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The following Act was passed by Parliament on 2 October 2017 and assented to by the President on 23 October 2017:—

INFRASTRUCTURE PROTECTION ACT 2017

(No. 41 of 2017)

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REPUBLIC OF SINGAPORE

No. 41 of 2017.

I assent.



HALIMAH YACOB,
President.
23 October 2017.

An Act to provide for the protection of certain areas, places and other premises in Singapore against security risks, to repeal the Protected Areas and Protected Places Act (Chapter 256 of the 2013 Revised Edition) and to make consequential amendments to certain other Acts.

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

PART 1
PRELIMINARY

Short title and commencement

1. This Act is the Infrastructure Protection Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Interpretation

2.—(1) In this Act, unless the context otherwise requires —

“act of terrorism” means any of the following:

- (a) a terrorist bombing offence within the meaning of the Terrorism (Suppression of Bombings) Act (Cap. 324A);
- (b) a terrorist act within the meaning of the Terrorism (Suppression of Financing) Act (Cap. 325);

“Appeal Advisory Board” means the Appeal Advisory Board established under section 63;

“approved security plan”, for a special development or a special infrastructure, means any security plan that is approved by the Commissioner and is in force for that special development or that special infrastructure under this Act;

“authorised officer”, for a protected area or a protected place, means —

- (a) a police officer;
- (b) an officer or a senior military expert of the Singapore Armed Forces;
- (c) a soldier of the Singapore Armed Forces who is deployed to guard that protected area or that protected place;
- (d) an officer or a member of a visiting force lawfully present in Singapore who is deployed to guard that protected area or that protected place under the terms

of any treaty, agreement or arrangement to which the Government is a party;

- (e) a prison officer (as defined in section 2 of the Prisons Act (Cap. 247)) who is deployed to guard that protected area or that protected place;
- (f) an immigration officer (as defined in section 2(1) of the Immigration Act (Cap. 133)) who is deployed to guard that protected area or that protected place;
- (g) an auxiliary police officer who is deployed to guard that protected area or that protected place; or
- (h) a security officer who is authorised by the Commissioner of Police under section 6(1) and is deployed to guard that protected area or that protected place;

“authority” —

- (a) for a protected area, means the person who is designated as the authority of the protected area in the protected area order for the protected area; or
- (b) for a protected place, means the person who is designated as the authority of the protected place in the protected place order for the protected place;

“auxiliary police officer” has the same meaning as in section 2(1) of the Police Force Act (Cap. 235);

“building” means any permanent or temporary building or structure;

“Commissioner” means the Commissioner of Infrastructure Protection appointed under section 5, and (subject to any condition or restriction imposed under that section) includes a Deputy Commissioner of Infrastructure Protection or an Assistant Commissioner of Infrastructure Protection appointed under that section;

“Commissioner of Police” means the Commissioner of Police appointed under section 6(1) of the Police Force Act;

“critical asset”, for any premises, means any facility, system or equipment which, if damaged or destroyed, may have a debilitating impact on the functioning of the premises;

“document” has the same meaning as in section 29 of the Penal Code (Cap. 224);

“major renovation”, for any premises, means —

- (a) in the case of any part of a building that contains a critical asset, or is a public place or is otherwise accessible to vehicles or vessels, any alteration, extension, repair, dismantling or demolition works carried out to the structure or glazing of that part;
- (b) any installation or relocation of a critical asset in the premises; or
- (c) any alteration, extension, dismantling or demolition works affecting the perimeter of the premises;

“member of a state force” means any of the following persons:

- (a) a police officer;
- (b) an auxiliary police officer;
- (c) an officer, a senior military expert or a soldier of the Singapore Armed Forces;
- (d) a member of the Singapore Civil Defence Force, as defined in section 2 of the Civil Defence Act (Cap. 42);
- (e) any public officer, or any officer in a class of public officers, authorised in writing by the Minister for the purposes of Part 6;

“new development” means any new development that is proposed to be or being constructed;

“occupier”, for any premises, means the person in occupation or having the charge, management or control of the premises;

“officer”, “senior military expert”, “serviceman” and “soldier”, in relation to the Singapore Armed Forces, have the same

meanings as in section 2(1) of the Singapore Armed Forces Act (Cap. 295);

“owner” —

- (a) for the common property of a building erected on land comprised in a strata title plan, means the management corporation having control of the building;
- (b) for the limited common property of a building erected on land comprised in a strata title plan, means the subsidiary management corporation having control of that limited common property;
- (c) for the common property of a building comprising flats sold under Part IV of the Housing and Development Act (Cap. 129), means —
 - (i) in the case where a Town Council (established under the Town Councils Act (Cap. 329A)) is liable for the management of that common property, the Town Council; and
 - (ii) in any other case, the Housing and Development Board (established under the Housing and Development Act); and
- (d) for any other premises, includes any mortgagee in possession and any person for the time being receiving the rent for the premises whether on the person’s own account or as agent or trustee or as receiver, or who would receive the same if the premises were let to a tenant, and any person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as the owner of the premises;

“personal property”, in relation to a person, means any thing worn or carried by the person or apparently in the immediate control of the person;

“police officer” has the same meaning as in section 2(1) of the Police Force Act;

“premises” includes —

- (a) any building;
- (b) any land, whether built on or not;
- (c) any body of water; and
- (d) any area or place, whether or not enclosed, and whether underground or underwater;

“protected area” means any premises in Singapore declared in a protected area order to be a protected area;

“protected area order” means an order made under section 8 declaring any premises to be a protected area, and includes the order as amended under section 11;

“protected infrastructure” means —

- (a) a protected area;
- (b) a protected place;
- (c) a special development;
- (d) a special infrastructure; or
- (e) any premises in respect of which a security directive under section 55 or a Minister’s order under section 58 is issued;

“protected place” means any premises in Singapore declared in a protected place order to be a protected place;

“protected place order” means an order made under section 14 declaring any premises to be a protected place, and includes the order as amended under section 17;

“public place” means any premises to which the public, or a section of the public, ordinarily has access, whether on payment, by invitation, as of right, or by express or implied permission;

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- “repealed Act” means the Protected Areas and Protected Places Act (Cap. 256, 2013 Ed.) repealed by this Act;
- “responsible person”, for a special development or a special infrastructure, has the meaning given to that expression in section 32;
- “security agency” means any person licensed as a security agency under the Private Security Industry Act (Cap. 250A);
- “security measure” includes any installation, equipment, works, action or procedure manufactured, used or designed to be used for the purposes of reducing a security risk;
- “security officer” has the same meaning as in section 13 of the Private Security Industry Act;
- “Singapore Armed Forces” has the same meaning as in section 2(1) of the Singapore Armed Forces Act;
- “special development” means a new development designated as a special development under section 34;
- “special infrastructure” means —
- (a) a special infrastructure described in section 40; or
 - (b) any premises designated as a special infrastructure under section 41;
- “specified surrounding area”, for a protected area or a protected place, means any surrounding area of that protected area or that protected place that is specified in the protected area order (for that protected area) or the protected place order (for that protected place) for the purposes of sections 27 and 28;
- “specified works” —
- (a) for a special development, means any works for or affecting the foundation, retaining structure, substructure or superstructure of any building to be or being constructed under the special development;
- or

(b) for a special infrastructure, means —

- (i) any extension of the special infrastructure;
- (ii) any major renovation to the special infrastructure; or
- (iii) any other type of works prescribed by the Minister;

“temporary occupation permit”, for a special development or a special infrastructure, means a temporary occupation permit granted or a certificate of statutory completion issued under the Building Control Act (Cap. 29) for that special development or that special infrastructure;

“vehicle” means any vehicle whether mechanically propelled or otherwise;

“vessel” includes any ship, boat, craft (including submersible craft), floating platform or air-cushioned vehicle, whether mechanically propelled or otherwise, that is used to navigate any body of water;

“visiting force” has the same meaning as in section 2(1) of the Visiting Forces Act (Cap. 344).

(2) In this Act, unless the context otherwise requires, a reference to any premises, building or protected infrastructure includes a reference to a part of the premises, building or protected infrastructure.

Application of this Act

3.—(1) Except as provided in subsection (2), this Act binds the Government and applies to any premises owned or occupied by the Government.

(2) Nothing in this Act renders the Government liable to prosecution for an offence.

(3) To avoid doubt, no person is immune from prosecution for any offence under this Act by reason only that the person is an employee of or is engaged to provide services to the Government.

Operation of other written laws

4.—(1) Nothing in this Act affects the operation of, or derogates from, the following written laws:

- (a) the Air Navigation Act (Cap. 6);
- (b) the Building Control Act (Cap. 29);
- (c) the Civil Defence Shelter Act (Cap. 42A);
- (d) the Criminal Procedure Code (Cap. 68);
- (e) the Fire Safety Act (Cap. 109A);
- (f) the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015);
- (g) the Planning Act (Cap. 232);
- (h) the Police Force Act (Cap. 235);
- (i) the Private Security Industry Act (Cap. 250A);
- (j) the Public Order Act (Cap. 257A);
- (k) the Singapore Armed Forces Act (Cap. 295);
- (l) any other prescribed written law (or any part of that written law as prescribed).

(2) To avoid doubt, nothing in this Act affects —

- (a) the exercise by a police officer or an auxiliary police officer of any power under the Criminal Procedure Code, the Public Order Act or any other written law; or
- (b) the exercise by a serviceman of any power in accordance with section 201D of the Singapore Armed Forces Act.

PART 2**ADMINISTRATION****Appointment of Commissioner of Infrastructure Protection and other officers**

5.—(1) The Minister may, from among public officers, appoint a Commissioner of Infrastructure Protection, and such number of

Deputy Commissioners of Infrastructure Protection and Assistant Commissioners of Infrastructure Protection as the Minister considers necessary for the purposes of this Act.

