

SPEECH BY THE CHIEF SECRETARY, MR. E.B. DAVID,
MOVING THE 2ND READING OF THE CRIMINAL LAW
(TEMPORARY PROVISIONS) ORDINANCE IN THE LEGISLATIVE
ASSEMBLY ON WEDNESDAY, AUGUST 13, 1958.

Hon. Members will need little reminder from me of the current situation in regard to the enforcement of law and order in Singapore due to the activities of secret societies.

Every day they pick up their newspapers and read of gang fights or other crimes committed by members of these gangs in pursuit of their object of terrorising the law-abiding people in this Island. Moreover, there has of recent weeks as Hon. Members have been aware, a serious increase in this form of crime owing to two groups of these societies having come into violent conflict. This is only the culmination of a steady increase in gangsterism over a period of time and which has led to the adoption of a number of measures with the approval of this House which it was hoped would have enabled the Police to re-assert the authority of the law and bring the criminals to justice, or at least restrict their activities.

I should like now to give the House some statistics to show not only the steady increase in this form of crime which has been going on for some time but also the serious deterioration which has taken place recently.

In 1954 there were 30 secret society gang fights; in 1955 there were 24; in 1956 there were 25; in 1957 there were 150; and in the first six months of this year there were 157 - double the rate for last year. Even if the fact is taken that certain minor fights are now brought into the category of secret society gang fights, Hon. Members will see that there has been a very serious rise in this type of crime.

During the six weeks since the 1st July there have been not only 51 gang fights but also six murders either committed in the course of those fights or for reasons concerned with membership of these societies. In addition, the incidence of house-breakings and thefts in 1958 has been double that of previous years.

The first question which naturally has to be answered is why cannot the Police, whose duty it is, detect the criminals and bring them before the Courts to be dealt with under the ordinary law of the land? Hon. Members are, I know, already aware of the difficulties with which they are faced, but I should like to repeat them in order to explain why the Government feels it is necessary to seek the special powers which are embodied in the Bill before the House.

When a crime is committed, whether it be a gang fight, an assault or a murder, those who are responsible do not commit their crimes before the eyes of the Police, thus enabling the Police not only to arrest the offender there and then but also to furnish eye-witness evidence to support a charge in Court. On the contrary, they take very good care to ensure that there are no Police present before embarking on the crime. The Police, consequently, only obtain knowledge of the crime some time - and in certain cases a quite considerable time - after it has been committed.

The perpetrators have disappeared and the only method of detection open to the Police is to question those members of the public who may have been witnesses to the crime or for some other reason have knowledge of it; this interrogation, coupled with any

deductions which can be made, any material evidence to be found at the scene of the crime is the only way of obtaining information which may lead to identifying the criminals. They have, in addition, their own knowledge culled over a period of time of the members of the secret societies involved, who are the fighters, and so on, but that is of little value when it comes to the second stage of the proceedings which is to bring the accused persons before a Court and produce firsthand evidence to satisfy the Court that the persons are guilty of the offence with which they are charged.

At both stages of this procedure - detection and prosecution - it has, unfortunately, to be recognised that they seldom receive the assistance from members of the public to which they are entitled and without which it is quite impossible for them to carry out their task.

The reason is a simple one: that those concerned are too frightened of reprisals from other members of the gang if they furnish any information which will lead to the arrest of a member of a gang. These gangs have, in short, succeeded in establishing a very widespread form of terrorism which inhibits the law-abiding citizen from carrying out his duty in assisting in the enforcement of the law.

Even if they are prepared - as they sometimes are prepared - to provide information in secret in such a way that they are satisfied that it will not become known that they have done so, nothing will induce them to stand up and give that evidence in open Court or in the presence of the accused persons.

In these circumstances there is little, if anything, the Police can do to detect and prosecute the criminals. They can only exercise the limited powers open to them in other directions - to have members of unlawful societies placed on record under the Societies Ordinance, or in a very limited number of cases where they can produce sufficient material to satisfy the Court, have them bound over under the provision in the law to which the House assented earlier this year.

