



REPUBLIC OF SINGAPORE

GOVERNMENT GAZETTE

BILLS SUPPLEMENT

Published by Authority

NO. 2]

TUESDAY, JANUARY 21

[2014

First published in the *Government Gazette*, Electronic Edition, on 20th January 2014 at 6:00 pm.

Notification No. B 2 — The Singapore Tourism Board (Amendment) Bill is hereby published for general information. It was introduced in Parliament on 20th January 2014.

Singapore Tourism Board (Amendment) Bill

Bill No. 2/2014.

Read the first time on 20th January 2014.

A BILL

i n t i t u l e d

An Act to amend the Singapore Tourism Board Act (Chapter 305B of the 1997 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 may be cited as the Singapore Tourism Board (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Singapore Tourism Board Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the word “Fund”, the words “, for the regulation of tourist guides”.

10 Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by inserting, immediately after the definition of “Chief Executive”, the following definition:

15 “ “committee member” means a member of any committee appointed under section 13(1);”;

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

“ “inspecting officer” means any person appointed as an inspecting officer under section 11(2);”.

20 Amendment of section 11

4. Section 11 of the principal Act is amended —

(a) by deleting the words “for the purposes of this Act” in subsection (1) and substituting the words “for the effective performance and discharge of its functions and duties,”; and

25 (b) by deleting subsection (2) and substituting the following subsections:

“(2) The Board may appoint, by name or office, from among —

(a) public officers;

30 (b) officers and employees of the Board;

(c) officers and employees of a public authority;
and

(d) auxiliary police officers appointed as such under
the Police Force Act (Cap. 235),

such number of inspecting officers as may be required 5
for the purposes of this Act and any regulations made
thereunder.

(3) In this section, “public authority” means any board,
authority or agency established by or under any public
Act to perform or discharge any public function.”. 10

New section 13A

5. The principal Act is amended by inserting, immediately after
section 13, the following section:

“Public servants

13A. All members, officers and employees of the Board, all 15
committee members and all inspecting officers —

(a) shall be deemed to be public servants for the purposes of
the Penal Code (Cap. 224); and

(b) in relation to their administration, assessment, collection 20
or enforcement of payment of composition sums or
financial penalties, shall be deemed to be public officers
for the purposes of the Financial Procedure Act
(Cap. 109), and section 20 of that Act shall apply to
such persons notwithstanding that they are not or were
not in the employment of the Government.”. 25

New Parts IIIA and IIIB

6. The principal Act is amended by inserting, immediately after
section 19, the following Parts:

“PART IIIA
TOURIST GUIDES

Interpretation of this Part

19A.—(1) In this Part, unless the context otherwise requires —

5 “code of practice” includes a standard of performance;

“false tourist guide badge” means —

(a) a forged tourist guide badge;

(b) a tourist guide badge altered without lawful authority; or

10 (c) a tourist guide badge in respect of an expired, or a cancelled, revoked or suspended, licence;

“guiding services”, in relation to a tourist, includes providing any direction, information, description or explanation to the tourist while accompanying the tourist in or to a place or point of interest in Singapore;

15 “licence” and “tourist guide licence” mean a licence granted or renewed under section 19D(4)(a);

“licensee” means a person who is granted a licence, or whose licence is renewed, under section 19D(4)(a);

20 “omnibus” means a bus which is on a scheduled service with passengers being charged separate and distinct fares, and in respect of which a public service vehicle licence is in force under Part V of the Road Traffic Act (Cap. 276) to use the bus as an omnibus;

25 “tourist” means an individual who visits Singapore for recreation, pleasure, business or any other purpose, but does not include —

(a) a citizen or permanent resident of Singapore;

30 (b) an individual to whom a work pass is issued under section 7 of the Employment of Foreign Manpower Act (Cap. 91A);

(c) an individual to whom a dependant’s pass, student’s pass or special pass is issued under regulation 11, 14 or 15, respectively, of the Immigration Regulations (Cap. 133, Rg 1);

(d) an individual to whom a visit pass valid for more than 90 days is issued under regulation 12 of the Immigration Regulations; or

(e) an individual to whom such other pass, as the Minister may by order published in the *Gazette* specify, is issued under the Immigration Act (Cap. 133) or any regulations made thereunder;

“tourist guide” means an individual who personally provides any guiding services to a tourist for remuneration;

“tourist guide badge” means a badge issued to a licensee under section 19F(1);

“unlicensed tourist guide” means a tourist guide who does not hold a valid tourist guide licence and who is not exempt from section 19B(1) by reason of section 19B(2) or under section 25C;

(2) For the purposes of the definition of “tourist guide”, an individual provides guiding services to a tourist for remuneration if the individual receives or reasonably expects to receive any payment for providing the guiding services, regardless of who makes or is liable to make the payment or where or when the payment is or will be made.

(3) For the purposes of the definition of “unlicensed tourist guide” and section 19B(1), a person whose tourist guide licence is suspended shall, while the suspension is in force, be deemed to be a person who does not hold a valid tourist guide licence.

Licence required to act as tourist guide, etc.

19B.—(1) Subject to subsection (2), no individual shall —

(a) act as a tourist guide; or

(b) offer to act as a tourist guide, or advertise in any way that he is or is willing to act as a tourist guide,

unless he holds a valid tourist guide licence.