(2) The Commissioner is, subject to the general and special directions of the Minister, responsible for the administration of this Act.

(3) Every Deputy Commissioner of Infrastructure Protection and Assistant Commissioner of Infrastructure Protection may, subject to such conditions or restrictions as the Commissioner may impose, perform the functions and exercise the powers of the Commissioner under this Act.

Authorisation of security officers

6.—(1) The Commissioner of Police may, subject to such conditions or restrictions as the Commissioner of Police thinks fit, authorise a security officer to be deployed to guard protected areas and protected places.

(2) The Commissioner of Police may authorise a security officer under subsection (1) on the application of —

- (a) the security agency that supplies or intends to supply the services of the security officer to the authority of a protected area or protected place; or
- (b) the authority of a protected area or protected place that intends to deploy the security officer at that protected area or protected place.

(3) The application must be made in such form and manner, and be accompanied or supported by such information and documents, as the Commissioner of Police may require.

(4) The authorisation of a security officer under subsection (1) lapses on the earlier of the following:

- (a) the date on which the Commissioner of Police revokes the authorisation;
- (b) the date on which the security officer ceases to be a security officer.

(5) The authorisation of a security officer under subsection (1), and any revocation of that authorisation under subsection (4)(a), must be in writing, and the written instrument must be given to the security officer.

(6) In this section, “Commissioner of Police” includes a police officer of the rank of assistant superintendent or above who is authorised by the Commissioner of Police to act for the Commissioner of Police for the purposes of this section.

Authorised officers to be public servants

7. Any person who, in the course of his or her duty as an authorised officer of a protected area or a protected place, exercises any power of an authorised officer under Part 3 is taken to be a public servant for the purposes of the Penal Code (Cap. 224) when exercising that power.

PART 3

PROTECTED AREAS AND PROTECTED PLACES

Division 1 — Protected areas

Declaration of protected area

8.—(1) The Minister may by order declare any premises in Singapore to be a protected area if, in the Minister’s opinion, it is necessary or expedient that special measures be taken to control the movement and conduct of persons in the premises.

(2) The Minister may make a protected area order for any premises —

(a) on the application of the owner or occupier of the premises;
or

(b) on the Minister’s own volition.

(3) The application under subsection (2)(a) must be made in such form and manner, and be accompanied or supported by such information and documents, as the Minister may require.

(4) Before making a protected area order for any premises on the Minister’s own volition, the Minister must, unless the Minister

considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the Minister's intention to do so to the owner or occupier of the premises that the Minister intends to designate as the authority of the protected area under section 9(1)(b); and
- (b) give that owner or occupier 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed protected area order.

(5) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to make a protected area order.

Contents and effective date of protected area order

9.—(1) A protected area order —

- (a) must specify the protected area (whether in the form of a description (of its location or boundaries), map or other representation);
- (b) must designate one or more owners, or one or more occupiers, of the protected area to be the authority of the protected area;
- (c) may, for the purposes of sections 27 and 28, specify any surrounding area of the protected area (whether in the form of a description (of its location or boundaries), map or other representation); and
- (d) must specify the date on which the protected area order takes effect.

(2) In determining the date under subsection (1)(d), the Minister must have regard to the time reasonably required for the authority to have in place on that date the measures required under section 12(1).

(3) Where the protected area order designates more than one owner, or more than one occupier, to be the authority of the protected area, each of those persons —

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- (a) is jointly and severally responsible for discharging the duties of, and complying with the requirements imposed on, the authority under this Act; and
 - (b) may jointly and severally exercise the powers of the authority under this Act.

Notice of protected area order

10.—(1) The Minister must cause notice of a protected area order to be given, in such manner as the Minister considers to be appropriate in the circumstances —

- (a) to the authority of the protected area; and
- (b) to any other person who, in the Minister’s opinion, ought to have notice of the protected area order.

(2) The Minister may, in addition to or in place of the notice of the protected area order required under subsection (1), cause the protected area order to be published in the *Gazette*.

(3) Where the Minister causes the protected area order to be published in the *Gazette* in place of the notice of the protected area order required under subsection (1), the requirements of that subsection are taken to be satisfied.

(4) To avoid doubt, the non-publication of a protected area order in the *Gazette* does not affect the validity of the protected area order.

Amendment of protected area order

11.—(1) The Minister may, at any time, amend a protected area order (including before the effective date of the protected area order) by doing one or more of the following:

- (a) change the specification of the protected area;
- (b) change the authority of the protected area;
- (c) for the purposes of sections 27 and 28, specify any surrounding area (whether in the form of a description (of its location or boundaries), map or other representation), or change the specification of or delete any specified surrounding area, of the protected area.

(2) The Minister may amend a protected area order under subsection (1) —

- (a) on the application of the authority of the protected area; or
- (b) on the Minister's own volition.

(3) The application under subsection (2)(a) must be made in such form and manner, and be accompanied or supported by such information and documents, as the Minister may require.

(4) Before amending a protected area order on the Minister's own volition, the Minister must, unless the Minister considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the Minister's intention to do so —
 - (i) to the authority of the protected area; and
 - (ii) where the Minister intends to change the authority of the protected area, to the owner or occupier of the protected area that the Minister intends to designate as the authority in the amended protected area order; and
- (b) give the authority and (where applicable) the person mentioned in paragraph (a)(ii) 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed amendment.

(5) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to amend a protected area order.

(6) Sections 9 and 10 apply, with the necessary modifications, to an amended protected area order under this section.

Duties of authority of protected area

12.—(1) The authority of a protected area must, on the date that the protected area order for the protected area takes effect, display prominently at the perimeter of the protected area adequate notices about the protected area.

(2) Where the Minister amends the protected area order under section 11 (called in this section the amended order) by changing the specification of the protected area (called in this section the amended protected area), the authority of the amended protected area must, on the date that the amended order takes effect, display prominently at the perimeter of the amended protected area adequate notices about the amended protected area.

(3) The authority must, while the protected area order or the amended order is in force —

- (a) display and maintain the notices required under subsection (1) or (2), as the case may be;
- (b) where guards are deployed by the authority in, or in any specified surrounding area of, the protected area, ensure that every guard so deployed is an authorised officer; and
- (c) provide such information about the guards deployed by the authority in, or in any specified surrounding area of, the protected area, at such times and in such form and manner, as the Minister or the Commissioner of Police may require.

(4) Any person who contravenes subsection (3)(b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(5) To avoid doubt, in subsection (3) —

- (a) a reference to a protected area includes a reference to an amended protected area; and
- (b) a reference to the authority of a protected area includes a reference to the authority of an amended protected area.

Revocation of protected area order

13.—(1) The Minister may, at any time, revoke a protected area order —

- (a) on the application of the authority of the protected area; or
- (b) on the Minister's own volition.

(2) The application under subsection (1)(a) must be made in such form and manner, and be accompanied or supported by such information and documents, as the Minister may require.

(3) Before revoking a protected area order on the Minister's own volition, the Minister must, unless the Minister considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the Minister's intention to do so to the authority of the protected area; and
- (b) give the authority 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed revocation.

(4) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to revoke a protected area order.

(5) Section 10 applies, with the necessary modifications, to the revocation of a protected area order under this section.

Division 2 — Protected places

Declaration of protected place

14.—(1) The Minister may by order declare any premises in Singapore to be a protected place if, in the Minister's opinion, it is necessary or expedient that —

- (a) special precautions be taken to prevent the entry of unauthorised persons to the premises; and
- (b) special measures be taken to control the movement and conduct of persons in the premises.

(2) The Minister may make a protected place order for any premises —

- (a) on the application of the owner or occupier of the premises;
or
- (b) on the Minister's own volition.

(3) The application under subsection (2)(a) must be made in such form and manner, and be accompanied or supported by such information and documents, as the Minister may require.

(4) Before making a protected place order for any premises on the Minister's own volition, the Minister must, unless the Minister considers it not practicable or desirable to do so in any particular case —

(a) give notice of the Minister's intention to do so to the owner or occupier of the premises that the Minister intends to designate as the authority of the protected place under section 15(1)(b); and

(b) give that owner or occupier 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed protected place order.

(5) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to make a protected place order.

Contents and effective date of protected place order

15.—(1) A protected place order —

(a) must specify the protected place (whether in the form of a description (of its location or boundaries), map or other representation);

(b) must designate one or more owners, or one or more occupiers, of the protected place to be the authority of the protected place;

(c) may, for the purposes of sections 27 and 28, specify any surrounding area of the protected place (whether in the form of a description (of its location or boundaries), map or other representation); and

(d) must specify the date on which the protected place order takes effect.

(2) In determining the date under subsection (1)(d), the Minister must have regard to the time reasonably required for the authority to have in place on that date the measures required under section 18(1).

(3) Where the protected place order designates more than one owner, or more than one occupier, to be the authority of the protected place, each of those persons —

- (a) is jointly and severally responsible for discharging the duties of, and complying with the requirements imposed on, the authority under this Act; and
- (b) may jointly and severally exercise the powers of the authority under this Act.

Notice of protected place order

16.—(1) The Minister must cause notice of a protected place order to be given, in such manner as the Minister considers to be appropriate in the circumstances —

- (a) to the authority of the protected place; and
- (b) to any other person who, in the Minister's opinion, ought to have notice of the protected place order.

(2) The Minister may, in addition to or in place of the notice of the protected place order required under subsection (1), cause the protected place order to be published in the *Gazette*.

(3) Where the Minister causes the protected place order to be published in the *Gazette* in place of the notice of the protected place order required under subsection (1), the requirements of that subsection are taken to be satisfied.

(4) To avoid doubt, the non-publication of a protected place order in the *Gazette* does not affect the validity of the protected place order.

