

inter se

SINGAPORE ACADEMY OF LAW

Opening of Legal Year 2007

**Singapore Academy of Law:
Change is in the Air**

**The Future of Online Gambling
in Singapore**



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The Academy's rapid growth is due in large part to its leadership, past and present. The Honourable the Chief Justice Chan Sek Keong announced at the Opening of the Legal Year, on 6 January 2007, the election of Mr Yong Pung How as an Honorary Member and Fellow for Life of the Academy. Mr Yong, as former Chief Justice and President of the Academy, had spent the 16 years of his tenure developing the Academy to its present strength. A portion of the citation conferring the honour is quoted in the response by Chief Justice Chan delivered at the Opening of the Legal Year. The full citation for this honour is found in the Singapore Academy of Law Annual Report. The Chief Justice's response is reported in full in this issue of *Inter Se*.

Chief Justice Chan also announced the corporate restructuring of the Academy in his response. As the Academy grows, its role in the legal community is becoming clear. The Academy's quasi public-sector status makes it well-placed to function as an intermediary between the private and public sectors, and practice and academia. Moving forward, the Academy will focus on bringing the rich pool of public sector talent to the private sector through key programmes. Similarly, there is a gap between legal practice and legal academia that the Academy aims to fill.

Another key area of work that the Academy will engage more actively in is connected with the coming-of-age of the Singapore legal system. We may now speak of a strong body of case law and legislation that is readily identifiable as Singapore law, ready for its role in the new business world in the region. The Academy is gearing-up to play a greater role in the development and exposition of local legal jurisprudence. Further, the Academy has recently been refocused to play its role in promoting Singapore as a regional legal hub.

Over the first few months of 2007, the Academy will embark on an overhaul of its corporate structure. The Academy's restructuring plans are outlined in this issue of *Inter Se*. The restructuring of the Academy will provide the needed focus for the Academy's future initiatives as it works towards fulfilling its statutory duties to the best of its abilities



Serene Wee
Chief Executive
Singapore Academy of Law

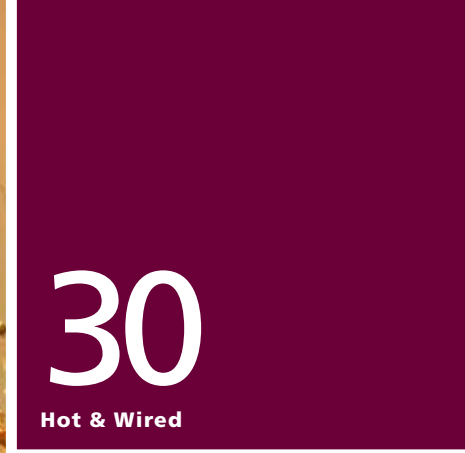
Chief Executive: Ms Serene Wee • Editor: Anita Parkash • Editorial Committee: Foo Kim Leng and Sherina Chan • Singapore Academy of Law, 1 Supreme Court Lane, Level 6, Singapore 178879, Tel: 6332 4388, Fax: 6334 4940 • Art Direction: Chiang Weiyah • Graphic Design: Michelle Chua • Advertising Sales: Florence Long, 9382 0381, florence@mediactive.com.sg • Publisher: Lyon Low • *mediactive* Mediactive Pte Ltd, 65 Ubi Crescent, #06-07 Hola Centre, Singapore 408559, Tel: 6846 4168.



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OPENING OF LEGAL YEAR 2007: SPEECHES DELIVERED

On Saturday, 6 January 2007, the Honourable the Chief Justice Chan Sek Keong presided over His Honour's first Opening of the Legal Year as Chief Justice. The ceremony, which was held in the Supreme Court Auditorium, was attended by members of the legal and judicial service, legal practitioners, academics and corporate counsel. *Inter Se* carries the full texts of the speeches delivered by the Honourable Attorney-General Chao Hick Tin and Mr Philip Jeyaretnam SC, President of the Law Society of Singapore. Also reproduced in full is the Chief Justice's response to these speeches.



The Supreme Court Bench as at the opening of this legal year.

SPEECH BY THE ATTORNEY-GENERAL

We are gathered here once again to welcome the new Legal Year, but this time with a different Chief Justice who is no stranger to the Bench and the Bar, and whose "determination to uphold the rule of law and respect for the integrity of the law and a fair judicial process are also well known to the legal community". Given the historical significance of this occasion, we are looking forward to receiving guidance from you, Chief Justice, on the expectations in the administration of justice for the coming year, which Your Honour will deliver in a moment.

Those of us who follow closely legal developments elsewhere probably know that the United Kingdom had in late November last year introduced their Legal Services Bill in the House of Lords. If the Bill is eventually passed in its entirety, the UK will have an independent oversight regulator, at the apex of a new regulatory framework, that ensures other approved regulators function to the required standards in keeping with better defined regulatory objectives. It will also see the creation of an independent Office for Legal Complaints. This means that the handling of legal complaints will, for the first time, be removed from



The Honourable the Attorney-General Chao Hick Tin prepares to deliver his speech at OLY 2007.

the legal professionals. Under the proposed law, different kinds of lawyers, as well as lawyers and non-lawyers, can also set up alternative business structures to deliver legal services in innovative ways to meet new customer demands.

These proposed changes are indeed fundamental in a country that has a Bar Council and a Law Society which are historically strong and independent. More significantly, the UK is already the second biggest exporter of legal services in the world. It is in a position of strength and leadership in the supply of legal services that is unmatched by most countries. In the words of the Lord Chancellor “the expansion of the major UK law firms into new markets overseas seems to be unstoppable”. Still, the UK finds it necessary to reform their regulatory framework in order to maintain their leading edge in the international trade in legal services.

I am not for a moment suggesting that the proposed regulatory reforms in the UK are necessary or even suitable for our fused legal profession at this point in time. I am drawing attention to the UK developments to simply make the point that no country, however foremost it

may be in the provision of local and foreign legal services, can avoid reforms to better position its legal services sector in an increasingly competitive global economy. The UK example also highlights the importance of being forward looking in a rapidly changing environment. Unlike the UK, our legal services sector presently does not have the critical mass. The pre-eminence of English law as the preferred law in the commercial world is also a competitive advantage that we presently do not possess. Nevertheless, we are no less forward looking than the UK in our own efforts to become a leading regional, if not a global, provider of legal services.

In August last year, the Government accepted the key recommendations of the Third Committee on the Supply of Lawyers to increase the number of lawyers. This has been necessitated by the acute shortage of practising lawyers, coupled with enhanced demand for legal services due to regional economic growth. To address these challenges, Singapore will have a second law school in the Singapore Management University. In addition, Singapore citizens and permanent residents who graduated from recognised overseas law schools with second class lower division honours or equivalent can now practise law upon meeting certain conditions. This move is greatly appreciated by those who just missed the required class of degree, as it gives them a second chance to fulfil their aspirations for legal practice.

These supply-side measures will ultimately increase our pool of lawyers. But the Bar must still address the worrying trend of its dwindling numbers in the last five consecutive years. The legal profession must continue to explore effective ways to minimise the attrition rate of young lawyers who are in practice or have just joined the Bar. Law firms that are able to harness the benefits of an improving economy should seriously consider restructuring their work and pay practices to make the conditions and rewards of legal practice more attractive. Those less able to do so can equally make reasonable efforts to help young lawyers achieve a better balance between working life and social and family life.

The legal profession must continue to explore effective ways to minimise the attrition rate of young lawyers who are in practice or have just joined the Bar. Law firms that are able to harness the benefits of an improving economy should seriously consider restructuring their work and pay practices to make the conditions and rewards of legal practice more attractive. Those less able to do so can equally make reasonable efforts to help young lawyers achieve a better balance between working life and social and family life.

A thinning Bar can be an early sign of an ailing profession. The identified causes of young lawyers leaving practice are stresses of practice, long hours, unrewarding pay, and perhaps unreasonable client demands. Could there be other deeper underlying causes? For instance, can it be due to a different mindset and expectation of a younger generation of law graduates? If so, should this be tackled at the undergraduate level or even earlier? Why do certain undergraduates choose a legal education without the aspiration of practice as a long term career choice, and are they in the majority? Or is it because the younger ones no longer see the profession as a noble calling due to the conduct of some black sheep that may have marred the image of the profession? These are important issues which should be considered by the Law Society, perhaps in conjunction with the law schools.

Pupil-masters can also do more to prepare pupils psychologically for transition into the real world of practice. Senior lawyers, especially those who have withstood the rigours of practice in the last 15 years, should by now have their mantra of how to effectively manage the stresses of practice. They can bring such useful knowledge and experience to bear on their pupils, who will no doubt benefit from their personal guidance.

I therefore urge pupil-masters to have greater interaction with, and be closely involved in the nurturing of their pupils. Pupil-masters should not only impart practical knowledge to their pupils, but should also play a role in shaping young lawyers' attitudes towards practice.

Beyond increasing the numbers to meet the growing legal services market, Singapore law firms have to improve the quality of their legal services so that they can compete effectively in the region. One way is for them to recruit high quality foreign legal talent to practise Singapore law in areas like banking, finance, corporate and regional work under a special scheme administered by my Chambers. The scheme will allow the blending of foreign and local legal expertise, so that consumers of our legal services can get the "best of both worlds". This will better position our outward-looking law firms for regional and even global competition. For this reason, the entry criteria for such foreign legal talent are high. Each application will undergo stringent scrutiny, and those who manage to come on board will be subject to continued oversight by my Chambers.

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Justice V K Rajah is undertaking a holistic review of our legal services sector and will propose measures to enhance Singapore as an international hub for legal services. This may cover among other things the promotion of Singapore law as the preferred law in commercial contracts, and the promotion of Singapore as the choice venue for international arbitration. I am confident that Justice Rajah's committee will present us with an even clearer picture of where we stand and the necessary strategies to take Singapore law and Singapore lawyers forward.

While the legal services sector is essential to our economy, of equal importance to the nation is the role played by the Singapore Legal Service. In

line with Singapore's aim to have an outstanding public service, a comprehensive review of the management and development of our Legal Service talents was undertaken last year. Legal Service officers are either appointed as district judges, magistrates, deputy public prosecutors or state counsel, or hold other appointments in government departments or statutory boards. They perform a critical role in our judicial and legal institutions. The attraction and retention of the right talent is therefore of utmost importance. The review covered areas such as recruitment, assessment, training, development, feedback, talent management, succession planning and exit management. The Review Panel's recommendations were accepted by the Legal Service Commission in October last year. The measures that are in place should provide each Legal Service officer with the opportunity to develop his or her potential to the fullest. This will in turn contribute to Singapore's continuing judicial and legal excellence.

The past year has also seen leadership renewal for the Judiciary and the Attorney-General's Chambers. During the period February to October, we have had a new Chief Justice, a new Attorney-General, a new and youngest ever Judge of Appeal, a new Supreme Court Judge, a new Judicial Commissioner and a new Second Solicitor General. The holders of these appointments are all known to you and need no further introduction. The renewal process shows that we are indeed at another significant turning point in Singapore's legal history.

In this context, a key area that requires refocusing and which is being done, is the administration of criminal justice. A 29 September 2006, *The Straits Times* article on the recent changes in our criminal justice system commented that while our courts seemed to have become gentler on crime, "We do not want to become too soft on crime either". Indeed, media reports and commentaries on the outcome of successful criminal appeals by defence counsel since May last year may have contributed to a perception that our courts have become more lenient to criminals than before. This perception is not necessarily correct. In my opinion, one should

see these developments as a timely refinement of our penal jurisprudence to ensure that the punishment fits not only the offence but also the offender, which is desirable in the wider interests of society. Your Honour, Chief Justice, is presently chairing a review panel to examine and rationalise the current practices on sentencing and on the granting of bail. Its report will no doubt set the future direction of the administration of criminal justice.

One of the fundamentals of Singapore's success is our firm commitment to the rule of law. Our laws are accessible, intelligible, clear and predictable. Questions of legal rights and liabilities mostly find resolution in this country by application of the law rather than the exercise of discretion. Save to the extent that differentiation is justified, everyone here is entitled to the equal protection of the law. Fundamental liberties are adequately protected in accordance with the law. There are various means to ensure that civil disputes are resolved without prohibitive cost or inordinate delay. Our public officials at all levels exercise powers reasonably and, if they are in doubt as to the limits of their powers, they invariably look to my Chambers as the first port of call. Even when powers are inadvertently exceeded, which is relatively rare, corrective measures are available.

