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

[2025] SGHC 60

Criminal Case No 8 of 2025

Between

Public Prosecutor

And

Foo Li Ping

Criminal Case No 9 of 2025

Between

Public Prosecutor

And

Wong Shi Xiang

JUDGMENT

[Criminal Law — Offences — Causing or allowing death of child]
[Criminal Law — Offences — Culpable homicide]
[Criminal Law — Offences — Disposal of corpse that impedes investigations]

[Criminal Law — Statutory offences — Children and Young Persons Act]
[Criminal Law — Statutory offences — Misuse of Drugs Act]

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Public Prosecutor
v
Foo Li Ping and another matter

[2025] SGHC 60

General Division of the High Court — Criminal Case Nos 8 of 2025 and 9 of 2025
Hoo Sheau Peng J
28 February 2025

3 April 2025 Judgment reserved.

Hoo Sheau Peng J:

Introduction

1 After enduring 13 months of abuse at the hands of the accused persons, Megan Khung Yu Wai ("Megan"), then four years old, died from a punch to her stomach area. After Megan's death, the accused persons callously disposed of her body.

2 For the cruel acts perpetrated, serious charges are brought in these two cases against the accused persons, Megan's biological mother, Foo Li Ping ("Foo"), and Foo's then boyfriend, Wong Shi Xiang ("Wong").

3 Specifically, in Criminal Case No 8 of 2025 ("CC8"), Foo pleaded guilty to the following three charges:

> 2nd Charge
>
> from January 2020 to February 2020 on four occasions at … Singapore, being a person who has care of one Megan Khung Yu Wai (D.O.B: 4 October 2015), then a child of 4 years, did ill-treat her by:
>
> a) wilfully doing an act which caused the child unnecessary physical suffering, namely, by failing to provide her with adequate food;
>
> b) wilfully doing an act which caused the child unnecessary physical suffering and emotional injury, namely by depriving her of clothes;
>
> c) wilfully doing an act which caused the child unnecessary physical suffering, namely by forcing her to sleep in a compartment at the balcony; and
>
> d) subjecting her to physical abuse, namely by slapping her face, and making her eat your mucus on 5 January 2020.
>
> which taken together amount to a course of conduct, and you have thereby committed an offence under section 5(1) and punishable under section 5(5)(*b*) of the Children and Young Persons Act (Cap 38, 2001 Rev Ed), which charge is amalgamated pursuant to section 124(4) of the Criminal Procedure Code 2010 ("CPC") read with section 124(8)(*a*)(ii) of the CPC.
>
> 3rd Charge
>
> on 21 February 2020, at … Singapore, together with Wong Shi Xiang, were members of the same household as, and had frequent contact with, Megan Khung Yu Wai (D.O.B: 4 October 2015), then under 14 years of age, and being aware by virtue of the nature and intensity of Wong's physical abuse on her before 21 February 2020 of a significant risk of grievous hurt being caused to her by Wong, did fail to take such steps as you could reasonably have been expected to take to protect her from the significant risk, and an unlawful act occurred in circumstances of the kind that you ought to have foreseen, to wit, Wong punched her in the stomach area, resulting in her death; and you have thereby committed an offence under section 304C(1)

> and punishable under section 304C(4) of the Penal Code (Cap 224, 2008 Rev Ed).
>
> 4th Charge
>
> on 8 May 2020, at … Singapore, together with Wong Shi Xiang and Nouvelle Chua Ruoshi, and in furtherance of the common intention of you all, did intentionally dispose of a human corpse, namely, the remains of Megan Khung Yu Wai (D.O.B: 4 October 2015), to wit, by incinerating the said remains in a metal barrel and, by such act, impeded the investigation of an offence under the PC, and you have thereby committed an offence under section 308B(1)(*b*) read with section 34 and punishable under section 308B(2) of the Penal Code (Cap 224, 2008 Rev Ed).

4 I shall refer to these charges as the "Child Abuse Charge", the "Allowing Death of Child Charge", and the "Disposal of Corpse Charge against Foo" respectively. For simplicity, I shall, unless I am referencing a provision in a specific version of the statute which is materially different, also refer generally to the Children and Young Persons Act (Cap 38, 2001 Rev Ed) as the "CYPA", the Criminal Procedure Code 2010 as the "CPC", and the Penal Code (Cap 224, 2008 Rev Ed) as the "PC", respectively.

5 As for Wong, he pleaded guilty to four charges in Criminal Case No 9 of 2025 ("CC9"). Two of the charges correspond to the charges faced by Foo, and they read as follows:

> 8th Charge
>
> on 21 February 2020, at … Singapore, did commit culpable homicide not amounting to murder by punching one Megan Khung Yu Wai (D.O.B: 4 October 2015) in her stomach, with the intention of causing such bodily injury as is likely to cause death, and you have thereby committed an offence under section 304(*a*) of the Penal Code (Cap 224, 2008 Rev Ed).
>
> 9th Charge

> on 8 May 2020, at … Singapore, together with Foo Li Ping and Nouvelle Chua Ruoshi, and in furtherance of the common intention of you all, did intentionally dispose of a human corpse, namely, the remains of Megan Khung Yu Wai (D.O.B: 4 October 2015), to wit, by incinerating the said remains in a metal barrel and, by such act, impeded the investigation of an offence under the Penal Code (Cap 224, 2008 Rev Ed) ("PC"), and you have thereby committed an offence under section 308B(1)(*b*) read with section 34 and punishable under section 308B(2) of the PC.

6 The other two charges pertain to drug offences, and state as follows:

> 1st Charge
>
> on 22 November 2018, at about 9.08 p.m, at … Singapore, did traffic in a Class A controlled drug listed in the First Schedule to the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) ("MDA"), to wit, by having in your possession for the purpose of trafficking, 13 packets containing not less than 36.29 grams of crystalline substance, which was analyzed and found to contain not less than 24.51 grams of Methamphetamine, without authorization under the said Act or the Regulations made thereunder and you have thereby committed an offence under section 5(1)(*a*) read with section 5(2) of the MDA and punishable under section 33(1) of the MDA.
>
> 14th Charge
>
> on or before 23 July 2020, in Singapore, did consume a specified drug listed in the Fourth Schedule to the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) ("MDA"), to wit, Methamphetamine, without authorisation under the said Act or the Regulations made thereunder and you have thereby committed an offence under section 8(*b*)(ii) of the MDA,
>
> and further,
>
> that you, before the commission of the said offence, were on 2 September 2017, pursuant to an order made by the Director (Communications Division) of the Central Narcotics Bureau in Singapore under section 34(2)(*b*) of the MDA, admitted to an approved institution, namely, Drug Rehabilitation Centre, Cluster B, Changi Prison Complex, for consumption of a

> specified drug, to wit, Methamphetamine, and you are thereby liable to be punished under section 33(4AA) of the MDA.

7 I shall refer to these four charges as the "Culpable Homicide Charge", the "Disposal of Corpse Charge against Wong", the "Drug Trafficking Charge", and the "Drug Consumption Charge" respectively. I shall also refer generally to the Misuse of Drugs Act (Cap 185, 2008 Rev Ed) as the "MDA", since the relevant provisions contained therein do not differ materially in the versions of the MDA which are relevant to the present case.

Facts in relation to the offences involving Megan

8 I now set out the material facts for the offences involving Megan, reproducing extensively the common facts in the Statement of Facts in CC8 ("SOF in CC8") and the Statement of Facts in CC9 ("SOF in CC9").[1] Certain facts set out at [24], [30] and [32] below are only found in the SOF in CC8, while certain additional facts in the SOF in CC9 are set out (at [34]−[36]) below.

Background

9 In 2015, Foo got married to Khung Wei Nan ("Khung"), and Megan was born to the couple on 4 October 2015.[2]

10 Following a breakdown in the marital relationship, Foo, together with Megan, shifted to live with Foo's mother Chua Ah Kim ("Mdm Chua"). In 2017, Megan was enrolled in a preschool (the "Preschool").[3]

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1 Statement of Facts in Criminal Case No 8 of 2025 filed 18 February 2025 ("SOF in CC8") and Statement of Facts in Criminal Case No 9 of 2025 filed 18 February 2025 ("SOF in CC9").

2 SOF in CC8 at paras 5 and 10; SOF in CC9 at paras 19 and 24.

3 SOF in CC8 at para 10; SOF in CC9 at para 24.

11 In November 2018, the accused persons began their romantic relationship. In January 2019, Foo moved out of Mdm Chua's residence to live with Wong in a rented unit at Suites @ Guillemard Condominium (the "Flat"). Megan continued to stay with Mdm Chua, but would stay over at the Flat on some weekends.[4]

12 Sometime in 2019, Nouvelle Chua Ruoshi ("Nouvelle"), who was Wong's friend, got to know Foo. They became close friends. Nouvelle would stay over with her daughter at the Flat.[5]

Start of the abuse

13 Between late February 2019 and early March 2019, during Megan's stay at the Flat, the accused persons caned Megan when she urinated on the bed and sofa, causing bruises over various parts of Megan's body. On 19 March 2019, one of the staff members at the Preschool noticed bruises on Megan's face, arms and feet, and asked Foo about them. Foo lied that Megan had fallen while cycling, even though the injuries were caused by Wong. Foo admitted to inflicting the other injuries but claimed that she had been disciplining Megan. The staff member informed Foo that this manner of discipline was excessive.[6]

14 On 22 March 2019, another staff member further reiterated to the accused persons that they should stop physically punishing Megan, or a referral to the Ministry of Social and Family Development would be made. The accused persons understood and accepted this.[7]

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4 SOF in CC 8 at paras 7, 11 and 13; SOF in CC 9 at paras 21, 25 and 27.

5 SOF in CC8 at para 12; SOF in CC9 at para 26.

6 SOF in CC8 at para 15; SOF in CC9 at para 29.

7 SOF in CC8 at para 16; SOF in CC9 at para 30.

15 On 17 September 2019, Foo withdrew Megan from the Preschool.[8]

The escalation of the abuse

16 From September 2019, Megan resided in the Flat with the accused persons.[9] As described below, their physical abuse of Megan escalated:[10]

(a) On average, Wong caned Megan at least once a week. On one occasion, he hit Megan with a water hose. Foo did nothing to stop Wong. She also joined him to cane Megan on some occasions.

(b) On occasions, Wong slapped, pushed, and/or punched Megan. Foo was aware of these actions.

(c) Wong taught Foo how to inflict pain on Megan without leaving visible marks or injuries, by pressing forcefully against Megan's ribcage closer to her waist and side of the body using her thumb. Foo hurt Megan this way on various occasions, when she was upset with Megan.

17 In addition to the physical abuse, the accused persons subjected Megan to humiliation and emotional injury:[11]

(a) On 9 November 2019, Foo hit Megan with a tissue packet.[12] Foo also forced Megan to wear her soiled diaper over her head. Foo was angry that Megan did not inform Foo that her diaper was full, and that her urine leaked out as a result. Megan resisted, but Foo grabbed Megan

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8 SOF in CC8 at para 17; SOF in CC9 at para 31.

9 SOF in CC8 at para 18; SOF in CC9 at para 32.

10 SOF in CC8 at para 19; SOF in CC9 at para 33.

11 SOF in CC8 at para 21; SOF in CC9 at para 35.

12 Arraigned Charges in CC8 dated 27 February 2025, 1st Charge.

by her hair and slapped her face. As Megan was crying, Foo forced the soiled diaper over her head, covering her eyes and nose. When Megan resisted, Foo forcibly pulled the diaper back in place. Nouvelle was present and recorded this incident. The recorded footages show that Megan fell over from the force of Foo's slap.

(b) Sometime in late 2019, Wong forced Megan to eat food from the dustbin and video-recorded this. Separately, Wong shaved Megan's hair to humiliate her. Foo was aware of Wong's actions.

(c) Sometime in late 2019, Wong drew all over on Megan's face. He wanted to humiliate her because she had used Foo's make-up products without permission. Foo and Nouvelle were present at the time. Wong and Nouvelle then humiliated her by parading her in public. Megan cried from the humiliation. Again, Nouvelle recorded this incident. Foo was also aware of Wong's actions.

18 The above facts form the background and basis for a separate amalgamated charge of child abuse against Foo, which is to be taken into consideration for the purpose of sentencing (see [64] below).

Facts relating to the Child Abuse Charge against Foo

19 From January 2020, the accused persons began starving Megan to prevent her from defecating around the house. Megan often told Foo that she was hungry, but Foo would deny Megan's requests for food. Whether Megan was allowed to eat depended on Wong's mood. If Wong was in a bad mood, Megan would be denied food for the whole day.[13]

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13 SOF in CC8 at para 22; SOF in CC9 at para 36(a).

