



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 16]

THURSDAY, MARCH 9

[2017

First published in the *Government Gazette*, Electronic Edition, on 9 March 2017 at 3 pm.

Notification No. B 16— The Public Order (Amendment) Bill is published for general information. It was introduced in Parliament on 9 March 2017.

Public Order (Amendment) Bill

Bill No. 16/2017.

Read the first time on 9 March 2017.

A BILL

intituled

An Act to amend the Public Order Act (Chapter 257A of the 2012 Revised Edition).

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

Short title and commencement

1. This Act is the Public Order (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2(1) of the Public Order Act (called in this Act the principal Act) is amended —

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

10 “ “declaration” means a declaration made by —

(a) the Commissioner under section 21;
or

(b) the Minister under section 21 read with section 21A,

15 as the case may be;

“enhanced security special event” means a special event that is the subject of a declaration made by the Minister;”;

(b) by inserting, immediately after the definition of “event”, the following definition:

20 “ “event organiser”, for an event, means a person who is responsible (whether fully or substantially) for the organisation and holding of the event and the receipt of revenue from the event (if any);”;

(c) by deleting the words “under section 21” in the definition of “special event” and substituting the words “by the Commissioner or the Minister (as the case may be)”; and

(d) by deleting the words “under section 21 of the event” in the definition of “special event area” and substituting the words “by the Commissioner or the Minister (as the case may be) for the event”.

New section 6A

3. The principal Act is amended by inserting, immediately after section 6, the following section:

“Advance notice of events having prescribed crowd size

6A.—(1) Without affecting section 6, special notice of intention to organise an event (whether or not comprising or involving an assembly or a procession) must be given to the Commissioner in the prescribed manner, with the prescribed information, by any event organiser for the event if the event organiser reasonably expects more than a prescribed number of individuals to participate in or to attend the event at any time during the holding of the event. 5 10

(2) Unless the Commissioner accepts shorter notice under subsection (3), special notice under this section must be given not less than the prescribed period — 15

(a) before the proposed date of the event; or

(b) in the case where the event is to take place during a proposed period, before the beginning of that proposed period.

(3) The Commissioner may, and must in any case where the Commissioner is reasonably satisfied that earlier notice could not have been given, accept shorter notice than is as mentioned in subsection (2). 20

(4) For the purposes of subsection (1), the Minister may prescribe different numbers of individuals for different classes of events. 25

(5) An event organiser who fails to comply with subsection (1) or (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 12 months or to both.”. 30

Amendment of section 7

4. Section 7 of the principal Act is amended —

(a) by deleting the word “or” at the end of subsection (2)(f);

(b) by deleting the full-stop at the end of paragraph (g) of subsection (2) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

5 “(h) be directed towards a political end and be organised by, or involve the participation of, any of the following persons:

(i) an entity that is not a Singapore entity;

10 (ii) an individual who is not a citizen of Singapore.”; and

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

“(3) In this section —

“directed towards a political end” means —

15 (a) promoting the interests of a political party or other group of persons organised, in Singapore or elsewhere, for political objects;

20 (b) influencing, or seeking to influence, the outcome of elections or referendums, whether in Singapore or elsewhere;

25 (c) influencing, or seeking to influence, the policies or decisions of national or regional governments, whether in Singapore or elsewhere;

30 (d) influencing, or seeking to influence, the policies or decisions of persons on whom public functions are conferred by or under the law of Singapore or of a country or territory outside Singapore;

