

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

[2026] SGHC 90

Magistrate's Appeal No 9127 of 2025/01

Between

Public Prosecutor

... Appellant

And

Tan Shay Howe

... Respondent

JUDGMENT

[Criminal Procedure and Sentencing — Sentencing — Appeals]
[Criminal Procedure and Sentencing — Sentencing — Sentencing framework]

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Public Prosecutor

v

Tan Shay Howe

[2026] SGHC 90

General Division of the High Court — Magistrate's Appeal No 9127 of 2025/01

Sundaresh Menon CJ, Tay Yong Kwang JCA and See Kee Oon JAD
5 February 2026

29 April 2026

Judgment reserved.

See Kee Oon JAD (delivering the judgment of the court):

Introduction

1 The respondent, Tan Shay Howe, is a 48-year-old Singaporean who was involved in a locally linked organised crime group (“OCG”) which sold anonymous accounts on messaging platforms in exchange for cryptocurrency. Customers could use these anonymous accounts to conceal their identities for criminal purposes, including the conduct of scams.

2 The respondent pleaded guilty in a District Court to three charges. The first charge was under s 5(1) of the Organised Crime Act 2015 (2020 Rev Ed) (“OCA”) for being a member of a locally linked OCG which had, as one of its purposes, the obtaining of financial benefit from the facilitation of offences of cheating under s 420 of the Penal Code 1871 (2020 Rev Ed) (“PC”) (“OCA Charge”). The second and third charges were under s 54(1)(c) of the Corruption,

Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (2020 Rev Ed) (“CDSA”) read with s 109 of the PC, punishable under s 54(5)(a) of the CDSA, for engaging in a criminal conspiracy to acquire money he knew represented the OCG’s benefits from criminal conduct (respectively, the “First CDSA Charge” and the “Second CDSA Charge”; collectively, the “CDSA Charges”).

3 The District Judge (“DJ”) ordered the sentences for the OCA Charge and the Second CDSA Charge to run consecutively, resulting in an aggregate sentence of 42 months’ and two weeks’ imprisonment and a fine of S\$11,000 (in default, two months’ imprisonment). The present appeal is the Prosecution’s appeal against the sentences for the CDSA Charges. There is no appeal against the sentence for the OCA Charge.

4 In *Huang Ying-Chun v Public Prosecutor* [2019] 3 SLR 606 (“*Huang Ying-Chun*”), the High Court had set out a five-step sentencing framework for the offence of laundering *another person’s benefits from criminal conduct* under s 51(1)(a) of the CDSA. *Huang Ying-Chun* involved an offence under s 44(1)(a) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act (Cap 65A, 2000 Rev Ed) (“CDSA (2000 Rev Ed)”), which was the predecessor provision to s 51(1)(a) of the CDSA. The present appeal presents an opportunity for this court to consider whether a sentencing framework ought to be adopted for the offence of laundering *one’s own benefits from criminal conduct* (ie, “self-laundering”) under s 54(1) of the CDSA. We appointed Mr Lam Zhen Yu as Young Independent Counsel (“YIC”) to assist the court in addressing this question.

The Charges and Material Facts

5 The CDSA Charges are as follows:

(a) The First CDSA Charge involved a conspiracy to acquire the sum of S\$328,974.09 from the sale of anonymous accounts, paid in cryptocurrency which was subsequently encashed, for the period of November 2023 to January 2024.

(b) The Second CDSA Charge involved similar conduct and the sum of S\$449,962.90, for the period of March 2024 to May 2024.

6 The respondent further consented to two other charges under s 54(1)(c) of the CDSA being taken into consideration for sentencing: one charge related to the respondent's receipt of S\$36,000 in benefits from criminal conduct for the period of October 2023 to May 2024, and the other related to the respondent's engagement in a criminal conspiracy to acquire property amounting to S\$108,540 in February 2024.

7 The Statement of Facts which the respondent pleaded guilty to without qualification is set out in full in the DJ's Grounds of Decision in *Public Prosecutor v Tan Shay Howe* [2025] SGDC 239 (the "GD"). We therefore outline only the facts essential to this appeal.

8 Apart from the respondent, the other members of the OCG were as follows: (a) Alvin Kok Jun Keat ("Alvin"), an acquaintance of the respondent; (b) Low Ryle ("Ryle"); (c) Ronnie Low ("Ronnie"), a close friend of the respondent and Ryle's uncle; (d) Aaron Oh Xiang Wen; (e) Royston Ng Mingyang and (f) Bervis Yon Kai Chin.

9 Sometime in mid-2022, Alvin chanced upon a “SMS” modem, a device capable of receiving multiple SMS messages sent to pre-registered SIM cards inserted into the modem. He devised a business plan to set up anonymous accounts on the messaging platforms, WhatsApp and WeChat, using pre-registered SIM cards and activating these accounts through the One-Time Passwords (“OTPs”) received via SMS through the modem. A customer would be provided with a mobile number from the pre-registered SIM card, which would be used to create an anonymous account with the messaging platform. The messaging platform would then generate an OTP, which would be received by the pre-registered SIM card in the modem and conveyed subsequently to the customer, who would thus obtain the means to conceal their identity on the messaging platform for criminal purposes. In turn, the customer would make payment to a cryptocurrency wallet which Alvin would subsequently encash.¹

10 In December 2022, Alvin expanded his operations and obtained more SMS modems. He also moved his operations to a rented condominium unit.² At around the same time, the respondent introduced Ryle to work for Alvin. The respondent learnt that they were doing illegal business related to telecommunications and told them not to tell him the specifics.³

11 In October 2023, the respondent, on Alvin’s request, convinced Ronnie to invest S\$100,000 into the business for a 51% share of all profits. As Ronnie lacked sufficient funds to pay the entire amount, the respondent contributed S\$25,000. At around this time, Ryle started working for the OCG.⁴

¹ ROA at p 12 (SOF at paras 6–7).