20 Also from January 2020, on multiple occasions, the accused persons did not allow Megan to wear her clothes. This was because Megan developed a habit of peeling on the scabs from her wounds and her blood stained her shirts. Unnecessary physical suffering was caused to Megan, who had no protection from the environment. Having to walk around naked, Megan also suffered humiliation. On one occasion on 3 February 2020, Megan repeatedly asked Foo for permission to wear a shirt, but Foo denied her requests. The episode, which lasted at least 5 minutes and 57 seconds,[14] was recorded by Nouvelle.[15]

21 Initially, Megan slept in a bedroom of the Flat. Around the start of 2020, to further prevent her from dirtying the Flat, the accused persons made her sleep in the planter box outside the master bedroom. The planter box measured about 3 metres by 1 metre, and faced the afternoon sun. Regardless of the weather, the accused persons made Megan sleep there. On one occasion, Megan suffered from a heat stroke. Wong placed ice on Megan's body but did not send her to the doctor. On various occasions, Megan was forced to sleep in the planter box without pillows or blankets.[16]

22 On 5 January 2020, Foo and Nouvelle were unhappy with Megan when her nose mucus splashed on them while she was crying. Foo slapped Megan's face, before blowing out mucus onto a handkerchief and wiping it onto Megan's face. Nouvelle told Foo to feed Megan her mucus since she was hungry. Foo then blew out mucus onto the handkerchief again, and instructed Megan to open her mouth and stick out her tongue. She then wiped the mucus-stained handkerchief forcefully over Megan's tongue, ignoring Megan's discomfort.

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14 See video clip bearing reference number 20200203_153004.

15 SOF in CC8 at para 23; SOF in CC9 at para 36(b).

16 SOF in CC8 at para 24; SOF in CC9 at para 36(c).

Nouvelle recorded the incident, which lasted at least 5 minutes and 11 seconds.[17] The video footage also showed that Megan's eyebrows had been drawn using make-up in a humiliating manner.[18]

23 On 4 February 2020, Foo was consuming food near the planter box where Megan was made to sleep in. Standing in the planter box, Megan begged Foo for some food as she was hungry. Foo repeatedly refused her requests, and recorded the incident.[19] In this video footage, which lasted 6 minutes and 7 seconds, Foo repeatedly taunted Megan, turning vulgar at times:[20]

> … Last mouth already, I finish eating already …
>
> … No more already, no more already, no more already, I finished it already …
>
> … you jump, jump, jump then I must give you ah, f[xxx] you ah, are you naughty, you see if yourself is naughty, have not learnt to be good, hungry already still have not learnt to be good, huh, shut up, very noisy, shut up …
>
> … Go in [into the planter box], did I say you can come out, go in, did I say you can come in [into the Flat from the planter box] …
>
> [emphasis in original omitted]

24 As set out above, Foo, as a person who had care of Megan, ill-treated Megan on several occasions, which taken together amount to a course of conduct. Foo has thus committed the offence stated in the Child Abuse Charge.[21]

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17 SOF in CC8 at para 28; SOF in CC9 at para 40; Video clip bearing reference number 20200105_093934.

18 See video clip bearing reference number 20200105_093934.

19 SOF in CC8 at para 25; SOF in CC9 at para 37.

20 See transcript for video clip bearing reference number 202002024_22343-010 filed 4 March 2025.

21 SOF in CC8 at para 29.

Facts relating to the Allowing Death of Child Charge against Foo

Significant risk of suffering grievous hurt due to Wong's unlawful actions

25 Between January to February 2020, Wong became more violent and cruel in his treatment of Megan, as described below:[22]

(a) Knowing that Megan was afraid of having water splashed on her face, Wong would spray water on her face using the water bidet inside the toilet, whenever he felt that Megan had misbehaved. On one occasion, this caused Megan to jump and fall. Her face hit the ground, leaving a big bruise on her left cheek.

(b) On another occasion, Wong discovered that Megan had placed a toy pony in the toilet bowl. He hit Megan on her back area multiple times using a hose, leaving multiple bruise marks with bleeding.

(c) On a separate occasion, Wong injured Megan's jaw by hitting her. Foo saw Megan's crooked jaw and asked Wong about it. However, she did not bring Megan to see a doctor as she did not want the doctor to be alerted to the abuse of Megan. Instead, she searched up the Internet on fixing dislocated jaws and informed Wong about it. Wong then attempted to fix Megan's jaw. However, Megan's jaw remained crooked.

22 SOF in CC8 at para 30; SOF in CC9 at para 41.

26 By mid-February 2020, video footages captured an emaciated, naked Megan, with injuries and scars covering both the front and back of her body, and with a poorly shaven head.[23]

Act of punching Megan in the stomach

27 On 21 February 2020, Megan was deprived of food for the entire day. Sometime that night, the accused persons made Megan stand in front of them. They were sitting on the bed in the bedroom, while Megan stood about 10cm from the wall, with her back facing the wall. Wong scolded Megan and punched her in her stomach. The force of the punch caused Megan's back to hit against the wall with a loud thud. Megan then appeared unusually weak. Foo told Wong in Mandarin that Megan looked like she "cannot make it", and Wong stopped hitting Megan.[24]

28 On 22 February 2020, sometime after midnight, Nouvelle arrived at the Flat. Wong informed Nouvelle that he had hit Megan very badly earlier. Subsequently, Nouvelle saw Megan lying on the bedroom floor. Megan was holding on to her stomach, and said that she was in pain. However, when Nouvelle informed the accused persons of this, they dismissed the matter, and claimed that Megan was merely trying to get attention. Nouvelle therefore ignored Megan, and joined the accused persons in the living room to consume controlled drugs.[25]

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23 See video clip bearing reference number 9ca43c8ef55576a25181396a2da2c8e9d3d505d1 and video clip bearing reference number no 202002024_22343_010.

24 SOF in CC8 at paras 35−36; SOF in CC9 at paras 46−47.

25 SOF in CC8 at para 37; SOF in CC9 at para 48.

29 Several hours later, Nouvelle saw that Megan remained in the same position. She informed the accused persons about this. Upon entering the bedroom, Foo noticed some vomit with "clear membrane and black contents" beside Megan, who had become unresponsive. They separately attempted to perform cardiopulmonary resuscitation on Megan. Wong later obtained a 30 cm tube and the three of them took turns to blow air into Megan's mouth using the tube.[26]

30 Foo knew that she should call for an ambulance, but did not do so for fear that her drug use and the abuse of Megan would be discovered.[27]

31 While Wong continued performing cardiopulmonary resuscitation on Megan, Nouvelle left the Flat to search for a defibrillator. She returned empty-handed. Wong then left the Flat to do the same. He found one nearby, but did not bring it back for fear that removing it would trigger alarms and lead the authorities to Megan. Around this time, Foo sent a message in a WhatsApp group chat between the three of them, stating "Megan is gone". After returning to the Flat, Wong decided to improvise. He took two wires and taped a metal chopstick to each end, which he then inserted into a three-pin power source. Wong then tried to resuscitate Megan by placing one wire on Megan's chest and the other wire below her chest. After Megan remained unresponsive, Wong instructed Foo and Nouvelle to smoke drugs and blow the smoke into Megan's mouth through a tube, to see if she would respond. They did so, but Megan remained unresponsive.[28]

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26 SOF in CC8 at para 38; SOF in CC9 at para 49.

27 SOF in CC8 at para 39.

28 SOF in CC8 at para 40; SOF in CC9 at para 50.

32 Wong's unlawful act of punching Megan in her stomach led to her death on 22 February 2020.[29] The pathologist's findings are set out at [37] below. The accused persons were members of the same household as Megan, and had frequent contact with her. Foo was aware of the significant risk of grievous hurt being caused to Megan by Wong, and she failed to take such steps as she could reasonably have been expected to take to protect Megan from the significant risk of grievous hurt. Wong's unlawful act of punching Megan in her stomach occurred in circumstances that Foo ought to have foreseen. Therefore, on or about 21 February 2020, Foo committed the offence stated in the Allowing Death of Child Charge.[30]

Facts relating to the Culpable Homicide Charge against Wong

33 As explained at [8] above, the matters set out above (save for those in [24], [30] and [32] which only concern Foo), are also found in the SOF in CC9 and apply in relation to the Culpable Homicide Charge against Wong.

Other particulars of Wong's abuse

34 In addition, the SOF in CC9 sets out these further particulars in relation to Wong's abuse of Megan:

> (a) In relation to the incident in late 2019 where Wong drew all over Megan's face (described at [17(c)] above), Wong had done so to embarrass Megan. Wong and Nouvelle also taunted Megan during this incident. For example, Wong asked Megan if she was embarrassed and repeatedly told her to say hello to strangers in passing vehicles.[31]

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29 SOF in CC8 at para 41; SOF in CC9 at para 51.

30 SOF in CC8 at paras 42−43.

31 SOF in CC9 at para 35(c).

(b) Connected to the incidents in the toilet (set out at [25(a)] above), from January to February 2020, Wong, at times, restrained Megan in the toilet with a blue cotton rope. Wong secured one end of the rope to Megan's hand while the other end was threaded beneath her armpit and around her neck, subsequently wrapping around the armpit of her other hand before being secured to her other hand. This manner of restraining Megan caused bruising on her body.[32]

(c) On an occasion between January and February 2020, Wong presented a cane and a baton to Megan and asked her to choose an instrument. Megan chose the cane, but Wong hit her on the arms and legs using the baton.[33]

(d) A few days before 21 February 2020, Wong confined Megan in the toilet and left the Flat with Foo and Nouvelle. When he returned, Wong found that Megan had escaped from the toilet. He also stepped on a yellow stain on the floor, which he understood to be urine. Angry with Megan, he grabbed Megan and dragged her into the toilet. He then gave a hard slap or punch to her chest, before pulling her arm and giving a hard slap on her back. Megan started crying. Wong then dragged Megan out of the toilet and placed her back at the balcony.[34]

Act of punching Megan in the stomach

35 In relation to the matters set out in [27], the SOF in CC9 also elaborated that it was past 9pm on 21 February 2020 when Wong brought Megan into the

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32 SOF in CC9 at para 41(a).

33 SOF in CC9 at para 41(d).

34 SOF in CC9 at para 43.

Flat from the balcony. When Megan stood in front of the accused persons, Wong warned her not to urinate or defecate in the Flat if he was to allow her to sleep in it. However, Wong felt that Megan was not looking at him as he was talking to her. Angry at this, Wong scolded her and punched her in the stomach, leading to the events narrated from [28] to [31] above.[35]

36 The pathologist's opinion is set out below at [37]. Wong's act of punching Megan in her stomach led to her death on 22 February 2020, and was done with the intention of causing such bodily injury as was likely to cause death. Wong thus committed the offence stated in the Culpable Homicide Charge.[36]

The pathologist's opinion

37 In relation to Megan's death, on 26 October 2021, Dr George Paul, a forensic pathologist with the Health Sciences Authority ("HSA"), reported that based on the available information, such as what Megan was complaining of after the blow to the stomach, and her subsequent behaviour of lying on the ground clutching her stomach and complaining of pain, the *possible* cause(s) of Megan's death – in the absence of a body – was "septicaemia - due to either":[37]

(a) peritonitis from ruptured intestine(s);

(b) peritonitis from ruptured pancreas;

(c) peritonitis from abdominal haemorrhage due to liver lacerations;

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35 SOF in CC9 at paras 46–47.

36 SOF in CC9 at para 56.

37 SOF in CC8 at paras 57−58 and Tab B; SOF in CC9 at paras 52−53 and Tab B.

(d) peritonitis from abdominal haemorrhage from splenic lacerations;

(e) peritonitis from abdominal and retroperitoneal haemorrhage from ruptured kidney(s);

(f) peritonitis and/or haemorrhage from ruptured liver and diaphragm;

(g) empyema with/or intrathoracic haemorrhage from rupture of lungs and/or diaphragm; or

(h) a combination of a few or many of the above different events in the same body.

Facts relating to the Disposal of Corpse Charges

38 On 23 February 2020, the accused persons and Nouvelle left the Flat, where Megan's body remained. From 23 February 2020 to June 2020, they stayed in hotels and serviced apartments. The accused persons also discussed how to dispose of Megan's body to hide her death and Wong's unlawful actions that caused it. Nouvelle was aware of the discussions. The accused persons discussed incinerating Megan's corpse. Wong suggested using a smokeless burn barrel, referring to a burn barrel with a blower attached to introduce oxygen into the barrel to feed the fire. This would ensure complete combustion of Megan's corpse.[38]

39 The accused persons researched online on how to go about this. They also experimented with different barrel designs using empty drink cans.

[38] SOF in CC8 at paras 44−45; SOF in CC9 at paras 57−58.

Nouvelle was aware of the experiments. Following a few experiments, the accused persons decided to proceed with the plan of disposing Megan's corpse by incinerating it in a smokeless burn barrel.[39]

40 During this period, on two occasions, Wong returned to the Flat to do the following:[40]

(a) To prevent Megan's corpse from being discovered, Wong wrapped the corpse using a blanket followed by layers of cling wrap and brown tape, before placing the wrapped corpse into a Toyogo box. Further, Wong kept the air-conditioning in the Flat switched on to slow the decomposition of Megan's corpse and minimise the foul smell of decomposition. On this occasion, Nouvelle drove Wong to the Flat.

(b) On a later date, Wong returned to the Flat with Foo. They wrapped the Toyogo box with layers of cling wrap before sealing the lid with cement. Wong also boiled vinegar to mask the smell of decomposition.

41 Sometime between April and May 2020, Wong bought a leaf blower. He also asked a signboard manufacturer ("Ooi") to construct an "incense burning container". Wong provided Ooi the dimensions of the Toyogo box, and shared his design with Ooi. Foo was aware of this. She had accompanied Wong on a few occasions when Wong discussed the design of the container with Ooi. Ooi then constructed the container (the "metal barrel") in accordance with Wong's instructions. Wong then tested the metal barrel, and instructed Ooi to

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39 SOF in CC8 at paras 45−46; SOF in CC9 at paras 58−59.

