

**IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE**

**Public Prosecutor**

**v**

**Stars Engrg Pte Ltd**

**Chua Xing Da (Cai Xingda)**

**Win Moe Tun**

District Court  
DSC 900575-2022 & ors  
District Judge Tan Jen Tse  
26 May 2025

**BRIEF REMARKS**

1. I would like to thank the DPPs Mr Timotheus Koh, Mr Grace Chua and Mr Mohamed Riasudeen and Defence counsel Mr Chia Boon Teck and Mr Foo Cheow Ming for their assistance during the course of these proceedings.
2. I will provide brief remarks dealing with some of the issues before delivering the verdict. These remarks are not comprehensive and if necessary, the full grounds of decision will be published at a later date.
3. On 24 February 2021, an explosion occurred at the factory of Stars Engrg Pte Ltd (“Stars”) at 32E Tuas Avenue 11 Singapore 636854. The explosion originated from a heated mixer machine (“the mixer”) which was used in the factory. The explosion led to the death of three Stars employees and injured five others. Two people in the vicinity of the worksite were also injured.
4. It is not in dispute that Stars was the occupier of the factory and that the factory was a worksite within the meaning of the Workplace Safety and Health Act, Cap 354A, 2009 Rev Ed) (“WSHA”).
5. Stars was charged with two charges which are as follows:-

(a) as occupier, it failed to take, so far as was reasonably practicable, measures which were necessary to ensure any machinery kept on the worksite was safe and without risks to health to every person within the Worksite, by failing to ensure that the mixer machine was safe for use, and that this failure led to an explosion at the Worksite and the ensuing deaths and injuries, which is an offence under s 11(c) read with s 20 of the WSHA, punishable under s 50(b) thereof; and

(b) as employer, it failed to take so far as was reasonably practicable, such measures as were necessary to ensure the safety and health of its employees, by failing to ensure that:-

(i) employees received adequate training and supervision to operate the mixer;

(ii) the mixer was safe for use when operated by employees; and

(iii) employees operated the mixer in a safe environment,

which failures led to the explosion and the aforesaid deaths and injuries, which is an offence under s 12(1) read with s 20 of the WSHA, punishable under s 50(b) thereof.

6. The second accused Chua Xing Da (“Chua”) was the sole director of Stars and was in charge of all aspects of operations, including safety. He stands charged with three offences:-

(a) for his first and second charges, he was charged in his capacity as director under s 48(1) of the WSHA, which mirrored Stars charges; and

(b) for the third charge, he was charged for instigating Lwin Moe Tun (“Moe”) to obstruct the course of justice on 25 February 2021, knowing that act is likely to obstruct the course of justice, by telling Moe that it was “ok” to delete communications between Moe and one Subbaiyan Marimuthu (“Marimuthu”) from Moe’s mobile phone relating to the unsafe changing of a faulty heater, which were evidence of an offence under the WSHA, which is an offence punishable under s 204A(a) of the Penal Code (Cap 224, Rev Ed 2008) (“the Penal Code”) read with s 109 thereof.

7. The third accused, Moe, was the production manager of Stars who oversaw the production of fire-retardant wraps produced at the factory as well as safety. He faces three charges:-
- (a) without reasonable cause, negligently did an act which endangered the safety of the employees of Stars, by allowing them to conduct repairs on a damaged heater which was a component of a heated mixer machine used for the production of a component of fire-retardant wraps, thereby endangering their safety, which is an offence punishable under s 15(3A) of the WSHA; and
  - (b) two charges of committing acts on 25 and 26 February 2021 that had the tendency to obstruct the course of justice, knowing that the act was likely to obstruct the course of justice. It was alleged that he deleted a message and a photograph relating to the unsafe changing of a faulty heater from a WhatsApp conversation between him and Marimuthu from his phone and Marimuthu's phone, which were evidence of an offence under the WSHA, which are offences punishable under s 204A(a) of the Penal Code.

**Charges against Stars (DCS-900575-2022 & DSC-900576-2022)**

8. The charges against Stars allege that it failed to take steps which were reasonably practicable in relation to the matters stated in the charges. In this respect, s 47 of the WSHA places the onus of proving that it took reasonably practicable steps on Stars:-

**Onus of proving what is reasonably practicable**

47. Where in any proceedings for an offence under any provision in this Act, it is alleged that any person failed to comply with a duty to do something so far as is reasonably practicable, it shall be for the accused to prove that —

- (a) it was not reasonably practicable to do more than what was in fact done to satisfy that duty; or
  - (b) there was no better practicable means than was in fact used to satisfy that duty.
9. I accept that Stars and Chua took many steps towards ensuring general safety standards in the factory. These included sending workers for training and courses, having regular

safety briefings, issuing personal protective equipment and ensuring that these were worn, providing fire extinguishers and keeping the factory premises clean.

