IN THE COURT OF APPEAL OF THE REPUBLIC OF SINGAPORE

[2026] SGCA 3

Court of Appeal / Criminal Appeal No 5 of 2025

Between

Ng Soon Kiat

… *Appellant*

And

Public Prosecutor

… *Respondent*

GROUNDS OF DECISION

[Criminal Procedure and Sentencing — Sentencing]

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Ng Soon Kiat
v
Public Prosecutor

[2026] SGCA 3

Court of Appeal — Criminal Appeal No 5 of 2025
Steven Chong JCA, Belinda Ang Saw Ean JCA and Hri Kumar Nair JCA
10 November 2025

28 January 2026

Belinda Ang Saw Ean JCA (delivering the grounds of decision of the court):

Introduction

1 The appellant, Mr Ng Soon Kiat, pleaded guilty to and was convicted of the following three charges:

(a) a charge of trafficking in not less than 166.99g of methamphetamine under s 5(1)(*a*), punishable under s 33(1) of the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) ("MDA") (the "Drug Trafficking Charge");

(b) a charge of rioting under s 147 of the Penal Code (Cap 224, 2008 Rev Ed) (the "Rioting Charge"); and

(c) a charge of drink driving under s 67(1)(*b*) read with s 67(2)(*a*) of the Road Traffic Act (Cap 276, 2004 Rev Ed) ("RTA") (the "Drink Driving Charge").

2 Five other charges were taken into consideration ("TIC") for sentencing. Four of them related to the appellant's involvement as a member of an unlawful society. For three of the four charges related to the appellant's involvement as a member of an unlawful society, the appellant was charged for an offence under s 14(3) of the Societies Act (Cap 311, 1985 Rev Ed), while for the remaining charge, the appellant was charged under s 14(3) of the Societies Act (Cap 311, 2014 Rev Ed). The last TIC charge related to an offence of driving without due care and attention, an offence under s 65(1)(*b*) punishable under s 65(5)(*a*) read with s 65(5)(*c*) of the RTA.

3 A judge of the General Division of the High Court (the "Judge") imposed the following sentences:

(a) Drug Trafficking Charge: 13 years' imprisonment and 10 strokes of the cane.

(b) Rioting Charge: 1 year and 6 months' imprisonment and 3 strokes of the cane.

(c) Drink Driving Charge: A fine of $6,000, and in default of payment, 2 weeks' imprisonment. The appellant was also disqualified from holding or obtaining a driver's licence for all classes of vehicles for a period of 34 months, to commence only on the appellant's release from prison.

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4 The prison sentences for the Drug Trafficking Charge and the Rioting Charge were to run consecutively. This resulted in an aggregate sentence of 14 years and 6 months' imprisonment and 13 strokes of the cane. The Judge's full grounds of decision are found in *Public Prosecutor v Ng Soon Kiat* [2025] SGHC 48 (the "GD").

5 On appeal, the appellant contended that: (a) the custodial sentence imposed for the Drug Trafficking Charge should be shorter due primarily to his low level of culpability, a factor that was acknowledged and accepted by both the Prosecution and the Judge, and (b) the disqualification period of 34 months for the Drink Driving Charge should commence on the date of his conviction and not on the date of his release from prison. There was no appeal against the number of strokes of the cane imposed for the Drug Trafficking Charge. There was also no appeal against the sentence imposed for the Rioting Charge.

6 We heard the appeal on 10 November 2025 and allowed it in part. As for the appellant's disqualification order of 34 months, we agreed with the appellant on the commencement date of the disqualification period and in allowing the appeal, ordered the disqualification period to instead commence on the appellant's date of conviction (*viz*, 3 February 2025). However, we dismissed the appellant's appeal against the sentence imposed in respect of the Drug Trafficking Charge. We now set out the reasons for our decision.

Background

7 The facts of the present case have been set out by the Judge in the GD. We provide a summary of the relevant facts as context to the appeal.

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Facts relating to the Drug Trafficking Charge

8 The appellant began working for one Lim Jun Ren (“Jun Ren”) sometime in August 2020. Jun Ren was working for a Malaysian drug supplier, known to him as “Ah Cute”, to traffic drugs in Singapore. Jun Ren would make the arrangements to collect drugs from Malaysian lorries in Singapore, repack them, and deliver the drugs in parcels to “POPStation”, a locker system operated by Singapore Post (“SingPost”). At the material time in September 2020, users could rent lockers at various POPStation kiosks.

9 To rent a locker, renters must physically go to a POPStation kiosk and input information such as (a) the intended recipient of the item, (b) the intended recipient’s mobile number (if the intended recipient was not the renter), and (c) the renter’s own mobile number. A six-digit Personal Identification Number (“PIN”) would be sent to the renter’s mobile number. The renter would enter this number and confirm the information’s accuracy, before making payment.