² ROA at p 12 (SOF at para 8).

³ ROA at p 13 (SOF at para 9).

⁴ ROA at p 13 (SOF at para 11).

12 In November 2023, as business continued to expand, Alvin moved his operations to another rented private property.⁵

13 Between January to February 2024, as Alvin and Ryle did not get along, the respondent agreed “to take over the business” from Alvin and pay him S\$10,000 every month as compensation. Every month, the respondent would make payments to Alvin using cash from the business which Ryle would provide.⁶ After Alvin left the OCG, Ryle took primary charge of the accounts of the business.⁷ He also took over Alvin’s role of encashing the cryptocurrency and distributing the sales profits to members of the OCG.⁸

14 In March 2024, on the respondent’s suggestion, the OCG’s operations were moved out of the private property and into an empty office space above Da Sheng Motoring Pte Ltd (“Da Sheng Motoring”), a motor workshop run by the respondent’s son where the respondent was working as a car mechanic. The respondent charged S\$3,000 every month for the OCG’s use of the office space.⁹

15 On 29 May 2024, the Anti-Scam Command raided the premises at Da Sheng Motoring and seized 24,000 pre-paid SIM cards, 27 SMS modems, seven monitor screens, seven mobile phones and seven central processing units.¹⁰

16 The seized SIM cards were linked to a total of 2,393 police reports on a variety of scams between January 2024 to May 2024, with a total reported loss

⁵ ROA at p 13 (SOF at para 12).

⁶ ROA at p 13 (SOF at para 12).

⁷ ROA at p 15 (SOF at para 21).

⁸ ROA at p 13 (SOF at para 12).

⁹ ROA at p 13 (SOF at para 13).

¹⁰ ROA at p 14 (SOF at para 15).

of S\$51,088,066.69. Customers of the OCG were mostly based overseas from countries including Malaysia, Myanmar and Cambodia.¹¹ The OCG's role was to facilitate scams by allowing fraudsters downstream to set up anonymous accounts using the pre-registered SIM cards.

17 Between November 2023 to May 2024, the OCG generated S\$887,476.99 in sales profits. This sum represented the actual profits of the OCG from the cryptocurrency payments that the fraudsters had made to the OCG in exchange for the pre-registered SIM cards. The sum included the sums which formed the subject-matter of the CDSA Charges, as well as the sum of S\$108,540 from the other CDSA charge which was taken into consideration in sentencing (see [6] above). In particular:

(a) Between November 2023 to January 2024, the OCG received 246,266.5 units of Tether (currency code USDT) in sales profits. This USDT was sold for the sum of S\$328,974.09, which formed the subject of the First CDSA Charge.¹²

(b) Between March 2024 to May 2024, the OCG received USDT 333,306 in sales profits. This USDT was sold for the sum of S\$449,962.90, which formed the subject of the Second CDSA Charge.¹³

Decision below

18 The DJ sentenced the respondent as follows:

¹¹ ROA at p 14 (SOF at para 16).

¹² ROA at p 15 (SOF at para 22).

¹³ ROA at p 16 (SOF at para 25).

- (a) For the OCA Charge: 26 months and two weeks' imprisonment and a fine of S\$11,000 (in default, two months' imprisonment).
- (b) For the First CDSA Charge: 15 months' imprisonment.
- (c) For the Second CDSA Charge: 16 months' imprisonment.

19 The DJ noted that the OCG's services facilitated the conduct of scams by its customers, who were mostly based overseas. Given that scams remained a serious issue, she considered that general deterrence was the paramount sentencing consideration (GD at [35]).

20 As there is no appeal against the sentence for the OCA Charge, we focus only on the DJ's sentencing decision for the CDSA Charges. The DJ considered the following factors to be relevant:

- (a) The charges involved significant sums and a serious predicate offence, *ie*, cheating, which carried a maximum sentence of ten years' imprisonment and a fine (GD at [54]).
- (b) There was a transnational element as the customers of the OCG were mostly based overseas (GD at [55]).
- (c) Two similar CDSA charges were taken into consideration for sentencing (GD at [56]).
- (d) There was significant planning and premeditation by the OCG in the running of the operations, and deliberate measures were in place to evade detection (GD at [57]).
- (e) The respondent had indicated his intention to plead guilty early, thereby saving state resources (GD at [58]).

21 The DJ also assessed the respondent's role to be relatively limited as it was confined to (a) being an investor; (b) facilitating monthly payments to Alvin to compensate him for operational costs that he incurred to start the business and (c) providing the OCG with a place to operate for S\$3,000 per month from March 2024 (GD at [61]). In this connection, the DJ assessed that someone engaged in daily operations would typically have more active involvement as well as greater influence and direct control over the manner in which the offences were committed. In contrast, the respondent's role as a financier or investor would be more passive, and he was not the primary force driving the criminal conduct (GD at [60]).

