheless, in the absence of firm evidence as to when the

---

54 Prosecution's Address on Sentence at paragraph 7.

55 Mitigation Plea at paragraphs 38 and 39.

Puppies were first loaded into the Vehicle, I give the benefit of the doubt to the Accused and proceed on the basis that the relevant duration was approximately 30 minutes.

(ii) I do not accept the Defence's further submission that the unnecessary suffering lasted for only about ten minutes. As a threshold matter, this contention is founded purely on what the Accused claimed that Peh had told her and is therefore hearsay (see [56(a)] above). More fundamentally, the submission proceeds on a mistaken premise. Dr Tan's opinion was that the Puppies were transported in receptacles that did not provide adequate ventilation. Those deficiencies would have persisted throughout the time that the Puppies were stored in the boot of the Vehicle, regardless of whether the rear seats had been lowered or the Vehicle's air-conditioning had been turned up. Likewise, the cramped conditions and restrictions on movement identified by Dr Tan were present for the duration that the Puppies were held in receptacles stored in the Vehicle's boot – the lowering of the rear seats, even if it did happen, would not have mitigated their cramped conditions.

Accordingly, and erring on the side of accepting the Defence's submission that the Puppies were held in the Vehicle for approximately 30 minutes, I find that the conditions identified by Dr Tan persisted throughout that period and caused E1 unnecessary suffering for the entirety of that 30-minute duration.

56 I now consider the offence-specific culpability factors:

(a) *Extent to which the offender created, disregarded, or mitigated the risk of unnecessary pain or suffering*. The Accused was not actively involved in the process of loading the Puppies (including E1) into the Vehicle.[56] Instead, she had witnessed the loading of the Puppies and was aware of the mode in which the puppies were transported. That said, she took no steps to object to, prevent, or alleviate the conditions of transport, and essentially disregarded the risk of unnecessary pain or suffering to the Puppies. I note the Defence's contention that Peh had taken efforts to safeguard the Puppies' welfare during transit (see [48(d)] above). As a threshold matter, this contention is founded on hearsay, as the Accused's position is that this is what she "understands from [Peh]".[57] In any event, *even if* these measures took place, they do not reduce the Accused's culpability as the mitigating steps (if any) were not taken or directed by her.

(b) *Manner of confining and transporting the animal*. The Puppies were transported in cramped and poorly ventilated conditions. While E1 was in a pet carrier, it would have suffered from a lack of ventilation given that the pet carrier was placed within a plastic storage container that had only one opening.

(c) *Role and degree of involvement of the offender in the commission of the offence*. The Accused's role as one of two "main instigators" of the illicit scheme attracts culpability higher than that of a mere courier.

(d) *Motivation for engaging in conduct that caused the pain or suffering*. The Accused was motivated by financial gain, having seen

---

56 Statement of Facts at paragraph 19.

57 Mitigation Plea at paragraph 38.

the high profit yield from her previous experience in illegally importing puppies for sale.

57 Based on these factors, I assess the appropriate starting point sentence, to be about ten weeks' imprisonment. This is proportionate to the starting point sentence of four months' imprisonment in *Gobysuwaran* for each charge under ABA s 41C(1)(*a*)(iii) (see *Gobysuwaran* at [157]), given the significantly more aggravated conditions in *Gobysuwaran*. For instance, in *Gobysuwaran*, the courier transported the dogs in conditions significantly worse than those in the present case. Each charge related to a dog that was cramped into a plastic container enclosed on all sides, with only several small ventilation holes in the cover, and which eventually died from CPV infection.

Offender-specific Factors

58 I now consider the offender-specific aggravating and mitigating factors.

(a) *Aggravating Factors.* The relevant offender-specific aggravating factor is the presence of four TIC charges relating to the unnecessary suffering caused to the remaining four Puppies. The four charges were effectively in the same transaction as the Unnecessary Suffering Charge. Had the Accused been sentenced for those charges as individual offences, the TIC charge for E2's unnecessary suffering would have attracted very similar sentencing analysis as that for E1 (as both Puppies were confined within the pet carrier), while the TIC charges for E3, E4 and E5 would have attracted a slightly higher sentence (as they were transported outside the pet carrier, exposing them to a greater restriction of movement and a higher risk of physical injury during transportation). In my judgment, the four TIC charges warrant an uplift of three weeks' imprisonment.

