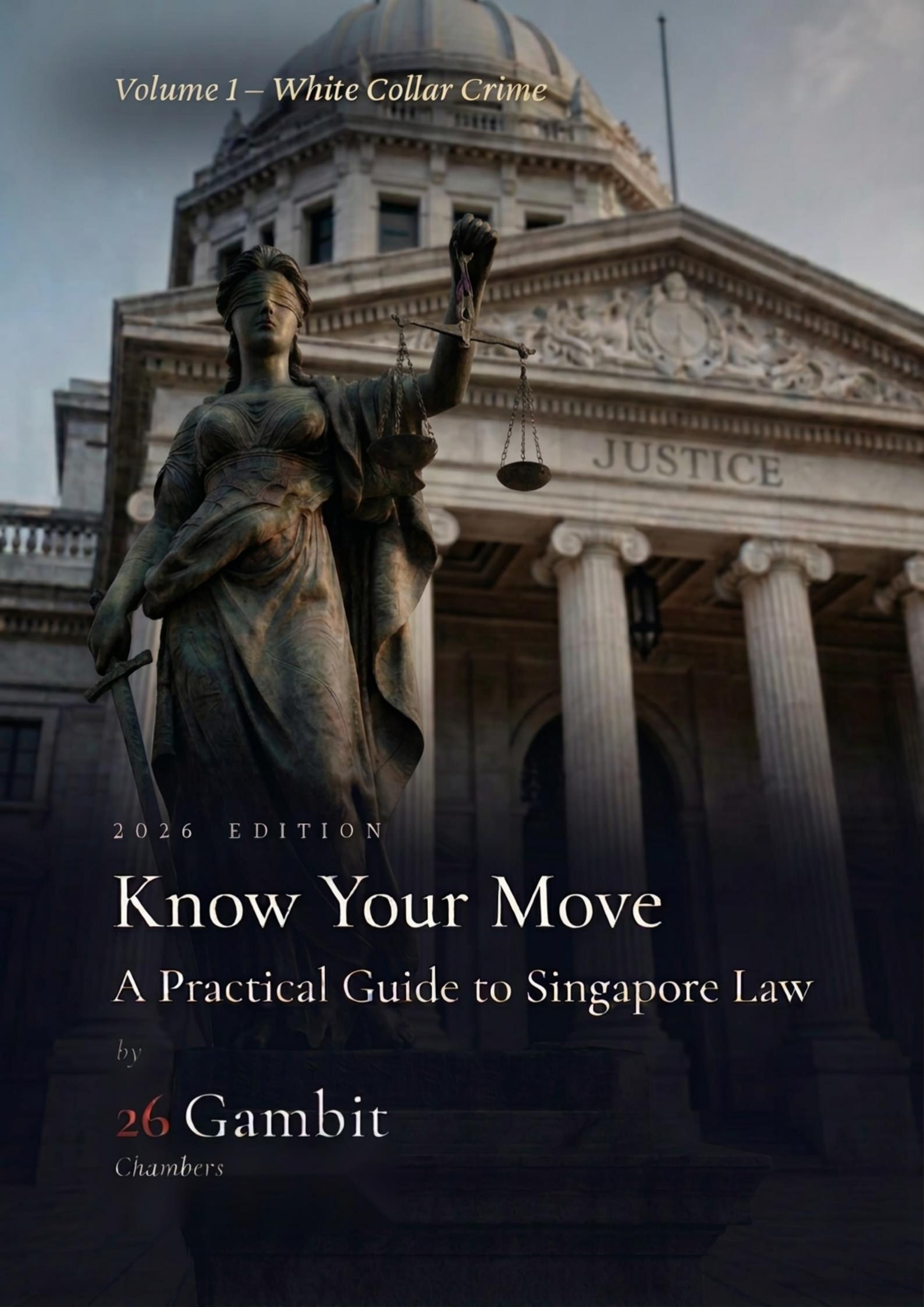


Volume 1 – White Collar Crime

2026 EDITION

Know Your Move

A Practical Guide to Singapore Law

by

26 Gambit

Chambers

Know Your Move – A Practical Guide to Singapore Law
Volume 1 – White Collar Crime
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Chapter 5: Criminal Breach of Trust

1. Chapter Orientation

(1) This chapter is arranged as follows:

(a) **The offences (Parts 2 to 5):** what the criminal breach of trust offences are, their maximum punishments, what the Prosecution must prove, and the defences.