Amendment of protected place order

17.—(1) The Minister may, at any time, amend a protected place order (including before the effective date of the protected place order) by doing one or more of the following:

- (a) change the specification of the protected place;

Duties of authority of protected place

18.—(1) The authority of a protected place must, on the date that the protected place order for the protected place takes effect —

- (a) display prominently at the perimeter of the protected place adequate notices about the protected place; and
- (b) have in place adequate measures (including the permit system mentioned in section 20) to prevent unauthorised entry to the protected place.

(2) Where the Minister amends the protected place order under section 17 (called in this section the amended order) by changing the specification of the protected place (called in this section the amended protected place), the authority of the amended protected place must, on the date that the amended order takes effect —

- (a) display prominently at the perimeter of the amended protected place adequate notices about the amended protected place; and
- (b) have in place adequate measures (including the permit system mentioned in section 20) to prevent unauthorised entry to the amended protected place.

(3) The authority must, while the protected place order or amended order is in force —

- (a) have in place and maintain the notices and measures required under subsection (1) or (2), as the case may be;
- (b) where guards are deployed by the authority in, or in any specified surrounding area of, the protected place, ensure that every guard so deployed is an authorised officer; and
- (c) provide such information about the guards deployed by the authority in, or in any specified surrounding area of, the protected place, at such times and in such form and manner, as the Minister or the Commissioner of Police may require.

(4) Any person who contravenes subsection (3)(b) or (c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

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- (5) To avoid doubt, in subsection (3) —
- (a) a reference to a protected place includes a reference to an amended protected place; and
 - (b) a reference to the authority of a protected place includes a reference to the authority of an amended protected place.

Revocation of protected place order

19.—(1) The Minister may, at any time, revoke a protected place order —

- (a) on the application of the authority of the protected place; or
- (b) on the Minister’s own volition.

(2) The application under subsection (1)(a) must be made in such form and manner, and be accompanied or supported by such information and documents, as the Minister may require.

(3) Before revoking a protected place order on the Minister’s own volition, the Minister must, unless the Minister considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the Minister’s intention to do so to the authority of the protected place; and
- (b) give the authority 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed revocation.

(4) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister’s intention to revoke a protected place order.

(5) Section 16 applies, with the necessary modifications, to the revocation of a protected place order under this section.

Division 3 — Measures and powers for protection of protected areas and protected places

No unauthorised entry to protected place

20.—(1) A person must not enter a protected place unless the person —

- (a) has a permit issued by the authority of the protected place;
or
- (b) is permitted to enter the protected place by an authorised officer of the protected place who is on duty at the protected place at that time.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Directions to control persons' entry to and movement and conduct in protected area or protected place

21.—(1) The authority, or an authorised officer, of a protected area or a protected place may give directions to regulate, restrict or prohibit a person's entry to, or movement or conduct in, that protected area or that protected place.

(2) The directions under subsection (1) may be given generally or to a particular person or group of persons, and may be in writing or given orally.

(3) Without limiting the generality of subsection (1), the directions under that subsection may include requiring a person who enters, is about to enter or is in that protected area or that protected place to do one or more of the following:

- (a) provide the person's name and residential address;
- (b) furnish evidence of the person's identity;
- (c) provide the person's reason for entering or being in that protected area or that protected place;
- (d) permit a search to be made of the person;
- (e) where the person is the owner or operator of any vehicle or vessel that enters, is about to enter or is in that protected area or that protected place, permit a search to be made of the vehicle or vessel.

(4) Every person who enters, is about to enter or is in that protected area or that protected place must comply with every direction given

under subsection (1) generally or particularly to that person or to any group of persons comprising that person.

(5) If the person who is required to be searched under this section is a woman, she must be searched by another woman with strict regard to decency.

(6) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(7) In this section, “search”, in relation to a person, includes —

- (a) a search conducted by quickly running the hands over the person’s outer garments; and
- (b) an examination of any personal property of the person.

Powers against contravention of sections 20 and 21, etc.

22.—(1) An authorised officer of a protected area or a protected place may exercise any power under subsection (2) against a person who enters, is about to enter or is in that protected area or that protected place if that person —

- (a) in the case of a protected area, contravenes section 21(4);
- (b) in the case of a protected place, contravenes section 20(1) or 21(4); or
- (c) in the opinion of the authorised officer —
 - (i) does not have a good and lawful reason to enter or be in that protected area or that protected place; or
 - (ii) is acting in a suspicious manner.

(2) The authorised officer may, using such force as is reasonably necessary —

- (a) remove that person from that protected area or that protected place; or
- (b) without warrant, arrest that person.

(3) The authorised officer may also, using such force as is reasonably necessary, remove from that protected area or that protected place any vehicle or vessel owned or operated by, or any personal property of, that person.

Special provision for arrest

23.—(1) This section applies to the arrest under section 22(2)(b) of a person who —

- (a) attempts to enter or is in a protected area or a protected place; and
- (b) does not stop despite being directed to do so at least 3 times by any authorised officer of that protected area or that protected place.

(2) The force applied by an authorised officer of that protected area or that protected place to arrest that person may, if necessary to effect that person's arrest, extend to the voluntary causing of that person's death.

Arrest by authorised officers who are not police officers

24. Where an authorised officer (not being a police officer) makes an arrest under section 22(2)(b) —

- (a) the authorised officer must, without unnecessary delay, hand over the arrested person to a police officer; and
- (b) section 66(3), (4) and (5) of the Criminal Procedure Code (Cap. 68) applies to the arrested person as if the arrested person were handed over to the police officer under section 66(2) of the Criminal Procedure Code.

Measures for protection of protected area or protected place

25.—(1) The Minister may authorise the authority of a protected area or a protected place to implement such measures (including defensive measures that involve or may involve danger to the life of a person entering or attempting to enter that protected area or that protected place) as the Minister considers necessary for the protection of that protected area or that protected place.

(2) Where the authority of that protected area or that protected place implements any measure authorised by the Minister under subsection (1), the authority must take reasonably necessary precautions (including the prominent display of warning notices) to prevent any accidental entry to that protected area or that protected place.

(3) Where the precautions mentioned in subsection (2) are taken, no person shall be entitled to any compensation or damages for any injury sustained or death caused as a result of any unauthorised entry to that protected area or that protected place.

Application of sections 27 and 28

26.—(1) Sections 27 and 28 only apply to the specified surrounding area (if any) of a protected area or a protected place.

(2) An authorised officer of a protected area or a protected place may exercise a power under sections 27 and 28 in any specified surrounding area of that protected area or that protected place —

- (a) in the case where the specified surrounding area is a public place, at any time; and
- (b) in any other case, only with the consent of the owner or occupier of the specified surrounding area.

Directions to move on from specified surrounding area of protected area or protected place

27.—(1) An authorised officer of a protected area or a protected place may ask a person in the specified surrounding area of that protected area or that protected place to do one or more of the following:

- (a) provide the person's name and residential address;
- (b) furnish evidence of the person's identity;
- (c) provide the person's reason for being in the specified surrounding area.

(2) If a person in the specified surrounding area fails to comply with any request under subsection (1) or satisfy the authorised officer that

the person has a good and lawful reason to be in the specified surrounding area, the authorised officer may, by written direction, require the person to do one or more of the following:

- (a) leave the specified surrounding area;
- (b) remove from the specified surrounding area any vehicle or vessel owned or operated by, or any personal property of, that person;
- (c) not return to or be in the specified surrounding area for a period specified in the written direction.

(3) An authorised officer's request under subsection (1) or direction under subsection (2) may be given to a person or a group of persons.

(4) Every person in the specified surrounding area of a protected area or a protected place must comply with every request under subsection (1), and every direction under subsection (2), given to that person or any group of persons comprising that person.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Inspection powers for specified surrounding area of protected area or protected place

28.—(1) If an authorised officer of a protected area or a protected place reasonably suspects that any person in the specified surrounding area of that protected area or that protected place is carrying a dangerous item, the authorised officer may ask the person to do one or more of the following:

- (a) remove any garment worn by the person as specified by the authorised officer and allow the authorised officer to inspect the garment for any dangerous item;
- (b) remove any article from the person's garment and allow the authorised officer to inspect the article for any dangerous item;

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- (c) allow the authorised officer to inspect any other personal property of the person for any dangerous item;
 - (d) allow the authorised officer to inspect any vehicle or vessel (that is in the specified surrounding area and is apparently owned or operated by the person) for any dangerous item;
 - (e) remove any article specified by the authorised officer from that vehicle or vessel and allow the authorised officer to inspect the article for any dangerous item.

(2) Any person who fails to comply with an authorised officer's request under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) In this section —

“dangerous item” means —

- (a) any weapon, substance or other thing the possession of which (for any purpose) would constitute an offence under any of the following written laws:
 - (i) the Arms and Explosives Act (Cap. 13);
 - (ii) the Corrosive and Explosive Substances and Offensive Weapons Act (Cap. 65);
 - (iii) the Dangerous Fireworks Act (Cap. 72);
- (b) any biological agent, biological agent waste or toxin within the meaning of section 2 of the Biological Agents and Toxins Act (Cap. 24A);
- (c) any radioactive material, radioactive substance or radioactive waste within the meaning of section 2(1) of the Radiation Protection Act (Cap. 262); or
- (d) any other hazardous material (whether gaseous, liquid or solid) that the Minister prescribes, by notification in the *Gazette*, to be a dangerous item for the purposes of this section;

“inspect”, in relation to any garment, article, personal property, vehicle or vessel, includes handling the garment, article,

personal property, vehicle or vessel, opening it and examining its contents.

Prohibited photography of protected area or protected place

29.—(1) A person must not take any photograph of a protected area or a protected place (whether from inside, outside or above that protected area or that protected place) without the permission of the authority of that protected area or that protected place.