In a country that observes the rule of law, it naturally follows that justice has to be administered independently and impartially in accordance with the law. Those in litigation practice know that in this country, it is the merits of the case that determine its outcome. The merits of the case in turn depend on the evidence and the law. The role of the judge is to interpret the law and apply it to the evidence to reach a logical and just conclusion. In the nature of things, especially in an adversarial system, the law cannot be in all parties' favour. Yet, from time to time, we never fail to get parties who, when the law is not on their side, criticise the judges for being unfair or, worse, accuse the whole judiciary of lacking independence.

Of course, some indefatigable critics have their own agenda to bring into disrepute key public institutions. There are those who consider that they have a right to break the law in order to

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make a political point or to ventilate a grievance they might have against the authorities. They are often encouraged by foreigners in the name of human rights. We should be wary of this. The rule of law means that all persons in Singapore are subject to the law, regardless of their political, ideological or religious affiliations. To allow certain individuals to flout the law is to undermine the very basis of the rule of law. Attacking the judiciary is easy, because judges here traditionally do not engage in public debate. Neither do they answer their critics directly. Unsubstantiated allegations, even if rebutted, can erode public trust in the administration of justice and shake their confidence in the rule of law. Respect for the law is something that we lose at our peril. Once respect is lost, it will take much time and effort to regain.

The response of our judiciary has been to render justice to whom justice is due, regardless of the standing or political persuasion of its critics. For the rest of us who are officers of the court, we have the duty to dispel any myths about the judiciary that can mislead the public. We should therefore rise and refute any scandalous and unfounded criticisms, and robustly defend the independence

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and impartiality of our courts, and the probity and integrity of our judges. Such criticisms against our judiciary there will always be, for as long as the critics do not achieve what they wish. I therefore hope that our Bar will continue to support our judiciary, as it did last year when it drew on its members' daily experience and with fairness and justice in the courts to counter a contemnor's baseless allegations.

Before I conclude, I would like to remember a retired member of the Supreme Court. He is Justice Lai Kew Chai, who retired from the Bench after 25 years of distinguished service. Unfortunately, soon after his retirement, he passed away. Justice Lai was known for his strong sense of fair play and unfailing courtesy. He was a friend and a colleague who was always prepared to take in arguments from a fresh perspective. In one case, he boldly departed from an established 1890 English authority so that his decision can "reflect the mores and sense of justice" of the Singapore society. That landmark ruling was later endorsed by the Privy Council in another case on appeal from Hong Kong. Justice Lai had made

significant contributions to the development of Singapore law.

Finally, in keeping with a tradition that has been in practice in these courts for some fifty years, on behalf of all the Legal Officers in my Chambers, let me renew our pledge to support Your Honours in the administration of justice and in upholding the rule of law. I also wish Your Honours, Mr Philip Jeyaretnam, and all members of the legal fraternity a healthier, happier and better year ahead.

SPEECH BY PRESIDENT OF THE LAW SOCIETY OF SINGAPORE

The Society celebrates its 40th anniversary this year. It was one of three great institutions to begin life in 1967, the other two being the Association of South East Asian Nations and national service. It started with about 250 members. Forty years later, the Society has 3,500. The growth of the legal profession has certainly out-paced the growth of our population, which has merely doubled, and this reflects how the Singapore Lawyer has proved greatly useful to business and to the public at large. The broader legal community has grown tremendously as well, with many finding fruitful



Mr Philip Jeyaretnam SC, President of the Law Society of Singapore.

and satisfying careers as corporate counsel in multinational corporations, financial institutions and elsewhere.

The second half of 2006 witnessed rapid expansion of business activity, driven by sharpened interest from foreign investors. Prospects for this year appear bright. The legal profession, having tightened its belt after 1997, must take advantage of the opportunities flowing into Singapore not just for our own sakes but also to facilitate the continued success of Singapore as a hub for business.

2007 will see implementation of a number of reforms that the Society has sought that will improve the business competitiveness of our firms:

- (a) First, the introduction of Limited Liability Partnerships or LLPs. All the consequential subsidiary legislation is now in force, and the Society is conducting briefings for firms on conversion. It is expected that the take up rate will be very high.
- (b) Second, permitting law practices to pay or receive referral fees not just to or from other Singapore law practices but also to or from foreign law practices as well. This will assist law practices to build alliances and networks with foreign law practices, and strengthen their ability to compete in the region.
- (c) Third, permitting law practices to admit partners or directors who are qualified only in a foreign law and not in Singapore law. This will also be important to facilitate the regional growth of our firms, as it will enable our firms to offer bright foreign lawyers career prospects without their having to re-qualify as Singapore lawyers. Our firms need to develop and strengthen their ability to offer assistance to clients, where appropriate, on foreign laws.

The Society has also worked with the Economic Development Board on tax incentives for law practices to grow regionally. We have worked on building the brand of the profession abroad, with missions and seminars in India, Indonesia and China, and memoranda of understanding with many Bars in Asia. The good work of the

Society in building international relations was re-paid when we hosted the Presidents of Law Associations Conference in August last year. It was highly successful, with record attendance. Highlights for the delegates included lunches hosted by the Deputy Prime Minister and by Your Honour, Chief Justice.

This year will bring to our shores in October the main conference of the International Bar Association. This is the premier event on the international legal calendar and represents a tremendous opportunity for the profession to showcase its strengths and skills, and highlight to the legal world the advantages of Singapore as a dispute resolution centre, a wealth management oasis and a financial hub. Council and the Secretariat will be kept very busy as we are the host organisation for the event. We are deeply grateful to the Ministry of Law for its assistance in planning for the event. The large law firms have pledged their support. Nonetheless, this is an opportunity not just for large firms but for all lawyers who will benefit from networking with foreign lawyers from across the globe.

The reputation of the Singapore Lawyer also depends on unquestioned integrity. Despite the Society's tightening the solicitors' accounts rules in early 2004, a defalcation of a record amount occurred in June 2006. Council was determined to tackle the problem. Three dialogue sessions were held with members generally, as well as many focused discussions. Views were taken from outside the profession as well, from banks, accountants, trust companies and the Consumers' Association of Singapore. Recommendations were developed that Your Honour, Chief Justice, broadly accepted. The Society will implement by the start of the next practice year (*ie*, 1 April 2007) a requirement that all withdrawals from a clients' account of \$30,000 or more will require a second signatory. If a firm is not able to comply with this requirement then it will not be allowed to receive or hold clients' monies in relation to conveyancing transactions. We will continue to encourage firms to give up having a client's account if they do not really need one. As an incentive, lawyers in any firm that does not have a client's account will not have to contribute to the compensation fund in the

year following. With this reform, the profession will have committed itself to stronger regulation than its counterparts elsewhere. It is paramount that we collectively restore the public's confidence in our integrity and honour as a profession.

Even as the profession strives to compete regionally and internationally, it must not forget its responsibilities to the ordinary people of Singapore. Commitment to *pro bono* work is a badge of honour that proves our collective worthiness to enjoy the rights and privileges of an independent Bar. Social responsibility is an integral part of our profession's good name and standing.

Last year I spoke about the Society's mission to facilitate access to justice, and to that end we established a committee to look into legal aid and *pro bono* work. That committee is co-chaired by Jimmy Yim SC and Malathi Das. It has completed a great deal of work, including extensive consultation not just with members but also with relevant government agencies and with voluntary welfare organisations and social workers. Its work has benefited from the support and advice of Judicial Commissioner Sundaresh Menon. The Committee has periodically reported back to Council, and is now finalising recommendations intended to be realistic and workable. One of its recommendations will be that every practising lawyer commit to 25 hours of *pro bono* work per year. Managing partners of the large law firms have indicated that they will support this goal. We understand that the Ministry of Law has also been reviewing the provision of legal aid and issues relating to *pro bono* work, and we are confident that the Society's efforts will find support from government, and that this initiative will prove to be a striking example of how the private and public sectors can work together towards a common goal. It is too early for me to announce details, but these should become available within the first quarter, after which the hard work of implementation will commence.

There are two understandable concerns about an increase in *pro bono* volunteers that I would like to deal with here. The first is that *pro bono* volunteers may not provide the same quality of representation as those serving fee-paying

clients, especially if they are providing *pro bono* services in a legal field different from the work they do for a living, as in a commercial lawyer providing assistance in a family law matter. We will expect individual lawyers and their firms to commit to providing competent service as if the client were fee-paying, a principle that we have implemented in relation to our Project Law Help scheme, a scheme that has been running for more than two years now. Moreover, this concern should be considered from the point of view of the litigant – I am sure that a needy litigant would rather be represented by a lawyer with limited experience in that field than have no representation at all.

The second concern is that increased *pro bono* work would deprive lawyers of work. This concern will be addressed by continued means-testing. Co-payment is another mechanism by which abuse can be deterred.

With proper safeguards in place, I am fully confident that the Society will be able to make a difference and so fulfil its mission of ensuring access to justice.

2007 will be my final year as President of the Society. I have been supported in my work by first-rate Vice Presidents, including Yap Teong Liang who stepped down at the end of last year. This year my Vice Presidents will be Michael Hwang SC and Malathi Das. My New Year's wish is that this year will be the year that the Singapore Lawyer shines for the whole legal world to see.

We look forward to strengthening and deepening co-operation, respect and camaraderie throughout the legal community. I now, on behalf of the Bar, renew our pledge to Your Honour, Chief Justice, of full and unstinting support to the Judiciary in the administration of justice.

I wish you too, Chief Justice, Justice of Appeal, Justices and Judicial Commissioner of the Supreme Court, Deputy Prime Minister and Minister for Law, the Attorney-General, Mr Chao Hick Tin, all members of the Law Society and of the broader legal community, in the legal and judicial service, at the Faculty, of corporate counsel and in foreign law firms, continuing good health to carry on the good work and shared purposes of all of us, devoted to the pursuit of law.

RESPONSE BY THE CHIEF JUSTICE

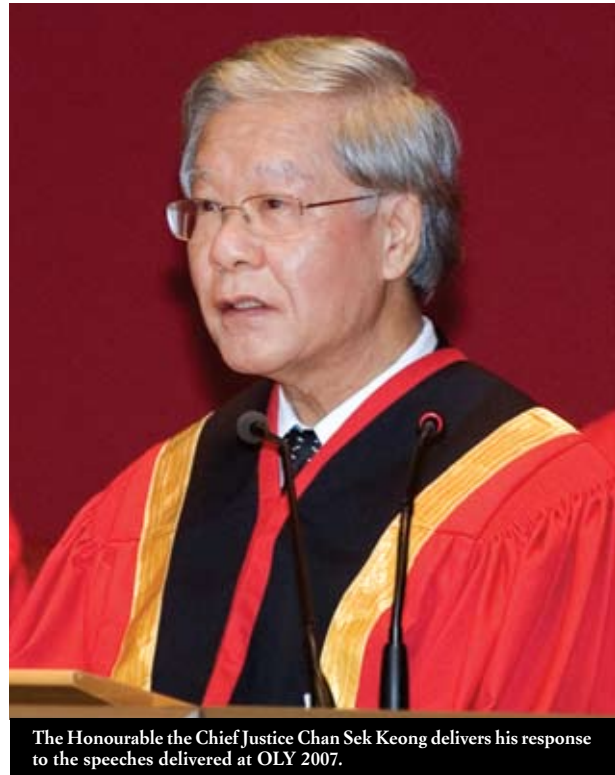
As this is my first speech for the Opening of the Legal Year as Chief Justice, it is fitting that I should begin by thanking all who are here this morning. Your presence and pledges of support for the Judiciary that you, Mr Attorney and Mr Jeyaretnam, have just expressed will sustain us in our role as custodians of the rule of law and dispensers of justice to all who seek justice from us.

At the Welcome Reference last April, I focused on certain aspects of the justice system in Singapore that required special care and attention, such as the imperative of efficiency in court administration, consistency and proportionality in sentencing, the fostering of a good working relationship between Bench and Bar, and developing Singapore law. We have made progress in these areas.

Maintaining efficiency in court administration

To ensure that there will be no retrogression, we have decided to set a benchmark for the disposition of civil cases, which make up more than 90% of the workload of the Supreme Court. Our target is the disposal of at least 85% of writ actions within 18 months of filing. We have selected writ actions in the High Court as the basis of this benchmark because, unlike other matters, they normally take the longest time to resolve. To achieve this benchmark, we will have to maintain a similar pace of disposal as that of the last few years. For writs filed during the period July 2004 to June 2005, the High Court was able to achieve the target disposal of 85% within 18 months of filing. This benchmark matches those of the most efficient courts in the developed countries, such as the Federal Court of Australia and the California State Courts of the United States.

