

THIRTEENTH PARLIAMENT OF SINGAPORE

SECOND SESSION

ORDER PAPER SUPPLEMENT

Sup. No. 18

MONDAY, 6 MAY 2019

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NOTICE OF AMENDMENTS TO BILLS

IN COMMITTEE

1. CRIMINAL LAW REFORM BILL

[Bill No. 6/2019]

Clause 8:

Minister for Home Affairs:

- (1) **In page 8, lines 30 and 31:** to leave out “, and that it is unreasonable to take that real risk,”.
- (2) **In page 8, line 32:** after “circumstance”, to insert “, if it would have been unreasonable to have taken that risk”.
- (3) **In page 9, lines 2 and 3:** to leave out “and that it is unreasonable to take that real risk”.
- (4) **In page 9, line 3:** to leave out “thing”, and insert “act”.
- (5) **In page 9, line 3:** after “effect”, to insert “, if it would have been unreasonable to have taken that risk”.
- (6) **In page 11, line 16:** to leave out “that”, and insert “any”.
- (7) **In page 11, lines 19 and 20:** to leave out “doing anything or omitting to do anything specified in the charge”, and insert “committing all the acts or omissions that are physical elements of the offence”.

Clause 15:

Minister for Home Affairs:

In page 13, line 9: after “offence)”, to insert “that is committed against that domestic worker”.

Clause 28:

Minister for Home Affairs:

In page 25, line 20: to leave out “or” where it first occurs, and insert “and”.

Clause 34:

Minister for Home Affairs:

(1) **In page 33, line 18:** to leave out “and”.

(2) **In page 33:** after line 18, to insert —

“(b) by inserting, immediately after the words “to fine” wherever they appear (including in the *Illustration*), the words “or to caning”.”.

(3) **In page 33, line 21:** to leave out “.”, and insert “; and”.

(4) **In page 33:** after line 21, to insert —

“(d) by deleting the words “to a fine” in the *Illustration* and substituting the words “to fine or to caning”.”.

Clause 38:

Minister for Home Affairs:

(1) **In page 35, line 25:** to leave out “**Amendment**”, and insert “**Repeal and re-enactment**”.

(2) **In page 35:** to leave out after “is” in line 26 to end of line 28, and insert —

“repealed and the following section substituted therefor:

“Offences against the President’s person

121A. Whoever plans the death of or hurt to or unlawful imprisonment or restraint of the President, shall be punished with imprisonment for life or for a term which may extend to 20 years and shall, if he is not sentenced to imprisonment for life, also be liable to fine.”.”.

Clause 39:

Minister for Home Affairs:

- (1) **In page 35, line 29:** to leave out “**Amendment**”, and insert “**Repeal and re-enactment**”.
- (2) **In page 35:** to leave out after “is” in line 30 to end of line 31, and insert —

“repealed and the following section substituted therefor:

“Offences against authority

121B. Whoever plans the unlawful deprivation or deposition of the President from the sovereignty of Singapore, or the overawing by criminal force of the Government, shall be punished with imprisonment for life or for a term which may extend to 20 years and shall, if he is not sentenced to imprisonment for life, also be liable to fine.”.”.

Clause 80:

Minister for Home Affairs:

- (1) **In page 58:** to leave out after “intention” in line 2 to end of line 5, and insert —

“, which was formed prior to the circumstances which gave rise to the act of private defence —

 - (a) to cause death in section 300(a) or to cause such bodily injury as is mentioned in section 300(b) or (c); or
 - (b) to do an act knowing that the act is so imminently dangerous in the way mentioned in section 300(d).”;.”.
- (2) **In page 58, line 6:** to leave out “3”, and insert “4”.

- (3) **In page 58:** to leave out after “intention” in line 21 to end of line 24, and insert —

“, which was formed prior to the circumstances constituting the sudden fight —

(a) to cause death in section 300(a) or to cause such bodily injury as is mentioned in section 300(b) or (c); or

(b) to do an act knowing that the act is so imminently dangerous in the way mentioned in section 300(d).”.

- (4) **In page 59, line 28:** after “or” where it first occurs, to insert “wrong”.