(2) The prohibition in subsection (1) does not apply to —

5 (a) the owner or operator of a place or point of interest who himself guides tourists at that place or point; or

(b) any person who is employed or engaged, or whose services are otherwise used, by the owner or operator of a place or point of interest to guide tourists at that place
10 or point.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent offence, to a fine not exceeding \$10,000.

15 (4) Any person who, directly or indirectly, employs, engages or otherwise uses the services of an unlicensed tourist guide —

(a) whom the person knows or ought reasonably to know is an unlicensed tourist guide; or

(b) with reckless disregard as to whether the tourist guide is
20 an unlicensed tourist guide,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent offence, to a fine not exceeding \$10,000.

25 (5) Any person who abets the commission of an offence under subsection (3) or (4) shall be guilty of that offence and shall be liable on conviction to be punished with the punishment provided for that offence.

Presumption of guiding services provided for remuneration

30 **19C.** An individual who provides any guiding services to 8 or more tourists is presumed, unless the contrary is proved, to have provided the guiding services for remuneration if, at the time, or within a reasonable time before or after, the guiding services are

provided, the tourists and the individual are, have been or will be conveyed, as the case may be, in a motor vehicle (other than an omnibus).

Tourist guide licence application

19D.—(1) Any person who desires to apply for or renew a tourist guide licence — 5

(a) shall apply to the Board in such form and manner as the Board may require; and

(b) in the case of an application to renew a licence, shall submit the application to the Board within such period before the expiry of the licence as the Board may specify. 10

(2) In considering an application under subsection (1), the Board may require the applicant to satisfy such criteria and requirements as the Board may publish, from time to time, on such website as may be prescribed. 15

(3) For the purposes of subsection (2), the Board may administer, on its own or in collaboration with any other person, such proficiency tests, or training or certification programmes, as it considers appropriate.

(4) Upon considering an application received under subsection (1), the Board may — 20

(a) grant or renew a licence (as the case may be) for such duration as the Board may specify; or

(b) refuse the application.

(5) The Board shall, before refusing an application to renew a licence, give the applicant notice in writing of its intention to do so and an opportunity to submit reasons, within such period as the Board may specify in that notice, as to why his application should not be refused. 25

Tourist guide licence

19E.—(1) A licence granted or renewed under section 19D(4)(a) shall be subject to such conditions as the Board may specify.

5 (2) The Board may, at any time, vary or revoke any of the conditions of a licence or impose new conditions.

(3) The conditions of a licence may include the assignment to the licensee of such description or classification as a tourist guide as the Board considers appropriate to —

10 (a) denote the licensee's qualifications, proficiency, experience or any other attribute as a tourist guide; or

(b) define or circumscribe the type of guiding services the licensee is authorised to provide under the licence.

(4) The Board shall, before altering any description or classification of a licensee as a tourist guide under this section —

15 (a) at the time of renewing his licence; or

(b) at any time during the duration of his licence,

in a manner that is to the disadvantage of the licensee, give the licensee notice in writing of its intention to do so and an opportunity to submit reasons, within such period as the Board may specify in that notice, as to why such alteration should not be made.

(5) For the purposes of subsection (4), a reference to a licensee includes a reference to a person who applies to renew his licence.

Tourist guide badge

25 **19F.**—(1) Upon granting or renewing a licence under section 19D(4)(a), the Board shall issue the licensee with a tourist guide badge representing that he is the holder of that licence.

30 (2) A licensee shall —

(a) wear his tourist guide badge prominently on his person at all times when he acts as a tourist guide; and

(b) produce his tourist guide badge for inspection upon being required to do so by the Board or an inspecting officer.

(3) A person issued with a tourist guide badge under this section shall surrender his badge to the Board immediately upon — 5

(a) being required to do so for the purpose of enabling the Board to make such alteration to the badge as the Board considers appropriate;

(b) the expiry, cancellation, revocation or suspension of his tourist guide licence in respect of which the badge was issued; or 10

(c) ceasing to be employed as, or engage in the business or provision of services of, a tourist guide, notwithstanding that he holds a valid tourist guide licence. 15

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction. 20

(5) Any person issued with a tourist guide badge under this section who —

(a) causes or permits his tourist guide badge to be in the possession of any other person; and

(b) knows or ought reasonably to know that, or is reckless as to whether, the badge is or will be used by the other person in connection with identification or acting as a tourist guide, 25

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. 30

(6) Any person who —

(a) alters without lawful authority or forges a tourist guide badge;

(b) sells a tourist guide badge or a false tourist guide badge;
or

(c) in connection with identification or acting as a tourist
guide, uses or has in his possession a tourist guide badge
which is not issued to him by the Board or a false tourist
guide badge,

shall be guilty of an offence and shall be liable on conviction to a
fine not exceeding \$5,000.

(7) The reference to a tourist guide badge in subsection (5)
shall include a reference to a tourist guide badge in respect of an
expired, or a cancelled, revoked or suspended, licence.

Code of practice

19G.—(1) The Board may, from time to time, in connection
with the provision of guiding services to tourists by licensees —

(a) issue one or more codes of practice to apply to licensees
or such class of licensees as the Board may specify in the
codes of practice; and

(b) amend or revoke any code of practice issued under this
subsection.

(2) Where a code of practice is issued, amended or revoked by
the Board under subsection (1), the Board shall —

(a) publish a notice of the issue, amendment or revocation,
as the case may be, in such manner as will secure
adequate publicity for such issue, amendment or
revocation;

(b) specify the date of the issue, amendment or revocation,
as the case may be, in the notice; and

(c) ensure that the code of practice (including any
amendment made to the code of practice) remains
available for access or inspection by the licensees to
whom it applies.