40 SOF in CC8 at para 47; SOF in CC9 at para 60.

make further modifications for improved combustion. Foo was present during the testing.[41]

42 On 8 May 2020, together with Nouvelle, the accused persons proceeded to Ooi's workshop. Wong collected the metal barrel, as well as two boxes of charcoal, which Wong had asked Ooi to obtain.[42]

43 At about 5.25am, the trio returned to the Flat. Wong drove a separate vehicle from Nouvelle and Foo. Nouvelle knew that the accused persons intended to dispose of Megan's corpse that day. She drove Foo to the Flat. Foo helped Wong load the Toyogo box into the car which Wong drove. Wong then drove to his godfather's workshop. At about 6.10am, Wong set up the metal barrel at an open area adjacent to the workshop (the "burning site"). He then used the leaf blower to supply a continuous flow of air into the metal barrel's valve to intensify the fire, before placing the Toyogo box into the metal barrel.[43]

44 Meanwhile, Foo and Nouvelle returned to the Flat to collect some Indian incense on Wong's request. When they arrived at the burning site, they saw that the Toyogo box containing Megan's corpse was already in the metal barrel. The accused persons intended to dispose of Megan's corpse by incineration to prevent the detection of an offence.[44] Further, according to the SOF in CC8, the accused persons and Nouvelle burned incense paper in the metal barrel for several hours.[45]

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41 SOF in CC8 at para 48; SOF in CC9 at para 61.

42 SOF in CC8 at para 49; SOF in CC9 at para 62.

43 SOF in CC8 at paras 50−51; SOF in CC9 at paras 63−64.

44 SOF in CC8 at para 52; SOF in CC9 at para 65.

45 SOF in CC8 at para 52.

45 At about 10.40am, Nouvelle left the burning site. After the fire stopped, Wong swept the ashes inside the metal barrel into a trash bag and put it in his car. He then drove to East Coast Park by himself and scattered Megan's ashes into the sea. He threw the trash bag away and returned to meet Foo at the burning site. He cleaned up the area, and together with Foo, wrapped the metal barrel with shrink wrap and trash bags. They left thereafter.[46]

46 On 15 May 2020, on Wong's instructions, and accompanied by Wong and Nouvelle, Ooi discarded the metal barrel. Neither the metal barrel, nor Megan's remains, were ever recovered.[47]

47 By the above, the accused persons, together with Nouvelle, in furtherance of the common intention of the three of them, intentionally disposed of Megan's corpse and, by such act, impeded the investigation of an offence under the PC. The accused persons have thus committed the offence in the respective Disposal of Corpse Charges against them.[48]

Discovery of the offences

48 On 20 July 2020, Khung, Megan's biological father, lodged a police report concerning the whereabouts of Megan. The police traced the accused persons and Nouvelle, and brought them to the Criminal Investigation Department on 23 July 2020 for interviews. The trio were arrested in connection with Megan's disappearance, and subsequently charged for their respective acts.[49]

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46 SOF in CC8 at para 53; SOF in CC9 at para 66.

47 SOF in CC8 at paras 54−55; SOF in CC9 at paras 67−68.

48 SOF in CC8 at para 56; SOF in CC9 at para 69.

49 SOF in CC8 at paras 9 and 61; SOF in CC9 at paras 23 and 70.

Facts in relation to Wong's drug offences

The Drug Trafficking Charge

49 With that, I turn to the facts in relation to Wong's drug offences, beginning with the Drug Trafficking Charge. On 22 November 2018, at about 9.08pm, a party of officers from the Central Narcotics Bureau (the "CNB") conducted a raid at a unit in a block at Pine Close (the "Pine Close unit"), during which Wong and his then-fiancé ("Chua"), were arrested for drug-related activities.[50]

50 The CNB officers searched Chua's bedroom, and seized the following exhibits:[51]

S/N	Exhibit Marking	Description
1	SX-A	One brown pouch containing "SX-A1", "SX-A1B" and "SX-A1C".
2	SX-A1	One zip-lock bag containing "SX-A1A", "SX-A1A1" and "SX-A1A2".
3	SX-A1A	Three zip-lock bags containing crystalline substances.
4	SX-A1A1	One zip-lock bag containing "SX-A1A1A".
5	SX-A1A1A	One zip-lock bag containing crystalline substances.
6	SX-A1A2	One zip-lock containing "SX-A1A2A".
7	SX-A1A2A	One zip-lock bag containing crystalline substances.

[50] SOF in CC9 at para 2.

[51] SOF in CC9 at para 3.

8	SX-A1B	One zip-lock containing "SX-A1B1".
9	SX-A1B1	Seven zip-lock bags containing crystalline substances.
10	SX-A1C	One zip-lock bag containing crystalline substances.

51 In addition to the above, CNB officers also recovered other related exhibits:[52]

S/N	Description
11	One slab containing ten 'Erimin-5' tablets, marked as SX-A1D1
12	One container containing three red capsules, marked as SX-A1E
13	One zip-lock bag containing green powdery substances, marked as SXB1B1
14	One zip-lock bag containing one yellow capsule, marked as SX-B1C
15	Two plastic moulds containing three yellow capsules, marked as SX-B1C

52 Wong was subsequently escorted to his residence where CNB officers found drug paraphernalia belonging to him.[53]

[52] SOF in CC9 at para 4.

[53] SOF in CC9 at paras 5−6.

53 On 26 November 2018, amongst others, the exhibits marked "SXA1A", "SX-A1A1A", "SX-A1A2A", "SX-A1B1" and "SX-A1C" were submitted to the HSA for analysis.[54]

54 On 7 January 2019, HSA issued five certificates under s 16 of the MDA bearing the following Lab No and descriptions:[55]

Exhibit Marking	**Certificate Lab No**	**Description**
SX-A1A	ID-1832-02791-001	Exhibit was found to be three packets containing not less than 10.50 g of crystalline substance which was analysed and found to contain not less than 7.10g of methamphetamine.
SX-A1A1A	ID-1832-02791-002	Exhibit was found to be one packet containing not less than 1.04 g of crystalline substance which was analysed and found to contain not less than 0.69 g of methamphetamine.
SX-A1A2A	ID-1832-02791-003	Exhibit was found to be one packet containing not less than 0.53 g of crystalline substance which was analysed and found to contain not less than 0.35g of methamphetamine.
SX-A1B1	ID-1832-02791-004	Exhibit was found to be seven packets containing not less than 17.50 g of crystalline substance which was analysed and found to contain not less than 11.84 g of methamphetamine.

[54] SOF in CC9 at para 7.

[55] SOF in CC9 at para 8.

SX-A1C	ID-1832-02791-005	Exhibit marked 'SX-A1C' was found to be one packet containing not less than 6.72g of crystalline substance which was analysed and found to contain not less than 4.53g of methamphetamine.

55 The 13 packets containing not less than 36.29g of crystalline substance were analysed and found to contain not less than 24.51g of methamphetamine.[56]

56 Methamphetamine is a Class A Controlled Drug listed in the First Schedule of the MDA. On 22 November 2018, Wong drove to the Pine Close unit and brought along the brown pouch (marked "SX-A") to the unit. Wong had ownership of the exhibits, and the 13 packets of methamphetamine found in his possession were meant for selling to acquaintances. At the material time, Wong knew that the said 13 packets contained methamphetamine.[57]

57 Since early November 2018, Wong had been selling methamphetamine to his acquaintances. The last transaction he made was about three days prior to his arrest by CNB officers.[58] Wong was not authorized under the MDA, or the regulations made thereunder, to have in his possession a Class A Controlled Drug for the purpose of trafficking. He has thereby committed the offence under the Drug Trafficking Charge.[59]

58 In relation to the Drug Trafficking Charge, Wong was arrested on 22 November 2018, produced in court on 24 November 2018, and released on

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56 SOF in CC9 at para 9.

57 SOF in CC9 at paras 10−11.

58 SOF in CC9 at paras 12−13.

59 SOF in CC9 at para 14.

court bail the same day.[60] He remained on bail from 24 November 2018 to 23 July 2020.[61]

The Drug Consumption Charge

59 Finally, I turn to the facts in relation to the Drug Consumption Charge. On 23 July 2020 at about 7.35pm, in connection with Megan's disappearance, the police found Wong at the Flat. Drugs and drug paraphernalia were found and seized from the Flat, including:[62]

(a) one packet of crystalline substance;

(b) two improvised utensils; and

(c) one weighing scale.

60 Following his arrest, Wong provided two bottles of his urine samples. Both urine samples were later submitted to HSA for analysis. HSA issued two certificates under s 16 of the MDA stating that on analysis, the urine samples were found to contain methamphetamine.[63]

61 Methamphetamine is a Specified Drug listed in the Fourth Schedule of the MDA. Investigations revealed that on 23 July 2020, sometime in the morning, Wong knowingly smoked methamphetamine.[64]

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60 SOF in CC9 at paras 15 and 78.

61 SOF in CC9 at para 78.

62 SOF in CC9 at para 71.

63 SOF in CC9 at paras 72−73.

64 SOF in CC9 at paras 74−75.

62 Wong is not authorised under the MDA, or the regulations made thereunder, to consume methamphetamine. He has thereby committed an offence under s 8(*b*)(ii) of the MDA.[65] Prior to the commission of the said offence, on 2 September 2017, Wong was admitted to the Drug Rehabilitation Centre ("DRC"), for consumption of methamphetamine. He is thus liable to be punished under s 33(4AA) of the MDA.[66]

Conviction

63 Based on the SOF in CC8 and SOF in CC9, which Foo and Wong admitted to respectively without qualification, I am of the view that all the proceeded charges have been made out, and accordingly, I convicted them of the respective charges on 28 February 2025.

Charges taken into consideration

64 In relation to Foo, another amalgamated charge of child abuse pursuant to s 5(1) of the Children and Young Persons Act (Cap 38, 2001 Rev Ed) (the "Pre-2020 CYPA") read with s 124(4) of the CPC is taken into consideration for the purpose of sentencing (the "TIC child abuse charge"). This charge relates to the earlier acts of abuse committed from January 2019 to December 2019 as set out at [16] and [17] above. As will be explained below (at [82]), the Pre-2020 CYPA is materially different from the CYPA, which came into operation in January 2020.

65 As for Wong, 11 other charges are taken into consideration for the purpose of sentencing (the "TIC charges"), being:

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65 SOF in CC9 at para 76,

66 SOF in CC9 at para 77.

(a) 2nd charge – Possession of 10 tablets containing Nimetazepam on 22 November 2018 under s 8(*a*) of the MDA;

(b) 3rd charge – Possession of not less than 0.13g of MDMA under s 8(*a*) of the MDA on 22 November 2018;

(c) 4th charge – Consumption of methamphetamine under s 8(*b*)(ii) of the MDA on or about 22 November 2018;

(d) 5th charge – Possession of utensils for the consumption of drugs under s 9 of the MDA on 22 November 2018;

(e) 6th charge – Voluntarily causing hurt to his brother by punching and kicking him on 24 November 2018 under s 323 of the PC;

(f) 7th charge – Consumption of methamphetamine under s 8(*b*)(ii) of the MDA on or about 8 March 2019;

(g) 10th, 11th and 12th charges – Failure to report for urine testing on 18 June 2020, 2 July 2020 and 6 July 2020 under reg 15(6)(*a*) of the Misuse of Drugs (Approved Institutions, Medical Observation and Treatment and Rehabilitation) Regulations (1999 Rev Ed);

(h) 13th charge – Possession of 0.46g of methamphetamine on 23 July 2020 under s 8(*a*) of the MDA; and

(i) 15th charge – Possession of utensils for the consumption of drugs on 23 July 2020 under s 9 of the MDA.

Antecedents

66 Foo is untraced. Wong, however, has a string of antecedents, including drug-related antecedents, spanning the years 2002 to 2018. The relevant ones will be mentioned below where appropriate.

Overview of decision

67 In relation to the offences involving Megan, I have taken pains to recite the facts in considerable detail. I do so to underscore the heinous, deplorable and violent conduct of the accused persons, which resulted in the tragic death of Megan, a young and vulnerable victim who was helplessly reliant on the accused persons for her daily care.

68 As alluded to above, Megan's helplessness was clearly evidenced in the video recordings, in which she pleaded with Foo for food, clothing and to be able to leave the compartment of the planter box. Her pitiful pleas fell on deaf ears, and a hardened heart; Foo's reaction was to taunt, mock, and berate Megan. Similarly, despite noticing Megan's obvious discomfort in being paraded around the condominium with her face painted, the video recording showed Wong persisting in his efforts to humiliate her. By February 2020, as I observed above, Megan had injuries covering her frail body. In an emaciated state, she was a mere shadow of her previous self.

69 The deliberate recording of Megan's pain and suffering further demonstrated the absolute depravity of the accused persons. These records of Megan captured her in the most distressing of situations, *eg,* being naked, crying, eating food from the dustbin, and having diapers put over her head. For their own sadistic ends, they robbed Megan of her basic dignity. Ironically, it is

these very chilling recordings which shed light on Megan's plight during that period.