Clause 83:

Minister for Home Affairs:

- (1) **In page 60, line 12:** to leave out “Whoever”, and insert “A relevant person who”.
- (2) **In page 60, line 18:** to leave out “and”, and insert “;”.
- (3) **In page 60, line 18:** after ““employment agent””, to insert “and “member of the employer’s household””.
- (4) **In page 60, line 30:** after “worker”, to insert “, a member of the employer’s household”.
- (5) **In page 61, line 12:** after “age”, to insert “, domestic worker”.
- (6) **In page 61, line 15:** after “age”, to insert “, a domestic worker”.
- (7) **In page 62, line 27:** to leave out “10 years of age”, and insert “the age specified in section 82”.
- (8) **In page 62, lines 28 and 29:** to leave out “or above 10 years of age but below 12 years of age”, and insert “the age specified in section 83”.
- (9) **In page 63:** to leave out lines 5 and 6, and insert —

“(d) “domestic worker” and “vulnerable person” have the meanings given by sections 73(4) and 74A(5), respectively; and”.

Clause 87:

Minister for Home Affairs:

In page 65: to leave out after “amended” in line 7 to end of line 9, and insert —

“—

- (a) by deleting the words “such intention or knowledge” and substituting the words “the intention to cause death”; and
- (b) by inserting, immediately after the words “at Z” in the *Illustration*, the words “intending to kill Z”.”.

Clause 104:

Minister for Home Affairs:

- (1) **In page 71, line 8:** to leave out “10 years of age”, and insert “the age specified in section 82”.
- (2) **In page 71, lines 9 and 10:** to leave out “or above 10 years of age but below 12 years of age”, and insert “the age specified in section 83”.

Clause 112:

Minister for Home Affairs:

In page 76: to leave out after “375(1)(a)” in line 11 to end of line 16, and insert “, 375(1)(b) read with section 375(3), 375(1A)(a), 375(1A)(b) read with section 375(3), 376(1)(a), 376(1)(b) read with section 376(4), 376(2) (if the victim B is of or above 14 years of age) or 376(2) (if the victim B is below 14 years of age) read with section 376(4).”.

Clause 117:

Minister for Home Affairs:

- (1) **In page 81, lines 18 and 19:** to leave out “took place in or outside Singapore”, and insert “originated in Singapore provided that either A or B was in Singapore at the time of such communication”.

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- (2) **In page 82, lines 17 and 18:** to leave out “took place in or outside Singapore”, and insert “originated in Singapore provided that either *A* or *B* was in Singapore at the time of such communication”.
- (3) **In page 83, line 3:** to leave out “and”.
- (4) **In page 83:** after line 3, to insert —

“(ii) when either *A* or *B* is or both are in Singapore; and”.

- (5) **In page 83, line 16:** to leave out “and”.
- (6) **In page 83, line 18:** to leave out “.”, and insert “; and”.
- (7) **In page 83:** after line 18, to insert —

“(e) either *A* or *B* is or both are in Singapore.”.

- (8) **In page 84, line 11:** to leave out “and”.
- (9) **In page 84:** after line 11, to insert —

“(ii) when either *A* or *B* is or both are in Singapore; and”.

- (10) **In page 84, line 27:** to leave out “and”.
- (11) **In page 84, line 28:** to leave out “.”, and insert “; and”.
- (12) **In page 84:** after line 28, to insert —

“(f) either *A* or *B* is or both are in Singapore.”.

Clause 120:

Minister for Home Affairs:

- (1) **In page 88, line 17:** to leave out “**377BN**”, and insert “**377BO**”.
- (2) **In page 89, lines 14 and 33:** to leave out “with that intention”.
- (3) **In page 89, line 33:** to leave out “*A*’s”, and insert “*A*”.
- (4) **In page 95, line 10:** after “used”, to insert “or allows the person to be so used”.
- (5) **In page 98, line 22:** to leave out “, causes or procures”.
- (6) **In page 98, line 24:** after “material”, to insert “or causes or procures *B* to be so used”.
- (7) **In page 103, line 32:** to leave out “.”.
- (8) **In page 103:** after line 32, to insert —

“Child abuse material offences outside or partially outside Singapore

377BO.—(1) Any person, being a citizen or a permanent resident of Singapore, who does, outside Singapore, any act that would, if done in Singapore, constitute an offence under section 377BG, 377BH or 377BL(2) or (3), shall be guilty of an offence under section 377BG, 377BH or 377BL(2) or (3), as the case may be.