(b) *Mitigating Factors.* The relevant mitigating factors are the Accused's cooperation with the authorities and her early plea of guilt within Stage 1 of the Guilty Plea Guidelines. For completeness, for the reasons expressed at see [40(b)] above, I do not grant mitigating weight to the Defence's contentions at [30] above.

Sentencing Decision

59 In the light of the above, a claim-trial sentence for the Unnecessary Suffering Charge would have been 13 weeks' imprisonment (being ten weeks' imprisonment with an uplift of three weeks' imprisonment). Applying a sentencing reduction of 30% on account of the Accused's early plea of guilt, I assess the appropriate sentence for the Unnecessary Suffering Charge to be nine weeks' imprisonment.

60 This sentence is proportionate when viewed against the eight weeks' imprisonment imposed on Peh, who was the courier in the present case. It is also proportionate to the four months' (or about 16 weeks') imprisonment imposed on the courier in *Gobysuwaran* (see [159]), and the 38 weeks' imprisonment imposed on the middleman in *Ng Liang Huat* (see [150]), bearing in mind the significantly more aggravated transportation conditions and suffering in those cases.

61 For completeness, I have also considered how the sentence in the present case compares with the unreported precedents discussed in *Gobysuwaran* at [142]. The court's analysis of those unreported precedents provides some indication on the range of factual circumstances that have come before the courts. However, as observed in *Toh Suat Leng Jennifer v Public Prosecutor* [2022] 5 SLR 1075 at [51], unreported precedents are of limited precedential value because they are bereft of crucial details concerning the facts,

circumstances and reasoning in the case. That limitation remains applicable here, especially given that based on the summaries in *Gobysuwaran* at [142], it is not apparent how the offender-specific factors operated in those unreported precedents. I therefore place only limited weight on those precedents as sentencing comparators.

The Unlicensed Captivity Charge

62 I next consider the Unnecessary Suffering Charge.

Statutory Provisions

63 The relevant statutory provisions are ABA ss 48(1) and 48(2), which carry punishment of a fine of up to $5,000 or imprisonment for up to six months or both. The provisions are as follows:

> **Animals and birds not to be kept in captivity for sale, export or exhibition without licence**
>
> 48.—(1) A person must not keep in captivity for sale, export or exhibition any animal or bird in any place which has not been licensed in that behalf under this Act.
>
> (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding $5,000 or to imprisonment for a term not exceeding 6 months or to both.

Parties' Arguments

64 The Prosecution sought a sentence of $4,000 to $5,000 on this charge,[58] while the Defence sought a sentence of $2,000 to $3,000.[59]

---

[58] Prosecution's Address on Sentence at para 31.

[59] Mitigation Plea at para 45.

65 The Prosecution submitted that there was a dearth of precedents for offences under ABA s 48(1) and proposed that the court take reference from two unreported precedents involving offence provisions that differed from the present case:

(a) The first unreported precedent is *Public Prosecutor v Kong Tianci Daniel* SC-904869-2024 (unreported) ("*Daniel Kong*"). The Prosecution submitted that the offender's contravention of r 3(1) of the Animals and Birds (Dog Licensing and Control) Rules ("Dog Licensing and Control Rules") was akin to the contravention in this case, because the offender had been found to have sold, from his residence, a dog to another person for $5,234.[60] However, that submission appears to proceed on a mistaken understanding of the offences involved in *Daniel Kong*. The charge under r 3(1) of the Dog Licensing and Control Rules concerned the offender's failure to keep the dog without a licence. The Prosecution probably had in mind the separate contravention of r 3 of the Animals and Birds (Pet Shop and Exhibition) Rules ("Pet Shop and Exhibition Rules") for keeping a male Poodle for sale without a licence,[61] in respect of which a fine of $2,500 (in default, ten days' imprisonment) was imposed.

(b) The second unreported precedent is *Public Prosecutor v Derek Chew Keng Khoon* SC-906698-2021 (unreported) ("*Derek Chew*"). The Prosecution submitted that in *Derek Chew*, the offender had sold Maine Coon cats through the Gumtree platform at least three to four times over a two-year period, and was sentenced to a fine of $2,000.[62] Again, this

60 Prosecution's Address on Sentence at paragraph 31.

61 MSC-902422-2020.

62 Prosecution's Address on Sentence at paragraph 31.

is not an accurate understanding of *Derek Chew*. Based on the Statement of Facts and relevant charge[63] in that case, the offender was prosecuted for keeping kittens at his residential premises for sale without a licence, between 5 January and 29 February 2020 (*ie,* a period of about seven to eight weeks).[64] The offender sold two Maine Coon kittens for $900. For his contravention of r 3 of the Pet Shop and Exhibition Rules, he was sentenced to a fine of $2,000 (in default, four days' imprisonment).