(b) **When the victim does not complain (Part 6):** whether the victim's attitude, or forgiveness, affects the prosecution and the sentence.

(c) **Sentence (Parts 7 to 13):** how the courts decide the sentence, including the leading case and how it has been applied since; the sentences seen in decided cases; fines; the factors that reduce the sentence (including repayment); the effect of a plea of guilty; and how sentences for several charges are combined.

(d) **Beyond the sentence (Part 14):** civil claims, seizure of money and other consequences.

2. What are the criminal breach of trust offences?

(2) Criminal breach of trust ("**CBT**") is defined in section 405 of the Penal Code 1871 ("**PC**"). In essence, a person commits CBT if he or she has been entrusted with property, or with control over it (the PC calls this "**dominion**"), and then does one of the following:

(a) dishonestly misappropriates the property, or converts it to his or her own use;

(b) dishonestly uses or disposes of the property in breach of a legal direction, or of a contract, governing how it is to be dealt with; or

(c) intentionally allows another person to do any of these things.

(3) There is one definition, and four punishment provisions:

(a) **CBT by any person (section 406 of the PC).** This is the basic offence, sometimes called "CBT simpliciter".

(b) **CBT by a carrier or warehouse operator (section 407 of the PC).** This covers property entrusted for transportation for hire, or for storage for rent or a charge.[1]

(c) **CBT by an employee (section 408 of the PC).** "Employee" includes a person engaged in a capacity with the same essential features as employment, whether paid or unpaid.[2]

(d) **CBT by a public servant, a person in a trade or profession, a director, an officer of an unincorporated association, a partner, a key executive or a fiduciary (section 409 of the PC).** This is the most serious form. It covers, among others, bankers, merchants, brokers, attorneys and agents acting in the way of business, company directors, and fiduciaries such as executors, administrators, liquidators, receivers and trustees.[3]

[1] Before 1 January 2020, the predecessor provision in section 407 of the PC referred to a "carrier, wharfinger or warehouse-keeper". The maximum punishment, imprisonment up to 15 years with a fine that may be added, was the same.

[2] Before 1 January 2020, the predecessor provision in section 408 of the PC referred to a "clerk or servant". The maximum punishment, imprisonment up to 15 years with a fine that may be added, was the same.

[3] Before 1 January 2020, the predecessor provision in section 409 of the PC covered a public servant, or a banker, merchant, factor, broker, attorney or agent in the way of business. Its maximum punishment was imprisonment for life, or imprisonment up to 20 years, with a fine that may be added. In 2017, in the City Harvest case described in Part 7, the High Court held that "agent" in the predecessor provision meant a professional agent offering agency services to the public, so that company directors and church leaders who misappropriated their organisation's funds could be convicted only under section 406 of the PC. The Court of Appeal agreed in 2018 (*Public Prosecutor v Lam Leng Hung and others* [2018] 1 SLR 659). The Criminal Law Reform Act 2019 then rewrote section 409, with effect from 1 January 2020, to cover directors, partners, key executives and fiduciaries expressly, and removed life imprisonment. A director's misappropriation before 1 January 2020 therefore remains chargeable only under section 406; misappropriation by a director from that date falls under section 409.

3. What is the maximum punishment?

Offence	Section	Maximum punishment for an individual
CBT by any person	s 406	Imprisonment up to 7 years, a fine, or both
CBT by a carrier or warehouse operator (property entrusted for transportation for hire or storage for rent or a charge)	s 407	Imprisonment up to 15 years; a fine may be added
CBT by an employee, including a person in an employee-like capacity, paid or unpaid	s 408	Imprisonment up to 15 years; a fine may be added
CBT by a public servant, a person in a trade or profession, a director, an officer of an unincorporated association, a partner, a key executive or a fiduciary	s 409	Imprisonment up to 20 years; a fine may be added

(4) Under sections 407 to 409 of the PC, a sentence of imprisonment must be imposed (although there is no minimum term), and a fine may be added to it. Only under section 406 may a fine be the only punishment.

(5) **Note.** The court in which the case is heard also limits the sentence. A District Court cannot impose more than 10 years' imprisonment for a single offence, and a Magistrate's Court cannot impose more than three years (section 303 of the Criminal Procedure Code 2010 ("**CPC**")). The maximum sentences of 15 and 20 years under sections 407 to 409 of the PC can therefore be imposed only by the High Court. In practice, a case in which the Prosecution seeks a sentence above 10 years is heard in the High Court.