70 After Megan's passing, the accused persons did not repent at all. Instead, they continued to display utter callousness and cruelty. Immediately after her death, in a vain attempt to revive her, they resorted to unorthodox and harmful methods, including blowing drug fumes into her mouth. Over months, they prioritised their interests of self-preservation, to cold-heartedly plan for and then deviously execute the disposal of Megan's body. At the end of her life, they denied Megan of the dignity of a proper laying to rest. Nothing of Megan, not even her ashes, remained.

71 Against this background, I make a few general points. In these two cases, the sentencing considerations of general deterrence and retribution must predominate: *Public Prosecutor v AFR* [2011] 3 SLR 833 ("*AFR*") at [30]; *Public Prosecutor v DAN* [2024] SGHC 250 ("*DAN*") at [41].

72 General deterrence is premised on the need to deter like-minded individuals from mimicking similar criminal behaviour through the imposition of severe sanctions, for the protection of the public: *DAN* at [42]. Indeed, society has a special interest in protecting the young from physical abuse, particularly by those whose duty it is to care for the young under their charge. The court must send a clear signal to those entrusted with such a duty that any unwarranted infliction of violence on young children would not be tolerated and would be met with the full force of the law: *AFR* at [12] and [20]; *Public Prosecutor v Law Aik Meng* [2007] 2 SLR(R) 814 at [24(b)].

73 As for the retributive principle, its essence is to ensure that an offender must pay for what he or she has done: *DAN* at [41]. Society, through the courts,

must show its abhorrence of certain crimes: *Public Prosecutor v Tan Fook Sum* [1999] 1 SLR(R) 1022 at [16].

74 Given the sheer cruelty of the accused persons' conduct, and the unimaginable pain and suffering inflicted upon Megan, it is critical to deter other potentially like-minded individuals who might be similarly situated as the accused persons from ever entertaining the thought of engaging in similar wrongdoing. It is also critical that the accused persons are appropriately punished for their misdeeds.

75 In this light, while the accused persons have pleaded guilty at the earliest possible stage, which demonstrates some remorse on their part, I am of the view that they should not be accorded the full 30% sentencing discount in relation to their offences against Megan, notwithstanding the Sentencing Advisory Panel's Guidelines on Reduction in Sentences for Guilty Pleas ("PG Guidelines"). In especially grave cases such as the present cases, the sentencing considerations of general deterrence and retribution are not to be significantly displaced merely because of an offender's plea of guilt: *DAN* at [51], citing *Ng Kean Meng Terence v Public Prosecutor* [2017] 2 SLR 449 ("*Terence Ng*") at [66] and [71].

76 With these broad considerations in mind, I turn to consider the sentences for Foo and Wong respectively.

Sentencing of Foo in CC8

The Prosecution's submissions

77 The Prosecution points out that there has been a "gross abnegation of parental duties" on Foo's part, and submits that the following individual sentences are warranted:[67]

(a) the Child Abuse Charge − five to seven years' imprisonment;

(b) the Allowing Death of Child Charge – ten to 13 years' imprisonment; and

(c) the Disposal of Corpse Charge against Foo – five to seven years' imprisonment.

78 The Prosecution submits for the sentence for the Allowing Death of Child Charge to run consecutively with the sentence for either of the other charges, so as to give rise to a global sentence of 15 to 20 years' imprisonment.[68]

Foo's mitigation plea

79 As part of her mitigation plea, Foo submitted two handwritten letters for consideration (collectively, the "Letters"). In the Letters, Foo explains that she suffered badly from childhood abuse by her father, from an abusive marriage with Khung, and from an abusive relationship with Wong.[69] The latter two

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67 Prosecution's Written Submissions in CC8 filed 3 February 2025 ("PWS8") at paras 1−2.

68 PWS8 at paras 31−32.

69 See Tabs 2 and 3 of Defence's Bundle of Authorities in CC 8 filed 3 February 2025 ("DBOA8").

relationships caused her to suffer from her "own self-perceived crippling fear".[70] Foo also expresses her deep love for Megan and regret over her actions.[71]

80 In the mitigation plea, Defence Counsel for Foo ("Mr Wong") highlights that in a report by Dr Cheow Enquan from the Institute of Mental Health ("IMH") dated 1 September 2020, Dr Cheow opined that Foo "was probably having an adjustment disorder with depressed mood at and around the time of the alleged offences as she was trapped in an abusive relationship".[72] While Mr Wong concedes that Dr Cheow found "no direct contributory link due to her adjustment disorder" to the offences,[73] he asks that Foo's plight be considered. He submits that Foo was also "a victim in all of this, and had suffered at the hands of [Wong]". There were "insidious downstream effects" to her being "trapped in an abusive relationship".[74]

81 In summary, Mr Wong asks for a global sentence of ten and a half to 11 years' imprisonment, broken down as follows:[75]

(a) the Child Abuse Charge – not more than six months' imprisonment (leaving it to this court to decide if the sentence should be ordered to run consecutively or concurrently);

(b) the Allowing Death of Child Charge – not more than seven years' imprisonment (to be ordered to run consecutively); and

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70 Defence's Written Submissions in CC 8 filed 3 February 2025 ("DWS8") at para 12.

71 See Tabs 2 and 3 of DBOA8.

72 DWS8 at para 6.

73 DWS8 at para 9.

74 DWS8 at paras 10−12.

75 DWS8 at para 39.

(c) the Disposal of Corpse Charge against Foo – not more than three and a half years' imprisonment (to be ordered to run consecutively).

The Child Abuse Charge

82 I turn to the Child Abuse Charge. Since 1 January 2020, pursuant to ss 171(*d*) and 171(*e*) of the Criminal Law Reform Act 2019 (Act 15 of 2019), the punishment for an offence under s 5(5)(*b*) of the CYPA has doubled (from that under the Pre-2020 CYPA) to a fine not exceeding $8,000, or imprisonment for a term not exceeding eight years or both. Further, due to the operation of s 124(8)(*a*)(ii) of the CPC, the maximum sentence for a charge amalgamated under s 124(4) of the CPC has doubled, to a fine not exceeding $16,000 or 16 years' imprisonment or both.

83 It is clear that the custodial threshold is crossed, and Mr Wong does not dispute this.[76] In terms of the length of imprisonment term, I consider seven years' imprisonment to be warranted. My reasons are as follows.

84 In *Public Prosecutor v BDB* [2018] 1 SLR 127 ("*BDB*") at [85] and [132], the Court of Appeal observed that similar to the sentencing for child abuse offences prosecuted under s 325 of the PC, in the sentencing for child abuse offences prosecuted under s 5 of the CYPA, the sentencing considerations of deterrence and retribution apply. The sentences imposed should reflect a proper appreciation of all the circumstances of the case, including the nature of the harm caused and the seriousness and permanence of the injuries inflicted.

85 More specifically, the Court of Appeal held that the following factors relating to culpability are to be considered (see *BDB* at [62]):

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[76] DWS8 at para 37.

(a) the extent of deliberation or premeditation;

(b) the manner and duration of the attack;

(c) the victim's vulnerability;

(d) the use of any weapon;

(e) whether the attack was undertaken by a group;

(f) any relevant antecedents on the offender's part; and

(g) any prior intervention by the authorities.

86 As for mitigating factors, the Court of Appeal acknowledged that mitigating value may be attributed to an offender's mental condition in certain situations, and that generally, circumstances demonstrating an offender's genuine remorse may be accorded mitigating weight (see [72] and [74]). However, the Court of Appeal warned that the often-cited factor of an offender's difficult personal circumstances at the time of the offences will rarely, if ever, have mitigating value (see [75]).

87 Returning to the facts, in terms of harm, it is plain by the narrative set out in [19]–[24] above, and supported by the relevant video recordings of the period of the Child Abuse Charge, that Megan suffered significant and prolonged physical, emotional and mental harm. This will also become evident in my analysis of Foo's culpability (especially at [87(b)]):

(a) Deliberation and premeditation: There was deliberation and premeditation in the different forms of abuse:

(i) Foo deliberately deprived Megan of food to prevent her from defecating around the house, including the occasion on 4 February 2020 (see [19] and [23] above).

(ii) Foo deliberately deprived Megan of clothes to prevent her from staining her clothes with blood from injuries inflicted by the accused persons. Her deliberation is further evidenced by her adamant refusal to give Megan any clothes despite Megan's repeated pleas on 3 February 2020 (see [20] above).

(iii) Foo deliberately made Megan sleep in the planter box to prevent her from dirtying the Flat. It is also clear from Foo's conversation with Megan on 4 February 2020 (see [23] above) that Foo was deliberately confining Megan in the planter box as a form of punishment.

(iv) On 5 January 2020, Foo made Megan eat her mucus in response to Nouvelle's suggestion to do so since Megan was hungry (see [22] above). This manner of abuse was designed to offer Foo and Nouvelle sadistic amusement.

(b) Manner and duration of abuse: The abuse in the Child Abuse Charge spanned two months (*ie*, January 2020 to February 2020). The TIC child abuse charge also accounts for additional instances of abuse spanning one year, from January 2019 to December 2019. Through the abuse in the Child Abuse Charge, Foo had inflicted different forms of harm onto Megan:

(i) By depriving Megan of food and clothing, forcing her to sleep in the planter box at the balcony (regardless of the weather and despite Megan's injuries), slapping her face, and forcing her

to eat Foo's mucus, Foo caused Megan significant physical harm.

(ii) By depriving Megan of her clothes and forcing her to eat Foo's mucus, Foo caused Megan emotional and psychological harm by humiliating her.

I also observe that while the Child Abuse Charge was amalgamated by listing four occasions of the four forms of abuse, each form of abuse (save for the slapping of Megan's face and making her eat Foo's mucus, which specifically occurred on 5 January 2020) were not one-off incidents. Put another way, Foo had, for two months, *repeatedly* deprived Megan of food and clothing, while making her sleep in the planter box. Similar observations can be made in relation to the TIC child abuse charge.

(c) The victim's vulnerability: Megan was a particularly vulnerable victim, as she was but four years of age.

(d) Group attack: Foo carried out the abuse with others, mainly with Wong and in the last instance, with Nouvelle.

(e) Relevant antecedents: While Foo is untraced, she cannot be considered a first-time offender, considering that the Child Abuse Charge is an amalgamated charge which takes into account instances of abuse spanning around two months. The TIC child abuse charge concerns prior instances of abuse spanning one year. The only reason Foo has no prior convictions is because the law had not yet caught up with her for her misdeeds: *Chen Weixiong Jerriek v Public Prosecutor* [2003] 2 SLR(R) 334 at [15]. This is a neutral factor.

(f) Prior intervention: There was prior intervention by the Preschool, the staff of which had, on more than one occasion, warned Foo not to punish Megan physically. Foo acknowledged this. Yet, she proceeded to withdraw Megan from the Preschool, and escalated the abuse.

88 Considering these offence-specific factors, a starting point of eight years' imprisonment – at the midpoint of the prescribed punishment – for the Child Abuse Charge would be appropriate. In arriving at this starting point, I also draw some comparison with *BDB* and *Public Prosecutor v Azlin bte Arujunah and two appeals* [2022] 2 SLR 825 ("*Azlin (CA)*"). These cases involve Pre-2020 CYPA offences – for which the prescribed punishment is half of that prescribed for the offence post-2020, *ie*, a fine not exceeding $4,000, or an imprisonment term not exceeding four years or both. These cases were also raised by parties in their arguments.[77]

89 In *BDB,* the offender repeatedly abused her four-year-old son over more than two years. She pleaded guilty to two charges under s 325 of the PC (for voluntarily causing grievous hurt) and two charges under s 5(5)(*b*) of the Pre-2020 CYPA, with two other s 5 Pre-2020 CYPA charges taken into consideration for sentencing (*BDB* at [1] and [5]). The Court of Appeal upheld the following sentences for the two s 5 Pre-2020 CYPA charges (*BDB* at [132]):

(a) six months' imprisonment for the act of using both hands to push the victim between his shoulder and chest area which resulted in him falling backwards and hitting the back of his head against the television console table (*BDB* at [5], [30] and [132]); and

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77 PWS8 at para 9; DWS8 at note 9.

(b) one year's imprisonment for the act of kicking the victim at the waist area and stepping on his stomach for a few seconds after he fell (*BDB* at [5], [30] and [132]).

The latter sentence was ordered to run consecutively with the sentences for the two s 325 PC charges, and the aggregate sentence was 14 and a half years' imprisonment (*BDB* at [133]).

90 In *Azlin (CA),* the two offenders repeatedly abused their five-year-old son over three months. The five-year-old died after the offenders scalded him with hot water in four incidents over a week (*Public Prosecutor v Azlin bte Arujunah and another* [2020] SGHC 168 ("*Azlin (HC)*") at [206]; *Azlin (CA)* at [1]). Sentences of six months to one year's imprisonment were imposed on the two offenders for their respective charges under s 5 of the Pre-2020 CYPA, as detailed below:

(a) six months' imprisonment (ordered to run concurrently) for the mother's act of hitting the victim on his body, back and legs with a broom (*Azlin (HC)* at [21] and [243(c)]);

(b) six months' imprisonment (ordered to run concurrently) for the mother's act of pushing the victim on the left shoulder, causing him to fall sideways (*Azlin (HC)* at [24] and [243(d)]);

(c) six months' imprisonment (ordered to run concurrently) for each incident of the father's use of pliers to pinch the victim's buttocks and the back of his thighs (*Azlin (HC)* at [17], [245(a)] and [245(b)]);

(d) nine months' imprisonment (ordered to run concurrently) for the father's act of flicking ashes from a lighted cigarette on the victim's arm

and using a hanger to hit him on the palm (*Azlin (HC)* at [35] and [245(d)]);

(e) one year's imprisonment (ordered to run concurrently) on each accused for pushing the victim, causing his head to hit the wall and punching him on his face, causing a laceration on his head and comminuted fractures of his nasal bone (*Azlin (CA)* at [10(d)]; *Azlin (HC)* at [243(e)] and [245(e)]); and

(f) one year's imprisonment (ordered to run consecutively) on each accused for confining the victim in a cage (*Azlin (HC)* at [47], [242(b)] and [244(b)]).