Further, we will also monitor closely two other key performance indicators. The first is the clearance rate. In 2006, the clearance rate was 99%, with about 377,000 new matters filed and about 375,000 existing matters disposed of in the Subordinate Courts and the Supreme Court. This represents a slight improvement from the average clearance rate of 98% for the period 2003 to 2005. With the continued co-operation of the Bar, we should be able to maintain an equally high clearance rate this year.



The Honourable the Chief Justice Chan Sek Keong delivers his response to the speeches delivered at OLY 2007.

The second key indicator is the availability of trial dates. Hong Kong has a target of 90 days of setting down, while that of the Supreme Court of Victoria in Australia is 90 days for 80% of the cases on their general trial list. Our current target is within eight weeks or 56 days of setting down. In 2006, we were able to meet this target in both the Subordinate Courts and the Supreme Court.

Using technology to lower the cost of managing cases

We will continue to raise the efficiency of the court systems in the most cost-effective way. In the second half of this year, we will launch the Applications and Cases E-Management System. With our fondness for apt acronyms, we call this system "ACES". This IT system will electronically monitor every case against the timelines set by the courts. ACES will provide the courts with real time updates of compliance and non-compliance with timelines. With ACES in place, we can do away with pre-trial conferences where parties have complied with the timelines. Where PTCs are needed, we hope to conduct more of them through e-mail and reduce the need for physical attendances. In October last

year, we introduced a pilot programme known as E-PTC, which allows PTCs to be conducted by e-mail. We started E-PTC for Admiralty cases. This year, we will see if it can be extended to cover other kinds of proceedings. Freeing solicitors from having to attend PTCs in court will enable them to optimise the utilisation of their professional time. There will be an appreciable reduction in the economic cost to the courts, lawyers and their clients.

The Justice On Line system (“JOL”) currently in use in both the Supreme Court and Subordinate Courts will also be upgraded. JOL presently provides a web-conferencing platform for lawyers to communicate to the courts, clients and other parties. In 2007, an enhanced JOL 2 will be introduced to allow lawyers to present, share and edit documents online with other parties. JOL 2 will also offer a 3-G mobile phone service for lawyers to video conference with the courts whilst on the move.

Before moving to the next subject, I would like to congratulate the Subordinate Courts, which handle 95% of the judicial work in Singapore, for their impressive achievement for being awarded in 2006 the Singapore Quality Award for organisational excellence. They are the first State organ to receive this award. I should also mention that in 2006, the Supreme Court successfully renewed its Singapore Quality Class award for business excellence standards for a further three years.

Balance between justice delayed and justice hurried

We will continue to maintain a judicious balance between justice delayed and justice hurried. Last year we introduced the docket system to manage the more complex cases, such as the Prebone Yamane series of cases, the Asia Pacific Breweries and Chia Teck Leng series of cases, and some others. Under this system, interlocutory matters are heard before a dedicated registrar or judge, while appeals against interlocutory matters are heard by a dedicated trial judge. This system will reduce the reading time of the judge dealing with the case and increase his familiarity with the factual and legal issues as the case proceeds. In the Subordinate Courts, judges are assigned early under the Specially Managed Commercial

List for complex civil commercial cases to allow for a more effective management of such cases. In the area of trials, the Judges will continue to be pro-active in managing the trial process to achieve optimal economy in the presentation of evidence, with due regard to the complexity of the case. No counsel will be hurried or hurried in the presentation of his case.

Accessibility of the law and enhancement of the legal system

We also want to make our case law more accessible to the people and to the legal communities in other jurisdictions. In 2006 we introduced some measures to demystify the work of the courts and to enable the public to have greater access to court processes and decisions. We now post newly released judgments and information on court processes for the general public on both the Supreme Court and Subordinate Courts websites. We also started the practice of issuing media releases in plain English for important judgments of the Court of Appeal and the High Court. This will assist court reporters who have to work under tight schedules to digest the judgments and publish timely and accurate accounts of the cases in the media. The judgments and the media releases are also posted on the Supreme Court website.

With a view to enhancing our legal system, we have restructured the Singapore Academy of Law to focus on three strategic clusters of work – Legal Knowledge, Legal Technology and Legal Industry. The Legal Knowledge Directorate will provide a full suite of seminars and conferences to keep our lawyers updated on legal developments in the common law world. It will also embark on the publication of legal titles for the profession and law students. The first commissioned work, by Professor Jeffrey Pinsler on Professional Ethics, will be released in the middle of this year. The Legal Technology Directorate will build on our technology infrastructure. In a few months’ time it will launch LawNet 2, which will offer international materials. Users will be able to draw on judgments from the United Kingdom’s *The Law Reports* and *The Weekly Law Reports* as well as our *Singapore Law Reports*, using the same LawNet interface. The Legal Industry Directorate will work

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with all stakeholders to promote Singapore law internationally and the growth of Singapore as a regional legal hub. Their combined efforts will raise the professionalism and skills of Singapore lawyers, build a strong legal community and support Singapore as a legal hub for the region.

Criminal Justice

At the Welcome Reference last year, I announced the formation of a sentencing review panel. There has been much interest shown in its work. The panel's main objective in this exercise is to achieve consistency and fairness in sentencing and imposing bail. The panel has so far issued internal sentencing guidelines for the following Penal Code offences: s 304A (traffic deaths) and s 354 (outrage of modesty). Work has been completed on the guidelines for mentally disordered and intellectually challenged offenders, for persistently recalcitrant offenders, for s 6 and s 15 of the Immigration Act (long-term over staying and unlawful entry) and for s 42 of the Animals and Birds Act (cruelty to animals). The panel will try to complete the review of and the guidelines for the more prevalent offences within this year. I must emphasise that these are internal guidelines and how they will be applied will only be seen in the sentences imposed by the courts and the judgments they deliver. Sentencing is a complex and sensitive exercise which requires great skill and judgment on the part of the sentencing judge to arrive at an effective and fair sentence. It is not the aim of the sentencing review panel to promulgate a dominant or particular sentencing philosophy, but to guide the sentencing judge into taking into account all the relevant factors. The courts will continue to deal firmly, but fairly, with criminals, with the punishments imposed fitting the crime and the offender. As you have pointed out, Mr Attorney, this is "desirable in the wider interests of society".

Relationship between Bench and Bar

There is sufficient anecdotal evidence for us to believe that the current relationship between Bench and Bar, and here I include the Subordinate Courts, has never been better. We are members of a learned community, albeit in a rather narrow field of knowledge, but committed to providing the services that society needs for the enforcement and protection of civil and property rights of its members. We all have pledged to maintain the highest ethical and professional standards in the discharge of our responsibilities. Given these shared values and a common cause, that is to say, the cause of justice, it is natural that Bench and Bar should work together. More can be achieved in this way. In an article published in October last year entitled "Raising the Bar – Spotlight on changes in the legal system" (*The Straits Times*, 27 October 2006) Mr Jeyaretnam was quoted as having said that for lawyers, it will be "a joy" to appear before the court, knowing that judges will listen to their full arguments. Indeed, I do not believe that any judge or judicial officer has been remiss in this respect. It may be that, in the odd case or two, counsel may feel that he has not been given a full hearing, but that may only mean that the judge felt that he has heard enough. Certainly, in the Court of Appeal, we have been reading longer written submissions and sitting longer hours. We have also reserved more judgments to ensure that we address all relevant issues made in the written and oral pleadings. I have seen many leading counsel continuing to smile even when their clients' appeals were dismissed. We will continue to abide by the best traditions of the Bench: to listen and decide, in that order.

State of the Bar

Last year saw a spate of disciplinary cases involving lawyers from small firms. The nature of impropriety

disclosed by these cases suggests that the income gap between the medium and large sized law firms on one hand, and the small law firms on the other, is getting wider. The small law firms play an essential social role in supplying legal services to the poorer sections of the public. However, they have not benefited from globalisation and the fruits of Singapore's economic progress. They have yet to recover from the loss of scale fee conveyancing, as a result of which some of them have become beholden to real estate agents or even illegal moneylenders. This situation has become bad enough for some lawyers to get themselves entrapped by offers of legal work on a commission basis.

So, whilst there have been improvements in the quality of legal services, both in litigation and corporate practice, there is also cause for concern over the deterioration in professional values and ethics at the lower end of law practice. It is therefore imperative that the Law Society make a special effort this year to ameliorate the problems of the small law firms. The Singapore Academy of Law will also provide such assistance as they may need, such as a knowledge management service to help them to keep up with current legal developments. This year, the Academy will try to organise more workshops that will assist lawyers in smaller firms to improve their legal and client skills.

Errant Lawyers and Disciplinary Proceedings

Last year, the public standing and reputation of the Bar was severely damaged by a single act of embezzlement. The fact that a substantial amount has been reported to have been recovered in court proceedings is a happy development. But it will take many years for the Bar to regain the trust of the public, especially in the integrity of the small law firms to keep their clients' monies safe. In this connection, I note that the Law Society has taken steps to tighten up the procedures for the disposition of clients' monies by law firms. If the new safeguards fail to stem further embezzlements, the final solution is to bar lawyers from receiving clients' monies.

You, Mr Attorney, have mentioned that in the United Kingdom an independent Office of Legal Complaints has been set up to deal with consumer complaints against legal professionals. I agree

with you that our circumstances do not require such a radical change. However, we do need to speed up our disciplinary process. Our records show that the average time taken for disciplinary committees to complete their cases has doubled from 7.5 months in 2002 to 15.4 months in 2006. Two major reasons accounted for this. The first is the time taken to arrange for the four members of a disciplinary committee ("DC") to meet, and this is particularly difficult where the DC Chairman is a Senior Counsel. The second is the time taken for the DC to make its report, especially in a case where the Chairman is a Senior Counsel. We need to reform the structure of the DC. A working committee has already studied the problem and has made some preliminary recommendations. I will in due course convey my recommendations, after consulting the Law Society, to the Minister for Law for amending legislation, if necessary.

Pro bono work

At the Welcome Reference, I referred to the Law Society's proposal to promote *pro bono* work. I am pleased to note that the Law Society is now ready to start the scheme which, if implemented successfully, will greatly relieve the plight of those who cannot afford legal services. The Law Society is to be congratulated for its success in securing assurances from their members, especially those in the large firms, to provide 25 hours of *pro bono* work per year. These are generous commitments which can also be converted into financial assistance if for some reason or other the pledged services cannot be provided.

Senior Counsel

I come now to the appointment of Senior Counsel. At the Welcome Reference, I used the expression "noblesse oblige" to describe their obligations to the younger members of the Bar. This idea goes back more than 4,000 years to the Code of Hammurabi, c 1780 BCE, in the king imposing his obligation to provide recourse for all people before the law. So it is particularly apt for Senior Counsel to act as role models. In this connection, I would like to express my gratitude for the keen support of the Forum of Senior Counsel for the Specialist Judge scheme in the Subordinate Courts.

This year, the Selection Committee has decided to appoint three members of the Bar as Senior Counsel. In the order of precedence provided under s 31 of the Legal Profession Act, they are: (a) Sant Singh; (b) Nehal Harpreet Singh; and (c) Toh Kian Sing.

Election of Mr Yong Pung How as Fellow for Life of SAL

I am also pleased to announce the election by the Senate of the Singapore Academy of Law of Mr Yong Pung How as an Honorary Member and Fellow for Life of the Singapore Academy of Law. The full citation for this honour is found in the Singapore Academy of Law Annual Report. Here, I would read a portion of the citation:

“... the changes that have been brought about by Mr Yong Pung How over the last sixteen years have become so much a part of today’s legal landscape that it is easy to forget how different it once was. It is easy to forget that it required a man with great clarity of vision, resoluteness of character, and a tremendous talent for building systems, to bring all this about. ...Today, we honour him.”

Conclusion

This brings me to the concluding part of my speech. We believe that we have a justice system in which the public has confidence. In 2001, the results of an independent survey confirmed this belief. Last year, we commissioned another independent survey which was carried out between September and

October and involved interviewing a total of 1002 Singapore citizens and permanent residents from various walks of life. The results of the 2006 survey, as compared with the 2001 survey, are as follows:

- (a) 95% agreed that there is trust and confidence in the fair administration of justice in Singapore, up 3%;
- (b) 97% agreed that the court facilities and information about the courts are easily accessible, up 17%;
- (c) 97% agreed that the courts administer justice fairly to all regardless of language, religion, race or social class, up 6%;
- (d) 96% agreed that the courts administer justice fairly to all regardless of actions by or against individuals, companies or the Government, up 9%;
- (e) 95% agreed that the courts carry out justice according to the law without influence of others, no change; and
- (f) 95% agreed that the court dealt with cases in a timely and expeditious manner, up 7%.

