

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

[2026] SGHC 181

Magistrate's Appeal No 9029 of 2026/01

Between

Tan Zhi Wei

... Appellant

And

Public Prosecutor

... Respondent

Magistrate's Appeal No 9029 of 2026/02

Between

Public Prosecutor

... Appellant

And

Tan Zhi Wei

... Respondent

JUDGMENT

[Criminal Law — Statutory offences — Road Traffic Act — Drink driving]

[Criminal Law — Statutory offences — Road Traffic Act — Dangerous driving causing death by a serious repeat offender]

[Criminal Procedure and Sentencing — Sentencing — Appeals]

[Criminal Procedure and Sentencing — Sentencing — Sentencing Advisory Panel's Guidelines on Reduction in Sentences for Guilty Pleas]

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Tan Zhi Wei
v
Public Prosecutor and another appeal

[2026] SGHC 181

General Division of the High Court — Magistrate's Appeal No 9029 of 2026/01 and Magistrate's Appeal No 9029 of 2026/02
Christopher Tan J
11 August 2026

7 September 2026

Judgment reserved.

Christopher Tan J:

1 The offender in this case (“Offender”) pleaded guilty to the following two charges under the Road Traffic Act 1961 (2020 Rev Ed) (“RTA”) at the hearing below:

- (a) one charge of dangerous driving under s 64(1) RTA resulting in *death*, punishable under subsections (2)(b) read with (2)(d) and (2D)(c) of s 64 RTA (“Dangerous Driving Charge”).
- (b) one charge of drink driving under s 67(1)(b) RTA, punishable under subsections (1) read with (2)(b) of s 67 RTA (“Drink Driving Charge”).

Another charge of dangerous driving under s 64(1) RTA resulting in *hurt*, punishable under subsections (2B)(b) read with (2B)(d) and (2D)(c) of s 64 RTA, was taken into consideration for the purpose of sentencing (“TIC Charge”).

2 The Offender was sentenced by the learned Principal District Judge (“PDJ”) below as follows:

(a) For the Dangerous Driving Charge, the Offender was sentenced to imprisonment of 11 years and disqualified from holding or obtaining all classes of driving licences (“DQAC”) for 15 years from the date of his release.

(b) For the Drink Driving Charge, he was sentenced to imprisonment of 12 months and two weeks, a fine of \$12,000 and DQAC for 7 years from the date of his release.

Both sentences were ordered to run concurrently, yielding an aggregate sentence of 11 years’ imprisonment, a fine of \$12,000 and 15 years’ DQAC.

3 Appeals were filed by both the Prosecution and the Defence, but only in respect of the sentence imposed for the Dangerous Driving Charge. I *dismiss both* appeals and now set out my reasons for doing so.

Facts

4 The incident in this case happened on the afternoon of 23 April 2023. The night before that, the Offender had stayed up to look after his newborn baby and thus slept for only about four hours. At about 9.00am, he consumed

Cetirizine, a drug which causes drowsiness, as he had a runny nose and cough.¹ At about 10.00am, the Offender drove his two children (aged three and four years at the time) in his BMW M3 Coupe to a birthday party at Turf Club Road. During the party, he consumed some glasses of wine with food, with his last alcoholic drink being at around 1.30pm.² Shortly before 2.00pm, the Offender felt lethargic and decided to take his leave. He secured his two children in their booster seats at the rear seat of his car and drove off.¹

5 At about 2.00pm, the Offender was driving on a three-lane dual carriageway along Dunearn Road, heading towards Bukit Timah.³ The deceased – a 64-year-old retiree (“Deceased”) – was on the left kerb of Dunearn Road, less than 100 metres away from an overhead bridge. He waited for oncoming traffic to clear before crossing the road, walking towards Bukit Timah Canal.⁴ At that point, the Offender was driving on lane 1 at an excessive speed.³ As he approached the Deceased, the Offender completely failed to notice the latter⁵ who, from the Offender’s perspective, was walking from the left of the windscreen to the right. The Deceased had already crossed the first two lanes of the road and reached the middle of lane 1 when the Offender’s car struck.⁴

6 According to a forensic report, the Offender had been travelling at a speed far exceeding the limit of 70 km/h,³ for quite some distance up to the point of impact. Specifically:⁶

¹ Statement of Facts dated 2 April 2025 (“SoF”) at para 5.

² SoF at para 4.

³ SoF at para 6.

⁴ SoF at para 7.

⁵ SoF at para 8.

⁶ SoF at para 24.

(a) For the stretch of road spanning from 175.3m before the point of impact to 77.8m before the point of impact, he was travelling at an average speed of between 111 to 113 km/h.

(b) For the remaining 77.8m span of road leading up to the point of impact, he *accelerated* to an average speed of between 118 and 122 km/h.

7 As the Offender had not kept a lookout for the Deceased, he did not apply his brakes until *after* the collision. The sheer force of the impact severed the Deceased's body into three parts: (a) the head and torso; (b) the pelvis and lower limbs; and (c) the left forearm. The Deceased's head and torso crashed through the front windscreen of the car, landing on the Offender's lap.⁷ The Offender jammed his brakes, veering his car from lane 1 into the middle lane, before steering back into lane 1 and stopping. The Offender then pushed the Deceased's head and torso out of the car and stepped out to call the Police.⁸ When the Police arrived, they found the Deceased's head and torso next to the car, his pelvis and lower limbs on the side of lane 1 of the road and his left forearm on the side of lane 3. The Deceased was pronounced dead at the scene.⁹ A toxicology report found no substances of note in the Deceased's body.¹⁰

8 At the time, the weather was fine, the road surface was dry, traffic flow was moderate and visibility was clear.¹¹

⁷ SoF at para 8.

⁸ SoF at para 9.

⁹ SoF at para 10.

¹⁰ SoF at para 16.

¹¹ SoF at para 12.

9 The collision also shattered the windscreen at the rear of the Offender’s car, where his two children were seated.¹² Fortunately, they sustained only minor injuries, with one suffering a small scalp abrasion and the other complaining of abdominal pain.¹³

10 The Offender failed a preliminary breath test administered onsite and was arrested for drink driving.¹⁴ At about 3.25pm that same day, his blood sample was taken. This was found to contain 145 µg of Ethanol (Alcohol) per 100 millilitres of blood¹⁵ – equivalent to 63.4375 µg per 100 millilitres of breath.

