

Public Prosecutor v Tang Bei and Tang Lei
[2018] SGMC 87

Case Number : MAC-904262-2015 & 2 ors & MAC-904264-2015 & 3 ors

Decision Date : 28 December 2018

Tribunal/Court : Magistrates Court

Coram : Sarah Tan

Counsel Name(s) : Tan Wen Hsien and Eunice Lim (DPP) for the Public Prosecutor; Siaw Kin Yeow (R.S Solomon LLC) for the Accused

Parties : Public Prosecutor — Tang Bei — Tang Lei

[LawNet Editorial Note: The appeals in MA 9267/2018/01 and MA 9268/2018/01 were dismissed by the High Court on 3 July 2019.]

28 December 2018

District Judge Sarah Tan:

1 The 2 Accused, Tang Bei and Tang Lei, are sisters. Tang Bei faced 3 charges and Tang Lei faced 4 charges, such charges arising from an incident on 28 April 2015 at the management office of Simei Green Executive Condominium ("Simei Green"). They both claimed trial to their charges.

2 Tang Bei claimed trial to the following charges:

MAC-904262-2015

You,

are charged that you, on the 28th day of April 2015, at about 11.40am, at the management office of Simei Green Executive Condominium located at 13 Simei Street 4, Singapore, together with Tang Lei, in furtherance of the common intention of the both of you, did voluntarily cause hurt to Colvin Quek Choon Kiat, to wit, by hitting the said Colvin Quek Choon Kiat on his head and arm, and you have thereby committed an offence punishable under section 323 read with section 34 of the Penal Code (Cap 224, 2008 Rev Ed).

MAC-904263-2015

You,

are charged that you, on the 28th day of April 2015, at about 11.40am, at the management office of Simei Green Executive Condominium located at 13 Simei Street 4, Singapore, did use criminal force on Colvin Quek Choon Kiat, to wit, by spitting at the said Colvin Quek Choon Kiat in his face, and you have thereby committed an offence punishable under section 352 of the Penal Code (Cap 224, 2008 Rev Ed).

MAC-907968-2015

You,

are charged that you, on the 28th day of April 2015, at about 11.40am, at the management office of Simei Green Executive Condominium located at 13 Simei Street 4, Singapore, did voluntarily cause hurt to Bligh Charles Kenneth, to wit, by hitting the said Bligh Charles Kenneth on his right arm and shoulder, and you have thereby committed an offence punishable under section 323 of the Penal Code (Cap 224, 2008 Rev Ed).

3 Tang Lei claimed trial to the following charges:

MAC-904264-2015

You,

are charged that you, on the 28th day of April 2015, at about 11.40am, at the management office of Simei Green Executive Condominium located at 13 Simei Street 4, Singapore, together with Tang Bei, in furtherance of the common intention of the both of you, did voluntarily cause hurt to Colvin Quek Choon Kiat, to wit, by hitting the said Colvin Quek Choon Kiat on his head and arm, and you have thereby committed an offence punishable under section 323 read with section 34 of the Penal Code (Cap 224, 2008 Rev Ed).

MAC-904265-2015

You,

are charged that you, on the 28th day of April 2015, at about 11.40am, at the management office of Simei Green Executive Condominium located at 13 Simei Street 4, Singapore, did use criminal force on Colvin Quek Choon Kiat, to wit, by spitting at the said Colvin Quek Choon Kiat in his face, and you have thereby committed an offence punishable under section 352 of the Penal Code (Cap 224, 2008 Rev Ed).

MAC-904266-2015

You,

are charged that you, on the 28th day of April 2015, at about 11.40am, at the management office of Simei Green Executive Condominium located at 13 Simei Street 4, Singapore, did use criminal force on Colvin Quek Choon Kiat, to wit, by splashing the contents of a canned drink at the said Colvin Quek Choon Kiat, and you have thereby committed an offence punishable under section 352 of the Penal Code (Cap 224, 2008 Rev Ed).

MAC-907967-2015

You,

are charged that you, on the 28th day of April 2015, at about 11.40am, at the management office of Simei Green Executive Condominium located at 13 Simei Street 4, Singapore, did voluntarily cause hurt to Bligh Charles Kenneth, to wit, by using your hand to hit the said Bligh Charles Kenneth on his right arm, and you have thereby committed an offence punishable under section 323 of the Penal Code (Cap 224, 2008 Rev Ed).

4 At the end of the trial, I convicted both the Accused on their charges.

5 I sentenced the Accused as follows:

(a) Tang Bei: Fine of \$2,100, in default sixteen (16) days' imprisonment.

(b) Tang Lei: Fine of \$2,500, in default twelve (12) days' imprisonment.

6 The Accused have filed an appeal against conviction and sentence.

7 The Accused were represented by various counsel throughout the course of the matter. In particular:

Mitigation and sentencing: Siaw Kin Yeow (R.S Solomon LLC)

THE PROSECUTION'S CASE

8 Prosecution called the following witnesses:

- (a) PW1: Dr Looi Chong Heng, who prepared the medical report on Colvin Quek Choon Kiat, based on the findings of Dr Clement Chan;
- (b) PW2: Lian Wee Nan, officer in charge, the OC team for the investigation officer in charge of the case;
- (c) PW3: Lim Wei Long Benny ("Benny Lim"), property officer at Simei Green at material time;
- (d) PW4: Rafiah Binte Ahmad ("Rafiah"), admin assistant at Simei Green at material time;
- (e) PW5: Colvin Quek Choo Kiat ("Colvin"), condo manager at Simei Green at material time;
- (f) PW6: Dr Clement Chan, who examined Colvin after the incident;
- (g) PW7: DSP Daryl Poon Wei Yang, investigation officer and recorder of Tang Lei's statement;
- (h) PW8: Blight Charles Kenneth ("Charles"), security guard at Simei Green at material time;
- (i) PW9: Sim Jin Hui, investigation officer who took over from Daryl Poon; and
- (j) PW10: Insp Edmund Lim, investigation officer and recorder of Tang Bei's statement.

THE DEFENCE CASE

9 Tang Bei and Tang Lei elected to give evidence from the witness stand. There were a total of 4 Defence witnesses:

- (a) DW1: Tang Bei;
- (b) DW2: Leung Sok Cheng Joyce, a former journalist with Lianhe Wanbao;
- (c) DW3: Tang Lei; and
- (d) DW4: Ang Wei Siong, the male companion of the Accused present during the incident or part thereof.

THE VIDEO TAKEN BY COLVIN

10 Besides the evidence from the various witnesses who took the stand, the main documentary evidence took the form of a video which was recorded by Colvin using his handphone which was set up atop a cabinet at the management office ("Colvin's Video") at the time of the incident.

