

inter se

SINGAPORE ACADEMY OF LAW

Opening of the Legal Year 2006

Highlights of the SAL Conference 2006

Singapore Law and its Future Overseas



The official opening of the new Supreme Court building by His Excellency President S R Nathan was a significant step for all involved in the justice system. It showed how far the legal institution has come over the last 15 years.

The Honourable Attorney-General Chan Sek Keong remarked in his speech that the Opening of the Legal Year 2006 ceremony marked “another step in our annual pilgrimage to the altar of justice”.

At the beginning of each year, the legal community comes together to continue the quest for impartiality, professionalism and efficiency in the dispensation of justice. The opening of the legal year ceremony is for all involved to renew their vows to ensuring access to justice, facilitating communication of justice and, sustaining and developing trust in the justice system as identified by the President of the Law Society of Singapore, Mr Philip Jeyaretnam SC, in his speech this year.

The Honourable the Chief Justice Yong Pung How’s response brought to the fore the reality of continuous hard work required to ensure a quality dispensation of justice. The Chief Justice spoke on the many positive developments, over the last 15 years, in the way justice is administered in Singapore. These included the clearing of the backlog of cases in the Supreme Court, jurisdictional reform to ensure more fluid and efficient case management in the court system, rationalising of court procedures and processes in both higher and lower courts, and the building up of a strong Bench for quality of justice in the hearing of such cases.

We have left antiquated notions behind. It remains to us, as noted by the Chief Justice, to renew our mindsets and attitudes, and to meet and surpass expectations where we can.



Serene Wee
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[Cover]: Picture Communications

We really have launched into 2006. The Opening of the Legal Year 2006, the official opening ceremony of the new Supreme Court building and the launch of the *SingaporeLaw* website were just some of the events heralding new beginnings that have given 2006 a rather portentous start. Quite apart from launching into the year with ceremony, the “Singapore Academy of Law Conference 2006: Developments in Singapore Law between 2001 and 2005”, held from 12 to 14 February also started the year off with some cutting edge legal thought and lively yet critical discussion. In this bumper issue of *Inter Se*, we report on all these events and more in what we hope will be a year of plenty – many exciting new projects, much learning and debate, and great fun along the way.

OPENING OF THE LEGAL YEAR 2006 AND OPENING CEREMONY OF THE NEW SUPREME COURT BUILDING

By WONG CHEE WEI AND DENISE WONG, JUSTICES' LAW CLERKS, SUPREME COURT



The opening ceremony of the new Supreme Court building.

The Opening of the Legal Year 2006 ceremony was held, for the first time, at the new Supreme Court building on 7 January 2006. This annual event coincided with the opening of the new building and was attended by all the Judges of the Supreme Court, as well as representatives from the Legal Service and the legal profession. *Inter Se* features highlights from these two events as well as the full text of the Chief Justice's response to the Attorney-General's and President of the Law Society of Singapore's speeches at the opening of the legal year ceremony.

OPENING CEREMONY OF THE NEW SUPREME COURT BUILDING

“The new Supreme Court building will be a success only if we, the stakeholders of the courts, make it work and make it truly a hall of justice.”

– Chief Justice Yong Pung How,
Opening of the Legal Year 2005 –

His Excellency President S R Nathan officially opened the new Supreme Court building at a ceremony that marked a new era for the Judiciary of Singapore. Invited guests assembled at the auditorium within the new building to witness this historic event.

In his opening remarks, the Honourable the Chief Justice Yong Pung How noted that although the old Supreme Court building had served Singapore well for 66 years, Singapore’s increasing needs demanded that a new courthouse be built. A new building with improved security and user-friendly features was thus commissioned. Additionally, court facilities and layout have been improved. The Chief Justice also took the time to

thank all those who were involved in the design and smooth completion of the building, as well as the legal community for their patience and understanding while the court staff adjusted to operations in the new building.

The President then delivered his address, beginning by expressing his delight at opening the new Supreme Court building. The President observed that the new building marks the progress of the Singapore Judiciary, which plays an important role in Singapore’s nation building by administering the rule of law from which flows the order and stability of its people. The legal profession’s important role in society was also noted, as lawyers are in a unique position to help people in times of need.

Following his speech, the President declared the new Supreme Court building open, unveiling a glass plaque that was specially commissioned to commemorate the occasion. This new Supreme Court building is a symbol of the rule of law in Singapore – a symbol to which all Singaporeans will undoubtedly look for inspiration and strength in the years to come.



His Excellency President S R Nathan (with the Chief Justice) declaring the new Supreme Court building open.



Attorney-General Chan Sek Keong delivering his speech at OLY 2006.

OPENING OF THE LEGAL YEAR 2006 Speech by the Attorney-General

The Honourable Attorney-General Chan Sek Keong delivered the opening address at the Opening of the Legal Year 2006. Commenting on the momentous opening of the new building by the President of the Republic of Singapore, he observed that this new building serves to excel in both form and function in area such as public accessibility, people-friendliness, convenience to users as well as comfort and security to the Judges.

However, he emphasised that the presence of such facilities that are essential accessories to the efficient administration of justice do not assure that justice will be done in every case. He stated that this end is achieved not by the grandeur of the building, but with judges of integrity and independence, and who are sensitive to what due process and substantive justice require. There laid an obligation to future generations of Singaporeans to preserve the inheritance of the concept of justice and the rule of law.

The Attorney-General made reference to Sir Stamford Raffles' exhortation that justice must be administered with appropriate benevolence and sensitivity in a multi-racial and multi-religious society, and observed that this is equally relevant today. He said that our conception of the rule of law today may be more refined and inclusive, but the need for impartial and independent courts to dispense justice to all those who seek justice from them will remain. He observed that our courts have acquired a high reputation for integrity, impartiality, professionalism and efficiency in the way they process and dispose of legal disputes. Despite criticism for the strict application of our laws, especially in the administration of criminal justice, he believed that its benefits can be witnessed by the people in Singapore.

In conclusion, the Attorney-General pledged the full support of the legal branch of the Legal Service to the Judiciary in the administration of justice.



President of the Law Society of Singapore, Mr Philip Jeyaretnam SC, delivering his speech at OLY 2006.

Speech by the President of the Law Society of Singapore

The President of the Law Society, Mr Philip Jeyaretnam SC, spoke next. He started by highlighting some of the key immediate benefits the new building brings to the users. He then went on to identify three expectations of the public: access to justice, communication of justice and trust in justice. He recognised that the public's expectations have deepened and broadened, and the legal profession must respond to ensure that it keeps faith with the public.

Mr Jeyaretnam SC addressed the first expectation by elaborating on the aspect of available and affordable representation. Though he acknowledged that the Singapore lawyer is perhaps the epitome of value for money, he lamented that there are still litigants, especially in family cases, small civil cases and some criminal cases, who go unrepresented. He revealed that the Law Society intends to study this issue and make proposals to Government on how a public-private partnership might better meet the legal needs of the less well-off. Further the Law Society is looking into the issue of legal representation being permitted earlier in the criminal justice process, with access to an accused person during the investigation stage of police custody, as well as measures intended to improve the reliability and accuracy of statements taken from accused persons.

Turning to communication of justice, Mr Jeyaretnam SC stated that general awareness of law could be greater. In recent years, the Law Society's law awareness work has focussed on bringing together interested parties in order to clarify problems specific to juvenile justice and persons of mental or physical disability. The Law Society believes that

the lead is best taken by Government, but stands ready to play its part in building law awareness.

Touching on the final expectation, he stated that trust in justice is promoted by, first, the litigant's receipt of reasons for a decision and, second, civility in the courtroom which reinforces in both participants and spectators the belief that justice has been dispensed objectively and effectively. Emphasising on civility, he commented that it is civility that underpins the resolution of disputes in a way that affirms social and commercial ties. Determined advocacy is necessary and important, but witnesses must not be badgered nor their characters indiscriminately attacked. Exchanges between advocates must not break down into insults and jibes.

He confirmed that the Law Society has played and will continue to play a key role in fostering civility through its various educational and social programmes. Through the work of the Ethics Committee it seeks to give clear ethical directions. With its panels of mediators, the Law Society can step in to defuse the feuds that occasionally open up between lawyers. He commented that the court too has an important opportunity to set the tone by reinforcing proper conduct at an early stage, as well as to lead by example.

Mr Jeyaretnam SC concluded by renewing the Bar's pledge of support to the Judiciary in the administration of justice.

The Chief Justice's Response (full text)

On behalf of the Judiciary, let me thank you for the support of the Attorney-General's Chambers and the Law Society these past years. We look forward to your continued support in the dispensation of justice.

Today marks the first time that the Opening of the Legal Year is held in the new Supreme Court building. It is a milestone for Singapore's Judiciary. The work to make it an effective courthouse in fact started many years ago, well before the foundation stone for the new building was laid in 2002. The improved features and systems that we see in the new courthouse are the fruit of much labour over the years. The quality of the judges and staff also had to be built up over time.

Clearing the Backlog of Cases in the Supreme Court

When I first had the pleasant duty of responding to the addresses at the opening of the legal year in January 1991, the most pressing problem in the Supreme Court was the inability to cope with the increasing workload. There were close to 2000

suits begun by writ that were still waiting for hearing dates in the High Court. At the rate of disposal then, it would have taken not less than five or six years for them to be heard. If there was an appeal to the Court of Appeal, it could take another two years. Capital cases in the High Court could take up to four years, and another two more years if they went to the Criminal Court of Appeal. We could not allow such a state of affairs to continue. Justice would be delayed, and the slowness of the court system would hinder the country's economic development.

Jurisdictional Reform

We tackled the problem on several fronts, in parallel. On one front, we reformed the jurisdictional structure to restrict the number of cases that must be heard by a High Court Judge. Matters that involved less law, such as bankruptcy petitions and adoption petitions, were transferred to the registrars and to the Subordinate Courts. The civil, criminal and matrimonial jurisdiction of the Magistrate's Courts and the District Courts were also enlarged. These measures allowed us to



The Chief Justice delivering his Response at OLY 2006.

The 2006 edition of [the Asia-Pacific Legal 500], which was recently released in November last year, states:

“... the higher courts stand head and shoulder above those in neighbouring countries, boasting the technology to advance matters more quickly than before and courtrooms chaired by some fine legal minds.”

concentrate the limited and valuable judicial time in the High Court on the more complex cases.

Court Procedures and Processes

A second front involved reforming our procedures and processes. We created a set of case management tools, which were driven energetically by the former Registrar, Mr Chiam Boon Keng. In 1992, we introduced pre-trial conferences to the High Court. They helped the courts to monitor the progress of cases and facilitated the fixing of cases for hearing.

To complement the case management process, the Rules of Court Working Party was formed in 1990 under the chairmanship of former Justice L P Thean. They reviewed and made recommendations to improve the Rules of Court, with particular regard to simplifying procedure, reducing delays and making the trial process more efficient. The efforts of the Rules of Court Working Party during this period culminated in the merger in 1996 of the Rules of the Supreme Court and the Rules of the Subordinate Courts. This rationalised court procedures and ensured consistency of procedures in both higher and lower courts.

Human Resource

Jurisdictional reform, case management, and reform of our rules of court, could only go so far without improvements in our human resources. A fundamental solution to the problem of the backlog was in having more courts and more judges.

The problem however, was that judicial salaries at that time were extremely low. Many leading practitioners declined when approached

to serve on the High Court bench. We had to raise judicial salaries to make the bench a more viable alternative for those who were identified as being of the right competence and temperament for appointment. Has this paid off? Last year, the Attorney-General in his Opening of the Legal Year speech drew my attention to the 2005 edition of the Asia-Pacific Legal 500, which made this observation: “... expert opinion suggests that the [Singapore] bench is stronger than at any time in its history.” The 2006 edition of this report, which was recently released in November last year, states: “... the higher courts stand head and shoulder above those in neighbouring countries, boasting the technology to advance matters more quickly than before and courtrooms chaired by some fine legal minds.” Such high regard is not built up simply on the back of higher judicial salaries. Much depends on a rigorous selection process to find the best legal minds. Yet, without adequate compensation, we would not have been as successful in convincing the best to accept appointment.

The need for quality judges was also deeply felt in the Subordinate Courts. The senior members of the bar will recall my canvassing of your views and criticisms of the Subordinate Courts when I first took office. The Subordinate Courts’ main problem then, as with the Supreme Court, was that the volume of work had increased tremendously over the years, while the personnel to deal with this growth had steadily fallen behind. With competing attractions from the private sector, there was a considerable outflow of judicial officers from the Legal Service. On the whole, this was unacceptable, particularly when the Subordinate Courts are, for

many, the face of justice, handling some 95% of all cases in Singapore.