4. What must the Prosecution prove?

(6) The Prosecution must prove each of the following elements, including a particular mental state:

(a) **Entrustment or dominion.** The accused must have been entrusted with the property, or with dominion over it:

(i) Entrustment may arise from established practice as well as from written instructions. In a 2020 decision, *Chong Kum Heng v Public Prosecutor* [2020] 4 SLR 1056 ("***Chong Kum Heng***"), the High Court held that a project manager was entrusted with the proceeds of selling surplus cable. There was no written policy, but there was a longstanding practice, known to him, that the proceeds were to be used for staff welfare and site expenses.

(ii) Entrustment can also be collective. Where a board has dominion over funds, each member is entrusted, and the approval of innocent co-directors does not excuse those who act dishonestly, as the High Court held in the City Harvest case, *Public Prosecutor v Lam Leng Hung and other appeals* [2017] 4 SLR 474 ("***Lam Leng Hung***").[4]

(b) **Misappropriation or wrongful use.** The accused must have misappropriated or converted the property, or used or disposed of it in breach of a legal direction or of the terms of the trust. In *Lam Leng Hung*, church building funds could be used only for building expenses and investments. Bond "investments" that were in substance a way of channelling the funds to the church's music project were held to be a wrongful use. The later "round-tripping" transactions used to redeem the bonds were a continuation of the misappropriation.[5]

[4] *Lam Leng Hung* at [87].

[5] *Lam Leng Hung* at [126]–[170].

(c) **Dishonesty (the mental state).** The question is whether the accused intended to cause wrongful gain or wrongful loss, knowing that he or she was not legally entitled to act in that way:

(i) Motive is distinct from intention. It made no difference to guilt that the City Harvest leaders believed they were acting in the church's best interests.[6]

(ii) Dishonesty is more readily inferred where the course taken was not to the advantage of the person to whom the property belonged (the "**principal**"). The High Court noted this in *Chong Kum Heng*.[7]

(d) **The capacity (for sections 407 to 409 of the PC).** For the more serious offences, the Prosecution must also prove that the property was entrusted to the accused in the capacity the section describes, that is, as a carrier or warehouse operator, as an employee, or as a director, professional, fiduciary or other person listed in section 409.

5. What defences are available?

(7) The following may provide a defence, or an answer to the charge:

(a) **Good faith.** Illustration (d) to section 405 of the PC describes an agent who, in good faith and believing it to be more to the principal's advantage, departs from the principal's directions. He does not commit CBT, although he may be liable to the principal in a civil claim. *Lam Leng Hung* draws the line between that kind of good faith and a dishonest intention to use funds in a way the accused knows he or she is not entitled to, whatever the motive.

(b) **Authorisation and claim of entitlement.** Evidence that the use of the property was authorised, or that the accused genuinely believed he or she was entitled to it, goes to whether the accused acted dishonestly. In family and closely held businesses, informal arrangements about who may use company money, and for what, are frequently at the centre of the dispute, and whether the accused acted dishonestly will depend on the facts of each case.

(c) **Challenging the elements.** The Prosecution must prove each element: whether there was entrustment, whether the use was wrongful, whether the accused acted dishonestly, and how much was misappropriated. For sections 407 to 409 of the PC, it must also prove the capacity in which the property was entrusted and when the conduct took place. The capacity and the date are significant because the maximum punishment depends on them.

(8) Matters that do not amount to a defence may still reduce the sentence; they are discussed in Part 11.

6. What if the victim does not complain, or has forgiven the offender?

(9) A prosecution is brought in the public interest, not on behalf of the victim. In *Chong Kum Heng*,[8] the employer had not complained and regarded itself as having suffered no loss. That did not prevent a conviction, and the court held that it did not reduce the offender's culpability.

(10) The victim's forgiveness generally has no effect on the sentence either, as the High Court confirmed in *Chong Kum Heng*,[9] applying *Public Prosecutor v UI* [2008] 4 SLR(R) 500. Repayment of the money is a different matter: it is treated as a material mitigating factor (see Part 11).

7. How do the courts decide the sentence?

(11) The courts sentence by reference to the maximum punishment for the provision charged and to the sentences imposed in earlier cases, adjusted for the features of the case. There is no prescribed sentencing framework.

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[6] *Lam Leng Hung* at [180], [184].

[7] See paragraph (6)(a).

[8] See paragraph (6)(a).

[9] See paragraph (6)(a).