11 The Colvin's Video was admitted into evidence as P9 at the trial.

12 Colvin's Video was corroborated by the video taken by Benny Lim (which was admitted as P6), albeit the latter was from a slightly different angle.

13 Tang Bei accepted that Colvin's Video captured whatever happened. ^[note: 1] Authenticity of both Colvin's Video and the video taken by Benny Lim was not challenged by the Defence.

14 However, she added that there was some exchange before Colvin's Video started recording.

15 She alleged that Colvin had said "fuck you" to her:

Q: And then what happened?

A: I did not want him to take my document, i.e. my ID. He became angry quickly and said "fuck you". He said "fuck" against my PRC identity, and said, "Scram back to where you come from." ^[note: 2]

16 However, I noted that interestingly, Colvin was not cross-examined on this alleged exchange that was not captured by Colvin's Video. These alleged utterances such as "Scam back to where you came from, out of Singapore" surfaced only when Tang Bei took the stand.

17 Indeed, these alleged utterances such as "Scam back to where you came from, out of Singapore" also did not appear in Tang Bei's statement dated 28 April 2015. ^[note: 3]

18 Rafiah was present at the management office throughout the incident, although she was not captured visually on Colvin's Video. Her voice was captured on Colvin's Video. ^[note: 4] She had made the First Information Report dated 28 April 2015, time-stamped 11:50:57. ^[note: 5]

19 Indeed, Rafiah also confirmed that there was no earlier interaction between Colvin and Tang Bei and Tang Lei that was not captured in Colvin's Video. ^[note: 6]

20 If the Accused are to be believed, that Colvin had taunted Tang Bei even before Colvin's Video started, then it would be incredible that Ang Wei Siong did not go to the assistance of Tang Bei at that juncture:

Q: And even after you heard voices of an argument from inside, for example, "Fuck you, fuck you PRC. Where you come from" ---"scram back to where you come from", you still did not went [sic] in?

A: Because Tang Lei's sister went in and advised her.

Q: So who said "fuck you, fuck you PRC. Where you come from"---"go back to where you come from"?

A: Guo Jun Jie.

Q: So the condo manager, right?

A: Yes.

Q: So despite knowing that the condo manager was inside the condominium office, by then you would have known, right? Yes or no?

A: At that time, yes.

Q: And you still did not go inside the office at that point in time?

A: Correct. [note: 7]

Q: Okay, let's not go there first. So at that point in time where Tang Lei was outside with you and you were staring inside the management office through the glass door and saw Colvin scolding this "fuck you, fuck you PRC. Go back where you come from", what was Tang Bei doing---Tang Lei, sorry.

A: Tang Lei was about to go in. [note: 8]

21 I found it hard to accept the evidence of the Accused that prior to Colvin's Video, there was already some exchange where Colvin said "fuck you" and "Scram back to where you come from."

22 In subsequent portions of these Grounds of Decision, references to Colvin's Video will be made by referring to the relevant time-stamp of the same.

THE HITTING OF COLVIN ON HIS HEAD AND ARM IN FURTHERANCE OF THE COMMON INTENTION

Tang Bei's MAC-904262-2015 and

Tang Lei's MAC-904264-2015

(A) The hitting

23 It is Colvin's evidence that at 2 min 9 secs, Tang Bei had hit him on the right side of his **face/forehead**:

Q: Go on. There are other hands in the air. Tell us what's happening?

A: That's where Tang Bei comes in. I think, Tang Bei hit me.

Q: Sorry?

A: Tang Bei hit me.

Q: This is the 2 minute, I think, 9 second mark, if I'm not wrong. We can play again just to double confirm.

A: Then---

A: Correct.

Q: "Correct", meaning? Can you---

A: Tang Bei hit me on my right side of the face---forehead. [note: 9]

24 Colvin also gave evidence that at 2 min 17 secs, Tang Bei jumped and hit him on the right **shoulder**:

Q: 2 minute, 17 second mark. Now, what's happening here?

...

Q: Okay, somebody jumps. Who is that?

A: Ya, I---I think it's Tang Bei.

Q: And what's she doing?

A: I think, she hit me on the---on the shoulder or whatever it is.

...

A: Yup. On the shoulder.

Q: Okay. So, Tang Bei jumps and hits you on which shoulder?

A: Right shoulder.

Q: Right shoulder?

A: Mm-hm. [note: 10]

25 Colvin went on to say that at 3 min 05 sec Tang Bei managed to hit his **hand**:

Q: 3.05. Who is that?

A: Tang Bei.

Q: What is she doing?

A: I think, she---she managed to hit my hands again.

Q: How did she managed to hit your hand again?

A: When she stretch [sic] out.

...

A: I think, it hit my hands.

...

A: I think, it hit---hit my hands on the right hand. On the palm, I think, the---the---the back of palm.

Q: Hit your right hand, is it?

A: Mm-hm. [note: 11]

26 Charles' evidence corroborated Colvin's evidence:

Q: Just to clarify, when you said they started spitting and hitting each other, what do you mean by hitting each other?

A: I---I---I think when she was---she was in---in between the barrier, Mr Colvin was talking to her and then in Mandarin or whatever I---which didn't understand, then she started spitting and hitting him. That's---that's the time I just came in between them and try to separate them. [note: 12]

(B) The injuries

27 Charles observed injuries on Colvin right after the incident, though he could not be sure how they were sustained:

Q: And after you returned to the office with Colvin, did you notice any injuries on him?

A: No, at that---at that---at that moment, no, I did not---I did not look at him. That is---

Q: you said---

A: ---but you see it's---just a little---lay---later only when he was going out to the condominium then I noticed there was a---like a bruise on his right **forehead** because earlier part, I think, he said he---the case was flung at him and he got hit on the right **forehead** with the case.

...

A: I think, it was due to the sister throwing the bunch of keys that were inside the little---little writing pad box. There were a bunch of keys in there. I think she flung that at him.

Q: Did you---so did you see for a fact? Taking a part, did you see for---from---for a fact?

A: For a fact, at that present when they threw the key, I wasn't looking at him at all. [note: 13]

28 Dr Clement Chen had examined Colvin on 28 April 2015 at about 4 pm, at Changi General Hospital. He noted: **Tenderness with mild bruising seen over the right supraorbital ridge as well as bruises and abrasions over the right forehead.** [note: 14] He attributed the injuries to minor trauma, consistent with the history related by Colvin, that he was assaulted and hit on face with bare hands and was spat on face. Dr Chan determined that the injuries were very recent, probably caused on the same day. [note: 15]

29 The injuries on Colvin were also documented in two photographs taken of Colvin in the evening of 28 April 2015, admitted as P10 and P11.