(3) Any issue, amendment or revocation of a code of practice
under subsection (1) shall not have any force or effect until the

notice relating thereto has been published in accordance with subsection (2)(a) and (b).

(4) If any provision of any code of practice in force under this section is inconsistent with any provision of this Act or any regulations made thereunder, the provision in the code of practice shall, to the extent of the inconsistency, not have effect.

(5) Subject to subsection (6), every licensee shall comply with the codes of practice issued under this section which apply to the licensee.

(6) The Board may, either generally or for such time as the Board may specify, waive the application of any code of practice (or part thereof) issued under this section to any licensee or class of licensees.

(7) Any code of practice issued under this section shall be deemed not to be subsidiary legislation.

Information, etc., to be provided by licensee

19H.—(1) The Board or an inspecting officer may, for the purpose of ascertaining whether a licensee has complied with or is complying with any provision of this Act (or any regulations made thereunder) or any condition of his licence, require the licensee —

(a) to furnish any information within his knowledge; or

(b) to produce for inspection any document or article in his possession, custody or control,

relating to his tourist guide activities or services.

(2) The Board or the inspecting officer, as the case may be, may make copies of or retain any document or article produced under subsection (1)(b) for further inspection.

Suspension, revocation or cancellation of licence

19I.—(1) The Board may, at any time, suspend for a period not exceeding 6 months or such longer period as may be prescribed in substitution, or revoke, a tourist guide licence if the licensee —

5 (a) furnishes or causes to be furnished to the Board or any inspecting officer any information (including information in connection with his application for or renewal of a licence) which is false or misleading in any material particular;

(b) refuses or fails, without reasonable excuse, to comply with any requirement of the Board or an inspecting officer under section 19H(1);

10 (c) contravenes any provision of this Act or any regulations made thereunder;

(d) contravenes any condition of his licence;

(e) has committed any offence under any written law punishable with a term of imprisonment exceeding one month;

15 (f) ceases to be, in the opinion of the Board, a fit and proper person; or

(g) is incapable, by reason of illness, infirmity or any other cause, of acting as a tourist guide.

(2) Subject to subsection (3), in the case where a licensee —

20 (a) refuses or fails, without reasonable excuse, to comply with any requirement of the Board or an inspecting officer under section 19H(1);

(b) contravenes any provision of this Act or any regulations made thereunder; or

25 (c) contravenes any condition of his licence,

the Board may, instead of suspending or revoking his licence under subsection (1)(b), (c) or (d), as the case may be, require the licensee to pay a financial penalty of such amount not exceeding \$1,000, by such date, as the Board may determine.

30 (3) Subsection (2) shall not apply in respect of any contravention which is prescribed to be an offence under this Act or any regulations made thereunder.

(4) The Board shall, before suspending or revoking a licence under subsection (1) or imposing a financial penalty under subsection (2), give the licensee notice in writing of its intention to do so and an opportunity to submit reasons, within such period as the Board may specify in that notice, as to why his licence should not be suspended or revoked or the financial penalty should not be imposed. 5

(5) Any decision of the Board to suspend or revoke a licence, or require the payment of a financial penalty, under this section shall not take effect until — 10

- (a) the expiry of the period allowed under section 19J for the licensee to appeal to the Minister against the decision; or
- (b) the determination or rejection of the appeal by the Minister or his designate under section 19J,

whichever is the later. 15

(6) The Board may cancel a tourist guide licence at the request of the licensee.

Appeal to Minister

19J.—(1) The Minister may designate —

- (a) any Minister of State for his Ministry; or 20
- (b) any Parliamentary Secretary to his Ministry,

to hear and determine any appeal under this section in place of the Minister.

(2) Any person aggrieved by a decision of the Board —

- (a) refusing to grant him a licence, or renew his licence, under section 19D(4)(b); 25
- (b) altering under section 19E the description or classification of the person as a tourist guide in a manner that is to his disadvantage;
- (c) suspending or revoking his licence under section 19I(1); 30
or

(d) requiring him to pay a financial penalty under section 19I(2),

5 may appeal to the Minister within 14 days after notice of the decision is served on the person or such extended period as the Minister may allow in any particular case.

(3) An appeal against a decision under subsection (2) shall not affect the operation of the decision or prevent the taking of any action to implement the decision unless otherwise provided in this Act or directed by the Minister in any particular case.

10 (4) Any person who makes an appeal to the Minister under subsection (2) shall, within the period specified therein —

(a) state the circumstances under which the appeal arises and the issues and grounds for the appeal; and

15 (b) submit all relevant facts, evidence and arguments in respect of the appeal.

(5) Where an appeal has been made to the Minister under subsection (2), the Minister may require the appellant, the Board or any person who is not a party to the appeal but appears to the Minister to have information that is relevant to the circumstances under which the appeal arises, to provide the Minister with all such information as the Minister may require for the purpose of considering and determining the appeal; and any person so required to provide such information must provide it in such manner and within such period as may be specified by the Minister.

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(6) The Minister may reject an appeal if the appellant fails to comply with subsection (4) or (5).

(7) The Minister may determine an appeal under subsection (2) from any decision of the Board by —

30 (a) confirming, varying or reversing the decision; or

(b) requiring the Board to reconsider its decision, and the decision of the Minister shall be final.