- (*e*) influencing, or seeking to influence, the policies or decisions of persons on whom functions are conferred by or under international agreements;
 - (*f*) influencing, or seeking to influence, public opinion on a matter which, in Singapore or elsewhere, is a matter of public controversy; 5
 - (*g*) bringing about, or seeking to bring about, changes of the law in the whole or a part of Singapore or elsewhere, or otherwise influencing, or seeking to influence, the legislative process in Singapore or elsewhere; or 10
 - (*h*) promoting or opposing political views, or public conduct relating to activities that have become the subject of a political debate, in Singapore or elsewhere; 15
- “Singapore entity” means a Singapore-controlled corporation, a Singapore-controlled partnership or a Singapore-controlled unincorporated association; 20
- “Singapore-controlled corporation” means a body corporate that — 25
- (*a*) is incorporated under any written law in Singapore;
 - (*b*) has a management body (called an executive, a board of directors or otherwise), the majority of whose members (called directors, partners or otherwise) are citizens of Singapore; and 30
 - (*c*) has a majority of members who are citizens of Singapore or Singapore 35

entities or, in the case of a company having a share capital, the majority of whose shares are held by citizens of Singapore or Singapore entities;

5 “Singapore-controlled partnership” means —

(a) a firm registered under the Business Names Registration Act 2014 (Act 29 of 2014) in Singapore, the majority of whose partners are citizens of Singapore or one or more Singapore entities; or

(b) a limited partnership registered under the Limited Partnerships Act (Cap. 163B) in Singapore —

15 (i) the majority of whose general partners as defined in that Act are citizens of Singapore or Singapore entities; and

20 (ii) the majority of whose limited partners as defined in that Act are citizens of Singapore or Singapore entities;

25 “Singapore-controlled unincorporated association” means an unincorporated association that —

(a) is formed in Singapore under any written law;

(b) has a management body (called a committee, council or otherwise), the majority of whose members are citizens of Singapore; and

30 (c) has a majority of members who are citizens of Singapore or Singapore entities.”.

Amendment of section 8

5. Section 8 of the principal Act is amended by deleting the words “to (g)” in subsections (2) and (4) and substituting in each case the words “to (h)”.

Amendment of section 16

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6. Section 16(1) of the principal Act is amended by deleting the words “taking part in” in paragraph (c) and substituting the word “organising”.

Amendment of section 20

7. Section 20 of the principal Act is amended by deleting the definition of “event organiser”.

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Repeal and re-enactment of section 21 and new section 21A

8. Section 21 of the principal Act is repealed and the following sections substituted therefor:

“Declaration of special event by Commissioner

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21.—(1) Subject to subsections (2) and (3) and section 21A, the Commissioner may declare an event to be a special event for the purposes of this Part.

(2) In deciding whether to make a declaration and the scope of the declaration, the Commissioner is to have regard to —

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- (a) the size of the event;
- (b) the number and prominence of persons who are likely to attend the event;
- (c) the likely media coverage of the event;
- (d) the likely contribution that the event will make to Singapore;
- (e) the commercial arrangements for the event;
- (f) the event management experience and expertise of the event organiser;

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(g) the factors affecting the operational organisation of the event, including measures taken or to be taken by the event organiser in relation to the planning of the event, such as —

5 (i) preparation of traffic and transport management plans;

(ii) emergency management plans;

(iii) security plans and consultation with police and emergency services; and

10 (iv) crowd management;

(h) Singapore's obligations for holding the event; and

(i) any other relevant factor.

(3) The Commissioner may make a declaration only if the Commissioner is satisfied that the declaration is necessary —

15 (a) for preserving public order and the safety of individuals involved in the event and other individuals; and

(b) for the avoidance of disruptions to the event.

(4) A declaration under subsection (1) must —

20 (a) contain a brief description of the event to which the declaration applies, whether by means of a description, map or other document;

(b) state the proposed date and time of the event or the proposed period in which the event is to take place, and the location of the special event area for the event; and

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(c) state the period (not exceeding 3 years) for which the declaration is in force.

(5) Once such a declaration is made in respect of an event, the Commissioner must give a copy of the declaration to the event organiser of the event.

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(6) Unless sooner revoked, a declaration expires on the date, and at the time (if any) stated in, or worked out in accordance with the declaration.

(7) At any time before the declaration in respect of a special event comes into force, the Commissioner may, by informing the event organiser of the event, amend all or any of the following:

- (a) the description of the location of the special event area to which the declaration applies;
- (b) the date and time of the special event or the proposed period in which the special event is to take place;
- (c) the period (not exceeding 3 years) for which the declaration is in force.