30 Even Tang Bei testified that "[she] wanted to slap [Colvin] but [she] accidentally scratched him" [note: 16].

31 The Defence insinuated that Colvin's injuries may have been self-inflicted, but they did not successful advance that argument beyond a mere insinuation. [note: 17]

(C) Common intention

32 There existed a common intention between Tang Bei and Tang Lei, to voluntarily cause hurt to Colvin.

33 By their admission, they were already upset with Colvin following the February 2015 incident.

34 Tang Lei had, at 1 min 2 sec, pointed her finger at Colvin and uttered "You mean the two of us can't deal with you?":

Tan: Yes. This is at 1 minute, 02 to 03, Your Honour, and utterance by Tang Lei, "wo men liang ge dui fu bu liao ni". Can we have that in English?

Interpreter: "You mean the two of us can't deal with you?" [note: 18]

Q: Okay, stopped at 1 minute 7 seconds. Now during this episode we see your sister walk into the gap between the moveable board and the rest of the counter. But just before that, you say in Mandarin to Quek words to the effect "do you think the two of us cannot deal with you?".

A: Yes. [note: 19]

35 During the cross-examination of Tang Bei, Tang Bei agreed that Tang Lei's utterance of "Asking for a beating ah you" was directed at Colvin:

Court: I think, in the background, I hear some Mandarin.

...

Tan: It's at 1:07. We hear in the background, Ms Tang Lei saying "qian zhu ah ni" or something to that effect.

Interpreter: "Asking for"---

...

Interpreter: ---"beating ah you".

...

Interpreter: "Asking for a beating ah you." [note: 20]

36 Once "all hell broke loose", both Tang Bei and Tang Lei were seen in the video to be jumping and reaching out at the same time to hit Colvin.

THE SPITTING AT COLVIN ON HIS FACE

Tang Bei's MAC-904263-2015 and

Tang Lei's MAC-904265-2015

37 Colvin gave evidence that at 1 min 57 sec, Tang Bei spat at him on the face and the saliva came into contact with him. He was very sure that the saliva came into contact with the left side of the face:

Q: Thus us the 1 minute, 57 second mark. What happens here?

A: Tang Bei spat at me on the face.

Q: Alright. Did any saliva come into contact with you?

A: Yes. Definitely.

Q: I think, earlier you mentioned it---on the left side of the **face**?

A: On---on the left side of the **face**, yes. [note: 21]

38 Charles also testified that Tang Bei was an arm's length away when she spat at Colvin. [note: 22]

39 Tang Bei herself confirmed that at this point in time, they were only an arm's length apart:

Q: Alright. This is at the 1:58 mark where you spit in Mr Quek's **face**. Would you agree that these two acts were done in response to his question?

...

Q: Alright. Now, at this point when you spit at Mr Quek in the **face**, you are less than an arm's length apart. Agree?

A: Around an arm's length. [note: 23]

40 This proximity between them would not render it improbable that the spittle would have landed on Colvin.

41 Charles also confirmed that at 3 min, Tang Bei spat at Colvin:

Q: So, who is that person at the 3 minute and 0 second mark whom you say---

A: Tang Bei.

Q: And what did Tang Bei at that point in time?

A: Spat at Mr Colvin. [note: 24]

42 Charles was sure that the spat made contact with Colvin:

Q: When you said Tang Bei was trying to hit out and spit at Colvin, did any of the hits make contact with Colvin?

A: I don't think---Colvin?

Q: Yes, Colvin.

A: Yah, I think spat, yes. But whether she hit out at him, I---I was basically behind. I was not in between---between the two of them at that moment. So I think could be. But I think spat, yes, but hitting, I'm not very sure because it happened too---too fast. [note: 25]

43 Further, between 3 min 8 sec and 3 min 12 sec, Colvin testified that he was spat at by Tang Bei:

Q: okay. Between 3.08 and 3.12---

A: Mm-hm.

Q: ---we hear three spits?

A: Yah.

Q: What is that about?

A: I do not know whether it hit dir---hit me directly or not, but I believe some reminisce would have landed on me.

Q: Who was spitting?

A: Tang Bei.

Q: At who?

A: At---at me. Myself.

Q: And you were saying you can't remember whether it hit you or not?

A: Yah.

Q: Sorry. What was your earlier answer? Can you repeat it?

A: It---it sort of---it ---targeting at me but I believe, even if it missed me, there will be some reminisce [sic] that--- that flies onto my body.

Court: I think, the answer was "I don't know if hit me directly or not, I believe some landed on me".

Witness: Mm-hm.

Tan: Alright. ^[note: 26]

44 This was corroborated by Charles, who said that between 3 min 8 sec and 3 min 17 sec Tang Bei spat at Colvin and spittle landed on his shirt:

Q: So, I just played from the 3:08 second mark to around 3 minute and 17 seconds. So, we heard there [sic] spits. Could you tell us who spat?

A: Tang Bei, she spat at Mr Colvin.

Q: And what did you do after she spat at Colvin?

A: I was looking at my shirt because I think part of it---spittle was al---also on my---on my---on my shirt. ^[note: 27]

45 In Colvin's Video, at 3 min 14 sec, we could also hear the exclamation of Rafiah:

Q: We hear a background noise at the 3.14 mark, somewhere there, we hear this voice in the background, "Oi, you are spitting at me." Could you tell us whose voice was that?

A: My voice.

Q: What prompted you to say that?

A: Her spit---tang---when Tang Bei spit, it got onto me. When Tang Bei spit, it got onto me.

Q: "Got on me". And who was Tang Bei spitting at also?

A: It was aimed at Colvin. [note: 28]

46 It was also obvious from the video the Tang Lei made the gestures and the sounds of spitting at Colvin. Colvin had this to say:

Q: Okay. 7.55.

A: Mm-hm.

Q: Tell us what happens here?

A: That was her farewell speech. She spit [sic] at me directly before she walk away.

Q: Who spat at you?

A: Tang Lei. [note: 29]

47 Both Tang Bei and Tang Lei were spitting at Colvin at different times and the spit came into contact with him:

Q: Oh, duck. Okay. Now, you also said both of them were spitting at you different times?

A: Mm-hm.

Q: Did any of these spits come into contact with you?

A: Yes. Several time.

Q: And whose spits were the ones that came into contact with you?

A: Both of them, I think. [note: 30]

48 Indeed, both Tang Bei and Tang Lei had, in their respective statements to the police, admitted that they had spat at Colvin. [note: 31]

49 Tang Bei, during the trial, had pointed out that at no point in time did Colvin wipe any spit off. That, in itself, did not mean that no spit landed on Colvin. After all, the entire incident unfolded at such a frenetic pace.