10. With respect to operating the mixer, Chua obtained the user manual and information from the manufacturer. He also obtained the specification of the oil to be used from the supplier of oil. He was personally involved in setting up the mixer and teaching the workers how to operate and maintain it. When issues arose with the mixer, he attempted to find solutions. He was the only person who could authorize repairs on the mixer.
11. In view of s 47 of the WSHA, the focus is not solely on what Stars (through the efforts of Chua) had done. Instead, the enquiry would be on whether Stars proved that it was not reasonably practicable for it to have done more, or that there was no better practicable means to ensure the safety of the workers.
12. Stars purchased the mixer from a manufacturer LaiZhou Keda Chemical Machinery Co Ltd in China for USD 11,700 on or around 28 August 2019 (Exhibit D7). The mixer was delivered sometime in October or November 2019. It came with a one-year warranty i.e. from October 2019 to September 2020. The mixer was eventually commissioned in June 2020.<sup>1</sup> Chua cannot be faulted for choosing this manufacturer to supply the mixer to Stars. They were apparently a reputable manufacturer and were CE registered and ISO qualified.
13. Although the mixer may have been a fairly simple machine, it was incumbent on Stars and Chua to use it properly and safely. As stated in the Agreed Statement of Facts (at [9]), issues arose with the mixer from around 7 August 2020. The prosecution alleges that these constituted red flags which should have put Chua on alert that things were not right with the mixer. Whether these were red flags or not, it was still incumbent on Stars and Chua to take all practicable steps to use the machine properly and safely.

### *Use of the mixer*

14. I will now deal with the use of the mixer.

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<sup>1</sup> Accused statements to MOM dated 28 April 2021 (AB 158); 3 March 2021 (AB 155) and 20 April 2021 (AB 157).

*Failure to establish volume of oil to be used*

15. According to the user manual, the heating oil in the mixer was to be filled to half the height of the cylinder, but it did not specify how many litres of oil were needed to achieve this. Chua did not know how much oil was required and estimated the amount to be used. This proved to be incorrect and the amount of oil used was insufficient.
16. While there was no viewing window to view the oil level, Chua improvised a dip stick to determine the oil level. I fail to see how this could assist in any way. As the exact volume of oil was not known in the first place, the dipstick would not be useful in determining the correct level of oil.

*Operating the mixer as a closed system*

17. Further, the mixer was wrongly operated as a closed system instead of an open one. While the user manual is silent on this, Chua mistakenly assumed that it could be used as a closed system by, *inter alia*, looking at the specifications of the mixer in the user manual and the specifications of the thermal oil used.

*Failure to use RTDs properly*

18. The mixer came with two Resistance Temperature Detectors (“RTD”) which were to be fitted on the machine. “RTD A” would monitor the oil jacket temperature, while “RTD B” would monitor the temperature of the mixing chamber. However, Chua did not use the RTDs properly. He thought that both of them were to be used to measure the temperature of his product. He assumed the mixer would not go beyond its design temperature of 200 degrees Celsius. Again, there was a lack of knowledge on his part, and he falsely assumed that both RTDs were to measure the temperature of his product. It was incumbent on him to ensure that they were placed properly so that the temperature of the oil jacket could have been monitored properly and safety ensured.

***Steps which could have reasonably practicably been taken***

19. I will next consider if there were any other reasonably practicable steps which Stars could have taken.

20. The use of insufficient oil and operating the mixer as a closed system led to overheating problems and the failure of various joints of the machine over a period of time. A failure to use the RTDs properly compounded the problem as the temperature of the oil jacket could not be monitored.
21. In my assessment, Stars and Chua had failed to take reasonably practicable steps to ensure the machine was used properly. There were better practicable means as an alternative to Chua attempting, with his incomplete knowledge, to determine how the mixer was to be used.
22. The manufacturer of the machine was more than willing to provide assistance. Chua had an ongoing WhatsApp chat with a representative of LaiZhou Keda named Sherry (Exhibits AB2 and AB3). She was helpful and took the initiative to message Chua on 4 December 2019 to ask if he had any questions or needed advice. Subsequently, she advised him on various issues. She provided him with the user manual. She assisted when he faced wiring issues and provided him with a wiring diagram. When he queried if he could use water or cooking oil, she advised him to use heat transfer oil (thermal conductive oil) and sent him the specifications for the oil to be used. She was responsive to all his queries.
23. Stars and Chua had an available resource who was ready to render assistance. If the user manual was silent or unclear on certain issues or if he did not know what to do, Chua should not have made assumptions. He could have taken the simple expediency of asking the manufacturer about the volume of oil to be used, and if the machine could be operated as a closed system. This would have filled the gaps in knowledge and debunked the false assumptions he made. This was a reasonably practicable step and did not involve any cost or expenses.
24. Had Chua consulted the manufacturer, he would have been advised of the correct volume of oil to be used to fill the cylinder to half-height or how to determine the half-height of the cylinder. He would have known that the mixer should be operated as an open system. These were the reasonably practicable steps he could have taken to ensure that the machine was safe to use.