91 As the Prosecution highlights,[78] there are two important differences between these cases and the present case. First, as earlier alluded to (at [82]), the prescribed punishment for s 5(5)(*b*) CYPA offences has doubled since *BDB* and *Azlin (CA)*.

92 Second, *BDB* and *Azlin (CA)* concerned charges involving single instances of abuse. In contrast, as previously explained (at [87(b)]), Foo faces an amalgamated charge comprising different methods of continuous ill-treatment over a period of time. I note that the first three forms of abuse by Foo (detailed at [19]–[21] and [23] above) might not have targeted any particular part of Megan's body. However, I am unable to accept Mr Wong's suggestion that Foo's offence is less serious because "the level of physical violence [in the present case] cannot be said to be high".[79] Instead, Foo's acts of abuse are comparable to, if not more egregious in nature than, the acts in *BDB* and *Azlin*

78 PWS8 at para 15.

79 DWS8 at para 35.

(CA). The deprivation of food, proper clothing and place of rest, would have caused harm to Megan's health, safety and well-being, both physically and emotionally. By February 2020, Megan was an emaciated child. The last act of abuse (detailed at [22] above) comprised not only of the physical act of the slap, but also an act which causes harm to health, *ie,* swallowing Foo's mucus. This act also served to humiliate Megan. Had separate charges been brought for each type of abuse within the charge, I would have considered a starting point of about two years' imprisonment for each charge to be warranted.

93 Indeed, in *Public Prosecutor v DAM* [2023] SGHC 265 ("*DAM*"), where the offender pleaded guilty to an amalgamated charge under s 5(5)(*b*) of the Pre-2020 CYPA[80] for ill-treating his six-year-old stepchild by hitting him with a belt, a hanger, and his hand, and slapping and punching him over a year, the High Court imposed a sentence of three years' imprisonment (*DAM* at [15] and [17]).

94 While Foo's acts of abuse against Megan did not involve any implements (unlike in *DAM*), they constituted offences committed under the Post-2020 CYPA, with doubled maximum punishment. I have also explained above (at [92]) that while some of Foo's acts of abuse against Megan might not have targeted specific parts of her body, they are no less egregious than abuse directly inflicted on a victim's body. Further, Foo's case involved several forms of deliberate group abuse spanning around two months more than that in *DAM* (see *DAM* at [15]),[81] taking into account the TIC child abuse charge (see [87(b)] above). It also involved a younger victim.

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80 PWS8 at note 6.

81 See PWS8 at note 6.

95 Given these, if Foo had claimed trial, I would have imposed around eight years' imprisonment. I, however, give accord to her plea of guilt, which demonstrates some remorse, and provide broadly a 10% reduction (see [75] above; see also *DAN* at [64]), and round down the sentence to seven years of imprisonment.

96 Relatedly, I do not see any mitigating value in the Letters, and make no comment on the truth of the allegations contained therein. (As an aside, I highlight that Wong has disputed her allegations against him.) Foo's plight, as she claims, of suffering abuse at the hands of her father, Khung and Wong, even if true, does not absolve her of any liability. In this regard, I agree with the Prosecution that Foo cannot externalise such alleged wrongdoing against her onto her environment in order to justify her deplorable actions.[82] As Megan's mother, she was Megan's caregiver, and a person Megan should be able to rely on for protection. Instead, Foo abused that trust, and ruthlessly abused Megan. Insofar as Foo suggests that she had no choice but to comply with what Wong wanted, I note, as the Prosecution highlighted during the hearing,[83] that Foo abused Megan even when Wong was not present. Further, as Dr Cheow makes clear, any adjustment disorder did not contribute to Foo's commission of the offences,[84] and no mitigating weight is to be given to these matters.

97 On these points raised in mitigation, I close with the observations made by the Court of Appeal in *BDB* (at [75]), that the difficult personal circumstances of a parent or caregiver can *never* justify or excuse the abuse of young victims, and in *AFR* (at [12]), that for mitigation purposes, a parent or

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82 Transcript for 28 February 2025 ("Transcript") at p 61 lines 22−25.

83 Transcript at p 62 lines 1−2.

84 See DBOA8 p 8 at paras 24–25.

caregiver will not be allowed to exclaim with regret that he or she did not intend to inflict violence on the victim who he or she professes to love.

The Allowing Death of Child Charge

98 I turn to the Allowing Death of Child Charge. Section 304C(1) of the PC reads as follows:

> **Causing or allowing death of child below 14 years of age, domestic worker or vulnerable person in same household**
>
> **304C.**—(1) A person (*A*) shall be guilty of an offence if —
>
> (*a*) a person below 14 years of age, a domestic worker or a vulnerable person (*B*) dies as a result of the unlawful act of a person who —
>
> (i) was a member of the same household as *B*; and
>
> (ii) had frequent contact with *B*;
>
> (*b*) *A* was a member of the same household as *B*, and had frequent contact with *B* at the time of that act;
>
> (*c*) at that time there was a significant risk of grievous hurt being caused to *B* by the unlawful act of such a person; and
>
> (*d*) either *A* was the person whose act caused *B*'s death or —
>
> (i) *A* was, or ought to have been, aware of the significant risk mentioned in paragraph (*c*);
>
> (ii) *A* failed to take such steps as *A* could reasonably have been expected to take to protect *B* from the significant risk; and
>
> (iii) the unlawful act occurred in circumstances of the kind that *A* foresaw or ought to have foreseen.

99 As the Prosecution highlights,[85] s 304C of the PC was enacted following the Penal Code Review Committee's recommendation that a new offence of

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85 PWS8 at para 20.

"causing or allowing death or serious injury of child or vulnerable person" be introduced, as part of proposed criminal law reforms to deal with the abuse of vulnerable victims leading to death or other forms of grievous hurt: Ministry for Home Affairs, *Penal Code Review Committee Report* (August 2018) at pp 148−149 (Chairman: Indranee Rajah SC and Amrin Amin) ("Review Committee Report"). In enacting s 304C of the PC, Parliament emphasised that a "strong stance" has to be taken against serious cases of abuse which lead to the death of a vulnerable victim: Singapore Parl Debates; Vol 94; Sitting No 103; [6 May 2019] (K Shanmugam, Minister for Law and Minister for Home Affairs). Under s 304C(4) of the PC, the prescribed punishment is imprisonment for a term which may extend to 20 years, and liability to fine or to caning.

100 At the outset, I note that there are various permutations within s 304C of the PC, with the main two permutations being that of *causing* the death of or *allowing* the death of certain vulnerable persons in the same household. As parties highlight, this appears to be one of the first few cases involving the specific permutation – of *allowing* the death of a *child*.[86] The first is the unreported case of *Public Prosecutor v Roslinda Binte Jamil* HC/CC 10/2023 (15 February 2024) ("*Roslinda*"), which the parties rely on.[87] Building on *Roslinda,* it would be helpful to set out some guidance for the sentencing of such an offence.

101 In this regard, I agree with the Prosecution that s 304C of the PC contemplates a single form of harm – death. When determining the appropriate starting sentence, the focus would be on assessing an offender's culpability.[88]

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86 PWS8 at para 19; DWS8 at para 18.

87 PWS8 at para 25; DWS8 at paras 18−22.

88 PWS8 at para 22(a).

To this end, I also agree generally with the culpability related factors which the Prosecution submits to be relevant for consideration.[89] These include:

(a) The victim's vulnerability: The younger the victim, the more vulnerable the victim. Where a victim was particularly vulnerable for reasons in addition to his or her age (such as physical disability, mental disability, or ill-health), an offender who allows his or her death would also be more culpable.

(b) Relationship between victim and offender: The closer the relationship between the victim and offender, the greater the onus would be on the offender to protect the victim. This is especially so when there is a relationship of trust and dependence between the victim and the offender (*BDB* at [119]), which is abused by the offender's failure to act. As held in *BDB* (at [119], citing *Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [33]), a parent who betrays that relationship and harms his or her child will generally stand at "the *furthest* end of the spectrum of guilt" [emphasis in original].

(c) Mental state of the offender: Section 304C(1)(*d*)(i) of the PC contemplates two types of offenders: one who *was* aware and one who *ought to have been* aware of the significant risk of grievous hurt being caused to the victim by the main perpetrator's unlawful act, as set out at s 304C(1)(*c*). The former would generally be more culpable than the latter. Relatedly, it would be relevant to consider the offender's level of awareness of the significant risk, *ie*, how much and for how long the offender was aware or ought to have been aware of the significant risk.

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89 PWS8 at para 22(b).

(d) Degree of significant risk of grievous hurt: Connected to the above, an offender's level of awareness would, among other things, be informed by the *degree* of significant risk of grievous hurt suffered by the victim (beyond that needed to establish a s 304C offence). In this regard, I draw from the recent decision of *Rex v ATT and another* [2025] 2 WLR 89 ("*ATT*"), where the English Court of Appeal discussed the interpretation of s 5(1)(*c*) of the Domestic Violence, Crime and Victims Act 2004 (c 28) (UK), which s 304C(1)(*c*) of the PC is modelled after (see Review Committee Report at p 148 para 35). In *ATT*, it was held (at [37]−[45]) that the element of significant risk of grievous hurt should be assessed by considering the previous history of abuse. More specifically, I am of the view that, in the context of sentencing, it would be relevant to consider the following:

(i) Degree of harm caused by prior abuse: The greater the severity of harm already caused to the victim by prior abuse, the higher the degree of significant risk of grievous hurt being caused by the fatal unlawful act (beyond that needed to establish a s 304C offence), and, in turn, the higher an offender's level of culpability.

(ii) Duration and number of incidents: The greater the duration and number of incidents over which the victim was subject to prior abuse, the higher the degree of significant risk of grievous hurt being caused by the fatal unlawful act (beyond that needed to establish a s 304C offence), and, in turn, the higher an offender's level of culpability.

(e) Steps which offender failed to take to protect victim: The more flagrant an offender's failure to protect the victim, the higher his or her

culpability. This factor applies in relation to three points in time, where applicable (a point in time might not be applicable if the offender was absent from the scene and had no contemporaneous knowledge of the main perpetrator's actions, while they were being carried out):

(i) in the lead up to the main perpetrator's fatal unlawful act;

(ii) during the main perpetrator's fatal unlawful act; and

(iii) in the aftermath of the main perpetrator's fatal unlawful act.

(f) Offender's role in unlawful act and prior abuse: Offenders who are themselves accomplices of the main perpetrator's unlawful acts and prior abuse would generally have a higher level of culpability. Such offenders not only failed to protect the vulnerable victim, they also actively participated in harming the victim.

102 As for offender-specific factors, the usual aggravating and mitigating factors would apply. The former includes the presence of related outstanding charges taken into consideration for the purpose of sentencing, antecedents, and the commission of the offence while on bail. The latter includes any mental condition of the offender, or any genuine remorse shown.

103 Considering the relevant factors, I am of the view that Foo's level of culpability is moderate to high, and that a starting point of 15 years' imprisonment is warranted. I explain, making reference to the case of *Roslinda*, where the offender received a sentence of seven years' imprisonment for the s 304C PC charge.[90]

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[90] PBOA8 at p 515 lines 8−12.

104 In *Roslinda*, the High Court found, after adopting a similar approach and considering similar factors as what I had earlier set out (see [100]−[102] above), that the offender's culpability was in the moderate range. The offender received seven years' imprisonment for her s 304C PC charge, after the High Court applied a downward calibration from a starting point of nine years' imprisonment, on account of her plea of guilt, expression of remorse, and cooperation with the authorities.[91]

105 I turn to compare the culpability-related factors in *Roslinda* with Foo's case. In *Roslinda*, the offender was the 11-year-old victim's biological mother, and the main perpetrator who fatally attacked the victim was the victim's stepfather.[92] For nine months prior to the victim's death, the victim had already been repeatedly subject to the stepfather's abuse, which was often inflicted using an exercise bar.[93] The offender was aware of the abuse, and like Foo, had herself also repeatedly abused the victim.[94] The victim eventually died after being fatally hit by the stepfather with the exercise bar.[95]

106 In my view, Foo's case warrants a higher starting point than that in *Roslinda* for three main reasons. First, as the Prosecution argues,[96] Megan was much younger than the victim in *Roslinda*, who was 11 at the time of death. At merely four years old, Megan would have been much more dependent on Foo for protection. Foo's corresponding duty to protect Megan (which Foo had failed in discharging) was therefore much higher.

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91 PBOA8 at p 514 line 27 to p 515 line 12.