THE HITTING OF CHARLES

Tang Bei's MAC-907968-2015 (right arm and shoulder) and

Tang Lei's MAC-907967-2015 (right arm)

50 From Colvin's Video, it was clear that Charles had positioned himself between Tang Bei and Colvin. They were in close proximity. Tang Bei agreed that Charles was intervening between Colvin and herself.

51 "Hurt" is defined at Section 319 of the Penal Code as follows: "Whoever causes bodily pain, disease or infirmity to any person is said to cause hurt".

52 Section 321 of the Penal Code states that: "Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person is said "voluntarily to cause hurt".

53 By reaching out repeatedly to hit Colvin, even jumping to try and reach him, Tang Bei must have known that she was likely thereby to hit Charles and cause hurt to him in the process.

54 Charles testified as follows:

Q: So what happened after you came in between to separate them?

A: Okay, when I was in---in between them, Ms Tan [Bei], like, push me. So I---I more or less, like, fell back and try to separate them... [note: 32]

55 Charles gave evidence that at 2 min 5 sec, Tang Bei hit him on the **shoulder**, and he felt slight pain:

Q: This is the 2 minute and 05 second mark. Could you tell us what is happening here?

A: Okay, after I---I---I took them---I asked her to go out, then she tried to come in again and she gave me a---quite a hefty push. So I more or less like fall back, not---not on the floor but just fell back because of the push.

...

Q: When you say "she", who are you referring to?

A: Oh, sorry, Ms Tang Bei.

Q: Okay, and you said she gave you a hefty push.

A: Push here on my **shoulder**, on my right **shoulder**. [note: 33]

56 Charles said that he was in the way so Tang Bei pushed him:

Q: ---"I was just pushed on the shoulder." Can you just explain to us what do you mean by this?

A: Okay, because I was in the way trying to like I said, in between Colvin and Tang Bei. So, maybe, she was reaching out to Colvin and then she---she push me at my **shoulder**. [note: 34]

57 Tang Bei had also hit him on the **arm** when he was trying to persuade her and Colvin to stop:

A: ...try to tell them, you know, this is not the way "just stop, stop, you know. And then I was hit several times in---in my **arm**. [note: 35]

Q: Okay, so something's happening here. This is the 2 minute and 45 seconds' mark. So, could you tell us what's happening?

A: When I was trying to persuade them, I think, Tang Bei grabbed my **arm** to, you know, put it down. [note: 36]

58 Tang Bei herself admitted that she held on to Charles' **wrist**.

Q: Alright. At 2:44, would you agree that's what you did?

A: I held on to his **wrist**.

Q: Right. So you agree that you held on to Charles' **wrist**. [note: 37]

59 Charles gave evidence that Tang Lei was trying to reach out to Colvin, and hit him on his right **arm**:

Q: Okay, maybe we start with---you said that Tan [sic] Lei was trying to reach out to hit Mr Colvin and your right hand was there.

A: Yes.

Q: So did she hit you?

A: Yes, I---I felt---I felt her hit my **arm**, my right **arm**. [note: 38]

60 Charles testified that an hour later, he felt the effect of pain. He was hit 5, 6 times on his **arms**, part of his shoulder and got spat on too. [note: 39]

Q: Okay, you told us that you were hit several times in the **arm**.

A: Yah.

Q: Could you tell us is it the left **arm** or the right **arm**?

A: On the right **arm**.

Q: Okay, and how did you feel after you were hit?

A: At that present moment, I just felt the hit but I didn't feel the pain. After maybe an hour later then I felt the effect of the pain because I did not---I was trying to separate these two from, you know, escalating the---the arguments more. [note: 40]

61 Indeed, Benny Lim also gave evidence that from his workstation, he was able to see one or two hits from either Tang Bei or Tang Lei (he was not able to recall who) came into contact with Colvin and Charles. [note: 41]

THE SPLASHING OF THE CONTENTS OF CANNED DRINK AT COLVIN

Tang Lei's MAC-904266-2015

62 Colvin gave evidence that at 59 sec, Tang Lei splashed the contents of a canned drink at him and scolded him "zhu sheng" (beast). [note: 42]

63 However, Tang Lei denied her drink ever contacted Colvin:

Q: Now, Quek has testified that when you swung your hand towards him, the one that was holding the can – on this occasion and some other occasions in the video, that water came out of the can and came into contact with him.

A: I disagree with that. [note: 43]

Q: Right. Okay, and as you called him a beast or bastard, you splashed the contents of your canned drink towards Mr Quek?

A: I was angered by him. This is an act of self-defence and a natural instinct. [note: 44].

A: It was finished. No water was splashed at him. [note: 45]

64 Yet, strangely enough, despite asserting her drink was finished, Tang Lei moments later said that "some droplets were on the table". [note: 46]

65 Tang Bei's evidence on this point was also self-contradictory. On Day 11 of the trial, Tang Bei said that her sister Tang Lei had finished her drink. [note: 47]

66 However, subsequently on Day 12 of the trial, Tang Bei herself agreed that she **saw liquid**:

Q: Alright. At 00:59, we see your sister splashing her canned drink at Mr Quek. Okay. And I'm going to play this part again, around 00:57 to 59, you will see that there is liquid coming out of the can.

Q: Alright. Do you see that, 00:58?

A: It hit the table

Q: Did you **see liquid**, yes or no?

A: Yes. [note: 48]

67 This was corroborated by Charles, who described what he witnessed at 1 min:

Q: And from where you were standing, were you able to see whether there was any liquid that came into contact with Colvin?

A: No.

Q: "No" meaning you can't---you cannot see whether there was any contact or---

A: I---yah, visually, I couldn't---

Q: ---you---there was no liquid.

A: There was **liquid in there** because if you're looking she was throwing it the **liquid coming out** but whether it touched Mr Colvin, I could not see because my view was slightly blocked.

Q: Okay. [note: 49]

68 Colvin gave evidence that later, at 1 min 21 sec, Tang Lei again splashed the liquid on his body and face.

Q: That was the 1 minute, 21 second mark.

A: Yah.

Q: What happen there?

A: There was a **water splash** again.

Q: By whom?

A: By Tang Lei.

Q: And did it come into contact with you?

A: Yes.

Q: Which part of you?

A: Body and the face. [note: 50]

69 Tang Bei in cross-examination agreed that Tang Lei had splashed the drink on Colvin, causing him to step back. [note: 51]

70 It was Colvin's evidence that at 1 min 56 sec, Tang Lei splashed **droplets** on his face. [note: 52]

71 Even Benny saw that when Tang Lei splashed the contents of her drink can at Colvin, some of the liquid from the can came into contact with Colvin:

Q: So, from where you stood at your workstation, were you able to see whether or not any of the liquid from the can actually contacted Mr Quek?