25. Chua claimed that he asked the manufacturer where to install the RTDs, but they did not reply.<sup>2</sup> I do not accept his claim. His query is not contained in Exhibits AB 2 or AB 3, and no evidence of his query has been tendered.
26. Further, when issues started arising with the mixer, Stars and Chua did not even alert the manufacturer or seek their advice, even though the problems started within the warranty period, albeit towards the end. Instead, he took it upon himself to trouble-shoot. He attempted resolve the problems himself, despite having a flawed knowledge of how the mixer worked. Had he consulted the manufacturer, they could have rendered valuable advice and assistance, which could have helped Stars and Chua to get to the root cause of the issues.
27. Lastly, I note that Stars and Chua did not even consult the manufacturer as to whether the welding repairs he conducted or installing heat insulation was proper. These are minor points to which I will reserve my comments.

### **Causation**

28. The charges against Stars allege that the “failures led to an explosion at the Worksite on 24 February 2021, which resulted in the deaths of three of your employees” etc. This implies a causation between the failures and the deaths and injuries. Applying *Koh Lian Kok v Public Prosecutor* [2024] SGHC 132, causation is not an element of the offences. I nonetheless find that the offending conduct attributed to Stars and Chua contributed to the said harm in “more than a minimal, negligible or trivial manner”.<sup>3</sup>

### **Conclusion on the charges against Stars**

29. In relation to the first charge, for the reasons aforesaid, it was unsafe and risky for the mixer to be used at the worksite. Stars could have done more to ensure its safe use, but did not. On the totality of the evidence, I am satisfied that the prosecution has

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<sup>2</sup> NE day 16, page 18 -21.

<sup>3</sup> PP v Koh Lian Kok at [75].

discharged its burden of proving the first charge against Stars beyond a reasonable doubt. Stars is therefore found guilty and is convicted on this charge.

30. For the second charge, while Chua tried to train the workers on the use of the mixer, his own knowledge was inadequate, flawed and based on false assumptions. His misconceptions would inevitably be passed on to the workers, and it cannot be said that they received proper training. Similarly, due to the state of his knowledge, he could not adequately supervise them on the safe use of the machine. As for the other particulars in the second charge, the reasons stated in relation to the first charge apply. On the totality of the evidence, I find that the prosecution has discharged its burden of proving the second charge against Stars beyond a reasonable doubt. Stars is found guilty and is convicted on the second charge.

**WSHA charges against Chua (DSC-900579-2022 & DSC900580-2022)**

31. Since Stars has committed two offences under the WSHA, pursuant to s 48(1) thereof, as a director, Chua would also be liable unless he proves (a) that the offence was committed without his connivance; and (b) he had exercised all such diligence to prevent the commission of the offences as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.
32. The defence has not sought to rely on the two exceptions in s 48(1) and I am of the view that they do not apply. Having considered the totality of the evidence, I find that the prosecution has proven Chua's charge under the WSHA beyond a reasonable doubt. Chua is therefore found guilty and is convicted accordingly.

**Moe's WSHA charge (DSC-900578-2022)**

33. For Moe's WSHA charge, it is alleged that he negligently did an act which endangered the safety of the employees of Stars, by allowing them to conduct repairs on a damaged heater which was a component of a heated mixer machine.