22 In view of the above sentencing factors, the DJ considered the sentencing precedents of *Public Prosecutor v Juandi bin Pungot* [2022] 5 SLR 470 ("*Juandi*") and *Public Prosecutor v Ho Man Yuk* [2018] SGDC 23 ("*Ho Man Yuk*"):

(a) The DJ found the respondent's conduct in the present matter to be less egregious than that of the offender in *Juandi* (GD at [64]). First, the respondent played a more limited role as compared to the offender in *Juandi*, who was the mastermind of a self-laundering enterprise (GD at [65(a)]). Second, the sums involved in the CDSA Charges were much lower than the sums involved in *Juandi* (GD at [65(b)]). Third, the respondent's offending took place at a considerably shorter time frame as compared to *Juandi* (GD at [65(c)]). The sentences in *Juandi* for charges involving sums of S\$432,678, S\$252,000 and S\$480,000, which were 17 months', 14 months' and 18 months' imprisonment respectively, had to be calibrated downwards accordingly. On this basis, the DJ arrived at indicative sentences of 12 months' and 13 months'

imprisonment for the First CDSA Charge and Second CDSA Charge respectively (GD at [66]–[67]).

(b) The DJ also found the sentencing ranges set out in *Ho Man Yuk* useful as a starting point in arriving at the indicative sentences (GD at [70]).

23 The DJ then applied an uplift to account for the respondent's participation in a conspiracy with others to acquire property representing the OCG's benefits from criminal conduct, as an aggravating factor, to come to the sentences of 15 months' and 16 months' imprisonment for the First CDSA Charge and Second CDSA Charge respectively (GD at [72]–[73]). No further adjustment was accorded for the respondent's early guilty plea, as *Juandi*, the case against which the sentence was calibrated, also involved an early guilty plea (GD at [74]).

Arguments on appeal

24 The YIC submits that it would be appropriate to adopt a sentencing framework for offences under s 54(1) of the CDSA and proposes that the sentencing framework set out in *Huang Ying-Chun* for offences under s 51(1)(a) of the CDSA should be adopted, subject to certain modifications. The Prosecution and respondent concur with the YIC that the *Huang Ying-Chun* sentencing framework should be adopted, but differ from the YIC in relation to the proposed modifications.

25 The Prosecution submits that the sentences for the CDSA Charges are manifestly inadequate and/or wrong in principle because:

(a) The DJ wrongly assessed, and therefore placed insufficient weight on, the respondent's role in the OCG. He should have been considered to be equally culpable as Alvin, the mastermind whom he replaced.¹⁴

(b) The DJ erred in relying on sentencing precedents which have been doubted by appellate courts. However, while this was a focus of the Prosecution's written submissions, the argument that eventually took shape in the hearing of the appeal was that this court should depart from the DJ's sentencing methodology, and instead accept the YIC's proposal to adopt the *Huang Ying-Chun* sentencing framework for offences under s 54(1) of the CDSA (but without the YIC's proposed modifications) and determine the appropriate sentences for the CDSA Charges on that basis.

(c) Given the above, the appropriate sentences should be 27 months' and 30 months' imprisonment for the First CDSA Charge and the Second CDSA Charge respectively.¹⁵

26 The respondent submits that the DJ did not err in either her assessment of the respondent's role or her reliance on sentencing precedents. Even applying a sentencing framework adapted from *Huang Ying-Chun*, the sentences for the CDSA Charges are not manifestly inadequate and/or wrong in principle.

Issues to be determined

27 The central questions in this appeal are:

¹⁴ Appellant's Submissions ("AWS") at para 40.

¹⁵ AWS at para 143.

- (a) Should a sentencing framework be adopted for offences under s 54(1) of the CDSA? If so, what should that framework be?
- (b) How should the framework be applied to the present appeal? In applying this framework, what is the weight to be placed on the respondent's role in the OCG?

Issue 1: The *Huang Ying-Chun* sentencing framework should be adopted for offences under s 54(1) of the CDSA

28 Both the Prosecution and the respondent are aligned with the YIC's view that the *Huang Ying-Chun* sentencing framework should be adopted. We are of the view that it is opportune to set out a sentencing framework for offences under s 54(1) of the CDSA. We do so for three reasons.

29 First, as the YIC¹⁶ and the Prosecution¹⁷ point out, two different methodologies have been used in the sentencing of offences under s 54(1) of the CDSA.

30 In some cases, the courts have referred to the sentencing ranges set out in *Ho Man Yuk* ("*Ho Man Yuk* sentencing ranges"), and then made appropriate adjustments to the sentencing ranges based on the facts (see, eg, *Juandi* at [73]; *Chong Kum Heng v Public Prosecutor* [2020] 4 SLR 1056 ("*Chong Kum Heng*") at [71]). In doing so, as the Prosecution correctly observed,¹⁸ the courts did not in fact endorse the *Ho Man Yuk* sentencing ranges.

¹⁶ YIC's submissions at para 27(a).

¹⁷ AWS at para 46.

¹⁸ AWS at paras 46–47.

31 In other cases, the courts have applied the *Huang Ying-Chun* framework instead (see *Public Prosecutor v Lim Wee Hong David* [2024] SLR(StC) 456 at [108] and *Kandasamy Senpathi v Public Prosecutor* [2023] SGHC 296 (“*Kandasamy*”). Notably, in *Kandasamy*, the High Court declined to endorse the *Ho Man Yuk* sentencing ranges, holding that the district judge had correctly considered the offence-specific factors in *Huang Ying-Chun* (at [40]). The *Huang Ying-Chun* framework is set out in greater detail below (at [40]–[41]).

32 There is therefore some uncertainty in the case law as to the correct approach to be applied. In the present case, while the DJ had considered a number of sentencing factors set out in *Huang Ying-Chun* to be relevant (GD at [54]–[58]), the DJ, in determining the indicative sentences, also relied on the *Ho Man Yuk* sentencing ranges as a “starting point” (GD at [68]–[70]).

