

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

[2024] SGHC 316

Criminal Case No 63 of 2024

Between

Public Prosecutor

And

Chong Shiong Hui

BRIEF REMARKS

[Criminal Procedure and Sentencing — Sentencing — Attempted murder]
[Offences — Attempted murder]

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Public Prosecutor

v

Chong Shiong Hui

[2024] SGHC 316

General Division of the High Court — Criminal Case No 63 of 2024
Aidan Xu @ Aedit Abdullah J
28 November 2024

6 December 2024

Judgment reserved.

Aidan Xu @ Aedit Abdullah J:

1 These are my brief remarks on the sentence to be imposed on the accused, following his conviction on his plea of guilt. The accused pleaded guilty to one charge of attempted murder under s 307(1) of the Penal Code (Cap 224, 2008 Rev Ed) (the “Penal Code”), with two other charges (under ss 426 and 427 of the Penal Code) taken into consideration for the purpose of sentencing. I will not cover all the points raised but will only outline the main ones underlying my decision. I will issue full grounds if needed. I will address the remainder of these remarks to the accused.

2 Your counsel has argued quite strongly, on the best case possible, for the position on your behalf that you should receive a sentence of ten years and five strokes of the cane. I am satisfied, having considered the arguments, the statement of facts, and the other evidence put before me, that such a sentence would be far too low and would not reflect the viciousness of the attack on the

victim. I have concluded that the sentence that should be imposed on you is imprisonment of 16 years with five strokes of the cane.

3 In coming to this conclusion, I have concluded that the circumstances of the commission of the offence, as well as the factors present, point to the need for retribution and general deterrence, far outweighing any rehabilitative aspects, or any mitigatory factors in your favour.

4 The circumstances of the offence must take in your actions before the actual attack. Late in the evening before the attack on the victim, you sent multiple threatening messages over WhatsApp. Early the next morning on 30 November 2019, after trying to call the victim, you went to the victim's home, bringing a chopper concealed in a shoe bag, and had bought two tins of petrol and cigarettes, intending to intimidate the victim. At the victim's apartment block, you had let out air from the victim's husband's car, and also switched off the main electrical switch. Later in the morning, you had gone back to the unit calling for the victim and her husband; the husband said he would call the police, and also told you that the victim was not in. Subsequently, you sent further threatening messages that you would kill anyone who blocked you, that you would kill the victim, her family, and her parents, and had sent photographs of the petrol and the chopper.

5 When the victim arranged to meet you at your parent's home, you had brought along a fruit knife with you, in addition to the chopper and petrol that was in your car. At your parents' home, you left the petrol at the porch, took a kitchen knife and the chopper and placed them at the table. You had also taken a glove for a better grip on the knife.

6 When the victim arrived, you pulled her into the car porch area, and closed the gate. In the course of arguing with the victim you slashed her with the chopper several times. The statement of facts describes the multiple attacks you made with the chopper. It suffices to note that the attack was continuous and persistent. After the chopper was dropped and kicked away, you took the kitchen knife, and threatened to kill the victim, attempting to slash the victim but thankfully the victim managed to dodge, although she was still slashed at her back and the back of her head. Throughout this, the victim screamed for help. You then dropped the knife and switched to a saw you found. This proved too cumbersome for you to use to attack the victim. It was only when your parents returned and opened the gate, after being told by a neighbour of what was happening, that the victim managed to escape the premises. Even as she was trying to get away, you slashed her on the back with the chopper. You then chased her through the streets and made her fall, at which point you stamped on the victim's body a few times as she struggled.

7 Your mother got you to stop finally.

8 Your criminal behaviour was escalating and persistent. Even if the actions of the night before the attack were not intimidating to the victim, as she herself said, it showed a clear egregious and sustained intent to commit harm. You lured the victim to your parents' place, where she intended to speak to you to end your relationship, but you chose instead to make use of the premises, to trap her, threaten her and then attack her, when she did not give in to your plea to continue.

9 Given the vicious and sustained attack, as well as your cunning trap for the victim, it is clear that the main sentencing objective is punishment and deterrence. Any scope for rehabilitation is displaced. These were not the

misguided actions of a young immature person. I saw nothing else that could point to rehabilitation being the dominant consideration.

10 Your blameworthiness or culpability was high, and the degree of harm that you caused was substantial, both to the victim and to the wider community. In comparison, there was little operating as mitigation that could reduce either that culpability or the harm, or attract any leniency.

The high degree of blameworthiness

11 Your blameworthiness was indeed high. You had escalated and persisted in your criminal conduct from the evening before, all the way to the morning. While some of the specific actions are the subject of charges taken into consideration, and the victim herself said she did not take your threats seriously then, your behaviour showed a clear intent to disregard the law and behave in a dangerous way towards others.

12 You had planned the attack on the victim, by bringing along the knives from your home to your parents' place, and further obtaining an additional knife from the kitchen. You had also put the petrol you brought at the porch. It is clear from all this that you had the intention to have the means on hand of attacking the victim.

