

# **Women's Charter (Amendment) Bill**

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**Bill No. 29/2019.**

*Read the first time on 7 October 2019.*

A BILL

*intituled*

An Act to amend the Women's Charter (Chapter 353 of the 2009 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act is the Women’s Charter (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. Section 2 of the Women’s Charter (called in this Act the principal Act) is amended —

(a) by deleting the definition of “brothel” and substituting the following definition:

10 ““brothel” means any place —

(a) habitually used by any 2 or more women or girls (whether or not at the same time or at different times) for the purpose of prostitution;

15 (b) that has been used by any 2 or more women or girls (whether or not at the same time or at different times) for the purpose of prostitution and is likely to be used again for that purpose; or

20 (c) that —

25 (i) has been expressly or implicitly advertised (whether by advertisements in or on the place, newspapers, the Internet or by other means) or represented as being used for the purpose of prostitution; and

30 (ii) is likely to be used for the purpose of prostitution;” and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) In criminal proceedings for an offence under Part XI in relation to any place —

(a) a court may rely on circumstantial evidence to find that the particular place is used as a brothel; and

(b) a court may make such a finding without direct evidence that the particular place is used as a brothel.

*Examples of circumstantial evidence*

1. Evidence relating to persons entering and leaving premises (including number, gender and frequency) that is consistent with the use of the premises for prostitution.

2. Evidence of appointments with persons for the purpose of prostitution that are made through the use of telephone numbers or other contact details that are publicly advertised.

3. Evidence of the arrangement of, or other matters relating to, the place or the furniture, equipment or articles in the place, that is consistent with the use of the place for prostitution.”

**Amendment of section 140**

3. Section 140 of the principal Act is amended —

(a) by deleting paragraph (d) of subsection (1) and substituting the following paragraph:

“(d) brings into Singapore, receives or harbours any woman or girl knowing or having reason to believe that she seeks entry into, or has entered, Singapore or has been procured for the purpose —

(i) of having carnal connection either within or without Singapore, except by way of marriage with any male person; or

5 (ii) of prostitution either within or without Singapore,

and with intent to aid such purpose;”;

(b) by deleting the words “section 142” in subsection (1)(f) and substituting the words “section 142(1)”;

10 (c) by deleting the words “and shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000” in subsection (1);

15 (d) by inserting, immediately after subsection (1), the following subsections:

“(1A) A person who is guilty of an offence under subsection (1) —

20 (a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but

25 (b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

30 (1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 3 of the Women’s Charter (Amendment) Act 2019) on at

least one other earlier occasion of an offence under subsection (1).”; and

- (e) by deleting the words “convicted of a second or subsequent” in subsection (2) and substituting the words “a repeat offender in relation to an”.

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### **Amendment of section 141**

#### **4. Section 141 of the principal Act is amended —**

- (a) by deleting the words “and shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000” in subsection (1); and

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- (b) by inserting, immediately after subsection (1), the following subsections:

“(1A) A person who is guilty of an offence under subsection (1) —

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- (a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but

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- (b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

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(1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 4 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1).”.

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### **Amendment of section 142**

5. Section 142 of the principal Act is amended —

(a) by deleting the words “and shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000”; and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) A person who is guilty of an offence under subsection (1) —

(a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but

(b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

(3) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 5 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1).”.

### **Amendment of section 143**

6. Section 143 of the principal Act is amended —

(a) by deleting the words “and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years or to both”; and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

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(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

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(3) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 6 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1).”.

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#### **Amendment of section 144**

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7. Section 144 of the principal Act is amended —

(a) by deleting the words “and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years or to both” in subsection (1); and

(b) by inserting, immediately after subsection (2), the following subsections:

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“(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but

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(b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to

imprisonment for a term not exceeding 7 years or to both.

(4) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 7 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1).”.

## **Amendment of section 145**

**8.** Section 145 of the principal Act is amended —

(a) by deleting the words “and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 years or to both” in subsection (1); and

(b) by inserting, immediately after subsection (1), the following subsections:

“(1A) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

(a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.

(1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 8 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1).”.