We will continue to maintain an efficient and effective legal system. We will be able to do it easier if we have the full co-operation of the Bar and the Legal Service. I therefore look forward to your unstinting support as we dedicate ourselves to dispensing justice with fairness, impartiality and without fear or favour. Let me, on behalf of the Judiciary, wish you all a happy new year and thank you once again for being here this morning. ■

We will continue to maintain an efficient and effective legal system. We will be able to do it easier if we have the full co-operation of the Bar and the Legal Service. I therefore look forward to your unstinting support as we dedicate ourselves to dispensing justice with fairness, impartiality and without fear or favour.

SINGAPORE ACADEMY OF LAW: RESPONDING TO THE CHANGING FACE OF THE LEGAL INDUSTRY

The legal industry is going through major changes as leaders and members of the profession at policy and individual levels respond to challenges. Many of these challenges come from the vast opportunities available for young lawyers to succeed in arenas other than a law firm. A new generation has come up, technology savvy and mobile in their careers. An older generation holds on to time-honoured values of what it means to be a lawyer. Over the next few years, the Singapore Academy of Law itself will undergo a comprehensive reorganisation as it aligns its structure to new strategic directions adopted in August 2006. Serene Wee, Chief Executive of the Singapore Academy of Law, shares the impetus for such change, details of the reorganisation and how you may be able to contribute to the remaking of an industry.



Serene Wee, Chief Executive, SAL.

THE ACADEMY AS IT HAS BEEN ...

1. What was the Academy like in early years?

The Academy was formed in 1988. Back then, it had a restaurant in the City Hall, a facility that made us the envy of other bodies and set us quite apart from other institutions. Activities-wise, we had a bi-monthly newsletter, a number of well-run seminars, a biennial journal, did some law reform work, and held a year-end Bash that destroyed part of the Academy restaurant each time it was held. The Academy started off like any other membership body. It was a smallish set up.

2. How has the Academy evolved from the beginning till now? What have been the biggest changes?

Over the years we have managed to do

more. That's mainly because of the type of institution that the Academy is. The Academy is an umbrella body of the legal fraternity in Singapore, pulling together the Bench, the Bar, academics, legal officers, in-house counsel and legally-trained people working for large companies and businesses in Singapore. So, the institutional networking structures and talent base are strong. In many ways, work comes to us because of the Academy's leadership. The Senate is led by the Chief Justice, Attorney-General, Supreme Court Judges, Solicitors-General, and individuals at the forefront of all branches of the profession. The Academy has immense strength at the top.

The Academy has tried to respond to challenges facing the legal landscape, not

The Academy is an umbrella body of the legal fraternity in Singapore, pulling together the Bench, the Bar, academics, legal officers, in-house counsel and legally-trained people working for large companies and businesses in Singapore. So, the institutional networking structures and talent base are strong.

by just talking, but by creating programmes, services and facilities that mean something to the profession. Back in the 1980s, Singapore did not have a set of law reports. Local judgments were found in the *Malayan Law Journal*. Seeing the need for our own law reports series, the Academy started the *Singapore Law Reports* in 1992. In the beginning, production of the law reports was in partnership with a legal publisher. When we became stronger and more developed as an organisation, we became the publishers. It was not easy, at first, to produce a fortnightly series of law reports. We learnt a lot and continue to meet with new challenges, which provide new opportunities to learn and improve. The Academy also introduced the *Academy Digest*, pushing succinct summaries of every judgment issued by the Supreme Court and the Subordinate Courts for which there are written grounds of decision. It is a quick weekly update for the profession on the latest in case law. As our resources grew, we added new titles to our stable of publications such as the Academy's *Annual Review of Singapore Cases*. In fact, the last issue of the Annual Review covered some 20 areas of law.

Another well-known example of the Academy's work is LawNet's Legal Workbench. In 1997, when the idea was first mooted, everyone said, "What for? Who would want that service?" But we were convinced of the value of it, and thought it was worth the

investment of resources to organise all the primary sources of Singapore law under a single search engine. Today, more than 70% of the profession holds Legal Workbench IDs. If you are a one-man firm, you get unlimited 24-hour access to a professional database of Singapore law for \$60 a month. The value proposition is good.

In the area of continuing legal education, the Academy has been organising talks and seminars right from the start, so we have not done anything "new" here. However, over the years, the Academy has built up a number of signature events, such as the Annual Lecture, which is into its 14th year. Through this, we have had the privilege of hosting a line of distinguished speakers amongst whom have been Chief Justices from major legal jurisdictions around the world. We are particularly proud of the quality of our programmes. Much of it is a result of the careful thought and planning that goes into the selection of topics and speakers for all our lectures, seminars and workshops.

THE ACADEMY AS IT WILL BE ...

3. Describe some of the key challenges ahead.

The Academy has always had to ask itself: "What are we here for?" As an organisation, we never stop asking questions about our continued relevance to this profession and industry.

In recent years, it has become clear to everyone that this industry is undergoing

major changes, whether or not we like it. The tectonic plate of the economy is shifting and with it are macro and personal issues for the profession that need dealing with. The world today works at a speed that no one is able to control. Lawyers burn out at every level, experienced lawyers go in-house, and younger lawyers go regional. Legal content changes by the week. At the Academy's Strategic Planning Retreat in December 2005, ten of these key trends and challenges facing the profession were identified as requiring the focused attention of the legal community.

The Academy is placed in a position where we get a suite of good ideas coming forth to tackle these challenges. These come in waves, and when they come, you have to quickly put down what you are doing and listen carefully. People don't have all the time in the world to talk to you. The big challenge has always been to sort out the immediate and mid-term priorities for the Academy. There is ongoing work in the Directorate, with firm schedules for roll out of the work, and you cannot just divert resources from ongoing projects to new ideas without shifting deadlines. As with all sizeable work, we need good people. Finding and keeping good people is another huge challenge.

In 2007, we can expect to see some major shifts in the Academy's work. For a start, we have restructured the work of the Academy into three legal clusters and one corporate services cluster.

4. How will the Academy work to deal with these challenges?

Ultimately, it is about keeping to an undistracted agenda. This is a leadership role. We are fortunate in this respect, in that our bosses understand this aspect very well, so we have managed to avoid being torn into pieces. Talent-wise, the Academy relies heavily on the Judiciary and Legal Service officers. They form the central pool of people behind much of the thinking in the Academy's work. In the past, this has been in areas such as the law reports and LawNet. At another level, the law academics are active in our legal education and law reform work. As a next phase, the Academy will have to start bringing some key talents into its Directorate to anchor the work.

In 2007, we can expect to see some major shifts in the Academy's work. For a start, we have restructured the work of the Academy into three legal clusters and one corporate services cluster (see p 20).

As the Chief Justice has announced at the Opening of the Legal Year on 6 January 2007, we will have a Legal Industry cluster to promote Singapore as a regional hub for legal services and alternative dispute resolution ("ADR"), and Singapore law as the choice of law for regional commercial transactions. The strategic planning work of the Academy will also be carried out in this cluster. We need people who are broad in outlook here, who understand law and business issues and who can create institutional partnerships with our firms to use Singapore law and Singapore's ADR services.

We will also bring all our legal education, law reporting, legal publications, and legal research work into a Legal Knowledge cluster. This cluster will keep its finger on the pulse of the law, update the profession on new developments in the law, commission legal titles and grow an intellectual property repository for the profession. The Academy will need to fill the space in law reporting, legal writing and disseminating legal knowledge within the profession. We are

looking for people strong in the law, who can stand in the gap between the profession and academia.

Finally, we will have a Legal Technology cluster, for LawNet and to develop e-litigation services for the profession. In this area, we are looking for business process analysts; people who know how to put it all together in viable business models.

5. What does the Academy have in store in the new year?

As mentioned, work in 2007 is pretty much cut out for us. On the larger plane, we will be looking at programmes to expand the boundaries of the legal industry of Singapore, which will include the promotion of Singapore law and the development of Singapore as the regional legal services and ADR hub. At the more specific level of knowledge products, our plans include commissioning of new legal titles and investing in conferences that will upgrade the professional capital of our members. We will also be launching the LawNet 2 portal which integrates current LawNet content with the English law reports.

6. What are your aspirations for the Academy as an organisation, and the people who work here?

Given the nature of its Senate, I think the Academy is beginning to be looked upon for its role in strengthening the profession and development of an autochthonous legal system. Every institution must aspire to be continually relevant, to play a meaningful role, and we are no different. We learn a lot more by what people tell us, than by what we tell ourselves. So our channels are open.

7. What motivates people who work here?

The best people to ask would be the people who work here, so we did (see p 21). Generally, however, people who work here come from a certain crowd. There is a lot of interaction with the movers and shakers of this industry, and these are leaders who deal with macro issues.

Every institution must aspire to be continually relevant, to play a meaningful role, and we are no different. We learn a lot more by what people tell us, than by what we tell ourselves. So our channels are open.

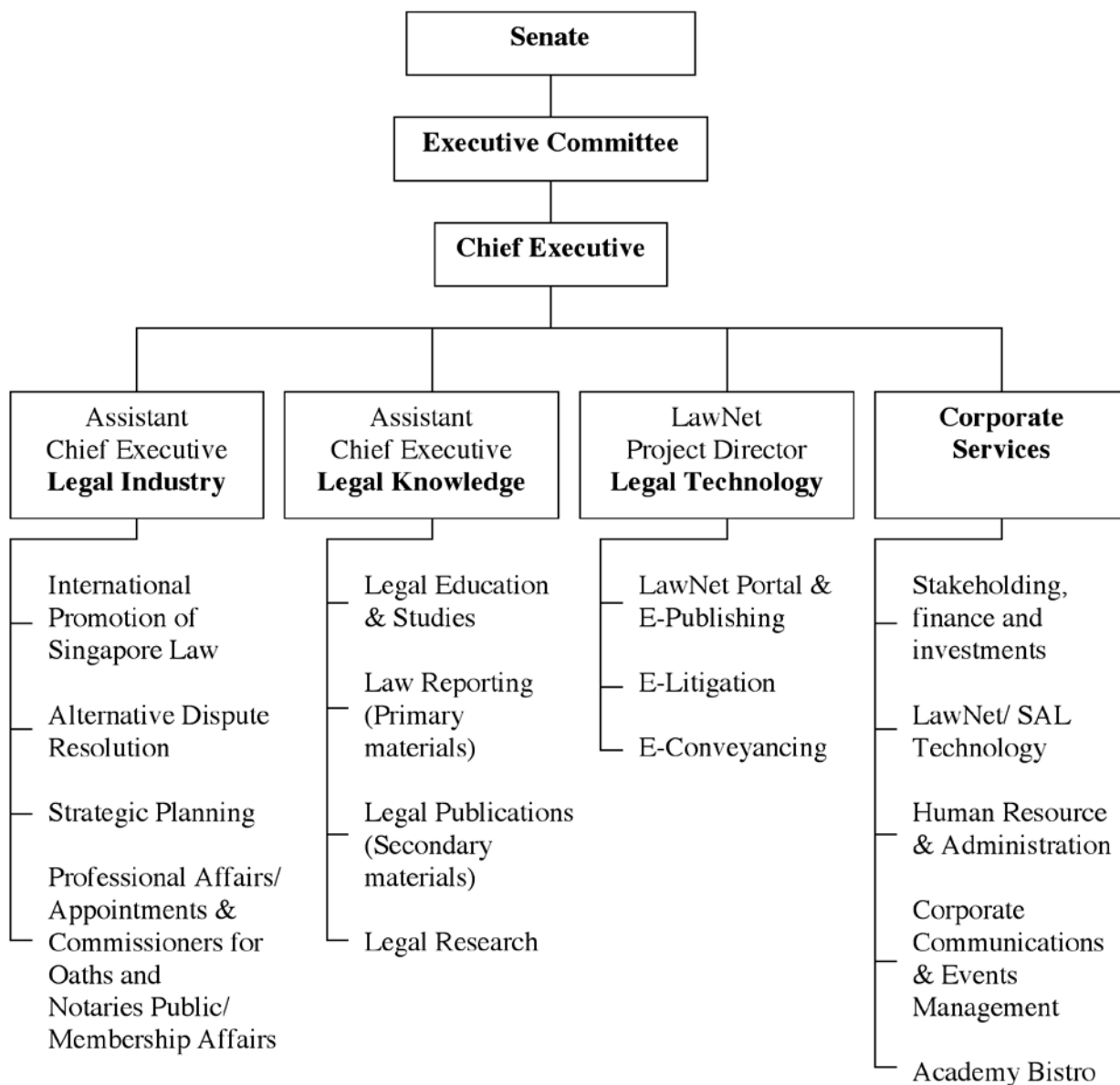
You have to like that. Our aspirations are to find and develop a group of young people who can be trained to work alongside these movers and shakers. They have to be trained to absorb large ideas, set up institutional networks and partnerships, and translate ideas into sustainable programmes and knowledge products for the profession.