A: The majority missed Mr Quek.

Q: Meaning he was hit by some but the majority the missed, is that what you are saying?

A: Yes. [note: 53]

PROVOCATION AND SELF-DEFENCE

(A) The effect of the February 2015 incident

72 In short, Tang Bei felt that she was justified in behaving in this way, because of what Colvin allegedly did to her. [note: 54]
Tang Lei had also expressed indignation at what had allegedly happened to Tang Bei, which was recounted to her.

73 The events of February 2015 took place some 2 months ago. This was a not insignificant lapse of time before the present incident.

74 Further, Tang Bei did not make any police report in the aftermath of the February 2015 incident. [note: 55]

75 Indeed, Tang Lei confirmed as follows:

A: I asked my elder sister to make a police report concerning the February incident which she did not...[note: 56]

Q: ...After the February incident took place, no police report was made at that time about the incident. Agree or disagree? Hang on, hang on.

A: Agree. [note: 57]

76 On 28 April 2015, Tang Bei had also entered the management office alone. This was corroborated by Tang Lei. In fact, it was Tang Lei's evidence that Mr Ang Wai Siong and herself were chatting at the entrance. [note: 58]

77 This suggested that Tang Bei did not have reason to fear going to the management office alone, and encountering Colvin.

(B) Igniting the chain of events on 28 April 2015

78 Rafiah and Colvin had confirmed that what was captured on Colvin's Video captured the full episode of their interaction that day.

79 In any event, Tang Bei claimed that she had already calmed down before Colvin's Video started recording.

80 Tang Lei, when shown the video, also agreed that initially, all was calm:

Q: 0 to 15 seconds, everybody is calm. There is no argument, agree?

A: After I went in, my sister calmed down.

Q: So you agree, right?

A: Yes. [note: 59]

81 From Colvin's Video, it was clear that the first utterance of a **vulgarity** came from Tang Bei when she said "fuck you". Tang Bei accepted that "fuck you" is a vulgarity. [note: 60] She had also called Colvin "impotent".

82 From Colvin's Video, from 0 sec to 34 sec, she agreed that so far there had been no vulgarity from Colvin. [note: 61]

83 Tang Bei also agreed that the **first physical gestures** were from her sister and herself:

Q: Now, you would agree that based on the video so far, the **first physical gestures, aggressive gestures** come from you and your sister? Not Mr Quek

Court: This is an agree-disagree question, is it?

Lim: Yes, agree or disagree, yes.

Court: So please answer---

Lim: Yes.

Court:--- agree disagree.

Witness: Yes. [note: 62]

84 At 44 sec, Tang Lei was swinging her arm towards Colvin [note: 63], this was followed by Tang Bei's gesture akin to a backhanded slap towards Colvin's face.

85 It was Tang Lei who engaged Colvin. Even up to the point where Tang Lei had said "say that again, say that again and I will curse or punch you", accompanied by a hand gesture akin to a slap, Colvin had not said a single word to Tang Lei, much less made any contact with Tang Lei.

86 Tang Bei also agreed that for the whole interaction in the management office, Colvin remained behind the counter:

Q: Okay. Excluding the part where Mr Quek---where you left the office and Mr Quek followed you, for the bulk of the interaction, in fact, for the whole interaction in the office, Mr Quek remained behind the counter. Would you agree?

A: Yes. [note: 64]

87 At no point in time did Tang Bei and Tang Lei attempt to disengage themselves from Colvin. Tang Bei in fact moved towards Colvin:

Q: Alright, so you would agree that you started off opposite the counter, you lifted the wooden flap and you came into the gap. Full stop. Would you agree?

...

Q: So, agree?

A: Yes, I lifted the flap.

Q: And you stepped into the gap?

A: It was not beyond the flap. Lifted the flap, I entered the gap---through the gap, but it was not beyond the flap.

Q: Alright. So by this actions, would you agree that you, in fact, went towards Mr Quek? Would you agree or disagree?

...

Q: Now moving from the front of the counter, lifting the wooden door and moving into the gap would you agree that you were moving towards Mr Quek? Agree or disagree?

...

A: Yes, I walked near to him. [note: 65]

88 Tang Bei did not seek any medical attention. Tang Lei testified:

Q: Yes. And you would also agree that Ms Tang Bei never sought medical attention after this incident.

A: Indeed...she did not see a doctor. [note: 66]

89 Based on the totality of the evidence, I found that it hard to accept that the Accused were provoked, or in any event to such extent as to justify their behaviour. In fact, their words and actions were themselves provocative and belligerent. The Accused had fired the first volley, be it the verbal insults or physical actions (slapping gesture, spitting). I could not be persuaded by their self-defence argument.

SLIGHT HARM

90 Section 95 is a general exception in the Penal Code: "Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known or likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm".

91 In determining what is "slight harm", one must have regard to the circumstances, to determine if the harm caused was so slight that no person of ordinary sense and temper would complain of such harm: *Teo Geok Fong v Lim Eng Hock* [1996] 2 SLR(R) 957 at [53].

92 Colvin's Video painted a vivid picture of the incident that broke out at the management office on 28 April 2015. Tang Bei had right at the outset, condescendingly told Colvin that she did not want to be served by him, and asked for him to "go away". Tang Lei also joined in by swinging her arm at Colvin. Instead of backing down, they were belligerent, and escalated the situation with vulgarities, physical gestures and making the first physical contact. Tang Bei in fact ventured into the area beyond the counter. She then spat on Colvin, a highly contemptuous and insulting act. Colvin also had the contents of a canned drink splashed on him, again a degrading act.

93 It was also clear that Charles' peace-making efforts proved to be no discouragement in their attempts to hit out at Colvin. Despite being positioned between Colvin and Tang Bei, Tang Bei paid no heed to Charles, even giving him a hefty push to get him out of the way. Tang Lei also reached out repeated to hit Colvin, knowing that she was thereby likely to contact Charles.

94 The repeated and unrelenting attempts to hit Colvin, and the knowledge that in doing so they would also harm Charles, bear no signature of "slight harm".

95 And when direct contact was not enough, the Accused resorted to throwing objects at Colvin.

96 Such behaviour would not be something a condo manager or a security guard would expect or accept. Indeed, it was not something Colvin or Charles could accept. Indeed, Charles was upset that he "kena whack".

97 As such, I was of the view that the circumstances surrounding this incident do not justify a finding that the Accused had only caused "slight harm".

CREDIBILITY OF PROSECUTION WITNESSES

98 The 2 victims, Colvin and Charles, were candid and forthright. They did not seek to embellish their evidence. In circumstances where they could not remember, or something did not happen, they did not seek to strain the truth.