## Amendment of section 146

### 9. Section 146 of the principal Act is amended —

(a) by deleting the words “and shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000” in subsection (1); 5

(b) by inserting, immediately after subsection (1), the following subsection:

“(1AA) A person who is guilty of an offence under subsection (1) — 10

(a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but 15

(b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.”; 20

(c) by deleting the words “and shall on conviction be punished with imprisonment for a term not exceeding 5 years and shall also be liable to a fine not exceeding \$10,000” in subsection (1A); 25

(d) by inserting, immediately after subsection (1A), the following subsections:

“(1B) A person who is guilty of an offence under subsection (1A) —

(a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but 30

(b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable on conviction to a fine not exceeding \$150,000.

(1C) A person is a repeat offender in relation to an offence under subsection (1) or (1A) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 9 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1) or (1A).”; and

(e) by deleting the words “convicted of a second or subsequent offence under this section” in subsection (2) and substituting the words “a repeat offender in relation to an offence under subsection (1) or (1A)”.

### **Amendment of section 146A**

**10.** Section 146A of the principal Act is amended —

- (a) by deleting the words “person in Singapore” in subsection (1) and substituting the words “person in or outside Singapore”;
- (b) by deleting the words “operates or maintains in Singapore a remote communication service that” in subsection (1) and substituting the words “uses a remote communication service with a Singapore link to”;
- (c) by deleting the words “offers or facilitates the provision by a woman or girl to another person of sexual services” in subsection (1)(a) and substituting the words “offer or facilitate the provision by a woman or girl to another person of sexual services in Singapore”;
- (d) by deleting the words “organises, manages or supervises” in subsection (1)(b) and substituting the words “organise, manage or supervise”;

(e) by deleting paragraphs (i) and (ii) of subsection (1) and substituting the following paragraphs:

“(i) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but

(ii) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both.”;

(f) by inserting, immediately after subsection (1), the following subsections:

“(1A) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 10 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1).

(1B) However, where a person is charged with an offence under subsection (1), it is a defence for the person charged to prove, on a balance of probabilities, that the person did not know, and could not with reasonable diligence have ascertained, that the remote communication service in question had a Singapore link.”;

(g) by inserting, immediately after subsection (3), the following subsections:

“(4) For the purposes of this section, a remote communication service has a Singapore link if any person physically present in Singapore is capable of having access to any matter communicated using the remote communication service; and in determining whether a person who is physically present in Singapore is capable of having such access, it is to

be assumed that the person will not falsify or conceal the person's identity or location.

(5) For the purposes of subsection (4), access includes —

- (a) access that is subject to a pre-condition, such as the use of a password;
- (b) access by way of push technology; and
- (c) access by way of a standing request.

(6) Where an offence under this section is committed by a person outside Singapore, the person may be dealt with in respect of that offence as if it had been committed in Singapore.”; and

(h) by deleting the words “operated or maintained” in the section heading and substituting the word “used”.

#### **Amendment of section 147**

**11.** Section 147 of the principal Act is amended —

(a) by deleting the words “and shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 3 years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both” in subsection (1);

(b) by inserting, immediately after subsection (1), the following subsections:

“(1A) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to

imprisonment for a term not exceeding 7 years or to both.

(1B) A person is a repeat offender in relation to an offence under subsection (1) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 11 of the Women’s Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1).”; 5

(c) by deleting the words “and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 5 years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 10 years or to both” in subsection (2); and 10 15

(d) by inserting, immediately after subsection (2), the following subsections:

“(3) A person who is guilty of an offence under subsection (2) —

(a) shall be punished on conviction with imprisonment for a term not exceeding 7 years and shall also be liable on conviction to a fine not exceeding \$100,000; but 20

(b) where the person is a repeat offender, shall be punished on conviction with imprisonment for a term not exceeding 10 years and shall also be liable to a fine not exceeding \$150,000. 25

(4) A person is a repeat offender in relation to an offence under subsection (2) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 11 of the Women’s Charter (Amendment) Act 2019) on at least 30

one other earlier occasion of an offence under subsection (2).”.