(2) Where an authorised officer of a protected area or a protected place has any reason to suspect that a person is going to take, is taking or has taken any photograph of that protected area or that protected place in contravention of subsection (1), the authorised officer may do one or more of the following:

- (a) direct the person to immediately stop taking any photograph;
- (b) direct the person to immediately delete, erase or otherwise destroy any photograph taken;
- (c) direct the person to surrender to the authorised officer any photograph or any device containing, or any equipment used or about to be used to take, any photograph;
- (d) without warrant, and with such assistance and by such force as is reasonably necessary, seize any photograph taken or any device containing, or any equipment used or about to be used to take, any photograph.

(3) Every person who is given a direction under subsection (2) must comply with the direction.

(4) Any person who contravenes subsection (1) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(5) In this section and section 30, a reference to the taking of a photograph includes a reference to —

- (a) the making of a film or a video-recording;

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- (b) the making of a recording of an image for the purpose of broadcasting or live-streaming the image; and
 - (c) the making of a drawing, diagram, plan, model, map, measurement, sounding or survey.

Prohibited photography using unmanned aircraft

30.—(1) The powers under subsection (3) are only exercisable by an authorised officer of a protected area or a protected place who is designated by the Commissioner of Police for the purposes of this section (called in this section the designated authorised officer).

(2) In designating an authorised officer under subsection (1), the Commissioner of Police may do all or any or the following:

- (a) limit the powers in subsection (3) that the designated authorised officer may exercise;
- (b) limit when or where the designated authorised officer may exercise any power under subsection (3);
- (c) limit the circumstances in which the designated authorised officer may exercise any power under subsection (3).

(3) Where a designated authorised officer of a protected area or a protected place has any reason to suspect that an unmanned aircraft is being operated to take any photograph of that protected area or that protected place without the permission of its authority, the designated authorised officer may do one or more of the following:

- (a) direct any person whom the designated authorised officer reasonably believes to be involved in the operation of the unmanned aircraft —
 - (i) to end the flight of the unmanned aircraft, or land it, safely in the fastest practicable way; or
 - (ii) to fly the unmanned aircraft in the manner specified by the designated authorised officer;
- (b) without warrant, and with such assistance and by such force as is necessary —

- (i) assume control of the unmanned aircraft to fly it or end its flight, or land it, safely in the fastest practicable way; or
 - (ii) end the flight of the unmanned aircraft in the fastest and safest practicable way;
- (c) without warrant, and with such assistance and by such force as is necessary, seize the unmanned aircraft, any component of the unmanned aircraft system for that aircraft, or any other thing, that the designated authorised officer believes on reasonable grounds —
- (i) to be evidential material relevant to an offence under subsection (4) or (5); or
 - (ii) needs to be seized to prevent its concealment, loss or destruction, or its use in committing, continuing or repeating an offence under subsection (4) or (5).

(4) If any photograph of a protected area or a protected place is taken without the permission of its authority, using any equipment on board an unmanned aircraft while the unmanned aircraft is in flight, the operator of the unmanned aircraft, and the person taking the photograph if the person is not the operator, shall each be guilty of an offence and shall each be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(5) Any person who fails to comply with a direction given by a designated authorised officer under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

(6) In proceedings for an offence under subsection (4) —

- (a) it is not necessary for the prosecution to prove that an accused knew or had reason to believe that —
 - (i) the premises concerned is a protected area or a protected place; or

-
- (ii) the unmanned aircraft had on board equipment for taking photographs when flying; but
 - (b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that the photograph was not taken intentionally but was taken because of weather conditions or other unavoidable cause.
- (7) In this section —
- “operator”, for an unmanned aircraft, means a person who is engaged in the operation of the unmanned aircraft, and where the unmanned aircraft is a remotely piloted aircraft, includes —
- (a) the person who causes the remotely piloted aircraft to fly; and
 - (b) the remote pilot of the aircraft with duties essential to the operation of the remotely piloted aircraft, such as manipulating the flight controls as appropriate during flight time, if the remote pilot is not the operator;
- “remotely piloted aircraft”, “unmanned aircraft” and “unmanned aircraft system” have the same respective meanings as in section 2(1) of the Air Navigation Act (Cap. 6).

Authorised officer to produce evidence of identity and authority

31.—(1) When exercising any power under section 27, 28, 29 or 30, an authorised officer must, on demand by any person affected by the exercise of that power, produce to that person evidence of the authorised person’s identity and authority to exercise that power.

(2) Despite any provision of this Act, it is not an offence for any person to refuse to comply with any request or direction of an authorised officer under any of the sections mentioned in subsection (1) if the authorised officer does not comply with that subsection.

PART 4

SPECIAL DEVELOPMENTS AND SPECIAL
INFRASTRUCTURES

Division 1 — General

**Responsible person of special development or special
infrastructure**

32.—(1) The responsible person at any time of a special development is the owner of the special development at that time.

(2) The responsible person at any time of a special infrastructure described in section 40 is the owner of the special infrastructure at that time.

(3) The responsible person at any time of a special infrastructure designated under section 41 is —

- (a) the owner of the special infrastructure at that time — where the written instrument or order mentioned in that section specifies the owner of the special infrastructure to be the responsible person; or
- (b) the occupier of the special infrastructure at that time — where the written instrument or order mentioned in that section specifies the occupier of the special infrastructure to be the responsible person.

(4) Where there is more than one responsible person of a special development or a special infrastructure at any time, each of those persons —

- (a) is jointly and severally responsible at that time for discharging the duties of, and complying with the requirements imposed on, the responsible person under this Act; and
- (b) may jointly and severally exercise at that time the powers of the responsible person under this Act.

Security plan for special development or special infrastructure

33.—(1) Any security plan (including any amendment to the security plan) required or submitted to the Commissioner under this Part in connection with any specified works for a special development or a special infrastructure —

- (a) must be prepared by a person approved by the Commissioner in connection with those specified works (called in this section the competent person);
- (b) must be prepared in such form and manner as the Commissioner may require; and
- (c) must contain the competent person's security risk assessment and the security measures required for that special development or that special infrastructure.

(2) To avoid doubt, the requirements of this Act as to the contents of a security plan are not in any way limited by or to the specified works in connection with which the security plan is required under this Part.

Division 2 — Special developments

Designation of special developments

34.—(1) If the Minister is of the opinion that it is necessary or expedient to do so in the interest of public safety or security, or in the national interest, the Minister may —

- (a) by a written instrument, designate any new development to be a special development; or
- (b) by order in the *Gazette*, designate any class of new developments to be special developments.

(2) In the case of a special development designated under subsection (1)(a), the Minister must give a copy of the written instrument to the responsible person of the special development.

(3) Before designating a special development under subsection (1)(a), the Minister must, unless the Minister considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the Minister's intention to do so to the intended responsible person; and
- (b) give the intended responsible person 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed designation.

(4) The Minister may, at any time, cancel the designation of a special development —

- (a) in the case of a designation under subsection (1)(a), by written notice to the responsible person of the special development; and
- (b) in the case of a designation under subsection (1)(b), by written notice to the responsible person of the special development or by order in the *Gazette*.

(5) On the cancellation of the designation of a special development, any approved security plan for the special development is also cancelled.

(6) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to make a designation under subsection (1) or cancel a designation under subsection (4).

Approved security plan for special development

35.—(1) The responsible person of a special development must not carry out, or cause or allow the carrying out of, any specified works for the special development unless the responsible person has obtained under this Division the Commissioner's approval, or provisional approval, of a security plan for the special development in connection with those specified works.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

Application for approval of security plan

36.—(1) The responsible person's application for the Commissioner's approval of a security plan for the special development must be made in such form and manner, and be accompanied or supported by the security plan and such other information and documents, as the Commissioner may require.

(2) On reviewing the application, the Commissioner may —

- (a) approve the security plan;
- (b) by written notice to the responsible person, require the security plan to be amended and resubmitted for the Commissioner's approval, in such manner and within such time as specified in the notice;
- (c) grant a provisional approval of the security plan, subject to conditions; or
- (d) reject the security plan.

(3) If any requirement under subsection (2)(b) is not complied with within the time specified in the notice under that subsection, or such extended time as the Commissioner may give in writing, the application for the approval of the security plan is, on the expiry of that time, treated as rejected by the Commissioner under subsection (2)(d).

(4) In the case of a provisional approval under subsection (2)(c), the Commissioner may, where the conditions of the provisional approval are satisfied, grant a final approval of the security plan.

Amendment of approved security plan

37.—(1) The Commissioner may, at any time and by written notice to the responsible person, require the approved security plan for the special development to be amended and submitted for the Commissioner's approval in the manner and within the time specified in the notice.

(2) Where the Commissioner gives a notice under subsection (1) —

- (a) the responsible person must comply with the notice; and

(b) the Commissioner may, on receiving an amended security plan from the responsible person in response to the notice, approve the amended security plan or issue a further notice under that subsection.

(3) The responsible person may also, at any time, apply for the Commissioner's approval to amend the approved security plan, in such form and manner (including with the amended security plan and such other information and documents) as the Commissioner may require.

(4) On reviewing an application under subsection (3), the Commissioner may —

- (a) approve the amended security plan;
- (b) by written notice to the responsible person, require the amended security plan to be further amended and resubmitted for the Commissioner's approval, in such manner and within such time as specified in the notice; or
- (c) reject the amended security plan.

(5) If any requirement under subsection (4)(b) is not complied with within the time specified in the notice under that subsection, or such extended time as the Commissioner may give in writing, the application for the approval of the amended security plan is, on the expiry of that time, treated as rejected by the Commissioner under subsection (4)(c).

(6) Where the Commissioner approves the amended security plan under this section (called in this section the current approval), any previous approval of the security plan granted under this section or section 36 is superseded by the current approval.

(7) Any person who contravenes subsection (2)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction.