For Colvin, for example:

Q: 2 minute, 8 second mark. We see a hand in the air.

A: Yah.

Q: What's happening there?

A: Ms Tang Lei using her left hand to reach over. She trying to hit me.

Q: Did it come into contact with you?

A: I can't remember. [note: 67]

For Charles, for example:

A: The other sister started throwing items at Mr Colvin and I think Tang Bei tried to spit but I---I didn't---I didn't s--- see the spittle all, you know, at that point, but I heard the sound of it. [note: 68]

99 For Charles, Tang Bei and Tang Lei had not shown any reason why he would falsely accuse or implicate them. Charles had met them for the first time on the day of the incident, and he was merely performing his duties and trying to defuse the situation. Tang Bei and Tang Lei accepted that they had nothing against Charles and that there were no grudges between the two of them and Charles. [note: 69]

100 Colvin was also not trying to be untruthful or evasive when he claimed that he did not give any interview because even the journalist, Ms Leung, conceded that Colvin "maybe...didn't think that it was a ...interview at the time". [note: 70]

101 Indeed, Ms Leung had not asked Colvin if he was prepared to be interviewed by her:

Q: Okay. And how did you know he was the condo manager?

A: he said---I think he said he was the manager.

Q: Okay, and did you ask him whether he prepared to be interviewed by you?

A: No, I didn't ask him that. [note: 71]

Q: So, you agree that there was no proper interview?

A: I---he said what he said in the article. That's what I can say, yah. [note: 72]

102 Ms Leung had a formal interview with Tang Bei and Tang Lei, sitting down with them at the HDB opposite the condominium ("shou fang"—"accept an interview") [note: 73], whereas for Colvin, Ms Leung just went into the office and asked him some questions and he answered ("shou shuin"; it was not a sit down interview). [note: 74]

103 Last but not least, I also found the evidence of Colvin and Charles to be corroborative of each other, and also further corroborated by Benny Lim and Rafiah.

104 On the other hand, assessing the whole of the evidence, I found the evidence of the Accused to be riddled with inconsistencies, and at times, inexplicable.

TANG BEI'S EVIDENCE AND CREDIBILITY

105 Tang Bei had given a statement dated 28 April 2015. Tang Bei's statement was recorded by Insp Lim.

106 She confirmed during cross-examination that the handwritten version was signed by her and the same was given by her voluntarily, without any threat, inducement or promise.

107 Tang Bei's position taken in her statement and her evidence at trial **differed in various material aspects.**

108 At paragraph 5 of her statement, it was written that "the manager tried to hit my sister and my sister started pouring water at him".

109 At trial, Tang Bei instead agreed that the first physical gestures were from her sister and herself. [note: 75]

110 Also at paragraph 5 of her statement, Tang Bei indicated that "Right after this, the manager gave me a slap, which I think should be his right hand on my right cheek. And I retaliated by spitting saliva at him".

111 At trial, Tang Bei did an about-turn and insisted that she only made the spitting sound. [note: 76]

112 In her statement, Tang Bei indicated that she "only managed to scratch [Colvin] using my fingernail" but in court she denied that she ever came into contact with Colvin, in particular given that they were separated by the counter.

113 In justifying the discrepancies, Tang Bei tried to attribute the same to the fault of Insp Lim, such as failing to specifically interpret what she meant.

114 In recording the statement, Insp Lim's approach was as follows:

A: Your Honour, I would not include anything that is not material to this at that point in time and I would have included anything that she f---we felt that it was material to the case. [note: 77]

115 Insp Lim confirmed that there were no difficulties communicating with Tang Bei during the recording of the statement and they understood each other. [note: 78]

116 The statement was also read back and translated to Tang Bei in Mandarin and she was given the opportunity to make amendments. [note: 79]

117 Whilst some amendments were initialled against and some were not, Insp Lim's explanation was as follows:

Q: ---can you explain if there is any co-relation between when you would ask to initial her and when you wouldn't?

A: Your Honour, if it was a case of some vocabulary errors like---is observed in---in the---the handwritten statement, I wouldn't have asked her to initial or to countersign. But---because her occupation was something that was personal to her and I felt that it would be---it would accurately reflect her personal particulars, that's why I---I told her countersign. And the mere fact that I cancelled the entire three lines from line 20 onwards, I thought that was material enough for her to---to countersign.

118 I was of the view that the recording of Tang Bei's statement by Insp Lim was properly executed. The discrepancies in Tang Bei's evidence could therefore be attributed only to her vacillation in her evidence.

TANG LEI'S EVIDENCE AND CREDIBILITY

119 Tang Lei's statement was recorded by DSP Daryl Poon.

120 There was no allegation that such statement was given in a manner that was other than voluntarily, without any threat, inducement or promise.

121 Tang Lei's position taken in her statement and her evidence at trial **differed in various material aspects.**

122 At paragraph 3 of the statement, Tang Lei admitted that “[Tang Bei] and [her] both then spat in [Colvin’s] face”. Tang Lei also admitted that “during the dispute, [she] had also splashed the soft drink which [she] was holding in [her] hand at him”.

123 Yet, during the trial, Tang Lei did a drastic about-turn and denied both these matters. [note: 80]

124 In justifying the discrepancies, Tang Lei tried to attribute the same to the fault of DSP Daryl Poon.

125 However, I had no reason to form the view that DSP Daryl Poon’s recording of the statement should be faulted.

126 Upon reading the draft statement, Tang Lei did include additional points, which were subsequently read through again.

127 DSP Daryl Poon said:

Q: Alright, I’ll come to the specific allegations. Alright, for instance, alright, the second page first line, it says there in the middle of the first line: “My sis and I both then spat in his face.” Ms Tang Lei has explained that in relation to this part of the evidence, she only made a spitting sound but no saliva came out her mouth. Did she tell you this during recording of the statement?

A: No, if this was told to me, it would have been included in the statement. [note: 81]

128 DSP Daryl Poon said:

Q: Alright. And then following on from that line at the end, I’ll read: “During the dispute, I had also splashed the soft drink which I was holding in my hand at him.” Now, Ms Tang Lei has given evidence that in relation to this part, she said she splashed the can towards Colvin but that no liquid came out. Did you tell you this?