We are looking for sustainability, the ability to go the long haul, so that our officers can be developed as subject matter experts. With this in mind, the Academy will pay close attention to salaries, career advancement and work-life balance issues. Our pay structures generally follow the Public Service, and are benchmarked to public organisations in relevant industries outside. Finding and retaining talents is a challenge in today's context. The job market is tight and there are only that many people in the pool that everyone wants to hire. If the work is worth doing, then it has to be a worthwhile career. At the end of the day, people must be paid fairly for a good day's work and be able to grow to a respectable level if they are good.

8. What keeps you awake at night?

I seldom keep awake at night. But I do think about things people say during the day, and how they say it.■

THE ACADEMY'S NEW STRUCTURE



PEOPLE MATTER(S) AT THE ACADEMY

By **FOO KIM LENG, SENIOR MANAGER, CORPORATE COMMUNICATIONS, SAL**

From a small set-up which was run along the lines of a social club, the Singapore Academy of Law has evolved into a professional organisation widely respected for its initiatives and programmes in raising the standard of law practice and in building a strong legal community. Much of this transformation is brought about by the calibre of its people and a work culture that encourages learning and exposure to new ideas.

The Academy Directorate has a staff establishment of 70, almost half in executive or managerial positions. Thirteen of the executive staff are legally trained and others have worked in multi-nationals with experience in marketing, communications and IT.

It wasn't always the case. Serene Wee, Chief Executive of the Academy, recounts how, when she joined the Academy in 1993, the organisation had only a handful of people. The majority of them worked at the Academy restaurant. "We had waiters in black bow ties serving tea and coffee. The Senate Room was stately. There was an air of courtesy, and people dropped by to say hello and for coffee. There was an old world charm about the place. It was a rarefied atmosphere," says Serene.

As the Academy has evolved into a service-based organisation, its work has become more diversified. This has made it necessary to attract a new crop of people, especially individuals from the legal

profession, who have decided to step out of practice to do something different. It has also meant finding ways to develop the talents of existing staff by offering new challenges and opportunities.

Loong Seng Onn, Director (Alternative Dispute Resolution/International Promotion of Singapore Law) started his career in litigation. "But after having my nose buried in innumerable case files, I was left with no doubt that I just didn't have the temperament for it," says Seng Onn.

After a short stint at the then Telecommunications Authority of Singapore, Seng Onn jumped at the opportunity to join the Academy when an opening was available for someone to take care of legal education.

Seng Onn notes: "The Academy provides an environment for people to grow in their jobs." In the last ten years, Seng Onn has moved from his role in legal education and now heads the Singapore Mediation Centre ("SMC"). An Accredited Mediator of the SMC, Seng Onn has mediated and resolved a great diversity of disputes. He remarks, "To me, few things are as meaningful as seeing the hurt, pain and anxiety melt away when a dispute is successfully settled."

Seng Onn is also one of SMC's main trainers and has conducted mediation workshops in Austria, Cambodia, Dubai, Malaysia, Malta, Fiji and the Philippines. In the next few years, there will be plenty of overseas assignments on Seng Onn's plate as SMC will focus its work on promoting Singapore's alternative dispute resolution services to the region.

Besides SMC, Law Reporting and Publications is



Loong Seng Onn, Director (ADR/IPSL), SAL.



Hung Ning Shing, Chief Editor, SAL.

another expanding area of work in the Academy. The Academy has nine legal editors working on various legal texts and the *Singapore Law Reports* (“the SLR”). The Academy is also currently revising all volumes of the SLR from 1965 which will be available in print in 2009.

In 2002, the Academy’s Council of Law Reporting was formed to oversee the crucial function of law reporting in Singapore and the Academy began to take responsibility for publishing the SLR which was previously outsourced.

Hung Ning Shing, Chief Editor, was involved in the formation of the Council of Law Reporting, followed by the in-house typesetting and publication of the SLR and the project to re-write the headnotes for and re-publish all judgments in the SLR from 1965 to 2002.

Like Seng Onn, Ning worked in litigation, in particular shipping litigation, for about three years and quit. “I didn’t like the stress of drafting urgent affidavits in the wee hours of the morning,” she says. But in 1999, when Ning joined the Academy, there was not much going on by way of in-house publications work apart from the *Singapore Academy of Law Journal* and the Academy newsletter. Ning Shing initially took charge of organising a variety of functions including legal education seminars and conferences, the Academy’s Annual Lecture and membership events. Today, as Chief Editor at the Academy, Ning edits and oversees the editing of High Court and Court of Appeal judgments as well as the Academy Journal and the *Annual Review of Singapore Cases*.

When asked what she best likes about working at the Academy, Ning replies: “For people who

don’t want to practise, the Academy offers roles where you can use your legal knowledge such as in legal publications, legal research and law reform. At the same time, you get to keep up-to-date with the latest developments in Singapore law.”

For individuals like Clifford Wong, Assistant Director (LawNet/E-Publishing), working at the Academy is the culmination of a varied career thus far. When asked about his job history, Clifford replies: “I started selling lemonade at the age of 8, on the front doorstep of my house, to all passers-by. However, my mother soon grew worried as this began to attract a number of unruly hobos and ragamuffins. After abandoning my dreams of becoming a soft drink magnate, I had short stints during my University career as a dotcom dreamer, professional coin flipper and a lonely hearts columnist. Degrees in literature and law landed me as the editor of a Human Rights Legal Journal and then onto SAL publications. The last three years have seen me relent on hardcopy, take an off ramp and turn onto the information highway in LawNet.”

The New Zealand born, self-confessed “sci-fi cyberpunk” leads a team which is preparing to launch LawNet 2, an improved version of the Academy’s legal research website that is currently used by more than 70% of Singapore’s practising lawyers. Clifford shares: “Landing a job at the Academy was a fortuitous opportunity in my life to spend an extended time in Singapore. I’ve always been a sci-fi cyberpunk and working in LawNet allows me to discuss widgets, 2.0’s, RSS and stuff which makes people’s on-line experience easier. ... I am really optimistic about what we can



Clifford Wong, Assistant Director (LawNet/E-Publishing), SAL.



Sherrie Lee, Assistant Manager, SMC.

achieve with LawNet 2. There are exciting new features which I think all users will appreciate.”

A vital part of the team at the Academy is, however, not legally-trained and bring with them a wealth of expertise in events co-ordination, marketing, and communications. Serene Wee notes: “Besides lawyers, we want to attract talents from other disciplines who see the possibility of a long term career with the Academy.”

Sherrie Lee, Assistant Manager, SMC, and Lina Tong, Senior Manager (International Promotion of Singapore Law) are examples of two people who have found the right fit in the Academy after having worked in communications and marketing jobs in various organisations in the private sector.

Despite her varied experience in advertising and marketing consumer products, Lina has found her greatest challenge marketing *SingaporeLaw*. “It is a ‘unique’ product that aims to increase the international profile of Singapore law and Singapore as a centre for dispute resolution. We do this through organising local and overseas events and activities such seminars, talks, roadshows, marketing campaigns and through our *SingaporeLaw* website. I enjoy interacting with people and this job offers me the best opportunity to work with both locals and foreigners. It has broadened my horizon and outlook,” says Lina.

Like Lina, Sherrie’s job as a trainer at SMC also gives her an opportunity to interact with people. SMC holds close to 40 training workshops a year, which are attended by local and overseas participants. Sherrie notes: “I had worked as a copywriter, a film reviewer and had taught English in China for a while. My job at SMC allows me

to draw on my previous work experience and to continue my interest in teaching.”

Both Sherrie and Lina, who have young children, also like the family friendly work culture that the Academy offers. Serene Wee points out: “There are opportunities for people to work on a part-time basis. Several of our legal editors are part-timers who have stepped out of practice because of family commitments, but still like to do some meaningful work.”

She adds: “While we place emphasis on quality and teamwork, we realise that people want to have balance over their work and personal life. They want to be competent, work in a civilised environment and produce high quality work, but they don’t want to be under an avalanche of unmanageable demands all the time, and they want to go home at a reasonable hour. If we don’t manage this well enough, people will get fatigued and disillusioned and they will leave and we have to start all over again.”

The Academy is evolving into an organisation that not only facilitates but creates new initiatives for the betterment of the legal community. It requires men and women of talent and determination to come forward with ideas and a willingness to work hard to turn those ideas into reality. Such individuals will not only be willing to contribute proactively, but will be willing to learn and grow with the organisation. They will find satisfaction in the knowledge that what they are doing will have a lasting impact on the community they serve. In return, the Academy will prove to be an organisation in which opinions are valued, ideas welcomed and the individual respected and duly rewarded for his or her contributions to the Academy’s vital role in the legal community. ■



From left to right: Lina Tong, Senior Manager (IPSL), SAL, in a candid shot with Elyse Ang, Editorial Co-ordinator (SLR (Reissue)), SAL.

THREE NEW SENIOR COUNSEL: THREE INTERVIEWS

By ANITA PARKASH, MANAGER (LEGAL PUBLICATIONS), SAL

At the Opening of the Legal Year in January 2007, the Honourable the Chief Justice Chan Sek Keong announced the appointment of three new Senior Counsel. In interviews conducted with Mr Sant Singh SC, Mr Toh Kian Sing SC and Mr Harpreet Singh Nehal SC, it became clear that hard work, dedication, and the support of loving family and understanding colleagues are essential ingredients in the achievement of professional excellence. To find out what makes this latest batch of Senior Counsel tick, read on.

MR SANT SINGH SC

Mr Sant Singh SC recounts how it is that he came to be involved in legal practice: “My late uncle was a solicitor’s clerk in the 1960s. During my school holidays, I used to accompany him to his office. Over the years I accompanied him to two different sets of chambers. This triggered off my interest in the law. In the early ‘60s, the law offices were located in the vicinity of Raffles Place and being treated to lunch was an added incentive.

After completing my ‘A’ Levels at Raffles Institution, I joined the Singapore Police Force as an Inspector of Police and was posted to the Central Police Station, which was then located at what is now 1 George Street and was opposite the old Subordinate Courts Building near Hong Lim Green.

The stint in the Police Force further fuelled my interest in the law and I then enrolled as a part-time law student at the University of London. I completed my degree and the Bar exams in 1973. Since then, I have practised both as a Deputy Public Prosecutor and a defence lawyer.”

Mr Sant heads his own firm, Sant Singh Partnership. In the 27 years since his move to private practice, he has appeared in civil and criminal litigation matters involving corporate crimes, duties and obligations of directors of private and listed companies, corruption cases, criminal law, civil litigation, and administrative and constitutional law.

When asked what skills he feels are necessary to excel at being a criminal litigator, Mr Sant replies: “Apart from the hard work and the perseverance, what is more critical is to analyse the case theory for each and every trial. It is this process of crystallisation of your thoughts that will enable



Mr Sant Singh SC.

“I was once told that practice is a marathon and not a sprint. Those who stay the course would reap the fruits of their labour.”

you to be focused in your cross-examination and presentation of the case. It also helps if one uses common sense and is also acutely aware of the nuances and the reception of your arguments by the Bench.”

Mr Sant’s passion for the law has manifested outside of the courtroom as well. He has tutored and lectured at the Board of Legal Education’s Postgraduate Practical Law Course, sits as a member of the Advocacy Committee of the Law Society of Singapore and was the Chairman of the Criminal Legal Aid Scheme Committee of the Law Society from 2003 to 2005. Litigation, however, remains his passion: “The most interesting aspect of litigation, especially criminal litigation, is that it is a very fluid process. A trial can start on a very firm footing and as it progresses, witnesses do not stack up or the court’s perception of the evidence may be different from yours. You therefore have to be constantly on your toes. There is also the satisfaction in being able to turn around a case.”

MR TOH KIAN SING SC

“I was once told that practice is a marathon and not a sprint. Those who stay the course would reap the fruits of their labour,” replies Mr Toh Kian Sing SC when asked if there is any piece of advice which he received as a young lawyer that has served him well in his career thus far.

If his curriculum vitae is anything to go by, that advice was taken to heart by the man who is an equity partner in the Shipping and Admiralty Practice Group at Messrs Rajah & Tann. Mr Toh is also actively involved in alternative dispute resolution. His ADR involvement includes being a member of the Regional Panel of Arbitrators of the Singapore International Arbitration Centre; an arbitrator appointed by China Maritime Arbitration Commission; and a Fellow at the Singapore Institute of Arbitrators.