(8) This section applies to a security plan with a provisional approval under section 36(2)(c) (called in this section a provisionally approved security plan), subject to the following modifications:

- (a) a reference to an amendment of an approved security plan in this section is a reference to an amendment of a provisionally approved security plan;
- (b) a reference to an approval of an amended security plan in this section is a reference to the Commissioner's provisional approval of an amended security plan, subject to conditions;
- (c) a reference to a current approval of a security plan in this section is a reference to the Commissioner's provisional approval of an amended security plan or (where the conditions of that provisional approval are satisfied) the Commissioner's final approval of the amended security plan.

Implementation schedule for security measures in approved security plan

38.—(1) The approved security plan for the special development may contain the following types of security measures:

- (a) security measures that are required to be implemented before or upon the completion of the specified works for the special development;
- (b) security measures that are required to be implemented after the Commissioner's approval of the certificate of works completion under section 39.

(2) The approved security plan may specify the period within which a security measure mentioned in subsection (1)(a) or (b) must be implemented.

(3) The approved security plan may, at any time after the Commissioner's approval of the certificate of works completion, be modified in accordance with any regulations made under this Act; and a reference in subsection (1)(b) to a security measure in the approved

security plan includes a reference to a security measure that is varied or added to the approved security plan under such modification.

Certificate of works completion and responsible person's duties before that

39.—(1) The responsible person of the special development must implement, or cause to be implemented, every security measure mentioned in section 38(1)(a), in accordance with the approved security plan.

(2) After completion of the specified works for the special development, the responsible person must submit to the Commissioner a certificate of works completion (prepared according to subsection (3)) for the Commissioner's approval —

- (a) in the case where a temporary occupation permit is required under the Building Control Act (Cap. 29) for the occupation of the special development, before obtaining any temporary occupation permit; and
- (b) in any other case, within the prescribed time after completion of the specified works.

(3) The certificate of works completion —

- (a) must be prepared by a person approved by the Commissioner to prepare that certificate of works completion (called in this section the competent person);
- (b) must be in such form and manner as the Commissioner may require; and
- (c) must contain the competent person's certification that the security measures mentioned in section 38(1)(a) have been implemented in accordance with the approved security plan.

(4) Any person who contravenes subsection (2)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Status of special development and responsible person's duties after approval of certificate of works completion

40.—(1) When the Commissioner approves the certificate of works completion for the special development —

(a) the special development becomes a special infrastructure and is to be treated under this Act as if it has been designated as a special infrastructure under section 41(1)(a); and

(b) the approved security plan of the special development becomes the approved security plan of that special infrastructure.

(2) The responsible person of that special infrastructure —

(a) must implement, or cause to be implemented, every security measure mentioned in section 38(1)(b), in accordance with the approved security plan; and

(b) must maintain every security measure that is implemented under the approved security plan until the special infrastructure ceases to be a special infrastructure.

(3) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Division 3 — Special infrastructures

Designation of special infrastructures

41.—(1) If the Minister is of the opinion that it is necessary or expedient to do so in the interest of public safety or security, or in the national interest, the Minister may —

(a) by a written instrument, designate any premises to be a special infrastructure; or

(b) by order in the *Gazette*, designate any class of premises to be special infrastructures.

(2) The written instrument or order under subsection (1) must specify whether the owner or the occupier of the premises being designated as a special infrastructure is to be the responsible person of the special infrastructure for the purposes of this Act.

(3) In the case of a special infrastructure designated under subsection (1)(a), the Minister must give a copy of the written instrument to the responsible person of the special infrastructure.

(4) Before designating a special infrastructure under subsection (1)(a), the Minister must, unless the Minister considers it not practicable or desirable to do so in any particular case —

(a) give notice of the Minister's intention to do so to the intended responsible person; and

(b) give the intended responsible person 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed designation.

(5) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to make a designation under subsection (1).

Approved security plan for special infrastructure

42.—(1) Subject to sections 54(6) and 58(5), the responsible person of a special infrastructure must not carry out, or cause or allow the carrying out of, any specified works for the special infrastructure unless the responsible person has obtained under this Division the Commissioner's approval, or provisional approval, of a security plan for the special infrastructure in connection with those specified works.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

Application for approval of security plan

43.—(1) The responsible person's application for the Commissioner's approval of a security plan for the special infrastructure must be made in such form and manner, and be accompanied or supported by the security plan and such other information and documents, as the Commissioner may require.

(2) On reviewing the application, the Commissioner may —

- (a) approve the security plan;
- (b) by written notice to the responsible person, require the security plan to be amended and resubmitted for the Commissioner's approval, in such manner and within such time as specified in the notice;
- (c) grant a provisional approval of the security plan, subject to conditions; or
- (d) reject the security plan.

(3) If any requirement under subsection (2)(b) is not complied with within the time specified in the notice under that subsection, or such extended time as the Commissioner may give in writing, the application for the approval of the security plan is, on the expiry of that time, treated as rejected by the Commissioner under subsection (2)(d).

(4) In the case of a provisional approval under subsection (2)(c), the Commissioner may, where the conditions of the provisional approval are satisfied, grant a final approval of the security plan.

Amendment of approved security plan

44.—(1) The Commissioner may, at any time and by written notice to the responsible person, require the approved security plan for the special infrastructure to be amended and submitted for the Commissioner's approval in the manner and within the time specified in the notice.

(2) Where the Commissioner gives a notice under subsection (1) —

- (a) the responsible person must comply with the notice; and

(b) the Commissioner may, on receiving an amended security plan from the responsible person in response to the notice, approve the amended security plan or issue a further notice under that subsection.

(3) The responsible person may also, at any time, apply for the Commissioner's approval to amend the approved security plan, in such form and manner (including with the amended security plan and such other information and documents) as the Commissioner may require.

(4) On reviewing an application under subsection (3), the Commissioner may —

- (a) approve the amended security plan;
- (b) by written notice to the responsible person, require the amended security plan to be further amended and resubmitted for the Commissioner's approval, in such manner and within such time as specified in the notice; or
- (c) reject the amended security plan.

(5) If any requirement under subsection (4)(b) is not complied with within the time specified in the notice under that subsection, or such extended time as the Commissioner may give in writing, the application for the approval of the amended security plan is, on the expiry of that time, treated as rejected by the Commissioner under subsection (4)(c).

(6) Where the Commissioner approves the amended security plan under this section (called in this section the current approval), any previous approval of the security plan granted under this section or section 43 is superseded by the current approval.

(7) Any person who contravenes subsection (2)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction.

(8) This section applies to a security plan with a provisional approval under section 43(2)(c) (called in this section a provisionally approved security plan), subject to the following modifications:

- (a) a reference to an amendment of an approved security plan in this section is a reference to an amendment of a provisionally approved security plan;
- (b) a reference to an approval of an amended security plan in this section is a reference to the Commissioner's provisional approval of an amended security plan, subject to conditions;
- (c) a reference to a current approval of a security plan in this section is a reference to the Commissioner's provisional approval of an amended security plan or (where the conditions of that provisional approval are satisfied) the Commissioner's final approval of the amended security plan.

Implementation schedule for security measures in approved security plan

45.—(1) The approved security plan for the special infrastructure may contain the following types of security measures:

- (a) security measures that are required to be implemented before or upon the completion of the specified works for the special infrastructure;
- (b) security measures that are required to be implemented after the Commissioner's approval of the certificate of works completion under section 46.

(2) The approved security plan may specify the period within which a security measure mentioned in subsection (1)(a) or (b) must be implemented.

(3) The approved security plan may, at any time after the Commissioner's approval of the certificate of works completion, be modified in accordance with any regulations made under this Act; and a reference in subsection (1)(b) to a security measure in the approved

security plan includes a reference to a security measure that is varied or added to the approved security plan under such modification.

Certificate of works completion and responsible person's duties before that

46.—(1) The responsible person of the special infrastructure must implement, or cause to be implemented, every security measure mentioned in section 45(1)(a), in accordance with the approved security plan.

(2) After the completion of the specified works for the special infrastructure, the responsible person must submit to the Commissioner a certificate of works completion (prepared according to subsection (3)) for the Commissioner's approval —

- (a) in the case where a temporary occupation permit is required under the Building Control Act (Cap. 29) for the occupation of the special infrastructure, before obtaining any temporary occupation permit; and
- (b) in any other case, within the prescribed time after completion of the specified works.

(3) The certificate of works completion —

- (a) must be prepared by a person approved by the Commissioner to prepare that certificate of works completion (called in this section the competent person);
- (b) must be in such form and manner as the Commissioner may require; and
- (c) must contain the competent person's certification that the security measures mentioned in section 45(1)(a) have been implemented in accordance with the approved security plan.

(4) Any person who contravenes subsection (2)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Responsible person's duties after approval of certificate of works completion

47.—(1) When the Commissioner approves the certificate of works completion for the special infrastructure, the responsible person of the special infrastructure —

- (a) must implement, or cause to be implemented, every security measure mentioned in section 45(1)(b), in accordance with the approved security plan; and
- (b) must maintain every security measure that is implemented under the approved security plan until the special infrastructure ceases to be a special infrastructure.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Cessation of special infrastructure

48.—(1) The Minister may, at any time, cancel the designation of a special infrastructure —

- (a) in the case of a designation under section 41(1)(a), by written notice to the responsible person of the special infrastructure; and
- (b) in the case of a designation under section 41(1)(b), by written notice to the responsible person of the special infrastructure or by order in the *Gazette*.

(2) On the cancellation of the designation of a special infrastructure, any approved security plan for the special infrastructure is also cancelled.

(3) To avoid doubt, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to cancel the designation of a special infrastructure.

PART 5
SECURITY DIRECTIVES

Security directive for protected area

49.—(1) The Commissioner may issue a security directive to the authority of a protected area if the authority contravenes section 12(1), (2) or (3)(a).