A: No, I would have included it in if she told me that. [note: 82]

129 To DSP Poon, he would have recorded such details if indeed they had been mentioned:

A: So, the issues that were put forth to me were substantial. Whether or not you made a spitting sound or whether or not you spat at someone was a very different piece of information which if put across to me, would definitely have been reflected in the statement. It would not have been something that would have been left out...I’m saying that that piece of information would have been so substantial that I would have it---it would definitely have been included in the statement if it was put forth to me. [note: 83]

130 Tang Bei pointed out that Colvin did not wipe his face. That does not matter.

TANG BEI AND TANG LEI CONTRADICT EACH OTHER

131 Quite apart from being self-contradictory (where evidence from their own statements differed from evidence given at trial, or even evidence at trial differed from one moment to another), it is also worth noting that Tang Bei and Tang Lei did contradict each other: e.g. when Tang Bei agreed that she saw liquid coming out of Tang Lei’s can but Tang Lei vehemently insisted that the can had no more liquid. [note: 84]

132 On the whole, I found the evidence of the Victim, and the Prosecution, to be more credible.

VERDICT

133 At the conclusion of the trial, I found that the Prosecution had proven the charges beyond a reasonable doubt, found Tang Bei and Tang Lei guilty of the charges and convicted them accordingly.

PRESCRIBED PUNISHMENT

134 Section 323 of the Penal Code is punishable by imprisonment for a term which may extend to 2 years, or with fine which may extend to \$5,000, or with both.

135 Section 352 of the Penal Code is punishable by imprisonment for a term which may extend to 3 months, or with fine which may extend to \$1,500, or with both.

ANTECEDENTS

136 Both Tang Bei and Tang Lei were untraced.

PROSECUTION'S SUBMISSIONS ON SENTENCE

137 Prosecution did not make any submissions on sentence, save to cite the principle that even when sentence is left to the Court, sentence should be passed according to legal principle and sentencing norms.

DEFENCE'S MITIGATION AND SUBMISSIONS ON SENTENCE

138 The Defence Counsel submitted that both Tang Bei and Tang Lei were provoked.

139 The Defence Counsel cited the following cases and his summary of the same is set out as follows:

Voluntarily causing Hurt

<i>PP v Lim Wee Kee</i> MA 30/2005	Section 323 of the Penal Code	Claimed trial After the victim had been assaulted by the accomplices and collapsed, the accused approached him when he was lying on the floor, and then kicked him hard on the hip, causing it to bruise.	\$1,000 fine, in default 2 weeks' imprisonment
<i>PP v Chua Eng Kok</i> MA 142/2005/02	Section 323 of the Penal Code	Claimed trial Accused was jointly tried with 2 others and convicted after trial for voluntarily causing hurt to the victim, pursuant to their common intention, by punching the victim's face and hitting his head with a plastic crate. An argument had occurred at the wet market where the parties worked. The argument involved the victim's mother and other parties. When the victim tried to pull his mother away from the fight, he was attacked by the accused and at least one other person. The victim briefly lost consciousness after the blow to his head. He suffered from contusions to the right side of his face, right ear, upper lip and left knee.	\$1,000 fine, in default 1 week's imprisonment

Criminal Force by Splashing and Spitting

<i>PP v Rohaizad Bin Saudi</i> MA 28/2005	Section 352 of the Penal Code	The offending act was a push with the elbow on the victim's stomach.	\$500 fine, in default 1 week's imprisonment
<i>Lim Kim Luan v PP</i> [2002] SGHC 147	Section 352 of the Penal Code	The accused poured warm water on the back of an 18 year old girl's head, near the neck.	\$500 fine, in default 5 days' imprisonment
<i>Mohamad Bin Dahlan and Zariah Bte Mohd Ali v PP</i> [2001] SGMC 30	Section 352 of the Penal Code	The accused splashed a mug of water at the domestic maid.	\$500 fine, in default 2 weeks' imprisonment
<i>PP v Ang Yoke Kee</i> [2016] SGMC 21	Section 352 of the Penal Code	The accused spat at the victim's face and the spittle had landed on the victim's face. The accused was traced for both similar and dissimilar antecedents. The court did not find any provocation by the victim. "Road rage" case.	3 days' imprisonment

140 Defence Counsel submitted that the present case can be distinguished from his cited on various grounds.

141 He submitted that Tang Bei and Tang Lei were provoked. In any event, the circumstances of the present case were not as aggravated, given Colvin was not attacked when he was in a vulnerable state, there was no weapon or implement used, and there were no particular public policy considerations unique to maid abuse or "road rage" to be attributed.

PROSECUTION'S REPLY

142 Prosecution submitted that even if Colvin was deemed to have acted slightly mischievously, this does not amount to provocation in the legal sense and in any event, the response of the Accused was wholly disproportionate.

SENTENCING

143 Notwithstanding Tang Bei's stern warning, I was prepared to treat her as a first offender. In any event, the subject matter of the warning was of a different nature compared to the present charges.

144 Although the Accused each faced multiple charges, I was prepared to treat each of them as a first offender, given all the multiple charges arose out of the same incident. It was clear to me that the Accused did not have any previous convictions at the time of me sentencing them.

145 I accepted that unlike *Lim Wee Kee*, the Accused had not attacked Colvin when he was in a vulnerable state.

146 No weapon or implement was used in the course of the incident, unlike in *PP v Chua Eng Kok* (where a plastic crate was used and the injuries were also more extensive).

147 I could agree also with the Defence Counsel that in the case of *Mohamad Bin Dahlan*, the sentence would have been more severe given the strong public policy considerations against maid abuse, and it would have been more reprehensible to commit a Section 352 offence against a domestic maid. There are no such public policy considerations in our present case.

148 Similarly, the public policy considerations in meting out a deterrent sentence for "road rage" cases, such as in *Ang Yoke Kee*, would not apply in our present case.

149 On the issue of compensation, I made no order. Colvin was engaged with the Accused in civil proceedings, which commenced as early as the outset of the present trial with the papers such as the Statement of Claim served on him on the first day of our trial. He had the opportunity to seek redress within the context of those civil proceedings, or could at least be prompted to initiate proceedings of his own. Civil proceedings could have been a practical remedy given that backdrop. For Charles, he would also be in a position to pursue civil remedies given that he is not impecunious and there is no indication that he has left jurisdiction. For both Colvin and Charles, I also do not have evidence of quantified amounts such as medical expenses.