11 The Prosecution thus preferred the Drink Driving Charge, the Dangerous Driving Charge (for causing the death of the Deceased) and the TIC Charge (for causing hurt to the Offender’s two children) against the Offender.

The proceedings below

12 As explained above, the present appeals relate only to the sentence for the Dangerous Driving Charge. The statutory provision underlying this charge is s 64 RTA, which has been extracted below:

64. Reckless or dangerous driving

- (1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, the person (called the offender) shall be guilty of an offence.

¹² SoF at para 9.

¹³ SoF at para 20.

¹⁴ SoF at para 11.

¹⁵ SoF at para 19.

- (2) If death is caused to another person by the driving of a motor vehicle by the offender, the offender shall be punished with the following on conviction of an offence under subsection (1):
- (a) with imprisonment for a term of not less than 2 years and not more than 8 years;
 - (b) where the person is a repeat offender, with imprisonment for a term of not less than 4 years and not more than 15 years;
 - (c) where the offender is a serious offender in relation to the driving, with imprisonment for a term of not less than one year and not more than 2 years, in addition to any punishment under paragraph (a) or (b);
 - (d) where the offender is a serious repeat offender in relation to the driving, with imprisonment for a term of not less than 2 years and not more than 4 years, in addition to any punishment under paragraph (a) or (b).
- ...
- (3) A person is a repeat offender in relation to an offence under subsections (2)(b), (2A)(b), (2B)(b) and (2C)(b), respectively, if the person in the respective subsection has been convicted (whether before, on or after 1 November 2019) on at least one other earlier occasion of any of the following offences:
- (a) an offence under subsection (1);
 - (b) an offence under section 63, 65 or 116;
 - (c) an offence under this section, or section 65 or 66, as in force immediately before 1 November 2019;
 - (d) an offence under section 279, 304A, 336, 337 or 338 of the Penal Code 1871 where the act constituting the offence involves the use of a motor vehicle.
- ...
- (8) In this section ... —
- ...
- “serious offender” means an offender who is convicted of an offence under section 67 or 70(4) in relation to the offender’s driving which is an offence under subsection (1);

“serious repeat offender” means an offender who —

- (a) is convicted of an offence under section 67 or 70(4) in relation to the offender’s driving which is an offence under subsection (1); and
- (b) has been convicted on at least one other earlier occasion of a specified offence;

“specified offence” means —

- (a) an offence under section 67, 68 or 70(4); or
- (b) an offence under section 67 as in force immediately before 1 November 2019.

[Paragraphs have been reformatted for easier reading]

13 As the offence in the Dangerous Driving Charge resulted in death, the relevant punishment provision is subsection (2) above. The applicable imprisonment range derives from subsection (2) operating conjunctively with the other subsections above, as follows:

(a) The Offender is a “repeat offender” within the meaning of subsection (3), as he had previously been convicted (in January 2015) of the offence of careless driving under s 65(a) RTA.¹⁶ He is thus punishable under subsection (2)(b), which prescribes an imprisonment term of four to 15 years.

(b) The Offender is also a “serious repeat offender” within the meaning of subsection (8) because, apart from his concurrent conviction for the Drink Driving Charge, he was previously convicted (also in January 2015) of drink driving under s 67(1)(b) RTA. This thus renders him liable to enhanced punishment under subsection (2)(d), which prescribes an *uplift* of between two to four years to the imprisonment range in (a) above.

¹⁶ SoF at para 26.

The collective result of the above provisions is that the imprisonment term applicable to the Offender for the Dangerous Driving Charge is a minimum of six years (*ie*, four years plus an uplift of two years) and a maximum of 19 years (*ie*, 15 years plus an uplift of four years).

14 Given that the Offender is a “serious repeat offender” he is also liable to a driving disqualification under s 64(2D)(c) RTA for a duration of at least 15 years (the court having a discretion to order otherwise in the face of special reasons). This provision reads:

(2D) A court convicting a person of an offence under subsection (1) in the following cases is to, unless the court for special reasons thinks fit to not order or to order otherwise, order that the person be disqualified from holding or obtaining a driving licence for a disqualification period of not less than the specified period corresponding to that case:

...

(c) for a serious repeat offender in subsection (2)(d) who has been convicted (whether before, on or after 1 November 2019) on only one earlier occasion of any specified offence — 15 years;

15 Prior to sentencing the Offender, the PDJ conducted a series of Criminal Case Resolution (“CCR”) sessions between May to November 2025. It is useful at this juncture to set out some aspects of the CCR regime, which was designed to “provide a neutral forum, facilitated by a judge, for parties to discuss and explore the possibility of early resolution of criminal cases”.¹⁷ Some of the regime’s key features are as follows:

(a) The CCR process is generally appropriate for cases which have a reasonable prospect of early resolution and where the accused person

¹⁷ State Courts Registrar’s Circular No. 4 of 2011 (“State Courts RC 4/2011”), at para 2.

is represented by counsel.¹⁸ CCR sessions are conducted by a senior and experienced District Judge (“CCR Judge”) in chambers,¹⁹ with discussions being confidential and without prejudice.²⁰

(b) At the CCR session, the CCR Judge refrains from assessing the relative merits of parties’ cases but may, where appropriate, comment on specific aspects of the evidence and highlight possible inferences or legal issues.²¹ Critically, the CCR Judge may give an indication of sentence *if the accused person seeks one*. Before giving such an indication, the CCR Judge must first be furnished with sufficient information to make a proper assessment (*eg*, a summary of facts by the prosecution, the accused person’s antecedent records, mitigating factors, *etc*).²²

(c) At the conclusion of the CCR session(s):

(i) If the case is resolved and the accused person elects to plead guilty, the CCR Judge may – with the consent of parties – take the accused person’s plea of guilt and sentence the latter accordingly. Alternatively, the accused person may plead guilty before another judge.²³

¹⁸ State Courts RC 4/2011 at para 3.

¹⁹ State Courts RC 4/2011 at para 5.

²⁰ State Courts RC 4/2011 at para 10.

²¹ State Courts RC 4/2011 at para 6.