(2) The security directive may —

- (a) direct the authority to take any action or measure specified in the security directive, to secure compliance with any provision mentioned in subsection (1); and
- (b) specify the date on which the security directive is to take effect and the period within which any direction in the security directive must be complied with.

Security directive for protected place

50.—(1) The Commissioner may issue a security directive to the authority of a protected place if the authority contravenes section 18(1), (2) or (3)(a).

(2) The security directive may —

- (a) direct the authority to take any action or measure specified in the security directive, to secure compliance with any provision mentioned in subsection (1); and
- (b) specify the date on which the security directive is to take effect and the period within which any direction in the security directive must be complied with.

Security directive for security plan of special development or special infrastructure

51.—(1) The Commissioner may issue a security directive to —

- (a) the responsible person of a special development if the responsible person contravenes section 35(1); or
- (b) the responsible person of a special infrastructure if the responsible person contravenes section 42(1).

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- (2) The security directive may —
- (a) direct the responsible person to do either or both of the following:
 - (i) immediately cease any relevant specified works;
 - (ii) take any action or measure specified in the security directive, to secure compliance with the relevant provision mentioned in subsection (1); and
 - (b) specify the date on which the security directive is to take effect and the period within which any direction in the security directive must be complied with.

Security directive for implementation of security measures for special development or special infrastructure

- 52.**—(1) The Commissioner may issue a security directive to —
- (a) the responsible person of a special development if the responsible person contravenes section 39(1); or
 - (b) the responsible person of a special infrastructure if the responsible person contravenes section 40(2)(a), 46(1) or 47(1)(a).
- (2) The security directive may —
- (a) direct the responsible person to do either or both of the following:
 - (i) immediately cease any relevant specified works;
 - (ii) take any action or measure specified in the security directive, to secure compliance with the relevant provision mentioned in subsection (1); and
 - (b) specify the date on which the security directive is to take effect and the period within which any direction in the security directive must be complied with.

Security directive for maintenance of security measures for special infrastructure

53.—(1) The Commissioner may issue a security directive to the responsible person of a special infrastructure if the responsible person contravenes section 40(2)(b) or 47(1)(b).

(2) The security directive may —

- (a) direct the responsible person to take any action or measure specified in the security directive, to secure compliance with the relevant provision mentioned in subsection (1); and
- (b) specify the date on which the security directive is to take effect and the period within which any direction in the security directive must be complied with.

Security directive for special infrastructure against security risk

54.—(1) This section applies where the Commissioner is of the opinion that —

- (a) in the case of a special infrastructure with an approved security plan, it is necessary to protect the special infrastructure against any security risk that is not addressed in the approved security plan; and
- (b) in the case of a special infrastructure without any approved security plan, it is necessary to protect the special infrastructure against any security risk.

(2) The Commissioner may issue a security directive to the responsible person of the special infrastructure —

- (a) directing the responsible person to implement and maintain any security measure specified in the security directive, in response to that risk; and
- (b) specifying the date on which the security directive is to take effect and the period within which any direction in the security directive must be complied with.

(3) Before issuing the security directive, the Commissioner must, unless the Commissioner considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the Commissioner's intention to do so to the responsible person; and
- (b) give the responsible person 14 days (or such longer or shorter time as the Commissioner may specify in the notice) after the date of the notice to make representations on the proposed security directive.

(4) To avoid doubt, except as provided in this section, the Commissioner is not required to give any person notice of, or consult any person on, the Commissioner's intention to issue a security directive under subsection (2).

(5) For the purposes of assessing whether a security directive is required for a special infrastructure under this section, the Commissioner may, by written notice, require the responsible person of that special infrastructure to submit a report prepared by a person approved by the Commissioner for that purpose (called in this section the competent person) containing the competent person's security risk assessment and recommended security measures for that special infrastructure.

(6) Where the implementation of any new security measure under this section involves any specified works, section 42(1) does not apply in respect of those specified works.

Security directive for other premises to mitigate risk of act of terrorism

55.—(1) This section applies to any of the following premises that is not a special development or a special infrastructure:

- (a) a protected area;
- (b) a protected place;
- (c) any other premises that is a public place (called in this section public premises).

(2) If the Commissioner is of the opinion that it is necessary to mitigate the risk of an act of terrorism against any protected area, protected place or public premises, the Commissioner may issue a security directive to the authority of that protected area or that protected place or the owner of that public premises (collectively called in this section the responsible person) —

- (a) directing the responsible person to implement and maintain any security measure specified in the security directive, in response to that risk; and
- (b) specifying the date on which the security directive is to take effect and the period within which any direction in the security directive must be complied with.

(3) The security measures under subsection (2)(a) must not include any measure for the strengthening of the structural elements of the protected area, protected place or public premises against blast effects.

(4) Where the public premises has more than one owner at any time, each of those persons —

- (a) is jointly and severally responsible at that time for discharging the duties of the owner of the public premises under this Act; and
- (b) may jointly and severally exercise at that time the powers of the owner of the public premises under this Act.

(5) Before issuing the security directive, the Commissioner must, unless the Commissioner considers it not practicable or desirable to do so in any particular case —

- (a) give notice of the Commissioner's intention to do so to the responsible person; and
- (b) give the responsible person 14 days (or such longer or shorter time as the Commissioner may specify in the notice) after the date of the notice to make representations on the proposed security directive.

(6) To avoid doubt, except as provided in this section, the Commissioner is not required to give any person notice of, or

consult any person on, the Commissioner's intention to issue a security directive under subsection (2).

Compliance with security directives and notices under this Part

56.—(1) Any person who is issued a security directive under this Part must comply with every direction in that security directive.

(2) Any person who is issued a notice under section 54(5) must comply with that notice.

(3) Any person who contravenes subsection (1) —

(a) in the case of a security directive under section 55, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction; and

(b) in the case of any other security directive under this Part, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction.

(4) Any person who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction.

(5) In this section —

(a) a reference to the authority of a protected area or a protected place who is issued a security directive includes a reference to a person who becomes the authority of that protected area or that protected place after that security directive is issued;

- (b) a reference to the responsible person of a special development or a special infrastructure who is issued a security directive or a notice includes a reference to a person who becomes the responsible person of that special development or that special infrastructure after that security directive or that notice is issued; and
- (c) a reference to the owner of any premises who is issued a security directive includes a reference to a person who becomes the owner of that premises after that security directive is issued.

Cancellation of security directive

57.—(1) The Commissioner may, at any time, cancel any security directive (or any part of the security directive) issued under this Part.

(2) The cancellation of a security directive (or any part of the security directive) for any premises must be made by way of a written notice to the following persons:

- (a) in the case of a protected area or a protected place, the authority of that protected area or that protected place;
- (b) in the case of a special development or a special infrastructure, the responsible person of that special development or that special infrastructure;
- (c) in the case of any other premises, the owner of those premises.

(3) To avoid doubt, the Commissioner is not required to give any person notice of, or consult any person on, the Commissioner's intention to cancel any security directive (or any part of the security directive).

PART 6

MINISTER'S ORDERS

Minister's order for premises against imminent risk of act of terrorism

58.—(1) If the Minister is of the opinion that it is necessary to address any imminent risk of an act of terrorism against any premises, the Minister may issue an order to the owner of the premises —

(a) directing the owner to do one or more of the following, in response to that risk:

- (i) close the premises for such time as specified in the order;
- (ii) deploy such security personnel for the premises, for such purposes and for such time, as specified in the order;
- (iii) implement such other security measures for the premises in such manner, and maintain those measures for such time, as specified in the order;
- (iv) allow any member of a state force to enter the premises and implement and maintain such security measures, during such time, as specified in the order;
- (v) provide the Commissioner such information and documents relating to the protection of the premises against any act of terrorism, at such times, as specified in the order; and

(b) specifying the date on which the order is to take effect and the period within which any direction in the order must be complied with.

(2) Without limiting the generality of subsection (1)(a), the security measures mentioned in that subsection may include the following:

- (a) preparation and implementation of contingency plans on responses to any act of terrorism against the premises;
- (b) restriction on the entry of vehicles, vessels and persons to the premises;

- (c) conduct of searches of vehicles, vessels and persons (including any personal property of such persons) entering or in the premises;
 - (d) installation of security systems, defence systems and other equipment in the premises.
- (3) Before issuing the order, the Minister must, unless the Minister considers it not practicable or desirable to do so in any particular case —
- (a) give notice of the Minister's intention to do so to the owner of the premises; and
 - (b) give the owner 14 days (or such longer or shorter time as the Minister may specify in the notice) after the date of the notice to make representations on the proposed order.
- (4) To avoid doubt, except as provided in this section, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to issue an order under subsection (1).
- (5) Where the implementation of any new security measure under this section involves any specified works, section 42(1) does not apply in respect of those specified works.

Revocation of Minister's order under this Part

- 59.**—(1) The Minister may, at any time, revoke any order (or any part of the order) issued under this Part.
- (2) The revocation of an order (or any part of the order) for any premises must be made by way of a written notice to the owner of the premises.
- (3) The Minister may, in the written notice, direct the owner to remove, or allow any member of a state force to enter the premises and remove, any security measure implemented under the order.
- (4) To avoid doubt, the Minister is not required to give any person notice of, or consult any person on, the Minister's intention to revoke any order (or any part of the order) issued under this Part.

Compliance with Minister's orders and notices under this Part

60.—(1) The owner of any premises who is issued an order or a notice under this Part must comply with every direction in that order or that notice.

(2) Where the premises has more than one owner at any time, each of those persons is jointly and severally responsible at that time for discharging the duties of the owner under this Act.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 5 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for every day or part of a day during which the offence continues after conviction.

(4) In this section, a reference to the owner of any premises who is issued an order or a notice includes a reference to a person who becomes the owner of that premises after that order or that notice is issued.