10 After payment, the renter would proceed to enter the drop-off PIN and the locker number at the POPStation kiosk to open the locker and deposit the parcel into the locker. The locker door is then closed to complete the process.

11 The intended recipient would receive a text message containing the location of the POPStation kiosk and the locker number, a collection PIN, and the expiry date and time of the rental. The collection PIN and locker number must be entered physically at the kiosk to open the locker.

12 The appellant would receive instructions from Jun Ren to place parcels containing drugs at POPStations, and Jun Ren would pay the appellant between $50 to $80 for each drop-off at a locker rented for the purpose of drug delivery.

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The appellant would forward the location and PIN of the POPStation lockers to Jun Ren, who would forward the same to “Ah Cute”. “Ah Cute” would then forward these details to his customers in Singapore.

13 On 8 September 2020, Jun Ren was arrested by officers from the Central Narcotics Bureau (“CNB”). A mobile phone seized from him contained a notification message dated 8 September 2020, stating that an item (the “Item”) was ready for collection from a POPStation. SingPost duly secured the locker pending CNB’s retrieval of the Item, and SingPost records indicated the mobile number of the person who deposited the Item. Investigations revealed that the appellant was the subscriber of this mobile number, and that he was acquainted with Jun Ren.

14 On 14 September 2020, the locker was opened with SingPost’s assistance. The Item was a sealed packet bearing the words and logo of “Ninja Van”. The packet contained, *inter alia*, four packets containing crystalline substances, marked as “A1A1A”, “A1A2A”, “A1A3A” and “A1A4A” respectively (collectively, “the Exhibits”). Later that day on 14 September 2020 at about 12.40pm, CNB officers arrested the appellant at his residence.

15 Collectively, the Exhibits contained not less than 970.9g of crystalline substance, which was found to contain not less than 658.1g of methamphetamine. However, the Drug Trafficking Charge was for trafficking not less than 166.99g of methamphetamine.

Facts relating to the Drink Driving Charge

16 On 30 August 2020, sometime before 3.27am, the appellant drove a van that belonged to Ninja Van Pte Ltd (the “Van”) along the Pan Island Expressway

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("PIE") and exited the PIE to Clementi Avenue 6. Along Clementi Avenue 6, the Van veered to the right and left of the three-lane road before mounting a kerb on the left side of the road. After mounting the kerb, the appellant continued driving but stopped the Van shortly thereafter at a bus stop. No damage was caused to public property, although there were scratches and dents on the Van.

17 At 3.44am, Traffic Police officers arrived at the scene in response to a "999" call. The appellant told the officers that a valet had driven the Van, not him, and the valet had abandoned him. The appellant had earlier, from 8.30pm to 11.00pm on 29 August 2020, "consumed about five bottles of Heineken beer". The appellant was brought back to the Traffic Police Headquarters for a breath analysing device ("BAD") test after an on-scene breathalyser test. The BAD test, conducted at around 5.41am on 30 August 2020, showed that the appellant had 65 microgrammes of alcohol in 100 millilitres of breath. The prescribed limit was 35 microgrammes of alcohol in 100 millilitres of breath under s 72 of the RTA. The appellant was arrested and released on station bail the same day.

18 We note here that the appellant committed the drink driving offence while on bail for the Rioting Charge and he committed the drug trafficking offence while on bail for the Drink Driving Charge.

Decision below

Drug Trafficking Charge

19 The Judge agreed with the Prosecution that the indicative starting sentence for first-time offenders like the appellant should be 15 years'

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imprisonment and 11 strokes of the cane which was at the highest end of the sentencing band set out in *Adeeb Ahmed Khan s/o Iqbal Ahmed Khan v Public Prosecutor* [2022] 2 SLR 1197 ("*Adeeb Ahmed Khan*") at [38], given the large quantity of methamphetamine trafficked being not less than 166.99g of methamphetamine seized in this case (GD at [39]).The final sentence imposed on the appellant was 13 years' imprisonment and 10 strokes of the cane for the Drug Trafficking Charge (GD at [53]).

20 The Judge adjusted the indicative starting sentence downwards by 0.5 years and 1 stroke of the cane to account for the appellant's culpability and the relevant aggravating and/or mitigating factors (GD at [50]). In so doing, the Judge accepted that the appellant's role in the commission of the offence was limited and that he operated under Jun Ren's instructions, which indicated his relatively lower level of culpability. The Judge also accepted the Prosecution's submission that the commission of the drug trafficking offence while on bail was an aggravating factor (GD at [43]). The appellant's reliance on other mitigating factors such as his confession and cooperation and that he was a first-time offender did not find much favour with the Judge (GD at [44]–[48]). This adjustment brought the sentence down to 14 years and 6 months' imprisonment and 10 strokes of the cane before applying any discount for the appellant's guilty plea (GD at [50]). Finally, the Judge agreed with the parties that a 10% discount for the appellant's plea of guilt was appropriate, as the appellant had decided to plead guilty one day after receiving a revised offer of a non-capital charge from the Prosecution (GD at [52]).