²² State Courts RC 4/2011 at para 7.

²³ State Courts RC 4/2011 at para 8.

- (ii) If the case remains unresolved and ultimately proceeds to trial, a judge other than the CCR Judge will be assigned to preside over the trial.²⁴

The CCR regime thus holds the potential for significant savings in resources for both the courts and parties alike, by “reduc[ing] wastage of valuable resources due to ‘cracked’ trials where the accused person pleads guilty on the day of the trial or after the trial has commenced”.²⁵ Furthermore, even if the CCR sessions fail to achieve a resolution and the matter proceeds to trial, the CCR process would have “assist[ed] parties to identify the material triable issues and thereby utilise allocated trial dates in a more focused and efficient manner”.²⁵

16 After undergoing three CCR sessions conducted by the PDJ, the Offender decided to plead guilty to the Dangerous Driving Charge and Drink Driving Charge. A court mention was thus fixed at which the Offender pleaded guilty to both charges before the PDJ who, after taking the Offender’s plea, proceeded to sentence the latter. In sentencing the Offender for the Dangerous Driving Charge, the PDJ was of the view that *had the Offender claimed trial*, the appropriate imprisonment term would have been 16 years.²⁶ The PDJ then went on to consider the appropriate sentencing discount to be afforded to the Offender under the Sentencing Advisory Panel’s Guidelines on Reduction in Sentences for Guilty Pleas (“PG Guidelines”), released on 1 October 2023. The PDJ decided that the notional imprisonment term of 16 years – which I will refer to as the “pre-discount” imprisonment term – should be discounted by 30% on account of the plea of guilt, arriving at the 11-year imprisonment term (after

²⁴ State Courts RC 4/2011 at para 10.

²⁵ State Courts RC 4/2011 at para 3.

²⁶ *Public Prosecutor v Tan Zhi Wei* [2026] SGDC 72 (“GD”) at [107].

rounding down) that was ultimately imposed for the Dangerous Driving Charge. The PDJ also imposed the minimum DQAC period of 15 years for this charge.

17 As for the Drink Driving Charge, the PDJ applied the sentencing framework in *Lee Shin Nan v Public Prosecutor* [2024] 3 SLR 1730 for repeat drink driving offenders, arriving at the sentence reflected at [2(b)] above.

The appeals

18 Both the Offender and the Prosecution have appealed against the sentence imposed for the Dangerous Driving Charge, specifically in respect of the imprisonment term imposed thereunder:

- (a) The Offender contends that the pre-discount imprisonment term of 16 years (to which the PDJ had applied a sentencing discount of 30%) is excessive. He nevertheless agrees with the PDJ's decision to apply a reduction of 30%.
- (b) The Prosecution does not seek to challenge the pre-discount imprisonment term of 16 years but takes issue with the 30% sentencing discount, arguing that the PDJ ought to have applied a reduction of no more than 20%.

As explained below, *both* appeals have some merit. However, I have dismissed the appeals because the collective result of allowing both of them is that the imprisonment term remains largely the same as that imposed by the PDJ.

19 I deal first with the Offender's appeal, followed by the Prosecution's appeal.

Offender's appeal: Whether the pre-discount sentence of 16 years is excessive

20 In arriving at the pre-discount imprisonment term of 16 years, the PDJ relied on the case of *Ng En You Jeremiah v Public Prosecutor* [2025] 4 SLR 395 (“*Jeremiah Ng*”)²⁷ where a three-judge coram of the High Court laid out a sentencing framework (at [74]–[84]) for offences under s 64(2) of a slightly earlier revised edition of the RTA. For simplicity, the revised edition in *Jeremiah Ng* will be referred to by the same acronym which this judgment uses to refer to the revised edition applicable to the Offender (*ie*, “RTA”), given that the relevant statutory provisions in both editions are materially the same.

21 Although the primary offence in *Jeremiah Ng* was the same as in the present case (*ie*, dangerous driving resulting in death), the punishment provisions within s 64(2) RTA operative in *Jeremiah Ng* were different from those applicable to the Offender (set out at [13] above):

- (a) The offender in *Jeremiah Ng* was not a “repeat offender”, as he had no prior convictions for any of the offences stipulated in s 64(3) RTA. The applicable punishment provision under s 64 RTA was thus subsection (2)(a) (as opposed to the present case, where the Offender is a “repeat offender” to whom the punishment provision in subsection (2)(b) applies).
- (b) The offender in *Jeremiah Ng* was a “serious offender” because he – like the Offender – faced a concurrent conviction for drink driving. However, unlike the Offender, the offender in *Jeremiah Ng* was not a “serious repeat offender” because the latter did not

²⁷ GD at [85].

have any *prior* convictions for driving offences relating to alcohol or drugs, as specified in s 64(8) RTA. The operative provision in *Jeremiah Ng* prescribing an uplift in the imprisonment term was thus subsection (2)(c) of s 64 RTA, applicable to “serious offenders” (and not subsection (2)(d), applicable to “serious *repeat* offenders” such as the Offender).

The applicable imprisonment range in *Jeremiah Ng* was thus a minimum of three years (*ie*, two years plus an uplift of one year) and a maximum of ten years (*ie*, eight years plus an uplift of two years) – much lower than the range of six to 19 years in the present case, as set out at [13] above.