Member of state force to produce evidence of identity and authority

61.—(1) Any member of a state force who seeks to enter any premises to implement or maintain any security measure in accordance with the Minister's order under section 58, or remove any security measure in accordance with the Minister's notice under section 59, must, on demand by the owner or occupier of the premises, produce evidence of the member's identity and authority to do so.

(2) Despite any provision of this Act, it is not an offence for the owner or occupier of any premises to refuse entry by a member of a state force to the premises if the member does not comply with subsection (1).

PART 7
APPEALS

Appeals to Minister

62.—(1) The following persons may appeal to the Minister:

- (a) the responsible person of a special development may appeal against the Commissioner's rejection of a security plan under section 36(2)(d), or an amended security plan under section 37(4)(c), for the special development, within 14 days after the rejection;
- (b) the responsible person of a special infrastructure may appeal against the Commissioner's rejection of a security plan under section 43(2)(d), or an amended security plan under section 44(4)(c), for the special infrastructure, within 14 days after the rejection;
- (c) any person who is issued a security directive by the Commissioner under Part 5 may appeal within 14 days after the issue of the security directive.

(2) The appeal must be in writing and state the grounds on which it is made.

(3) The Minister may reject the appeal if the appellant does not comply with subsection (2).

(4) Unless otherwise directed by the Minister in any particular case, the Commissioner's decision being appealed against does not take effect until the earlier of the following events:

- (a) the Minister determines the appeal;
- (b) the appellant withdraws the appeal.

(5) After considering the appeal, the Minister may —

- (a) confirm the Commissioner's decision; or
- (b) substitute or vary the Commissioner's decision.

(6) The Minister's decision on the appeal is final.

(7) A reference to the Commissioner's decision in this section is a reference to —

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- (a) a rejection of a security plan or an amended security plan mentioned in subsection (1)(a) or (b); or
 - (b) a security directive mentioned in subsection (1)(c).

Appeal Advisory Board

63.—(1) The Minister may, before deciding an appeal under section 62, refer the appeal (called in this section the referred appeal) to an Appeal Advisory Board established under this section.

(2) The Appeal Advisory Board must submit to the Minister a written report on the referred appeal, and may include in that report such recommendations as the Board thinks fit.

(3) The Minister must, before deciding the referred appeal, consider the report submitted under subsection (2), but is not bound by the recommendations in the report.

(4) The Appeal Advisory Board is to consist of a Chairperson, a Vice-Chairperson and such other members as the Minister may determine.

(5) The Chairperson, Vice-Chairperson and members of the Appeal Advisory Board —

- (a) are to be appointed by the Minister for such period as the Minister may determine and may, from time to time, be reappointed;
- (b) may, at any time, be removed from office by the Minister; or
- (c) may, at any time, resign from office, by written notice to the Minister.

(6) At any meeting of the Appeal Advisory Board, 3 members constitute a quorum.

(7) Subject to this Act, the Appeal Advisory Board may determine its own procedures.

Minister may designate others to hear appeals

64.—(1) The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal or a specific appeal under section 62:

- (a) the Second Minister, if any, for his or her Ministry;
- (b) any Minister of State, including a Senior Minister of State, for his or her Ministry;
- (c) any Parliamentary Secretary, including a Senior Parliamentary Secretary, to his or her Ministry.

(2) A reference to the Minister in sections 62 and 63(1), (2) and (3) includes a reference to a person designated under subsection (1).

PART 8

ENFORCEMENT POWERS, GENERAL OFFENCES AND RELATED MATTERS

Power to carry out Minister's direction

65.—(1) If the owner of any premises does not comply with any direction in the Minister's order under section 58, or in the Minister's notice under section 59, for the premises, the Commissioner may enter, without warrant, the premises and carry out that direction.

(2) The Commissioner may be accompanied or assisted by such persons as are necessary for the exercise of the Commissioner's powers under this section or section 67 (in relation to this section).

(3) All expenses reasonably incurred by the Commissioner in the exercise of the Commissioner's powers under this section or section 67 (in relation to this section) are recoverable from the owner of the premises as a debt due to the Government.

Powers of search, etc.

66.—(1) For the purpose of ascertaining whether there is or has been any contravention of this Act in relation to a protected infrastructure, the Commissioner has the power to do all or any of the following:

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- (a) enter, inspect and search, without warrant, the protected infrastructure;
 - (b) take possession of any thing found in the protected infrastructure that is reasonably believed to be connected to any contravention of this Act;
 - (c) require the owner or occupier of the protected infrastructure to —
 - (i) produce to the Commissioner for inspection; or
 - (ii) supply the Commissioner with copies of, any document relating to the protected infrastructure as may be in the possession, custody or control of that owner or occupier, either immediately or at such time and place as may be specified by the Commissioner.

(2) The Commissioner must not exercise the power of entry under subsection (1)(a) unless at least 24 hours' notice of the intended entry has been given to the owner or occupier of the protected infrastructure.

(3) When exercising any power under subsection (1)(a) or (b) or section 67 (in relation to this section), the Commissioner may be accompanied or assisted by such persons as are necessary for the exercise of that power.

(4) Any person who, without reasonable excuse, fails to comply with any requirement under subsection (1)(c) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Powers of forcible entry

67. If entry to any premises cannot be obtained under section 65 or 66, the Commissioner may do all or any of the following:

- (a) break open any outer or inner door or window leading to the premises;
- (b) forcibly enter the premises;

- (c) remove by force any obstruction to the entry or search of the premises under that section.

Powers of investigation

68.—(1) For the purpose of investigating any offence under this Act, the Commissioner may do all or any of the following:

- (a) require, by written notice, any person, whom the Commissioner reasonably believes has any information, or any document in the person's custody or control, that is relevant to the investigation, to furnish that information or document, within such time and manner as may be specified in the written notice;
- (b) require, by written notice, the attendance before the Commissioner of any person within the limits of Singapore who appears to be acquainted with the facts or circumstances of the matter;
- (c) examine orally any person who appears to be acquainted with the facts or circumstances of the matter —
 - (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and
 - (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceedings in connection with the matter.

(2) A person examined under subsection (1)(c) is bound to state truly the facts and circumstances with which the person is acquainted concerning the matter except that the person need not say anything that might expose the person to a criminal charge, penalty or forfeiture.

(3) A statement made by a person examined under subsection (1)(c) must —

- (a) be reduced to writing;
- (b) be read over to the person;

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- (c) if the person does not understand English, be interpreted to the person in a language that the person understands; and
 - (d) after correction (if necessary), be signed by the person.

(4) If any person fails to attend as required by a notice under subsection (1)(b), the Commissioner may report such failure to a Magistrate who may then issue a warrant ordering the person to comply with the notice.

(5) Any person who, without reasonable excuse, fails to comply with any notice under subsection (1)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Commissioner to produce evidence of identity and authority

69.—(1) When exercising any power under sections 65 to 68, the Commissioner must, if so required by any person affected by the exercise of that power, produce to that person evidence of the Commissioner's identity and authority to exercise that power.

(2) Despite any provision of this Act, it is not an offence for any person to refuse to comply with any requirement or notice of the Commissioner under any of the sections mentioned in subsection (1) if the Commissioner does not comply with that subsection.

False or misleading statement, information or document

70. Any person who, being required to make any statement or furnish any information or document under this Act —

- (a) makes any statement, or furnishes any information or document, which is false or misleading in a material particular; and
- (b) knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both.

Obstruction

71.—(1) A person must not do any act which has or is likely to have the effect of obstructing or hindering or otherwise preventing any other person from exercising any power, or discharging any duty or complying with any provision or requirement, under this Act.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 2 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Offences by corporations

72.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind,

is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation, or a member of the corporation (in the case where the affairs of the corporation are managed by its members); or

(ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

- (i) consented or connived, or conspired with others, to effect the commission of the offence;
- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and

- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

73.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his or her actual or apparent authority; and
- (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

- (a) who is —
 - (i) an officer of the unincorporated association or a member of its governing body;
 - (ii) a partner in the partnership; or
 - (iii) an individual involved in the management of the unincorporated association or the partnership and in a position to influence the conduct of that unincorporated association or that partnership in relation to the commission of the offence; and
- (b) who —
 - (i) consented or connived, or conspired with others, to effect the commission of the offence;

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- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or the partnership; or
 - (iii) knew or ought reasonably to have known that the offence by the unincorporated association or the partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is that unincorporated association or that partnership, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or the partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof as that unincorporated association or that partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not that unincorporated association or that partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and
 - (b) any person purporting to act in any such capacity;
- “partner” includes a person purporting to act as a partner;
- “state of mind” of a person includes —
- (a) the knowledge, intention, opinion, belief or purpose of the person; and
 - (b) the person’s reasons for the intention, opinion, belief or purpose.

Composition of offences

74.—(1) The Commissioner may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

(2) On payment of such sum of money, no further proceedings are to be taken against that person in respect of the offence.

Arrestable offences and non-bailable offences

75.—(1) Every offence under this Act is arrestable for the purposes of the Criminal Procedure Code (Cap. 68).

(2) Every offence under this Act (except an offence under section 20(2), 21(6), 27(5), 28(2), 29(4), 30(4) or (5), 37(7), 44(7), 56(3) or (4) or 60(3)) is bailable for the purposes of the Criminal Procedure Code.

Jurisdiction of courts

76. Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

PART 9

MISCELLANEOUS

Protection of confidentiality

77.—(1) A court may, on the application of the Commissioner, make any of the following orders in or for any proceedings that involve or may involve a protected document:

- (a) an order that the protected document must not be disclosed in the proceedings;
- (b) an order that the protected document may be disclosed in the proceedings after the document has been redacted in the manner directed by the court.