13 You lured the victim to your parents' place: she wanted to speak to you, but your preparation of the weapons and the petrol showed that you contemplated a different outcome, making use of her desire to speak to you. When the victim arrived, you had pulled her into the premises, and she had no means of escape.

14 The attack itself was vicious, continuous and persistent. While it was not very clear from the statement of facts how long exactly the whole incident took, there were multiple attacks over several minutes. This was not just a single slash borne out of a temporary loss of control in the midst of a quarrel.

15 The slashing caused multiple injuries. In summary, she had lacerations on her scalp, below her eyebrow, near her ear, on her pelvic bone; she had stab and slash wounds on her neck and chest, over her vertebrae and limb wounds with tendon injury. There were multiple fractures on her skull. The victim was left with permanent disfigurement. The extent of the injuries is weighed in respect of the harm caused, but the fact that so many injuries were caused is also reflective of your desire and intention to attack her, implicating you with a large degree of criminal responsibility. You put her at risk of being killed.

There was significant harm.

16 The victim suffered multiple injuries as listed in the statement of facts. The harm on the victim was indeed great. She was left with scarring and substantial psychological impact. Her victim impact statement makes it clear that while time has healed to some extent, there remained fear on the part of the victim and her family, leading to the victim moving to avoid the possibility of being found by you.

17 Your counsel referred to her not following up with restorative treatment. The prosecution averred to the possibly of this being from the Covid-19 pandemic. There may be many reasons why a person may choose not to pursue follow up treatment. The court is not concerned here with whether the victim should be entitled to compensation for the harm caused to her, in which case, her omission to follow up may be relevant. The court here is concerned with

assessing the harm; regardless of whether the victim followed up medically, she was indeed harmed greatly and it does not lie in your mouth to take issue with her for that lack of follow up.

18 Harm was caused as well to the security and peace of the public space. The public is entitled to expect that the law will preserve order, security and peace. Acts which go against this will attract a commensurate response. In determining the level of public disquiet or concern, police reports are not the only measure. The court will look to the time and place of the incident, and will readily infer a substantial impact where an incident occurs in a residential neighbourhood.

Mitigatory factors

19 The only real mitigatory factor in your favour was the plea of guilt.

20 Intoxication is not mitigatory at all, when you chose to drink or take medication causing you to feel intoxicated. There was no evidence that any substance use disorder was in fact linked to the commission of the offence.

21 In your mitigation, it was also stated that you have the intention of leaving Singapore, to work in Beijing, once you served your sentence. It was said that there was no need for specific deterrence here. I accept that specific deterrence is not in play here. I do not think there is anything indicating a propensity for such behaviour on your part. However, the offer of employment does not help you at all. If anything, it raises great suspicion that the offer of employment remains open until 2030. I have grave doubts about the genuineness of the offer, and I do not know what would be unearthed if any investigation into this were made, though I must emphasise that I have no doubt that your counsel has put this forward on your instructions.

22 You also say you intend to move to Beijing. That does not help. You are a citizen, and thus are entitled to reside in Singapore. The remarks referred to by your counsel, of Woo Bih Li J in the case of *Public Prosecutor v BPK* [2018] 5 SLR 755, were in the context of non-citizens.

23 I should also mention that the letters testifying to character do not help. Good character attestations do not assist except in very limited circumstances.

Calibration of sentence

24 All the factors above point to a substantial sentence, far above the ten years submitted for by the Defence. A ten-year sentence would not adequately reflect the aggravating features. And as noted, there is little by way of mitigation.

25 I would have been inclined to a sentence in the region of about 15 to 16 years. Parties referred to my previous decision in *Public Prosecutor v Shoo Ah San* [2021] SGHC 251 (“*Shoo Ah San*”). In that case, there was an assault along the streets in the early morning, with two attacks, and the causing of a collapsed lung. I imposed a sentence of 15 years’ imprisonment, with no caning in view of the age of the offender there.

26 Here, the circumstances pointing to a heavier sentence in comparison were that the victim was lured and confined, there was use of multiple weapons, and there was an escalation of criminal behaviour. The fact that the victim here did not suffer as serious an injury was fortuitous, and did not lead me to conclude that a lower sentence was appropriate. Instead, I conclude that the sentence should be higher, and impose 16 years’ imprisonment and five strokes of the cane.

27 I had mentioned in *Shoo Ah San* (at [45]) that perhaps sentences above 17 years should be reserved for a trial case. This remains my view in general, but I would clarify that there may be instances of such grievous and serious degree that even in a plea of guilt case the maximum should be imposed. I do not however consider the present case as one of that nature, though the attack was indeed vicious and persistent. Unfortunately, one can readily imagine worse cases easily.

Conclusion

28 The sentence imposed is 16 years' imprisonment with five strokes of the cane; imprisonment is backdated to the date of first remand, 30 November 2019.

Aidan Xu
Judge of the High Court

Andre Chong Wei Min and Kay Boon Khai Jordy (Attorney-
General's Chambers) for the Public Prosecutor;
Sunil Sudheesan, Khoo Hui-Hui Joyce and Teh Ryan Christopher
Wei Jun (Quahe Woo & Palmer LLC) for the Accused.
