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No. S 208

PUBLIC ORDER ACT (CHAPTER 257A)

PUBLIC ORDER (UNRESTRICTED AREA) ORDER 2016

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In exercise of the powers conferred by section 14 of the Public Order Act, the Minister for Home Affairs makes the following Order:

Citation and commencement

1. This Order is the Public Order (Unrestricted Area) Order 2016 and comes into operation on 8 May 2016.

Definitions

1A. In this Order, unless the context otherwise requires —

“company” means a company incorporated in Singapore under the Companies Act (Cap. 50);

“real-time transmission”, in relation to the act of public speaking at an assembly or procession, means the simultaneous audio or visual transmission, through the Internet or other form of communication network, to the place of that assembly or

procession, of the act of public speaking at another place, including any reasonable period of delay, due to any technical or other reason, between the act of public speaking and the audio or visual transmission of such act;

“recording” means any disc, magnetic tape or solid state recording device containing information by the use of which sound (whether or not accompanied by images) may be produced electronically;

“Singapore entity” means a Singapore-controlled corporation, a Singapore-controlled partnership or a Singapore-controlled unincorporated association;

“Singapore-controlled corporation” means a body corporate incorporated under any written law in Singapore —

- (a) with a management body (whether called an executive or board of directors or otherwise), the majority of whose members (whether called directors, partners or otherwise) are citizens of Singapore; and
- (b) with a majority of members who are citizens of Singapore or one or more Singapore entities or, in the case of a company having a share capital, the majority of whose shares are held by citizens of Singapore or one or more Singapore entities;

“Singapore-controlled partnership” means —

- (a) a partnership 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 —
 - (i) the majority of whose general partners as defined in that Act are citizens of Singapore or one or more Singapore entities; and

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

“Singapore-controlled unincorporated association” means an unincorporated association formed in Singapore under any written law —

- (a) with a management body (whether called a committee or council or otherwise), the majority of whose officers are citizens of Singapore; and
- (b) the majority of whose members are citizens of Singapore or one or more Singapore entities.

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Unrestricted area

2. The public place known as Speakers’ Corner in Hong Lim Park and described in the Schedule (called in this Order the Speakers’ Corner area) is, under section 14(1) of the Act, designated to be an area where assemblies or processions may be held without a notice being given or a permit being granted under sections 6 and 7 of the Act.

Conditions for public speaking

3.—(1) An individual who engages in public speaking at an assembly or procession in the Speakers’ Corner area (whether or not in combination with a play-reading, recital, performance or an exhibition) must —

- (a) be a citizen of Singapore; and
- (b) comply with the conditions stated in sub-paragraph (2).

(2) For sub-paragraph (1)(b), the conditions are —

- (a) the individual must not, while engaging in public speaking —
 - (i) speak about a matter that relates, directly or indirectly, to any religious belief or to religion generally; or

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- (ii) speak about a matter or in a way that may cause feelings of enmity, hatred, ill-will or hostility between different racial or religious groups in Singapore;
 - (b) the individual must, while engaging in public speaking, use an official language of Singapore, or a related dialect; and
 - (c) the individual must not, at any time before, during or after public speaking at the assembly or procession, display or exhibit, or cause to be displayed or exhibited, any banner, flag, poster, placard, photograph, film, sign, writing or other visual representation or paraphernalia, containing violent, lewd or obscene material.
- (3) An individual who fails to comply with sub-paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.
- (4) In this paragraph —
- (a) “public speaking” includes —
 - (i) giving a lecture, talk or address; or
 - (ii) participating in a public debate or discussion; and
 - (b) an individual “engages in public speaking” if the individual speaks through one or a combination of the following:
 - (i) in person at the Speakers’ Corner area;
 - (ii) by real-time transmission of the individual’s public speaking that is taking place elsewhere (whether in or outside Singapore and whether in a public or private place);
 - (iii) an exhibition of a recording of the individual’s public speaking made before the commencement of the public assembly or procession.

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Conditions for organisers of assemblies and processions

4.—(1) A person who organises an assembly or procession in the Speakers' Corner area (whether or not in combination with a play reading, recital, performance or an exhibition) must —

- (a) be a citizen of Singapore or a Singapore entity; and
- (b) comply with the conditions mentioned in sub-paragraph (2).

(2) The conditions mentioned in sub-paragraph (1)(b) are —

- (a) the person must ensure that —
 - (i) the assembly or procession does not deal with a matter that relates, directly or indirectly, to any religious belief or to religion generally; or
 - (ii) the assembly or procession is not about a matter, or is not conducted in a way, that may cause feelings of enmity, hatred, ill will or hostility between different racial or religious groups in Singapore;
- (b) the person, or an authorised agent of the person, must be present at all times during the assembly or procession;
- (c) the person, or an authorised agent of the person, must ensure that only citizens of Singapore or permanent residents of Singapore participate in the assembly or procession; and
- (d) the person must not, at any time before, during or after the assembly or procession, display or exhibit, or cause to be displayed or exhibited, any banner, flag, poster, placard, photograph, film, sign, writing or other visual representation or paraphernalia, containing violent, lewd or obscene material.