Together with the help of Senior District Judge Richard Magnus, a series of reforms were carried out. We increased the number of courts, created specialist courts to enable efficient disposal of matters, introduced Night Courts, established case management processes, leveraged on alternative dispute resolution, and cleared the very substantial backlog. Since then, we have systematically drawn on the best practices from around the world and institutionalised them in the Subordinate Courts.

Much of this would have been unachievable if we had not made a concerted effort to attract the best of our young lawyers into the Legal Service and move many of them into the Subordinate Courts. To make the service a compelling one, we raised salaries to make them commensurate with the private sector and we established a systematic programme for development, with scholarship opportunities that are unmatched in the private sector. There are now regular rotations through various departments to allow for acquisition of a wider set of legal skills. To provide a more complete experience, we have in recent years offered secondments to ministries such as MTI¹, MFA², MOM³ and MCYS⁴. This allows our better officers to acquire policy exposure and management skills. Today, the Legal Service accepts only the top graduates of each cohort.

In all of this, the Justices' Law Clerk scheme has provided a strong flow of talent into the Legal Service. Since its inception in 1991, the JLC scheme has given our top young lawyers training under very senior judges, exposed them to court perspective and built camaraderie amongst them. We have steadily moved many of them into the Subordinate Courts to take appointment as magistrates and district judges. The improved quality of the bench has been evident from the very low rate of appeals from the Subordinate Courts to the High Court and in the increased clarity of their written judgments.

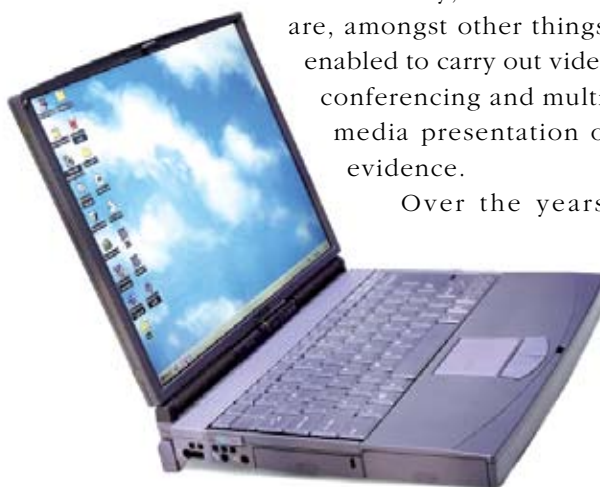
Use of Technology

By the mid-1990s, with the array of measures that I have mentioned, we were able to put the backlog problem firmly behind us. With our human resource framework on sound footing and strengthening steadily, we looked towards leveraging on technology to further improve the efficiency of our operations.

A major plank was the introduction of the Electronic Filing System ("EFS"). When it was first launched in 1997, EFS allowed law firms to file writs and related documents electronically. The scope of EFS has been gradually extended over the years. Today, all matters are filed electronically into court. Consistent improvements have also been made, to make EFS more user friendly. EFS today gives us speed in transferring files and conducting searches, and a cost-effective method of storing voluminous court documents. For lawyers, there is the convenience of filing and serving documents to multiple parties, with a click of a button.

Another plank of our technology initiative was to integrate the use of technology into the courtroom itself. We did this incrementally, with an eye towards appropriate use of technology to improve court operations. To pilot and test the latest technology, we created Technology Courts. Today, such courts are, amongst other things, enabled to carry out video conferencing and multi-media presentation of evidence.

Over the years,



¹ Ministry of Trade and Industry.

² Ministry of Foreign Affairs.

³ Ministry of Manpower.

⁴ Ministry of Community Development, Youth and Sports.

we have rolled out appropriate technology to all the courtrooms. We introduced the digital audio recording system in August last year. This freed our judges from recording evidence manually. It has speeded up hearings considerably and allowed judges to focus their minds on the evidence and arguments presented. We have also rolled out internet wireless hotspots. As a result, lawyers can now engage in internet legal research even while they are in court.

Building Legal Infrastructure

Such electronic legal research would not be possible without the supporting legal infrastructure that was built up by the Singapore Academy of Law. An important step was taken in 1992, when we created the Singapore Law Reports. This created a series dedicated to the reporting of legally significant cases heard by the Singapore High Court and Court of Appeal. The cases are selected for publication by the Council of Law Reporting, chaired by the Attorney-General. Prior to this, the only avenue was the Malayan Law Journal, which provided limited scope for reporting of Singapore cases. With this, we built up a repository of legal precedents, which is the lifeblood of the common law system that we inherited.

In 1994 the abolition of appeals to the Privy Council further set the stage for the development of Singapore law. It cemented the place of the Court of Appeal as the final appellate court in Singapore. This enabled us to develop our local jurisprudence, drawing on the most progressive precedents of the common law world, without being bound by it where our more Asian context required different considerations.

In 1997 we took a further step in enhancing our legal infrastructure when we announced the appointment of the first batch of Senior Counsel. The judges recognised then that an important element of quality justice is quality advocacy. To build up a strong litigation bar, we were prepared to endorse practitioners who have already distinguished themselves. We hoped that this would in time, encourage more lawyers to take to the litigation bar, with a strong corp of role models to guide and motivate them. For those who have been appointed, I would remind you that

with the mark of distinction, comes the robe of responsibility. Wear it well. This year, the Selection Committee will make its 41st appointment since the commencement of the Senior Counsel scheme. He is Mr Tan Chee Meng.

The Year in 2005

What I have described is an overview of the foundation laid for the courts these last 15 years. We have steadily built on it and refined our systems. The results have been dramatic. When we first began this journey in 1991, it took not less than five or six years for a writ to be heard in the High Court. In 2005, the average disposal time for writs was just under seven months, with more than 50% of writs filed concluded under six months.

In the last two years, an average of about 359,000 new matters were filed per year in the Supreme Court and the Subordinate Courts. During this period, an average of about 365,000 existing matters were disposed of per year. The average disposal rate was 102%. The disposal rate will be monitored carefully every year, to prevent the re-growth of a backlog.

As the Attorney-General and the President of the Law Society have stated, our quest is for justice, and the attainment of justice requires more than just a new court building or procedural efficiency. It requires equality for all before the law, access to justice, transparency, and the growth of our jurisprudence. To provide greater transparency, the new judgments of the High Court and the Court of Appeal were made freely available on the internet last year. To further develop our jurisprudence, judges were allocated time, aside from hearing matters, to work on their written decisions. In total, 293 written judgments were delivered by the Court of Appeal and the High Court in 2005.

The Year Ahead

Our pursuit of timeliness of justice, accessibility to justice and quality of justice, cannot stop here. There is more that we can do. This year, the Supreme Court will look to make our case monitoring systems more efficient and cost-effective. We will develop an IT system that will

electronically monitor every case against the timelines set by court. The court will be alerted of any delay in the progress of a case. This will allow immediate remedial action to be taken, whenever necessary. The system will also inform the court where parties have complied with timelines, and allow us to dispense with pre-trial conferences in such cases. This will minimise court attendances and will significantly reduce the costs of monitoring cases.

We will also further simplify our litigation procedures. The previous four modes of starting legal actions will be reduced to just two – writ of summons and originating summons. In this, we are most grateful to Chief Justice Andrew Li of the Supreme Court of the Hong Kong SAR for making available for our use their pioneering “Final Report of the Working Party on Civil Justice Reform”. We have also modernised certain Latin and archaic terms in the Rules of Court. The end result has been to make litigation more straightforward. Costs incurred in understanding the rules and determining the proper mode of commencement will be greatly reduced.

We will effect these changes in two phases. Phase 1, which began on 1 January 2006, covers all civil proceedings except bankruptcy, proceedings relating to winding up and judicial management, and proceedings under the Women’s Charter. Phase 2 will take place in the second quarter of this year, and will cover all remaining classes of action that were excluded from the first phase.

At last year’s Opening of the Legal Year, I announced the public consultation of the proposed Electronic Litigation System. We received written responses from a good cross section of the stakeholders in the litigation process. Where appropriate, we have incorporated the feedback. An Electronic Litigation Systems Committee has

been constituted. It will be working intensively over the next few years to bring forth a refreshed and improved Electronic Litigation System for the courts and lawyers.

Conclusion

I came to the courts in 1989 after some 18 years away from the legal scene. With the benefit of hindsight and the experience of reforms that we have successfully implemented, I would say that our problem then was only apparently the backlog. I say “apparently” because the backlog was merely a symptom of a far more deep-rooted problem within the court system and legal profession – a problem of mindset and attitude.

As heirs to a legal system that has its roots in the British common law tradition, our judges and lawyers retained certain characteristics and practices that were perhaps more suited to a different era. We wore wigs and used antiquated forms of address such as “Your Lordship”, practices that seem anomalous to our cosmopolitan and fast-paced society. We viewed the business of justice from an un-businesslike perspective. Jurisprudence was the sole concern. Little attention was paid to how our court systems and procedures delayed access to justice.

We have since transformed our court system to make it relevant to Singapore society. More importantly, we have renewed our mindset and attitudes. A new generation of lawyers has been brought into the fold of the legal service and the Judiciary, with keen minds, compassionate hearts and strength of character. I have every confidence that they will adapt and master any future challenges. On this note, ladies and gentlemen, I declare the new Legal Year open. My colleagues and I wish you the very best in the year ahead. Thank you.

... [W]e are most grateful to Chief Justice Andrew Li of the Supreme Court of the Hong Kong SAR for making available for our use their pioneering “Final Report of the Working Party on Civil Justice Reform”.

INTERVIEW WITH MR TAN CHEE MENG SC

By CHARLENE TAY, JUSTICES' LAW CLERK, SUPREME COURT

At the Opening of the Legal Year 2006, the Chief Justice announced the appointment of Mr Tan Chee Meng as Senior Counsel. Mr Tan is the Managing Partner of Messrs Harry Elias Partnership and heads its General Civil Litigation Department. *Inter Se* features an interview with Mr Tan and finds out how the man who started his professional career as a civil engineer with the then Public Works Department has come to be counted amongst the most eminent practitioners within the local legal profession.

Q: Congratulations on your appointment as Senior Counsel, Mr Tan. First, the obvious question. Now that you have reached a milestone in your career, what next?

A: The Senior Counsel appointment is perhaps the most significant milestone in my career to date and it is still too early to seriously say what comes next. But I know for certain that expectations of clients and everyone in the legal fraternity would be a lot higher, and what I need to do next is to try and make sure I don't disappoint. I would also like to spend more time supporting the activities of the Singapore Academy of Law and Law Society.

Q: What, for you, is the most rewarding aspect of being a lawyer?

A: The ability to persuade the Court to accept a new or innovative point of law, particularly one which accords with equitable principles; to know that you have done the best for your clients.



Mr Tan Chee Meng SC.

Q: What are some of the biggest influences that have shaped your growth as a litigator?

A: Litigation was a natural progression for me when I went into private practice after six years as State Counsel and Deputy Public Prosecutor ("DPP") with the Attorney-General's Chambers. I had considerable court exposure as a DPP and as State Counsel, leading evidence for three Committees of Inquiry (concerning two tanker explosions at Sembawang

Shipyard and a gas explosion at Ginza Plaza). When I joined Harry Elias Partnership ("HEP") in 1993, it was predominantly a litigation firm. At that time, HEP was acting for Singapore Press Holdings in a number of defamation cases. It was in a way a blessing as I found myself with numerous High Court trials back to back. I enjoyed the adrenaline rush as a litigator, and soon found myself taking on more and more cases covering all types of criminal, construction and civil litigation.

Q: You occupy the interesting position of having served in the civil service as well as private sector. What were some of the biggest challenges you faced in making the transition from the public to private sector?

A: Managing clients' expectations and demands were the main challenges. Although I had to deal with various governmental departments when I was in the Legal Service, I was accountable only to the various heads of departments in the Attorney-General's Chambers and ultimately to the Attorney-General. In private practice, all your clients demand personal attention, and everything has to be done, like, yesterday! So one of the most challenging aspects of the transition was the realisation that client relationship and marketing is as important as the quality of your work – the key is to balance conflicting demands and priorities from clients. Also, there is always the bottom line to watch out for – office overheads, staff remuneration, bonuses, profitability, *etc.*

Q: You started out as a civil engineer before switching professions to become a lawyer. Has your training and experience in engineering given you an advantage over other lawyers?

A: Thorough preparation is, in my view, the key to being finely-tuned to your cases. One possible advantage I enjoy is that I need a shorter time to prepare and understand technical issues. Perhaps the real advantage comes in during cross-examination, particularly for evasive witnesses who think that they can fudge the issues or avoid the questions by hiding behind technical terms and sometimes untenable "engineering" practices.