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Drink Driving Charge

21 The Judge imposed a fine of $6,000 with a default sentence of 2 weeks' imprisonment and further disqualified the appellant from holding or obtaining a driving licence for all classes of vehicles for a period of 34 months, to commence only on the appellant's release from prison (GD at [72(c)]).

22 In relation to the date of commencement of the disqualification period, the Judge noted a general rule that if an offender is sentenced to a term of imprisonment in respect of a separate and unconnected offence, the disqualification order should commence on the date of conviction, relying on *Muhammad Ramzaan s/o Akhbar v Public Prosecutor* [2023] SGHC 9 ("*Ramzaan*") at [16] which cited *Muhammad Saiful bin Ismail v Public Prosecutor* [2014] 2 SLR 1028 ("*Saiful*") at [46] (GD at [67]). The Judge, however, considered that this general rule should be displaced in this case, and the disqualification period should commence after the appellant's release from prison, for two reasons (GD at [68]).

23 First, allowing the disqualification order to commence on the date of conviction would render the disqualification order completely nugatory, considering the lengthy imprisonment term that the appellant has been sentenced to (GD at [68]).

24 Second, accused persons already facing the prospect of imprisonment should be disincentivised from committing further driving offences which may not otherwise attract imprisonment. The appellant had committed the Drink Driving Charge after and while he was out on bail for the Rioting Charge that had the prospect of imprisonment. Ordering the disqualification period to

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commence on the date of the appellant's conviction would undercut the penal effect of a substantial portion of the disqualification period (GD at [68]).

The parties' arguments on appeal

The Drug Trafficking Charge

The appellant's submissions

25 The appellant contended that the sentence imposed for the Trafficking Charge was manifestly excessive and that the appropriate imprisonment term should be around 11 years and 9 months, and not 13 years as imposed by the Judge.

26 The appellant submitted that the Judge did not accord weight or appropriate weight to his low level of culpability and other mitigating factors raised by him.

27 First, the appellant compared his case with the circumstances in *Vasentha d/o Joseph v Public Prosecutor* [2015] 5 SLR 122 ("*Vasentha*") and contended that a greater adjustment should be accorded to his lower level of culpability.

28 Second, the appellant relied on the principle of parity. He submitted that comparisons should be made with Jun Ren's first charge, which related to his possession of 166.99g of methamphetamine for the purposes of trafficking. For this charge, Jun Ren was sentenced to 16 years' imprisonment and 11 strokes of the cane. Given Jun Ren's significantly heightened culpability and his active involvement in the drug trade, a difference of 3 years' imprisonment and 1

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stroke of the cane between Jun Ren's and the appellant's sentence was inadequate.

29 More broadly, he was remorseful and cooperated with the authorities. He had nothing to offer to the authorities beyond his confession and cooperation due to his minor role and should not be denied credit for this.

30 The appellant also observed that the Judge had noted that the total amount of methamphetamine in the package was substantial and sufficient to attract capital punishment. While the Judge did not consider this to be an aggravating factor, it was noted as an indicium of the overall gravity of the matter. The appellant suggested that as a result, the Judge may have showed restraint in not granting a greater downward adjustment to the sentence.

The Prosecution's submissions

31 The Prosecution submitted that there are no grounds for appellate intervention as the Judge's sentence of 13 years' imprisonment and 10 strokes of the cane was not manifestly excessive.

32 First, the Judge accorded the appropriate weight to the aggravating and mitigating factors and the accused's lower culpability. The commission of the drug trafficking offence on bail, the second time the appellant had reoffended while on bail, was a serious aggravating factor.

33 Second, no further reduction to the sentence is required following Jun Ren's conviction and sentencing, as the parity principle does not assist the appellant.

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The Drink Driving Charge

The appellant's submissions

34 The appellant contended that the disqualification order of 34 months should commence on the date of conviction, and not the date of release from prison as the Judge had ordered.

35 First, with reference to the case of *Saiful*, the appellant contended that the following circumstances militated for the disqualification period to commence on the date of conviction:

(a) 13 years of the 14.5-year imprisonment term, or approximately 90% of the custodial sentence, arose from the Drug Trafficking Charge, which was committed after the Drink Driving Charge.

(b) The accused has been held in remand for 4.5 years, which was substantially longer than the disqualification period of 34 months.