22 The High Court in *Jeremiah Ng* laid out a sentencing framework for the offence of dangerous driving resulting in death, under which the seriousness of the offence is judged according to the presence of offence-specific aggravating factors and the offender’s alcohol level. As a gauge of the seriousness of the alcohol level, the High Court in *Jeremiah Ng* leveraged on the framework in *Rafael Voltaire Alzate v Public Prosecutor* [2022] 3 SLR 993 (at [31]), where the following four sentencing bands (“*Rafael* band(s)”) were developed to govern first-time drink driving offences:

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

Based on the above, the High Court in *Jeremiah Ng* laid out the following three-band sentencing framework for dangerous driving resulting in death (at [84]):

Band	Degree of seriousness	Imprisonment term
1	Lower level of seriousness, where offence-specific aggravating factors are either absent or present to only a limited extent. Offender's alcohol level is likely to be at the lowest or second lowest <i>Rafael</i> band.	3– 5 years
2	Higher level of seriousness, with there usually being two or more offence-specific aggravating factors. Culpability will typically be on the higher side. Offender's alcohol level will typically also be on the higher side, being in the highest or second highest <i>Rafael</i> band.	5– 8 years
3	The most serious of cases of reckless or dangerous driving whilst under the influence of drink. Multiple aggravating factors suggesting higher levels of culpability and alcohol levels.	8–10 years

23 In sentencing the Offender, the PDJ adapted the sentencing framework laid out in *Jeremiah Ng* above, by making some adjustments to account for the fact that the imprisonment range applicable to the Offender (six to 19 years) is much higher than the three-to-ten-year range operative in *Jeremiah Ng*. Specifically, the PDJ elevated the imprisonment ranges in all three bands of the *Jeremiah Ng* framework above to arrive at the following modified bands:²⁸

- (a) Band 1: six to nine years
- (b) Band 2: nine to 15 years
- (c) Band 3: 15 to 19 years

The PDJ had then pegged the offence underlying the Dangerous Driving Charge at the top end of Band 2, after having weighed the offence-specific factors and the Offender's alcohol level, arriving at a starting imprisonment term of 14 to

²⁸ GD at [85].

15 years.²⁹ Given the Offender's driving history and antecedents, the PDJ adjusted the starting term *upwards*, arriving at the pre-discount imprisonment term of 16 years set out at [16] above.³⁰

24 I agree with the PDJ's approach of expanding the imprisonment ranges in the three *Jeremiah Ng* bands to fit the punishment provisions applicable in the present case. This ensures that the entire spectrum of possible imprisonment terms is fully engaged – a consideration that guided the court in *Jeremiah Ng* itself (at [94]-[95]). The only modification I would make to the PDJ's approach is a minor one, being that the intersection between Band 1 and Band 2 should be calibrated at ten years (rather than nine), for a more balanced spread between the bands. This gives rise to the following modified framework:

Band	Degree of seriousness	Imprisonment term
1	Lower level of seriousness, where offence-specific aggravating factors are either absent or present to only a limited extent. Offender's alcohol level is likely to be at the lowest or second lowest <i>Rafael</i> band.	6– 10 years
2	Higher level of seriousness, with there usually being two or more offence-specific aggravating factors. Culpability will typically be on the higher side. Offender's alcohol level will typically also be on the higher side, being in the highest or second highest <i>Rafael</i> band.	10–15 years
3	The most serious of cases of reckless or dangerous driving whilst under the influence of drink. Multiple aggravating factors suggesting higher levels of culpability and alcohol levels.	15–19 years

²⁹ GD at [104].

³⁰ GD at [107].

25 In applying the modified framework above, I agree with the PDJ that the Offender's case should be classified as falling within Band 2 rather than Band 3. The latter band, being the most serious of the three bands, was held by the court in *Jeremiah Ng* to be applicable, given the aggravating facts of that case. A comparison of the offence-specific factors in both cases supports the PDJ's conclusion that the facts of the present case are less aggravating than those in *Jeremiah Ng*, and therefore warrant a lower band:

(a) Firstly, the level of danger posed by the driving in *Jeremiah Ng* was higher. The offender in that case drove at a maximum speed of 169km/h (*Jeremiah Ng* at [129]), exceeding the speed limit of 60 km/h by a little over 100km/h. In contrast, the Offender was driving at a maximum speed of 122 km/h, exceeding the speed limit of 70 km/h (see [6] above) by a little over 50km/h.

(b) Secondly, the harm from the offending conduct was much higher in *Jeremiah Ng*:

(i) Apart from killing the deceased, the offender in *Jeremiah Ng* injured five other persons, one of whom suffered grievous hurt (*Jeremiah Ng* at [18]–[22]). In contrast, the injuries sustained by the Offender's two children in the present case were relatively minimal (see [9] above).

(ii) The property damage sustained in *Jeremiah Ng* was also far more extensive, with the car of the deceased and the motorcycle of the victim suffering grievous hurt having to be scrapped, on account of the damage being far too extensive for repairs. The collision also damaged the centre road divider

(*Jeremiah Ng* at [29]). In the present case, there was no property damage sustained apart from that to the Offender's own vehicle.

(c) In the present case, the Offender had veered to the middle lane after the collision (see [7] above). In doing so, he could potentially have collided into other vehicles if any had been travelling on the middle lane (although there were thankfully none). Still, any potential harm to other vehicles in this case was far lower than that in *Jeremiah Ng*, where the collision happened at a traffic junction packed with six cars, one taxi and two motorcycles (*Jeremiah Ng* at [13]). The potential harm to other pedestrians in the present case was also minimal, given that the accident occurred less than 100m from an overhead bridge (see [5] above) – this was thus not a spot where one would usually expect to find pedestrians crossing the road.

26 The Offender argues that given the differences above, the starting imprisonment term should have been pegged somewhere at the *lower* end of Band 2. He thus contends that the PDJ erred in pegging this case at the *highest* end of Band 2 (*ie*, 14 to 15 years).³¹ I disagree, as this submission fails to give sufficient weight to a host of egregious factors that are present here but absent in *Jeremiah Ng*:

(a) Firstly, the level of carelessness in the present case was much higher than in *Jeremiah Ng*. As set out at [7] above, the Offender had displayed such a level of inattention that he applied the brakes only *after* he had struck the Deceased at tremendous speed.

³¹ Offender's Written Submissions at paras 41–42.

(b) Secondly, the alcohol level in the present case was much higher than in *Jeremiah Ng*. The Offender's alcohol level was slightly over 63.4µg of alcohol per 100 millilitres of breath (see [10] above), falling within *Rafael* Band 2, while the alcohol level of the offender in *Jeremiah Ng* stood at 42µg per 100 millilitres of breath (*Jeremiah Ng* at [16]), falling within *Rafael* Band 1.

(c) Finally, in terms of the harm caused, it cannot be gainsaid that the injuries to the Deceased were nothing short of horrific – far more severe than that inflicted on the deceased in *Jeremiah Ng*.