(3) A person that fails to comply with sub-paragraph (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

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Conditions for participants in assemblies and processions

5.—(1) An individual who participates in an assembly or procession in the Speakers' Corner area (whether or not in combination with a play reading, recital, performance or an exhibition) —

- (a) must be a citizen of Singapore or a permanent resident of Singapore; and
- (b) must not, at any time before, during or after the assembly or procession, display or exhibit, or cause to be displayed or exhibited, any banner, flag, poster, placard, photograph, film, sign, writing or other visual representation or paraphernalia, containing violent, lewd or obscene material.

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(2) An individual who fails to comply with sub-paragraph (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$3,000; or
- (b) where the individual is a repeat offender, to a fine not exceeding \$5,000.

(3) For the purposes of sub-paragraph (2)(b), an individual is a repeat offender in relation to an offence under sub-paragraph (2) if the individual who is convicted, or found guilty, of an offence under that provision —

- (a) has been convicted or found guilty on at least one other earlier occasion of an offence under sub-paragraph (2);
- (b) has (whether before, on or after 30 March 2015) been convicted or found guilty on at least one other earlier occasion of an offence under paragraph 4(3) of the Public Order (Unrestricted Area) Order 2013 (G.N. No. S 30/2013);
- (c) has (whether before, on or after 12 September 2015) been convicted or found guilty on at least one other earlier occasion of an offence under paragraph 5(2) of the Public

Order (Unrestricted Area) Order 2015 (G.N. No. S 158/2015); or

- (d) has (whether before, on or after 8 May 2016) been convicted or found guilty on at least one other earlier occasion of an offence under paragraph 5(2) of the Public Order (Unrestricted Area) (No. 2) Order 2015 (G.N. No. S 552/2015).

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Saving

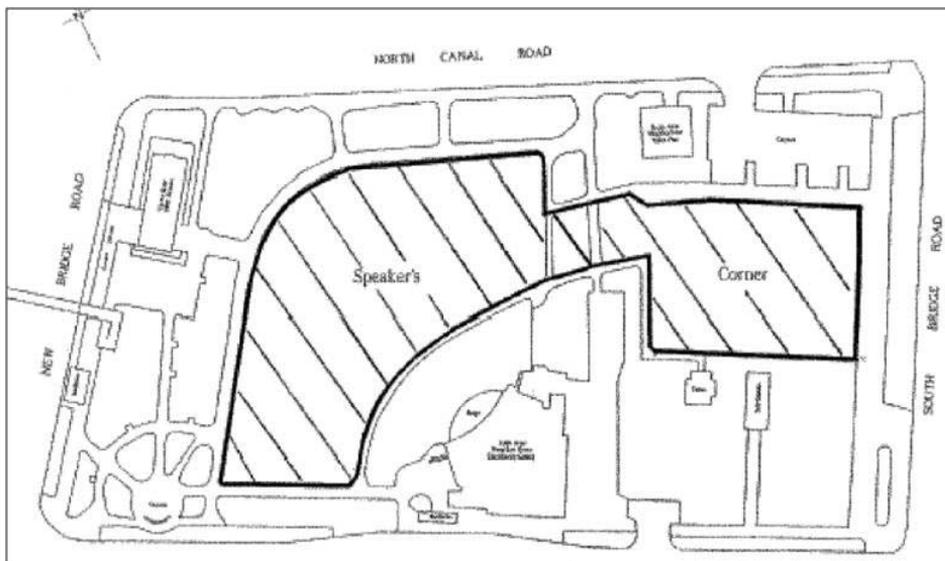
6. Nothing in this Order limits or affects the operation of any other written law.

THE SCHEDULE

Paragraph 2

SPEAKERS' CORNER IN HONG LIM PARK

All that land within the boundaries commencing from the junction of New Bridge Road and North Canal Road to the junction of North Canal Road and South Bridge Road to the junction of South Bridge Road and Upper Pickering Street to the junction of Upper Pickering Street and New Bridge Road, and which is more particularly delineated in the Plan below.



Made on 26 April 2016.

LEO YIP
*Permanent Secretary,
Ministry of Home Affairs,
Singapore.*

[MHA 112/2/0108; AG/LEGIS/SL/257A/2015/2 Vol. 1]

(To be presented to Parliament under section 14(4) of the Public Order Act).