(2) To avoid doubt, any person (*A*) who does in Singapore, any act involving a person below 16 years of age (*B*) and *B* is outside Singapore, that would if *B* were in Singapore constitute an offence under section 377BG or 377BH, shall be guilty of an offence under section 377BG or 377BH, as the case may be.

(3) Any person who does outside Singapore, any act involving a person below 16 years of age (*B*) and *B* is in Singapore, that would if done in Singapore constitute an offence under section 377BG or 377BH, shall be guilty of an offence under section 377BG or 377BH, as the case may be.

(4) Subsections (5) and (6) apply only where *A* is in a relationship that is exploitative of *B*.

(5) To avoid doubt, any person (*A*) who does in Singapore, any act involving a person who is of or above 16 but below 18 years of age (*B*) and *B* is outside Singapore, that would if *B* were in Singapore constitute an offence under section 377BL(2) or (3), shall be guilty of an offence under section 377BL(2) or (3), as the case may be.

(6) Any person (*A*) who does outside Singapore, any act involving a person who is of or above 16 but below 18 years of age (*B*) and *B* is in Singapore, that would if done in Singapore constitute an offence under section 377BL(2) or (3), shall be guilty of an offence under section 377BL(2) or (3), as the case may be.

(7) To avoid doubt, any person who does in Singapore an act which is a physical element of an offence under section 377BG, 377BH or 377BL(2) or (3) shall be guilty of an offence under section 377BG, 377BH or 377BL(2) or (3), as the case may be, if all the fault elements and physical elements of the offence are proven even though other physical elements of the same offence occurred outside Singapore.

Illustrations

(a) A, a citizen or a permanent resident of Singapore, films in a foreign country a video recording of child abuse material involving a person below 16 years of age (*B*). *B* is in that foreign country during the filming. A is guilty of an offence under section 377BG or 377BH read with section 377BO(1).

(b) A, who is in Singapore, uses remote video facilities to film a video recording of child abuse material involving a person below 16 years of age (*B*). *B* is in a foreign country during the filming. A is guilty of an offence under section 377BG or 377BH read with section 377BO(2).

(c) A, who is in a foreign country and is not a citizen or a permanent resident of Singapore, uses remote video facilities to film a video recording of child abuse material involving a person below 16 years of age (*B*). *B* is in Singapore during the filming. A is guilty of an offence under section 377BG or 377BH read with section 377BO(3).

(d) A, who is in Singapore, uses computer software to alter and reproduce child abuse material which was not filmed in Singapore. The child abuse material is not stored in Singapore but in a computer server in a foreign country which A accesses through A's computer in Singapore. A is guilty of an offence under section 377BH read with section 377BO(7).".

Clause 121:

Minister for Home Affairs:

- (1) **In page 104, line 5:** to leave out "377BN", and insert "377BO".
- (2) **In page 104, line 6:** to leave out "377BN", and insert "377BO".
- (3) **In page 106, line 5:** to leave out "377BN", and insert "377BO".

Clause 122:

Minister for Home Affairs:

In page 110, line 7: to leave out “375(1)(a), 375(1A)(b), 376(1), 376(2)”, and insert “375(1)(b), 375(1A)(b), 376(1) (if the victim *B* is below 14 years of age), 376(2) (if the victim *B* is below 14 years of age)”.

Clause 138:

Minister for Home Affairs:

In page 121, line 18: after “section”, to insert “and section 424B”.

Clause 167:

Minister for Home Affairs:

- (1) **In page 134, line 11:** to leave out “act or”, and insert “person in such possession”.
- (2) **In page 134, line 16:** to leave out “act or”, and insert “person mentioned in subsection (1)”.
- (3) **In page 135, line 30:** to leave out “subsection (1)”, and insert “that subsection”.
- (4) **In page 136, line 7:** to leave out “(1)”, and insert “(2)”.

Clause 169:

Minister for Home Affairs:

- (1) **In page 142, lines 41 and 44:** after “years”, to insert “, and fine”.
- (2) **In page 142, lines 43 and 46:** after “years”, to insert “, and fine, or caning”.
- (3) **In page 143, line 18:** to leave out “items relating to sections 121 and 121B”, and insert “item relating to section 121”.
- (4) **In page 143:** after line 18, to insert —
 - “(g) by deleting the word “Ditto” under the sixth column in the item relating to section 121A and substituting the words “Imprisonment for life, or imprisonment for 20 years, and fine”;
 - (h) by inserting, immediately after the word “life,” under the sixth column in the item relating to section 121B, the words “or imprisonment for 20 years,”;
- (5) **In page 148, line 35:** after “age”, to insert “, domestic worker”.

