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

[2025] SGHC 247

Magistrate's Appeal No 9042 of 2025

Between

Public Prosecutor

… *Appellant*

And

Yoong Kok Kai

… *Respondent*

BRIEF REMARKS

[Criminal Procedure and Sentencing — Sentencing — Appeals]

Public Prosecutor
v
Yoong Kok Kai

[2025] SGHC 247

General Division of the High Court — Magistrate's Appeal No 9042 of 2025
Aidan Xu J
1 September, 5 December 2025

5 December 2025

Aidan Xu J:

1 These brief remarks, conveying the outline of my reasoning and decision on an appeal by the prosecution, concern the appropriate sentence to be imposed on a driver, who while intoxicated, drove so dangerously that he smashed into a bollard and a gantry post on the pavement, hitting and causing very serious, life-changing, injuries to the hapless officer who had taken refuge behind these objects, having seen the car careen down the road at high speed. A sentence of three and a half years was imposed below, in part because a full reduction of 30% off the starting point was given to account for the plea of guilt by the driver. Having considered the circumstances, and despite the able submissions of counsel for the driver, who has put forward the best case possible for his client, I have concluded that such a large reduction must give way to the need to impose heavy punishment reflecting the appalling circumstances of the offence.

2 I allow the prosecution's appeal and impose a sentence of five years' imprisonment, $10,000 fine (in default one month) and 10 years' disqualification.

3 The appeal was by the prosecution on the sentence on the charge of dangerous driving causing grievous hurt as a serious offender under s 64(2A)(*a*) and s 64(2A)(*c*) of the Road Traffic Act 1961 (2020 Rev Ed) ("RTA"), which I will refer to here as intoxicated dangerous driving. The respondent had pleaded guilty to two charges: intoxicated dangerous driving and a charge of drink driving under s 67 of the RTA. A third charge of speeding was taken consideration. As mentioned, only the intoxicated dangerous driving charge was at issue.

4 The punishment prescribed is up to six years' imprisonment and a fine of up to $10,000 under s 64(2A)(*a*) read with s 64(2A)(*c*), as well as disqualification. The district judge imposed a sentence of three years and six months' imprisonment and 10 years' disqualification.

5 Two aspects of the sentence can be dealt with quickly. As noted above, the punishment includes a fine of up to $10,000; this was inadvertently omitted below, as noted by the District Judge. As there is no dispute between the parties on the fine, I do impose a fine of $10,000, which I find appropriate in the circumstances. A disqualification period of 10 years was also imposed below.

6 The main issue on appeal concerned the term of imprisonment. At the earlier hearing, the prosecution sought an increase on the sentence imposed from three years and six months' imprisonment to four years' imprisonment. As the four years sought was not being substantially far off from three years and six months, I had some difficulty with the prosecution's arguments at that point.

While the prosecution pointed to various factors that indicated a higher sentence, at the same time, the prosecution accepted that there would be a significant reduction to be given for the plea of guilt under sentencing guidelines. The District Judge had applied the full extent of the 30% that is indicated by these guidelines for early pleas of guilt. The prosecution even on appeal initially held to that. I am afraid that I did not think that that position was coherent: to say that there were factors pointing to this particular criminal act being among the most egregious, which it certainly was, and yet apply a full 30% reduction without any modification did not seem correct. I thus invited further arguments on this point.

7 In these further submissions, the prosecution has now submitted that the reduction for the plea of guilt should be applied at a lower rate, arguing that the reduction for the plea of guilt should be between 10% to 20%, which is to be applied to a starting point of six years' imprisonment. The respondent's counsel argues in favour of maintaining the sentence at three years and six months' imprisonment, on the basis that the conduct here was not at the worst level compared to other cases, and the guilty plea reduction should be at the full 30% prescribed by the guidelines. The respondent also takes issue with the prosecution changing its position on the degree of reduction.

8 Taking first the argument on the change of position, I must emphasise the ultimate sentencing decision lies with the Court. Contrary to the arguments of the respondent, it does not matter whether the prosecution has changed its position or otherwise. I would have interfered with the plead guilty reduction in any event.

9 The arguments in this case occur against a backdrop of facts which showed great egregiousness. In brief, the accused drank alcohol on three

occasions the night before he crashed into the victim; he had both whiskey and beer. Even after drinking so much, he wanted to drive back from South Bridge Road, downtown, to his home in Yishun. That was bad enough, but instead of driving north, he somehow ended up driving west, at great speed, hitting 134 km/h at one point and lane splitting in his car. He reached Tuas Checkpoint, rounded a bend at speed, veered, tried to steer back and then crashed into the victim, who was an officer on duty at the checkpoint. The victim, who was on duty, tried to take cover on the pavement, behind a gantry post, which was itself behind a safety bollard. This is a photograph just before the crash:

[Photo redacted in published version]

10 The respondent was estimated to have been traveling at between 100 to 119 km/h at this point. The victim was flung by the crash, suffering traumatic brain injuries, fractures and other wounds. He suffered from permanent disabilities, and is now bed-bound and non-communicative. No compensation has been made. A subsequent blood test on the accused had shown an alcohol content of 153 mg of alcohol in 100 ml of blood, close to double the prescribed limit. Aside from the horrific injuries caused to the victim, extensive damage to public property was caused.