33 We agree with the YIC that, fundamentally, the sentencing ranges in *Ho Man Yuk* were set out to ensure internal consistency within the four walls of that case and were not meant to be followed unquestionably in other cases.¹⁹ While this does not detract from the utility of *Ho Man Yuk* as a sentencing precedent in so far as appropriate recalibration is carried out to account for differing circumstances, we clarify that the *Ho Man Yuk* sentencing ranges ought not to be taken as a generic sentencing benchmark. This, in our view, points to the need for this court to set out a sentencing framework to ensure consistency in methodology.

34 The YIC further submits, on an examination of the sentencing precedents, that where the *Ho Man Yuk* sentencing ranges were adopted, the sentences imposed tended to be lower compared to the precedents pre-dating

¹⁹ YIC’s submissions at para 52.

Ho Man Yuk or which did not follow *Ho Man Yuk*.²⁰ The Prosecution likewise suggested that the sentences imposed in two High Court cases which did not apply the *Ho Man Yuk* sentencing ranges, namely, *Kandasamy* and *Lim Seng Soon v Public Prosecutor* [2015] 1 SLR 1195 (“*Lim Seng Soon*”), do not sit comfortably with the High Court cases which had, namely, *Juandi* and *Chong Kum Heng*.²¹

35 We agree with the Prosecution that the sentencing outcomes in the identified cases are not entirely consistent. That being said, the differing outcomes could also be explained by the inherently fact-sensitive nature of sentencing and how sentencing discretion is exercised. As such, attempts to draw comparisons based on specified parameters such as the amounts involved in each CDSA charge, without regard to other relevant variables or considerations, would not be helpful.

36 In our assessment, a sentencing framework would assist in identifying the relevant factors germane to sentencing, and help ensure greater consistency in sentencing outcomes through a more structured approach.

37 Second, it is expected that there will be an increase in money laundering offences in Singapore. As the Prosecution points out, the Singapore Police Force’s Annual Scams and Cybercrime Brief 2024 shows a rising trend of scam and cybercrime cases, which are closely associated with money laundering.²² A sentencing framework would be all the more crucial in assisting courts with the expected increase in caseload pertaining to offences under s 54(1) of the CDSA.

²⁰ YIC’s submissions at para 32.

²¹ AWS at para 65.

²² ROA at p 142.

38 Third, the offence under s 54(1) can be committed through a myriad of methods: (a) there are different types of predicate offences; (b) there are different methods of laundering; and (c) the property being laundered may come in different forms. For such offences, it may be appropriate to adopt a single sentencing framework capable of assessing the overall culpability of an offender and the harm inflicted upon all stakeholders in totality (see *Public Prosecutor v Sim Chon Ang Jason* [2025] 3 SLR 326 at [12]–[17]).

39 We therefore turn to consider the appropriate sentencing framework to be adopted and, in particular, whether the *Huang Ying-Chun* framework is an appropriate model.

The Huang Ying-Chun framework should be adopted

40 Under the *Huang Ying-Chun* framework, which was modelled after the framework in *Logachev Vladislav v Public Prosecutor* [2018] 4 SLR 609, the applicable sentencing considerations (which are by no means exhaustive) are as follows (*Huang Ying-Chun* at [98]):

Offender-specific factors	
<u>Factors going towards harm</u>	<u>Factors going towards culpability</u>
(a) the amount cheated	(a) the degree of planning and premeditation
(b) involvement of a syndicate	(b) the level of sophistication
(c) involvement of a transnational element	(c) the duration of offending
(d) the seriousness of the predicate offence	(d) the offender's role
(e) harm done to confidence in public administration	(e) abuse of position and breach of trust
	(f) the mental state of the offender

	(g) whether the commission of offence was the offender's sole purpose for being in Singapore (h) the offender's knowledge of the underlying predicate offence (i) the prospect of a large reward
Offender-specific factors	
<u>Aggravating factors</u>	<u>Mitigating factors</u>
(a) offences taken into consideration for sentencing purposes (b) relevant antecedents (c) evident lack of remorse	(a) a guilty plea (b) voluntary restitution (c) cooperation with the authorities

41 The court is to take into account the above sentencing considerations as it proceeds in the following five-step analysis:

(a) The first step is to consider the offence-specific factors set out in the table above and identify the level of harm caused by the offence and the level of the offender's culpability. It is unnecessary to employ fine gradations in specifying the level of harm and the level of culpability, and it suffices to identify whether the level of harm is slight, moderate, or severe, and the level of culpability is low, medium, or high.

(b) The second step is to identify the applicable indicative sentencing range based on the level of harm caused by the offence and the level of the offender's culpability. The indicative sentencing ranges are as follows:

Harm Culpability	Slight	Moderate	Severe
Low	Fine and/or short custodial term	10 to 30 months' imprisonment	30 to 60 months' imprisonment
Medium	10 to 30 months' imprisonment	30 to 60 months' imprisonment	60 to 90 months' imprisonment
High	30 to 60 months' imprisonment	60 to 90 months' imprisonment	90 to 120 months' imprisonment

(c) The third step is to identify the appropriate starting point within the indicative sentencing range, again with reference to the offence-specific factors, but this time with the object of granulating the case before the court to identify a specific sentence that is appropriate as a starting point in that particular case.

(d) The fourth step is to make the appropriate adjustments to the starting point identified in the third step to account for offender-specific aggravating and mitigating factors.

(e) The fifth and final step is for the court to make further adjustments to take into account the principle of totality.