Q: Where construction law is concerned, you have practised as an arbitrator, mediator as well as counsel. What insights have you gained from taking on these various roles in the resolution of a dispute? Do you think that more should be done to encourage the resolution of building and construction disputes by mediation and arbitration?

A: Construction disputes involve personality

conflicts as much as building/engineering issues. Very often, technical issues form only a small component and parties litigate because they perceive the other side as having acted unreasonably. To this extent, construction disputes are no different from other types of disputes.

To me, the way to go for building and construction disputes is mediation and/or arbitration. The sheer volume of documents, coupled with the often repetitive nature of such disputes, makes resolution through the court process impractical. Sometimes, it helps if the arbitrator takes a pro-active role. There had been occasions when I sought the consent of parties in an arbitration to mediate when it became clear to me that, cut to the core, the dispute simply related to dollars and cents (more appropriately *sense!!*).

Q: You acted for Aviva, the insurer of the Circle Line MRT project, in the inquiry into the Nicoll Highway collapse ("the Inquiry"). What was the most memorable aspect of participating in such a high-profile case? How did it contribute to your growth as a lawyer?

A: Being able to apply some of the engineering knowledge that I had left behind when I decided to switch to law is probably the most memorable thing for me from the Inquiry. Two main aspects stand out from the Inquiry. First, it was an important Inquiry and all parties were well represented; I was thus able to experience cross-examination at its best! Second, the Inquiry involved many technical experts and I had to be at my best when cross-examining these expert witnesses. This was a rare opportunity and was markedly different from cross-examining factual witnesses. In all, it was truly a challenging experience.

Q: If you could change anything about legal practice today, what would it be and why?

A: I would like to see a legal practice with a greater emphasis on the learning process, where lawyers will be exposed to business and entrepreneurial skills to equip them to

meet the challenges of a global practice, and be part of a multi-disciplinary set-up.

Q: Would you support mandatory continuing legal education (“CLE”) requirements? Are there specific areas of the law or skills that you think CLE should be used to impart?

A: CLE is a must. There are many areas of law and certainly CLE must cover a broad spectrum, whenever there are important new legislation and landmark legal decisions. But there is specifically one area which should not be overlooked, and that is to use CLE as a reminder to lawyers of all seniorities that legal practice is stressful enough without acrimony amongst lawyers – we are all guilty of this at one time or other, but CLE should include talks on professional ethics and provide constant reminders that aggression and nasty letters between lawyers do not necessarily advance our clients’ cases.

Q: What advice would you pass on to young advocates that have just embarked on their legal careers?

A: Stress and long hours in the initial years are a given. In fact, if you find it easygoing, you should seriously reassess your own situation. Good work gravitates to good lawyers. The rewards will come.

Q: As pointed out by you, the long hours and job stress of lawyers are undeniable. How do you balance the demands of work with other aspects of your life such as spending time with your family?

A: There can be no end to work. The year-end holiday with my family is almost sacrosanct. Apart from this, I plan short breaks, sometimes without the children. The office knows my calendar for the year and tries to avoid these dates when taking dates for trials, *etc.* More often than not, work still takes precedence, but until then, I would at least always have something to look forward to. Building up a good team is also essential as it helps when your partners are able to stand in should the need arise. A good team would allow me to share the workload.

Q: Finally, if you had an extra 24 hours each day, what would you like to do?

A: For sure, not work. It would be great if I could use the extra time to re-prioritise my schedule and thereby spend more quality time with my family and friends whom I usually only get to see after long hours at the office. I would also spend more time to keep up to date with the law, and train the younger lawyers.

Where leisure and personal goals are concerned, I would wish to set aside a couple of hours to burn up those extra calories, play the saxophone and improve on my golf. Finally (this is something I would really love to do), I would love to be a student again, albeit not in the fields of law or engineering. Instead, I would like to study something totally different, perhaps a course in philosophy, religion or, God willing, theology.

Inter Se congratulates Mr Tan on his appointment as Senior Counsel and thanks him for kindly granting us this interview.

It would be great if I could use the extra time to re-prioritise my schedule and thereby spend more quality time with my family and friends whom I usually only get to see after long hours at the office. I would also spend more time to keep up to date with the law, and train the younger lawyers.

WELL PLAYED, YOUR HONOUR: A PORTRAIT OF THE HONOURABLE JUSTICE LAI KEW CHAI

By GARY LOW WING LI, JUSTICES' LAW CLERK, SUPREME COURT

The profession marked the retirement of a well-loved judge on 6 February 2006.

Justice Lai Kew Chai was born in Perak in 1941. He read law at the then University of Singapore and graduated in 1966. He was admitted to the Singapore Bar that same year. He chambered with Messrs Lee & Lee and, except for a brief break, remained with the firm throughout his stint in private practice.

His résumé is an accurate reflection of the engaging personality that he is. He served a three-year term as Vice-President of the Law Society from 1979 to 1981. During that period of time, he was the Director of the Postgraduate Practical Law Course as well as a member of the Military Court of Appeal. He was the very first locally-qualified lawyer to be appointed as a Judge of the High Court in the Supreme Court of Singapore. Reporting on his appointment, the August 1981 issue of the *Malayan Law Journal* noted: "The large congregation of members of the Bar, members of the judicial and legal service and friends present at the court reflects the popularity and high esteem of Mr Justice Lai Kew Chai."

No stranger to newsworthy cases, Justice Lai was a member of the Court of Appeal that heard *Tan Mui Choo v PP*,¹ the appellant being better known as the wife of ritual killer Adrian Lim. Early into his career on the Bench, he was appointed to head the Commission of Inquiry into the 1983 *Sentosa* cable-car disaster. He made his mark internationally with the *Pertamina* case.²

Justice Choo Han Teck reminisced a time when,

as a young member of the Bar, he appeared before Justice Lai on a registrar's appeal. His opponent, a formidable senior lawyer, had served papers on Mr Choo (as he then was) only the Friday before a hearing scheduled on the following Monday. On Saturday afternoon, Justice Lai chanced upon Mr Choo walking his dogs. They greeted each other and went their separate ways. On Monday, Mr Choo won the appeal. He asked for \$500 in costs. Mr Choo impressed upon Justice Lai that he had spent his entire weekend buried in the case, to which the judge replied with a witty riposte, "Interposed, no doubt, with walking the dogs!" – and, with a smile, awarded Mr Choo \$300 in costs.

An excerpt of Justice Lai's speech at the ceremony marking his appointment as Judge of the High Court, perhaps, most aptly captures his 25 years on the Bench: "All of us are engaged in the common cause and honourable task of administering justice according to the law of the land. In discharging this our first duty we will always require, amongst other virtues, a deep and abiding sense of fair play. Fair play must be achieved in substance and demonstrated in appearance. It seems to me that both substance and form are important. The achievement of justice in substance alone may perhaps earn us heavenly merits but doing justice without the appearance of justice being done is of little earthly use." The Honourable Justice Lai Kew Chai's substance and form on the Bench will be missed by many.

Inter Se wishes Justice Lai all the best in his future endeavours.

¹ [1986] SLR 98.

² *Sumitomo Bank Ltd v Kartika Ratna Thabir* [1993] 1 SLR 735.

SINGAPORELAW: SINGAPORE'S LEGAL FUTURE

By LINA TONG, MANAGER, INTERNATIONAL PROMOTION OF SINGAPORE LAW, SAL



The Chief Justice officially launches the *SingaporeLaw* website.

Defined as “Singapore’s legal future” by the Honourable the Chief Justice Yong Pung How, *SingaporeLaw* was formed in late 2004 to devise strategies and implement activities to promote Singapore law as the governing law in international commercial transactions and Singapore as a centre for dispute resolution. *Inter Se* reports on the launch of *SingaporeLaw*’s website, as well as speaks with two members of the *SingaporeLaw* Committee for insight into this latest project supported by the Singapore Academy of Law and the Ministry of Law.

LAUNCH OF SINGAPORELAW WEBSITE

Headed by its Chairman, the Honourable Justice V K Rajah, and members comprising legal professionals and academics from diverse backgrounds, the mission of the *SingaporeLaw* Committee is to promote the use of Singapore law as the governing law for commercial agreements. The main arms of *SingaporeLaw* are its six sub-Committee groups. In addition to the marketing and promotion group, dedicated to formulating the marketing strategies and direction of the Committee, there are three country desks which organise and conduct promotional activities outside Singapore in three cities – namely Shanghai, Mumbai and

Jakarta. In addition, there are the content and website management groups with the primary responsibility for developing and managing the *SingaporeLaw* website and its content.

The *SingaporeLaw* website (www.singaporelaw.sg) was launched on 12 January 2006 by the Honourable the Chief Justice Yong Pung How. The purpose of developing the website is to promote the use of Singapore law by providing free access to Singapore statutes and recent judgments of the Supreme Court of Singapore. The *SingaporeLaw* Committee, as part of its content creation drive for the *SingaporeLaw* website, has also engaged academics and practising lawyers to write on various aspects of Singapore’s

commercial laws. These articles have been reviewed by a team of practising lawyers to ensure that the articles are relevant and comprehensible, particularly since the targeted users of the website are foreign lawyers and businessmen who may be unfamiliar with Singapore law. In order to ensure that the content on the website continues to be relevant, the Committee will be appointing editors-in-chief for the website. The role of these editors would be to help the Committee source for new articles and to ensure that the website content remains updated. The *SingaporeLaw* Committee is also simultaneously working on the translation of the website content. There are plans to translate the website content into Chinese and Bahasa Indonesia.

QUESTIONS ON SINGAPORELAW ANSWERED

Inter Se managed to ask two members of the *SingaporeLaw* Committee about the project – planned initiatives, expected outcomes and anticipated problems. What follows are excerpts from the interviews with Mr Ronnie Quek, who heads the *SingaporeLaw* marketing and promotion group, and Mr Lok Vi Ming SC, who is head of the *SingaporeLaw* China desk.

Q: What conditions provided the impetus behind the setting up of a committee for the international promotion of Singapore law?

RQ: The recognition by leading lawyers and jurists in Singapore that the promotion of the use of Singapore law in international transactions between foreign parties would benefit the Singapore legal profession not only in their practice in Singapore but also in the development of their international practice. They will be able to advise and represent not only Singapore parties but foreign parties on transactions or disputes arising from agreements governed by Singapore law. It was also recognised that the use of Singapore law as the governing law in international transactions will also spur the development of Singapore case law. The use of Singapore law in international transactions will contribute to the growth of Singapore as

a regional centre for professional services and dispute resolution and will complement the development of Singapore as a regional financial and commercial centre.

Q: What elements of Singapore law make it ideal for a possible choice of law to govern transactions between foreign parties from different countries?

RQ: Singapore law is derived from the English common law which is familiar in common law jurisdictions in many countries in and outside Asia. Singapore law has also developed progressively in keeping with the globalised economy and in a manner consistent with the expectations of the international business community. It is in the English language and is readily accessible to all through the *SingaporeLaw* website. Singapore is located in a time zone which is within about a two-hour difference from most major cities in Asia and there is a vast pool of Singapore lawyers with experience in international transactions who could be readily contacted and consulted by foreign parties in the region. There are also likely to be cost advantages in using Singapore law (as opposed to English or New York law) to govern international transactions between parties who are from different jurisdictions.

Q: What are some of the initiatives the Committee has planned and how are these initiatives expected to impact on the reception of Singapore law overseas?

RQ: The focus of the activities will be to persuade foreign parties to a proposed transaction to use Singapore law as the governing law if for any reason they are unable to agree on the use of the law of the jurisdiction of either of them. The activities planned for the immediate future include the conduct of seminars and presentations to the international business community and corporate counsel in Singapore and to the business community, corporate counsel and other legal professionals in cities in China, India and Indonesia. The seminars and presentations will address legal and

international commercial issues of interest to the invitees and will also promote the awareness and use of Singapore law and the availability of Singapore lawyers and the Singapore International Arbitration Centre. It is also intended to directly contact potential users such as foreign lawyers and counsel and to give them periodic updates of key changes to the commercial laws of Singapore.

Q: What are some of the projects for the promotion of Singapore law in China that have been planned?