(c) The Drink Driving Charge was a non-jailable offence unless the appellant defaults on the fine. Therefore, the main thrust of the offence's punishment would be the 34 months' disqualification order.

(d) The appellant was unaware that he faced the prospect of imprisonment, much less imprisonment of at least 17 months for the Rioting Charge. He thought that he could be let off with a serious warning instead of an imprisonment term.

36 Second, the appellant urged that the punishment should be viewed in totality. The appellant is currently serving an imprisonment term of 14.5 years and with good behaviour, will be spending at least 9 years and 8 months behind

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bars. The appellant would be "taken off the road" for a total of 142 months if the disqualification order were to commence after his release. The appellant also highlighted that he was working as a deliveryman for Ninja Van and he has lost his livelihood. He surrendered his driving licence upon arrest for drink driving on 30 August 2020 and has been off the road since then.

The Prosecution's submissions

37 The Prosecution submitted that the Judge was justified in ordering the disqualification order to commence after the appellant's release from prison. The circumstances in the present case were distinguishable from that in *Saiful,* where the High Court ordered the offender's disqualification period to commence on the date of conviction in dealing with two separate set of offences. In the present case, it was the appellant's deliberate and persistent re-offending that led him to be convicted and sentenced for his offences in the same hearing. This is in contrast to *Saiful*, where the drug trafficking offences took place four months after the traffic offence and the circumstances that led the sentencing court to deal with both sets of offences appeared to be fortuitous.

The parties' further submissions

38 The appellant was sentenced under s 67(1) of the RTA and duly punished under s 67(2) of the RTA. The relevance of s 67(2) of the RTA in determining the date of commencement of the disqualification period was not canvassed by the parties in the proceedings below and on appeal. We thus invited parties to file further written submissions to address us on this point. In response, the appellant indicated that he was making no further written submissions on this issue, as he did not have access to the RTA in prison.

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39 In the Prosecution's further written submissions, the Prosecution submitted that s 67(2) of the RTA is relevant, and the Judge's order for the disqualification period to commence on the date of the appellant's release is consistent with the ambit of s 67(2) of the RTA. The Prosecution submitted that following a purposive interpretation of s 67(2) of the RTA, the court is empowered to order the disqualification period to commence on the date of the appellant's release from prison, where the sentence of imprisonment and disqualification order arise out of separate and unconnected offences.

Issues to be determined

40 Two issues arose for our determination.

(a) First, whether the custodial sentence of 13 years' imprisonment for the Drug Trafficking Charge imposed by the Judge was manifestly excessive.

(b) Second, whether the Judge erred in ordering the disqualification period to commence only on the appellant's release from prison.

Issue 1: Whether the custodial sentence of 13 years' imprisonment and 10 strokes of the cane for the Drug Trafficking Charge was manifestly excessive on the facts.

Appellate intervention in sentencing

41 The principles governing appellate intervention in a trial judge's sentencing decision are well-established. In *Haliffie bin Mamat v Public Prosecutor* [2016] 5 SLR 636 ("*Haliffie*") at [71], this court held that an appellate court will not ordinarily disturb the sentence imposed by the trial judge except where it is satisfied that:

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(a) the trial judge erred with respect to the proper factual basis for sentencing;

(b) the trial judge failed to appreciate the materials placed before him;

(c) the sentence was wrong in principle; or

(d) the sentence was manifestly excessive or manifestly inadequate, as the case may be.

42 A sentence is only manifestly excessive or inadequate if it requires substantial alterations rather than minute corrections to remedy the injustice (*Haliffie* at [72]).

The sentence imposed by the Judge was not manifestly excessive.

43 In this appeal, the appellant did not challenge the number of strokes imposed by the Judge. Neither did he take issue with the indicative starting sentence of 15 years and 11 strokes of the cane for trafficking in not less than 166.99g of methamphetamine, in accordance with the applicable sentencing framework set out in *Adeeb Ahmed Khan* at [38].

44 With the aforesaid in mind, the appellant in brief sought an adjustment of a "net two years' adjustment from the 15 years' starting point" before applying the 10% discount for the appellant's plea of guilt. His main complaint was that given his limited role, a shorter term of imprisonment was warranted. He sought to compare his own involvement with that of Jun Ren, who received what he characterised as a relatively lenient sentence despite Jun Ren's heightened culpability (see [28] above). He also complained that the Judge's downward adjustment by a mere six months was too low for offender-specific

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factors given the presence of mitigating factors that the Judge had wrongly disregarded. We will deal separately with the appellant's submissions on *Vasentha* later.