66 The Prosecution contended that taking *Daniel Kong* and *Derek Chew* into consideration, a fine of between $4,000 to $5,000 would be appropriate in the present case, given that the Accused had kept 21 dogs at the Residence and sold them through an Instagram account.[65]

67 The Defence raised only one substantive argument in relation to the Unlicensed Captivity Charge: that the dogs in question were housed in a matrimonial home shared with Lim, who was the "head of the family".[66] As such, the Accused's culpability for the offence should not be attributed "solely to [the Accused]".[67] On this basis, the Defence sought a fine of $2,000 to $3,000.

Sentencing Factors for an offence under ABA s 48(1)

68 I place little weight on *Daniel Kong* and *Derek Chew* for the general reasons set out at [61] above concerning unreported precedents. These decisions are of particularly limited assistance because they concerned a different offence

---

63 MSC-902766-2021.

64 Statement of facts in *Public Prosecutor v Derek Chew Keng Khoon SC-906698-2021* (unreported), dated 22 December 2021, at paragraph 12.

65 Prosecution's Address on Sentence at paragraph 31.

66 Mitigation Plea at paragraph 46.

67 Mitigation Plea at paragraph 46.

provision altogether – specifically, one that carried only punishment of a fine of up to $5,000, with no custodial option. In contrast, the Unlicensed Captivity Charge carries not only a maximum fine of $5,000, but also the possibility of an imprisonment term of up to six months.

69 It would be more principled to proceed on the basis of analysing the offence-specific factors relevant to the sentencing of an offence under ABA s 48(1). As neither the Prosecution nor the Defence proffered any factors, the list of factors below is non-exhaustive and may require reconsideration or refinement in a future case with the benefit of fuller submissions.

(a) Offence-specific factors relating to the harm caused:

(i) *Number and nature of animals kept in unlicensed captivity*. Generally, the greater the number of animals kept without the requisite licence, the greater the harm caused by the offence. The species or nature of the animals may also be relevant, as this may bear on the risks arising from the unlicensed captivity (*eg*, risks to animal welfare, public health and biosecurity).

(ii) *Duration of the unlicensed captivity*. This concerns the extent and persistence of the offending state of affairs. Generally, the longer that animals are kept without the requisite licence, the greater the harm caused by the offence.

(iii) *Harm to the animals kept in captivity*. Relevant considerations include the nature of the animal's living conditions, such as whether it was provided with adequate ventilation, food, water and light, and whether any distress, suffering or physical injury was caused to the animal. Generally, the greater the adverse effects on animals' welfare, the greater the harm caused by the offence. Where the same adverse effects are separately reflected in other charges that focus on the welfare of the same animals, appropriate care should be taken to avoid double counting.

(iv) *Extent to which the unlicensed captivity resulted in the sale, export or exhibition of animals*. Relevant considerations include the number of animals sold, exported or exhibited. Generally, the greater the extent to which the animals were sold, exported or exhibited, the wider the impact of the unlicensed operation and thus the greater the harm caused by the offence.

(b) Offence-specific factors relating to the offender's culpability:

(i) *Role and degree of involvement of the offender in the commission of the offence*. This concerns the offender's relative responsibility within the offending venture. For example, an offender who organised or directed the keeping of animals in captivity for sale would generally be more culpable than one who played a subordinate role.

(ii) *Wilful disregard of licensing requirements*. Culpability is generally increased where the offender demonstrates a conscious disregard for the regulatory safeguards embodied in the licensing framework (see also [32(c)] and [33(b)(ii)] above).

(iii) *Degree of planning, coordination and sophistication of the unlicensed operation*. This concerns the extent to which the offending conduct was organised and systematically executed. Relevant considerations include the presence of multiple participants performing different roles, the existence of established systems or processes for the keeping, sale, export or exhibition of animals, and the extent to which the operation was conducted in a structured and business-like manner. Generally, a higher degree of planning, coordination and sophistication reflects a more deliberate and organised offending enterprise, which increases the offender's culpability.