(8) In this section, a reference to the Minister, in relation to an appeal, shall include a reference to the Minister of State or Parliamentary Secretary designated under subsection (1) to hear and determine the appeal.

PART IIIB

5

POWERS OF INSPECTING OFFICERS

Interpretation of this Part

19K.—(1) In this Part, unless the context otherwise requires —

“premises” includes —

- (a) any building or structure, whether permanent or temporary; 10
- (b) any land, whether built on or not;
- (c) any place, whether open or enclosed, including any place situated underground or underwater;
- (d) any vehicle, vessel, train or aircraft; and 15
- (e) any part of any premises referred to in paragraphs (a) to (d);

“tourist guide” has the same meaning as in section 19A;

“tourist guides regulations” means any regulations made under section 26 relating to tourist guides. 20

(2) A reference in this Part to —

- (a) any provision of Part IIIA shall include a reference to any provision of any tourist guides regulations; and
- (b) any offence under Part IIIA shall include a reference to any offence under any tourist guides regulations. 25

Power to inspect, search, etc.

19L.—(1) An inspecting officer shall have the power to do all or any of the following:

(a) enter and inspect, at any reasonable time, any premises if the inspecting officer has reasonable grounds to believe that any individual is acting as a tourist guide therein;

5 (b) enter and search, at any reasonable time, any premises if the inspecting officer has reasonable grounds to believe that any individual is committing or has committed therein the offence under section 19B(3) of acting as a tourist guide without a valid licence, and take possession or make copies of any thing found therein which the
10 inspecting officer reasonably believes to be connected to the commission of the offence;

(c) subject to subsections (3) and (4), search any individual found within any premises referred to in paragraph (b) whom the inspecting officer reasonably believes to have
15 committed an offence under Part IIIA, and take possession or make copies of any thing found on that individual which the inspecting officer reasonably believes to be connected to the commission of the offence;

20 (d) take such photographs, or audio or video recordings, as the inspecting officer thinks necessary of any premises referred to in paragraph (a) or (b) (including anything therein), or of any individual whom the inspecting officer reasonably believes to be acquainted with the
25 facts or circumstances of any alleged or suspected contravention of any provision of Part IIIA.

(2) The owner, occupier or operator of any premises referred to in subsection (1)(a) or (b) shall furnish to an inspecting officer such assistance, co-operation or means required by the
30 inspecting officer as is necessary for his entry into, and inspection or search of, the premises under subsection (1)(a) or (b).

(3) No woman shall be searched under subsection (1)(c) except by another woman with strict regard to decency.

(4) The power to take possession of any thing found on a person searched under subsection (1)(c) shall not include necessary wearing apparel found on him.

(5) Any thing taken possession of by an inspecting officer under subsection (1)(b) or (c) or under section 19N(6) — 5

(a) shall be placed in safe custody by the inspecting officer; and

(b) unless ordered otherwise by a court, may be retained by the inspecting officer until the completion of any proceedings (including proceedings on appeal) in which it may be evidence. 10

(6) An inspecting officer may detain a person referred to in subsection (1)(c) until the person and the premises in which the person is found have been searched.

Power to require evidence as to identity, etc., and power to arrest 15

19M.—(1) An inspecting officer may require any person whom the inspecting officer reasonably believes to have committed an offence under Part IIIA to furnish any evidence establishing, to the satisfaction of the inspecting officer, the person's identity, nationality or residential address. 20

(2) An inspecting officer may arrest without warrant any person who is required to furnish any evidence under subsection (1) if —

(a) the person fails to furnish such evidence; or 25

(b) the inspecting officer has reason to believe that any evidence furnished by the person is false.

(3) In making the arrest, the inspecting officer —

(a) shall touch or confine the body of the person to be arrested unless he submits to arrest by word or action; and 30

- (b) may use all reasonable means necessary to make the arrest if the person to be arrested forcibly resists or tries to evade arrest,

5 and the person arrested shall not be restrained more than is necessary to prevent his escape.

(4) Any person arrested under subsection (2) must be brought to a police station as soon as reasonably practicable and may, if required by a police officer of or above the rank of sergeant, be released upon signing a bond with or without surety to appear before a Magistrate.

(5) If the person refuses or is unable to sign the bond as required, he must, within 24 hours of the arrest (excluding the time necessary for the journey to a Magistrate's Court), be brought before a Magistrate's Court.

15 (6) The person who is brought before a Magistrate's Court under subsection (5) may —

(a) be ordered to be detained in custody until he can be tried;
or

20 (b) if so required by the Magistrate, be released upon signing a bond, with or without surety, to appear before a Magistrate's Court.

Power to examine, secure attendance, etc.