Yet, his involvement in ADR has not taken away from his abilities as a litigator. He considers



Mr Toh Kian Sing SC.

the necessary ingredients of a good litigator to be “thorough preparation, familiarity with the evidence, a good grasp of the law as well as effective presentation of one’s case before the court”.

In the marathon race that is legal practice, Mr Toh shares his secret to battling burnout: “I engage in outdoor activities with my sons on weekends whenever I can afford the time. I have found these activities to be very useful in relieving mental fatigue. I take two holidays a year with my family to re-charge myself.”

Family, it is clear, is extremely important to Mr Toh, who credits his supportive parents, godmother, wife and children with his success. He goes on to stress the importance of understanding colleagues who help alleviate the pressures of

work. When asked if he has any advice for young lawyers who are struggling with the rigours of practice, he shares: “To avoid burnout, I have always encouraged assistants working with me to take short breaks in the course of the year (go somewhere by all means) and not to stay in the office late into the night unless it is really necessary. Also, don’t bottle up your frustrations – talk to your partner. He or she may be more sympathetic than you think.”

MR HARPREET SINGH NEHAL SC

Mr Harpreet Singh Nehal SC has his own special approach to dealing with the stress of practice: “For myself, I take every possible opportunity to unwind with and enjoy family and friends. On especially bad days, I have discovered the therapeutic pleasure of blasting Bon Jovi on my CD-player on the drive back home.”

When not rocking out to Bon Jovi, Harpreet (as he insists on being called) is at the top of his game as a corporate litigator with Messrs Drew & Napier, where he is a Director. His practice areas include disputes involving foreign joint ventures, commercial contracts, financial transactions, shareholder disputes, recovery of assets involving fraud or unconscionable conduct, ownership disputes over property and bank accounts, and company law. Professional success aside, it is clear that the man takes work-life balance very seriously: “No amount of professional success makes up for failure in the home. My wife and four kids mean the world to me. I have tried and still try, with increasing difficulty, to balance the demands of practice and family life.”

Besides feeling deeply honoured at being appointed Senior Counsel, he notes: “To me, appointment to SC marks the beginning of a different chapter of my practice. The appointment will bring substantial new opportunities, and also added challenges and demands. Some things, though, will not change – in particular, I see a lot of continuing hard work ahead trying to improve even further on the standards that my team and I have delivered so far.

On a personal note, the appointment has meant a lot to my family, in particular my father. He is a pre-war Sikh immigrant to Singapore, was



Mr Harpreet Singh Nehal SC.

orphaned as a child, grew up poor and uneducated in Punjab, worked as a night watchman all his life to support his family and just wanted life to be better for his children. The emotion he felt at the appointment of his son to Senior Counsel was priceless.”

Harpreet candidly lists wild rollercoaster rides, real-life stories of Davids defeating Goliaths, low-flying F16s, the National Pledge, opposition rallies, the National Pledge recited at opposition rallies, and laughter as things which inspire him creatively and spiritually. Asked what principles have guided him in the practise of his profession, he replies: “I have tried to give of my best in every case. I think every client of mine, irrespective of means, is entitled to that level of service and representation. I am a firm believer of the adage that success is 90% (if not more) perspiration, and 10% inspiration.”

Inter Se congratulates Mr Sant Singh SC, Mr Tob Kian Sing SC and Mr Harpreet Singh Nehal SC on their appointments and wishes them the best. ■

A GIFT FROM THE HEART OF THE LEGAL PROFESSION

By **SHERINA CHAN, ASSISTANT MANAGER, MEMBERSHIP RELATIONS AND CORPORATE COMMUNICATIONS, SAL**

Over a hundred underprivileged children from the Marine Parade Family Service Centre (“the MPFSC”) had their Christmas wishes fulfilled, within 24 hours, by members of the Singapore Academy of Law (“the Academy”). This heartwarming act of generosity on the parts of members of the legal community during the festive season was in conjunction with the first ever charity event organised by the Academy. In addition to granting the children’s wishes, members of the Academy also donated over \$27,000 in cash and book vouchers to the MPFSC.

The gifts were presented to the children after an evening of fun, games and lots of ice-cream hosted at the Supreme Court on Friday, 8 December 2006.

The Honourable Justice Lai Siu Chiu, who chairs the Academy’s Membership and Social Committee which was responsible for organising the event, was present to start off the evening’s activities. Justice Lai remarked: “We are deeply honoured to have the opportunity to help make the wishes of over a hundred children come true. We applaud the special work of the MPFSC and hope this project will inspire further support for the important task of bringing joy to a child’s life during a difficult time. Because despite the rhetoric about donor fatigue, despite the fact that we’re supposed to have lost our sense of community – most of us remain united in our desire to help.” She then added: “The spirit of Caring and Giving should always prevail



A group photo for the picture album!



The kids take in the spectacular view from the Supreme Court viewing gallery.



Supreme Court and SAL staff were on hand to help serve up the food ...



... and dish out the fun.



Ice cream helped to put smiles on faces ...



... and so did one very colourful magician.



But the bestest part of the evening was when Justice Lai Siu Chiu and Santa handed out presents to all.

in our society. In so doing, we ensure that the less fortunate are always taken care of and not neglected as they are also part of our society.”

The children from MPFSC, on what was their very first visit to the Supreme Court, were given a tour of the building. A buffet dinner and a private screening of the animated movie “The Incredibles” in the Supreme Court Auditorium followed. The rest of the evening was filled with henna

and face painting, a magic show and a variety of games prepared by staff from the Academy who also volunteered as ushers for the evening. As testament to the fact that you can never be too old or too young to learn and practise compassion and generosity, children of members of the Academy were in attendance as “buddies” to their invited guests.

After the planned activities, the children

gathered around the 17ft Christmas Tree set up in the Supreme Court atrium (another first) for a round of exuberant picture-taking; memories to last. The Academy would like to thank the MPFSC for the opportunity to work with it to bring festive cheer to some very precious children. The Academy

is grateful to the sponsors who helped make this event possible. Most of all the Academy would like to extend its warmest thanks to its many members who came forward in true Christmas spirit with their generosity and compassion to make this a Christmas to remember for all involved. ■

About MPFSC

The Marine Parade Family Service Centre (“the MPFSC”) is not merely a welfare organisation. It is a catalyst within the community to actively contribute to the betterment of community life. Since its doors opened in October 2001, it has been serving residents of all ages in the areas of Marine Parade, Geylang and Joo Chiat. The MPFSC’s main work is in helping children and young persons from low-income and/or single parent families to function better amidst adversities at home such as unemployment, disability and/or debt. For its first charity event, the Academy chose to work with the MPFSC because it recognises the particular importance of supporting young people in need as they mature into adults that are passionate and compassionate.

About the Christmas Tree

The Christmas Tree was decorated by the Asian Civilisations Museum Design Unit as a donation to the event. The signature six-arrow Snow Flake decorations on the tree were chosen to represent Love, Sharing, Giving, Joy, Community and Blessings. Each plastic mirror snow flake reflects the lights which bedeck the tree creating an interesting and unique visual treat and is inspired by the glass motif of the Supreme Court building.

GOODBYE 2006! HELLO 2007!

By **SHERINA CHAN, ASSISTANT MANAGER, MEMBERSHIP RELATIONS AND CORPORATE COMMUNICATIONS, SAL**

The year-end bash jointly organised by the Singapore Academy of Law and the Law Society of Singapore is an annual event organised to mark the unofficial completion of the legal year. The event is well-attended by members keen to renew ties with friends and colleagues. The bash held at the end of 2006 was no exception. Some 90 members of the legal community turned up to say “out with the old and in with the new year” – early! The event was held at the appropriately festive Penny Black pub on 22 December 2006. Revellers celebrated the end of 2006 in the company of friends and fuelled by a free-flow of beer and a mouthwatering spread of finger food to chase the post-beer attack of the munchies away. But what is the festive season without brightly-coloured packages

tied up with ribbon? A lucky draw was a merry (Christmas) touch to the night’s merry-making and five members walked away with prizes ranging from bottles of fine wine to a table soccer set. Here’s to a new year filled with hard work and great fun! ■



LAWNET 2: MORE DONE IN LESS TIME

By CLIFFORD WONG, ASSISTANT DIRECTOR (LAWNET/E-PUBLISHING), SAL

In the first half of 2007, the LawNet Secretariat, under the auspices of the Singapore Academy of Law, will be proud to launch the newly revamped LawNet portal. This revamp is the culmination of two years of consultation with practitioners and extensive website re-design. Heralded as “LawNet 2”, the portal will feature a complete refresh in look, functionality and technology. It will come with all the usual bells and whistles prevalent in the Internet today. Such features include e-mail alerts and customisation

options such as the ability to change colour and font size of the user interface, and choose what information to view. LawNet 2 is geared towards allowing its users to get more done in less time.

ENGLISH CASE LAW AND MORE

Of note, the Secretariat, working with Justis Publishing Ltd and the Incorporated Council of Law Reporting for England and Wales (ICLR) have integrated the legal research databases in LawNet 2 to allow the user to search and view the

full texts of English judgments published in *The Law Reports* series from 1865 and in *The Weekly Law Reports* from 1953 onwards. Additionally, a single search action will allow users to conduct searches and retrieve information on any subject or any document filed in the Supreme Court, Subordinate Courts or with ACRA. This functionality has been organised under the Due Diligence module.

INFORMATION COMES TO YOU

Researching a case which discusses Singapore legislation? Instead of having to access the versioned legislation database separately, a link to the most current version of legislation will be available in the case-view itself so that legislation references may be explored with a simple mouse click.

Stumbled across a case and need to follow it up with some background research using

The screenshot displays the LawNet 2 homepage with a navigation bar at the top containing 'HOME', 'LEGAL RESEARCH', 'DUE DILIGENCE', 'FREE RESOURCES', and 'ADMIN'. The main content area is divided into several sections:

- Legal Research Simple Search:** A search interface with a text input field, a search button, and checkboxes for 'Singapore Cases', 'English Cases', 'Reference Material', 'Legislation', 'Treaties', and 'Parliamentary Reports'.
- Citation Search:** A search interface for 'Singapore Law Reports' with fields for 'Year' and 'Volume', and a 'Search' button.
- Due Diligence Simple Search:** A search interface with fields for 'File Ref. No.', 'Case Number', 'Case Type', and 'Case No.', and a 'Proceed' button.
- Latest Updates:** A table listing recent updates with columns for 'Publisher', 'Citation', 'Title', and 'Category'.
- References:** A table listing references with columns for 'Publisher', 'Citation', 'Title', and 'Category'.

The 'Latest Updates' table contains the following data:

Publisher	Citation	Title	Category
01 Feb 2007	[2007] 5050P-4	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-5	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-6	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-7	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-8	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-9	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-10	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-11	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-12	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-13	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-14	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-15	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-16	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-17	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-18	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-19	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-20	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-21	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-22	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-23	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-24	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-25	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-26	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-27	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-28	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-29	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-30	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-31	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-32	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-33	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-34	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-35	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-36	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-37	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-38	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-39	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-40	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-41	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-42	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-43	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-44	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-45	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-46	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-47	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-48	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-49	26 Feb 2007 - 2007-10	Decisions
01 Feb 2007	[2007] 5050P-50	26 Feb 2007 - 2007-10	Decisions

The 'References' table contains the following data:

Publisher	Citation	Title	Category
01 Feb 2007	Legal Bulletin, Allen & Unwin, January 2007 (7)	2007 products public consultation on draft Income Tax (Amendment) Bill 2006 to implement Budget 2006 tax changes	Legal Updates
01 Feb 2007	Legal Bulletin, Allen & Unwin, January 2007 (10)	2007 releases new rules for the issue of UK-UK Corporate Records	Legal Updates
01 Feb 2007	Law Gazette, January 2007 (3)	2007 releases new rules for the issue of UK-UK Corporate Records	Legal Updates
01 Feb 2007	Law Gazette, January 2007 (4)	2007 releases new rules for the issue of UK-UK Corporate Records	Legal Updates
01 Feb 2007	Singapore Arbitration Act, January 2007 (4)	2007 releases new rules for the issue of UK-UK Corporate Records	Legal Updates

The LawNet 2 homepage.

secondary materials? From 2007, LawNet will link cases cited in secondary materials with the relevant cases wherever possible. This will allow users to more effectively follow up on cross-references between primary and secondary materials when conducting research in the LawNet 2 portal.

Need to retrieve more than one case, all dealing with similar areas of the law? With LawNet 2, users will be able to browse using an abbreviated subject tree which only displays the relevant legal branches according to available content.