42 Having considered the submissions of the parties and the YIC, we agree that the *Huang Ying-Chun* framework is suitable for offences under s 54(1) of the CDSA. It is desirable, for the purposes of ensuring theoretical and practical coherence, that there is a consistent sentencing approach for related punishment provisions in the same legislation (see *Chen Song v Public Prosecutor* [2025] 3 SLR 509 at [120], where the court expressed the same sentiment in the context of offences under the Road Traffic Act 1961 (2020 Rev Ed)). The relationship between ss 51(1)(a) and 54(1) of the CDSA is clear: both involve the *same underlying criminality* and carry the *same prescribed punishments*,

with the only difference being that s 51(1)(a) addresses the laundering of the benefits of another person's criminal conduct, while s 54(1) addresses the laundering of the benefits from one's own criminal conduct. In this connection, we note that this was the same premise on which the court in *Kandasamy* concluded at [41] that the offence-specific factors in *Huang Ying-Chun* were relevant to offences under s 47(1)(b) of the CDSA (2000 Rev Ed), which was the predecessor provision of s 54(1)(b) of the CDSA.

43 Before we turn to the application of the sentencing framework, we first consider the YIC's proposed modifications which relate to the sentencing considerations identified in *Huang Ying-Chun*.

The YIC's proposed modifications

Removing the offender's knowledge of the underlying predicate offence as a sentencing consideration and applying a 10% uplift

44 The YIC first submits that factor (h) under the category of "Factors going towards culpability" set out in the table above at [40], *ie*, the offender's knowledge of the underlying predicate offence, should be removed and a 10% uplift should be applied to the sentencing ranges in the second step of the sentencing framework.²³

45 The YIC points out that in *Huang Ying-Chun*, the court had acknowledged that the vast majority of charges under s 51(1)(a) of the CDSA would be brought under the "reasonable grounds to believe" limb. The sentencing framework was thus set out on the basis that there was no need to give a sentencing discount to the decreased culpability of the offender in such

²³ YIC's submissions at paras 80–88.

cases. An offender's actual knowledge of the criminal nature of the proceeds may be grounds to find heightened culpability justifying a higher sentence (*Huang Ying-Chun* at [75]).²⁴ On the other hand, while the knowledge requirement for an offence under s 54(1) of the CDSA is not expressly stated, an offender under this provision must necessarily know that he is dealing with the benefits from his own criminal conduct (*Yap Chen Hsiang Osborn v Public Prosecutor* [2019] 2 SLR 319 at [38]).²⁵ Thus, the sentencing framework should include a 10% uplift to more appropriately reflect the difference in the levels of knowledge of offenders under s 54(1) *vis-à-vis* the majority of offenders facing charges under s 51(1)(a).²⁶

46 The Prosecution, on the other hand, contends that a 10% uplift should not be accorded to the sentencing ranges, for three reasons. First, there is no reasoned basis to arrive at the 10% uplift and the application of a blanket enhancement reduces the court's discretion.²⁷ Second, the quality of an offender's knowledge may nonetheless differ on the facts. For instance, in a predicate offence read with conspiracy, each co-conspirator may not necessarily possess the same level or quality of knowledge of the predicate offence.²⁸ Third, a blanket 10% enhancement skews sentences towards the higher end.²⁹

47 We respectfully disagree with the YIC on the proposed uplift. Parliament had provided for the same maximum sentence (10 years'

²⁴ YIC's submissions at para 82.

²⁵ YIC's submissions at para 83.

²⁶ YIC's submissions at para 84.,

²⁷ AWS at para 101.

²⁸ AWS at para 102.

²⁹ AWS at para 103.

imprisonment) for offences under s 51(1) and s 54(1) of the CDSA, even though different levels of knowledge may be involved. Furthermore, we agree with the Prosecution that there is no basis to quantify an uplift at 10%. Instead, the courts should have the liberty and discretion to decide how to calibrate the appropriate uplift on a case-by-case basis, having regard to the different qualities of knowledge which an offender may have in relation to the underlying criminal conduct. The offender's knowledge of the predicate offence therefore remains a relevant consideration.

Including the involvement of vulnerable persons as victims as an additional sentencing consideration

48 The YIC also submits that the proposed sentencing framework should include the involvement of vulnerable persons as victims as an additional sentencing consideration, under the category of “Factors going towards harm” (see the table set out above at [40]).³⁰ He takes reference from the Guidelines for Scams-Related Offences issued by the Sentencing Advisory Panel (“Scams Guidelines”), which recommend that an uplift be imposed in cases where the funds flowing through the account are linked to a victim of a scam who is a vulnerable person. As to the definition of a vulnerable person, the YIC proposes the adoption of the definition under s 74A(5) of the PC, *ie*, an individual who is, by reason of mental or physical infirmity, disability or incapacity, substantially unable to protect himself from abuse, neglect or self-neglect.

49 While the Prosecution agrees that the involvement of vulnerable persons as victims should be a sentencing consideration, it submits that, in line with the definition set out in the Scams Guidelines, the definition of vulnerable persons

³⁰ YIC's submissions at paras 89–97.

should also include elderly persons, *ie*, persons of or above the age of 65.³¹ The respondent did not appear to take a stance on this issue as he contends that, on the facts, there is no evidence that vulnerable persons were involved as victims.³²

50 We agree that the involvement of vulnerable persons as victims from whom the funds were derived is a relevant sentencing consideration. It bears noting, however, that where the involvement of vulnerable persons as victims has been taken into account in assessing the seriousness of the predicate offence, this should not be considered again as a separate sentencing consideration as that will constitute impermissible double counting (see *Public Prosecutor v Raveen Balakrishnan* [2018] 5 SLR 799 at [88], where one instance of double counting is identified as where two or more nominally different sentencing factors share the same normative substance).