### **Amendment of section 148**

**12.** Section 148 of the principal Act is amended —

- 5           (a) by deleting the words “under this section” in subsections (1) and (2);
- (b) by inserting, immediately after the words “he has no knowledge” in subsection (2), the words “and that he could not, with reasonable diligence, have ascertained”;
- 10           (c) by deleting the words “under subsection (2) if the place or any part thereof is used as a brothel, unless he proves that he has no knowledge that the place or any part thereof is used as a brothel” in subsection (3) and substituting the words “if the place or any part thereof is used as a brothel, unless he proves that, when entering into the letting of that place or part thereof, he had no knowledge and he could not with reasonable diligence have ascertained that the place or part thereof is to be used as a brothel”; and
- 15           (d) by deleting subsections (4) and (5) and substituting the following subsections:
- 20                                 “(4) Any person who, being the owner of a place or the agent of an owner of a place, lets the place or any part thereof shall, despite such letting, be guilty of an offence if the place or part thereof is used as a brothel, unless the person proves that, when entering into the letting of that place or part thereof, he had no knowledge and he could not with reasonable diligence have ascertained that the place or part thereof is to be used as a brothel.
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*Examples of reasonable diligence*

1. An owner of an apartment or an agent of the owner verifies the identity of a prospective tenant and purpose of the tenancy through personal inspection of the prospective tenant's documents of identity (such as the NRIC, passport or work permit) and has a face-to-face interview with the prospective tenant, before entering into the tenancy agreement or allowing the prospective tenant to start occupying the apartment. 5
2. A flat-owner who is not resident in Singapore engages an agent to verify the identity of a prospective tenant of the flat and purpose of the tenancy through personal inspection of the prospective tenant's documents of identity (such as the NRIC, passport or work permit) and a face-to-face interview with the prospective tenant, and then verifies with the agent that those steps were carried out, before the flat-owner authorises the entry into the tenancy agreement for the flat or the occupation of the flat by the prospective tenant. 10  
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(5) A person who is guilty of an offence under this section shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both; but 20
- (b) where the person is a repeat offender, to a fine not exceeding \$150,000 or to imprisonment for a term not exceeding 7 years or to both. 25

(5A) A person is a repeat offender in relation to an offence under subsection (1), (2), (3) or (4) if the person has been convicted or found guilty (whether before, on or after the date of commencement of section 12 of the Women's Charter (Amendment) Act 2019) on at least one other earlier occasion of an offence under subsection (1), (2), (3) or (4), regardless of the subsection." 30

### **Amendment of section 150**

**13.** Section 150(1) of the principal Act is amended by deleting the words “section 147 or 148” and substituting the words “section 147(1) or (2) or 148(1), (2) or (3)”.

### **5 Amendment of section 151**

**14.** Section 151 of the principal Act is amended by deleting the words “section 147 or 148” and substituting the words “section 147(1) or (2) or 148(1), (2), (3) or (4)”.

### **Amendment of section 174**

**10 15.** Section 174(1) of the principal Act is amended by deleting the words “section 140, 141, 142, 143, 144, 145, 146, 147 or 148” and substituting the words “section 140(1), 141(1), 142(1), 143(1), 144(1), 145(1), 146(1) or (1A), 146A(1), 147(1) or (2) or 148(1), (2), (3) or (4)”.

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## **EXPLANATORY STATEMENT**

This Bill seeks to amend the Women’s Charter (Cap. 353) for the following purposes:

- (a) to amend the definition of “brothel” to include places at which prostitution is offered (rather than only provided);
- (b) to enhance punishment for offences under Part XI;
- (c) to improve enforcement against vice activities facilitated by remote communication services and against brothel operators who are quick to relocate their operations using short-term sub-letting arrangements.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to expand the meaning of the definition of “brothel” to include places at which prostitution is offered (rather than only provided). The definition of “brothel” today consists of any place occupied or used by any 2 or more women or girls whether at the same time or at different times for the purpose of prostitution. The new definition extends to cover any place that has been expressly or implicitly advertised or represented as being used for the purpose of prostitution and is likely to be used for the purpose of prostitution.



Clause 2 also simplifies the onus of proof on the part of the prosecution seeking to prove in criminal proceedings for offences under Part XI that a place is a brothel. Under the amendments, the prosecution may rely on circumstantial evidence, such as evidence that stops short of purchasing sexual services at a place.