LEGAL WORKBENCH TOOLS

In addition to added ambient information and links, tools have been created to make information management more efficient in the LawNet 2 portal. Users will be able to use the Client Tracker functionality to track time spent

researching in the portal on a client-specific basis. This information can then be stored as a downloadable record. Further, users will be able to save searches made to keep them in view for reference or follow-up at a later date. Users can also choose to be reminded to reconduct a search. A bookmark feature in LawNet 2 will enable users to bookmark pages within or outside of the portal and to view their search trail as yet another way of keeping track of research done in the portal. This will allow for a more focused and efficient research methodology allowing users to get more done in less time.

The LawNet Secretariat will be conducting a limited number of complimentary training seminars on the use of LawNet 2's new features prior to its launch in the first half of 2007. Details of the training seminars will be sent to members via e-mail. ■

NEW DRESS FOR AN OLD VICE: SHOULD SINGAPORE BE AN ONLINE GAMBLING HUB?

By **DAREN TANG, STATE COUNSEL, INTERNATIONAL AFFAIRS DIVISION,
ATTORNEY-GENERAL'S CHAMBERS¹**

In 2005, Singapore took the unprecedented step of lifting its longstanding ban on casinos. Two operators, Las Vegas Sands and Genting International, have already been chosen to be our casino operators, and the first "integrated resort" is slated to open in 2009. However, what may have been obscured in the casino hoopla of the past two years is the increasing popularity of online gambling.

Although bricks-and-mortar establishments are streets ahead in terms of market share, online gambling (which currently takes up about 5% market share of the US\$250bn-a-year gaming industry) promises spectacular profit growth. The London Stock Exchange-listed PartyGaming grew its profits

over a three-year period from US\$5m in 2002 to a stunning US\$293m in 2005.² The only other online companies that can match these figures are top-tier names like Amazon and Ebay.

Online gambling sites first appeared in the mid-1990s. Growth in those early days was largely propelled by the United States market. However, US authorities have been clamping down on such sites since the late 1990s and on 16 October 2006, President George Bush signed into law a Bill which essentially prohibits banks and credit card companies from transacting with online gambling operators. Operators have therefore been forced to accelerate their diversification into new markets. Clearly,

¹ This paper contains the author's personal views and does not reflect those of the Attorney-General.

² "Busted Flush" (5 October 2006), available on the Economist.com website at <http://www.economist.com/business/displaystory.cfm?story_id=7997055> (accessed 10 January 2007).

As a matter of law, gambling in Singapore is essentially governed by two Acts – the Common Gaming Houses Act (Cap 49, 1985 Rev Ed) (“the CGHA”) and the Betting Act (Cap 21, 1985 Rev Ed) (“the BA”).

Internet-savvy Singapore will be one of their targets. But will Singaporeans take to online gambling?

As a matter of fact, Singaporeans are already no strangers to online gambling. According to Peter Kjaer, chief executive officer of MrHo888.com, Singaporeans already contribute 5% of turnover to the website – equal to the number of bets placed from the *whole of* North America.³

It is no national secret that the average Singaporean enjoys gambling. He spends about US\$940 a year on it, about three times as much as the average American (US\$320).⁴ A recent nationwide survey conducted by our National Council on Problem Gambling showed that 59% of respondents had participated in at least one form of gambling activity in the 12 months prior to the survey.⁵

Given the Singaporean penchant for gambling and Singapore’s high Internet penetration rates, it may be reckless to wager against online gambling eventually establishing itself as an alternative to current forms of gambling. But given that Singapore is also an IT hub, should we take a cue from our casino policy and promote ourselves as a hub for online gambling?

For a start, such a move would certainly be cheered on by the online gaming industry, which

has already expressed the view that Singapore will be the perfect hub for online gambling in Asia – a position currently held by the Philippines.⁶ However, any gambling related issue will require careful consideration in view of its broader social ramifications.

As a matter of law, gambling in Singapore is essentially governed by two Acts – the Common Gaming Houses Act (Cap 49, 1985 Rev Ed) (“the CGHA”) and the Betting Act (Cap 21, 1985 Rev Ed) (“the BA”). Although both were drafted before the days of the Arpanet,⁷ it is arguable that they are broad enough to cover a range of localised online gambling activity.

In particular, s 7 of the CGHA prohibits gaming in a “common gaming house”, whilst s 8 prohibits gaming in a “public place”. Therefore, if members of the public go to an Internet café to indulge in online gaming, they will be caught, at the very least, under s 8 of the CGHA. The operator of the Internet café may also have committed a violation under s 8(3) of the CGHA, which imposes criminal liability on the person in charge of any public place used for gambling. These laws may help to account for the fact that, thus far, no online gambling operators have set up shop in Singapore.

³ MrHo888.com is set up by the daughter of Macau gaming tycoon, Stanley Ho. See “Singapore Could be a Major Online Casino Hub” (28 July 2006) available on the Casinomeister website at <http://www.casinomeister.com/news/july2006/online_casino_news4/SINGAPORE-COULD-BE-A-MAJOR-ONLINE-CASINO-HUB.html> (accessed 10 January 2007).

⁴ See Wayne Arnold, “The Nanny State Places a Bet”, *The New York Times* (23 May 2006) available on The New York Times website at <<http://travel2.nytimes.com/2006/05/23/business/worldbusiness/23casino.html?pagewanted=1&fta=y>> (accessed 10 January 2007).

⁵ See “Survey on the Perceptions and Attitudes Towards Gambling Issues in Singapore”, *Report by the National Council on Problem Gambling* (September 2006), released on 2 October 2006, available on the National Council on Problem Gambling website at <http://www.ncpg.org.sg/research/NCPG_PE_Baseline_Survey_Report.pdf> (accessed 10 January 2007). These figures were higher for the Chinese and Indians (69% and 51% respectively) than for the Malays (9%), confirming the perception that the Chinese are the most avid gamblers in Singapore.

⁶ According to a news report by MSNBC, Macau intends to muscle in on this in the near future. See Mike Bruner, “Internet Gambling Making Waves in Asia” (26 February 2004), available on the MSNBC.com website at <<http://www.msnbc.msn.com/id/4311924/>> (accessed 10 January 2007).

⁷ Arpanet stands for the Advanced Research Projects Agency Network. It is the predecessor to the Internet and was developed by the US Department of Defence in the late 1960s.

Complications arise when online gambling is conducted in the privacy of one's home (or office) and when the user accesses offshore websites hosted by servers located overseas as well. Unlike the Computer Misuse Act (Cap 50A, 1998 Rev Ed), both the CGHA and the BA are not given extra-territorial application. At best, it can be said that the application of our laws in this scenario is unclear. It is also important to bear in mind that it is virtually impossible to police the private surfing of online gambling sites. Most enforcement and regulatory authorities will therefore focus their efforts on cutting off "supply" instead of "demand".

Even so, enforcement difficulties abound. Authorities seeking to prosecute operators of gambling sites overseas will have to seek extradition or wait until such operators enter local jurisdiction in order to effect arrest.⁸ It is also worthwhile to note that the Internet Code of Practice issued by the Media Development Authority (and which applies to both Internet Service and Content Providers) focuses on pornography, violence and racism, but does not mention gambling.⁹

Other countries also face similar dilemmas. Broadly, three types of responses can be discerned. The first is to ban the very act of online gambling, therefore targeting "demand" (typically in conjunction with restricting "supply"). Hong Kong did so in 2002, although, as pointed out above, the enforcement difficulties are immense.¹⁰

The second approach, adopted by the US, is to create transactional obstacles for online gambling

operators by prohibiting banks and credit card companies from doing business with them. However, critics feel that such a move will be ineffective and will only drive the provision of online gambling services into the hands of the more disreputable operators.¹¹

The third approach – regulation – is argued by its supporters to be the most realistic response to the problem of online gambling. Better to regulate and ensure that operators are properly audited than to drive them underground by banning them (it probably doesn't hurt that operators will also pay substantial licensing fees). The most famous proponent of this approach in recent years is the United Kingdom. However, unbridled support for this option must be tempered by the example of Australia, where the Federal government had to pass a law in 2001 to stop States from issuing online gambling licenses after increasing public concern over the problem of gambling addiction.

In Singapore, we have been cautious in our approach to online gambling. We have not taken an unrealistic enforcement burden upon ourselves, nor have we gone down the path of full regulation. Perhaps this is a consequence of the fact that online gambling has had a minimal impact on our society – so far. In the Mahabharata, the Pandavas lose their kingdom and go into exile for 12 years after losing a game of dice to the Kauravas. Whilst the stakes are perhaps not as high here, it is important that we monitor developments in the area of online gambling closely and react appropriately – lest the dice becomes loaded against us. ■

Daren Tang is currently a State Counsel with the International Affairs Division of the Attorney-General's Chambers, and a member of a group of officers in the Legal Service (the Tech Law Core Group) who focus on issues relating to technology law. He recently obtained his LL.M. from the Georgetown University Law Center, where he was also a Fellow of the Institute of International Economic Law.

⁸ Perhaps the most famous incident of this nature is the arrest of Jay Cohen in 1998. Jay Cohen, a US citizen, established an online sports betting site called "World Sports Exchange" in 1997 from Antigua. In 1998, he was indicted under the US Wire Act, and arrested when he returned to the US that same year. He was subsequently sentenced to 21 months' jail and fined US\$5000. See *United States v Cohen* 260 F 3d 68, 76 (2d Cir 2001).

⁹ The "Internet Code of Practice" issued by the Media Development Authority (MDA) is available on the MDA website at <http://www.mda.gov.sg/wms.file/mobj/mobj.497.internet_code.pdf> (accessed 10 January 2007).

¹⁰ A news report by MSNBC seems to indicate that online gambling operators are still taking bets from Hong Kong residents, despite the prohibitions: *supra* n 6.

¹¹ See recent comments made by UK Culture Secretary, Tessa Jowell, as reported in "US Gambling Law Flawed – Jowell" (27 October 2006), available on the BBC News website at <http://news.bbc.co.uk/2/hi/uk_news/politics/6090358.stm> (accessed 10 January 2007).

LEGISLATION WATCH

By JOYCE CHNG AND EMILY TEO, LEGISLATION DIVISION, ATTORNEY-GENERAL'S CHAMBERS

[Note: A complete and detailed list of legislation may be found online at http://www.sal.org.sg/media_newsletter.html]

Bills introduced in November 2006

The **Banking (Amendment) Bill** (No 13/2006) seeks to amend the Banking Act (Cap 19) for the following main purposes:

- (a) to expand the regulation of credit card and charge card businesses of banks and other institutions;
- (b) to empower the Monetary Authority of Singapore ("the Authority") to appoint its officers to exercise its power to grant or revoke exemptions on a case-by-case basis under specified provisions of the Act;
- (c) to expand the power of the Minister and the Authority to obtain information from a bank, a financial holding company or a shareholder (or any person who appears to have an interest in any share) of a bank or financial holding company;
- (d) to empower the Authority to require a bank within a class of banks to maintain additional cash balances above the minimum cash balances specified for that class of banks if the bank poses greater supervisory concerns and for the Authority to impose a financial penalty (to be prescribed by the Minister) on a bank for a breach of any requirement to maintain minimum cash balances; and
- (e) to expand the powers of the Authority to deal with a distressed or an insolvent bank.

The **Bill also makes consequential amendments to the Companies Act (Cap 50) and the Deposit Insurance Act 2005** (Act 31 of 2005).

The **Trade Marks (Amendment) Bill** (No 15/2006) seeks to amend the Trade Marks Act (Cap 332) for the following main purposes:

- (a) to provide for an application for registration of a trade mark to be divided into two or more separate applications for registration of the trade mark, so as to enable Singapore to give

effect to Art 7 of the Singapore Treaty on the Law of Trademarks;

- (b) to enable a person to make a single application for the registration of a series of trade marks in respect of goods or services belonging to two or more different classes;
- (c) to remove the mandatory requirement for the Minister to consult the Intellectual Property Office of Singapore before he makes any rules under s 108 of the Act; and
- (d) to enable the Minister to make rules for the extension of any time limit which has not expired, and for the reinstatement of certain matters where there has been a failure to comply with a time limit, as so to enable Singapore to give effect to Art 14 of the Singapore Treaty on the Law of Trademarks.