51 We share the Prosecution's view that elderly persons should generally be included in the definition of vulnerable victims. As the Prosecution rightly pointed out, s 74A(5) of the PC was meant to protect vulnerable persons from physical abuse. There is therefore no reason to limit the definition of vulnerable persons in scam-related offences to the definition articulated in that provision.³³ Elderly persons are presumptively especially vulnerable to scams as evinced by the fact that the average amount they lost per victim was the highest amongst the various age groups in 2024. Elderly persons are thus more likely, generally speaking, to suffer the greatest harm, and would be less able than a younger person to recover from pecuniary loss. Indeed, this was a factor considered by the court in *Huang Ying-Chun* as well (at [110]).

³¹ AWS at paras 105–113.

³² RWS at para 65.

³³ AWS at paras 111–113.

Summary on the applicable sentencing framework

52 Synthesising the above points, we adopt the *Huang-Ying-Chun* framework in relation to offences under s 54(1) of the CDSA and set out the relevant sentencing considerations. For clarity, these sentencing considerations, as with those outlined in *Huang Ying-Chun*, are not exhaustive.

Offence-specific factors	
<u>Factors going towards harm</u> (a) the amount laundered (b) involvement of a syndicate (c) involvement of a transnational element (d) the seriousness of the predicate offence (e) harm done to confidence in public administration (f) vulnerability of victims	<u>Factors going towards culpability</u> (a) the degree of planning and premeditation (b) the level of sophistication (c) the duration of offending (d) the offender's role (e) abuse of position and breach of trust (f) the mental state of the offender (g) whether commission of offence was the offender's sole purpose for being in Singapore (h) the offender's knowledge of the predicate offence (i) the prospect of a large reward
Offender-specific factors	
<u>Aggravating factors</u> (a) offences taken into consideration for sentencing purposes (b) relevant antecedents (c) evident lack of remorse	<u>Mitigating factors</u> (a) a guilty plea (b) voluntary restitution (c) cooperation with the authorities

Issue 2: Application of the sentencing framework to the present appeal

53 We now apply the sentencing framework set out above to the present appeal.

Step one: Identify the level of harm and the level of culpability

54 The first step involves the consideration of offence-specific factors.

The level of harm caused by the respondent's offences

55 In assessing the level of harm caused by the respondent's offences under the CDSA Charges, we find the following factors to be relevant:

- (a) The CDSA Charges involved significant sums of S\$328,974.09 and S\$449,962.90. As noted in *Huang Ying-Chun*, this is a significant factor in determining the seriousness of the offence, although it is not the overriding factor in the analysis. While it was undisputed that the respondent's personal profit was only S\$11,000, the sales profits of S\$887,476.99 that the OCG obtained (see [17] above) remain a relevant consideration in the assessment of harm. The CDSA Charges were framed as conspiracy charges and thus the amount under these charges would have accrued to the OCG as opposed to the respondent personally. In this connection, we note that the Statement of Facts could have been drafted with more clarity *eg.* to explain how the S\$51,088,066.69 reported loss figure (see [16] above) was derived. That being said, the sums that are of immediate relevance to the level of harm caused are the sums in question under the CDSA Charges, representing the amount laundered.

(b) The CDSA Charges also involved a serious predicate offence of participating in an OCG which had, as one of its purposes, the obtaining of financial benefit from facilitating cheating offences. Indeed, it cannot be gainsaid that scams cause great societal harm. As observed by Senior Minister of State Sim Ann, “scams are by far the most prevalent crime type in Singapore today. Between 2020 and the first half of 2025, there were about 190,000 cases reported, with losses amounting to about S\$3.7 billion. These are staggering numbers. They constitute 60% of all reported crimes ...” (Singapore Parl Debates; Vol 96, Sitting No 9; 4 November 2025 (Sim Ann, Senior Minister of State for Home Affairs and Foreign Affairs)).

(c) The offences were also committed as part of a syndicate and there was a transnational element as the customers of the OCG, from which the payments were derived, were mostly based overseas.

The respondent’s level of culpability

56 In relation to the respondent’s culpability, a key point of contention at the hearing of the appeal was the proper characterisation of the respondent’s role in the OCG and the corresponding weight to be ascribed to this factor.

57 In their written submissions, the Prosecution points out that although the respondent joined the OCG as a financier from about October 2023, he ultimately took over the business from Alvin and fully adopted his business plan between January and February 2024. So, on this fact, he must be considered equally culpable to Alvin, whom he replaced.³⁴ At the hearing, the Prosecution accepted that this also reflected a progression from a more passive role to a more

³⁴ AWS at para 40.

active role played by the respondent and thus there should “logically be a distinction in the calibration of his culpability” between the First CDSA Charge and Second CDSA Charge.³⁵

58 In his written submissions, the respondent relies on the DJ’s observation that the respondent’s role was more limited than an offender involved in the day-to-day operations of the OCG.³⁶ At the hearing before us, counsel for the respondent submitted that the DJ was mindful about the different roles played by the respondent in relation to each of the CDSA Charges as she imposed a slightly higher sentence for the Second CDSA Charge.³⁷ He further sought to persuade this court that, in relation to the Second CDSA Charge, the only additional role that the respondent had played was merely that of a landlord to the OCG as he did not actively partake in the day-to-day operations.³⁸

59 As a preliminary point, we observe that the respondent did play different roles in relation to each of the CDSA Charges. This is borne out by para 18 of the Statement of Facts, which states that:³⁹

The [respondent] invested in the OCG from October 2023 and *was a key member of the business from February 2024*. He also provided the OCG with a place to operate for \$3,000 per month.

[emphasis added]

It is clear that, between October 2023 and February 2024, the respondent’s role was confined only to that of a financier. While the Prosecution submitted that

³⁵ Transcript (5 February 2026) at p 32 lines 17–18.

³⁶ RWS at para 68.

³⁷ Transcript (5 February 2026) at p 35 lines 13–16.