7.1 Criminal breach of trust (sections 406 to 409 of the PC): comparable precedents and the Lam Leng Hung principles

(12) The leading decision is *Lam Leng Hung*, the High Court decision in the City Harvest case. It concerned CBT charges under section 406 of the PC against the leaders of City Harvest Church (reduced from section 409), and the court described the case as without direct precedent. It does not set a prescribed framework or a matrix of sentencing ranges, and its outcome reflects exceptional facts.[10]

(13) Its statements of principle have, however, been applied in later cases under sections 406 and 408 of the PC:

(a) the amount misappropriated is the starting consideration, adjusted for the other factors in the case;[11] and

(b) where general deterrence (deterring others from similar offending) is the dominant consideration, it does not always require a sentence at the top of the range.[12]

(14) In practice, courts derive a starting point from comparable precedents, calibrated mainly to the amount, and then adjust it for the features of the case.

7.2 Factors that increase the sentence

(15) The factors given weight in the decided cases include the following:

(a) **The amount and the loss.** The amount misappropriated, and whether the victim's loss was repaid or made good, are the most important considerations (on repayment, see Part 12).

(b) **The manner of offending.** The following have all been treated as aggravating:

(i) planning and premeditation;

(ii) the length of time over which the offending took place;

(iii) the creation of false documents, or other steps to cover it up;

(iv) the layering of the proceeds through other accounts; and

(v) drawing family members into the offending.

(c) **The offender's position and gain.** The abuse of a position of corporate trust is aggravating, and in a 2026 case, *Public Prosecutor v Ong Siew Kwee and others* [2026] SGDC 299 ("***Ong Siew Kwee***"),[13] the offender's high position of trust was specifically relied on. Applying the whole of the money to personal use is aggravating. Conversely, the absence of any personal gain, and a motive other than greed, may reduce the sentence (see Part 11).

(d) **The victim.** The profile of the victim matters. In *Public Prosecutor v Loy Wei Ezekiel and another* [2026] SGDC 186 ("***Loy Wei Ezekiel***"), a 2026 decision described below,[14] the vulnerability of the victim, an elderly and cognitively impaired company owner, was treated as aggravating.

7.3 Factors personal to the offender

(16) Factors personal to the offender fall on both sides:

(a) **aggravating:** previous convictions, and other charges taken into consideration; and

(b) **mitigating:** restitution, and a plea of guilty. These are discussed in Parts 11 and 12.

(17) **How the principles were applied in Lam Leng Hung itself.** In the City Harvest case, the leaders of City Harvest Church were convicted of using some $24 million of the church's building fund, through sham bond investments, for the church's "Crossover" music project. They were also convicted in respect of further sums in "round-tripping" transactions to redeem those bonds,

[10] See paragraph (18).

[11] *Lam Leng Hung* at [367].

[12] *Lam Leng Hung* at [370]–[381].

[13] See paragraph (28).

[14] See paragraph (24).

and of falsifying accounts. Once the CBT charges were reduced from section 409 to section 406 of the PC, the court approached sentence afresh.

(18) The sums were large, which would ordinarily place the sentences at the upper end. But the court found exceptional mitigating factors:[15]

(a) the leaders made no personal gain;

(b) they genuinely (if misguidedly) believed that the transactions served the church; and

(c) for most of the charges, they did not intend any permanent loss, since the funds were to be repaid with interest.

(19) The deceit and concealment involved remained aggravating. General deterrence was the dominant consideration. But the court held that a substantial custodial sentence was enough to deter others who might act from altruistic motives through unlawful means.

(20) The total sentences were:[16]

(a) **three years and six months' imprisonment** for the senior pastor (including 28 months on the charge involving $11 million);

(b) three years and four months, and three years and two months, for two other leaders;

(c) two years and six months for the administrator of the music project;

(d) one year and six months for a leader whose involvement was limited; and

(e) seven months for an employee who carried out the decision-makers' instructions.

8. How have the courts applied this approach since?

8.1 Calibrating against an earlier case

(21) In *Chong Kum Heng*, the High Court dealt with a project manager convicted after trial on three charges under section 408 of the PC, for misappropriating $111,000, $54,000 and $49,000 from the sale of his employer's surplus cable. No restitution had been made. He had also been convicted on six money laundering charges for using the money. The District Judge had calibrated the CBT sentences against an earlier case:

(a) in the earlier case, *Public Prosecutor v Wan Kam Lan*, an unreported 2018 District Court decision, an accounts employee who falsified records and issued company cheques to herself received 14 months for $125,796, on a plea of guilty and with partial restitution;

(b) the District Judge started from that case and increased the sentence by 50%, to 21 months;

(c) the High Court accepted that some increase was justified, because the offender had neither pleaded guilty nor made restitution; but

(d) it held that a 50% increase was disproportionate, because the earlier case was more serious in its use of falsified records and cheques.

