

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE
[2026] SGYC 3

YOUTH COURT APPEAL
YA-0005-2026-01
CASE NO.: YC-900131-2025

Between

Public Prosecutor

And

YFT

GROUND OF DECISION

[Criminal Procedure and Sentencing] — [Sentencing] — [Young Offenders]
— [Children and Young Persons Act]

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Public Prosecutor

v

YFT

[2026] SGYC 3

YOUTH COURT APPEAL

YA-0005-2026-01

Case No.: YC-900131-2025

District Judge Eugene Tay

7 July 2026

27 July 2026

District Judge Eugene Tay:

Introduction

1 On 21 May 2026, YFT (“the Youth”) pleaded guilty to one charge of engaging in conspiracy to commit voyeurism (committed sometime in or around February 2025) under Section 377BB(3) of the Penal Code 1871 (“Penal Code”), punishable under Section 377BB(7) read with Section 109 of the Penal Code (“Proceeded Charge”), and consented to one similar charge (committed sometime on or around 6 March 2025) to be taken into consideration (“TIC Charge”) (collectively, “Present Offences”).

2 At the time of entering her plea, the Youth was represented by Defence counsel assigned by the Public Defender’s Office (“Defence Counsel”).

3 On 7 July 2026, after considering the Probation Suitability Report (“PSR”) prepared by the probation officer, Ms Sweeney Chen (“PO”), the views from 2 advisors from the panel of advisors to the Youth Court¹, as well as

¹ Under section 38 of the Children and Young Persons Act 1993

submissions from the Prosecution and Defence Counsel, I ordered the Youth to reside in Singapore Girls' Home ("SGH") under a Juvenile Rehabilitation Centre ("JRC") order for a period of 12 months ("JRC Order").

4 On 8 July 2026, the Youth's father filed a Notice of Appeal ("NOA") against the *length* of the JRC Order.

Background

5 It is necessary to state that the Present Offences are not the first offences the Youth had committed. On 13 December 2023, the Youth had pleaded guilty to one charge of rioting (committed on 26 September 2023) and consented to one charge of providing false information to a public servant (committed on 26 September 2023) to be taken into consideration (collectively, "Prior Offences"). On 23 January 2024, the Youth was placed on probation for a period of 21 months for the Prior Offences.

6 It can be seen from the above dates and timelines that the Youth had committed the Present Offences while *still on probation* for the Prior Offences.

7 On 21 May 2026, the Youth admitted to the contents of the Statement of Facts ("SOF") without qualification and was found guilty of the Proceeded Charge. She also admitted to the TIC Charge and consented to have it taken into consideration.

8 After considering the Prosecution's address on orders as well as the mitigation plea by Defence Counsel, I adjourned the case to 7 July 2026 for a PSR to be prepared.

9 In the PSR, the PO assessed that the Youth is not suitable for probation, and recommended that she be sent to SGH under a JRC order for a period of 12 months (“Recommendation”)².

10 At the hearing on 7 July 2026, Defence Counsel did not make the submission that the Youth should be placed on probation. Instead, Defence Counsel asked the Court to consider an order for the Youth to be placed in an alternative JRC, such as Muhammadiyah Welfare Home (“MWH”) or Pertapis Centre for Women and Girls (“PCWG”), to provide her with religious teachings to bolster her rehabilitation, and instil her with discipline and faith. Defence Counsel stated that the Youth understood she requires a structured environment but requested a JRC with a greater focus on Islamic teachings. Defence Counsel submitted an extract from the Government Gazette which stated, among other things, that PCWG was appointed as a JRC, with effect from 15 June 2012.

11 The Prosecution aligned itself with the PO’s Recommendation, and left the Court to determine the appropriate JRC order to pass. The Prosecution informed the Court that, having done a search in the Government Gazette, no notification to remove PCWG as a JRC could be found.

12 The PO informed that MWH is an all-boys’ institution, and that PCWG is a semi-open institution. The PO also informed that religious classes will be available in SGH. The PO maintained her Recommendation, as she assessed that the Youth required a stay in an institution with increased level of supervision, which she was unsure whether PCWG could provide.