27 Consequently, depressing the starting imprisonment term further down the Band 2 spectrum would in my view result in a sentence that fails to adequately reflect the gravity of the factors listed immediately above. Taking the Offender's case at its highest, I would at most have been inclined to peg the starting imprisonment term at 14 years' imprisonment, which is in substance what the PDJ arrived at.

28 Having said that, I am of the view that the uplift accorded by the PDJ to account for offender-specific factors – culminating in the pre-discount sentence of 16 years – should be tempered downwards, for the following reasons:

(a) Firstly, there is a mitigating factor in this case which the PDJ was not afforded the opportunity to consider, being that the Offender made voluntary restitution of \$56,035.35 to the Deceased's family. This came to light only at the oral hearing of the appeal.

(b) Furthermore, the PDJ had taken account of the following antecedents of the Offender:

- (i) his previous conviction in 2019 for speeding (for which he was fined \$300); and
- (ii) his previous convictions in January 2015 for careless driving (for which he was fined \$600) and drink driving (for which he was fined \$3,000), referred to at [13] above.³²

However, the antecedents in (ii) above ought not to have been factored into account when adjusting the sentence upwards, given that they were the very prior convictions which triggered the enhanced punishment provisions in subsections (2)(b) and (d) of s 64 RTA (as explained at [13] above). Amplifying the sentence any further on account of these past convictions would be to double count their aggravating effect :³³ *Wu Zhi Yong v Public Prosecutor* [2022] 4 SLR 587 (at [47]).

29 On the premise that the starting imprisonment term within Band 2 is pegged at 14 years (see [27] above), the sum total of the offender-specific considerations do not in my view provide any cause for further increase or decrease, meaning that I would have left the pre-discount imprisonment term at 14 years, *ie*, two years lower than the 16-year term derived by the PDJ.

30 Notwithstanding, I have refrained from disturbing the sentence imposed by the PDJ, in view of my conclusion (set out in the following section) that the sentencing discount accorded to the Offender should have been fixed at no more than 20%. The 30% discount applied by the PDJ was, in my view, too high in light of the procedural history of this case.

³² GD at [105].

³³ Offender's Written Submissions at para 52.

Prosecution’s appeal: Whether a lower sentencing discount should have been applied under the PG Guidelines

31 As alluded to at [18(b)] above, the Prosecution is appealing against the imprisonment term imposed for the Dangerous Driving Charge, contending that the 30% sentencing discount applied by the PDJ was excessive. The Prosecution contends that a discount of no more than 20% should have been accorded to the Offender.

32 Before considering the Prosecution’s appeal proper, it is apt to briefly touch on the scope of the PG Guidelines and the sentencing discounts which they recommend for offenders pleading guilty at various stages of the trial process. In *Iskandar bin Jinan v Public Prosecutor* [2024] 2 SLR 673 (*“Iskandar bin Jinan”*), the Court of Appeal recognised the utilitarian objectives of the PG Guidelines, observing as follows (at [49]):

The PG Guidelines expressly recognise the utilitarian benefits that an early plea of guilt generally brings, namely sparing victims and other witnesses of the need to prepare for a trial and to testify in court, as well as saving public resources on the part of the law enforcement agency, the Prosecution and the Judiciary, which in turn justify a reduction in sentence.

33 The PG Guidelines seek to promote that utilitarian goal by way of an incentive scheme under which the earlier the stage of the trial process at which the offender signals his intention to plead guilty, the higher the sentencing discount recommended.³⁴ In operationalising that incentive scheme, the PG Guidelines subdivide the trial process into four contiguous stages, with each stage (“Stage”) being mapped to a recommended sentencing discount:³⁵

³⁴ Sentencing Advisory Panel Guidelines on Reduction in Sentences for Guilty Pleas (“PG Guidelines”) at para 6.

³⁵ PG Guidelines at para 9.

Stage	Description	Reduction in sentence to be considered
1	From the first mention until <i>12 weeks</i> after the hearing when the Prosecution informs the court and the accused person that the case is ready for the plea to be taken.	Up to a maximum of 30%
2	After Stage 1, until either of the following: - For cases subject to criminal case disclosure procedures, when the court first gives directions for the filing of the Case for the Prosecution in relation to the charge. - For cases not subject to CCD procedures, when the court first fixes trial dates for the charge.	Up to a maximum of 20%
3	After Stage 2, until before the first day of the trial.	Up to a maximum of 10%
4	On or after the first day of the trial.	Up to a maximum of 5%

34 It is important to note that an offender brings himself within any one of these Stages (and thereby within the recommended discount for the Stage concerned) by *indicating*, within the timeframe to which that Stage relates, that he intends to plead guilty. There is no need for the court mention at which he eventually pleads guilty to also be fixed within that timeframe – the simple reason being that fixing of court hearings entail a multitude of variables beyond the offender’s control.³⁶ Thus, for an offender to qualify for the recommended discount under Stage 1 (*ie*, up to 30%), he simply needs to *indicate*, within the 12-week window encapsulated by Stage 1, that he is pleading guilty. He then retains his eligibility for the Stage 1 discount even if the court mention at which he subsequently pleads guilty is held beyond the 12-week window.

³⁶ PG Guidelines at para 11.

35 The PG Guidelines also propose the mechanics by which the relevant discount may be applied, by way of the following three-step process:³⁷

(a) Step 1: The court first determines the notional sentence it would have imposed had the offender been convicted after trial – in the present case, that would be the “pre-discount” sentence at [16] above. This should be arrived at via the conventional analysis, with relevant offence-specific and offender-specific factors brought to the balance and weighed. However, when calibrating the sentence downwards on account of offender-specific *mitigating* factors at this step, the utilitarian benefits arising from the offender’s plea of guilt (*eg*, savings in resources, avoiding the trauma that victims face from testifying) should *not* be taken on board. Such utilitarian benefits come into play only at Step 3 below.

(b) Step 2: The court then determines what the applicable Stage (and thus the applicable discount) is. In this respect, the discounts are recommended *maximum* values, with the PG Guidelines recommending that the court should generally avoid according a discount *exceeding* the maximum percentage applicable to that Stage.

(c) Step 3: The court applies the relevant discount to the notional sentence derived under Step 1, doing so for each charge. It is only at this step that credit for the utilitarian benefits flowing from the plea of guilt is effectively factored in, through application of the discount.