92 PBOA8 at p 439 para 4.

93 See PBOA8 at p 441 para 11 to p 460 para 62.

94 See PBOA8 at pp 425−427.

95 PBOA8 at p 454 paras 43−44.

96 PWS8 at para 24(b)(i).

107 Second, turning to the history of abuse, the abuse of Megan had persisted for a much longer time than that of the victim in *Roslinda*, and from September 2019, escalated and intensified. While the abuse in *Roslinda* lasted nine months, Megan suffered under the hands of Foo and Wong for 13 months. This indicated a greater degree of prior harm caused by Wong, and a higher level of "significant risk of grievous hurt" being caused to Megan which Foo was aware of for a prolonged period. Despite this, she did nothing to protect Megan. It is also no excuse to say, as Mr Wong sought to argue during the hearing, that unlike in *Roslinda*, no "deadly implements" were used against Megan.[97] This is because the fact remains that Megan had already suffered a high degree of harm prior to Wong's fatal punch. As the Prosecution highlighted during the hearing,[98] Wong had dislocated Megan's jaw in the process of abusing her, and Foo knew about this. She even carried out research on how to fix Megan's jaw.

108 Third, as the Prosecution alludes to,[99] Foo's failure to take steps to protect Megan was more egregious than the offender's in *Roslinda*. There, prior to the victim's death, the offender had, on some occasions, tried to stop the stepfather.[100] On one occasion, she confronted him for beating the victim.[101] During the stepfather's fatal unlawful act of hitting the victim with the exercise bar, the offender did not intervene.[102] However, following that, the offender tended to the victim over the next four days, although the abuse continued (with the offender biting the victim's arm thrice in a bid to stop the victim from crying

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97 Transcript at p 52 lines 28−29 and p 54 lines 3−6.

98 Transcript at p 35 lines 8−12.

99 PWS8 at para 25(b)(ii).

100 See, *eg*, PBOA8 at p 446 para 23, p 448 para 28 and p 450 at para 31.

101 PBOA8 at p 448 paras 28–29.

102 PBOA8 at p 454 para 43.

in pain when the offender was giving the victim a massage to soothe the victim's pain from the injuries). The offender did not however send the victim to the hospital, for fear that their abuse would be discovered, until four days later when the victim's heart stopped beating.[103]

109 In a word, the offender in *Roslinda* had, at the very least, attempted to tend to the victim, and did eventually send the victim to the hospital (although this was too late). Foo, however, did none of that. There is nothing in the SOF in CC8 which suggests that Foo tended to Megan following Wong's fatal punch. Instead, she had proceeded to consume controlled drugs with Wong in the living room of the Flat. Even when Nouvelle subsequently raised concerns to her that Megan was in pain, Foo callously dismissed Megan's complaints as attempts to seek attention. Even when Megan passed on, Foo did not call the ambulance or seek any medical attention. There is not even a semblance of humanity in Foo's conduct.

110 For these reasons, Foo's level of culpability is moderate to high, and a starting point of 15 years' imprisonment is warranted. In arriving at this decision, I would also respectfully observe that the sentence in *Roslinda* might have been on the low side. Moreover, for the same reasons which I have explained above (at [75] and [95]−[97]), broadly, a 10% reduction would be appropriate given Foo's plea of guilt, bringing her sentence for the Allowing Death of Child Charge to 13 and a half years' imprisonment. As I also explained at [96], I do not see any mitigating effect arising from Foo's personal circumstances, and she was, at the material time, not suffering from any mental condition that would ameliorate her culpability.

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[103] PBOA8 at p 455 para 46 to p 461 para 64.

The Disposal of Corpse Charge against Foo

111 For the Disposal of Corpse Charge against Foo, s 308B of the PC provides for the offence and its punishment as follows:

> **Concealment, desecration or disposal of corpse that impedes discovery, identification, criminal investigations or prosecutions**
>
> **308B.**—(1) A person shall be guilty of an offence who intentionally or knowingly conceals, desecrates or disposes of a human corpse and by such act impedes or prevents —
>
> (a) the discovery or identification of a human corpse; or
>
> (b) the detection, investigation or prosecution of an offence under this Code or any other written law.
>
> (2) A person who is guilty of an offence under subsection (1) shall be punished with imprisonment for a term which may extend to 7 years.
>
> (3) In this section, "desecrate", in relation to a human corpse, includes any act committed after the death of a living person including but not limited to dismemberment, disfigurement, mutilation, burning, or any act committed to cause the human corpse in whole or in part to be devoured, scattered or dissipated.

112 As parties highlight, this is the first offence of its kind since its introduction in 2019.[104] Mr Wong urges the court to "err on the side of caution for sentencing herein because [Foo's] case would most certainly set the tone for subsequent [s 308B PC] cases down the road" given that there is "no known yardstick" to measure the factors presented in the present case against.[105]

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104 PWS8 at para 28; DWS8 at para 25.

105 DWS8 at para 32.

113 I disagree. Instead, I am of the view that the relevant factors for sentencing s 308B PC offences can readily be formulated, and that it would be important to provide guidance on the matter as this is the first case concerning the provision.

114 I first address the offence-specific factors, going towards culpability and harm. Based on the elements forming s 308B PC offences, in assessing culpability, these are the relevant factors:

(a) Manner and extent of concealment, desecration or disposal. The provision criminalises three distinct acts, being that of concealment, desecration, or disposal of a human corpse. The ordering of the words is important, and in my view, generally reflects an increasing level of culpability. Broadly speaking, an offender who wholly disposes of a human corpse will be more culpable than one who desecrates a human corpse, who is in turn more culpable than one who conceals a human corpse. That said, the manner and extent of concealing, desecrating, or disposing of the human corpse would be more significant. Where sophistication is displayed in an offender's *modus operandi*, his or her culpability would be enhanced.

(b) Mental state: The provision contemplates an offender who acts, either intentionally or knowingly. In general, a person who intentionally commits an offence will be more culpable than one who does so knowingly. That said, in relation to this provision, the distinction may be more apparent than real.

(c) Degree of premeditation and planning: The greater the degree of premeditation and planning, the more culpable the offender.

(d) Number of, nature and seriousness of predicate offence(s): The number of predicate offences, and the nature and seriousness of these predicate offences are relevant factors.

(e) Motivation: The motivation behind an offender's act would also shed light on his or her culpability. For instance, an offender who tries to hide his or her own predicate offence would generally be more culpable than one who does so in a misguided attempt to cover someone else's wrongdoing without any financial or other benefit.

(f) Presence of collusion: Where an offender acts with others, each offender's culpability would be higher.

115 Turning to harm, s 308B of the PC envisages two broad forms of harm, either impeding or preventing (a) the discovery or identification of the corpse; or (b) the detection, investigation or prosecution of an offence. In my view, the former is generally a lesser form of harm compared to the latter. In relation to both types of harm, the duration and extent of impediment is also an important factor to consider.

116 Apart from these considerations in relation to culpability and harm, the offender-specific aggravating and mitigating factors are broadly the same as those discussed at [102] above.

117 Applying the offence-specific factors, it can hardly be doubted that the present case should fall on the highest end of the punishment prescribed by s 308B of the PC. I explain below.

118 Foo's culpability is very high, for the following reasons:

(a) Manner and extent of disposal: Foo had intentionally disposed of Megan's corpse in a highly sophisticated manner. Megan's corpse was completely disposed of by incineration in a custom-made metal barrel, and her ashes were subsequently disposed of completely in the sea. The metal barrel was also disposed of, leaving no trace of Megan whatsoever. Foo was present at the incineration, and even arranged for incense to be burned to mask the incineration of Megan's corpse.

(b) Degree of premeditation and planning: The accused persons meticulously planned and executed the disposal of Megan's body. Collectively, they conducted research, experimented with the design of the metal barrel, and arranged for the construction of the same. The actual disposal was conducted only on 8 May 2020, more than two months after Megan's death.

(c) Seriousness of predicate offences: Foo had disposed of Megan's corpse to hide serious offences, *ie,* more than 13 months of child abuse involving an especially vulnerable victim, and causing and allowing the death of a child.

(d) Motivation: Foo committed the offence to cover up her own serious misdeeds over the past year, as well as wrongs done by Wong. In particular, she did so to cover up *how* Megan died at their hands.

(e) Presence of collusion: Foo had colluded with Wong and Nouvelle in the disposal of Megan's corpse.

119 Similarly, the harm caused by Foo's offence is very high, if not the absolute highest. I am unable to agree with Mr Wong that "the impediment caused to the discovery/investigations of [Megan's] death was a period of about

5 months".[106] As the Prosecution highlights, there was "complete destruction of a corpse such that not even Megan's ashes were recovered" [emphasis in original omitted].[107] Foo's offence therefore *severely* impeded the detection, investigation and prosecution of serious offences.[108] Indeed, the pathologist had difficulty with the determination of Megan's cause of death owing to the absence of her remains, and only provided the *possible* causes on a speculative basis.[109]

120 Given the extremely high culpability and harm present in the Disposal of Corpse Charge against Foo, this must be one of the worst cases contemplated under s 308B of the PC. A starting point of six years' imprisonment, which is close to the prescribed maximum of seven years' imprisonment, would thus be appropriate.

121 Such a starting point also coheres with related precedents involving s 201 of the PC, which criminalises the causing of the disappearance of evidence of an offence committed, or giving false information touching it, to screen an offender. Like a s 308B PC offence, the maximum imprisonment term for a s 201 PC offence is seven years' imprisonment in cases where the predicate offence sought to be screened is punishable with imprisonment for life or with imprisonment which may extend to 20 years. Given these similarities between s 308B and s 201 of the PC, a comparison of Foo's case with precedents involving s 201 of the PC would be apt.

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106 DWS8 at para 31.

107 PWS8 at para 29(a).

108 See also Transcript at p 45 lines 19–21.

109 See SOF in CC8 at Tab B.

122 I turn to consider the cases of *Public Prosecutor v McCrea Michael* [2006] 3 SLR(R) 677 ("*McCrea*") and *Public Prosecutor v Ong Pei Ling Audrey* [2003] SGDC 337 ("*Audrey Ong*"). The offenders were McCrea and his lover, Audrey, and the victims were McCrea's chauffeur ("Guan") and his lover ("Suzie"). McCrea, Audrey, Guan, and Suzie lived in the same flat (*McCrea* at [2]). In the course of a fight with Guan, McCrea killed Guan (*McCrea* at [3]). McCrea also killed Suzie to silence her since she had witnessed the incident (*McCrea* at [7]). Following Guan and Suzie's deaths, McCrea masterminded the commission of a s 201 PC offence, gathering a team consisting of himself and Audrey, as well as two other persons, "Gemma" and "Augustine", to conceal the two corpses (*McCrea* at [17]):

> 8 The accused [*ie*, McCrea], Audrey and Gemma (and later, Augustine) … packed Guan's body into the wicker basket and measured the Daewoo Chairman motor car to be sure that the basket would fit into the rear seat of the car. They packed clothing and dumbbells into the wicker basket to add weight to it, in case they decided to dispose of the basket in the sea. Air freshener was sprayed into the basket to mask the smell of decomposing flesh. Then, Suzie's body was put into the boot of the car together with bags containing her personal effects.
>
> 9 The accused then drove the car, with Gemma in the front passenger seat and Audrey in the rear passenger seat, all over Singapore from Bukit Timah Hill to Punggol, looking for a suitable place to dispose the bodies. Eventually, they decided to leave the car in the car park of Orchard Towers. The accused and Audrey fled to London on 5 January 2002, and subsequently to Melbourne, Australia where they were arrested on 6 June 2002…

123 McCrea was later charged for two counts of culpable homicide under s 304(*b*) of the PC for killing Guan and Suzie. He also faced a s 201 PC charge for causing evidence of his culpable homicide of Guan to disappear, with the intention of screening himself from legal punishment (*McCrea* at [1]). McCrea pleaded guilty to all three offences, and was sentenced to four years' imprisonment for his s 201 PC offence (*McCrea* at [17]). On the other hand,

Audrey pleaded guilty to two s 201 PC offences, and was sentenced to six years' imprisonment for each offence, with the sentences running consecutively (*Audrey Ong* at [2] and [52]−[53]).

124 While these precedents similarly involved collusion, Foo's case is much more serious, for at least five reasons:

(a) Manner and extent of concealment or disposal: In *McCrea* and *Audrey Ong*, the corpses were *concealed* in a relatively unsophisticated manner. In contrast, Foo had *disposed of* Megan's corpse and ashes in a highly sophisticated manner.

(b) Degree of premeditation and planning: In *McCrea* and *Audrey Ong*, there was minimal premeditation and planning. Indeed, the offenders in those cases had difficulty finding a suitable location to conceal the corpses. In contrast, and as earlier explained, Foo's offence was highly premeditated and thoroughly planned.

(c) Seriousness of predicate offence: In *McCrea* and *Audrey Ong*, the offences by McCrea involved s 304(*b*) of the PC (*knowingly* causing death), committed against two adults. No further offences were concealed. In contrast, Foo was attempting to hide what was ultimately a more serious offence under s 304(*a*) of the PC (*intentionally* causing death) committed by Wong, her own offence of allowing Megan's death, as well as a prolonged period of prior child abuse, committed against an especially vulnerable victim.

(d) Motivation: Foo was more culpable than Audrey, since the former had sought to cover her own offending, while the latter was attempting to cover McCrea's predicate offences.