² Page 1 of the PSR

13 After consideration, I accepted the PO’s Recommendation and passed the JRC Order, after giving brief reasons.

14 The Youth was about 16 years of age at the time the JRC Order was passed.

Issue to be determined

15 Since the Youth had pleaded guilty to the Present Offences, the issue to be determined is what are the appropriate dispositional orders to pass for her under section 49 of the Children and Young Persons Act 1993 (“CYPA”).

16 In the NOA, the Youth’s father indicated that the appeal was against *part* of my decision, i.e, the *length* of the JRC Order. He did *not* indicate or state that the appeal was against the *whole* of my decision. I therefore took it that it was *not* the case that he disagreed that: (i) the Youth should be placed in a JRC instead of probation or (ii) that SGH was the appropriate JRC. Rather, he was dissatisfied with the *period* of 12 months that she was ordered to reside in SGH.

17 Nonetheless, for completeness, I will still provide my reasons why I had determined that probation is not suitable, as well as why a JRC order of 12 months in SGH is the appropriate dispositional order for the Youth.

The Relevant Law

18 When a Court deals a youthful offender, there are two distinct but related stages (*PP v Mohammad Al-Ansari bin Basri* [2008] 1 SLR(R) 449 at [77] to [78] and *PP v Koh Wen Jie Boaz* [2016] 1 SLR 334 (“*PP v Boaz Koh*”) at [28]). The first stage is for the Court to identify and prioritise the primary consideration appropriate to the youth in question having regard to all the

circumstances including those of the offence. This will then set the parameters for the second stage of the inquiry, which is to select the appropriate order that would best meet those considerations and the priority that the judge has placed upon the relevant ones.

19 The dominant consideration for youthful offenders will generally be rehabilitation (*PP v Mok Ping Wuen Maurice* [1998] 3 SLR(R) 439 at [21] and *PP v Boaz Koh*) at [29]). However, the focus on rehabilitation can be diminished or even eclipsed by such considerations as deterrence or retribution where the circumstances warrant, and broadly speaking, this happens in cases where (a) the offence is serious, (b) the harm caused is severe, (c) the offender is hardened and recalcitrant, or (d) the conditions do not exist to make rehabilitative sentencing options such as probation or reformatory training viable (*PP v Boaz Koh* at [30]).

20 The High Court in *PP v Boaz Koh* also observed at [34] that:

“34...if rehabilitation remains the primary consideration, then the court can consider one from among the wide range of sentencing options it has at its disposal. These include options such as community-based rehabilitation, probation, placement in a juvenile rehabilitation centre, reformatory training, fines, caning and imprisonment. Each of these sentencing options, or a combination of them, vindicates one or more of the classical principles of sentencing (*ie*, retribution, deterrence, prevention and rehabilitation...) to varying degrees and extents within an overarching emphasis on the rehabilitation of the youthful offender.”

21 For completeness, I was also guided by the statutory principle set out in section 4(b) of the CYPA which states that in all matters relating to the

administration or application of the Act, the welfare and best interests of the child or young person must be the first and paramount consideration.

Decision

Rehabilitation is the dominant consideration

22 The Youth was slightly under 15 years of age when she committed the Present Offences, and about 16 years of age when the JRC Order was passed.

23 While she is not a first-time offender, given her relatively young age, I considered that there she still has potential for rehabilitation. I did not think that the primacy of rehabilitation as the dominant consideration was diminished or eclipsed. As such, I took the view that *rehabilitation* remained the dominant consideration under the first stage of the inquiry.

24 The next step under the second stage of the inquiry is to ascertain the appropriate orders to be passed for the Youth.

The Probation Suitability Report

25 As stated at [9] above, the PO assessed that probation is not suitable for the Youth, and recommended that she be sent to SGH under a JRC order for a period of 12 months.

26 The PO assessed the Youth's risk of re-offending to be moderate, compared to other female offenders. The PO also identified several risk factors³, including the following:

³ Page 2 of the PSR

- (a) (The Youth's) involvement in the offences demonstrated her poor victim empathy, limited consequential thinking and misguided peer loyalty;
- (b) Her denial of her role in the offences, inconsistencies in her accounts to professionals, and her externalisation of blame onto her peers across both her prior and current offences, reflected a persistent pattern of minimisation of her actions, limited insight, lack of accountability and little genuine remorse. Her lack of motivation towards behavioural change further presented as a significant barrier to her successful rehabilitation;
- (c) (The Youth's) poor conduct in school, persistent irregular attendance, and offending while on probation reflected her entrenched defiance towards authority and failure to internalise the severity of her actions.