The **Income Tax (Amendment) Bill** (No 19/2006) seeks to implement the income tax changes announced in the Government's 2006 Budget Statement and to make certain other amendments to the Income Tax Act (Cap 134). The Bill provides, amongst other things —

- (a) that tax relief for mandatory contributions to the Central Provident Fund in respect of additional wages shall be a sum computed in a specified manner instead of a fixed sum;
- (b) for the extension of tax exemption to various types of income derived by individuals such as a discount from debt securities irrespective of the tenure, distribution made by a restricted authorised scheme, and income from structured products;
- (c) for a deduction to any company for the cost of acquiring treasury shares when it transfers such shares to any person under a stock option scheme or share award scheme by reason of any office or employment held in Singapore by that person, and for the computation of such costs;
- (d) for the power of the Comptroller to make adjustments to the tax liability of a life insurer

in a case where, immediately before the life insurer ceases business permanently without transferring the business to any person in Singapore, there is an amount remaining in the participating fund which is not allocated by way of bonus to any participating policy;

- (e) for the tax treatment of prescribed Islamic financing arrangements;
- (f) for the expansion of the types of donations qualifying for double deduction to include any approved donation of a work of art to an approved museum, a work of art to an approved recipient for public display, any sculpture to an approved recipient for public display indoors, and money or services for installing or maintaining any sculpture or work of art for public display; and
- (g) for the offence of failure to make a return of income, and for the enhanced penalty for failing to make a return of income for any year of assessment for three years or more.

The **Property Tax (Surcharge) (Abolition) Bill** (No 20/2006) seeks to repeal the Property Tax (Surcharge) Act (Cap 255) as it is no longer necessary to have an Act to impose a surcharge on property tax for certain classes of properties held by foreign owners since most of these properties have already been sold by these foreign owners to Singaporeans, or other foreign owners have already obtained approval under the Residential Property Act (Cap 274) and who therefore are not required to pay the surcharge.

The Property Tax (Surcharge) Act will be repealed retrospectively with effect from 1 July 2006 and the surcharge levied on property tax in respect of any property in the year 2006 will be in respect of the period from 1 January to 30 June of that year only.

The **Charities (Amendment) Bill** (No 22/2006) seeks to amend the Charities Act (Cap 37) for the following purposes:

- (a) to provide for additional functions, duties and powers of the Commissioner and Deputy Commissioner of Charities, and the delegation of functions, duties and powers to the Assistant Commissioners of Charities;
- (b) to provide for the establishment of a Charity Council and its functions;

- (c) to provide for the regulation of institutions of a public character; and
- (d) to provide for the appointment of Sector Administrators and their functions and powers.

The Bill also makes consequential amendments to the Estate Duty Act (Cap 96), the Income Tax Act (Cap 134), the Inland Revenue Authority of Singapore Act (Cap 138A), the Legal Profession Act (Cap 161), the National Heritage Board Act (Cap 196A) and the Singapore Academy of Law Act (Cap 294A).

The **Land Transport Authority of Singapore (Amendment) Bill** (No 23/2006) seeks to amend the Land Transport Authority of Singapore Act (Cap 158A) mainly to confer on the Land Transport Authority of Singapore (the Authority) the powers —

- (a) to form or participate in the formation of any company or corporation, or enter into any joint venture or partnership, whether in Singapore or elsewhere;
- (b) to participate in any overseas venture or development which the Authority has the expertise to engage in or undertake;
- (c) to establish and maintain officers, whether in Singapore or elsewhere; and
- (d) to provide technical advice or assistance, including training facilities and consultancy services, to any person as respects any matter in which the Authority has skill or experience.

Subsidiary Legislation published in November and December 2006

The **Legal Profession (Limited Liability Law Partnership) Rules 2006** (GN No S 654/2006, wef 1 January 2007) provide, among other things, that —

- (a) an application under s 81Q of the Legal Profession Act (Cap 161) (the Act) for approval of a limited liability partnership (“LLP”) or proposed LLP as a limited liability law partnership and of the name or proposed name of the limited liability law partnership shall be made in such form as the Council of the Law Society of Singapore (“the Council”) may determine, and shall be

accompanied by an application fee of \$1,000 and such documents, particulars and information as the Council may determine;

- (b) an appeal to the High Court under s 81X of the Act against a decision of the Council shall be made by way of originating summons in Form 4 of Appendix A to the Rules of Court (Cap 322, R 5);
- (c) the primary business of a limited liability law partnership shall be the supply of legal services and every partner of such partnership shall be an advocate and solicitor who has in force a practising certificate;
- (d) every limited liability partnership to which the business of a law firm or law corporation has been transferred shall, within seven days of the transfer, give notice in writing to every client of the law firm or law corporation of the transfer and that with effect from the date of the transfer —
 - (i) the limited law liability partnership shall replace the law firm or law corporation as the provider of legal services to the client;
 - (ii) the possession of any document, or any money or fund, held by the law firm or law corporation for or on behalf of the client shall be transferred to the limited liability law partnership to be held for or on behalf of the client; and
 - (iii) any money or funds held by the law firm or law corporation for or on account of the client shall be transferred to the limited liability law partnership to be held for or on account of the client;
- (e) every limited liability law partnership shall, within seven days of any change in the particulars of its partners, its registered office and address of every branch office and its telephone and fax numbers, notify the Council of such change; and
- (f) every limited liability law partnership shall, within seven days of the lodgement of any document with the Registrar of Limited Liability Partnerships, submit to the Council such copies of the lodged document as the Council may require.

The **Public Trustee (Rate of Interest under Section 12(1)) Notification 2006** (GN No S 676/2006,

wef 1 January 2007) provides that for the purpose of s 12(1) of the Public Trustee Act (Cap 260), the rate of interest payable to the respective estates the moneys of which form part of the common fund shall be 3.75% per annum for the year 2007.

The Prime Minister has directed, *vide* the Constitution of the Republic of Singapore (Responsibility of the Minister, Prime Minister's Office) (No 3) Notification 2006 (GN No S 708/2006, wef 1 January 2007), that Mr Lim Boon Heng shall be charged with the responsibility for the following matters:

- (a) to assist and advise the Prime Minister on issues concerning ageing and care of the elderly;
- (b) the portfolio of the Minister for Community Development, Youth and Sports in so far as such responsibility relates to the following matters:
 - (i) People's Association;
 - (ii) Grassroots Organisations (including Constituency Sports Clubs); and
 - (iii) Community Development Councils; and
- (c) to discharge such other duties as may be assigned by the Prime Minister,

and that he shall be designated as Minister, Prime Minister's Office).

The **Prime Minister has directed, *vide* the Constitution of the Republic of Singapore (Responsibility of the Minister, Prime Minister's Office) (No 4) Notification 2006** (GN No S 709/2006, wef 1 January 2007), that Mr Lim Swee Say shall be charged with the responsibility for the following matters:

- (a) to advise the Prime Minister on matters relating to the maintenance of industrial peace and productivity of Singapore's workforce, and the well-being and welfare of workers; and
- (b) to discharge such other duties as may be assigned by the Prime Minister,

and that he shall be designated as Minister, Prime Minister's Office.

Act brought into operation in December

The Legal Profession (Amendment) Act 2005 (Act 41 of 2005) (wef 4 December 2006 *vide* GN No S 650/2006).■

LEGAL EDUCATION AND TRAINING CALENDAR FOR FEBRUARY 2007 TO MARCH 2007

DATE	TOPIC	SPEAKERS/TRAINERS	ORGANISER(S)
16 Feb (Thu) 9.00am–5.00pm	Intereq & STARS eLodgment Workshop	CrimsonLogic / BiziBody	LTC
26 Feb (Mon) 9.30am–5.30pm	LawNet Services at a Glance	CrimsonLogic	LTC
27 Feb (Tue) 1.30pm–5.30pm	Adobe 7.0	NTUC Learning Hub	LTC
28 Feb (Wed) 9.00am–5.00pm	EFS ROC Changes Phase 1 & 2	CrimsonLogic	LTC
28 Feb (Wed) 9.00am–5.00pm	Trusts – New Cases, Old Chestnuts	Mr Michael Darwyne, Portcullis Trust (Singapore) Limited	SAL & Portcullis Institute
1–2 Mar (Thu–Fri) 9.00am–5.00pm	Mediation: Strategic Conflict Management for Professionals	Loong Seng Onn Carol Liew	LTC
2 Mar (Fri) Session 1: 9.00am–12.00pm Session 2: 2.00pm–5.00pm	EFS Phase 4B (Filing to Family Courts) (Auto-generation of Court Doc)	CrimsonLogic	LTC
12 Mar (Mon) 9.00am–5.00pm 11.30am–2.30pm	MS Word for Legal Professionals	CrimsonLogic	LTC
13–15 Mar (Tue–Thu) 9.00am–5.00pm	EFS Front-End Web Based Full Course	CrimsonLogic	LTC
14 Mar (Wed) 1.30pm–5.30pm	Adobe 7.0	NTUC Learning Hub	LTC
15 Mar (Thu) 1.30pm–5.30pm	STARS eLodgment	BiziBody	LTC
22 Mar (Thu) 9.00am–5.00pm	Intereq & STARS eLodgment Workshop	CrimsonLogic / BiziBody	LTC
26 Mar (Mon) 9.30am–5.30pm	LawNet Services at a Glance	CrimsonLogic	LTC
28 Mar (Wed) 1.30pm–5.30pm	Adobe 7.0	NTUC Learning Hub	LTC
29 Mar (Thu) 9.00am–5.00pm	EFS ROC Changes Phase 1 & 2	CrimsonLogic	LTC

For SAL events: Please note that all information is correct at the time of printing. While every effort is made to retain the original arrangements, changes may sometimes be necessary. An updated version of this calendar is available at the following web-site: http://www.sal.org.sg/events_calendar.htm

For enquiries and more information, please contact the respective organisers:

- LawNet Training Centre (LTC): Ms Helen Leong at 6332 4256 or Ms Aida Bte Abdul Rahman at 6332 4382 or e-mail lrc@sal.org.sg
- Singapore Academy of Law (SAL): Ms Janice See at 6332 4149 or Ms Serene Ong at 6332 4032 or e-mail les@sal.org.sg
- Singapore Mediation Centre (SMC): Ms Survinder Kaur at 6332 4213 or e-mail survinder_kaur@sal.org.sg

FOR THE RECORD

29 March 2007

Thursday

SAL Movie Night - "Freedom Writers"

Time: 6.15pm-9.30pm.

Venue: Eng Wah - Suntec (Hall 3, Third Level, Above Carrefour).

*Please note that the Academy reserves the right to make any amendments to the calendar if warranted by circumstances beyond its control. For inquiries on events, please contact Serene Ong, tel: 6332 4032 or e-mail serene_ong@sal.org.sg

WORKING CAPITAL



HOLLYWOOD SECRET'S SPECIAL TREATS

Purchase a manicure or pedicure treatment and enjoy a 20-minute Mesotherapy facial treatment – for free! The Mesotherapy facial improves circulation in the face and this rejuvenating quality will give the face a natural "lift".

Have your hair coloured at Hollywood Secrets and you will be treated to a complimentary half-hour head and shoulder massage.

Enjoy a special hair styling package for just \$198. The package allows you to pamper yourself with a hair cut and colour, ceramic curls or rebonding services and a nourishing hair treatment all in a single visit.

Terms and Conditions

- Offer valid until 30 March 2007 (from Mondays to Fridays only).
 - Advance booking is required.
 - Not valid in conjunction with other promotions, discounts, offers and vouchers.
 - Please present your membership card to enjoy these offers.
- Hollywood Secrets, Paragon, #05-31, 290 Orchard Road, S238859. Tel: 6738 2983.
 - Hollywood Secrets, International Building, #01-09/10, 360 Orchard Road, S238869. Tel: 6735 3375
 - Hollywood Secrets, Scotts Shopping Centre, #03-19/22, 6 Scotts Road, S228209. Tel: 6736 3940
 - Hollywood Secrets, Far East Plaza, #03-133, 14 Scotts Road, S228213. Tel: 6734 4688

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Terms and Conditions

- Offer valid until 28 February 2007.
- Please present your membership card to enjoy this offer.

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GLOW WITH RADIANCE THIS CHINESE NEW YEAR AT THE URBANSPA BY MAHOGANY

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Alternatively, sign-up for a Chinese New Year Instant Radiance face and body package at just \$388 (UP \$516). The package comprises an Instant Radiance face treatment, an Instant Radiance face and back treatment, and a Hydrate face and Detox tummy treatment. With this package you will receive a complimentary four-piece DECLEOR Discovery travel-size set.*



Terms and Conditions

- Offer not valid in conjunction with other promotions, discounts, offers and vouchers.
- Offer valid for one time usage only.
- Offer not exchangeable or refundable.
- Offer valid until 15 March 2007.
- *While stocks last.

Mahogany, 3 Killiney Rd, # 01-04/05, Winsland House, S239519. For appointment and enquiries, please call 6737 5956.