LVM: We are planning to have a seminar targeting Chinese companies operating in Singapore and the region. This seminar will be held in May this year and we intend to highlight not just the relevance of Singapore law to Chinese businesses, but also the effectiveness of the entire legal judicial structure to the promotion of Chinese business interests here. The seminar will also offer insights into areas where the Singapore legal system and jurisprudence can be of assistance to the Chinese system and explore areas where and ways in which ideas from both sides can be exchanged. Following from this seminar, we plan to strengthen contact with Chinese law firms, foreign lawyers working in China, in-house counsel of Chinese companies and decision-makers of Chinese corporations, leading academics from major Chinese universities. This may lead to a major conference on Singapore law and dispute resolution in Singapore, possibly in Beijing.

Q: What are the major challenges facing the Committee's efforts to promote Singapore law internationally?

RQ: The overseas business and legal community do not have sufficient knowledge of Singapore law to be comfortable with the use of it as the governing law. Furthermore, the leverage of the parties in the region seeking the required capital, funding or technical knowledge in any proposed transaction may not be the same as their American or European counter-party in the transaction.

LVM: Right now, we note from our discussions with Chinese lawyers and managers of Chinese businesses that Singapore law remains largely an unknown and unfamiliar entity which hopefully is a problem that can be addressed by the recent establishment of the *SingaporeLaw* website. With Chinese translation of website content, the website will be able to cater specifically to the Chinese-speaking business community.

Q: Mr Lok, are there specific industries or markets in China that your team is targeting as being more open to the reception of Singapore law? What are they and why?

LVM: At this stage, we are not aiming to bring Singapore law to China. Instead, our efforts are focussed on recommending Singapore law to Chinese companies venturing out of China and, particularly, to this part of the world. Identification of these companies will be with the assistance of statutory bodies and agencies with the necessary experience dealing with Chinese companies. Although there is no specific focus on any industry at this point in time, it is observed that most of the Chinese companies venturing out to this part of the world now largely come from the industry clusters of banking, construction, oil and gas, and information technology, just to name a few.

Q: What does the China desk hope to achieve in the short to mid-term?

LVM: We hope to have a successful seminar in May to heighten awareness of Singapore law amongst the Chinese businesses that are already operating here. It is important to have an impactful first impression, something that allows us to build upon in a very focussed manner in the months to come. We have no doubt as to the enormity of the challenges that lie ahead of us, but the team is excited as we take these first steps towards what can yield enormous opportunities for Singapore's law practitioners in the years to come.

Inter Se would like to thank Mr Quek and Mr Lok SC for kindly agreeing to the interviews.

SINGAPORE ACADEMY OF LAW CONFERENCE 2006: DEVELOPMENTS IN SINGAPORE LAW BETWEEN 2001 AND 2005

By MOHAMED FAIZAL, JUSTICES' LAW CLERK, SUPREME COURT

INTRODUCTION

In what has now become a bi-decenary hallmark of the Singapore Academy of Law, the Singapore Academy of Law Conference 2006 ("the Conference") took place at the new Supreme Court Auditorium, spanning three days between 12 and 14 January 2006. The Conference built upon the previous two conferences (held in 2001 and 1996) in updating attendees of the sinews of the legal system and the myriad changes that have taken place in the legal system over the past five years. Reflecting the need for a holistic approach to understanding the legal developments which have taken place over the past five years, each session in the Conference revolved around presentations from a combination of practising and academic perspectives. In line with the desire to foster critical discussion, and in an appropriate departure from the format of previous conferences, each session was concluded with a debate chaired by a High Court judge that involved a discussion of aspects of developments in the area of law that had been presented upon.



The Chief Justice delivering the Keynote Address of the Conference.

DAY 1 – 12 JANUARY 2006 (THURSDAY)

The Honourable Justice V K Rajah, Chairman of the Organising Committee of the Singapore Academy of Law Conference 2006, kicked things off by delivering the Welcome Address. The Keynote Address was delivered by the Honourable the Chief Justice Yong Pung How to an audience that included guest of honour, Deputy Prime Minister, Co-ordinating Minister for National Security and Minister for Law, Professor S Jayakumar. In conjunction with the launch of the *SingaporeLaw* website (please see p17 for more on this new initiative), the Chief Justice noted that while English and American laws remain the typical governing laws of international business contracts, the dynamic yet pragmatic development of Singapore law over the past few years, evidenced by the growth of



Day 1 (am) panel discussion led by Justice Chao Hick Tin. From left to right: Mr Lee Eng Beng, Mrs Arfat Selvam, Justice Chao Hick Tin, Mr Cavinder Bull and Asst Prof Tracey Evans Chan.



Assoc Prof Hans Tjio.

Singapore as a legal and economic hub, suggests that Singapore law had great potential to become a preferred governing law of choice for parties in the region and to be a centre for

dispute resolution. His Honour's speech was followed by a visually arresting presentation of the *SingaporeLaw* website (www.singaporelaw.sg) that impressed all present. The presentation succinctly showcased the progress Singapore has made in recent years and its ability to challenge the gauntlet thrown down by the Honourable Attorney-General Mr Chan Sek Keong five years ago, when he perceptively noted that it would be unrealistic to believe that the region would accept Singapore law to be the *de facto* regional standard at that time.

After light refreshments were served, the Honourable Justice Chao Hick Tin delivered his welcoming remarks before inviting Mr Lucien Wong, the managing partner of Messrs Allen & Gledhill, and Dr Maisie Ooi, Visiting Associate Professor at the National University of Singapore's ("NUS") Faculty of Law, to deliver the first presentation of the Conference. Mr Wong and Dr Ooi delivered a clear and concise summary of the amendments to the Companies Act on raising capital and the maintenance of such capital. The furious note-taking by all of those in attendance was testament to the timeliness of such a discussion on the recent amendments to Company Law. This was followed by a presentation by Mrs Lee Suet Fern, Senior Director of Stamford Law Corporation, and Associate Professor Hans Tjio from the NUS Faculty of Law, who presented on Securities Law and Practice in Singapore. The morning's events were concluded by a lively debate between the invited panel members on the law in relation to corporate insolvency. While the panel members appeared to be unanimous in their view that an omnibus legislation is required in Singapore over the long-term, they were very much divided on whether it would be appropriate to model such legislation on the (in)famous Chapter 11-model as is found in the United States.



Mr Lucien Wong.



Dr Maisie Ooi.



Mrs Lee Suet Fern.



Day 1 (pm) panel discussion led by Justice Tay Yong Kwang. From left to right: Assoc Prof Alexander Loke, Mr Davinder Singh SC, Mr Tan Chuan Thye, Mr Kwek Mean Luck and Justice Tay Yong Kwang.



Mr Thio Shen Yi and Assoc Prof Pearlie Koh.



Mr Kenneth Tan SC.



Assoc Prof Yeo Tiong Min.

The afternoon session focused on the recent development of the Law of Obligations. Mr Thio Shen Yi, Joint Managing Director of TSMP Law Corporation, and Associate Professor Pearlie Koh, of the Singapore Management University, delivered a thought-provoking presentation on the “fairness of contract” and questioned whether the “good faith” doctrine should be accepted in Singapore in light of the fact that the courts already appear to incorporate such requirements into determining what constitutes the reasonable expectations of parties. This was followed by a

presentation by Mr Kenneth Tan SC, senior partner of Messrs Kenneth Tan Partnership, and Associate Professor Yeo Tiong Min, from the NUS Faculty of Law, on the use of civil remedies and the changes prevalent in such use over the past five years. In particular, the former considered the extension of equitable remedies to situations involving a breach of contract, while the latter focussed on the role restitution may play in such a factual matrix.

The day ended on a high note with a lively panel discussion on damages in the Singapore context and how the courts could approach the difficult matter of proof of causation in cases involving the “loss of a chance”, with particular focus on the Court of Appeal decision in *Asia Hotel Investments Ltd v Starwood Asia Pacific Management Pte Ltd* [2005] 1 SLR 661.

DAY 2 – 13 JANUARY 2006 (FRIDAY)



Day 2 (am) panel discussion led by Justice Choo Han Teck. From left to right: Dr Stanley Lai, Mr Jeffrey Chan, Justice Choo Han Teck, Ms Kuah Boon Theng and Assoc Prof Ng Siew Kuan.

The first-half of the second day revolved, primarily, around the recent developments in intellectual property and information technology. Ms Joyce Tan and Associate Professor Daniel Seng from the NUS Faculty of Law delivered a paper reviewing, in admirable detail, developments in information technology laws in Singapore over the past five years and the steps and changes that are necessary for Singapore to become a centre for information technology and electronic

commerce. This was followed by an engaging presentation by Mr Andy Lek and Associate Professor Ng-Loy Wee Loon from the NUS Faculty of Law on the protection of intellectual property rights in Singapore, with a particular focus on the defences that are available to parties when accused of copyright infringement in light of the recently concluded US-Singapore Free Trade Agreement. The morning session was capped off by a panel discussion chaired by the Honourable Justice Choo Han Teck that featured, *inter alia*, an interesting debate between Dr Stanley Lai (of Messrs Allen & Gledhill) and Associate Professor Ng Siew Kuan from the NUS Faculty of Law, as well as an impressive presentation on the ethical aspects of scientific research by Mr Jeffrey Chan (from the Attorney-General's Chambers).

The afternoon session promised to succinctly update those in attendance of the developments in the areas of Conflict of Laws and Arbitration in Singapore over the past five years and did not disappoint on that account. Professor Tan Yock Lin from the NUS Faculty of Law and Mr Francis Xavier (of Messrs Rajah & Tann) began by updating the audience on the position Singapore courts have taken as regards to conflict of laws and by providing an important contrast on the developments elsewhere, and the different standards espoused by different jurisdictions. Professor M Sornarajah from the NUS Faculty of Law and Mr Sundaresh Menon, head of Jones Day's Dispute Resolution Practice in Asia, then presented their paper which discussed the



Ms Joyce Tan.



Assoc Prof Daniel Seng.



Mr Andy Lek.



Assoc Prof Ng-Loy Wee Loon.



Day 2 (pm) panel discussion led by Justice Judith Prakash. From left to right: Mr Lawrence Boo, Mr Vinodh Coomaraswamy SC, Justice Judith Prakash, Mr Sundaresh Menon and Mr Ang Cheng Hock.



Prof Tan Yock Lin and Mr Francis Xavier.



Mr Sundaresh Menon and Prof M Sornarajah.

limits of judicial intervention in international arbitration and the reasons why it may not be appropriate to assume that minimal judicial involvement is appropriate in every case. The concluding highlight of the day was a robust panel discussion chaired by the Honourable Justice Judith Prakash that succinctly highlighted the issues surrounding the enforcement of judgments in an overseas jurisdiction.



Day 3 (am) panel discussion led by Justice Woo Bih Li. From left to right: Mr Chua Lee Ming, Mr Philip Jeyaretnam SC, Justice Woo Bih Li, Mr David Chong and Assoc Prof Ho Hock Lai.

DAY 3 – 14 JANUARY 2006 (SATURDAY)

The engaging presentations by the Honourable Second Solicitor-General, Mr Lee Seiu Kin, on the use of prosecutorial discretion in Singapore and the thought-provoking comments made by Mr Sant Singh and Professor Michael Hor from the NUS Faculty of Law on the use of the death penalty in Singapore were ample reasons not to regret having to wake up early on a Saturday morning to attend the last session of the Conference. The latter presentation raised

controversial points, with statistics to boot, in relation to the use of the death penalty in Singapore and whether it would be fair to say that the mandatory death penalty is, indeed, an effective deterrent to crime.

After a short break, the audience was treated to an update on the developments in civil litigation



Second Solicitor-General Lee Seiu Kin.



Mr Sant Singh.



Prof Michael Hor.



Mr See Kee Oon.



Mr Alvin Yeo SC.

in Singapore. The first speaker after the break, Mr Alvin Yeo SC, the managing partner of Messrs WongPartnership, spoke on issues regarding the use of the Mareva Injunction in aid of foreign proceedings. While updating those in attendance of the developments in overseas jurisdictions and providing a comparison of such jurisprudential developments with those in Singapore, he noted that Singapore has slowly but surely moved towards a more globalised approach in handling international disputes. Professor Jeffrey Pinsler, the next speaker, then brought everyone through the recent developments in respect of the discovery process before the commencement of any actions and/or in relation to non-parties. Mr See Kee Oon, a principal district judge and a member of the Rules of Court Working Committee, was the next to present. Mr See provided those in attendance with an overview of the changes to be made to the Rules of Court. He also elicited much laughter from the audience when he jokingly noted that while the most major change, a reduction of the number of originating processes, was conveniently termed as the “four to two” amendment, this was, by no means, an indication of the working hours of the Rules of Court Working Committee (of “four (pm) to two (am)”)! In the final panel discussion of the Conference, chaired by the Honourable Justice Woo Bih Li, the subject of privilege was examined, with the focus of the debate being the applicability of the legal protection of privilege to corporate counsel when advising their employers.