³⁸ Transcript (5 February 2026) at p 36 line 27 to p 37 line 2.

³⁹ ROA at p 15 (SOF at para 18).

his progression to a more active role was “gradual and increasing”,⁴⁰ we cannot ignore that it was an agreed fact that he only became a “key member” *from February 2024 onwards, ie*, the period of offending in relation to the Second CDSA Charge, and the analysis should be sensitive to that fact. Indeed, the Prosecution eventually conceded that it was only during the period of offending in relation to the Second CDSA Charge that his expanded role crystallised.⁴¹ But contrary to the submissions of counsel for the respondent, it does not appear that the DJ took this into account in sentencing. It appears instead that the difference in sentences imposed in relation to each of the CDSA Charges was due to the different sums involved (see GD at [66]–[67]).

60 It is, however, not entirely clear what was the actual extent of the respondent’s involvement as a “key member” of the OCG from February 2024 onwards. We pause at this juncture to observe that this issue only arose because the Statement of Facts was bereft of details in this regard. The Prosecution pointed to para 12 of the Statement of Facts, which states that the respondent “agreed with Alvin to take over the business from him”,⁴² but even what that meant remained open to argument. For example, counsel for the respondent suggested that this only means that the respondent held a “ceremonial role”.⁴³

61 In our view, it is necessary for the sake of fairness that the analysis is confined to what was accepted in the Statement of Facts. The plain meaning of “take over the business” is that the ownership of the OCG’s business was transferred to the respondent. But that does not necessarily mean that he had

⁴⁰ Transcript (5 February 2026) at p 30 lines 3–4.

⁴¹ Transcript (5 February 2026) at p 23 line 29 to p 24 line 2.

⁴² Transcript (5 February 2026) at p 19 lines 19–20; p 23 line 29 to p 24 line 2.

⁴³ Transcript (5 February 2026) at p 38 lines 20–21.

stepped into the shoes of Alvin henceforth to become the leader of the OCG (which, we note, was never a description ascribed to the respondent by the Prosecution in the Statement of Facts or the proceedings below). Crucially, the respondent continued to stay out of the day-to-day operations of the OCG, and many functions which were once under Alvin’s purview were taken over by Ryle instead. For example, according to the Statement of Facts at para 24, Ryle became primarily in charge of the accounts of the business; he was also appointed to encash the cryptocurrency and distribute the profits to the members of the OCG.

62 Indeed, we note that in the hearing below, the Prosecution characterised Alvin as the mastermind-cum-“first generation” ringleader and took the position, initially, that Ryle and the respondent himself were the “second-gen” leaders of the OCG.⁴⁴ When the DJ sought clarification as to whether Ryle and the respondent were indeed “second-gen” leaders,⁴⁵ the Prosecution then submitted that “Ryle was the second-gen leader of the OCG because he took over the business after the breakdown in relationship between him and Alvin [and] was running the [...] day-to-day ops with Bervis”.⁴⁶ In fact, when questioned further by the DJ on the respondent’s role, the only concrete details the Prosecution could articulate were that “he was the financier” and “he also provided the office space where the OCG eventually moved to and received \$3,000 per month for renting out that space”.⁴⁷ In the Prosecution’s reply to the

⁴⁴ ROA at p 50 (Transcript (12 August 2025) at p 21 lines 21–30).

⁴⁵ ROA at p 50 (Transcript (12 August 2025) at p 21 line 31).

⁴⁶ ROA at p 51 (Transcript (12 August 2025) at p 22 lines 1–5).

⁴⁷ ROA at p 51 (Transcript (12 August 2025) at p 22 lines 6–9).

respondent's mitigation plea, it was again reiterated that the respondent's role was that of a financier.⁴⁸

63 On the other hand, we do not agree with the respondent's attempt to downplay his role to that of a mere landlord. His contributions to the OCG as a financier, an "owner" of the business from February 2024 and a landlord beginning in March 2024 all reflect his scaled-up involvement. This sufficed to elevate him to be a "key member" of the business from February 2024, as he had admitted in the Statement of Facts.

64 In sum, we accept that more weight should be placed on the respondent's role in the OCG as it was a significant facilitative one, albeit he was not involved to the same extent as Alvin. Moreover, notwithstanding the respondent's professed stance of not wanting to know the specifics of the business, he ought reasonably to have known various details or could easily have ascertained the true extent of what was going on. We are of the view that the respondent ultimately did have a more involved role, contrary to the DJ's characterisation of his "relatively limited" and "confined" role (GD at [61]).

65 Aside from this, there are other factors which we consider to be relevant.

66 First, there was significant planning and premeditation in the running of the operations, which related to the surreptitious manner in which the criminal benefits were acquired in the form of cryptocurrency. While the CDSA Charges were framed in terms of the "acquisition" of property which the respondent contends is the most passive form of conduct under s 54(1) of the CDSA,⁴⁹ the

⁴⁸ ROA at p 63 (Transcript (12 August 2025) at p 34 line 13).

⁴⁹ RWS at para 67(a).

surreptitious manner in which the benefits were acquired undermines this argument. As the DJ correctly pointed out (GD at [57]):

... The use of “space” cards and the acceptance of payments for its services through the use of cryptocurrency (which made transactions difficult to trace) were clear attempts by the OCG to evade detection. In *Public Prosecutor v Fernando Payagala Waduge Malitha Kumar* [2007] 2 SLR(R) 334, the High Court held at [39] that a deterrent sentence should be *de rigueur* where an offence was committed with premeditation and planning, and this was “particularly so when an offender has colluded with the activities of an organised criminal syndicate”.