(e) Harm: In *McCrea* and *Audrey Ong*, the corpses could still be recovered. While decomposition had already set in, the pathologist was still able to perform a postmortem and ascertain Guan and Suzie's respective causes of death (*Audrey Ong* at [7]−[8]). In contrast, no part of Megan's corpse or ashes was recovered in Foo's case, and her cause of death could not be ascertained with certainty.

125 A starting point of six years' imprisonment is therefore warranted for Foo. On account of her plea of guilt, I impose a sentence of five and a half years of imprisonment (approximately 10% discount which is explained at [95]−[97] above) for the charge. No other mitigating factors are present.

The global sentence

126 Pursuant to s 307(1) of the CPC, the sentences for at least two of Foo's charges are to run consecutively. I agree with parties[110] that the sentences for the Allowing Death of Child Charge and the Disposal of Corpse Charge against Foo should run consecutively. I am also of the view that the sentence for the Child Abuse Charge should run concurrently. Considering the proximities in time, place, continuity of action, and continuity in purpose or design of these offences, the offences in the Allowing Death of Child Charge and the Disposal of Corpse Charge against Foo involve different legally protected interests and are unrelated. Their sentences should thus run consecutively: *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 ("*Raveen*") at [39] and [41]. Foo's global sentence is thus 19 years' imprisonment. While this sentence might be higher than the normal level of sentences for the most serious of the individual offences (here, the Allowing Death of Child Charge), it is not excessive, and is

110 PWS8 at para 31; DWS8 at para 39.

proportionate to Foo's high level of criminality. Neither can it be considered crushing: *Raveen* at [73]; *DAN* at [103]. Foo's sentence is to be backdated to 24 July 2020, when she was first held in custody.

Sentencing of Wong in CC9

Prosecution's submissions

127 I turn to Wong. The Prosecution highlights that Wong had committed the offences against Megan while he was on bail, reflecting his contempt for the law.[111] The Prosecution submits that the individual sentences should be as follows:[112]

(a) the Culpable Homicide Charge – 15 years' imprisonment and ten to 12 strokes of the cane;

(b) the Disposal of Corpse Charge against Wong – five to seven years' imprisonment;

(c) the Drug Trafficking Charge – five years' imprisonment and five strokes of the cane; and

(d) the Drug Consumption Charge – three years' imprisonment.

128 The Prosecution submits that all the sentences should be made to run consecutively, with the aggregate sentence of 28 to 30 years' imprisonment with 15 to 17 strokes of the cane.[113]

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111 Prosecution's Written Submissions in CC9 filed 3 February 2025 ("PWS9") at para 1.

112 PWS9 at para 2.

113 PWS at paras 2 and 19.

Wong's mitigation plea

129 In his mitigation plea, Wong expresses remorse. In relation to the charges, Defence Counsel for Wong ("Mr Chhabra") submits that these individual sentences are appropriate:[114]

(a) the Culpable Homicide Charge – between 11 and 13 years' imprisonment and six strokes of the cane;

(b) the Disposal of Corpse Charge against Wong – one to two years' imprisonment;

(c) the Drug Trafficking Charge – five to six years' imprisonment and five strokes of the cane; and

(d) the Drug Consumption Charge – three to four years' imprisonment.

130 Mr Chhabra asks for the minimum of two of the sentences to run consecutively, giving rise to a cumulative sentence of between 20 to 22 years' imprisonment with 11 strokes of the cane.[115] During the hearing, Wong, through Mr Chhabra, also expressed surprise at Foo's allegations of abuse by Wong, and refuted them.[116] This is re-emphasised in Wong's supplementary submissions.[117]

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114 Defence's Written Submissions in CC9 filed 12 February 2025 ("DWS9") at para 34.

115 DWS9 at paras 33–34.

116 Transcript at p 112 line 25 to p 113 line 2.

117 Defence's Supplementary Submissions in CC9 filed 7 March 2025 ("DSS9") at para 2.

The Culpable Homicide Charge

131 Pursuant to s 304(*a*) of the PC, the prescribed punishment for intentionally causing such bodily injury as is likely to cause death is imprisonment for life, or imprisonment for a term which may extend to 20 years, and liability to fine or caning.

132 Preliminarily, I note that the Prosecution does not press for a sentence of life imprisonment. I agree with the position taken by the Prosecution. Notwithstanding the offence and offender-specific related factors present, Wong's case is not the worst type of case falling within s 304(*a*) of the PC, such that it warrants the maximum punishment: *Azlin (CA)* at [200]. However, Wong's case falls on the higher end of the spectrum, and I consider a starting point of 17 years' imprisonment to be appropriate.

133 In *AFR*, the offender was originally charged with a count of murder, but eventually convicted of the offence of culpable homicide under s 304(*b*) of the Penal Code (Cap 224, 2008 Rev Ed) (the "then-PC"). At that time, the offence carried a maximum sentence of ten years' imprisonment. The Court of Appeal emphasised as follows:

> 20 … our courts have unequivocally adopted a robust sentencing policy towards parents and caregivers who inflict senseless violence on young victims. Society has a special interest in protecting the young from physical abuse, particularly by those whose duty it is to care for the young under their charge. In every case of physical abuse of a young child by a parent or caregiver, there is gross abuse of physical disparity by the offender, which manifests itself in the form of inhumane treatment of a vulnerable young victim. Public interest demands the imposition of a severe sentence in this situation: the court has to send a clear signal that offences

> involving physical violence against helpless children are regarded with deep abhorrence and will not be tolerated.
>
> 21 To this end, *the sentencing judge must first determine whether the case at hand is one where physical abuse of a young child by a parent or caregiver has led to the death of the child in circumstances which constitute an offence punishable under s 304(b) of the PC. If that question is answered in the affirmative, then* ***a term of imprisonment of between eight to ten years and caning of not less than six strokes should ordinarily be imposed as a starting point***. Second, the sentencing judge must also take into consideration any mitigating circumstances and/or aggravating factors pertinent to the precise factual context…
>
> [emphasis added in italics and bold italics]

134 In that case, the offender was unhappy that the victim, his daughter who was less than two years' old, was playing and chewing with his cigarettes. The offender viciously attacked her by slapping, punching, kicking, and stamping on her (*AFR* at [2]−[5] and [24]). The victim died of a ruptured inferior *vena cava* (*AFR* at [5]). There was evidence that even prior to the fatal attack, the offender had physically (and, possibly, even sexually) assaulted the victim (*Public Prosecutor v AFR* [2011] 3 SLR 653 at [19] and [41]; *AFR* at [54]). The offender was sentenced to the maximum sentence of ten years' imprisonment. He was also given ten strokes of the cane (*AFR* at [1] and [57]).

135 In sentencing the offender, the Court of Appeal considered the following factors (*AFR* at [12] and [23]−[34]):

(a) the extreme violence and force inflicted on the victim;

(b) the fact that the victim was a helpless child of less than two years old; and

(c) the offender's father-child relationship with the victim involved an ultimate relationship of trust and confidence.

136 The Court of Appeal's approach in *AFR* was adopted in *DAN*, which, like the present case, involved an offence under s 304(*a*) of the PC carrying a maximum imprisonment term of 20 years. There, the offender killed his five-year-old daughter ("Ayeesha") by smacking her 15 to 20 times on her face. He thereafter also punched Ayeesha on her back, kicked and stomped on her buttocks and shoulder, and slapped her three or four more times (*DAN* at [19]−[20]). This came after around 20 months of abuse, including at least seven occasions involving highly intensive physical abuse (*DAN* at [11], [12], [14], [16] and [17]), as well as confining Ayeesha to a "naughty corner" within an area measuring 90cm by 90cm for eight months and subsequently to the toilet for ten months (*DAN* at [13] and [18]). Apart from his s 304(*a*) PC charge, the offender faced five other proceeded charges, including two under the Pre-2020 CYPA for ill-treating Ayeesha, as well as 20 other charges taken into consideration for sentencing (*DAN* at [3]).

137 For his s 304(*a*) PC charge. the High Court sentenced the offender to 15 years' imprisonment, after giving him a 10% discount from the starting point of 16 and a half years' imprisonment for pleading guilty. The offender was also given 12 strokes of the cane (*DAN* at [64]−[65]). In sentencing the offender, the High Court considered (at [53]) the Court of Appeal's guidance in *BDB*, as well as the following aggravating factors:

(a) the viciousness, severity, and persistence of the attacks, which occurred twice in the same day;

(b) Ayeesha's young age of five;

(c) the vulnerability of Ayeesha – in particular, the fact that Ayeesha was small, underweight, and underfed;

(d) the offender's abuse of position; and

(e) the fact that the offender was much bigger and trained in several forms of martial arts.

138 In terms of culpability, I note Mr Chhabra's argument that Wong's case is less serious than *AFR* and *DAN*, and that a sentence of 11 to 13 years' imprisonment with six strokes of the cane would therefore be appropriate here.[118] While this might appear appropriate at first glance on a cursory comparison of the present facts with those in *AFR* and *DAN*, a closer analysis would suggest otherwise. I explain.

139 As stated above, in *AFR*, the offender was convicted of a single charge under s 304(*b*) of the then-PC, which carried half the maximum sentence of the Culpable Homicide Charge faced by Wong. The offender was given the maximum sentence. In doing so, the Court of Appeal was also of the view (at [53]) that "given that no charges relating to sexual abuse or earlier instances of physical abuse of the [victim] were brought against the [accused], the evidence of the [accused's] previous physical abuse and possible sexual abuse of the [victim] could not be taken into account as an aggravating factor".

140 Put another way, even without considering the offender's prior abuse of the victim, the Court of Appeal had imposed the maximum sentence for the offence which the offender had been convicted of on him.

141 I digress at this juncture to discuss the Court of Appeal's observations in *AFR*, that the proven fact of the offender's prior abuse cannot be considered in the sentencing process because no charges were brought against him in

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118 DWS9 at para 32.

relation to those instances of abuse (*AFR* at [53]). This is no longer the position under Singapore law, and I reject Mr Chhabra's arguments in this regard.[119] In *Public Prosecutor v Bong Sim Swan Suzanna* [2020] 2 SLR 1001, the Court of Appeal clarified that such relevant facts should be considered in the sentencing process, as part of the circumstances of the case:

> 65 In *Chua Siew Peng* ([23] *supra*), the High Court observed that while a sentencing court generally could not take into account uncharged offences, it was entitled to and in fact should consider the aggravating circumstances in which the offence was committed, even where those circumstances could technically constitute separate offences (*Chua Siew Peng* at [81]). There was conduct that could constitute a separate offence but which was so closely intertwined with the specific charge before the court that it should be considered at sentencing (*Chua Siew Peng* at [83]). One example was the offence of drink-driving where the sentencing court might recognise aggravating factors such as speeding or driving recklessly, notwithstanding that each of those facts could amount to a separate charge (*Chua Siew Peng* at [83]). *A fact with a sufficient nexus to the commission of the offence could be considered at the sentencing stage, irrespective of whether this fact could also constitute a separate offence for which the accused was not charged.* What constituted a sufficient nexus was a fact-sensitive inquiry that depended on the circumstances of each case and the degree of proximity of time and space to the charged offence. *A sufficient nexus would generally be present if it concerned a fact in the immediate circumstances of the charged offence or was a fact relevant to the accused's state of mind at the time of committing the offence (*Chua Siew Peng *at [85]).*
>
> 66 We agree with the above principles stated in *Chua Siew Peng*. ***If the facts are relevant and proved, they may be, and indeed ought to be, considered by the sentencing court*** (see also *Edwin s/o Suse Nathen v Public Prosecutor* [2013] 4 SLR 1139 at [24] and [27])…
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> …
>
> 70 Evidently, the application of the principles has not been completely consistent. It seems that in an attempt to adhere to the principle that an offender should not be punished for an

[119] Transcript at p 120 lines 3–27.

> offence for which he has not been charged, the courts have sometimes opted to exclude consideration of conduct that might amount to uncharged prior offences. We see two problems with this approach.
>
> …
>
> 73 In our opinion, the sentencing court must be able to consider all the circumstances of a case in order to assess it realistically. Where the Prosecution has proved relevant facts, we do not see why the court should pay no heed to them when considering the appropriate sentence on the sole ground that they might also amount to offences. We think it is important to consider the totality of the circumstances of a charged offence in order to have a true flavour of the offence as the overall perspective may have an impact on the level of the offender's culpability and the extent of the victim's suffering. Naturally, in applying this principle, the court must take a common-sense and contextual approach when considering the importance of the proved relevant facts.
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> [emphasis added in italics and bold italics]

142 Turning to *DAN*, while the High Court imposed 15 years' imprisonment on the offender for his s 304(*a*) PC charge (after applying a 10% plead guilty discount from a starting point of 16 and a half years' imprisonment), it must be highlighted that the offender was *separately* prosecuted for his abuse of Ayeesha prior to his fatal attacks. More specifically, as earlier alluded to, the offender faced two more Pre-2020 CYPA charges in relation to Ayeesha, respectively, for repeatedly slapping, punching, caning, kicking her, grabbing her by her hair to stand up, lifting her up against a wall by her neck while punching her body, and pointing a pair of scissors at her to threaten her; and for confining her naked in the toilet for ten months from October 2016 to August 2017 (*DAN* at [3(b)] and [3(e)]). In relation to these charges, the maximum sentence of four years' imprisonment was imposed for each charge (*DAN* at [75]), and these sentences were ordered to run consecutively (*DAN* at [90]). In other words, the 15 years' imprisonment imposed for the offender's s 304(*a*) PC offence did not account for his prior abuse, which were instead considered by

way of two other proceeded charges, for which the offender received maximum sentences. For his abuse and killing of Ayeesha, the offender received a global sentence of 23 years' imprisonment and 12 strokes of the cane (which imprisonment term would have been 24 and a half years without the plead guilty discount).