(8) To avoid doubt, more than one declaration under this section may be made in respect of the same event.

Enhanced security special event declared by Minister

21A.—(1) Where the Minister is satisfied, in relation to any event, that any of the following applies:

- (a) there is a reasonable likelihood that the event may be disrupted if all or any of the powers in sections 24 to 29 and section 32A are not exercised;
- (b) the exercise of all or any of those powers is necessary because of the need to protect persons involved in or at the event;
- (c) the exercise of all or any of those powers is required as a condition of holding the event in Singapore;
- (d) there is a reasonable likelihood that the event might be the subject of an act of terrorism because of the nature of the event, or the attendance or likely attendance of prominent persons or a large number of people,

the Minister may give directions to the Commissioner requiring the Commissioner to refer the event, or a class of similar events, specified in the direction, to the Minister for deciding whether to make a declaration, and the scope of the declaration, under

section 21 instead of the Commissioner, and every such event, or event in the class, specified must then be so referred to the Minister.

5 (2) In deciding whether to make a declaration, and the scope of the declaration, under section 21, in relation to any event specified in a direction under subsection (1), the Minister has all the functions and powers of the Commissioner under section 21, and a reference in that section to the Commissioner accordingly includes a reference to the Minister.

10 (3) A declaration made by the Minister under section 21 read with this section must be published in the *Gazette*.

15 (4) Once such a declaration is made, the Minister must, within 7 days after the making of the declaration and before the date the declaration comes into force, cause to be published a notice of the making of the declaration, describing briefly the event and the special event area for that event in such manner as will secure adequate publicity for the declaration.

20 (5) If the Minister, by virtue of this section read with section 21(7), makes any amendment to the declaration for an enhanced security special event, the Minister must publish the amended declaration in the *Gazette*; and a notice describing briefly the amendment must be published as soon as practicable in such manner as will secure adequate publicity for the amended declaration.

25 (6) However, failure to publish a notice under subsection (4) or (5) in respect of any declaration or amended declaration by the Minister does not invalidate the declaration.”.

Amendment of section 30

9. Section 30 of the principal Act is amended —

- 30 (a) by deleting the word “or” at the end of subsection (2)(d);
- (b) by deleting the full-stop at the end of paragraph (e) of subsection (2) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

- “(f) to implement security measures during the holding of the special event, such as the deployment of security personnel and the security screening of persons and vehicles;
- (g) to change the venue of the special event, or to cancel or postpone the special event; or
- (h) to inform any person attending or intending to attend the special event of any matter mentioned in paragraph (g), or that requires the person to observe certain conduct at the special event, or such other matter in relation to the event, in such form and manner as the Commissioner may determine.”;
- (c) by inserting, immediately after the words “subsection (1)” in subsection (5), the words “or as modified under subsection (7A)”;
- (d) by deleting the words “with the approval of the Minister,” in subsection (7);
- (e) by inserting, immediately after subsection (7), the following subsections:
- “(7A) The Commissioner may, without affording an opportunity to be heard, modify any written direction given under subsection (1) or (7) for any purpose mentioned in that subsection.
- (7B) The Commissioner must first obtain the approval of the Minister if, in relation to an enhanced security special event, the Commissioner gives, or modifies, a written direction containing the requirement mentioned in subsection (2)(g) or (7).”;
- (f) by deleting the words “under subsection (7)” in subsection (8) and substituting the words “given under subsection (7) or as modified under subsection (7A)”;

(g) by inserting, immediately after subsection (8), the following subsections:

5 “(8A) Where an event organiser or an owner fails to comply with any requirement in a written direction given under subsection (1) or (7), respectively (or as modified under subsection (7A)), the Commissioner may, if satisfied that the failure is likely to pose a risk to the safety of individuals involved in the special event and other individuals, take such measures and do such work as may be necessary to give effect to the written direction.