(22) The arithmetic was as follows:

(a) the District Judge had imposed 21 months on the $111,000 charge and 12 months on each of the $54,000 and $49,000 charges;

(b) the District Judge had ordered three sentences to run consecutively: 21 months, 12 months and a six-month money laundering sentence, making 39 months in total;

(c) the High Court reduced the three CBT sentences to 18, 10 and 10 months respectively, and also reduced the sentences on the six money laundering charges, for example from nine months to five months on a charge involving about $30,000; and

[15] *Lam Leng Hung* at [370]–[381].

[16] *Lam Leng Hung* at [419]–[434].

(d) the High Court ordered the sentences of 18 months, 10 months and a four-month money laundering sentence to run consecutively, with the rest concurrent, making **32 months** in total.[17]

(23) **The takeaway:** an earlier case is a guide, not a formula. The court compares the facts of the two cases, here the absence of a plea and of restitution against the more serious use of false records, rather than simply scaling up the earlier sentence.

8.2 A young director and a vulnerable victim

(24) In *Loy Wei Ezekiel*, a District Court sentenced a 22-year-old full-time national serviceman who, as a director, had taken $1,268,500 in 2016 from a company. The company was owned by an elderly and cognitively impaired man. He was charged under section 406 of the PC.[18] He was convicted after trial and showed no remorse.

(25) The court derived a starting point of five years from earlier cases, calibrated to the amount, and imposed 66 months on the CBT charge. It treated the following as aggravating: the victim's vulnerability; the planning; the abuse of corporate trust; an elaborate cover-up; the use of all the money for himself; and the involvement of a family member.

(26) His youth carried limited weight because he had conceived and carried out a complex scheme over months. His clean record carried little weight given that he faced 35 charges. With 34 money laundering charges, the total was 100 months.

(27) **The takeaway:** the victim's vulnerability can significantly increase the sentence, and personal mitigation such as youth and a clean record carries less weight where the offending was premeditated and sustained.

8.3 Large-scale misappropriation by a senior executive

(28) In *Ong Siew Kwee*, the head of a group of companies was a signatory to the bank account of a related company. He caused $15.8 million to be transferred out of it and supported the transfers with a forged lease and backdated documents. He was convicted under section 408 of the PC after trial. Full restitution had been made, but only under a civil judgment.

(29) The court approached the sentence as follows:

(a) it treated the amount, his high position of trust and the false paper trail as aggravating;

(b) it held that restitution under a judgment did not show remorse, but still had to be given weight, because no loss was ultimately suffered;

(c) from earlier cases in which 6 to 10 years had been imposed on single charges involving about $5.4 million to $8.8 million, it set a starting point of 10 to 11 years;

(d) it adjusted that starting point downwards because there was a single charge, the conduct was not a lengthy series of acts, and restitution had been made; and

(e) it declined to impose the District Court's limit of 10 years, which it reserved for the worst cases.

(30) The court imposed nine years' imprisonment on the CBT charge. With a consecutive sentence for giving false evidence, the total was 10 years and six months. Appeals have been filed.

(31) **The takeaway:** repayment made late, or only under compulsion, does not show remorse. Nevertheless, it is still given weight, because the victim's loss has been made good, and here it was one of the reasons the sentence came down from the 10 to 11 year starting point.

8.4 The highest sentences

(32) The heaviest sentences have been imposed for sustained schemes involving very large sums and no restitution. In *Public Prosecutor v Juandi bin Pungot* [2022] 5 SLR 257, a 2022 decision, the High Court imposed 10 years' imprisonment on a charge involving $8.83 million. The charge

[17] *Chong Kum Heng v Public Prosecutor* [2020] 4 SLR 1056 at [65], [73] and [78]–[79].

[18] Because the conduct took place in 2016, before section 409 of the PC was extended to directors on 1 January 2020 (see the footnote to Part 2), the director could be charged only under section 406, which carries a maximum of seven years' imprisonment.

was part of an employee's scheme that ran for 11 years and involved $93.8 million in total, and the sentence for the CBT charges as a whole was 25 years.

(33) **The takeaway:** the duration of the scheme and the total amount, with nothing repaid, can bring the sentence on each charge towards the upper end of the range, and the total sentence to many years.