45 We remind that the indicative starting point of 15 years' imprisonment and 11 strokes of the cane is based on the quantity of the methamphetamine in question, and discretion is given to the sentencing judge to adjust the sentence in an appropriate case taking into consideration all relevant circumstances, including the appellant's culpability as well as the presence of aggravating and mitigating factors. In our view, the Judge's downward adjustment of the indicative starting sentence by 0.5 years and 1 stroke of the cane was entirely appropriate on the facts having regard to the Judge's sentencing consideration of the following matters in making the adjustment.

Culpability of the appellant

46 The Judge accepted that the appellant played a limited role in the offence and only acted under the instructions of Jun Ren, and this indicated a *lower culpability*. The appellant's culpability is a relevant sentencing consideration. As observed in *Vasentha* at [39] to [40], different individuals play different roles in the chain of supply and delivery of drugs to end customers. Their culpability may differ depending on their respective roles. That said, offenders who perform the same role need not be equally culpable in the context of sentencing. This is because the offender's motive is a relevant consideration. An offender who engages in drug trafficking activities for personal gain would bear a higher degree of culpability than one who was coerced or threatened into doing so or was exploited because of the offender's low intellectual ability or naivety (see *Vasentha* at [40]).

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47 The appellant contended that the Judge had not accorded the appropriate weight to his low level of culpability in light of the limited role he undertook on Jun Ren's directions. His limited role was in only transporting the drugs to a POPStation locker; he did not process the drugs, had no influence over the drug prices and did not have any contact with the end users.

48 Whilst the appellant's culpability might be lower than Jun Ren's because of their differing roles in trafficking the drugs, this is not to say that his limited role in the chain of trafficking activity was minor. In our view, although he had acted under Jun Ren's instructions, his involvement facilitated the process of delivery of the drugs without which the delivery of the drugs to the end user could not be completed. The appellant's role in renting the POPStation locker and depositing the drugs in the locker, whilst limited in time and scope, nonetheless made him a vital part of the distribution channel of the drugs to the end users. The appellant's lack of knowledge and contact with the end users does not assist him, as it was simply the feature of the remote system of delivery which he played a part in. The appellant had used his personal mobile number to rent the lockers at the POPStations. As the Judge noted, the appellant's mobile number was linked to the POPStation locker in which the drugs were found (GD at [44]).

49 Even though the appellant did not attempt to evade detection, he had nonetheless leveraged upon his personal information to tap into and abuse the POPStation system, which was intended for the remote collection, post and return of legitimate parcels. This would have facilitated the remote handover of drugs which offered some degree of anonymity and refuge for those involved in the drug trade.

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50 It was clear to us that the appellant acted out of pure self-interest for financial gain; he was not a drug addict. That was the appellant's motive for taking on the role as Jun Ren would pay the appellant between $50 to $80 for each delivery. Regardless of the quantum of the payment which he now asserts was commensurate with his limited role, he still acted out of self-interest when he placed the drugs in the locker on 8 September 2020. Nothing changed even though the appellant had not received payment for this assignment by the time of Jun Ren's arrest. There was no suggestion that the appellant was not going to be paid for the 8 September 2020 delivery to the locker.

Aggravating factor

51 The Judge treated the appellant's commission of the offence while on bail as an aggravating factor. This fact was not contested by the appellant. It is certainly aggravating where an offender commits a separate offence while on bail (and the Drug Trafficking offence committed whilst the appellant was out on bail was a serious one) (see *Public Prosecutor v Loqmanul Hakin bin Buang* [2007] 4 SLR(R) 753 at [54] and [61]).

52 The presence of such an aggravating factor in this present case justified a stiffer sentence to give effect to considerations of specific deterrence because such conduct shows that the offender is unremorseful for his offence (*Vasentha* at [63]) or is recalcitrant and has a total disregard for the law (*Loo Pei Xiang Alan v Public Prosecutor* [2015] 5 SLR 500 at [29]). The Drug Trafficking Charge was the second offence the appellant had committed while on bail. It showed that he was unremorseful for his previous offences and his attitude towards law and order. We observed that the seriousness of the Drug Trafficking Charge represented a marked escalation in criminality.

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53 The appellant also contended in brief that the Judge may have shown restraint in awarding a downward adjustment to the sentence based on the actual quantity of the drugs trafficked. This contention is speculative and not borne out in the Judge's GD. The Judge rightly noted in the GD at [49], with reference to *Suventher Shanmugam v Public Prosecutor* [2017] 2 SLR 115 (at [33]–[37]), that this was not an additional aggravating factor, and it is not evident how this played a role in the Judge's sentencing decision. Accordingly, the Judge did not err in principle.