25 **19N.**—(1) For the purposes of investigating any offence under this Act or any regulations made thereunder, an inspecting officer may do all or any of the following:

(a) examine orally any person who appears to be acquainted with any of the facts or circumstances of the case —

30 (i) whether before or after that person or anyone else is charged with an offence in connection with the case; and

(ii) whether or not the person is to be called as a witness in any inquiry, trial or other proceeding in connection with the case;

- (b) issue a written notice requiring any person within the limits of Singapore, who appears to be acquainted with any of the facts or circumstances of the case, to attend before the inspecting officer, and that person shall comply with the written notice; 5
- (c) require any person, whom the inspecting officer has reason to believe has any document or article in his possession, custody or control relevant to the investigation, to produce that document or article.
- (2) Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances of the case, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture. 10
- (3) A statement made by any person examined under this section shall — 15
- (a) be reduced to writing;
- (b) be read over to him;
- (c) if he does not understand English, be interpreted for him in a language that he understands; and
- (d) after correction (if necessary), be signed by him. 20
- (4) If any person fails to comply with a written notice issued to him by an inspecting officer under subsection (1)(b), the inspecting officer may report such failure to a Magistrate who may then, in his discretion, issue a warrant ordering the person to comply with the written notice. 25
- (5) No person shall, without reasonable excuse, refuse to comply with any requirement made of him under subsection (1)(c) by an inspecting officer.
- (6) Subject to section 19L(5), an inspecting officer may take possession or make copies of any document or article produced to him under subsection (1)(c) for further investigation. 30

Notice to attend court

5 **190.**—(1) Where an inspecting officer has reasonable grounds to believe that a person has committed an offence under this Act or any regulations made thereunder, he may, in lieu of applying to a court for a summons under the Criminal Procedure Code (Cap. 68), immediately serve upon that person a prescribed notice, requiring that person to attend at the court described, at the time and on the date specified, in the notice.

10 (2) A duplicate of the notice shall be prepared by the inspecting officer and, if so required by the court, produced to the court.

(3) The notice may be served on the person alleged to have committed the offence in the same manner as the service of a summons under section 116 of the Criminal Procedure Code.

15 (4) Upon an accused person appearing before a court pursuant to such a notice, the court shall take cognizance of the alleged offence and proceed as though he were produced before the court pursuant to a summons issued under section 153 of the Criminal Procedure Code.

20 (5) If a person upon whom such a notice has been served fails to appear before a court in person or by counsel in accordance therewith, the court may, if satisfied that the notice was duly served, issue a warrant for the arrest of the person unless, in the case of an offence which may be compounded, that person has before that date been permitted to compound the offence.

25 (6) Upon a person arrested pursuant to a warrant issued under subsection (5) being produced before a court, the court shall —

(a) proceed as though he were produced before it pursuant to a summons issued under section 153 of the Criminal Procedure Code; and

30 (b) at the conclusion of the proceedings, call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him,

and if cause is not shown, the court may order him to pay such fine not exceeding \$2,000 as the court thinks fit or may commit him to prison for a term not exceeding 2 months.

(7) An officer of the Board authorised in that behalf by the Board may, at any time before the date specified in the notice, cancel the notice.”.

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Repeal and re-enactment of sections 20, 21 and 22

7. Sections 20, 21 and 22 of the principal Act are repealed and the following sections substituted therefor:

“Obstructing officer of Board, etc.

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20. Any person who refuses to give access to, or obstructs, hinders or delays —

(a) the Board or any of its members, officers or employees;
or

(b) an inspecting officer,

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in the discharge of its or his duties or the exercise of its or his powers under this Act or any regulations made thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

False or misleading information

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21. Any person who, being required to make any statement or furnish any information or document under this Act or any regulations made thereunder —

(a) makes any statement or furnishes any information or document which is false or misleading in a material particular; and

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(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 \$5,000.

30

Protection from personal liability

22.—(1) No liability shall lie personally against any member, officer or employee of the Board, any committee member or any other person acting under the direction of the Board, or any inspecting officer, who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act or any other written law.

(2) Where the Board provides a service to the public whereby information is supplied to the public under any written law, neither any of its members, officers or employees nor any committee member or inspecting officer involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if the member, officer, employee, committee member or inspecting officer had acted in good faith, with reasonable care and in the ordinary course of the discharge of his duties.”.

New sections 25A to 25D

8. The principal Act is amended by inserting, immediately after section 25, the following sections:

“Composition of offences

25A.—(1) The Chief Executive or any officer of the Board authorised by him may, in his discretion, compound any offence under this Act or any regulations made thereunder which 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) \$2,000.

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

(3) All sums collected under this section shall be paid into the Consolidated Fund.

Recovery of financial penalties

25B.—(1) Any person who fails to pay a financial penalty by the date he is required to do so under this Act shall be liable to pay, after that date, interest on the amount unpaid at the same rate as for a judgment debt. 5

(2) Any financial penalty and any interest thereon payable by any person under this Act shall be paid to the Board and shall be recoverable by the Board as a debt due to the Board from that person; and the person’s liability to pay shall not be affected by his tourist guide licence ceasing, for any reason, to be in force. 10

(3) The Board may, in any case it thinks fit, waive, remit or refund, wholly or in part, any financial penalty or any interest thereon payable under this Act.

(4) The Board shall pay into the Consolidated Fund all financial penalties and interest thereon collected by the Board under this Act. 15

(5) In this section, “tourist guide licence” has the same meaning as in section 19A(1).