150 I sentenced the Accused as follows:

Tang Bei

MAC-904262-2015	Section 323 Penal Code (Cap 224, Rev Ed 2008) r/w Section 34 Penal Code (Cap 224, Rev Ed 2008)	Fine of \$900, in default 6 days' imprisonment
MAC-904263-2015	Section 352 Penal Code (Cap 224, Rev Ed 2008)	Fine of \$400, in default 4 days' imprisonment
MAC-907968-2015	Section 323 Penal Code (Cap 224, Rev Ed 2008)	Fine of \$800, in default 6 days' imprisonment
	Total:	Fine of \$2,100, in default 16 days' imprisonment

Tang Lei

MAC-904264-2015	Section 323 Penal Code (Cap 224, Rev Ed 2008) r/w Section 34 Penal Code (Cap 224, Rev Ed 2008)	Fine of \$900, in default 4 days' imprisonment
MAC-904265-2015	Section 352 Penal Code (Cap 224, Rev Ed 2008)	Fine of \$400, in default 2 days' imprisonment
MAC-904266-2015	Section 352 Penal Code (Cap 224, Rev Ed 2008)	Fine of \$400, in default 2 days' imprisonment
MAC-907967-2015	Section 323 Penal Code (Cap 224, Rev Ed 2008)	Fine of \$800, in default 4 days' imprisonment
	Total:	Fine of \$2,500, in default 12 days' imprisonment

151 In determining the duration of the in default sentences, I had taken into account the fact that Tang Lei had spent 6 days in remand, and did the calibration accordingly.

152 Tang Bei and Tang Lei had paid their fines on the day of the sentence. They then filed the appeal against conviction and sentence.

[note: 1]NE Day 12, page 40, lines 1 to 15

[note: 2]NE Day 12, page 35, lines 15 to 18

[note: 3]P19

[note: 4]NE Day 3, page 8, line 30 to page 9, line 3

[note: 5]p7

[note: 6]NE Day 3, page 6, line 26 to page 7 line 1

[note: 7]NE Day 17, page 27, lines 30 to 21, Day 17, page 28, lines 1 to 11

[note: 8]NE Day 17, page 31, lines 7 to 11

[note: 9]NE Day 5, page 41, lines 17 to 28

[note: 10]NE Day 5, page 42, line 21 to page 43, line 9

[note: 11]NE Day 5, page 46, line 22 to page 47, line 9

[note: 12]NE Day 9, page 7, line 26

[note: 13]NE Day 10, page 10, line 19 to page 11, line 7

[note: 14]Medical Report dated 21 May 2015 (P1)

[note: 15]NE Day 6, page 42, line 11 to page 43, line 18

[note: 16]NE Day 21, page 38, lines 1 to 3

[note: 17]NE Day 6, page 47, line 29 to page 48, line 2

[note: 18]NE Day 12, page 57, lines 16 to 19

[note: 19]NE Day 15, page 29, lines 16 to 20

[note: 20]NE Day 12, page 58, line 20 to page 59, line 17

[note: 21]NE Day 5, page 39, lines 27 to 32

[note: 22]NE Day 9, page 15, line 22

[note: 23]NE Day 12, page 66, lines 24 to 32

[note: 24]NE Day 10, page 8, lines 30 to 33

[note: 25]NE Day 9, page 9, lines 10 to 17

[note: 26]NE Day 5, page 47, line 19 to page 48, line 6

[note: 27]NE Day 10, page 9, lines 25 to 30

[note: 28]NE Day 3, page 8, line 30 to page 9, line 5

[note: 29]NE Day 5, page 49, lines 9 to 14

[note: 30]NE Day 5, page 28, lines 20 to 26

[note: 31]P19 and P21

[note: 32]NE Day 9, page 7, lines 28 to 30

[note: 33]NE Day 9, page 16, lines 8 to 18

[note: 34]NE Day 10, page 32, lines 4 to 8

[note: 35]NE Day 9, page 8, lines 1 to 3

[note: 36]NE Day 10, page 4 lines 4 to 7

[note: 37]NE Day 12, page 75, lines 23 to 25

[note: 38]NE Day 9, page 17, lines 9 to 13

[note: 39]NE Day 9, page 8, lines 25 to 32

[note: 40]NE Day 9, page 8, lines 16 to 23

[note: 41]NE Day 2, page 22 line 25 to page 23 line 3

[note: 42]NE Day 5, page 37, lines 5 to 14

[note: 43]NE Day 15, page 29, lines 9 to 12

[note: 44]NE Day 16, page 21, lines 13 to 15

[note: 45]NE Day 16, page 21, line 29

[note: 46]NE Day 16, page 21, line 31

[note: 47]NE Day 11, page 24 lines 25 to 28, page 25, lines 1 to 2

[note: 48]NE Day 12, page 55, lines 23 to 31

[note: 49]NE Day 9, page 12, lines 21 to 29

[note: 50]NE day 5, page 38, line 30 to page 39, line 7

[note: 51]NE Day 12, page 61, lines 8 to 32

[note: 52]NE Day 5, page 39, lines 13 to 20

[note: 53]NE Day 2, page 22, lines 17 to 22

[note: 54]NE Day 13, page 9, lines 17 to 20

[note: 55]NE Day 15, page 16 lines 4 to 5

[note: 56]NE Day 15, page 30, lines 8 to 9

[note: 57]NE Day 16, page 10, lines 27 to 30

[note: 58]NE Day 15, page 26, lines 28 to 29

[note: 59]NE Day 16, page 15, line 32 to page 16, line 3

[note: 60]NE Day 12, page 42, line 31 to page 43, line 3

[note: 61]NE Day 12, page 43, line 14

[note: 62]NE Day 12, page 46, line 11 to 18

[note: 63]NE Day 12, page 45, line 31

[note: 64]NE Day 13, page 3, line 5 to 9

[note: 65]NE Day 13, page 3, line 22 to page 4, line 30

[note: 66]NE Day 16, page 37, lines 13 to 15

[note: 67]NE Day 5, page 40, line 28 to page 41 line 1

[note: 68]NE Day 10, page 7, lines 22 to 24

[note: 69]NE Day 11, page 28, lines 15 to 22 and NE Day 15, page 45, lines 14 to 19

[note: 70]NE Day 15, page 6, lines 17 to 18

[note: 71]NE Day 15, page 9, lines 26 to 29

[note: 72]NE Day 15, page 12, lines 14 to 15

[note: 73]NE Day 15, page 18, lines 17 to 18, NE Day 15, page 17, lines 31 to 32

[note: 74]NE Day 15, page 18, lines 24 to 27

[note: 75]NE Day 12, page 46, line 11 to 18

[note: 76]NE Day 14, page 15, lines 25 to 26

[note: 77]NE Day 21, page 29, lines 23 to 25

[note: 78]NE Day 21, page 20, lines 24 to 28

[note: 79]NE Day 21, page 21, lines 20 to 24, NE Day 21, page 22, lines 18 to 20

[note: 80]NE Day 16, page 60, lines 21 to 27, NE Day 16, page 61, lines 24 to 29

[note: 81]NE Day 21, page 5, lines 25 to 31

[note: 82]NE Day 21, page 5, line 32, page 6, lines 1 to 6

[note: 83]NE Day 21, page 10, lines 6 to 17

[note: 84]NE Day 12, page 55, lines 23 to 31

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