Mitigating factors

54 The Judge had assessed the appellant's reliance on various pieces of evidence which the appellant claimed to be mitigating. On the facts, the Judge gave little weight to the appellant's confession and cooperation with the authorities and did not place much weight on the appellant's status as a first-time offender (GD at [44]–[45]). The Judge did not see as relevant the fact that the appellant did not seek to evade detection, the non-receipt of payment, and that the drugs were seized before they could be further circulated into the market (GD at [46]–[48]). In our judgment, the Judge's assessment of the relevance and weight of the various factors was correct. In addition, as the Judge noted, the fact that the appellant was a first-time offender was not relevant as that feature had already been calibrated in the indicative starting sentence (at [43] above). Our comments on the appellant's non-receipt of payment (at [50] above) apply equally here.

Plea of guilt reduction

55 The Judge rightly accorded the maximum discount of 10% to the appellant's sentence for the appellant's plea of guilt, given that the appellant

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had pleaded guilty one day after he was given a revised offer by the Prosecution (see *Iskandar bin Jinan v Public Prosecutor* [2024] 2 SLR 673 at [106]). This percentage deduction was not disputed by the parties.

Other matters

(1) Comparison vis-à-vis *Vasentha*

56 We turn to consider the appellant's reliance on *Vasentha* as a comparator to justify a shorter term of imprisonment based on a downward adjustment of the indicative starting sentence to 13 years' imprisonment. We do not think that this comparison assists the appellant.

57 The appellant sought to compare the reductions applied in *Vasentha* and by the Judge below, to submit that the Judge had accorded an inadequate adjustment. In the present case, the Judge reduced the indicative starting sentence from 15 years to 13 years after taking into account the appellant's culpability, relevant aggravating and mitigating factors *and* the plea of guilt. This amounted approximately to a 13% reduction from the indicative starting sentence. In contrast, in *Vasentha*, the indicative starting sentence of 12 years and nine months was reduced to eight years and nine months; this amounted to an approximately 32% reduction.

58 In our view, the arithmetic difference in the percentage reduction in sentences is amply justified by the disparate circumstances.

(a) First, the offender in *Vasentha* had lower culpability because she merely delivered drugs to pre-arranged locations, received only $20 per delivery and was exploited due to her naivety and low intellect. Having had regard to the offender's role, motives, intelligence and personal

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circumstances, Menon CJ was satisfied that her culpability was relatively low and that it was an "exceptional case" (*Vasentha* at [80]). In contrast, the appellant's motive and personal circumstances were different. He was promised more money ($50 to $80) for the drug deliveries to the POPStation and there was no suggestion that the appellant was exploited because of low intellect or otherwise disadvantaged. We thus could not agree with the appellant that his culpability was lower than the offender's in *Vasentha*.

(b) Second, the appellant had one significant aggravating factor in that he had committed the drug trafficking offence while on bail, which was the second time he had committed an offence on bail. There was no such aggravating factor in *Vasentha* (at [81]).

(c) Third, the court in *Vasentha* had given some weight to the offender's cooperation with the authorities in their investigations where she had disclosed that she previously sold or delivered drugs to six individuals. The offender need not have disclosed this information and the court was satisfied that but for the disclosure, there was nothing to indicate that the investigations would have uncovered this. The court viewed it as an indication of genuine remorse (*Vasentha* at [82]). In the present case, the appellant's cooperation was properly given little weight because the evidence against him was overwhelming and there was no suggestion that the appellant had materially assisted the police with their law enforcement efforts (GD at [44]). The courts have generally considered that the offender's cooperation is not a strong mitigating factor where there is overwhelming evidence against the offender, which

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applies with even greater force to drug trafficking offences in light of the presumption (*Vasentha* at [73]).

59 Accordingly, the arithmetic difference in percentage terms raised by the appellant, *ie*, that an approximate 13% discount was accorded in the present case while a larger approximate 32% discount was accorded in *Vasentha,* is amply justified by the disparate circumstances.

(2) The parity principle does not arise to assist the appellant

60 Finally, we consider the appellant's reliance on the principle of parity. The appellant contended that the difference of three years' imprisonment and one stroke of the cane between their respective sentences was inadequate because Jun Ren faced 20 drug charges, as opposed to the appellant's singular drug trafficking charge. The appellant also pointed to the fact that Jun Ren had trafficked significant quantities of methamphetamine, diamorphine, ketamine and MDMA, and committed relevant charges while on bail for other drug-related offences. In contrast, the appellant was a first-time drug offender and faced a single drug trafficking charge.

61 For this principle to apply, the appellant and Jun Ren must be considered offenders in a common criminal enterprise. The Prosecution argued that the parity principle does not apply because Jun Ren was not sentenced for his role in the same criminal enterprise as the appellant, in respect of the 166.99g of methamphetamine in the POPStation locker. Jun Ren's charge for instigating the appellant to deliver the drugs was taken into consideration and no specific sentence was imposed. We noted that the appellant had not developed his argument on this important anterior question to the parity principle. It is

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therefore not necessary to examine this argument beyond making the following observations.