36 The above steps were endorsed in *Iskandar bin Jinan*, where the Court of Appeal remarked (at [75]):

³⁷ PG Guidelines at para 8.

We were also of the view that the PG Guidelines rightly account for the guilty plea in a separate step of the sentencing framework, as opposed to considering it in conjunction with other offender-specific mitigating factors.

Further, In *Jeremiah Ng*, the High Court specifically endorsed the application of the PG Guidelines to the very RTA provisions currently at play here (at [105] and [110]):

105 In our judgment, the PG Guidelines is an appropriate framework to account for the mitigatory weight of a plea of guilt and, in turn, to ascertain the extent to which a sentence might be reduced for offences under the RTA generally and offences in this case specifically. Additionally, we did not find any further calibration necessary; the stipulated maximum reductions in the PG Guidelines should generally apply in an unattenuated fashion to both offences of dangerous driving under s 64 and drink driving under s 67(1)(b) of the RTA.

...

110 ... In our judgment, the PG Guidelines are an appropriate framework for determining the mitigatory weight of a plea of guilt in the context of the road traffic offences at hand, as it gives due recognition of the utilitarian benefits of a plea of guilt at least, and perhaps also of the accused person's remorse.

37 Reverting to the present case, the applicable Stage under the PG Guidelines is Stage 2 (see [33] above). The Offender does not qualify for Stage 1 because he failed to provide the requisite indication (*ie*, of his intention to plead guilty) within the 12-week window encapsulated by Stage 1. The procedural history leading up to the Offender's plea of guilt is summarised below:

Date	Event	Remarks
25 Jul 2024	First mention	Charges tendered against the Offender and read to him. Offender was represented by counsel by this point.
17 Oct 2024	—	12-week timeframe under Stage 1 lapsed.

Date	Event	Remarks
15 Jan 2025	Pre-trial conference	Counsel requested a CCR session to determine: (a) whether the Dangerous Driving Charge was made out against the Offender; and (b) if so, what the likely sentence would be. Prosecution agreed to the CCR process.
15 May 2025	1st CCR session	The PDJ indicated that the Dangerous Driving Charge was made out. Nevertheless, parties agreed to await the PDJ's indication as to the likely sentence. That in turn required parties to await the release of the High Court's decision in <i>Jeremiah Ng</i> , which would have provided guidance on the appropriate sentence. No indication of plea was recorded in the meantime.
14 Jul 2025	–	Judgment in <i>Jeremiah Ng</i> was released.
15 Oct 2025	2nd CCR session	The PDJ provided an indication of the likely sentence for the Dangerous Driving Charge.
26 Nov 2025	3rd CCR session	Offender indicated that he would plead guilty.
02 Feb 2026	PG mention	Offender pleaded guilty and was sentenced by the PDJ.

38 As stated at [35(b)] above, the PG Guidelines propose that the sentencing discount applied by the court should *generally* not exceed the maximum recommended for the Stage concerned. In this case, the Offender's matter had progressed well beyond Stage 1 and into Stage 2, for which the PG Guidelines recommend a maximum sentencing discount of 20%. The PDJ nevertheless exercised his discretion to apply a higher discount of 30%, thereby *effectively* giving the Offender a sentencing discount that is otherwise applicable only at Stage 1 (where the recommended maximum discount is 30%). This forms the nub of the appeal by the Prosecution, which contends that the PDJ's discretion was wrongly exercised in this regard.³⁸

³⁸ Prosecution's Written Submissions at para 22.

39 To the extent that the PDJ proceeded on the basis that he possessed the discretion to depart from the PG Guidelines, his position must be resoundingly affirmed. The High Court in *Jeremiah Ng* observed at [108] that the PG Guidelines are not statutory in nature and that “sentencing is within the exclusive remit of the courts”:

... the PG Guidelines are *not* statutory in nature and may be derogated from in the appropriate case. To this end, it must be borne in mind that the key function of the Sentencing Advisory Panel is to issue non-binding sentencing guidelines.

[emphasis in original]

Similarly, the Court of Appeal in *Iskandar bin Jinan* highlighted the non-binding nature of the PG Guidelines (at [57]):

57 The PG Guidelines are not binding on any court. The court may decide whether to adopt the guidelines in a given case, and if so, how the guidelines should be applied (PG Guidelines at para 2).

Most recently, the Court of Appeal made the following observations in *Lian Hoe Heng v Public Prosecutor* [2026] 1 SLR 709 (at [54]):

54 There is no legal impediment to the court cutting down or not applying the PG discount under the PG Guidelines. In the first place, the PG Guidelines are not binding on the court, and the court has control over whether to adopt them in each case and how they should be applied (at para 2). The PG Guidelines thus do not fetter the court’s discretion to mete out a sentence that is appropriate on the facts.

40 That said, the crux of the Prosecution’s appeal centres on whether the discretion to exceed the maximum discount recommended by the PG Guidelines, which the PDJ was undoubtedly possessed, had been correctly exercised in principle in this case.

41 The PDJ opined that exceeding the recommended maximum of 20% for Stage 2 was warranted because of the “unique facts and history” of the present

case.³⁹ However, a perusal of this case suggests that the procedural history reflects nothing out of the ordinary which might warrant granting the Offender such an indulgence. As seen from the chronology at [37] above, the 12-week window for Stage 1 had come and gone with nary an indication from the Offender that he intended to plead guilty. Critically, no satisfactory explanation was offered for his radio silence during those 12 weeks, notwithstanding the clear procedures laid out under the PG Guidelines. Such reticence might well have been understandable if the Offender did not have the benefit of legal advice during Stage 1. Indeed, the PG Guidelines expressly recognise such an exception – see Scenario 3 in para 11 of the PG Guidelines:

Scenario 3: The accused person makes an application for criminal legal aid, early during Stage 1. The criminal legal aid lawyer is only assigned during Stage 2. The accused pleads guilty during Stage 2, shortly after the criminal legal aid lawyer has been assigned. The court may apply the maximum reduction in sentence of up to 30%.

However, as the chronology at [37] above indicates, the Offender *was* represented by counsel, from the first mention when the 12-week countdown timer started to tick.