In his concluding remarks, Justice Rajah welcomed the diversity of views that

had been displayed over the three Conference days and was confident that the open debate and critical evaluation of the developments in law over the past five years would facilitate reflection by all stakeholders in the development of Singapore law and represented the foundation upon which even more promising developments can take place and upon which appropriate reform (where necessary) can be considered.

CONCLUSION

It would be fair to say that the three-day Conference was an invigorating and thought-provoking exercise that has updated many involved in the legal profession on the newer developments of law in Singapore while being challenged to consider and reflect upon the likely shape of Singapore law in the near future. Here’s to seeing everybody again in five years time, hopefully, after more significant legal development.



Professor Jeffrey Pinsler.



Justice V K Rajah delivering the closing remarks at the end of the very successful three-day Conference.

STARS E-LODGMENT: WHAT EVERY CONVEYANCING LAWYER SHOULD KNOW

By SERENA LIM AND SYLVIA LOW, DIRECTORS, BIZIBODY TECHNOLOGY PTE LTD¹

The STARS E-Lodgment System (“STARS E-Lodgment”) is an internet service operated by the Singapore Land Authority (“SLA”), which enables law firms to electronically prepare and lodge Land Titles Act (Cap 157) (“LTA”) Forms with the SLA. STARS E-Lodgment was launched by the SLA on 26 August 2003 and has been implemented in phases. With effect from 18 January 2006, the Registrar of Titles no longer accepts manual lodgment of any LTA Form listed in the Appendix, for transactions relating to private property, unless the LTA Form was executed prior to 18 January 2006. This article provides a refresher overview of the system which is now the only way LTA Forms listed in the Appendix may be lodged.

OVERVIEW

Preparation of LTA Forms

STARS E-Lodgment currently provides 98 templates (see Appendix) for document preparation. The end-user inputs matter-specific data (eg client’s name and address details, property details *etc*) online and the STARS E-Lodgment system will automatically “mail merge” that data into the selected template, thus creating the “complete” LTA Form for execution by the relevant parties and lodgment.

The STARS E-lodgment system allows the end-user to “copy” the matter specific data from one template to another without having to repeat the input of the same data into the subsequent templates (eg to prepare a set of LTA Forms for a single transaction that involves a transfer, mortgage and charge over the same property, all you have to do is input of data for the Transfer and then “instruct” the system to “copy” this data to the relevant mortgage and charge templates).

Another advantage is that the system automatically conducts validation checks on the data you input (eg NRIC numbers must have seven digits, Property Lot and Mukim numbers must correlate to the stated Certificate of Title *etc*), and the system will highlight any inconsistency to the user. This helps to reduce the number of documents being rejected by the SLA on lodgment.

Conveyancing firms, especially those who have not invested in any form of automated document assembly tools² within their own practices, will discover that document preparation using these electronic mail-merge templates significantly reduces production time and improves accuracy.

However, conveyancing firms which are currently deploying their own automated document assembly systems will now have to input the same data twice: first, online through the STARS E-Lodgment system for preparation of the LTA Forms; and second, into their own document

¹ Serena Lim and Sylvia Low are former lawyers and directors of Bizibody Technology Pte Ltd, a company specialising in legal technology systems and outsourced services for the court and legal industry. They work closely with the Singapore Academy of Law and Singapore Land Authority to conduct STARS E-Lodgment training classes for the legal profession.

² Document assembly tools, such as Hotdocs and Lawdocs automate the preparation of documents by electronically mail-merging matter specific data input by the conveyancing clerk into the selected precedent template, thereby creating the “complete” document.

assembly templates for preparation of all other correspondence and documents relating to the same transaction. It is hoped that this will be a temporary setback as it is technically possible to engineer electronic “communication” of data between the STARS E-Lodgment system and the conveyancing firm’s internal automated document assembly system. This integration will require collaboration between the SLA and the firm’s technology vendors and consultants; and more significantly, the SLA’s cooperation in “opening up” their data fields so that like fields between STARS E-lodgment templates and the Firm’s own templates may be mapped.

Lodgment of LTA Forms

After a document is prepared through STARS E-Lodgment, it can be lodged online within the prescribed e-lodgment hours (at the time of writing, these are from 8.30am to 12.00noon on weekdays).

Where the instrument is required to be signed/executed by a person other than a lawyer, the hardcopy document is also required to be presented at the Land Registry before 12.00noon on the day following the day that the same instrument is electronically lodged. However, the Registry of Titles will take the operative time of lodgment as the time the document is electronically submitted or “e-lodged” at the Registry, and not the later time when the hardcopy was presented. Where an LTA Form is one that requires only the solicitor’s execution, the law firm does not need to present the executed hardcopy of the document at the Land Registry.

THE IMPACT OF STARS E-LODGMEN ON THE CONVEYANCING WORKFLOW

The Format, Preparation and Signing of LTA Forms

The SLA has taken the opportunity to streamline their LTA Forms. Some changes to the LTA Forms that lawyers should be aware of are as follows:

- (a) The Total Discharge of Mortgage (“TDM”) instrument does not contain a consideration clause as it is not a criterion for registration. Thankfully, the LTA Forms come with built-in

“special remarks” fields which can be used to incorporate a consideration clause into the TDM.

- (b) The covenants and conditions in the Mortgage document are now incorporated by way of an appendix rather than in the main body of the document as they are not required to be e-lodged.
- (c) There are also many more additional (optional) fields in the new LTA Forms which you may not need to use in standard or routine cases.

To date, templates of 98 LTA Forms excluding the forms for Caveat, Extension of Caveat and Withdrawal of Caveat have been provided by the SLA. Since the forms are web forms, the final output of which depends on the way the user completes the web form, it is difficult for the lawyer to know the different permutations and options available in any LTA Form, just by reviewing the hardcopy end-document that is generated. This is because the end document is a work product whose final form depends on which fields have been completed and how those fields have been completed. Lawyers who know the specific information required to be stated in the specific instruments will find it easier to use the e-forms as they can apply what is required in the manual environment to the electronic environment.

Impact of STARS E-Lodgment on the Completion Process

The Concept of Granting Digital Access

STARS E-Lodgment has been designed to cater to the multiple law firm collaborative process which takes place in a conveyancing transaction. Typically, a document prepared by one law firm has to be lodged by another law firm. STARS E-Lodgment caters for this by enabling the firm who prepared the instrument (“Preparing Firm”) to grant electronic access to the document to the law firm who will be lodging the document (“Lodging Firm”). The Preparing Firm must grant digital access to the Lodging Firm on completion. This process of granting digital access to the document is effected through the STARS E-Lodgment system.

Ideally, the Preparing Firm should grant digital access to the Lodging Firm at the physical completion (*ie* when all parties meet to exchange documents, completion moneys and keys). This can possibly be achieved in a not-too-distant wireless, broadband-connected world where completion clerks travel around with mobile devices which enable them to log into the STARS E-Lodgment website at completion. However until this scenario becomes reality, the issue is whether the Preparing Firm should grant digital access to the Lodging Firm before or after completion?

If the Preparing Firm grants access to the Lodging Firm prior to physical completion, the Lodging Firm would technically be able to e-lodge the document through STARS E-Lodgment, prior to the completion. If the Preparing Firm is required to give access to the Lodging Firm after completion, the Preparing Firm may inadvertently or otherwise, fail to grant access to the Lodging Firm, which would prejudice the Lodging Firm, as the Lodging Firm would not be able to lodge the digital documents until this omission is rectified.

Presently, the general consensus seems to be that digital access should be given by the Preparing Firm to the Lodging Firm AFTER completion, and that the Preparing Firm should provide the Lodging Firm with acceptable undertakings to that effect in the completion letter. This issue is best addressed by law firms at an industry level. Completion protocols as to when digital access should be granted and if applicable, the format of undertaking to be given at completion, should be agreed on and established to avoid unnecessary disputes at completion.

The Concept of Encryption

Documents which are prepared through STARS E-Lodgment are required to be digitally signed or encrypted prior to electronic lodgment.

For purposes of digital signing/encryption, there is a significant difference between Caveats/Withdrawal of Caveats and other LTA Forms. The difference is that Caveats and Withdrawal of Caveats are in respect of claims in land and do not pass estate and interest in land. They are usually signed by the lawyers on behalf of a third party. As such, Caveats and Withdrawal of Caveats are digitally signed by the lawyer and lodged electronically.

The entire lodgment process is online.

However, the concept of digital signing does not apply to instruments which are required to be executed by a third party, for example, an Instrument of Transfer/Mortgage. Such documents are “physically” signed and “digitally” encrypted. The workflow issues that arise from this encryption process are:

- (a) Who should encrypt the document? The Preparing Firm or the Lodging Firm?
- (b) At what point should the document be encrypted? Prior to or after completion?

Encryption is quite different from signing although, ostensibly, it involves the same act of inserting the Net Trust card or token. It is a concept that generates some confusion. The SLA has recommended that the law firm that prepares the document should encrypt it so as to ensure that it cannot be tampered with by another law firm.

Impact of STARS E-Lodgment on the Post-Completion Process

Law firm workflows must take into account the following changes:

- (a) Online lodgment is limited to the hours of 8.30am to 12.00noon on weekdays. Signed hardcopies of the LTA Forms must be physically presented to the Land Registry by 12.00noon on the day following the day the document was electronically lodged.
- (b) LTA Forms can be prepared by one firm and the Production Form prepared and lodged by another firm at a different time.
- (c) Law firms can track and monitor, online, the registration status of LTA Forms that it had lodged.
- (d) Law firms can now check the collection status of documents and titles lodged/forwarded by other firms by providing the title or instrument number.
- (e) In a situation where the e-lodged LTA Form needs to be amended, the person(s) who encrypted and amended the electronic LTA Form will need to call at the SLA with their Net Trust Card/Token in order to make the amendment.

CONCLUSION

STARS E-Lodgment has been designed to take into

account the collaborative nature of conveyancing transactions, with considerable care being taken to facilitate business process workflows at the level of law firms. For law firms who would like to re-acquaint themselves with STARS E-Lodgment, training classes are scheduled for every Friday in March 2006 (3 Mar, 10 Mar, 17 Mar, 24 Mar and 31 Mar). These classes will acquaint participants with how to use

STARS E-Lodgment and will address the workflow issues raised in this article. It is hoped that the training sessions will allow law firms to integrate STARS E-Lodgment fully and seamlessly within their practices. Please call the LawNet Training Centre at 6332 4256 or 6332 4382 for more information on these courses as well as a new, one-day introduction course on STARS E-Lodgment that is in the works.

APPENDIX

S/N	Instruments / Forms	Description	Requires Hardcopy to be Forwarded
1	ACCS	Application to Cancel Registration of Collective Sale Application made to Strata Titles Board	Yes
2	ACD	Application to Correct Data	Yes
3	AF	Authorisation Form	No
4	AOC	Application to Register Writ or Order of Court	No (if signed by lawyer)
5	AOCS	Application to Register Order for Collective Sale made by the Strata Titles Board	Yes
6	ARCS	Application to Register Collective Sale Application made to Strata Titles Board (Development registered under the Land Titles (Strata) Act)	Yes
7	ARCS	Application to Register Collective Sale Application made to Strata Titles Board (Development not registered under the Land Titles (Strata) Act)	Yes
8	ARO	Application to Register Orders made by the Strata Titles Board under Part VA of the Land Titles (Strata) Act	Yes
9	C	Charge	Yes
10	CE	Application to Cancel Registration or Notification of Easement	Yes
11	COC	Application to Cancel Writ or Order of Court	No (if signed by lawyer)
12	CS	Consent	No (if signed by lawyer)
13	CSMC	Application for Notification of Conversion from a Single to 2-Tier Management Corporation	Yes
14	DC	Application to Notify Total Discharge of CPF Charge	Yes
15	DL	Application for Determination of Lease	Yes
16	DPD	Application to Dispense with Production of Duplicate Instrument / Certificate of Title / Subsidiary Strata Certificate of Title / Subsidiary Certificate of Title	Yes
17	DSO	Application to Notify Total Discharge of Statutory Obligation	Yes
18	ER	Extension of Restrictions	Yes
19	FOS	Publication for Final Official Search	No (if signed by lawyer)
20	GE	Grant of Easement	Yes
21	L	Lease	Yes
22	L (with easement)	Lease (with easement)	Yes
23	LCT	Application for Certificate of Title for a Private Leasehold Estate comprised in a Lease	Yes
24	M	Mortgage	Yes
25	MCC	Management Corporation Charge	Yes