10 (8B) The Commissioner may recover all costs and expenses reasonably incurred under subsection (8A) from the event organiser, or the owner, in default, as a civil debt due to the Government.”; and

15 (h) by deleting the words “subsections (6), (7) and (8)” in subsection (9) and substituting the words “subsections (6), (7), (8), (8A) and (8B)”.

Repeal and re-enactment of section 39

20 **10.** Section 39 of the principal Act is repealed and the following section substituted therefor:

“Obstruction of police officers under section 29 or 38 or Commissioner under section 30(8A)

39. Any person who wilfully obstructs —

25 (a) any police officer in the exercise of any power conferred by or under section 29(3) or 38(2); or

(b) the Commissioner in the exercise of the power conferred by or under section 30(8A),

30 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 12 months or to both.”.

Amendment of section 48

11. Section 48 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(3) To avoid doubt, nothing in Part III affects the operation of the provisions of the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015) in relation to any Liquor Control Zone declared under section 15(1) of that Act that falls wholly or partly within a special event area.”.

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Miscellaneous amendments

12. The principal Act is amended —

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(a) by inserting, immediately after the words “a special event area” in the following provisions, the words “of an enhanced security special event”:

Sections 5(2)(b), 16(6)(b), 27(1), 28(1), 31(1) and (2)(b) and 32(1) and (2);

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(b) by deleting the words “a special event” in the following provisions and substituting in each case the words “an enhanced security special event”:

Sections 22(1), (2), (3) and (5), 32(1)(b) and (c) and (2)(a) and (b) and 32A(1)(b) and (ii);

20

(c) by deleting the words “the special event” wherever they appear in the following provisions and substituting in each case the words “the enhanced security special event”:

Sections 22(3) and (4) and 32(1)(b) and (c) and (2)(a) and (b);

25

(d) by inserting, immediately after the words “a special event” in section 23(1), the words “by the Minister”;

(e) by deleting the words “under section 21” in section 23(2) and substituting the words “by the Minister”;

(f) by deleting the words “relating to the special event” in the following provisions and substituting the words “relating to the enhanced security special event”:

Sections 24(1), 25(1) and 26(1);

5 (g) by inserting, immediately after the words “special event area” in the section heading of the following provisions, the words “of enhanced security special event”:

Sections 27, 28, 29 and 31;

10 (h) by inserting, immediately after the words “the special event area” in section 29(1)(b), the words “of an enhanced security special event”;

(i) by deleting the words “special event” in the section heading of section 32 and substituting the words “enhanced security special event”; and

15 (j) by inserting, immediately after the words “any special event area” in section 33, the words “of an enhanced security special event”.

Saving and transitional provision

20 **13.** To avoid doubt, section 9 applies to and in relation to any declaration made, before the date of commencement of that section, under section 21 of the principal Act as in force immediately before that date.

EXPLANATORY STATEMENT

This Bill seeks to amend the Public Order Act (Cap. 257A) for the following main purposes:

(a) to empower the Commissioner of Police (the Commissioner) to refuse to grant a permit for a public assembly or a public procession if the Commissioner has reasonable grounds for apprehending that the proposed assembly or procession may be directed towards a political end and be organised by, or involve the participation of, foreign persons;

- (b) to empower the Commissioner to declare certain events as special events and to regulate these events by means of written directions;
- (c) to provide for a framework for handling of enhanced security special events.

Clause 1 relates to the short title and commencement.

Clause 2 makes certain technical amendments to some of the definitions in section 2(1) arising from the amendment to empower the Commissioner to declare certain events as special events.

Clause 3 inserts a new section 6A to require the organisers of an event (whether or not comprising or involving an assembly or a procession) to give the Commissioner a special notice of intention to organise the event if the event organiser reasonably expects the crowd size on the day of the event (or on any day of the event, if the event is held on 2 or more days) to exceed a certain number at any time during the holding of the event. That number is to be prescribed by the Minister in regulations. Different numbers may be prescribed for different classes of events. The special notice must be given within the prescribed period, unless the Commissioner accepts shorter notice. The special notice must also be given in the prescribed manner and contain the prescribed information. Failure to give such notice or the giving of late notice is an offence.