34. To prove its case, the prosecution must establish:-

(a) Moe allowed employees to conduct repairs on the damaged heater; and

- (b) The repairs endangered the safety of the employees of Stars.
35. The prosecution relied on the chat logs between Moe and Marimuthu (AB 29) to prove its case. It clarified in submissions that the repairs related wrapping green insulating tape around the exposed wires of the heater. As pointed out by defence counsel, it was not put to Moe that he allowed this specific repair.<sup>4</sup>
36. The prosecution relied on the following series of messages on 24 February 2021 (AB 29):-
- (a) At 11.10 a.m., Moe sent a message to Marimuthu asking, “How Muthu? Heater ok?”
- (b) At 11.13 a.m., Marimuthu sent an image showing the work done using the green tape.
- (c) At 11.32 a.m., Moe sent a message to Marimuthu “Ok let me know ASAP”. The prosecution alleges that this shows Moe had allowed the repairs using the green tape.
37. The prosecution contended that the words “OK let me know ASAP” showed that Moe had in effect allowed Marimuthu to repair the heater. The defence submitted that it is not even known when the green tape was applied.<sup>5</sup> Even if I were to accept that the green tape was applied after the heater caught fire that day, there is nothing in AB 29 which shows that Moe allowed the workers to apply the green tape.
38. The green tape had already been applied by the time Marimuthu sent the photograph. There is no evidence to suggest that Moe was consulted before the wires were wrapped in green tape,<sup>6</sup> or that he expressly allowed green tape to be used. In my view, it would be a stretch to say that Moe allowed Marimuthu to apply the green tape, as it had already been done by the time the photograph was sent to him.

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<sup>4</sup> Defence submissions for Moe at [90].

<sup>5</sup> Defence submissions for Moe at [83].

<sup>6</sup> NE day 20, page 25, lines 28-29.

39. If it were the prosecution's case that Moe had breached his duty to exercise closer supervision e.g. by failing to ask Marimuthu to remove the green tape, expressing his disapproval of the repairs done, stopping the workers from touching or interacting with the heater until Chua arrived, this breach of his duty of supervision should have been clearly specified in the charge, instead of asking the court to extrapolate its case from the mere use of green tape.
40. Moreover, based on AB29, Marimuthu had already contacted Chua who was involved in what was going on. As early as 8.51 a.m., Moe asked Marimuthu, "You message to boss ready? No". Later, the following exchange occurred (AB 29):-
- (a) At 10.09 a.m., Moe asked Marimuthu, "Boss said what."
  - (b) At 10.10 a.m., Marimuthu replied, "now on line".
  - (c) At 10.10 a.m., Marimuthu stated, "boss say heater change"
  - (d) At 10.12 a.m., the accused replied, "Ok".
41. This was before the photograph of the green tape was sent. AB 29 showed that Marimuthu was in conversation with Chua, who controlled everything, including repairs on the mixer. Since Chua had apparently become involved, it was not unreasonable for Moe to leave things to him. Moe was not even at the factory and was not informed of what Chua's precise instructions to Marimuthu were. It is also unlikely that he could have countermanded any instructions which Chua may have given, since Chua was the boss.
42. Further, the prosecution must establish that the wrapping of the green tape around the exposed wires endangered the safety of the employees of Stars.
43. The prosecution submitted that Moe endangered Marimuthu's safety as he did not know the cause of the fire and whether it was safe for Marimuthu to conduct the repairs. It also says that Moe did not check with Marimuthu on why the wires had green tape or whether the heater was being replaced and repaired.<sup>7</sup> However, this begs the question

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<sup>7</sup> Prosecution's Closing Submissions at [63] and [65].

of how the mere act of wrapping green insulating tape around exposed wires created a danger in the first place.

44. If the purpose of using the green insulating tape was to prevent bare electrical wires from touching each other, it appears that this would enhance safety and not create a danger. The green insulating tape could help prevent a short circuit or some other dangerous electrical event which may occur when different non-compatible wires make contact with each other.
45. Thus, the basis on which the prosecution alleges that the green tape endangered the safety of the employees of Stars is unclear. If the prosecution's case relates to what Moe should have done as a supervisor before or after the green tape was applied, this was not particularized in the charge.
46. Overall, I am of the view that the benefit of the doubt should be extended to Moe for this charge. I find that the prosecution has not discharged its burden of proving this charge against Moe. He is therefore acquitted and discharged of the WSHA charge.

#### **The obstruction of justice charges**

47. For the charges relating to the obstruction of justice, it is not in dispute the Moe had deleted a message and a photograph relating to the changing of a faulty heater from a WhatsApp conversation between him and Marimuthu from his phone (on 25 February 2021) and the corresponding material from Marimuthu's phone (on 26 February 2021).
48. Objectively, the deletion of the messages from Moe and Marimuthu's handphones would have the tendency to obstruct the course of justice, since MOM and the police would be deprived of evidence which would be relevant to investigations.
49. The *mens rea* of the offences is whether at the time of deletion, Moe and Chua knew that the act of deleting the messages was likely to obstruct the course of justice. The focus is on the state of knowledge at the time the messages were deleted. It is not (as the defence suggested) whether Moe or Chua had the intention to obstruct the course of justice.