26	ML	Memorandum of Lease	Yes
27	MM	Memorandum of Mortgage	Yes
28	MS	Transfer (by Mortgagee Exercising Power of Sale)	Yes
29	NC	Application to Notify CPF Charge (Chargors are the Registered Proprietors of the Land)	Yes
30	NC	Application to Notify CPF Charge (Chargors are not the Registered Proprietors of the Land)	Yes
31	NC	Application to Notify CPF Charge (One or Some of the Registered Proprietors withdrew their CPF Funds) (Privatisation)	Yes
32	NC	Application to Notify CPF Charge (All Registered Proprietors withdrew their CPF Funds) (Privatisation)	Yes
33	NCN	Application to Note Change of Name	Yes
34	NCT	Application for New Certificates of Title	Yes
35	NCT	Application for New Certificates of Title (By Mortgagee / Chargee where Mortgagor / Chargor has defaulted)	Yes
36	NCT	Application for New Certificates of Title (By Mortgagee / Chargee)	Yes
37	ND	Notice of Death	Yes
38	NE	Statement by Personal Representative that he is Absolute Proprietor	Yes
39	NM	Application for Notification of Deed of Substituted Mortgage	Yes
40	NM	Application for Notification of Substituted Mortgage	Yes
41	NPDC	An application to No Partial Discharge of CPF Charge (as against part of the Land)	Yes
42	NPDC	Application to Notify Partial Discharge of CPF Charge (as against a Chargor who has withdrawn from the Purchase)	Yes
43	OF	Application to Register Order for fore closure	Yes
44	OS	Application for Official Search	Yes
45	PDC	Partial Discharge of Charge	Yes
46	PDM	Partial Discharge of Mortgage	Yes
47	PDSO	Application to Notify Partial Discharge of Statutory Obligation	Yes
48	PF	Production Form	No
49	PLC	Application to Cancel Registrar's Caution Prohibiting Assurance of a Provisional Lot	Yes
50	PM	Postponement of Mortgage	Yes
51	PM	CPF Postponement	Yes
52	R	Restriction	Yes
53	RE	Release of Easements	Yes
54	RR	Release of Restrictions	Yes
55	RSA	Strata Title Application (Pursuant to Redevelopment)	Yes
56	SCT	Application for Subsidiary Certificate of Title for a Private Leasehold Estate comprised in a Lease	Yes
57	SDCT	Application for Replacement Certificate of Title	Yes
58	SDCV	Statutory Declaration to Cancel Vexatious Caveat	Yes
59	SDMH	Statutory Declaration to Change Manner of Holding (by Tenants in Common in Equal Shares to hold as Joint Tenants)	Yes
60	SDMH	Statutory Declaration to Change Manner of Holding (by All Registered Proprietors to Sever a Joint Tenancy)	Yes

61	SDMH	Statutory Declaration to Change Manner of Holding (by One Joint Tenant to Sever a Joint Tenancy)	Yes
62	SDMH	Statutory Declaration to Change Manner of Holding (by One Joint Tenant to Sever a Joint Tenancy)	Yes
63	SI	Similar Interest Confirmation Form	No (if signed by lawyer)
64	SL	Surrender of Lease	Yes
65	SO	Application Obligation to Notify Statutory	Yes
66	SSCT	Strata Title Application	Yes
67	STP	Strata Title Application under s 125A of the Land Titles (Strata) Act	Yes
68	STP	Strata Title Application under s 126 of the Land Titles (Strata) Act	Yes
69	STP	Strata Title Application under ss 126 and 126A of the Land Titles (Strata) Act	Yes
70	SUL	Sublease	Yes
71	SV	Statutory Vesting of Mortgage	Yes
72	SV	Statutory Vesting of Land	Yes
73	T	Transfer	Yes
74	T (easement)	Transfer (Easement)	Yes
75	T (right of way)	Transfer (right of way)	Yes
76	TAB	Transmission Application on Bankruptcy of Proprietor	Yes
77	TAC	Transfer to Amalgamate Common Properties	Yes
78	TAD	Transmission Application on Death of Proprietor	Yes
79	TAP	Transfer to Add Common Property	Yes
80	TC	Transfer of Charge	Yes
81	TCP	Transfer of Common Property	Yes
82	TCS	Transfer (Pursuant to Collective Sale by Majority)	Yes
83	TCSL	Transfer (Pursuant to Collective Sale where Transferors do not own the Land)	Yes
84	TDC	Total Discharge of Charge	Yes
85	TDM	Total Discharge of Mortgage	Yes
86	TM	Transfer of Mortgage	Yes
87	TP	Transfer to President	Yes
88	TP (Re-issue)	Transfer to President (Re-issue)	Yes
89	TSS	Application to Notify Termination of Strata Subdivision	Yes
90	V	Application to Register Declaration of Vesting	Yes
91	V	Application for Registration of Vesting (Street Works Act)	Yes
92	VAOC	Application to Register Variation of Writ or Order of Court	No (if signed by lawyer)
93	VL	Variation of Lease	Yes
94	VM	Variation of Mortgage	Yes
95	VML	Variation of Memorandum of Lease	Yes
96	VMM	Variation of Memorandum of Mortgage	Yes
97	WOC	Application to Withdraw Writ or Order of Court	No (if signed by lawyer)
98	XR	Application to Extinguish Restrictions	Yes

TECH LAW WATCH

Tech Law Watch is a column brought to you by the Technology Law Development Group (“TLDG”), the SAL think-tank for research in and reform of technology law. Tech Law Watch hopes to identify and anticipate key trends and developments in technology law, and to promote dialogue between technology industry players as well as law practitioners from both private and public sectors. An online web forum at <http://sal.infopop.net/3/OpenTopic> has been launched together with this new column. Interested persons are invited to register as members of this web forum to contribute their views and comments for TLDG’s consideration.

MOBILE WIRELESS TECHNOLOGIES: SOME LEGAL AND REGULATORY ISSUES

By CHARLES LIM AENG CHENG, MEMBER, TECHNOLOGY LAW DEVELOPMENT GROUP, SAL¹

INTRODUCTION

The rapid and widespread adoption of mobile wireless technologies has wrought a quiet revolution in work, leisure and social interactions. In a feature entitled “The Future of Entertainment”, *Newsweek* magazine carried the apt byline: “Coming Soon: A world where all content is at your fingertips”.² Dick Tracy’s classic wrist-watch video phone is now a commercial reality. *Newsweek* predicted that the digital technology will “make us masters of our own digital universe”. This article seeks to provoke debate and thought on some of the legal and regulatory issues that have arisen in Singapore. Space does not permit a comprehensive treatise and discussion of issues such as the formation of contracts, securities offerings through mobile phones and intellectual property rights.

MOBILE WIRELESS TECHNOLOGIES

Mobile wireless technologies are known as “Anywhere-Anytime-Anyone” technologies because they enable end-users to access information, communicate and perform transactions “anytime, anywhere” with different devices and with anyone who is equipped with the technology. These services could be delivered via SMS (Short Messaging Service), WAP (Wireless Application Protocol), Mobile Internet, Wi-Fi, smart client applications and in the near future through Wi-Max.³ The Universal Mobile Telecommunications System (popularly known as 3G) is already deployed in cellular networks. Singapore will soon witness the adoption of the new Wi-Max technology for broadband wireless access throughout the island.⁴ The Judiciary has also embraced wireless technologies. The Supreme Court has “rolled out Internet wireless hotspots”

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² *Newsweek* (28 September 2005), front cover.

³ WiMAX is an acronym that stands for Worldwide Interoperability for Microwave Access; a certification mark for products that pass conformity and interoperability tests for the IEEE 802.16 standards. Products that pass the conformity tests for WiMAX are capable of forming wireless connections between them to permit the carrying of Internet packet data. It is similar to WiFi in concept, but has certain improvements that are aimed at improving performance and should permit usage over much greater distances.

⁴ It was announced on 6 June 2005 that even as larger countries hesitate over broadband wireless, Singapore will

so that “lawyers can now engage in Internet legal research even while they are in court”⁵ and receive SMS notifications on court hearing matters.

ALL IN ONE – CONVERGENCE

Modern mobile equipment defy classification in accordance with conventional media forms. Services conventionally provided only via TV, radio, telephone, personal computer, personal digital assistant, I-Pod, DVD/CD players, *etc.*, can now be converged into a single device. Local telecommunications provider, Singtel, recently launched 3G TV which will allow videos to be screened on 3G mobile phones with a single click.⁶

The most obvious and probably the most difficult legal and regulatory issue is that of “convergence”. The underlying digital mobile technology has caused the convergence of the telecoms, computing and broadcasting industries. In Singapore where the telecoms, broadcasting and film and print media have been regulated traditionally under separate frameworks with separate regulators, convergence place pressures on regulatory institutions to change. Convergence causes regulatory overlap, conflict between the regimes and possible gaps in licensing regimes.⁷ Convergence has already resulted in the merger of the National Computer Board and the Telecommunications Authority of Singapore on 1 December 1999 to form the Infocomm Development Authority (“IDA”) and the merger of the Singapore Broadcasting Authority, the Films and Publications Department and the Singapore Film Commission (“SFC”) on 1 Jan 2003 to form the Media Development Authority (“MDA”). Despite these mergers, telecommunications and broadcasting continue to be regulated by two separate regulators under two separate regulatory

regimes *viz* the Telecommunications Act and the Broadcasting Act. A 3G mobile phone can potentially be both a telecommunications as well as a broadcasting device if it is used to distribute videos to multiple recipients. Should mass emails with graphical or text content and pushed to multiple addressees through wireless access be treated in the same way as radio or television broadcasting? One argument is that mass emailing is not broadcasting as it is essentially “one to one” communications as opposed to “one to many” communications through TV and Radio. On the other hand, it has been argued that the Internet websites though “one to one” in nature are loosely regulated under the Broadcasting Act. The solution may well involve a paradigm shift away from the concepts of telecommunications and broadcasting to the new concepts of private and public communications. In recognition of the issues raised by convergence, the two regulatory authorities, the IDA and the MDA have since December 2001 come under the supervision of a single ministry – the Ministry of Information, Communications and the Arts. It remains to be seen whether there will be further convergence into a single regulatory authority with a single piece of legislation regulating the new paradigms of private and public communications as opposed to telecommunications and broadcasting.

CONTENT REGULATION – THE YOUNG AND RESTLESS

The mobile Internet adds the extra ingredient of being a personal means of communication for minors, away from the eyes and ears of their parents and guardians. The personal nature of the device means that it is unlike the personal

have island-wide WiMAX coverage within a year. The Infocomm Development Authority (“IDA”) has allocated six broadband wireless licenses in 2.3GHz and 2.5GHz bands and all holders must roll out their services by the end of 2006 (or mid-2008 if they have 2.3GHz spectrum). Most plan to use technology based on the Korean Wi-Bro architecture, which runs in 2.3GHz, or pre-WiMAX equipment. Fixed WiMAX should support a 2.5GHz profile by early 2006, and both platforms are slated to be migrated to full WiMAX standards next year. The successful bidders were Inter-Touch Holdings, MobileOne, Pacific Internet, Qala Singapore, SingTel Mobile and StarHub.

⁵ As announced by the Honourable the Chief Justice Yong Pung How in his Response at the Opening of the Legal Year 2006, 7 January 2006. See www.supremecourt.gov.sg. Also see at p10 of this issue of *Inter Se*.

⁶ “Singtel Launches 3G TV in a Bid to Boost Demand”, the *Straits Times* (21 July 2005).

⁷ See Angeline Lee, “Convergence in Telecom, Broadcasting and IT: A Comparative Analysis of Regulatory Approaches in Malaysia, Hong Kong and Singapore” [2001] 5 SJICL 674.

computer in terms of possibilities for parental involvement and supervision. While it is possible for parents to locate the personal computer in a communal room at home to supervise their children's online activities, that safety measure is greatly diminished with mobile Internet. These social implications of the mobile Internet were highlighted in the 2003 Report of the National Internet Advisory Committee ("NIAC").⁸ The NIAC was concerned that the Japanese experience is illustrative of the dangers of unbridled use of 3G mobile phones by children. For example, during the first half of 2002, over 700 arrests have been made of Japanese men who had abused young girls they met through dating sites accessed directly from mobile phones. Other dangers include stalking, access to pornography, children being targeted by advertising and scams. With the increasing popularity of camera phones, children can send images of themselves to others, post their photos on the web, and receive images from friends as well as strangers and possibly predators.