8.5 A lawyer misusing clients' money

(34) In *Public Prosecutor v Tan Cheng Yew and another appeal* [2013] 1 SLR 1095, a 2012 decision, a lawyer was convicted after trial of two charges of CBT in the way of his business as an attorney, under the predecessor to section 409 of the PC, for misappropriating $1.5 million and about $1.94 million that he held for his clients, and of two charges of cheating. He had left Singapore and was untraced for about six years before he was extradited. On the Prosecution's appeal, the High Court increased the sentence on each CBT charge to six years, running consecutively, making a total of 12 years.

(35) **The takeaway:** where a lawyer abuses the trust placed in him or her by clients, the court will impose a strong deterrent sentence.

9. The sentencing range at a glance

(36) The table below gives the range of sentences seen in the cases reviewed for this chapter, and the main factors that determined where each case fell. Every case turns on its own facts.

Offence	Sentences seen in decided cases	Main deciding factors
CBT by any person (s 406)	**About 5 months** for a single sum of US$50,000 repaid in full; **about 5 to 6 years** for more than $1 million taken by a director from a vulnerable owner; totals of **7 months to 3 years 6 months** for the church leaders in the leading case	(a) the amount (b) whether it was repaid (c) whether the offender gained personally (d) the victim's vulnerability (e) planning and cover-up (f) the offender's role (g) the timing of any plea of guilty (h) directors' conduct before 1 January 2020 falls under this section (see the footnote to Part 2)
CBT by an employee (s 408)	**About 10 to 18 months per charge** for sums of about $50,000 to $125,000; **about 6 to 10 years per charge** for sums of $5 million to $16 million; **up to 25 years in total** for a scheme involving $93.8 million over 11 years	(a) the amount (b) restitution (c) the use of falsified records or cheques (d) the length of the scheme (e) the offender's position of trust (f) whether the offender gained personally (g) the timing of any plea of guilty
CBT by a director, professional, fiduciary and others (s 409)	**12 years in total** in one 2012 High Court case on the predecessor provision (six years on each of two charges, running consecutively)	(a) the 20-year maximum (b) the amount (c) the earlier cases (d) directors' conduct from 1 January 2020 falls under this section (see the footnote to Part 2)

10. Fines

(37) Under sections 407, 408 and 409 of the PC, imprisonment is mandatory. A fine may be added to the term of imprisonment, but cannot replace it. Under section 406, a fine alone is available.

(38) Whether a fine alone is appropriate under section 406 of the PC depends on the facts of each case. The courts have recognised that it may be appropriate in some cases, for example:

(a) **Small sums, where the offender was not intended to benefit.** In a 2019 decision, *Gan Chai Bee Anne v Public Prosecutor* [2019] 4 SLR 838 ("***Gan Chai Bee Anne***"), concerning a related form of dishonesty (knowingly giving an agent false receipts intended to mislead the agent's principal, an offence under the Prevention of Corruption Act 1960 discussed in Chapter 7), the High Court observed that charges involving small sums would individually have merited only fines, where the offender was not intended to benefit. The custodial threshold (the point at which imprisonment, rather than a fine, becomes appropriate) was crossed only because of the premeditated and sustained nature of the conduct as a whole. The court reduced the sentence from 13 weeks to five weeks.

(39) The amount involved, whether restitution was made, whether the offender gained personally and the offender's record will all bear on whether a fine alone may be appropriate. This is often a central question in submissions on sentence.

11. What can reduce the sentence?

(40) The following have been given weight in decided cases:

(a) **Restitution.** Repaying the money is, in practice, the most significant mitigating factor in CBT cases:

(i) It reduces the economic harm suffered by the victim and, if timely and voluntary, is evidence of remorse, as the High Court explained in *Gan Chai Bee Anne*.