Clause 174:

Minister for Home Affairs:

- (1) **In page 166, line 1:** after “offence”, to insert “committed against a person below 16 years of age”.
- (2) **In page 166, line 2:** after “offence”, to insert “or an offence under Chapter XVI of the Penal Code (other than a sexual offence)”.
- (3) **In page 166:** after line 17, to insert —

“(e) an abetment of, a conspiracy to commit or an attempt to commit any of the offences mentioned in paragraphs (a) to (d);”.

Consequential amendments:

- (1) **In page 33, line 19:** to re-letter paragraph (b) as paragraph (c).
- (2) **In page 83, line 4:** to renumber sub-paragraph (ii) as sub-paragraph (iii).
- (3) **In page 84, line 12:** to renumber sub-paragraph (ii) as sub-paragraph (iii).
- (4) **In pages 143 to 161:** to re-letter paragraphs (g) to (zzzn) as paragraphs (i) to (zzzp), respectively.

2. PROTECTION FROM ONLINE FALSEHOODS AND MANIPULATION BILL

[Bill No. 10/2019]

Clause 13:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 20, lines 25 and 26: to leave out “identify the subject statement in sufficient detail.”, and insert —
“__

- (a) identify the subject statement in sufficient detail;
- (b) identify the true facts and their supporting evidence, and/or the evidence demonstrating the subject statement to be false, to the extent practicable;
- (c) specify the public interest objects of the Direction; and
- (d) provide the reasons why the Direction is commensurate with and shall satisfy the public interest objects so declared.”.

Clause 17:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 23: after line 31, to insert —

“(10) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

Clause 25:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 30, lines 7 and 8: to leave out “identify in sufficient detail the subject material and the subject statement.”, and insert —

“—

- (a) identify the subject statement in sufficient detail;
- (b) identify the true facts and their supporting evidence, and/or the evidence demonstrating the subject statement to be false, to the extent practicable;
- (c) specify the public interest objects of the Direction; and
- (d) provide the reasons why the Direction is commensurate with and shall satisfy the public interest objects so declared.”.

Clause 29:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 34: after line 9, to insert —

“(11) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

Clause 35:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 41: after line 22, to insert —

“(9) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

Clause 44:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 51: after line 12, to insert —

“(11) In giving effect to this provision, the Minister shall do everything reasonable to ensure that appeals to the Minister are adjudicated without delay, that upon appeal to the High Court hearings shall commence as soon as practicable, and that costs to the appellant are minimised.”.

New Clause A:

Assoc Prof Walter Theseira (Nominated Member):

Ms Irene Quay Siew Ching (Nominated Member):

Ms Anthea Ong (Nominated Member):

In page 12: after line 14, to insert —

“Principles of Act

- A.** In performing any duty or exercising any power under this Act in relation to the communication of online Falsehoods, any Minister and any Competent Authority must have regard to the following principles of this Act:
- (a) the ability of a well-informed public to critically evaluate, establish, debate and question facts, opinions, and ideas is integral to a well-functioning democracy;
 - (b) as facts can be contentious and difficult to establish, and because the advancement of knowledge often depends on contesting apparent facts, the disputation of a fact does not imply that one or more contested facts are falsehoods by that virtue alone;
 - (c) while an authority may have higher quality data or more accurate means of determining the facts, given the variety of legitimate means by which facts can be established, a statement of fact that differs from a fact established by an authority does not imply a falsehood by that virtue alone;
 - (d) non-legislative measures are the least restrictive way of addressing online Falsehoods and should be preferred to the exercise of executive powers when feasible;
 - (e) the executive powers in this Act may be regarded as, from least to most restrictive: A Correction Direction, a Targeted Correction Direction, a General Correction Direction, a Stop Communication Direction, and a Disabling Direction;
 - (f) regard must be had to whether the public interest for which the duty is being performed or the power is being exercised can be achieved in the way that is the least restrictive on the rights of the public to speak and debate freely;

- (g) in all matters relating to the administration or application of this Act, the aim is to target material online falsehoods that are against the public interest, and not opinions, comments, critiques, satire, parody, generalisations or statements of experiences.”.