Examples of circumstantial evidence include (but are not limited to) evidence relating to persons entering and leaving the premises, including number, gender and frequency, that is consistent with the use of the premises for prostitution, evidence of appointments with persons for the purpose of prostitution that are made through the use of telephone numbers or other contact details that are publicly advertised, and evidence of the arrangement of, or other matters relating to, the place, or the furniture, equipment or articles in the place, that is consistent with the use of the place for prostitution.

Clause 3 raises the penalty for the prostitution offence in section 140(1). The present penalty is mandatory imprisonment for a term not exceeding 5 years and liability to a fine not exceeding \$10,000. Any male who is convicted of a second or subsequent offence under subsection (1)(a), (b), (c), (d), (e) or (f) is, in addition to imprisonment, liable to caning.

The amendment in clause 3 raises the penalty for a first prostitution offence to mandatory imprisonment for a term not exceeding 7 years, and the liability to a fine not exceeding \$100,000.

However, where the accused is a repeat offender, the penalty is mandatory imprisonment for a term not exceeding 10 years and liability to a fine not exceeding \$150,000. Where the repeat offender is a male convicted of a second or subsequent offence under subsection (1)(a), (b), (c), (d), (e) or (f), there is no change in that he is, in addition to imprisonment, liable to caning.

A person is a repeat offender if the person, being accused of an offence under section 140(1), has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 140(1). The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 140(1) before, on or after the date of commencement of clause 3.

Finally, clause 3 amends the offence in section 140(1)(d) of bringing into Singapore, receiving or harbouring any woman or girl for prostitution, either in or outside Singapore. The offence as amended involves knowing or having reason to believe that the woman or girl seeks entry into or has entered Singapore or has been procured for the purpose of prostitution (whether in or outside Singapore), and with intent to aid such purpose.

Clause 4 raises the penalty for the offence in section 141(1) regarding trafficking in women and girls. The present penalty is mandatory imprisonment for a term not exceeding 5 years and liability to a fine not exceeding \$10,000. Clause 4 raises the penalty for a first offence under section 141(1) to mandatory

imprisonment for a term not exceeding 7 years and liability to a fine not exceeding \$100,000.

However, where the accused is a repeat offender, the penalty is mandatory imprisonment for a term not exceeding 10 years and liability to a fine not exceeding \$150,000.

A person is a repeat offender if the person, being accused of an offence under section 141(1), has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 141(1). The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 141(1) before, on or after the date of commencement of clause 4.

Clause 5 raises the penalty for the offence in section 142 regarding importing a woman or girl under false pretense with intent that she be employed or used for the purpose of prostitution either within or outside Singapore. The present penalty is mandatory imprisonment for a term not exceeding 5 years and liability to a fine not exceeding \$10,000. Clause 5 raises the penalty for a first offence under section 142 to mandatory imprisonment for a term not exceeding 7 years and liability to a fine not exceeding \$100,000.

However, where the accused is a repeat offender, the penalty is mandatory imprisonment for a term not exceeding 10 years and liability to a fine not exceeding \$150,000.

A person is a repeat offender if the person, being accused of an offence under section 142, has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 142. The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 142 before, on or after the date of commencement of clause 5.

Clause 6 raises the penalty for the offence in section 143 regarding an owner or occupier of any premises permitting a girl below the age of 16 years to use those premises for sexual penetration. The present penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 years or both. Clause 6 raises the penalty for a first offence under section 143 to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both.

However, where the accused is a repeat offender, the penalty is a fine not exceeding \$150,000 or imprisonment for a term not exceeding 7 years or both.

A person is a repeat offender if the person, being accused of an offence under section 143, has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 143. The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 143 before, on or after the date of commencement of clause 6.

Clause 7 raises the penalty for the offence in section 144(1) regarding an owner or occupier of any premises permitting a woman who is a mental defective to use

those premises for sexual penetration. The present penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 years or both. Clause 7 raises the penalty for a first offence under section 144(1) to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both.

However, where the accused is a repeat offender, the penalty is a fine not exceeding \$150,000 or imprisonment for a term not exceeding 7 years or both.

A person is a repeat offender if the person, being accused of an offence under section 144(1), has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 144(1). The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 144(1) before, on or after the date of commencement of clause 7.