(ii) Restitution made late still reduces the harm (although the extent of the reduction in sentence may be smaller). In a 2026 District Court case, *Public Prosecutor v Daichi Khamkrasin* [2026] SGDC 318 ("***Daichi Khamkrasin***"), the offender misappropriated US$50,000 entrusted to him for an investment in a luxury watch. The Prosecution initially asked for seven and a half months' imprisonment on the CBT charge. After the offender repaid the money, it asked for five months, and five months was imposed. The repayment, of $65,000 in full and final settlement, was made only after several adjournments of the sentencing hearing, but the court still treated it as a major mitigating factor.[19]

(iii) Restitution made only under a civil judgment is given weight because no loss remains, but not as evidence of remorse, as in *Ong Siew Kwee*.[20]

(iv) Conversely, the absence of any restitution was one of the reasons for a higher sentence in *Chong Kum Heng*.[21]

(b) **No personal gain, and a motive other than greed.** In *Lam Leng Hung*,[22] the absence of personal gain and the leaders' genuine belief that they were acting in the church's interests were treated as exceptional mitigating factors.[23] In an earlier District Court case, *Public Prosecutor v Luciana Lim Ying Ying* [2015] SGDC 257, the most significant mitigating factor was that the offender derived no financial benefit. She was motivated not by greed but by debts she had guaranteed to unlicensed moneylenders.

(c) **No intention to cause permanent loss.** In *Lam Leng Hung*,[24] the funds were to be repaid with interest, and for most of the charges no permanent loss was intended.

[19] The offender has appealed against the sentence, and the appeal was pending at the time of writing.

[20] See paragraph (28).

[21] See paragraph (21).

[22] See paragraph (18).

[23] *Lam Leng Hung* at [370]–[377].

[24] See paragraph (18).

(d) **A limited role.** In *Lam Leng Hung*, the leader whose involvement was limited, and the employee who carried out the decision-makers' instructions, received much shorter sentences than the decision-makers.[25]

(e) **A single act rather than a series.** In *Ong Siew Kwee*, the 2026 case involving $15.8 million,[26] the starting point was adjusted downwards because there was a single charge and the conduct was not a lengthy series of acts.

(f) **Youth and previous good character.** These are recognised mitigating factors. But in *Loy Wei Ezekiel*, the 2026 case involving a 22-year-old director,[27] they carried limited weight because the scheme was complex and sustained.

(g) **A plea of guilty** (see Part 12).

(41) The sentencing outcome depends heavily on identifying the mitigating factors that are relevant and carry real weight on the particular facts, supporting them with evidence, and presenting them at the right stage of the sentencing process.

12. How does a plea of guilty affect the sentence?

(42) A plea of guilty can have a significant effect on the sentence, and its timing matters. The Sentencing Advisory Panel has issued Guidelines on Reduction in Sentences for Guilty Pleas, which suggest that an earlier plea may attract a larger reduction. The guidelines are guidance only: they are not binding on the courts, and whether a reduction is given, and how much, is for the sentencing court to decide in the circumstances of each case.

(43) In *Daichi Khamkrasin*, the 2026 watch investment case,[28] a plea of guilty to the CBT charge, entered at an earlier stage under the guidelines, reduced a sentence of six months to five, while the pleas of guilty to the other charges, entered at a late stage, attracted a reduction of 5%. In *Chong Kum Heng*,[29] the absence of a plea was one of the reasons why the sentence was higher than in the earlier case used for comparison.

(44) A plea of guilty admits the offence and gives up any defence. It is therefore very important that the decision whether, and when, to plead guilty is made only after the evidence, the available defences and the mitigating factors have been properly assessed.

13. How are sentences combined when there are several charges?

(45) CBT charges are often brought together with other charges.[30] These are distinct offences. In *Chong Kum Heng*,[31] it was held not to be double punishment to charge both the CBT and the later use of the money, which was charged as money laundering under what was then section 47(1)(c) of the Corruption, Drug Trafficking and Other Serious Crimes (Confiscation of Benefits) Act 1992 (acquiring, possessing or using one's own criminal proceeds; now section 54(1); see Chapter 2).[32] The CBT charges, for depositing the money into his own bank accounts, and the money laundering charges, for using the money, did not overlap, because they were different acts.

(46) Each charge receives its own sentence, and the court then decides which sentences run **consecutively** (one after another) and which run **concurrently** (at the same time).

[25] See paragraph (20).

[26] See paragraph (28).

[27] See paragraph (24).

[28] See paragraph (40)(a)(ii).

[29] See paragraph (21).

[30] Typically money laundering charges for using, moving or spending the money (see Chapter 2), charges of falsifying accounts or forgery (see Chapter 6), and sometimes charges of giving false evidence.

[31] See paragraph (21).

[32] *Chong Kum Heng* at [46]–[51].