In view of Singapore's light-touch regulation of the Internet, the answer to these potential dangers may not lie in the regulation of content by legislation. Taking a leaf from Prof Lawrence Lessig's⁹ powerful thesis that "architecture" is as powerful a tool as "law" or "code" in controlling conduct, one proposition is for the regulatory authorities to explore the use of technology or architecture in allowing parents to regain the "control" lost through the mobile nature of the Internet. The owners of intellectual property rights have similarly resorted to "architecture" in the form of anti-circumvention measures to protect their intellectual property rights. For example, the relevant regulatory authority could, where feasible, mandate the default provision of voluntary filtering services for mobile phones subscribed for children on an opt-out basis.

TERRORISTS AND THEIR MOBILE PHONES

Terrorist groups such as the *Jemaah Islamiyah* ("JI") are known to use SMS to detonate bombs. A local JI member learnt this in Afghanistan. The promise of anonymity is the prepaid SIM card's main attraction. From 1 November 2005, all prepaid SIM cards in Singapore have to be registered and only those aged 15 and older can buy them. Each person is limited to ten cards. All the 1.4 million prepaid cards, which form 35% of the mobile market here, must be registered by 1 May 2006.

The Thai experience seems to suggest that such measures are effective in preventing the detonation of bombs by cell phones. Bomb attacks detonated by mobile phones has almost stopped in the southern Thai provinces since the Thai Government disabled unregistered pre-paid mobile phones in November 2005.¹¹ The regulation of prepaid cards has assumed an international dimension. The Thai Information and Communications Minister had expressed an urgent desire to meet his Malaysian counterpart to discuss assistance from Malaysia to prevent separatist rebels from setting off bombs by cell phones. This came in the wake of a bomb detonated in the border town of Sungai Kolok by a mobile phone registered in Malaysia.

Terrorists may also utilise strong encryption to conceal evidence and preparatory steps transmitted over mobile telephones. Nokia announced in August 2004 that it was working with Swedish security company Pointsec Mobile Technologies to develop an end-to-end encryption tool for high-end Nokia mobile phones. Lawful access had previously been available in s 15 of the Computer Misuse Act (Cap 50A) but has been limited to offences under that Act. The law has been changed recently to facilitate lawful access by law enforcement authorities to encrypted evidence of all seizable offences. These laws can be found in the recently enacted ss 125A and 125B of the Criminal

⁸ *NIAC Annual Report 2003* (8 April 2004). See www.mda.gov.sg.

⁹ See Lawrence Lessig, *Code and other Laws of Cyberspace*, Chapter 4 on "Architectures of Control".

¹⁰ "JI used Prepaid SIM Cards to Avoid Detection", the *Straits Times* (22 October 2005).

¹¹ According to Thai Minister of Information and Communications Technology, Sora-at Klinpratoom, quoted in the *Straits Times* (10 January 2006). The report also stated that Thai Prime Minister Thaksin Shinawatra had said on 9 January 2006 that he would instruct telecoms regulators to speed up the registration of Malaysian mobile phones brought into Thailand. More than 1000 people have been killed in two years of separatist unrest in the Thai region.

Procedure Code (Cap 68).¹² As a safeguard and to allay privacy concerns, the decryption powers in s 125B are only exercisable on the order of the Public Prosecutor.

THOU SHALT NOT COVET THY NEIGHBOUR'S NETWORK – INTERNET MOOCHING

One interesting though possibly trivial legal issue in relation to Wi-Fi use is internet “mooching”. A wireless home router network without password protection can be accessed by not only everyone at home with a notebook but also the neighbours. One Benjamin Smith was arrested and charged by St Petersburg, Florida police with “mooching” in April 2005 in what is believed to be the first such case worldwide.¹³ According to a police spokesman there has been no arrest for Internet mooching in Singapore, but police have “warned in lieu of prosecution” a man who created a website listing the locations of unsecured wireless networks. Singapore lawyers interviewed by the *Straits Times* expressed the view that it would constitute an offence of unauthorised use or interception of computer service under s 6 of the Computer Misuse Act. In the author’s view, whether an offence is made out would turn upon whether the access is “unauthorised”. One argument is that leaving the network unprotected constitutes “implied authorisation”. But one lawyer has argued that leaving the front door open does not amount to implied permission to enter your neighbour’s home and enjoy his amenities. In the light of the clarification of the scope of “authorisation” under the Act in *Lim Siong Khee v PP* [2001] 2 SLR 342, “moochers” are probably caught by the Act. In reality, the State might not wish to expend valuable resources in investigating and prosecuting mooching of unprotected networks.

FIGHTING MOBILE SPAM

The proposed Spam Control Bill published by the Attorney-General’s Chambers and IDA in its second

public consultation paper dated 12 September 2005 seeks to control “mobile spam” in addition to e-mail spam. With the prevalent use of mobile messaging, IDA proposes to incorporate mobile phone text and multi-media communications within the scope of the Bill to provide greater clarity on the use of such means as a form of commercial communications. Although IDA recognises that the economics involved in mobile spamming may deter indiscriminate spamming, IDA’s decision was influenced by the intrusive nature of mobile spam and the intrinsic difficulty in changing telephone numbers in order to avoid spam. Should the Bill also apply to voice spam or “cold calls”? The Bill does not cover other forms of communications such as voice calls and instant messaging as they are different from email or mobile phone messaging. This is reasonable having regard to the statutory requirements imposed such as labelling requirements.¹⁴

THE FUTURE – SINGAPORE A GIGANTIC HOTSPOT

The effect of Wi-Max adoption in 2006 is that the entire island will become a single gigantic Wi-Fi hotspot enabling mobile internet access virtually from anywhere in the island and not just from within the vicinity of a wireless router or hotspot. The regulatory and legal challenges outlined above will be magnified. Convergence will be pervasive with notebooks and PDAs having the same mobility and access speeds as 3G phones. The rate of adoption will depend upon the pricing, reliability and speed. The future is indeed exciting and challenging.



¹² These two new sections which came into force on 1 January 2006 were inserted by s 15 of the Statutes (Miscellaneous Amendments) (No 2) Act 2005 (No 42 of 2005).

¹³ “Wireless Network ‘Moochers’ May Face Jail”, the *Straits Times* (22 July 2005).

¹⁴ See paras 3.6 to 3.9 of the Joint IDA-Attorney-General’s Chambers Consultation Paper “Proposed Spam Control Bill”, 12 September 2005.

LEGISLATION WATCH

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

Bills introduced in November and December 2005

The **Payment Systems (Oversight) Bill** (No 39/2005) provides for the oversight of payment systems and stored value facilities and for matters connected therewith; and also makes related amendments to the Banking Act (Cap 19) and consequential amendments to the Companies Act (Cap 50) and the Road Traffic Act (Cap 276).

The provisions of the Bill set out, amongst other things —

- (a) that the Monetary Authority of Singapore (“the Authority”) may take into account certain considerations before designating a payment system as a designated payment system, and may withdraw the designation of the designated payment system when the considerations are no longer valid or satisfied;
- (b) that the Authority may take into account certain considerations before imposing an access regime in respect of a designated payment system on the person who determines access to the designated payment system, whether he is a participant, an operator or a settlement institution of the designated payment system, and may vary or revoke the access regime (as the case may be);
- (c) that the Authority may require —
 - (i) participants, operators or settlement institutions of payment systems to provide information relating to the payment systems;
 - (ii) holders of stored value facilities to provide information relating to those stored value facilities; and
- (d) that any person being an officer of a participant, an operator or a settlement institution of a payment system, a holder of

a stored value facility or an approved bank in respect of a widely accepted stored value facility, will be guilty of an offence if he fails to take reasonable steps to secure —

- (i) compliance by the participant, operator, settlement institution, holder or approved bank (as the case may be) with any provision of the Bill; or
- (ii) the accuracy and correctness of any information provided by the participant, operator, settlement institution, holder or approved bank (as the case may be) to the Authority under the Bill.

The **Misuse of Drugs (Amendment) Bill** (No 40/2005) amends the Misuse of Drugs Act (Cap 185) mainly for the following purposes:

- (a) to provide for the appointment of such numbers of Deputy Directors, Assistant Directors and other officers of the Central Narcotics Bureau as the Minister thinks fit;
- (b) to extend the application of s 33A to persons who repeatedly abuse certain controlled drugs specified in the Fourth Schedule;
- (c) to regulate the taking of urine specimen for urine tests and the conduct of such tests;
- (d) to provide for the taking of photographs, finger impressions, particulars and body samples for DNA profiling of any person who is subject to supervision or in an approved institution pursuant to an order made before, on or after the date of commencement of the Misuse of Drugs (Amendment) Act 2006;
- (e) to reclassify ketamine as a Class A controlled drug and to extend the presumption of trafficking to a person in possession of more than 113g of ketamine; and
- (f) to include 5-Methoxy-N, N-diisopropyltryptamine (commonly known as “Foxy”) as a Class A

controlled drug and to reclassify norketamine and its dehydro derivatives from a Class B controlled drug to a Class A controlled drug.

The Bill also makes consequential amendments to the Criminal Law (Temporary Provisions) Act (Cap 67) and the Registration of Criminals Act (Cap 268).

The **Intoxicating Substances (Amendment) Bill** (No 41/2005) amends the Intoxicating Substances Act (Cap 146A) —

- (a) to enable the Minister to, by notification in the Gazette, appoint any person or class of persons to analyse blood samples for the purposes of ss 14 and 15;
- (b) to enable the Director of the Central Narcotics Bureau to place under supervision persons convicted of an offence under s 3(2) in addition to persons discharged from an approved centre under s 21; and
- (c) to provide for the taking of photographs, finger impressions, particulars and body samples for DNA profiling of inhalant abusers.

The **Road Traffic (Amendment) Bill** (No 42/2005) amends the Road Traffic Act (Cap 276) principally —

- (a) to enable the Land Transport Authority of Singapore (“the Authority”) to implement its Vehicle Registration and Licensing System (“the VRLS”), a system for carrying out various transactions under Pt I of the Act online;
- (b) to remove references to registration books and certificates for vehicles, which will no longer be issued upon the implementation of the VRLS;
- (c) to remove the permit requirement for the driving of a heavy motor vehicle exceeding a specified height; and
- (d) to introduce a licensing scheme to regulate the operation of bus interchanges.

The **Endangered Species (Import and Export) Bill** (No 43/2005) repeals and re-enacts the Endangered Species (Import and Export)

Act (Cap 92A) for the following purposes:

- (a) to increase the penalties for certain offences to deter illegal wildlife trading;
- (b) to enhance the enforcement powers of the Director-General, Agri-Food and Veterinary Services and other authorised officers;
- (c) to set out the list of animals and plants, including parts and derivatives thereof, which are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and
- (d) to update and streamline the Act.

The **Singapore Armed Forces (Amendment) Bill** (No 44/2005) amends the Singapore Armed Forces Act (Cap 295) to increase the maximum fines that may be imposed by a junior disciplinary officer, a senior disciplinary officer, a superior commander, a Service Chief, the Chief of Defence Force, a Senior Disciplinary Committee and a subordinate military court for military offences within their respective jurisdictions. The Bill also makes consequential amendments to s 71(2) of the Act.

Subsidiary Legislation published in November and December 2005

The **Parking Places (Provision of Parking Places and Parking Spaces) (Amendment No 2) Rules 2005** (GN No S 705/2005, wef 15 December 2005) set out that the Land Transport Authority of Singapore may, in its discretion, reduce the number of specified parking places by up to 20% except where the proposed use of an approved development that is not situated on a white site falls within both the specified residential developments category and specified zone.

The Minister for Trade and Industry has deputed, *vide* the **Delegation of Powers (Ministry of Trade and Industry) Notification 2005** (GN No S 717/2005, wef 16 November 2005), the Chairman, Standards, Productivity and Innovation Board, to exercise the powers of the Minister —

- (a) under Pt X of the Economic Expansion Incentives (Relief from Income Tax) Act (Cap 86) in respect of any application for the approval of an investment allowance, where the investment allowance does not exceed \$5m; and
- (b) to vary conditions imposed for the issue of any certificate under Pt IIIB or Pt X of the Economic Expansion Incentives (Relief from Income Tax) Act.

The Mutual Assistance in Criminal Matters (Socialist Republic of Vietnam) Order 2005

(GN No S 738/2005, wef 25 October 2005) sets out that the Socialist Republic of Vietnam is declared as a prescribed foreign country for the purposes of Pt III of the Mutual Assistance in Criminal Matters Act (Cap 190A).

The Pensions (Pension Authority) Order 2005

(GN No S 753/2005, wef 1 December 2005) sets out that the Permanent Secretary (Public Service Division), Prime Minister's Office, is appointed as the Pension Authority in respect of all classes of officers appointed to the public service.