62 As for the first charge brought against Jun Ren which involved his possession of 166.99g of methamphetamine for the purposes of trafficking, Jun Ren was sentenced to 16 years' imprisonment and 11 strokes of the cane for this offence. Jun Ren's global sentence was 18 years' imprisonment and 11 strokes of the cane for a total of 20 charges (3 proceeded charges and 17 charges being taken into consideration).

63 The principle of parity is to ensure "where two or more offenders are to be sentenced for participating in the same criminal enterprise, the sentence passed on them should generally be the same, unless there is a relevant difference in their responsibility or personal circumstances" (*Muhamad Azmi bin Kamil v Public Prosecutor* [2022] 2 SLR 1432 at [25]). The test for applying the parity principle rests on the need to preserve and protect public confidence in the administration of justice; "the crucial consideration in considering whether the parity principle applies is not whether the accused feels aggrieved that a co-accused person has been treated more leniently, but whether the public, with knowledge of the various sentences, would perceive that the appellant had suffered injustice" (*Chong Han Rui v Public Prosecutor* [2016] SGHC 25 ("*Chong Han Rui*") at [47]). This is to be "judged objectively from the stance of a reasonable mind looking at all the circumstances" (*Chong Han Rui* at [49]).

64 We agreed with the Prosecution's submission that the disparate circumstances and culpabilities between the appellant and Jun Ren are sufficiently accounted for in the difference of three years and one stroke of the cane between the appellant's sentence and Jun Ren's sentence. Jun Ren was of

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greater culpability than the appellant. The appellant was responsible for delivering the drugs to the POPStation lockers on Jun Ren's instructions while Jun Ren sold a variety of drugs to his customers for profit. Jun Ren's charge of possession of 166.99g of methamphetamine for the purposes of trafficking was also committed on bail. The 17 TIC charges involved drug offences, including trafficking and possession charges, which reflected Jun Ren's criminality. There were no relevant mitigating factors. A 10% discount was similarly accorded to Jun Ren's plea of guilt. Jun Ren was accordingly more severely punished. We agreed with the Prosecution that this difference of three years and one stroke of the cane was significant, and the appellant could not be said to have suffered any injustice.

Conclusion on Issue 1

65 For the reasons stated, the sentence of 13 years' imprisonment and 10 strokes of the cane cannot be said to be manifestly excessive on the facts. We noted that after all adjustments, the appellant was left facing a sentence at the low end of the applicable band which provides for 13–15 years' imprisonment and 10–11 strokes of the cane.

Issue 2: What is the commencement date of the disqualification period under s 67(2) of RTA.

66 The second issue in this appeal concerned the commencement date of the appellant's disqualification period. Should the disqualification period commence on the date of conviction, as the appellant submitted, or the date of release from prison, as the Judge below had ordered? The Judge below considered two High Court cases dealing with the commencement date of disqualification periods – *Saiful* and *Ramzaan* – and the relevant factors in so

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deciding. However, those cases did not deal with s 67(2) of the RTA and were not directly relevant to the analysis. To be clear, the appellant's conviction was for an offence under s 67(1)(*b*) read with s 67(2)(*a*) of the RTA.

67 Section 67 of the RTA reads:

> **Driving while under influence of drink, etc.**
>
> **67.**—(1) Any person who, when driving or attempting to drive a motor vehicle on a road or other public place —
>
> > (a) is unfit to drive in that he is under the influence of drink or of a drug or an intoxicating substance to such an extent as to be incapable of having proper control of such vehicle; or
> >
> > (b) has so much alcohol in his body that the proportion of it in his breath or blood exceeds the prescribed limit,
>
> shall be guilty of an offence and shall be liable on conviction to a fine of not less than $2,000 and not more than $10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine of not less than $5,000 and not more than $20,000 and to imprisonment for a term not exceeding 2 years.
>
> (2) Subject to sections 64(2D) and (2E) and 65(6) and (7), *a court convicting a person for an offence under this section* 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 period of not less than the specified period corresponding to that case, *starting on the date of the person's conviction or, where the person is sentenced to imprisonment, on the date of the person's release from prison*:
>
> > (a) for a first offender — 2 years;
> >
> > (b) for a repeat offender — 5 years.
>
> [emphasis in italics]

68 The issue before us turned on the interpretation of s 67(2) of the RTA – whether the court can order a disqualification period under s 67(2) of the RTA to commence on the date of an accused person's release from prison, when that

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person *was not sentenced to imprisonment under s 67(1) of the RTA*. In the present case, the appellant was not sentenced to imprisonment under s 67(1) of the RTA. He was sentenced to imprisonment for a different offence under the MDA.

