

Wong Yi Hao Henry v Public Prosecutor
[2015] SGHC 232

Case Number : Magistrate's Appeal No 9023 of 2015
Decision Date : 28 August 2015
Tribunal/Court : High Court
Coram : See Kee Oon JC
Counsel Name(s) : Ramesh Tiwary (Ramesh Tiwary) for the appellant; Hay Hung Chun and Teo Lu Jia (Attorney-General's Chambers) for the respondent.
Parties : Wong Yi Hao Henry — Public Prosecutor

Criminal Law – Offences – Giving false information to a public servant

28 August 2015

See Kee Oon JC (delivering the judgment of the court *ex tempore*):

1 The appellant had furnished false information as to his residential address at the time of his application to register his daughter for Primary 1 admission under Phase 2C at the Primary School of his choice. The appellant never resided at the residential address provided at the relevant time.

2 The appellant pleaded guilty to the charge under s 182 of the Penal Code (Cap 224, 2008 Rev Ed), with another charge also for an offence under s 182 (MCN 900581/2014) taken into consideration. The lower court accepted the prosecution's sentence submission seeking a custodial sentence and imposed a term of 2 weeks' imprisonment. The submission was premised on *PP v Tan Sok Ling* (DAC 27101/2007 and others, unreported), a 2007 decision of the District Court, where an imprisonment term of 2 months for a similar offence was imposed. The accused in *Tan Sok Ling's* case also faced another more serious charge involving an unrelated offence of forgery for which he was sentenced to 9 months' imprisonment. His total sentence was 11 months.

3 In the present appeal, the prosecution has reviewed its position having regard to other sentencing precedents that have since come to its attention, and stated that it will not oppose the appellant's appeal for the imprisonment sentence to be substituted with a fine.

4 I would agree with the District Judge's observation (at [15] of his Grounds of Decision, published as *Public Prosecutor v Wong Yi Hao Henry* [2015] SGMC 7) that some parents may consider it worthwhile to risk a criminal conviction in order to give their child a perceived headstart in life through securing a place in a school of their choice. Some may even consciously factor this in as a calculated cost and deem the price (of a conviction) to be 'worth' the payment. Such cynical cost-benefit calculations, if they were indeed undertaken, only serve to reflect on the sadly-misguided state of such individuals' value systems in seeking to gain an advantage in this way. No child can possibly benefit from eventually coming to know that he or she had gained admission into a Primary School only through his or her parent's devious and unlawful conduct.

5 The question is whether the nature of the offence warrants a custodial sentence in order to mark the seriousness of the offence. The stigma of a criminal conviction in itself is also a deterrent and ought not to be wholly discounted.

6 The offence in question is not commonly the subject of prosecution. At the same time I recognise that it is not easily detected. There have been no known sentencing precedents since 2007 and it may well be that the custodial sentence imposed in *Tan Sok Ling's* case may have played a part in driving home the seriousness of the offence, and hence may have achieved its intended deterrent effect. Nevertheless in the absence of any material indicating that offences of this nature had been or are becoming more prevalent, and with no additional aggravating features present, I would agree that there is insufficient basis to impose a two-week custodial sentence.

7 The sentence of imprisonment will be set aside and substituted with the maximum fine of \$5,000, in default 2 weeks' imprisonment. I am of the view that this adequately addresses the appellant's culpability in the present case.

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