27 The PO also assessed that the Youth's susceptibility to negative peer influence contributed to her involvement in the Present Offences, and that her history of adverse childhood experiences had contributed to development of maladaptive beliefs and behaviours. The PO further assessed that the parents' acrimonious relationship, coupled with the lack of effective parental supervision and discipline, may have exacerbated the Youth's misbehaviours and spurred her to seek a sense of relatedness through her negative peers.

28 On a positive note, the PO stated the Youth's mother's willingness to work collaboratively with professionals as a positive factor that can be leveraged to support her rehabilitation. At the same time, however, the PO also assessed that while the Youth's mother had remained engaged and committed to her rehabilitation, her difficulties in enforcing consistent boundaries and addressing the Youth's behaviours effectively, coupled with the Youth's limited receptivity towards parental guidance, had limited the family's capacity to support her desistance from offending.

The appropriate orders

29 In considering the appropriate dispositional orders for the Youth, I was guided by the following observation of the High Court in *A Karthik v Public Prosecutor* [2018] SGHC 202 at [79]:

“79...it makes good sense for the court to give careful consideration to the reports prepared by probation officers. It is the probation officer who is usually best apprised of the offender’s circumstances and, hence, of his suitability for the probation regime. Therefore, the court should ordinarily be slow to depart from the recommendations of a probation officer unless: (a) it is clear that the circumstances upon which the probation officer’s recommendations were based were factually incorrect or have since changed materially; or (b) there was no proper basis for the probation officer’s recommendations.”

30 In the present case, the Youth (be it herself or through Defence Counsel) did not make any submission in Court that the PO’s Recommendation was based on incorrect facts or circumstances that have materially changed. Neither was there any allegation that there was no proper basis for the PO’s Recommendation.

31 As such, I placed significant weight on the PO’s assessment that probation was not a suitable option for the Youth, as well as the PO’s Recommendation.

32 It is unfortunate that the Youth had committed the Present Offences while she was still serving a probation order for the Prior Offences. I agreed with the Prosecution that the commission of the Present Offences indicated some degree of recalcitrance⁴. I also accepted the PO’s assessment that the

⁴ Paragraph 2.e. of Prosecution’s Address on Order.

Youth's offending while on probation reflected a failure on to internalise the severity of her actions.

33 I noted that the PO had stated in the PSR that, contrary to the SOF, the Youth denied that she had agreed with her accomplice to photograph the victim in the washroom cubicle, denied holding her accomplice's handphone, and denied taking any photograph of the victim herself, and maintained that she was not involved in taking the photographs and that it was her accomplice who had taken the photographs of the victims using the accomplice's own handphone⁵.

34 As stated at [2] above, the Youth was represented by Defence Counsel at the time she entered her plea on 21 May 2026. Pertinently, after the SOF was read out in Court, she had admitted to the SOF *without qualification*, after which she was found guilty of the Proceeded Charge. Thereafter, she also admitted to the TIC Charge and consented to have it taken into consideration. Further, on 7 July 2026, Defence Counsel did not raise any issue with the SOF and/or finding of guilt while presenting further submissions after having had sight of the PSR.

35 As such, for avoidance of doubt, the SOF (and hence the finding of guilt on the Proceeded Charge) stands, as admitted. In this regard, the Youth's denial to the PO of her role and involvement in the Present Offences is regrettable and reflected her limited insight, lack of accountability and little genuine remorse.

36 While I noted that the Youth's risk of re-offending was assessed by the PO to be moderate (as opposed to high or very high), I also took into account the various risk factors set out by the PO in the PSR, which I found to be fairly significant and of concern. At the same time, while I noted that this case is not

⁵ Page 3 of the PSR.

without strengths or protective factors, for example, the Youth's mother's commitment towards the Youth's rehabilitation and willingness to work collaboratively with professionals, I found the strengths and protective factors to be otherwise limited.