General exemption

25C. The Board may, with the approval of the Minister, by order published in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder, subject to such conditions or restrictions as may be specified in the order. 20

Service of documents

25D.—(1) Subject to subsection (3), any notice or document required or authorised to be served under this Act or any regulations made thereunder may be served — 25

(a) in the case of an individual —

(i) by delivering it to the individual personally; 30

(ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered

post to, the usual or last known address of the place of residence of the individual;

5 (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;

(iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the place of residence or business of the individual;

10 (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax transmission number given to the Board by the individual as the fax transmission number for the service of documents on the individual; or

15 (vi) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the individual as the email address for the service of documents on the individual;

20 (b) in the case of a partnership other than a limited liability partnership —

25 (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;

(ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore;

30 (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; or

(iv) by electronic communication, by sending an electronic communication of the document to

the last email address given to the Board by the partnership as the email address for the service of documents on the partnership; and

- (c) in the case of a limited liability partnership or other body corporate, or an unincorporated association — 5
- (i) by delivering it to the secretary or other like officer of the body corporate or unincorporated association or, in the case of a limited liability partnership, the manager thereof;
 - (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership, body corporate or unincorporated association in Singapore; 10
 - (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership, body corporate or unincorporated association in Singapore; or 15
 - (iv) by electronic communication, by sending an electronic communication of the document to the last email address given to the Board by the limited liability partnership, body corporate or unincorporated association as the email address for the service of documents on the limited liability partnership, body corporate or unincorporated association. 20 25

(2) Where any notice or other document required or authorised to be served under this Act or any regulations made thereunder is — 30

- (a) sent by facsimile transmission to a fax transmission number in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a 35

notification (by electronic or other means) of a successful transmission to the fax transmission number;

(b) sent by electronic communication to an email address in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed at the time of entering the information system addressed to the email address; and

(c) sent by pre-paid registered post in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(3) Service of any notice or document under this Act or any regulations made thereunder on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

(4) This section shall not apply to notices and documents to be served in proceedings in court.”.

Amendment of section 26

9. Section 26 of the principal Act is amended —

(a) by deleting the word “and” at the end of subsection (2)(b);

(b) by deleting the full-stop at the end of paragraph (c) of subsection (2) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(d) the fees and charges to be paid for any matter or thing to be done for the purposes of this Act or any regulations made thereunder, the interest payable upon any unpaid fee or charge, and the waiver, refund or remission, whether wholly or in part, of such fees, charges and interest;

(e) the requirements, relating to tourist guides, to be complied with by the owner, operator or driver of any motor vehicle or class of motor vehicles

conveying tourists into Singapore or to a place or point of interest in Singapore; and

- (f) matters required or permitted to be prescribed by this Act or which are necessary or expedient to give effect to this Act.”; 5
- (c) by deleting the words “section 8(f)” in subsection (3)(c) and substituting the words “this Act”; and
- (d) by inserting, immediately after subsection (3), the following subsection:

“(3A) In this section, “tourist” and “tourist guide” 10
have the same meaning as in section 19A.”.

Miscellaneous amendments

10. The principal Act is amended —

- (a) by inserting, immediately after the words “this Act” wherever they appear in sections 9(1), 14 and 16(b), the words “and any regulations made thereunder”; and 15
- (b) by deleting the words “All moneys collected under section 8(f)” in section 15(2) and substituting the words “Subject to sections 25A(3) and 25B(4), all moneys collected under this Act or any regulations made thereunder”. 20

Savings and transitional provisions

11.—(1) Except as expressly provided in this section, this section shall apply without prejudice to section 16 of the Interpretation Act (Cap. 1).

(2) Every application pending on the date of commencement of section 6 of this Act for the grant or renewal of a licence under the Singapore Tourism (Licensing and Control of Tourist Guides) Regulations (Cap. 305B, Rg 1) (referred to in this section as the Tourist Guides Regulations) in force immediately before that date shall be deemed to be an application made under section 19D(1) of the principal Act as amended by this Act (referred to in this section as the Amended Act). 25 30

(3) Every licence granted or renewed under the Tourist Guides Regulations in force immediately before the date of commencement of section 6 of this Act and subsisting immediately before that date —

5 (a) shall be deemed to be a licence granted or renewed under section 19D(4)(a) of the Amended Act and shall expire on the date it would have expired if this Act had not been enacted, unless earlier revoked or cancelled under the Amended Act;

10 (b) shall be subject to the conditions set out in the Schedule to the Tourist Guides Regulations in force immediately before that date as if the conditions have been specified under section 19E(1) of the Amended Act; and

 (c) may be renewed, revoked, suspended or otherwise dealt with in accordance with the provisions of Part IIIA of the Amended Act.

15 (4) Every badge issued under regulation 6 of the Tourist Guides Regulations in force immediately before the date of commencement of section 6 of this Act shall be deemed to be a tourist guide badge issued under section 19F of the Amended Act.

20 (5) Any notice of intention to revoke or suspend a licence given under regulation 8(2) of the Tourist Guides Regulations in force immediately before the date of commencement of section 6 of this Act shall be deemed to be and have the same force and effect as a notice of such intention given under section 19I(4) of the Amended Act.

25 (6) Every decision of the Board made under the Tourist Guides Regulations in force immediately before the date of commencement of section 6 of this Act —

 (a) refusing to grant or renew a licence; or

 (b) revoking or suspending a licence,

30 shall be deemed to be and have the same force and effect as a decision made under section 19D(4)(b) or 19I(1), respectively, of the Amended Act.

 (7) Every appeal to the Minister pending on the date of commencement of section 6 of this Act —

- (a) under regulation 4(3) or 8(6) of the Tourist Guides Regulations in force immediately before that date against the refusal to grant or renew a licence, respectively; or
- (b) under regulation 8(4) of the Tourist Guides Regulations in force immediately before that date against the revocation or suspension of a licence,

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shall be deemed to be an appeal made under section 19J(2) of the Amended Act and shall be continued and dealt with in accordance with that section.

