



“I must admit I was surprised by the fine of \$1,000 imposed on Woffles Wu for getting someone to take a speeding rap for him ... I would prefer if the court had more flexibility in sentencing so that the punishment truly fits the crime.

Mr Hri Kumar
 CHAIR OF THE GOVERNMENT PARLIAMENTARY COMMITTEE FOR HOME AFFAIRS AND LAW



Judges should have more flexibility: MP

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others to take the rap for traffic offences would be a “more appropriate punishment”.

“Inflict on the offender what he was trying by criminal means to avoid,” he wrote.

Singapore Management University law academic Jack Lee felt that Mr Nair’s suggestion was “interesting” and agreed that such a “targeted approach” would be fair.

“But the other types of punishment, beyond fines and jail, ought to be related in some way to the offence so that it would be tied to the harm which was being targeted by Parliament in the first place,” said Assistant Prof Lee, who cited corrective work order for litterbugs as an example.

Doing so would serve as a “stronger disincentive” to potential offenders, as well as send the message to the wider public that “this is the harm that we’re trying to target and prevent”, he added.

Asst Prof Lee noted, however, that it should not be up to judges to come up with “creative” penalties for the relevant offences.

Rather, they should be clearly specified alternative punishments, similar to how compensation orders are now available to judges in offences like voluntarily causing hurt under the revised Criminal Procedure Code.

While criminal lawyers TODAY spoke to also agreed on greater flexibility in the legislation for judges to have wider discretion in sentencing, Mr Shashi Nathan noted that those who get someone to take the rap for traffic offences could also be charged with Road Traffic Act offences, some of which invite driving suspension too.

The problem experienced in other jurisdictions which have tried to promote non-custodial options, noted National University of Singapore criminal law lecturer Michael Hor, is that members of the public may feel on some occasions that non-custodial dispositions are a “let off” or “soft options”, which “make a mockery of the criminal law”.

“That said, disagreement with the appropriate punishment is a common phenomenon — simply because offence and offender seriousness is not susceptible of measurement in discrete units,” he added.

WOFFLES WU CASE

Judges should have more flexibility: MP

Allow option of suspending driving licences of those who get others to take the rap for traffic offences, says Hri Kumar

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SINGAPORE – Admitting he was “surprised” by the S\$1,000 fine imposed on well-known plastic surgeon Woffles Wu, Member of Parliament Hri Kumar Nair has argued for “more flexibility in sentencing so that the punishment truly fits the crime”.

Posting on his blog about the case, which has become a talking point, Mr Nair, who is also chair of the Government Parliamentary Committee for Home Affairs and Law, said others who have committed similar offences have been jailed.

“Such offences are undoubtedly serious, as they seek to undermine the course of justice,” the Senior Counsel wrote on Thursday night.

Dr Wu, 52, had abetted Mr Kuan Yit Wah, 83, in providing misleading

information to the police for a speeding offence involving his car in November 2006.

Dr Wu was fined S\$1,000 on Tuesday, while the other offence, committed on Sept 11, 2005, was taken into consideration by the judge when passing sentence.

While he noted that no two cases are the same and that he did not know what the judge took into account in arriving at the decision, Mr Nair hoped the court would explain “its reasons and how other cases where jail terms were imposed were distinguished” — questions also raised by a writer to TODAY’s Voices pages.

“That will promote transparency and confidence in our legal system, and deal with allegations of unfair treatment, which have already appeared on the net,” Mr Nair wrote.

In response to TODAY’s queries, an Attorney-General’s Chambers spokesperson said its position during Dr Wu’s sentencing was that a fine would suffice.

She added that the AGC would not be appealing against Dr Wu’s sentence.

As the offences were committed before the Penal Code was amended in 2008, the maximum penalty was six months’ jail and a S\$1,000 fine.

The amended Penal Code made such offences more serious, raising penalties to a maximum seven-year jail-term and a S\$10,000 fine.

On his blog, Mr Nair wrote: “I believe that part of the problem is that, most times, the law gives judges very little discretion in sentencing — it is usually a fine or jail or both. There may be occasions where a fine is too lenient, while jail may be too harsh.”

If an offender cannot pay a fine, he would have to go to prison in default, Mr Nair noted.

“That creates two problems — it discriminates between those (who) can pay and those who cannot; and it converts a light punishment to a heavy one.”

Even as the Police have said the speeding offences in question are still being probed — court documents did not state who the actual driver was — Mr Nair wondered if suspending the driving licences of those who get

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