11 The prosecution proposed a sentencing framework for serious dangerous driving causing grievous hurt, bringing in the use of sentencing bands in *Wu Zhi Yong v PP* [2022] 4 SLR 587, an intoxicated dangerous driving case without hurt, and *Ng En You Jeremiah v PP* [2025] 4 SLR 395 ("*Jeremiah Ng*"), an intoxicated dangerous driving case with death. The proposed framework would work alongside guidance from *Chen Song v PP* [2025] 3 SLR 509 ("*Chen Song*") on grievous hurt.

12 The respondent did not counter propose any alternative framework as such, but argued about the effect of alcohol level, as well as that other factors such as the potential harm and manner of driving had been properly considered by the district judge. The respondent emphasised that in *Chen Song*, the Court had cautioned against classifying conduct as indicating high culpability when such conduct is an essential part of the charge: the same would apply in the present case. Thus the respondent's driving could only be an aggravating factor raising the respondent's culpability to a high level if it went beyond the base level inherent in a charge under s 64. On the facts, the respondent's driving was not of that degree.

13 I do not think this would be an appropriate case for a framework to be laid down. Nonetheless, the various factors highlighted by the prosecution do point this to be an egregious case of intoxicated dangerous driving. The respondent's argument that the circumstances were not the worst possible, and should not thus attract a sentence at the highest end could not be accepted. The respondent was intoxicated, though not at the highest levels. He had driven a long distance while intoxicated, exposing members of the public on the expressways and road to tremendous risk of harm. The fact that no incident occurred before Tuas is irrelevant and gives him no benefit. He had exposed everyone else on the road to danger during that long journey because he had driven while intoxicated. He had driven very fast. He had caused horrible injuries to the victim while driving fast, and in a manner of driving, that was eminently clear from the photographs and video played, to be extremely dangerous. That manner of driving should operate to attract a punitive element above the baseline in the charge. The crash itself was clearly the product of dangerous driving, with serious injury caused to the victim, who was on foot, on the pavement, behind two barriers, namely the bollard and the gantry post. If

that was not extremely dangerous driving, it is hard to see what is. The starting point should be at the highest end of the sentence, that is, six years' imprisonment. The district judge thus erred in starting at a lower point, of either five or five and a half years.

14 In addition, such a starting point would to my mind be justified simply on the need to deter others from such similar dangerous behaviour. I have emphasised in previous cases that there is really no excuse for those who choose to drink large amounts and yet drive. There are many alternatives to driving, which would cost less than the amount of liquor that they drink. There has to be an awareness that driving after drinking carries great risk. Those who choose to run their risk can only expect to be treated harshly and severely when they are caught, especially when they cause damage or harm, or risk of either. Those who drive at excessive speed, or in a manner posing danger to others, while intoxicated, and who cause extensive injury to other persons, as well as property damage, can only expect very heavy sentences towards the highest end of the scale. Those persons would be guilty of offences of the worst type under law. If anything, I wonder whether the maximum sentences prescribed are fully adequate for the worst type of incidents; that is, however, a matter for the legislature.

15 The starting point in sentence would be subject to reduction through mitigating factors. The only factor operating here would be the reduction for the plea of guilt. The parties accept that the guidelines are only guides.

16 The amount of reduction is intended to promote certainty and encourage early resolution of criminal cases. But the 30% recommendation reduction is not cast in stone. It can be displaced by appropriate circumstances through the public interest exception to the guidelines as noted in *Jeremiah Ng*. Where the

evidence is clear, and the circumstances are egregious, requiring a heavy and harsh sentence, the 30% reduction is not appropriate. I do not understand *Jeremiah Ng* to stand against this proposition.

17 Certainly, the facts in the present case, particularly the fact that the vehicle went on the pavement, hitting someone on foot, makes the present case at least comparable if not worse than what happened in *Jeremiah Ng,* bad as that was. There the car had gone straight instead of turning as intended, smashing through a central divider, colliding into a vehicle there, which caused other collisions, with one death and multiple injuries. Seven years' imprisonment under a different limb of s 64 RTA was imposed and upheld. The maximum sentence was up to 10 years' imprisonment. The calibration and observations of the Court in *Jeremiah Ng* had to be seen against that different context.

18 Here, within the ambit of s 64(2A)(*a*) and s 64(2A)(*c*), the criminal conduct, particularly the dangerous driving was at the highest end. No one who goes over a kerb at high speed while intoxicated can claim otherwise. And no one who commits such an act can claim a full 30% reduction. The public interest demands otherwise.

19 It may be that the possible loss of such a reduction will lead to fewer pleas of guilt by offenders, with cases being tried instead with the concomitant use of resources and time. The public interest in imposing heavy sentences where appropriate must trump such concerns. If a person accused of egregious criminal conduct chooses a trial, then a trial must be held.

20 Here, considering the facts of the cases, with such overwhelming evidence pointing to the guilt of the respondent, and which involved egregious conduct and circumstances, I do not see that the reduction should be of at 30%.

It would suffice to recognise any saving of resources through a 15% reduction. On a starting point of six years' imprisonment, that would point to five years and one month, which I round down to 5 years' imprisonment.

21 In the circumstances therefore, the appeal is allowed, and the sentence below is substituted by imprisonment of 5 years, alongside a fine of $10,000 (in default, one month) and DQ of 10 years.

Aidan Xu
Judge of the High Court

Nicholas Khoo Tian Lun, Jonathan Tan Hoe En and Tan Shean Yin Jolene (Attorney-General's Chambers) for the appellant;
Tan Chee Kiong and Tseng An Wei David (Seah Ong & Partners LLP) for the respondent.