Clause 4 amends section 7 to empower the Commissioner to refuse to grant a permit for a public assembly or a public procession if the Commissioner has reasonable grounds for apprehending that the proposed assembly or procession may be directed towards a political end and be organised by, or involve the participation of, a foreign person. The purpose of this amendment is to restrict the political space given to a foreign entity or a foreign individual who intends to further, in Singapore, any political cause.

The phrase “directed towards a political end” would cover matters ranging from promoting the interests of a political party or other group of persons organised, in Singapore or elsewhere, for political objects, to influencing, or seeking to influence, the policies or decisions of persons on whom functions are conferred by or under international agreements. The latter persons would include the International Monetary Fund and the World Trade Organization.

Clause 5 makes amendments to section 8 consequential to the amendments in clause 4.

Clause 6 makes another technical amendment to section 16.

Clause 7 makes a technical amendment to section 20 by removing the definition of “event organiser”. That definition is now moved to section 2.

Clause 8 repeals and re-enacts section 21 and inserts a new section 21A. The new section 21 empowers the Commissioner to declare an event to be a special event. In deciding whether to make a declaration and the scope of the declaration, the Commissioner must have regard to certain matters, including the size of the event, the number and prominence of persons who are likely to attend the event, the event management experience and expertise of the event organiser, etc.. The Commissioner may make a declaration only if he or she is satisfied that the declaration is necessary for preserving public order and the safety of individuals involved in the event and other individuals and for the avoidance of disruptions to the event. At any time before the declaration comes into force, the Commissioner may amend the declaration. When the Commissioner declares an event to be a special event, the only powers exercisable by the Commissioner are those mentioned in section 30. The powers mentioned in sections 24 to 29 and 32A are not exercisable in relation to a special event declared by the Commissioner.

The new section 21A relates to the declaration of special events made by the Minister (called enhanced security special events). Where the Minister is satisfied, in relation to any event, of certain specified matters, the Minister may give directions to the Commissioner requiring the Commissioner to refer the event, or a class of similar events, specified in the direction, to the Minister. The Minister may then decide whether to make a declaration and the scope of the declaration instead of the Commissioner. Unlike a declaration made by the Commissioner, the declaration made by the Minister must be published in the *Gazette*. Once the declaration is made, the Minister must, within 7 days after the making of the declaration and before the date the declaration comes into force, cause to be published a notice of the making of the declaration. If the Minister makes any amendment to the declaration, this must also be published in the *Gazette*.

Clause 9 amends section 30 to expand the type of written directions which the Commissioner may give in relation to a special event (including an enhanced security special event) to cover the implementation of security measures, the changing of the venue of the special event, the cancellation or postponement of the special event, etc.. The Commissioner may also modify any written direction given under section 30. If an event organiser or an owner fails to comply with any requirement in any written direction given under subsection (1) or (7), respectively (or as modified under the new subsection (7A)), the Commissioner may, if satisfied that the failure is likely to pose a risk to the safety of individuals involved in the special event and other individuals, take such measures and do such work as may be necessary to give effect to the written direction. The Commissioner may also recover all costs and expenses reasonably incurred from the event organiser or the owner as a civil debt due to the Government.

Clause 10 repeals and re-enacts section 39 by making it an offence for a person to wilfully obstruct any police officer or the Commissioner in the exercise of certain powers.

Clause 11 amends section 48 by inserting a new subsection (3) to make clear that Part III does not affect the operation of the provisions of the Liquor Control (Supply and Consumption) Act 2015 (Act 5 of 2015) in relation to any Liquor Control Zone declared under section 15(1) of that Act that falls wholly or partly within a special event area.

Clause 12 makes miscellaneous amendments to certain sections of the Act such that those sections only apply in relation to an enhanced security special event.

Clause 13 sets out the saving and transitional provision.

EXPENDITURE OF PUBLIC MONEY

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