**Moe's obstruction of justice charges (DAC-911263-2022 & DAC-911264-2022)**

50. I will first deal with Moe's charges.
51. Moe testified that he told Chua that he would like to delete the messages as he did not want to get involved in this.<sup>8</sup> This shows that he had made a deliberate decision to delete the messages to avoid involvement. He had several hours since the accident to consider whether this was a proper course of action. It is not a case where he panicked and deleted the messages on impulse.
52. For Marimuthu's handphone, he deliberately deleted the messages although Chua told him to wait. In his own words, "At that point of time, Your Honour, my---data from my handphone was already been deleted. I deleted. So, I thought that I would do the same thing as I have deleted the data from my handphone."<sup>9</sup> He wanted a create unity between the content of both handphones, the effect of which would be to cover up his earlier offence. This would better ensure that his objective of avoiding involvement could be achieved.
53. In cross-examination he admitted that he knew that communications with Marimuthu related to investigations.<sup>10</sup> He also knew that the handphone was evidence which should be handed over to the authorities.<sup>11</sup> He admitted that he knew that he would be destroying evidence when he deleted the messages from Marimuthu's handphone.<sup>12</sup>
54. Despite having this knowledge, he deleted the messages on his handphone and Marimuthu's handphone, thereby depriving the authorities from having the evidence he deleted. He knew this was likely to obstruct the course of justice as his intention was to prevent his own involvement in the case. While he may have later taken steps to recover the information deleted, this would be at most mitigatory and did not detract from his state of knowledge at the time he deleted the messages.

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<sup>8</sup> NE Day 18, page 29, lines 3-5.

<sup>9</sup> NE Day 18, page 31, lines 26-29.

<sup>10</sup> NE day 19, page 34, lines 7-9.

<sup>11</sup> NE day 19, page 36, lines 24-28.

<sup>12</sup> NE day 19, page 38, lines 18-21.

55. I therefore find that the prosecution has proven both obstruction of justice charges against Moe beyond a reasonable doubt. He is accordingly found guilty and convicted as charged.

**Chua's obstruction of justice charge (DAC-911265-2022)**

56. The Supplementary Statement of Agreed Facts states at [16]-[17]:-

16. Moe left his residence at about 9 a.m. on 25 February 2021. He was picked up by Chua who then drove them both to the Worksite. During the ride, Moe asked Chua if he could delete the Deleted Correspondence from his mobile phone. Chua told Moe "ok".

17. Subsequently, Moe deleted the Deleted Correspondence from his mobile phone.

57. Moe testified that while he was in Chua's car, he told Chua he wanted to delete the messages as he did not want to get involved. I accept the defence contention that as Chua was driving, he may have not seen or had just glanced at the handphone when Moe said this to him. I also accept that he would have been tired, had not slept well and that he was under heavy stress.

58. However, based on Chua's own evidence he knew what Moe was intending:-<sup>13</sup>

Q So, at the point when you said "okay", and thereafter, did it occur to you whether there was anything wrong with Mr Lwin deleting his messages with Marimuthu?

A To me, he's, like, he's panic. I---to---to be very frank, I---at that point of time, I just, "Yah. You don't want to be involved, don't want to be involved". You know, because he's part of the work staff for the factory. That's all. This---this is the thinking at the time.

59. He therefore knew that Moe wanted to delete certain messages as he did not want to get involved. Further, Chua himself did not want Moe to get involved. He stated:-<sup>14</sup>

Q What do you mean by "you don't want to get him involved"?

A It's, like, he is my engineer. He is also with us through the period. So, anything, I'm the boss. I---this is my problem. I handle the problem. So, he's in panic at that moment of time. This is what I think at that point of time. So, I just---

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<sup>13</sup> NE day 15, page 40, lines 12-19.

<sup>14</sup> NE day 15, page 41, lines 14-17.

60. While Chua may not have known the exact content of the messages, he knew that the deletion of the messages would make it less likely for Moe to get involved. He confirmed this position in cross-examination that he was “okay” with Moe not getting involved even though he knew Marimuthu’s handphone was important as it was part of the evidence.<sup>15</sup> He was Moe’s boss and when Moe said he wanted to delete messages with Marimuthu, this pertained to work related matters. By saying “ok”, he was in effect agreeing that Moe could delete the messages.
61. Thus, at the time he said “ok” to Moe, he knew that the deletion was likely to obstruct the course of justice. In my view, the events which occurred thereafter are at most mitigatory in nature.
62. For the reasons aforesaid, I find that the prosecution has discharged its burden of proving the obstruction of justice charge against Chua beyond a reasonable doubt. He is therefore found guilty and is convicted as charged.

Tan Jen Tse  
District Judge

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<sup>15</sup> NE day 16 page 81, line 30 to page 82 line 5.