(iv) *Steps taken to conceal offending conduct*. This concerns efforts to avoid detection or frustrate regulatory oversight. Examples include making false representations to the authorities, conducting transactions through false identities, moving animals between locations to avoid inspection, or otherwise concealing the existence or extent of the unlicensed operation.

Sentencing Analysis and Decision

70 I now turn to analyse the offence-specific factors, followed by the offender-specific factors, before arriving at my sentencing decision on the Unlicensed Captivity Charge.

Offence-specific Factors

71 My analysis of the offence-specific harm factors is as follows:

(a) *Number and nature of animals kept in unlicensed captivity*. The charge concerned the keeping of 21 puppies (of the type specified in [22] above) in captivity for sale at the Residence.

(b) *Duration of the unlicensed captivity*. The unlicensed captivity lasted about three months, from October to December 2023.

(c) *Harm to the animals kept in captivity*. There is no evidence of any harm to the puppies kept in captivity at the Residence.

(d) *Extent to which the unlicensed captivity resulted in the sale, export or exhibition of animals*. The 21 puppies were successfully sold through Instagram, generating revenue of about $48,700 (of which about $21,000 was profit).

72 I now consider the offence-specific culpability factors:

(a) *Role and degree of involvement of the offender in the commission of the offence*. The Accused played an active and significant role in the offending conduct. She created and managed the Instagram account through which the Puppies were advertised for sale and participated in viewings of the Puppies (at the void deck of the Residence) with prospective purchasers. I therefore do not accept the Defence's submission that the Accused's culpability is mitigated merely because the puppies were kept in a matrimonial home shared with Lim, whom the Defence described as the "head of the family". The evidence demonstrates that the Accused was herself directly and substantially involved in the unlicensed operation. There is no evidence, for instance, that she had acted under pressure, coercion or domination by the "head of the family".

(b) *Wilful disregard of licensing requirements.* There is no evidence that the Accused had acted in wilful disregard of licensing requirements.

(c) *Degree of planning, coordination and sophistication of the unlicensed operation*. While the operation involved the use of an Instagram account to advertise the Puppies and arrange sales, there is no evidence of particularly elaborate planning, coordination or sophistication.

(d) *Steps taken to conceal offending conduct*. There is no evidence that the Accused took steps to conceal the fact that she and Lim were keeping the Puppies at the Residence without the requisite licence. For instance, there is no suggestion that viewings were arranged in a manner to conceal the fact that the Puppies were being kept at the Residence. Indeed, the Instagram advertisement prominently displayed a mobile telephone number through which prospective purchasers could make enquiries, which suggests that the Accused was not seeking to conceal the operation.

Offender-specific Factors

73 There are no offender-specific aggravating factors relating to the Unlicensed Captivity Charge. The relevant offender-specific mitigating factors are the Accused's cooperation with the authorities and her early plea of guilt. Again, and for completeness, for the reasons expressed at see [40(b)] above, I do not grant mitigating weight to the Defence's contentions at [30] above.

Sentencing Decision

74 Having regard to the offence-specific and offender-specific factors, I consider that the custodial threshold is crossed in the present case, and that a three-day imprisonment term is warranted. The Accused kept a substantial number of puppies in captivity for sale, and ultimately sold all 21 of them for a substantial profit of $21,000. This profit far exceeded the statutory maximum fine of $5,000. The Accused also played an active and significant role in the offending conduct. Although there is no evidence that the Puppies suffered any

distress, injury or other adverse welfare consequences during their captivity at the Residence, and although the operation was neither particularly sophisticated nor concealed, those considerations must be balanced against the scale and commercial nature of the offending conduct. A sentence confined to a fine would not sufficiently deter participation in similar profit-driven breaches of the licensing regime.

75 A fine is also warranted in this case. While there is no evidence as to how precisely the $21,000 was shared between the Accused and Lim, the mitigation plea made clear that the financial returns were used for settling debts (at least some of which arose from renovation and bank loans taken for the matrimonial home) and enhancing the family's "welfare during a period of acute financial distress".[68] In the circumstances, I consider that an appropriate fine is the statutory maximum of $5,000 (in default, two weeks' imprisonment). I add that *even if* the same statutory maximum fine is subsequently imposed on Lim in separate criminal proceedings, the total amount of $10,000 in fines does not even disgorge *half* of the profit generated from the sale of the 21 puppies.