(8) 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 savings or transitional nature consequent on the enactment of that provision as he may consider necessary or expedient.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Singapore Tourism Board Act (Cap. 305B) for the following main purposes:

- (a) to tighten the regulation of tourist guides by the Singapore Tourism Board (the STB);
- (b) to enhance powers to detect the offence of acting as a tourist guide without a licence and to investigate offences under the Act;
- (c) to enhance existing criminal penalties and create new offences relating to tourist guides; and
- (d) to make miscellaneous changes for the better administration of the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title of the Act to clarify that the purpose of the Act includes the regulation of tourist guides.

Clause 3 inserts new definitions of expressions used in the Bill.

Clause 4 amends section 11 to provide for the appointment of inspecting officers. Inspecting officers may exercise certain enforcement and investigation powers under the new Parts IIIA and IIIB inserted by clause 6. Only public officers,

officers and employees of the STB and other statutory boards, and auxiliary police officers may be appointed as inspecting officers.

Clause 5 inserts a new section 13A to deem all the persons carrying out functions or exercising powers under the Act to be public servants for the purposes of the Penal Code (Cap. 224). The clause also deems them to be public officers for the purposes of the Financial Procedure Act (Cap. 109) in respect of composition sums for offences and financial penalties payable under the Act.

Clause 6 inserts new Parts IIIA and IIIB.

The new Part IIIA, comprising new sections 19A to 19J, concerns the regulation of tourist guides. The new sections 19B, 19D, 19E, 19F, 19I and 19J contain and substantially expand upon certain provisions currently found in the Singapore Tourism (Licensing and Control of Tourist Guides) Regulations (Cap. 305B, Rg 1) (the Tourist Guides Regulations). These provisions in the Tourist Guides Regulations will be revoked when the new Part IIIA becomes law and comes into operation.

The new section 19A defines certain expressions used in the new Part IIIA.

The new section 19B stipulates that the following activities are prohibited:

- (a) acting as a tourist guide, or offering to act as or advertising oneself as a tourist guide without a licence (the Tourist Guides Regulations currently only prohibit a person from acting as a tourist guide without a licence); and
- (b) employing, engaging or using the services of an unlicensed tourist guide (the Tourist Guides Regulations currently only prohibit a person from employing an unlicensed tourist guide).

The prohibitions described in paragraph (a) do not apply to the provision of guiding services to tourists at a place or point of interest if the guiding services are provided by persons engaged by the owner or operator of the place or point or by the owner or operator personally.

The carrying out of any activity prohibited under the new section 19B is an offence and carries an enhanced penalty for second and subsequent offences. The new section 19B also provides that the abetment of an offence under the new section 19B will be treated as the commission of that offence itself for the purpose of determining whether an offender is liable for the enhanced penalty.

The new section 19C creates a rebuttable presumption. The new section 19A defines a tourist guide as an individual who personally provides guiding services to a tourist for remuneration. The new section 19C states that an individual will be presumed to have provided guiding services for remuneration if he is shown to have provided the guiding services to 8 or more tourists while travelling together with them, or shortly before or after travelling together with them, in a motor

vehicle. The presumption will not apply when the motor vehicle in question is being operated as a public transport bus service.

The new section 19D deals with applications for new tourist guide licences and renewals of tourist guide licences. The Board must publish its licensing criteria and requirements on a prescribed website. The Tourist Guides Regulations currently state that a tourist guide licence will be valid for 3 years. The new section 19D leaves the duration of a licence to be specified by the STB. The new section 19D clarifies that before refusing to renew a tourist guide licence, the STB must give the applicant an opportunity to make representations. Any refusal by the STB to grant a new licence or renew a licence is subject to an appeal to the Minister under the new section 19J.

The new section 19E empowers the STB to impose conditions on a new or renewed tourist guide licence. The STB may vary or revoke the licence conditions, or add new licence conditions, at any time. By way of licence conditions, the STB may assign to the licensee such description or classification of a tourist guide as the STB considers appropriate to indicate the licensee's qualifications, proficiency, experience or any other attribute as a tourist guide or to specify or restrict the type of guiding services the licensee may provide under his licence. The new section 19E clarifies that before changing a licensee's classification or description as a tourist guide, the STB must give him an opportunity to make representations if the change will be to his disadvantage. Any disadvantageous change made by the STB is subject to an appeal to the Minister under the new section 19J.

The new section 19F deals with tourist guide badges issued by the STB to licensees. A licensee must wear his badge prominently when acting as a tourist guide and must produce his badge for inspection at the request of the STB or an inspecting officer. The new section 19F also stipulates when a licensee must surrender his badge to the STB. The failure to surrender a tourist guide badge in accordance with the new section 19F is an offence.

The new section 19F also prohibits (with penal consequences for non-compliance) a person from intentionally or irresponsibly transferring his tourist guide badge to another person who uses or may use the badge to act as or to identify himself as a tourist guide. The new section 19F also makes it an offence for any person to alter (without lawful authority), forge or sell a tourist guide badge, or use or possess a forged badge or a badge not issued to him for the purpose of identifying or acting as a tourist guide.

The new section 19G empowers the STB to issue codes of practice and standards of performance regarding the provision of tourist guide services by licensees.

The new section 19H empowers the STB and inspecting officers to require a licensee to provide information, documents and articles relating to his tourist guide activities or services.