143 Viewed in this light, the starting point of 17 years' imprisonment for Wong's Culpable Homicide Charge (which carries a maximum sentence of 20 years' imprisonment), when considered against the backdrop of his abuse of Megan prior to his fatal punch, would cohere with *AFR* and *DAN*, and is appropriate. Such a position would also cohere with the starting point considered for (and the eventual sentence imposed on) Foo for her Allowing Death of Child Charge. Compared to Foo, Wong displayed a much higher level of criminality.

144 Even prior to the events of 21 February 2020, Wong had been abusing Megan. He started in late February 2019, on the weekends when Megan stayed over at the Flat (see [11] and [13] above). The abuse quickly escalated from September 2019 onwards, after Megan moved into the Flat to live with the accused persons (see [16] above). Wong's acts of abuse were intense, persistent, cruel and humiliating. He caned Megan, hit her (sometimes with a water hose and on one occasion with a baton), punched her, taught Foo how to inflict pain on her without leaving visible injuries, forced her to eat food from the bin, drew all over her face and paraded her in public, starved her, deprived her of clothes, and made her sleep in the planter box despite the elements. He also exploited Megan's fear of water to abuse her, and restrained her with a rope while doing so. On one occasion, as the Prosecution highlights, Wong hit Megan so hard

that her jaw became crooked.[120] A few days before the fatal attack, Wong again slapped or punched Megan on her chest and slapped her back. On 21 February 2020, Wong inflicted the fatal punch, triggered by his own perception of Megan's failure to respond to his admonishment. He proceeded to consume controlled drugs in the living room of the Flat thereafter, and callously dismissed Megan's complaints of stomach pain when informed by Nouvelle.

145 Even after Megan became unresponsive, he prioritised trying to cover his own offences, and did not bring back a defibrillator he had located for fear of prosecution. Instead, he further endangered Megan's safety by attempting to resuscitate her using his own dangerous methods. He even instructed Foo and Nouvelle to smoke drugs and blow the smoke into Megan's mouth.

146 Megan was a vulnerable victim, barely four years of age. At the time of the attack, she was emaciated and her body was covered in injuries. In contrast, Wong was a fully grown man who was much bigger and stronger.

147 Wong was also in a position of trust, which he blatantly abused. As Foo's boyfriend, and the other adult Megan lived with, Megan would have looked to Wong for care and protection. In fact, Wong knew this, as the Preschool had, on 22 March 2019, advised him that physical punishment of Megan was not an appropriate form of discipline (see [14] above).

148 The other aggravating factors are that the offence was committed while Wong was on bail (see [58] above), and he has a relevant TIC charge of causing hurt to his younger brother by punching and kicking him several times.[121]

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120 PWS9 at para 7(c).

121 Arraigned Charges in CC9 dated 27 February 2025, 6th Charge.

149 Given the various acts of abuse committed over a year, and the facts and circumstances immediately preceding and following Megan's death, should Wong have claimed trial, a sentence of about 17 years' imprisonment would have been warranted.

150 That said, for similar reasons as that given in relation to Foo (see [75] and [95] above), I accord Wong a one and a half year discount (below 10%) for having pleaded guilty. I thus round his sentence to 15 and a half years' imprisonment. Further, as the Prosecution submits,[122] 12 strokes of the cane is appropriate, in light of the precedent cases. In *BDB*, the Court of Appeal observed (at [76]), in the context of a s 325 PC offence of voluntarily causing grievous hurt, that "where death is caused, a sentence of 12 or more strokes of the cane may be warranted". Indeed, in *DAN*, the High Court had imposed 12 strokes of the cane on the offender for the s 304(*a*) PC charge.

151 In arriving at this sentence, I give no weight to Wong's mitigation plea. While Mr Chhabra sought to explain otherwise during the hearing,[123] I find that in his plea, Wong effectively attempts to downplay his criminality. Amongst other things, he explains that he was under the influence of methamphetamine and was merely trying to discipline Megan.[124] These are plainly without merit. As the Prosecution highlighted during the hearing,[125] Wong's consumption of drugs would, if anything, be aggravating. It is also no excuse to say that Wong's actions were aimed at disciplining Megan. As the Court of Appeal observed in *AFR* (at [33]), the measure of discipline imposed by a parent or caregiver on a

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122 PWS9 at para 12.

123 Transcript at p 116 lines 18−24 and p 118 lines 1−10.

124 See, *eg*, DWS9 at paras 8(c)–8(d), 21(a), 21(d)–21(f) and 21(i).

125 Transcript at p 103 lines 19−22.

child must be commensurate with the age and the extent of understanding of that child.[126] Wong's actions went well beyond what any sensible person would have done by way of discipline. It was abuse.

152 To avoid doubt, in arriving at this sentence, I give no weight to Foo's allegation that Wong had abused her. As explained previously (at [96]), this allegation is irrelevant in the present matter, and I make no comment on it.

The Disposal of Corpse Charge against Wong

153 For the Disposal of Corpse Charge against Wong, considering the relevant harm and culpability factors (see respectively [115] and [114] above), Wong is more culpable than Foo.

154 Crucially, Wong displayed a higher degree of premeditation and planning, as well as sophistication, in disposing of Megan's corpse. He took greater and more active steps to slow the decomposition of Megan's body and came up with the idea of using a smokeless burn barrel. In fact, the entire operation was orchestrated by him. He took the actual steps to commission the metal barrel, instructed for modifications to be made to the metal barrel, carried the box with the body to the burning site, requested Foo and Nouvelle to return to the Flat to collect some Indian incense to mask the incineration of Megan's corpse, disposed of the ashes, and gave instructions for the disposal of the metal barrel.

155 For his greater role of involvement as compared to Foo, Wong is more culpable. A starting point of close to seven years is therefore warranted, which

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126 See also Transcript at p 101 line 18 to p 102 line 23.

I then reduce to six years on account of his plea of guilt (according slightly more than a 10% reduction in this process).

156 In arriving at this sentence, I find that the cases relied on by the Defence, *ie*, *Rajendran s/o Nagarethinam v Public Prosecutor and another appeal* [2022] 3 SLR 689 and *Public Prosecutor v Tay Tong Chuan* [2019] SGDC 58, are not relevant. These precedents do not involve any attempts at concealing, desecrating, or disposing of corpses. There are also no other mitigating factors to be accounted for in the present case.

The Drug Trafficking Charge

157 Pursuant to s 5(2) read with s 33(1) of the MDA, the prescribed punishment for Wong's Drug Trafficking Charge is a minimum imprisonment term of five years and five strokes of the cane, and a maximum imprisonment term of 20 years and 15 strokes of the cane.

158 In *Vasentha d/o Joseph v Public Prosecutor* [2015] 5 SLR 122 ("*Vasentha*"), the High Court held (at [47]) that the indicative starting points for first-time offenders trafficking in *diamorphine* should be as follows:

Quantity	**Imprisonment**	**Caning**
Up to 3g	5–6 years	5–6 strokes
3–5g	6–7 years	6–7 strokes
5–7g	7–8 years	7–8 strokes
7–8g	8–9 years	8–9 strokes
8–9g	10–13 years	9–10 strokes
9–9.99g	13–15 years	10–11 strokes

159 The starting sentence should then be adjusted to reflect the offender's culpability and the presence of aggravating or mitigating circumstances (*Vasentha* at [48]).

160 In *Loo Pei Xiang Alan v Public Prosecutor* [2015] 5 SLR 500, the High Court held (at [15]−[17]) that the above-mentioned indicative starting sentencing ranges, which relate to the trafficking of diamorphine, can be extrapolated to derive the starting ranges for the trafficking of methamphetamine (see also *Adri Anton Kalangie v Public Prosecutor* [2018] 2 SLR 557 at [75(a)]). More specifically, the High Court held that 1g of diamorphine could be equated to 16.7g of methamphetamine, and re-emphasised that these starting points might then need to be adjusted to reflect the offender's culpability and the presence of aggravating or mitigating circumstances.

161 I turn to apply these principles to the present case. First, having regard to the 24.51g of methamphetamine that is the subject of Wong's Drug Trafficking Charge, the indicative starting sentence would fall in the middle of the lowest category of drugs trafficked. A starting point of five and a half years' imprisonment and five strokes of the cane is thus appropriate.

162 I also consider Wong's culpability to be moderate. He sold methamphetamine to his acquaintances (see [56]−[57] above). There was some drug trading on a commercial basis, and Wong, motivated by financial gain, did not merely play the role of a courier. An uplift of six months would thus be appropriate.

163 The only relevant offender-specific factor here is Wong's plea of guilt. In this regard, I note Mr Chhabra's argument that Wong should be given the full

30% sentencing discount since he had indicated his intention to plead guilty within around two weeks after the Prosecution made a global offer to the Defence for the first time, following three rounds of representations made to it.[127] While I can accept that Wong had not unduly delayed his plea of guilt, I am unable to agree with the Defence that a 30% discount is warranted. As the Prosecution highlighted during the hearing,[128] the Court of Appeal has, in *Iskandar bin Jinan v Public Prosecutor and another appeal* [2024] 2 SLR 673 ("*Iskandar*"), held (at [121]) that the maximum discount which should be given to an offender who has committed drug trafficking or drug importation offences is 10%.

164 I hence accord Wong a six month-discount, to arrive at a sentence of five and a half years' imprisonment and five strokes of the cane.

The Drug Consumption Charge

165 Pursuant to s 33(4AA) of the MDA, for the Drug Consumption Charge, an offender shall be punished with imprisonment for a term of not less than three years. I agree with the Prosecution that an uplift of one year from the minimum sentence of three years' imprisonment is warranted here, due to at least three factors.

166 First, Wong has relevant antecedents. Wong was, on 2 September 2017, ordered to spend six months at the DRC, and his stay at the DRC was further extended by six months. However, this previous order is already accounted for in the Drug Consumption Charge, such that Wong is liable for enhanced punishment. I hence disregard it for present purposes to avoid double counting.

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127 DSS9 at para 3.

128 Transcript at p 109 lines 5–9.

Even so, Wong is traced. On 1 September 2018, he was placed under drug supervision for 24 months.[129] Second and relatedly, Wong committed the Drug Consumption Charge while under drug supervision, and, in fact, while out on bail. Third, Wong faces ten other related TIC charges.

167 I also agree with the Prosecution that on account of Wong's early plea of guilt, the maximum discount should be given, to arrive at the minimum sentence of three years' imprisonment.[130] This is also the sentence sought by Mr Chhabra.[131]

The global sentence

168 For similar reasons as those stated above (at [126]) in relation to Foo's global sentence, all of Wong's sentences, which are for distinct offences protecting different legally protected interests (see *Raveen* at [39]), should run consecutively. Wong's aggregate sentence is thus 30 years' imprisonment and 17 strokes of the cane. In relation to this aggregate sentence, I am of the view that it is proportionate to Wong's criminality, and it is not crushing. No further adjustments should be made to it.

169 I note that Wong was first arrested on 22 November 2018 and was released on bail on 24 November 2018. He was also re-arrested on 8 March 2019 and released on the same day, before again being arrested on 23 July 2020. I do not consider Wong's brief two-day remand in 2018 to be material. Wong's sentence is thus backdated to 23 July 2020.

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129 Wong's Criminal Records (Main) filed 3 February 2025 at p 7.

130 PWS9 at para 18.

131 DWS9 at para 34; DSS9 at para 3.

Conclusion

170 To conclude, for the foregoing reasons, I impose a global sentence of 19 years' imprisonment on Foo backdated to 24 July 2020, as follows:

(a) The Child Abuse Charge – Seven years' imprisonment (concurrent).

(b) The Allowing Death of Child Charge – 13 and a half years' imprisonment (consecutive).

(c) The Disposal of Corpse Charge against Foo – Five and a half years' imprisonment (consecutive).

171 On Wong, I impose a global sentence of 30 years' imprisonment backdated to 23 July 2020 and 17 strokes of the cane, as follows:

(a) The Culpable Homicide Charge – 15 and a half years' imprisonment (consecutive) and 12 strokes of the cane.

(b) The Disposal of Corpse Charge against Wong – Six years' imprisonment (consecutive).

(c) The Drug Trafficking Charge – Five and a half years' imprisonment (consecutive) and five strokes of the cane.

(d) The Drug Consumption Charge – Three years' imprisonment (consecutive).

172 These are heavy sentences. To reiterate, when parents or caregivers abuse their children in ways which torment them physically, mentally and

emotionally, the court must, on behalf of society, impose stiff punishment reflecting the disapprobation of such conduct.

Hoo Sheau Peng
Judge of the High Court

Han Ming Kuang, Marcus Foo and Goh Qi Shuen (Attorney-General's Chambers) for the Prosecution;
Tan Joon Liang Josephus and Cory Wong Guo Yean (Invictus Law Corporation) for the accused in Criminal Case No 8 of 2025;
Chhabra Vinit (Vinit Chhabra Law Corporation) for the accused in Criminal Case No 9 of 2025.