Clause 8 raises the penalty for the offence in section 145(1) regarding causing or encouraging prostitution of, sexual penetration with, or indecent assault on, a girl below the age of 16 years. The present penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 years or both. Clause 8 raises the punishment for a first offence under section 145(1) to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both.

However, where the accused is a repeat offender, the penalty is a fine not exceeding \$150,000 or imprisonment for a term not exceeding 7 years or both.

A person is a repeat offender if the person, being accused of an offence under section 145(1), has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 145(1). The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 145(1) before, on or after the date of commencement of clause 8.

Clause 9 raises the penalties for the offences in section 146 about persons living on or trading in prostitution.

The present penalty for the offence under section 146(1) or (1A) regarding knowingly living wholly or in part on the earnings of the prostitution of another person, or knowingly receiving reward for providing any service to aid the prostitution by another, is mandatory imprisonment for a term not exceeding 5 years and liability to a fine not exceeding \$10,000. Any male who is convicted of a second or subsequent offence under section 146 is, in addition to imprisonment, liable to caning.

Clause 9 raises the penalty for a first offence under section 146(1) or (1A) to mandatory imprisonment for a term not exceeding 7 years and liability to a fine not exceeding \$100,000.

However, where the accused is a repeat offender, the penalty is mandatory imprisonment for a term not exceeding 10 years and liability to a fine not exceeding \$150,000. Where the repeat offender is a male convicted of a second or

subsequent offence under section 146(1) or (1A), there is no change in that he is, in addition to imprisonment, liable to caning.

A person is a repeat offender if the person, being accused of an offence under section 146(1) or (1A), has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 146(1) or (1A). The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 146(1) or (1A) before, on or after the date of commencement of clause 9.

Clause 10 amends section 146A about remote communication services operated or maintained for offering or facilitating provision of sexual services for various purposes.

First, the offence is being extended to acts done outside Singapore in connection with sexual services provided in Singapore. Section 146A(1) today is limited in its application to persons in Singapore who operate or maintain in Singapore a remote communication service that offers or facilitates, or organises, manages or supervises, the provision of sexual services.

The amendment will change the offence to apply to persons in or outside Singapore who use a remote communication service either to offer or facilitate the provision by a woman or girl to another person of sexual services in Singapore, or to organise, manage or supervise the provision of those sexual services in Singapore. As amended, where the offence is committed by a person outside Singapore, the person may be dealt with in respect of that offence by our courts as if it had been committed in Singapore.

However, the remote communication service has to have a Singapore link. A remote communication service has a Singapore link if any person physically present in Singapore is capable of having access to any matter communicated using the remote communication service.

Where a person is charged with an offence under section 146A(1), it is a defence for the person charged to prove, on a balance of probabilities, that the person did not know, and could not with reasonable diligence have ascertained, that the remote communication service in question had a Singapore link.

Clause 10 also raises the penalty in section 146A(1). The present penalty is a fine not exceeding \$3,000 or imprisonment for a term not exceeding 3 years or both and, in the case of a second or subsequent offence, is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 5 years or both. Clause 10 raises the penalty for a first offence under section 146A(1) to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both.

However, where the accused is a repeat offender, the penalty is a fine not exceeding \$150,000 or imprisonment for a term not exceeding 7 years or both.

A person is a repeat offender if the person, being accused of an offence under section 146A(1), has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 146A(1). The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 146A(1) before, on or after the date of commencement of clause 10.

Clause 11 amends section 147 containing offences related to places of assignation.

The present penalty for the offence under section 147(1) (keeping, managing or assisting in the management of a place of assignation) is a fine not exceeding \$3,000 or imprisonment for a term not exceeding 3 years or both and, in the case of a second or subsequent offence, is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 5 years or both. Clause 11 raises the penalty for a first offence under section 147(1) to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both.

However, where the accused is a repeat offender, the penalty is a fine not exceeding \$150,000 or imprisonment for a term not exceeding 7 years or both.

Clause 11 also raises the penalty for the offence under section 147(2) (keeping, managing or assisting in the management of a club or a place of public resort which is used as a place of assignation). The present penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 5 years or both and, in the case of a second or subsequent conviction, is a fine not exceeding \$15,000 or imprisonment for a term not exceeding 10 years or both.