The new section 19I specifies the grounds upon which the STB may suspend or revoke a tourist guide licence. In respect of certain grounds (such as contravention of a licence condition), the STB may impose a financial penalty on the licensee (instead of suspending or revoking his licence). The new section 19I makes it clear that the STB cannot impose a financial penalty in cases where the contravention by the licensee constitutes an offence under the Act or any regulations made under the Act. The new section 19I clarifies that before suspending or revoking a licence, or imposing any financial penalty, the STB must give the licensee an opportunity to make representations. Any suspension or revocation of a licence or imposition of a financial penalty by the STB is subject to an appeal to the Minister under the new section 19J.

The new section 19J is concerned with appeals to the Minister from certain decisions of the STB made under the new sections 19D, 19E and 19I. Any appeal to the Minister will not suspend the STB's decision while the appeal is pending, unless the Act provides or the Minister directs otherwise. The Minister may decide an appeal by confirming, varying or reversing the STB's decision, or requiring the STB to reconsider its decision. The Minister's decision is final.

The new Part IIIB, comprising new sections 19K to 19O, concerns the powers of inspecting officers to investigate into offences and related enforcement powers. Some powers prescribed under the new Part IIIB apply only in respect of offences under the new Part IIIA, while other powers apply to offences under the Act generally.

The new section 19K defines certain expressions used in the new Part IIIB.

The new section 19L empowers an inspecting officer to enter and inspect any premises where an individual is believed to be acting as a tourist guide. The new section 19L also empowers an inspecting officer to do all or any of the following without having to obtain a search warrant under the Criminal Procedure Code (Cap. 68):

- (a) search any premises if there is reason to believe that an unlicensed individual acted or is acting as a tourist guide in those premises;
- (b) search any individual found in those premises who is believed to have committed any offence under the new Part IIIA;
- (c) seize or make copies of any thing believed to be connected to the commission of the relevant offence which is found in the premises searched or on the individual searched.

The new section 19L provides for certain safeguards concerning the search of individuals (e.g., a woman may only be searched by another woman) and the safe custody of items seized under that section.

The new section 19L also enables an inspecting officer to take photographs and audio and video recordings of the premises referred to in that section and of any

individual who is believed to be acquainted with the facts or circumstances of any contravention of the new Part IIIA.

The new section 19M empowers an inspecting officer to make an arrest, without having to obtain an arrest warrant under the Criminal Procedure Code, if a person believed to have committed an offence under the new Part IIIA does not furnish evidence, or furnishes false evidence, of his identity, nationality or residential address to the inspecting officer.

The new section 19N deals with an inspecting officer's power to examine persons and summon persons to attend before the inspecting officer for the purpose of investigations into any offence under the Act or any regulations made thereunder. An inspecting officer is also empowered to require a person to produce documents and articles relevant to such investigations.

The new section 19O empowers an inspecting officer to initiate criminal proceedings against a suspected offender by issuing to the suspected offender a notice to attend court (instead of applying for a summons under the Criminal Procedure Code).

Clause 7 repeals and re-enacts sections 20, 21 and 22.

Sections 20 (on restrictions on the use of "travel" and "tourist" in business names) and 21 (on restrictions on describing any business or activity as tourist or travel service or agency) are being repealed as the subject-matters of these sections are now governed under the Travel Agents Act (Cap. 334). The re-enacted section 20 provides for the offence of obstruction of the STB etc., in the discharge of its duties or the exercise of its powers under the Act or any regulations made under the Act. The re-enacted section 21 makes the provision of any false or misleading information or document to the STB, etc., an offence.

The re-enacted section 22 incorporates the modern legislative text on protection of officers from personal liability and extends the protection to members of committees appointed under section 13(1) and inspecting officers.

Clause 8 inserts new sections 25A to 25D.

The new section 25A empowers the Chief Executive of the STB, or any officer of the STB authorised by him, to compound any offence under the Act or any regulations made under the Act which is prescribed to be a compoundable offence.

The new section 25B provides for the charging of interest on unpaid financial penalties under the Act. Financial penalties and interests payable under the Act must be paid to the STB and will be recoverable by the STB as a debt to the STB. The STB must pay all the financial penalties and interests it receives or recovers under the Act into the Consolidated Fund.

The new section 25C empowers the STB, with the approval of the Minister, to exempt any person or class of persons from all or any of the provisions of the Act or any regulations made under the Act.

The new section 25D incorporates the modern legislative text on service of documents. The provision on service of documents currently found in the Tourist Guides Regulations will be revoked when the new section 25D becomes law and comes into operation.

Clause 9 amends section 26 to expand the regulation-making powers of the STB.

Clause 10 makes certain technical or editorial amendments to sections 9(1), 14, 15(2) and 16(b).

Clause 11 sets out the savings and transitional provisions relating to provisions in the Tourist Guides Regulations on licences, badges, certain decisions and appeals, which have been incorporated into the new Part IIIA (inserted by clause 6) and substantially amended by the Bill. Generally, any licence or badge granted or issued or any application, decision or appeal made under the relevant provision in the Tourist Guides Regulations will be treated as having been granted, issued or made under the new Part IIIA when the new Part IIIA becomes law and comes into operation. The clause also empowers the Minister to enact additional savings or transitional provisions (by way of regulations).

EXPENDITURE OF PUBLIC MONEY

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