37 In *PP v GCB (A Minor)* [2019] SGYC 1 ("*PP v GCB*"), the Court stated at [24] that the level of support the family is able to provide is an important consideration because probationary supervision takes place substantially in the offender's natural setting, and that for probation to be viable, there must be a workable level of support and supervision at home. In *PP v GFC* [2022] SGYC 2 ("*PP v GFC*"), the Court noted at [27] that good family support and supervision is vital if a youth is to be placed on probation, and this is especially needed if the youth has significant risk factors. I agreed with these statements.

38 In the present case, given the limited strengths within the Youth's family as assessed by the PO, I had considerable doubts whether the family would be able to provide the necessary support, supervision and guidance to steer the Youth away from further offending and misbehaving. The lack of strong family support and supervision in this case is a factor that weighs against rehabilitation in the community at this point in time.

39 Overall, having considered the Youth's risk of re-offending, the fact that she had re-offended while on probation, her risks factors as well as limited strengths and protective factors, I agreed with the PO's assessment that probation is not a suitable option for the Youth. Given her lack of insight, accountability, remorse and motivation, I was not convinced that, at least at this juncture, she has the genuine resolve to turn her life around such that another probation order should be given.

40 It should be emphasised that just because rehabilitation retains primacy as the dominant consideration does not necessarily mean that the least intrusive or severe option would be ordered, if it is not in the Youth’s welfare and best interests. I found the following comments by the Court in *PP v GCB (A Minor)* [2019] SGYC 1 (“*PP v GCB*”) helpful:

“3 The Youth Court operates with the welfare and best interests of the juvenile as its first and paramount consideration. Keenly aware that the offenders before the court are still very young and are capable of being moulded, the court’s primary concern is not that of calibrating and meting out punishment proportionate to the offence. Neither is deterrence a foremost consideration, especially general deterrence. Instead, the court focuses primarily on finding rehabilitative measures and solutions that are most workable for the juvenile, given the fact and circumstances of the case.

4 Such an approach cannot mean that a less intrusive or less severe option such as probation is always chosen, as though every juvenile would be entitled to it by virtue of his youthfulness. The court may generally prefer a parsimonious approach, favouring less intrusive and less severe options wherever possible. But it has ultimately to ensure that the order chosen would be one that best serves the interests of the young offender before it. More rigorous orders will have to be imposed where they are needed.”

41 While Defence Counsel had sought placement in an alternative JRC instead of SGH on religious grounds, the religious element was ultimately not a significant factor in determining the appropriate dispositional order. I took into account (as informed by the PO at [12] above) that religious classes are also available in SGH, as well as PO’s assessment that the Youth required increased level of supervision, which PCWG (while being a JRC) may not be able to provide, since it is still a semi-open institution.

42 Having considered, I found that SGH would be the appropriate JRC for the Youth to reside in, so that she can receive rehabilitation and intervention in a structured and disciplined environment.

43 As for the length of the JRC Order, I saw no good reason to depart from the PO's Recommendation of 12 months residence in SGH. It bears noting that no issue or objection was raised at the hearing on 7 July 2026 as to the recommended *length* of the JRC order. In any event, I did not think 12 months would be considered long for a JRC order. It would be necessary (and in her best interests and welfare) to allow sufficient time for the Youth to receive the necessary intervention and rehabilitation to address her offending behaviour, her risk factors and other areas of concern identified by the PO.

44 It bears emphasising that while a JRC order is a more restrictive order than a probation order, given that it is usually carried out in a more structured and closed environment, a JRC order is fundamentally rehabilitative in nature, where the focus remains on rehabilitating the offender, instead of punishment, incapacitation or deterrence (*PP v GCB* at [36]⁶ and *PP v GFC* at [33]).

⁶ The Court in *PP v GCB* also stated that opportunities will be available for education and counselling, and home leave and even day-release is often granted within the duration of the orders.

Conclusion

45 In conclusion, I was of the view that the JRC Order of 12 months residence in SGH would be in best interests and welfare of the Youth and therefore so ordered.

46 At the time of the writing of this judgment, there is no stay (or any application for a stay) of the JRC Order.

Eugene Tay
District Judge

Mr Joel Fun, Deputy Public Prosecutor (Attorney-General's chambers)
for the Prosecution

Mr Ryan David Nonis Cherng Yueh (Public Defender's Office)
for the Youth, with parents