The penalty is changed to mandatory imprisonment for a term not exceeding 7 years and liability to a fine not exceeding \$100,000.

However, where the accused is a repeat offender, the penalty is mandatory imprisonment for a term not exceeding 10 years and liability to a fine not exceeding \$150,000.

A person is a repeat offender if the person, being accused of an offence under section 147, has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 147. The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 147 before, on or after the date of commencement of clause 11.

Clause 12 amends the mental elements and penalties for the offences under section 148 relating to brothels.

Under section 148(2) today, a person who is the tenant, lessee, occupier or person in charge of any place which is used as a brothel commits the offence under section 148 unless the person proves that he or she has no knowledge that the place is used as a brothel. The amendment requires additional proof on the part of the tenant, lessee, occupier or person in charge before he or she can avoid criminal liability. The tenant, lessee, occupier or person in charge has to prove that he or she

has no knowledge that the place is used as a brothel, and must also prove that he or she could not, with reasonable diligence, have ascertained that the place is used as a brothel.

Use as a brothel would, by reason of the amended definition of “brothel”, include use as premises advertised or represented as being used for the purpose of prostitution.

A similar amendment is made to section 148(3) which deals with tenanted places which are in turn let or sub-let. Section 148(3) states that the tenant, lessee, occupier or person in charge of any place who lets the place or any part thereof still commits an offence despite the letting, unless the person proves that he or she has no knowledge that the place or part thereof is used as a brothel. The amendment requires additional proof on the part of the tenant, lessee, occupier or person in charge before he or she can avoid criminal liability. The tenant, lessee, occupier or person in charge has to prove that at the time of entering into the letting (such as by tenancy agreement or parting with possession) he or she had no knowledge that the place or part thereof is to be used as a brothel, and must also prove that he or she could not, with reasonable diligence, have ascertained that the place or part thereof is to be used as a brothel.

Clause 12 also amends section 148(4) regarding the offence where a person who is the owner of any place, or the agent of that owner, lets a place which is used as a brothel. Today, criminal liability arises for the owner of the place, or the agent of that owner, who lets the place or any part of the place which is used as a brothel if the owner or agent has let the place or part thereof with the knowledge that the place or part thereof is to be used as a brothel, or the owner or agent is wilfully a party to the continued use of the place or any part thereof as a brothel.

Under the amended section 148(4), knowledge and wilful participation are no longer elements of the offence. The owner or agent of the owner of a place who lets the place or any part of the place commits an offence under section 148(4), despite the letting, if the place or part thereof is used as a brothel. But the owner or agent of such an owner can avoid criminal liability if he or she can show that the owner or agent (as the case may be) at the time of entering into the letting (such as by tenancy agreement or parting with possession) did not know and could not, with reasonable diligence, have ascertained that the place or part thereof is to be used as a brothel.

Finally, the penalties for offences under section 148 are also raised. The present penalty is a fine not exceeding \$3,000 or imprisonment for a term not exceeding 3 years or both and, in the case of a second or subsequent offence, is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 5 years or both. Clause 12 raises the penalty for a first offence under section 148 to a fine not exceeding \$100,000 or imprisonment for a term not exceeding 5 years or both.

However, where the accused is a repeat offender, the penalty is a fine not exceeding \$150,000 or imprisonment for a term not exceeding 7 years or both.

A person is a repeat offender if the person, being accused of an offence under section 148, has been previously convicted or found guilty on at least one other earlier occasion of an offence under section 148, regardless of the subsection. The accused may have been previously convicted or (if a juvenile) found guilty of the offence under section 148 before, on or after the date of commencement of clause 12.

Clauses 13, 14 and 15 amend sections 150, 151 and 174(1), respectively, in respect of the cross-references to sections affected by the amendments in clauses 5 to 12.

Clause 15 also amends section 174(1) to extend the power of arrest by the Director of Social Welfare, or any public officer (being either a police officer not below the rank of sergeant, an immigration officer within the meaning of the Immigration Act (Cap. 133) or a public officer) to an offence under section 146A.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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