The Architects (Prescribed Amount of Paid-Up Capital) Notification 2005

(GN No S 763/2005) and the Professional Engineers (Prescribed Amount of Paid-Up Capital) Notification 2005 (GN No S 767/2005) (both wef 1 December 2005) set out that the prescribed amount of paid-up capital shall be \$500,000 for the purposes of s 20(1)(b) of the Architects Act (Cap 12) and the Professional Engineers Act (Cap 253), respectively.

The International Organisations (Immunities and Privileges) (REDI Center) Order 2005

(GN No S 03/2005) sets out, amongst other things, that —

- (a) the Regional Emerging Diseases Intervention Center ("the Center") shall have the legal capacities of a body corporate;
- (b) the Center, and its property and assets, shall be immune from any suit and legal process,

- except where the Center expressly waives its immunity;
- (c) the Center shall be exempt from certain taxes;
- (d) the Center shall be conferred, for its official communications (including telecommunications), like treatment as may be accorded by Singapore to the diplomatic missions of foreign sovereign States; and
- (e) every Professional Staff of the Center who is not a citizen or permanent resident of Singapore shall be conferred certain immunities, privileges and exemptions.

In view of the simplification of the present civil procedural rules by reducing the four modes of commencing proceedings to two, legislative amendments have been proposed for the two modes of commencing proceedings, namely, the originating summons and the writ of summons, in two phases.

The first phase, commencing 1 January 2006, has been implemented *vide* the following:

- (a) Interpretation (Non-Application of Section 41A to Certain Proceedings) Order 2005 (GN No S 805/2005);
- (b) Rules of Court (Amendment No 3) Rules 2005 (GN No S 806/2005);
- (c) Supreme Court (Estate Duty Act) Rules 2005 (GN No S 807/2005);
- (d) Supreme Court (Presidential Elections) (Application for Avoidance of Election) Rules 2005 (GN No S 808/2005);
- (e) Legal Profession (Oral Examinations) (Amendment) Rules 2005 (GN No S 809/2005);
- (f) Legal Profession (Amendment) Rules 2005 (GN No S 810/2005); and
- (g) Merchant Shipping (Deceased Seamen) (Amendment) Regulations 2005 (GN No S 863/2005).

The second phase, expected to commence in the second quarter of 2006, will be implemented *vide* the following:

- (a) Women's Charter (Matrimonial Proceedings) Rules 2005 (GN No S 854/2005);
- (b) Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2005 (GN No S 855/2005);
- (c) Bankruptcy (Amendment) Rules 2005 (GN No S 856/2005);
- (d) Bankruptcy (Costs) (Amendment) Rules 2005 (GN No S 857/2005);
- (e) Bankruptcy (Fees) (Amendment) Rules 2005 (GN No S 858/2005);
- (f) Companies (Winding Up) (Amendment) Rules 2005 (GN No S 859/2005);
- (g) Limited Liability Partnerships (Winding Up) (Amendment) Rules 2005 (GN No S 860/2005);
- (h) Companies (Amendment) Regulations 2005 (GN No S 861/2005); and
- (i) Companies (Filing of Documents) (Amendment) Regulations 2005 (GN No S 862/2005).

The **Legal Profession (Prescribed Statutory Boards or Authorities) Order 2005** (GN No S 817/2005, wef 16 December 2005) sets out that for the purposes of ss 13(5), 14, 75C and 75D of the Legal Profession Act (Cap 161), "legal officer" includes a legal officer of the Maritime and Port Authority of Singapore.

The Minister for Home Affairs has deputed, *vide* the **Delegation of Powers (Ministry of Home Affairs) Notification 2005** (GN No S 818/2005, wef 21 December 2005), the Permanent Secretary, Ministry of Home Affairs, to exercise the powers of the Minister under the following Acts:

- (a) ss 6(1) and 6(2) of the Civil Defence Act (Cap 42);
- (b) s 3(1) of the Misuse of Drugs Act (Cap 185) to appoint a Director, a Deputy Director or an Assistant Director of the Central Narcotics Bureau;
- (c) s 64(1) of the Police Force Act 2004 (Act 24 of 2004);
- (d) s 20(1) of the Prisons Act (Cap 247) to appoint

- a Director of Prisons or Deputy Director of Prisons; and
- (e) s 3(1) of the Registration of Births and Deaths Act (Cap 267).

The **Central Provident Fund (Amount of Voluntary Contributions) (No 2) Notification 2005** (GN No S 829/2005, wef 1 January 2006) sets out that the amount which a person may contribute voluntarily under s 7(1) or s 13B(1) of the Central Provident Fund Act (Cap 36) shall not exceed the sum of \$25,245 in a year.

The **Public Trustee (Rate of Interest under Section 12(1)) (No 2) Notification 2005** (GN No S 831/2005, wef 1 January 2006) sets out 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 3.5% per annum for the year 2006.

The **Weights and Measures Regulations 2005** (GN No S 844/2005, wef 1 January 2006) (the Regulations) set out, amongst other things —

- (a) that the Regulations shall apply to all weighing and measuring instruments for use for trade of the following categories:
 - (i) alcoholic liquor measuring instruments;
 - (ii) litengs; and
 - (iii) such instruments as are described in the First Schedule to the Regulations;
- (b) the maximum permissible errors for the weighing and measuring instruments;
- (c) the affixing of stamps or Accuracy Labels for weighing and measuring instruments subject to certain requirements being met;
- (d) the qualifications for appointment as Authorised Verifiers; and
- (e) the maintenance of registers by the Controller of Weights and Measures.

The **Weights and Measures (Savings) Regulations 2005** (GN No S 846/2005, wef 1 January 2006) set

out that the sale of any substance to be used in the preparation of traditional Chinese medicinal remedies shall be a prescribed transaction for the purpose of s 40(1) of the Weights and Measures Act (Cap 349).

The **Competition Regulations 2005** (GN No S 866/2005, wef 1 January 2006) set out, amongst other things —

- (a) the form and manner in which an application under s 43 or s 44 of the Competition Act 2004 (Act 46 of 2004) (“the Act”) for an agreement to be examined or under s 50 or s 51 of the Act for conduct to be considered is to be made;
- (b) that the Competition Commission of Singapore (“the Commission”) shall, when giving guidance to any applicant, state the facts on which the guidance is based and the Commission’s reasons for the guidance;
- (c) the form and manner in which notices of decisions and directions of the Commission are to be given, and the persons to whom such notices are to be given; and
- (d) that all decisions and directions required to be published under the Regulations, and all applications for decisions and summaries of the nature and objectives of the agreement or conduct which is the subject of such application, are to be entered in a register to be maintained by the Commission.

The **Biological Agents and Toxins (Transportation) Regulations 2005** (GN No S 875/2005, wef 3 January 2006) set out, in relation to the transportation in Singapore of any First Schedule biological agent, Second Schedule biological agent, Third Schedule biological agent (in quantities aggregating ten litres or more carried on any conveyance at any one time) or Fifth Schedule toxin —

- (a) the packaging requirements of biological agents and toxins transported on public roads;
- (b) the labelling requirements of biological agents and toxins transported on public roads;

- (c) the labelling of conveyance transporting biological agents and toxins on public roads;
- (d) the training that every driver of any conveyance transporting biological agents and toxins on public roads must undergo; and
- (e) that no person shall re-package any First Schedule biological agent, Second Schedule biological agent or Fifth Schedule toxin except at such facility as may be specified in his approval to possess such biological agent or toxin.

The **Estate Duty (Remission for Deaths in Quick Succession) Order 2005** (GN No S 896/2005, wef 30 December 2005) sets out that in the case of any two persons both dying on or after 1 January 2006, the later death occurring not more than 24 months after the earlier death, there shall be allowed an amount of remission of estate duty from the estate duty payable on the estate of the later deceased, subject to certain conditions.

Acts brought into operation in November and December 2005

1. **Money-changing and Remittance Businesses (Amendment) Act 2005** (Act 25 of 2005) (wef 2 November 2005 *vide* GN No S 686/2005)
2. **Income Tax (Amendment) Act 2005** (Act 34 of 2005) (Sections 2(a), 10(d), 10(i), 19, 27(a), 27(b), 27(d), 38(a) and 40 wef 7 November 2005)
3. **Income Tax (Amendment) Act 2005** (Act 34 of 2005) (Section 42 wef 1 December 2005)
4. **Architects (Amendment) Act 2005** (Act 28 of 2005) (wef 1 December 2005 *vide* GN No S 624/2005 except s 3)
5. **Professional Engineers (Amendment) Act 2005** (Act 27 of 2005) (wef 1 December 2005 *vide* GN No S 625/2005 except ss 3 and 4)

LEGAL EDUCATION AND TRAINING CALENDAR FOR FEBRUARY 2006 TO MARCH 2006

DATE	EVENT	SPEAKERS/TRAINERS	ORGANISER
21 Feb (Tue) Session 1: 9.30am – 12.30pm Session 2: 2.30pm – 5.30pm	ROC EFS Changes	CrimsonLogic	LTC
22 Feb (Wed) 1.30pm – 5.30pm	STARS eLodgment	BiziBody Technology	LTC
22 – 24 Feb (Wed – Fri) 9.00am – 5.00pm	Microsoft Office Specialist Certificate – Access XP	NTUC LearningHub	LTC
23 Feb (Thu) Session 1: 9.30am – 12.30pm Session 2: 2.30pm – 5.30pm	ROC EFS Changes	CrimsonLogic	LTC
23 – 24 Feb (Thu – Fri) 9.00am – 5.00pm	Effective EFS Management	Mr Leon Ip	LTC
23 – 24 Feb (Thu – Fri) 9.00am – 5.00pm	Strategic Conflict Management for Professionals	Mr Loong Seng Onn Ms Carol Liew	SMC
24 Feb (Fri) 1.30pm – 5.30pm	STARS eLodgment	BiziBody Technology	LTC
27 Feb (Mon) 9.00am – 12.00pm	EFS Criminal Module	CrimsonLogic	LTC
6 – 8 Mar (Mon – Wed) 9.00am – 5.00pm	PCDT – ICLDL Certificate in Presentation (Using MS Powerpoint)	NTUC LearningHub	LTC
1 – 3 Mar (Wed – Fri) 9.00am – 5.00pm	PCDT – ICLDL Certificate in Spreadsheet (Using MS Excel)	NTUC LearningHub	LTC
8 – 10, 17 Mar (Wed – Fri, Fri) 9.00am – 5.00pm	Associate Mediator Accreditation Workshop	Mr Loong Seng Onn Ms Carol Liew	SMC
8 – 10 Mar (Wed – Fri) 9.00am – 5.00pm	Microsoft Office Specialist Certificate – Excel XP (Core)	NTUC LearningHub	LTC
13 – 15 Mar (Mon – Wed) 9.00am – 5.00pm	PCDT – ICLDL Certificate in Spreadsheet (Using MS Access)	NTUC LearningHub	LTC
15 – 17 Mar (Wed – Fri) 9.00am – 5.00pm	Microsoft Office Specialist Certificate – Powerpoint XP	NTUC LearningHub	LTC
22 – 24 Mar (Wed – Fri) 9.00am – 5.00pm	Microsoft Office Specialist Certificate – Access XP	NTUC LearningHub	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 website: 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 Mediation Centre (SMC): Ms Shevonne Ang at 6332 4366 or e-mail shevonne_ang@sal.org.sg

FOR THE RECORD

23 February 2006	Thursday	<p>Cooking Wokshop at Conrad Centennial Singapore: “Simple Ideas - Home-baked Breads to Indulge” Cost of workshop: \$55 per person (Retail price: \$100) Price includes cooking workshop, welcome drink, a sampling of dishes, as well as a buffet dinner voucher for use at Oscar’s.</p>
30 March 2006	Thursday	<p>SAL Movie Night: “Rent” Time: 6.15pm (light buffet); 7.00pm (showtime) Venue: Eng Wah Cinema, Suntec City</p>
27 April 2006	Thursday	<p>Cooking Wokshop at Conrad Centennial Singapore: “Plan a Party - Sexy Bites & A Roast with Many Surprises” Cost of workshop: \$55 per person (Retail price: \$100) Price includes cooking workshop, welcome drink, a sampling of dishes, as well as a buffet dinner voucher for use at Oscar’s.</p>

*Please note that SAL reserves the right to make any amendments to the calendar if warranted by circumstances beyond its control.

For enquiries on events, please contact Sherina Chan at 6332 0078 or e-mail sherina_chan@sal.org.sg

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*Terms and conditions:

- Prior booking required. Please mention this exclusive offer when making your appointment.
- Please produce your SAL membership card upon payment.
- Offer subject to availability of stock.
- Offer available at TONI&GUY The Heeren and Robinson Road salons only.