42 During the pre-trial conference on 15 January 2025 – held about two months *after* the 12-week window under Stage 1 had lapsed – the Offender’s Counsel had sought a CCR session. Counsel’s avowed purpose in initiating the CCR process was to obtain an indication from the PDJ on two issues (see [37] above):

- (a) whether the Dangerous Driving Charge was made out against the Offender; and

³⁹ GD at [122]–[123].

(b) if so, what the likely sentence would be.

43 Of particular note is the purported issue in (a) above, being whether the Dangerous Driving Charge was made out.⁴⁰ In essence, the Offender's position below was that so long as there was uncertainty as *a matter of law* whether the offence underlying the Dangerous Driving Charge had been made out on the facts (which were undisputed), it would be impossible for him to indicate if he was pleading guilty, since liability for the offence was still in issue.⁴¹ This position appears to have found favour with the PDJ, who opined as follows:⁴²

120 Analogously to Scenario 3 of the SAP Guidelines, even though the accused was represented at Stage 1 of the SAP Guidelines, the accused did not dispute the facts and had instead relied on Defence counsel's advice as to whether the charge of dangerous driving was made out in order to plead guilty to. In my view, this was a legal issue and not a decision the accused could take until it was made clear by the court after the CCR had taken place (which was at Stage 2). The decision of *Jeremiah Ng* which was only issued on 14 July 2025, assisted in this determination, as it set out the various offence and offender specific factors for an offence of dangerous driving causing death.

121 Put another way, it was reasonable for the accused to decide to plead guilty only after the court had determined at the CCR whether the dangerous driving charge was made out on the undisputed facts, as well as after the issuance of *Jeremiah Ng*, which in this case had taken place in Stage 2.

44 The PDJ had thus agreed with the Offender that there was a *legal* issue whether the Dangerous Driving Charge had been made out, based on the undisputed facts. In the PDJ's view, such legal uncertainty could then justify a delay by the Offender in indicating his intention to plead guilty under the PG Guidelines, because the Offender's situation could be analogised to the situation

⁴⁰ GD at [76].

⁴¹ Offender's Written Submissions at para 62.

⁴² GD at [120]–[121].

in Scenario 3 of the PG Guidelines (extracted at [41] above). To recapitulate, Scenario 3 envisions that accused person awaiting legal representation can potentially benefit from the Stage 1 discount even though Stage 1 has passed. The inability of such unrepresented accused persons to indicate an intention to plead guilty would *similarly* stem from uncertainty as to whether the charge against them is made out at law, albeit such uncertainty would – in the case of such unrepresented accused persons – be a subjective one, arising from them not having been advised on the law. In essence, the PDJ’s view was that if the facts are undisputed but the law is nevertheless unclear as to whether the charge has been made out, some latitude can be afforded to allow deferment of the accused person’s indication (that he intends to plead guilty) if a superior court is on the cusp of issuing a legal ruling that will put that uncertainty to rest.

45 As a matter of principle, the PDJ’s view is not without force. If a question mark hangs over whether a necessary element of the offence is satisfied at law (the substratum of facts being undisputed), the accused person’s very liability would be in issue. Given the PG Guideline’s utilitarian objective of not wasting resources, there may be little point to insisting that the accused person pleads guilty in haste, only for a judicial ruling to be issued shortly thereafter clarifying that the offence was simply not made out on the facts. Instinctively, one would expect such situations to be rare. Caution should also be exercised against attempts to creatively conjure legal uncertainty where none exists, so as to justify an accused person’s delay in indicating his intention to plead guilty.

46 However, the present case does not involve any legal uncertainty as to whether the charge was made out. Given the stark facts of this case, it is difficult to conceive how *any* element of the offence underlying the Dangerous Driving Charge could *not* have been made out at law. Indeed, when I queried Counsel for the Offender to point me to the element of the Dangerous Driving Charge

that might potentially be regarded as not having been fulfilled at law, he candidly agreed that the offence *was* made out. This is also consistent with the fact that at the very first CCR session on 15 May 2025, the PDJ pointedly told the Offender that the Dangerous Driving Charge *was* made out (see [37] above). It is thus clear that the reason why the Offender held back on indicating his intention to plead guilty was *not* because of any legal uncertainty over whether the Dangerous Driving Charge had been made out on the undisputed facts. Indeed, the Offender's liability under the Dangerous Driving Charge appears to never have been in doubt. Rather, the Offender was waiting for greater clarity as to his likely *sentence*. This is seen in parties' intimation at the CCR session on 15 May 2025 that they wanted to await the release of the High Court's decision in *Jeremiah Ng*. That was a decision in which the High Court promulgated a sentencing framework clarifying just what *sentence* the Offender could expect to receive for the Dangerous Driving Charge (at [81]–[84]).

47 Consequently, a primary basis upon which the PDJ had exercised his discretion to accord a higher discount than the maximum recommended by the PG Guidelines – being that the Offender was justified in awaiting legal certainty as to whether the Dangerous Driving Charge was made out on the (undisputed) facts – was absent. Having said that, did the Offender's desire to await greater clarity on the likely *sentence* – emanating either from a sentencing indication by the CCR Judge or an impending superior court ruling promulgating a sentencing framework – constitute good reason for his delay in indicating his intention to plead guilty? If so, the PDJ's decision to exceed the recommended 20% discount could potentially be justified on that basis. On the facts of the present case, I am of the view that it did not. The PG Guidelines contemplate that *even* in the face of a genuine dispute over sentence, the offender is *still* expected to give his indication (that he intends to plead guilty) within the applicable timeframes, in order to benefit from the recommended discounts.

Specifically, offenders in Newton Hearings (where parties adduce evidence on sentence rather than guilt) wishing to avail themselves of the Stage 1 discount must still indicate – *within the 12-week window* – that they intend to plead guilty (although the Newton Hearing itself can be fixed for later).⁴³ Similarly, there was nothing to prevent the Offender from giving the requisite indication within the 12-week window to lock in his eligibility for the Stage 1 discount – it being already clear that the charge was made out at law – while awaiting clarity on his likely sentence (whether by way of a sentencing indication from the PDJ or the release of the *Jeremiah Ng* decision).