Global Sentence

76 The sentences for the respective charges are as follows:

(a) E1 Importation Charge: ten weeks' imprisonment;

(b) E2 Importation Charge: eight weeks' imprisonment;

(c) E3 Importation Charge: eight weeks' imprisonment;

(d) Unnecessary Suffering Charge: nine weeks' imprisonment; and

68 Mitigation Plea at paragraphs 10, 20 and 21.

(e) Unlicensed Captivity Charge: three days' imprisonment, with a fine of $5,000 (in default, two weeks' imprisonment).

77 In accordance with s 307(1) of the Criminal Procedure Code 2010, where an accused person is convicted and sentenced to imprisonment for at least three distinct offences, the court must order the sentences for at least two of those offences to run concurrently.

78 The principles on whether imprisonment terms should run concurrently or consecutively were set out in *Public Prosecutor v Raveen Balakrishnan* [2018] 4 SLR 799 ("*Raveen*"). In gist, sentences for related offences forming part of a single transaction should generally run concurrently (*ie*, the "one-transaction rule"), while sentences for unrelated offences should run consecutively (*ie*, the "general rule"): *Raveen* at [39] and [41].

79 Applying these principles, my decision on the sequencing of sentences is as follow:

(a) The Importation Charges were part of a single transaction and should, following the "one-transaction rule", run *concurrently*. Such an approach is consistent with the sentencing decision relating to Peh.

(b) The Unnecessary Suffering Charge concerned suffering caused to the same animal in the same illegal importation that is the subject of the E1 Importation Charge. However, it related to a different legally protected interest, *ie*, the health and welfare of E1. There is no double-counting of the effect of the Accused's actions on E1's pain and suffering, given the position taken in [36(c)] above. As such, the imprisonment term in the Unnecessary Suffering Charge should run *consecutively*. Such an approach is also consistent with the sentencing decision relating to Peh.

(c) The Unlicensed Captivity Charge is unrelated to the Importation Charges and the Unnecessary Suffering Charge. Following the general rule, the imprisonment term for this charge should run *consecutively*.

80 The above results in an aggregate sentence of 19 weeks' and three days' imprisonment, with a fine of $5,000 (in default, two weeks' imprisonment).

81 Such a sentence is not disproportionate to the sentence imposed on Peh, who was sentenced to an aggregate of 16 weeks' imprisonment. I make four observations in this regard:

(a) First, Peh was the courier for matters relating to the Importation Charges and the Unnecessary Suffering Charge. In contrast, the Accused was one of the "main instigators", who has culpability higher than that of a courier.

(b) Second, Peh's aggregate 16-week imprisonment term for offences under the ABA concerned four proceeded charges (one fewer than the Accused) and seven TIC charges (one fewer than the Accused).

(c) Third, the additional proceeded charge against the Accused (*ie*, the Unlicensed Captivity Charge) was of a different nature from the charges faced by Peh, reflecting a different form of offending.

(d) Fourth, for completeness, Peh's 16-week imprisonment term was imposed in addition to a 13-month imprisonment term and a fine of $2,000 (in default one week's imprisonment) for other offences. Those other offences included Peh's involvement in importing duty unpaid cigarettes (see [15] and [17] above), as well as various other offences. Caution should thus be exercised in drawing a direct comparison between Peh's 16-week imprisonment term and the aggregate sentence imposed in the present case.

82 I now take a "last look" at all the facts and circumstances as required by the "totality principle" (see *Raveen* at [73]). There are two limbs to the principle (*Raveen* at [73], citing *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998 at [54] and [57]). Applying these to the present case:

(a) First, the aggregate sentence is not substantially above the normal level of sentences for the most serious of the individual offences committed (*ie*, the E1 Importation Charge).

(b) Second, the aggregate sentence is neither crushing nor out of keeping with the Accused's past record or future prospects. Indeed, the sheer number of ABA offences committed by the Accused warrants a deterrent sentence.

Conclusion

83 I therefore order that the imprisonment terms for the E1 Importation Charge, the Unnecessary Suffering Charge and the Unlicensed Captivity Charge run consecutively. The imprisonment terms for the E2 Importation Charge and the E3 Importation Charge shall run concurrently.

84 I am satisfied that the aggregate sentence of 19 weeks' and three days' imprisonment, with a fine of $5,000 (in default, two weeks' imprisonment) provides the necessary deterrent effect without being crushing on the Accused, and is sufficient and proportionate to her overall criminality.

Justin Yeo
District Judge

Ms Fadhlina Idris (National Parks Board) for the Prosecution;
Mr Paul (Cross Street Chambers) for the Accused.