67 Second, we are mindful that the offences were committed over a duration of about three months for the First CDSA Charge (between November 2023 to January 2024) and three months for the Second CDSA Charge (between March 2024 and May 2024), which are not insignificant amounts of time.

68 Third, we note that the respondent makes the point in his written submissions that his reward was not large: he had made approximately S\$36,000 in total from the OCG’s illicit activities while investing S\$25,000, *ie*, his profit was S\$11,000. While we observe that the syndicate as a whole had generated S\$887,476.99 in sales profits, the Prosecution had accepted in the hearing below that the respondent’s profit was S\$11,000 and aligned itself with the respondent’s position that a S\$11,000 fine would be appropriate to disgorge the profit.⁵⁰

69 The Prosecution further clarified quite fairly that it was not relying on this fact as an aggravating factor going towards the respondent’s culpability because the respondent’s direct acquisition of S\$36,000 is the subject of one of

⁵⁰ ROA at p 71 (Transcript (12 August 2025) at p 42 lines 5–15).

the charges taken into consideration (which is considered at the fourth step of the sentencing framework). We agree that this is the correct approach as it avoids impermissible double counting.⁵¹

Step two: Identify the applicable indicative sentencing range

70 Having regard to the sentencing considerations identified above, we assess that (a) the level of harm caused by the offences is moderate for both CDSA Charges; and (b) the level of the respondent’s culpability is low for the First CDSA Charge and medium for the Second CDSA Charge. The indicative sentencing ranges for the First CDSA Charge and Second CDSA Charge are therefore, respectively, 10 to 30 months’ imprisonment and 30 to 60 months’ imprisonment.

Step three: Identify the appropriate starting point within the indicative sentencing range

71 Having regard again to the analysis above, we assess that (a) the level of harm caused by the offence is at the middle of the “moderate” range; and (b) the level of the respondent’s culpability is at the higher end of the “low” range for the First CDSA Charge and at the lower end of the “medium” range for the Second CDSA Charge. On this basis, we identify the starting points for the sentences in respect of the First CDSA Charge and Second CDSA Charge to be, respectively, 30 and 36 months’ imprisonment.

Step four: Make adjustments to the starting point to account for offender-specific factors

72 We note that:

⁵¹ Transcript (5 February 2026) at p 17 lines 1–16.

(a) There are two charges to be taken into consideration for the purposes of sentencing. The general effect of taking these additional charges into consideration is to increase the sentence which the court would otherwise have imposed for the proceeded charge (*Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [38]). The charges to be taken into consideration in this case relate to the respondent's direct acquisition of S\$36,000 in benefits from criminal conduct and engagement in a criminal conspiracy to acquire S\$108,540 in February 2024 (being the interstitial period between the First CDSA Charge and Second CDSA Charge).

(b) The respondent pleaded guilty at the first opportunity.

73 To account for these, we apply a modest uplift of one month to each starting point, given the relatively minor nature of the charges to be taken into consideration, before applying a discount of 30% to account for the respondent's early guilty plea. Accordingly, the appropriate sentences in respect of the First CDSA Charge and Second CDSA Charge, after adjustment, would be, respectively, 22 and 26 months' imprisonment.

Step five: Make further adjustments to take into account the principle of totality

74 As the respondent had pleaded guilty to three charges with custodial terms imposed, at least two sentences must run consecutively (per s 307 of the Criminal Procedure Code 2010 (2020 Rev Ed)). The appellant did not appeal against the DJ's decision to run the sentences for the OCA Charge and the Second CDSA Charge consecutively. This would result in an aggregate sentence of 52 months and two weeks' imprisonment.

75 In our view, this aggregate sentence is commensurate with the criminality involved in this case, bearing in mind the respondent's role in the syndicate. We agree with the Prosecution that the syndicate played a crucial role in facilitating a large number of reported scams against Singaporeans which resulted in a staggering amount of losses.⁵² The aggregate sentence also properly reflects the need to deter the facilitation of scams which has been a scourge on society.

Consistency with precedents

76 Finally, we note that the sentences to be imposed in relation to the CDSA Charges are broadly consistent with the relevant precedents. In this connection, we note that in *Lim Seng Soon*, sentences of two years' imprisonment and 18 months' imprisonment were imposed for charges involving the self-laundering of S\$478,000 and S\$352,000 respectively. In *Kandasamy*, imprisonment terms of 12 months were imposed for two charges each involving the self-laundering of approximately S\$54,000 in criminal benefits. Bearing in mind the abovementioned factors, and in particular the involvement of a criminal syndicate and the sum in criminal benefits in each relevant charge, we assess that the sentences of 22 and 26 months' imprisonment in relation to the CDSA Charges involving S\$328,974.09 and S\$449,962.90 are condign.

Conclusion

77 We are satisfied, on an application of the sentencing framework, that the sentences of 15 and 16 months' imprisonment imposed by the DJ for the First CDSA Charge and Second CDSA Charge are manifestly inadequate. We therefore allow the appeal and enhance the sentences for the First CDSA Charge

⁵² AWS at para 144.

to 22 months' imprisonment and the Second CDSA Charge to 26 months' imprisonment. The aggregate sentence imposed is thus 52 months and two weeks' imprisonment. The fine of \$11,000 (in default two months' imprisonment) imposed for the OCA Charge stands as there was no appeal by the Prosecution in respect of this charge.

78 Finally, we record our appreciation to the YIC for his considerable assistance in this appeal in addressing the adoption of a sentencing framework for offences under s 54(1) of the CDSA.

Sundaresh Menon
Chief Justice

Tay Yong Kwang
Justice of the Court of Appeal

See Kee Oon
Judge of the Appellate Division

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