48 No doubt, it was open to the Offender to keep his powder dry by refraining from indicating any intention to plead guilty, thereby expressly reserving his entitlement to claim trial should the impending decision in *Jeremiah Ng* unveil a likely sentence which proved too much to swallow. While accused persons may be entitled as a matter of right to keep their options open in such a manner, that necessarily puts the Prosecution through the expense of *continuing* to move the case towards trial in the meantime (there being no clear indication that a trial is off the table). The ensuing waste of the State's resources would have been particularly avoidable in a case such as the present, where the Offender must have known from the outset that the Dangerous Driving Charge was *indubitably* made out. Offenders who hold their cards close to their chest under such circumstances thus adopt a posture that is plainly at odds with the utilitarian goals underpinning the PG Guidelines (at [32] above). It is thus difficult to sympathize with them when, by their chosen strategy, they end up disqualifying themselves from the discounts under the PG Guidelines.

⁴³ PG Guidelines at para 11, Scenario 4.

49 Parenthetically, I should also observe that even after the *Jeremiah Ng* decision was released on 14 July 2025, the Offender *still* failed to indicate that he would plead guilty. Specifically, at the following CCR session on 15 October 2025, no such indication was given, despite the PDJ *himself* having given a sentencing indication at that very session (presumably after having taken guidance from the *Jeremiah Ng* decision): see [37] above. Instead, the Offender waited for another *six weeks after that*, before finally giving his indication at the CCR session on 26 November 2025. No satisfactory explanation was proffered for the protracted delay. For good measure, I should also clarify that the delay cannot be attributed to the CCR sessions – parties were clear that the PDJ had never suggested to the Offender that the latter was entitled to postpone the giving of his indication under the PG Guidelines, pending clarity on the likely sentence.

50 During the hearing of the appeal, a further submission raised by the Offender’s Counsel was that during the CCR sessions, the Offender gave an *implicit* indication that he was going to plead guilty. Counsel contended that while the Offender did not state semantically that he was going to plead guilty, the tenor of the conversations left no doubt about his desire to throw in the towel. Counsel highlighted that this plainly cohered with the evidence, which demonstrated no triable issues. The “spirit” of the discussions at the CCR sessions, argued Counsel, cannot now be ignored by the Prosecution. The Prosecution, on its part, vehemently denies ever having registered any such implicit indication from the Offender. In my view, the Offender’s submission on this point suffers from several flaws.

- (a) Firstly, the notion that a trial was never on the cards – because the evidence was so compelling that no triable issues could be discerned – is diametrically opposed to the position which the Offender had

advanced earlier. To recapitulate, even after the 12-week window under Stage 1 lapsed, the Offender was still seeking to advance the position that it was unclear whether the Dangerous Driving Charge had been made out on the facts: see [42] above.

(b) More importantly, any such *implicit* indications from the Offender that he would plead guilty – purportedly made during the CCR sessions – were irrelevant. The CCR sessions, which commenced on 15 May 2025, were held more than half a year *after* the 12-week window encapsulated by Stage 1 expired on 17 October 2024. There was nothing to suggest that the Offender had given any such indication (whether in “spirit” or otherwise) during those 12 weeks. I am unable to accept that what transpired during the CCR process could be used to justify a retrospective reinstatement of the Offender’s eligibility for a Stage 1 discount, if Stage 1 had lapsed long before that.

51 At a broader level, I harbour grave reservations about the notion that *implicit* indications will suffice for purposes of the PG Guidelines, given the operational ramifications. Accepting this means that it will always be possible for the defence to argue, *ex post facto*, that the Offender did – whether in spirit, in effect or by inference – indicate to the Prosecution that he intended to plead guilty. It does not take much imagination to conceive of how this will open the gates to all manner of he-said-she-said allegations being levelled by the prosecution and defence against each other. In fact, I could not help but get the impression that some of the oral submission before me at this appeal, as regards what transpired during the CCR sessions, bordered on such allegations. Such a state of affairs would render the PG Guidelines practically inoperable. The prosecution cannot be left second-guessing the defence’s designs. The accused person must pin his colours to the mast and send a clear indication that a trial is

no longer on the cards, so as to bring an immediate halt to any further unnecessary consumption of the State's resources preparing the matter for trial.

Conclusion

52 While the PDJ's judgment on sentence was by and large solidly reasoned, the decision to accord the Offender a sentencing discount of 30% warranted appellate intervention. The procedural history of this case reveals nothing out of the ordinary which might have justified excusing the Offender for allowing the 12-week window in Stage 1 to lapse without any indication having been given. To the extent that the PDJ had excused the delay on the basis that it was justifiable for the Offender to wait for greater legal certainty as regards the likely *sentence*, this would in my view have been contrary to principle (at least on the present facts). The Offender should have given his indication *first*, while waiting for that legal certainty to arrive, especially when there was no doubt about the Dangerous Driving Charge being made out at law. Absent any persuasive reasons for departing from the 20% maximum discount recommended by the PG Guidelines, a discount of 20% (rather than 30%) would have been appropriate.

53 This is a fitting juncture to underscore the point made at [39] above, being that the court undoubtedly has the discretion to depart from the PG Guidelines. Occasions will arise when such departures will be made – an example of this being seen in *Iskandar bin Jinan*, where the court observed how an unattenuated application of the PG Guidelines would result in a “cliff effect” on the sentences under the statutory regime concerned (at [99]). While I would refrain from attempting to pre-emptively catalogue when derogation from the recommendations in the PG Guidelines may be warranted, I would venture to say that it was not warranted on the facts of the present facts. The sentencing

court had taken a somewhat permissive approach in exceeding the recommended discount – this had the potential to needlessly blunt the incentive scheme underlying the PG Guidelines and thereby dilute its efficacy in delivering the utilitarian objectives that our courts have endorsed (see *Iskandar bin Jinan* at [49]–[51]).

54 Nevertheless, as foreshadowed at [18] above, I decline to disturb the sentence imposed by the PDJ for the Dangerous Driving Charge. As explained at [29] above, a pre-discount imprisonment term of 14 years would have been appropriate on the present facts. Applying a 20% discount to that yields an imprisonment term of a little over 11 years, which is what the PDJ imposed.

55 Accordingly, the appeals by both the Prosecution and Defence are dismissed.

Christopher Tan
Judge of the High Court

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