(47) Where an offender is convicted at one trial and sentenced to imprisonment for three or more distinct offences, at least two of the sentences must run consecutively (section 307(1) of the CPC).[33]

(48) The overriding principle is **proportionality**: the total sentence must fit the offender's overall criminality. The High Court has explained the main tools in *Mohamed Shouffee bin Adam v Public Prosecutor* [2014] 2 SLR 998:

(a) **The one-transaction rule.** This is a common law principle, developed by the courts rather than set out in legislation: offences that form part of a single transaction should generally not attract consecutive sentences. Whether offences form part of a single transaction is decided as a matter of common sense, having regard to factors such as how close the offences were in time, place and purpose, and whether they invaded the same legally protected interest.

(b) **The totality principle.** The court takes a "last look" at the total. It asks whether the total is substantially above the normal level of sentence for the most serious offence, and whether it would be crushing and out of keeping with the offender's record and prospects. If so, the court may change which sentences run consecutively, or adjust individual sentences.

(c) **No double counting.** The same aggravating factor must not be counted against the offender twice.

13.1 Parity and consistency with past cases

(49) Proportionality is also measured against the sentences imposed on others:

(a) **Parity between co-offenders.** Where several people took part in the same criminal enterprise, their sentences should generally be in line with each other, allowing for relevant differences in their roles and personal circumstances. The High Court has held, in *Lim Bee Ngan Karen v Public Prosecutor* [2015] 4 SLR 1120, that this applies even where co-offenders are charged with different offences, and that where co-offenders are sentenced separately, the Prosecution should place their sentences and the relevant facts before the court. In *Lam Leng Hung*, the six leaders received total sentences ranging from three years and six months to seven months, differentiated according to their roles.[34]

(b) **Consistency with past cases.** Courts compare the case with sentences imposed in similar cases, as *Chong Kum Heng*[35] shows. Comparisons must, however, be with the offence actually charged and the law that applied. In a 2026 decision, *Public Prosecutor v Chai Song Lin* [2026] SGDC 4, a District Court declined to use sentences for CBT by employees under section 408 of the PC when sentencing an employee charged with cheating, because the offence and its maximum punishment were different.

(50) Other matters also affect the total, such as whether some charges are taken into consideration rather than proceeded with, and whether conduct is combined into a single amalgamated charge. These questions involve a number of factors and judgments, and are frequently the subject of submissions on sentence.

14. Beyond the sentence

(51) Victims frequently pursue civil claims at the same time as the prosecution, and a civil judgment may itself bring about repayment, as in *Ong Siew Kwee*.[36] Money traced to the offence may be seized and become the subject of disposal or confiscation proceedings (see Chapter 2).

(52) Directors may be disqualified from acting as directors, including automatically after a conviction for an offence involving fraud or dishonesty (see Chapter 1). Professionals may face disciplinary proceedings, and foreign nationals may face immigration consequences.

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[33] In *Loy Wei Ezekiel* (see paragraph (24)), a 66-month CBT sentence led to a total of 100 months with the money laundering charges. In *Ong Siew Kwee* (see paragraph (28)), a nine-year CBT sentence led to a total of 10 years and six months with a consecutive sentence for giving false evidence.

[34] See paragraph (20).

[35] See paragraph (21).

[36] See paragraph (28).

Note. This chapter sets out the framework. It does not attempt to indicate where any particular case falls within it – that assessment depends on the charge brought, the evidence, and matters that are rarely apparent to the person affected. 26 Gambit Chambers advises and acts for individuals and companies in these matters. Short answers to common questions on criminal breach of trust are available at 26gambitchambers.com/answers.

About the authors



Jeremy Marc Sia

Jeremy Marc Sia is the Founding Director of 26 Gambit Chambers. He is an Advocate and Solicitor of the Supreme Court of Singapore and a Solicitor of the Senior Courts of England and Wales, and was previously an Associate Director at one of Singapore's Big 4 law firms. His practice covers cross-border commercial litigation and international arbitration, civil fraud and conspiracy, regulatory proceedings and criminal defence, including matters involving aggravated cheating, bribery and the falsification of accounts. He works in English and Mandarin.



Jonathan Oh

Jonathan Oh is a Director of 26 Gambit Chambers. He is an Advocate and Solicitor of the Supreme Court of Singapore, and previously practised at an international firm and a top-ranked boutique firm in Singapore. His practice covers restructuring and insolvency, corporate and commercial advisory work and commercial litigation and international arbitration, with a focus on special situations.

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26 Gambit Chambers LLC
63 Market Street, #06-00, Bank of Singapore Centre, Singapore 048942
Email: enquiries@26Gambit.com
Telephone: +65 6978 4033
Website: 26gambitchambers.com