69 It is trite that in undertaking an exercise of statutory interpretation, the court is to first, ascertain the possible interpretations of the provision, having regard not just to the text of the provision but also the context of the provision within the written law as a whole (*Tan Cheng Bock v Attorney-General* [2017] 2 SLR 850 at [37]).

70 In our judgment, the wording of s 67(2) of the RTA is clear and there is no ambiguity. The words "a court convicting a person for an offence under this section" in s 67(2) clearly refers to offences in s 67(1) of the RTA. It follows that there is undoubtedly only one possible interpretation of s 67(2) of the RTA, which is that the power of the court to order disqualification from the date of the release of an offender from prison under s 67(2) of the RTA is predicated on a conviction with a term of imprisonment under s 67(1) of the RTA. In any other situation, the disqualification period is to commence on the date of the offender's conviction, unless the court for special reasons thinks fit to not order or to order otherwise. In short, given the words "a court convicting a person for an offence under this section", the power of the court to make an order for a period of disqualification from the date of the release of an offender from prison under s 67(2) does not apply to a term of imprisonment for an offence other than s 67(1) of the RTA.

71 The Prosecution had submitted in their further written submissions that s 67(2) of the RTA can accommodate the interpretation that where an offender

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is sentenced to imprisonment for *any offence*, the disqualification order is to commence on the date of his release from prison, and that this interpretation would better suit the purpose of the provision by ensuring that the prescribed disqualification period is not undercut by any term of imprisonment that may be imposed on the offender. The Prosecution's proposed interpretation would require one to read additional words into the text of s 67(2) of the RTA namely "… where the person is sentenced to imprisonment for *any offence*…" (additional words added in italics).

72 At the hearing, we intimated to the Prosecution that it appeared clear that the power under s 67(2) of the RTA to order the disqualification period to commence on the date of release from prison is predicated on a sentence of imprisonment under s 67(1) of the RTA. The Prosecution readily (and fairly, we add) agreed.

73 For the reasons stated, with respect, the Judge incorrectly ordered the disqualification period to commence on the appellant's release from prison. As we explained, under s 67(2) of the RTA, the starting point is that the court can only order the disqualification period to commence upon the offender's date of release from prison if the offender is sentenced to imprisonment for an offence under s 67(1). Where a fine is imposed, the starting point for the date of commencement of the disqualification period is the date of conviction. Since the appellant was not sentenced to imprisonment for the Drink Driving Charge under s 67(1), we order that the appellant's disqualification period is to commence on the date of conviction, namely, 3 February 2025, and not the date of release from prison.

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74 As for the "special reasons" proviso in s 67(2) of the RTA, neither the appellant nor the Prosecution have argued for its application. This is understandable as no special reasons were established on the facts.

75 For completeness, the Prosecution brought to our attention an amendment that was passed in Parliament on 7 January 2025 in relation to the RTA. In essence, clause 3 of the Road Traffic (Miscellaneous Amendments) Bill (No. 44/2024) introduces a new s 42B which states that if an offender has an existing disqualification order and is sentenced to imprisonment for any offence, the whole of the period of imprisonment will not count towards the completion of his disqualification period. The amendment does not directly affect the present case as it was not in force at the relevant time.

76 We also observe that the principles elucidated in *Saiful* in determining the appropriate commencement date for a disqualification period were made in relation to s 42 of the RTA. Section 42 of the RTA allows the court, upon conviction of an accused person of offences relating to motor vehicles, to make an order disqualifying the offender from holding or driving a licence for life or for *any period that the court thinks fit*. However, the disqualification period here is predicated on s 67(2) of the RTA, which is differently worded from s 42(1) of the RTA.

77 Finally, the fact that allowing the disqualification order to commence on the date of conviction would render the disqualification order completely nugatory, as was observed by the Judge, does not permit the court to disregard the clear language of s 67(2) of the RTA. Any nugatory effect of the disqualification would simply be the consequence of s 67(2) of the RTA.

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Conclusion

78 For all the reasons stated, we allowed the appellant's appeal in part and ordered the period of disqualification of 34 months in respect of the Drink Driving Charge to commence on the appellant's date of conviction on 3 February 2025. We dismissed the appellant's appeal against the sentence imposed in respect of the Drug Trafficking Charge.

Steven Chong
Justice of the Court of Appeal

Belinda Ang Saw Ean
Justice of the Court of Appeal

Hri Kumar Nair
Justice of the Court of Appeal

The appellant in person;
Rimplejit Kaur, Benedict Chan Wei Qi and Natalie Chu (Attorney-General's Chambers) for the respondent.

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