(2) In deciding whether to make an order under subsection (1), the court may have regard to the following factors:

- (a) the security risk to any protected infrastructure if the protected document is disclosed in the proceedings;
- (b) the relevance of the protected document to the proceedings;
- (c) the injustice that would be caused to any party if the protected document is not disclosed in the proceedings.

(3) Any court proceedings involving a protected document must be heard in camera.

(4) A person must not, without the leave of court, inspect or take a copy of a protected document disclosed in any court proceedings.

(5) Where any protected document is disclosed in any proceedings, a person must not publish, without the leave of court, the protected document, or any information about or contained in the protected document.

(6) Any person who fails to comply with subsection (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(7) In this section, unless the context otherwise requires —

“proceedings” include arbitration and mediation proceedings;

“protected document” means any of the following:

- (a) any protected area order or protected place order that is not published in the *Gazette*;
- (b) any security plan approved by or submitted to the Commissioner under this Act, including any correspondence or other document relating to the preparation of, and the Commissioner’s approval of or other decision on, the security plan;
- (c) any security directive issued by, or any report submitted to, the Commissioner under Part 5;
- (d) any order or notice issued by the Minister under Part 6;
- (e) any appeal made under section 62, including any decision made on the appeal under that section, and any correspondence or other document relating to the making and the decision-maker’s consideration of the appeal;

“security plan” includes any amended or modified security plan.

Service of documents

78.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
- (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;

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- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
 - (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
 - (f) by sending it by email to the individual's email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other like officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other like officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;
- (c) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or
- (d) by sending it by email to the body corporate's or unincorporated association's email address.

(5) Service of a document under this section takes effect —

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and
- (c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) This section does not apply to documents to be served in proceedings in court.

(7) In this section —

“business address” means —

- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

“email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in Singapore.

Inaccuracies in documents

79.—(1) A misnomer or an inaccurate description of any person or premises named or described in any document prepared, issued or served under, by reason of or for the purposes of this Act does not in any way affect the operation of this Act as respects that person or premises if that person or premises is so designated in the document as to be identifiable.

(2) Proceedings taken under or by reason of this Act are not invalid for want of form.

(3) A reference to a document prepared, issued or served under, by reason of or for the purposes of this Act in subsection (1) includes a reference to the following:

- (a) an authorisation of a person under section 3 of the repealed Act that is treated by section 85(1) to be an authorisation made under this Act;
- (b) an order declaring a protected area under section 4(1) of the repealed Act that is treated by section 85(2) to be a protected area order made under section 8(1);
- (c) an order declaring a protected place under section 5(1) of the repealed Act that is treated by section 85(3) to be a protected place order made under section 14(1);
- (d) a pass-card or permit issued under section 5(1) of the repealed Act that is treated by section 85(4) to be a permit issued under section 20(1)(a);
- (e) an authorisation of any step or measure under section 10(1) of the repealed Act that is treated by section 85(5) to be an authorisation to implement a measure under section 25(1).

Costs, etc.

80.—(1) Where any of the persons mentioned in subsection (2) is required under this Act to do anything, that person is responsible for the costs of doing that thing (or causing that thing to be done), and of removing (or causing the removal of) that thing.

(2) For the purposes of subsection (1), the persons are as follows:

- (a) the authority of a protected area or a protected place;
- (b) the responsible person of a special development or a special infrastructure;
- (c) the owner of any premises mentioned in section 55(1)(c);
- (d) the owner of any premises mentioned in Part 6.

(3) Where the Commissioner or any member of a state force enters any premises mentioned in Part 6 and carries out any direction mentioned in section 58 or 59, the Government is not liable to compensate the owner or occupier of the premises for any loss (including reinstatement costs) incurred by the owner or occupier, or for any damage caused to the premises, as a result of anything done or omitted to be done in good faith and with reasonable care by the Commissioner or that member.

Protection from personal liability

81.—(1) No liability shall lie personally against the Commissioner or any other public officer, any member of a state force, any authorised officer of a protected area or a protected place or any member of the Appeal Advisory Board who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act.

(2) To avoid doubt, nothing in this Act makes it obligatory for the Commissioner to inspect any protected infrastructure to ascertain whether the provisions of this Act have been complied with, or any information or document furnished to the Commissioner is accurate, with respect to the protected infrastructure.

Exemption

82. The Minister may, by order in the *Gazette*, exempt any person or premises, or any class of persons or premises, from all or any of the provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose.

Regulations

83.—(1) The Minister may make regulations prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), the Minister may make regulations for any of the following matters:

(a) the notices required to be displayed under Part 3;

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- (b) the modification of approved security plans of special infrastructures (whether on the requirement of the Commissioner or otherwise);
 - (c) the implementation and maintenance of security measures for protected infrastructures;
 - (d) the requirement for owners or occupiers of premises to furnish information and documents that the Minister or the Commissioner may require for the purpose of assessing the need for, or determining the contents of, orders, security directives or notices to be issued under this Act with respect to those premises;
 - (e) the requirement for owners or occupiers of premises to maintain the documents mentioned in paragraph (d);
 - (f) the requirement for the Minister or the Commissioner to be notified of the changes, intended changes or impending changes to the ownership or occupation of protected infrastructures (including the persons responsible for notifying such changes and the period within which such changes must be notified);
 - (g) in the event of changes to the ownership or occupation of protected infrastructures, the duties of the outgoing owners or occupiers;
 - (h) the approval of competent persons for the purposes of this Act;
 - (i) the contents of orders, security directives and notices issued under this Act;
 - (j) the manner of making, and the procedures for, appeals to the Minister under this Act;
 - (k) the prescribing of fees and charges for the purposes of this Act;
 - (l) the prescribing of anything that is required or permitted to be prescribed under this Act.

(3) The regulations may provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

Repeal

84.—(1) The Protected Areas and Protected Places Act (Cap. 256) is repealed.

(2) Any written law or document referring to the repealed Act is, as far as necessary for preserving its effect, to be construed as referring to or including a reference to this Act.

Saving and transitional provisions

85.—(1) Any guard or watchman of a protected area or a protected place whose authorisation under section 3 of the repealed Act (to exercise the powers of an authorised officer under the repealed Act in respect of that protected area or that protected place) is in force immediately before the date of commencement of section 6 of this Act —

- (a) may continue to be deployed to guard that protected area or that protected place for a period of one year after the date of commencement of section 6 of this Act (called in this section the permitted deployment); and
- (b) is deemed, during the permitted deployment, to be an authorised officer of that protected area or that protected place under this Act.

(2) Where any area in Singapore is a protected area under section 4(1) of the repealed Act immediately before the date of commencement of section 8(1) of this Act —

- (a) the area is deemed to be a protected area declared under section 8(1) of this Act;
- (b) the order made under section 4(1) of the repealed Act declaring the area to be a protected area is deemed to be a protected area order made under section 8(1) of this Act (called in this section the deemed protected area order);

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- (c) the person designated as the authority of the protected area in the order made under section 4(1) of the repealed Act is deemed to be designated as the authority of the protected area in the deemed protected area order under section 9(1) of this Act; and
 - (d) section 12 of this Act applies to the authority of the protected area with the modification that a reference to the effective date of a protected area order in that section is a reference to the date of commencement of that section.
- (3) Where any premises in Singapore is a protected place under section 5(1) of the repealed Act immediately before the date of commencement of section 14(1) of this Act —
- (a) the premises is deemed to be a protected place declared under section 14(1) of this Act;
 - (b) the order made under section 5(1) of the repealed Act declaring the premises to be a protected place is deemed to be a protected place order made under section 14(1) of this Act (called in this section the deemed protected place order);
 - (c) the person designated as the authority of the protected place in the order made under section 5(1) of the repealed Act is deemed to be designated as the authority of the protected place in the deemed protected place order under section 15(1) of this Act; and
 - (d) section 18 of this Act applies to the authority of the protected place with the modification that a reference to the effective date of a protected place order in that section is a reference to the date of commencement of that section.
- (4) A pass-card or permit that is issued under section 5(1) of the repealed Act and remains valid immediately before the date of commencement of section 20(1)(a) of this Act is deemed to be a permit issued under section 20(1)(a) of this Act.

(5) Any authorisation by the Minister under section 10(1) of the repealed Act of any step or measure for the protection of a protected area or a protected place that is in force immediately before the date of commencement of section 25 of this Act is deemed to be an authorisation by the Minister under section 25(1) of this Act to implement a measure for the protection of that protected area or that protected place.

(6) This section does not affect the operation of, or derogate from, section 16 of the Interpretation Act (Cap. 1).

(7) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

Consequential amendments to other Acts

86.—(1) Section 2 of the Biological Agents and Toxins Act (Cap. 24A, 2006 Ed.) is amended by deleting the words “Protected Areas and Protected Places Act (Cap. 256)” in the definition of “protected place” and substituting the words “Infrastructure Protection Act 2017”.

(2) Section 40(5) of the Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended by deleting paragraph (k) and substituting the following paragraph:

“(k) the Infrastructure Protection Act 2017;”.

(3) Section 74 of the Internal Security Act (Cap. 143, 1985 Ed.) is amended by deleting subsection (6) (including the marginal reference) and substituting the following subsection:

“(6) The powers of a police officer under subsections (1) and (2) may be exercised by any member of the security forces, and (in the case of a protected place) any authorised officer of that protected place (within the meaning of the Infrastructure Protection Act 2017).”.

(4) Section 11(2) of the Private Security Industry Act (Cap. 250A, 2008 Ed.) is amended by deleting the words “Protected Areas and

Protected Places Act (Cap. 256)” in paragraph (c)(i) and substituting the words “Infrastructure Protection Act 2017”.

(5) Section 201D of the Singapore Armed Forces Act (Cap. 295, 2000 Ed.) is amended by deleting the words “Protected Areas and Protected Places Act (Cap. 256)” and substituting the words “Infrastructure Protection Act 2017”.
