

**MINISTRY OF LAW COS 2018  
HEAD R  
PARLIAMENT, 2 MAR 2018**

**RESPONSE BY  
MINISTER FOR LAW, MR K SHANMUGAM SC**

**Mr Chairman,**

**1. I thank the Members who spoke.**

**I. LEGAL REFORMS**

**2. I will start with overview of the legal reforms in our civil, family and criminal justice systems which Mr De Souza spoke about.**

**A. CIVIL JUSTICE**

**3. In the area of civil justice, my Ministry has been working closely with the Judiciary, legal practitioners. The aim is to keep legal costs affordable; and to reduce complexity of civil proceedings.**

**4. We are also studying measures to strengthen the enforcement of civil judgments. Public consultation is likely to take place later this year.**

5. **Mr Patrick Tay asked if we will be raising claims limits in the Small Claims Tribunals. The answer is yes, we will be. Amendments will be introduced this year. It will allow claims of a higher value and we hope it will allow the claims to be resolved quickly, cost effectively, at the SCT.**

## **FAMILY JUSTICE**

6. **On Family Justice, Members know in 2014 we made changes. Reforms brought about several positive developments, including providing for a child-and-family friendly approach. Courts look at what is in the interest of the children, how best to deal with it, how to try and move on with as little acrimony as possible.**
7. **To build on these reforms, my Ministry has set up a committee with MSF, as well as the Family Justice Courts. We asked them to review, and further enhance the family justice system. The report will be out later this year and we will act on it.**

## **B. CRIMINAL JUSTICE**

### **1. HISTORY OF REFORMS**

- 8. On Criminal Justice, I said earlier during the Home Affairs debate - we want a progressive, balanced, modern criminal justice system.**
- 9. And if you look at it over the years, there have been a series of reforms, each building on the other:**
- (a) The pre-trial disclosure regime in 2010.**
  - (b) The Community-Based Sentences (CBS) which was also introduced in 2010.**
  - (c) The changes to the Evidence Act in 2012.**
  - (d) And in 2015, a fairly significant move for the Government - the Government funding legal representation of accused persons through the Criminal Legal Aid Scheme.**
- 10. And now, comprehensive amendments to the CPC and the Evidence Act have been introduced in Parliament earlier this week.**

**2. 3 JUDGES FOR CAPITAL CASES**

- 11. Mr De Souza asked whether we should have three High Court Judges sit in trials for capital cases.**

- 12. We haven't yet seen a need to review this. But it does not mean no.**
- 13. Members will know that since 2012, if a person is sentenced to death, and chooses not to appeal, a confirmation hearing must still be held by the Court of Appeal. That ensures that the imposition of the capital punishment is always reviewed by the Apex Court of at least three judges.**
- 14. So there is already a two-level process with at least three Judges of Appeal looking at the matter. But we will review the point made by Mr De Souza.**

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## **II. INTERNATIONAL LAW**

- 15. I will now speak on our commitments towards advancing the international rule of law. Professor Mohan spoke about it.**
- 16. We see ourselves as a responsible and effective member of the international community, and a firm believer in the international rules-based legal order. Adherence to the international rule of law is integral to our security and survival.**
- 17. To that end, we have done a number of things which I think the Ministry of Foreign Affairs has spoken about, and I have spoken about previously, so we do not need to repeat that.**
- 18. But we have to continue our engagement with the international community, other states and our development of international law expertise in relevant emerging issues.**
- 19. And we should support think-tanks which are doing research in these areas. Examples are the Asian Business Law Institute and the Centre for International Law, which are supported by us.**
- 20. We have to actively participate in international law-making at regional and multilateral forums, and bring our interests and values to the table.**

- 21. And we have done that. People know our crucial role in UNCLOS. We have led multilateral negotiations on online dispute resolution and dispute settlement.**
- 22. And right now we are playing a very important and key role in the UNCITRAL Working Group II on Dispute Settlement. Under the chairmanship of a MinLaw Director, we have completed work on both a draft convention and amended Model Law that will provide for the cross-border enforcement of international commercial settlement agreements resulting from mediation.**
- 23. The Singapore delegation is well-regarded in the international discussions on insolvency, on electronic commerce, and on recognition and enforcement of judgments.**
- 24. We are committed to peaceful international dispute resolution mechanisms - important for a small country like Singapore.**
- 25. We serve as a neutral venue for state-related disputes, which is also enabled through the partnerships we have forged - for example, through the Permanent Court of Arbitration, and International Centre for Settlement of Investment Disputes, amongst others.**
- 26. We also actively participate in discussions on possible reform of the investor-state dispute**

**settlement mechanism; so that any future disputes on trade agreements can be fairly, effectively resolved.**

- 27. Prof Mohan asked if international trade law will help the Government respond to announcements of fresh tariffs, in consultation with the US, and also in our negotiations of the next generation, the regional FTAs, large FTAs.**
- 28. Primarily, how we handle these issues will have to be guided by: (a) what is in our interest – what is in our primary economic as well as strategic interest, and (b) what is the framework of international law, including any applicable treaties.**
- 29. That will guide us in taking what we consider to be principled approaches when dealing and negotiating with our trading partners. And of course in these things, size matters as well.**
- 30. The second query that Prof Mahdev had was “Do developments in private international law present new opportunities for our lawyers *vis a vis* clients in India and ASEAN countries?”**
- 31. The short answer is yes, they do. That is why we participate actively in international efforts to harmonise private international law and to promote the adoption of Singapore legal principles. Standards, but also any sort of civilised**

**set of standards, in this area, would be welcome – and it will help us.**

**32. So that will give our lawyers more opportunities. Because our commercial law principles are consistent and consonant with the international law standards, in most advanced jurisdiction.**