Note: It is intended that this New Clause A be inserted immediately after clause 5.

New Clause B:

Ms Anthea Ong (Nominated Member):
Ms Irene Quay Siew Ching (Nominated Member):
Assoc Prof Walter Theseira (Nominated Member):

In page 67: after line 19, to insert —

“PART 10

INDEPENDENT COUNCIL TO STRENGTHEN SOCIETY AGAINST
ONLINE FALSEHOODS

B.—(1) There is hereby established a council to be called the Independent Council Against Online Falsehoods which shall consist of

- (a) a Chairman; and
- (b) such other members as the appointing authority may determine;
- (c) where the appointing authority shall be a Select Committee of Parliament.

(2) The Constitution and Proceedings of the Council shall be determined by Schedule, provided that —

- (a) where the appointment and tenure of office of members is concerned:
 - (i) no member shall hold an office of profit under the Government;
 - (ii) no member shall be a Member of Parliament or stand as a candidate for election as a Member of Parliament;
 - (iii) no appointment of any member shall be revoked without valid cause, where such valid causes shall be limited to inability to perform the functions of the Council, dereliction of duties relating to the Council, or acts that prejudice the independent functioning of the Council;
 - (iv) the tenure of office of all members shall be at least two years on appointment and shall be

automatically extended, in the case of a general election which occurs during the tenure of office of any member, to include a term of at least one year past the date of that general election.

- (b) nothing shall be specified or required that prejudices the independent functioning of the Council.

(3) The functions of the Council are —

- (a) to evaluate the state and effects of online falsehoods communicated in Singapore, including online falsehoods not subject to Directions;
- (b) to evaluate Directions issued with respect to the type of online falsehoods addressed and the public interest causes of action, effects of Directions, appeals processes, and other matters as determined by the Council, provided that —
 - (i) no Direction shall be reviewed which is sub judice or subject to an ongoing appeal at the point of review;
 - (ii) Directions shall not be the subject of individual review except where at the discretion of the Council public confidence in the exercise of powers under the Act requires it;
 - (iii) no review of any Direction shall be admissible as evidence of any wrongdoing or liability on the part of Government.
- (c) to evaluate other measures taken by Government under this Act to address online falsehoods;
- (d) to make recommendations to the Government on the general exercise of powers under the Act in order to strengthen efficacy and public confidence;
- (e) to liaise with the media, technology firms, and other experts to advise on public education, ground-up initiatives, and other measures to strengthen the capacity of Singaporeans to evaluate online information and resist falsehoods;
- (f) to liaise with scientific, specialist, and technical experts to advise the Government on examining contested facts of a specialist nature;

- (g) to undertake surveys or other arrangements to obtain public feedback on any matter relating to the functions of the Council; and
- (h) to perform such functions as the Minister may, by order published in the Gazette, assign, provided such functions do not compromise the independence of the Panel.

(4) The Council shall be furnished with the resources to discharge its functions under this Act, and in particular, shall —

- (a) have a Secretariat appointed by the Minister subject to the concurrence of the Chairman;
- (b) be entitled to request information on the exercise of powers under this Act from any relevant Ministry, who shall be under a duty to provide that information;
- (c) have funds provided to meet any expenses incurred in carrying out its functions, provided that the funds provided during any term of Government shall not be diminished during that term except with the agreement of the Chairman.

(5) The Council shall publish for public viewing in connection with its functions —

- (a) an annual report (or more frequently as the case may be) on the activities, findings, and recommendations of the Council; and
- (b) a report of any substantive proceedings of the Council; provided that
- (c) the content of any report may be minimally redacted if at the discretion of the Council it may weaken efficacy of measures to address online Falsehoods, appear to render judgment on any particular Direction, expose market-sensitive information, or expose information subject to the Official Secrets Act.

(6) No suit or other legal proceedings shall lie personally against any Council member or other person acting under the direction of the Council for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.”.

Note: It is intended that this New Clause B be inserted immediately after clause 62.

Consequential amendment:

To renumber clauses 6 onwards and cross-references consequent on the addition of clause A.