### **III. DISPUTE RESOLUTION**

**33. I will now deal with Mr De Souza's question on ensuring Singapore law firms and Singapore-based lawyers remain relevant in the region.**

**34. Developing Singapore as a dispute resolution hub is in fact one of our key strategies in growing our legal industry.**

**35. I have said that there is a role for the Government, but there is also a very critical role for lawyers. Government can provide the infrastructure, the framework, the training through the law schools. But ultimately, the lawyers must also take part in it. And now the Government is even putting money on the table for law firms to go regional.**

**36. SMS Indranee Rajah will touch on some of the other strategies. But I will touch on our dispute resolution services.**

**37. We aim to provide a full suite of such services which will create more work for Singapore law**



**practices and Singapore-based lawyers within Singapore.**

**38. We have seen in fact, a tremendous growth in these caseload numbers, across all our main dispute resolution institutions, such as:**

- (i) the Singapore International Arbitration Centre (“SIAC”),**
- (ii) the Singapore International Mediation Centre (“SIMC”), and**
- (iii) the Singapore International Commercial Court (“SICC”).**

**39. The SIAC for example, saw within 2008 and 2016 – in the 8 years - a threefold increase in cases, from 99 to 343.**

**40. The total sum in disputes for new cases filed in 2016 hit S\$17 billion, and 80% of those cases were international in nature. That’s a record – \$17 billion.**

**41. The SIMC had a much later start. They had 22 cases filed in 2017, it now has 42 cases so far – and it was only established three years ago.**

- 42. To promote international commercial mediation, the SIMC has also partnered other institutions.**
- 43. For example, in 2017 last year, SIMC signed MOUs with the Mediation Center of the China Council for the Promotion of International Trade/China Chamber of International Commerce, and the Hangzhou Arbitration Commission.**
- 44. This is to help businesses resolve disputes that may arise in cross-border transactions under China's Belt and Road Initiative.**
- 45. The SIMC also signed a MOU with the Japan Association of Arbitrators to help Japan build expertise in international commercial mediation.**
- 46. So, how do we ensure that we remain a destination of choice, for dispute resolution?**
- 47. The starting point is that people must believe and know that there is going to be top quality legal expertise available here, if they come.**
- 48. What the Government can do is make sure our dispute resolution legislation framework is modern, is friendly.**

- 49. We will continue to make necessary legislative enhancements to make sure that it is at the cutting edge.**
- 50. For example, we recently amended the Supreme Court of Judicature Act. It clarifies that the SICC can hear matters relating to international commercial arbitration, under the International Arbitration Act.**
- 51. So it gives the parties who choose Singapore as the seat of arbitration the certainty that they can benefit from the expertise of both local and international judges, who have a wide breadth and knowledge and experience, expertise and judicial knowledge. And all of that can be available from the Singapore Courts.**
- 52. The work itself can only be handled by Singapore-qualified lawyers from Singapore law practices. So they get an international panel of judges.**
- 53. We also enacted the Mediation Act in 2017 which strengthens the framework for enforcement of mediated settlements conducted in Singapore.**

- 54. It codifies certain matters which were previously dealt with under Common Law such as confidentiality of communications in the context of mediation. It provides for greater certainty of clarity for commercial parties who opt to conduct their mediation in Singapore.**
- 55. We will continue to strengthen our international dispute resolution facilities and infrastructure.**
- 56. Last year we announced that we will be expanding Maxwell Chambers.**
- 57. The refurbishment works have started, and on track to be completed by next year – and that will add 120,000 square feet of floor space, and it will triple Maxwell Chambers' current size. So obviously, there will be a lot more cases to be heard.**
- 58. My Ministry will continue to support the development and expansion of our international law capabilities.**

#### **IV. INNOVATION AND TECHNOLOGY IN THE WORK OF SLA**

**59. Mr Tong asked about our plans to optimise limited land resources and Mr de Souza asked about our support of the Smart Nation Drive.**

##### **1. OPTIMIZING LAND USE**

**60. SLA has been allowing old state properties with no immediate plans for redevelopment to be innovatively reused. So that gives the buildings a new lease of life, and it unlocks the value for businesses and individuals.**

**61. A good example is Tanglin Village - the Former army camp – now home to wide range of businesses.**

**62. SLA will continue to find opportunities to convert State properties for different uses, in particular, social and community uses.**

**63. SLA has also opened up previously un-utilised spaces for recreational community use.**

**64. One example is the Jalan Bukit Merah Viaduct – under the viaduct, they opened it up.**

**65. Mr Tong had a specific question on Joo Chiat – iconic buildings. I have asked SLA to discuss the matter with relevant agencies because the policy on this matter is with MND. They will decide what land use they have planned for and we will see what can be done.**

**2. BUILDING GEOSPATIAL CAPACITIES**

**66. With regards to Smart Nation agenda, SLA is also building up Singapore’s geospatial capabilities through what we call ‘GeoWorks’.**

**67. GeoWorks is a collaborative platform. SLA provides the platform for geospatial start-ups and industry partners. Many of them are SMEs or individuals.**

**68. And they create business opportunities through the use of location-based technologies. So we provide the platform, we make it freely available, people jump on into it and create the business value out of it.**

**69. So our approach is to enable and support private sector innovation, as part of our Smart Nation efforts.**

**V. CONCLUSION**

**70. So Mr Chairman, I have covered many different aspects of MinLaw's work.**

**71. The common framework for this is advancing the rule of law, making better use of what resources we have, ultimately to improve the well-being of our people.**

**72. SMS Indranee Rajah will take the remaining cuts.**

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