But these measures are only palliatives and, as is apparent from the events of the last few weeks, are quite inadequate to stem the rising tide of lawlessness. More drastic steps must be taken to protect the public from the activities of these gangs and since, for the reasons I have given, it is not possible to achieve that protection through the normal judicial processes of the Courts, these safeguards which are adequate in ordinary times must, in the present abnormal crime wave, be supplemented by executive action.

It is not only the duty of the Government to do this in discharge of its primary responsibility for the maintenance of peace and good order, but I believe there is a wide public demand that such action should be taken and that it will meet with whole-hearted support from all law-abiding members of the community.

The powers which it is sought to take under this Bill to detain for a limited period without trial are designed to be used against the ringleaders of these gangs and those who are primarily responsible for their activities. I would emphasise that it is not intended that these powers should be used indiscriminately.

They will be used selectively to break the gang organisations and to remove the leaders to a place where they can no longer coerce the less vicious members of their gangs as well as the general public.

As the House knows, one of the worst features of the present situation is the extent to which young boys have been drawn into the coils of these organisations. In the long run this trend can be

countered by measures to direct the leisure and energies of our youth into useful and productive channels, but that is of no immediate help and the need is for effective action now.

Before I come to the details of the Bill, I should like to mention two other matters.

The first is that the necessary powers which it is now sought to take do already exist under the Preservation of Public Security Ordinance, but the Government does not think it right that they should be invoked for the present purpose. Firstly, because that Ordinance was enacted for a different purpose, and secondly, because the Government considers it only proper that it should obtain the specific endorsement of the House to use of Executive powers to meet the current threat presented by these criminal gangs.

The second matter to which I wish to refer is the life of the parent Ordinance to which this Bill seeks to make amendments. As the House is aware, this Ordinance will lapse in two months' time. It is the intention of the Government to seek the approval of the House to an extension of the life of this Ordinance at the appropriate time. This will also give the House a further opportunity of considering these provisions in common with the other provisions of the Ordinance.

I now turn, Sir, to the provisions of this Bill.

The new Clause 47 empowers the Chief Secretary to make an order of detention for a period not exceeding six months. I have already given the House an assurance that this powers will be used selectively. This can be done since the Police have much information regarding the leadership and many of the members of these gangs, even though they cannot bring that information before the Courts. The maximum period for the duration of an order is limited to six months since it is hoped that within that time it will have proved possible to break the back of this problem.

Nevertheless, it is not possible to count on that measure of success and provision is made in new clause 50 for such orders to be extended by the Governor-in-Council. New clause 48 provides for every order made by the Chief Secretary to be referred within a period of 28 days to an Advisory Committee for report and recommendations. It is intended that the Committee in discharging this task should be at liberty to carry out the fullest enquiry and every facility will be made available to enable it to do so.

The report and recommendation of the Committee is finally considered by the Governor-in-Council which has power to confirm or cancel the order. New clause 49 provides for suspension of orders on conditions. This provision is very desirable in that it will facilitate releases at an earlier date than could otherwise be justified. New clauses 51 and 52 provide for the appointment and functioning of the Advisory Committees.

The Government has considered whether provision should be made for one member of the Committee to have judicial qualifications but feels that this would be placing an undue burden on a limited class of persons many of whom are already carrying out other public duties. Nevertheless, if the House feels that this additional safeguard would be an important one, the Government would be prepared to accept a suitable amendment at the Committee stage. Clause 53 is inserted to protect the sources of information, where necessary. Clause 54 provides for the custody and movement of detained persons.

Clause 55 gives the Police power to arrest and hold persons in custody for a limited period while any further necessary investigations are carried out before it is decided to apply for an order. Clauses 56 and 57 concern powers of arrest in pursuance of these provisions. Clause 58 should be read in conjunction with the provision in Clause 47 that no order can be made without the consent of the Public Prosecutor.

I have already given an assurance that these powers of detention will not be used indiscriminately; this provision is designed to ensure also that they shall not be used as a substitute for prosecution in accordance with the ordinary processes of law. In any case, where it is possible to bring a prosecution, it will be brought and on the facts presented the Public Prosecutor will not give his consent to an order unless he is satisfied that the individual concerned cannot be prosecuted.

Finally, Sir, I should like to reiterate that it is only the exceptional gravity of the present state of gang lawlessness which compels the Government to seek these exceptional powers for immediate use. No democratic Government will lightly curtail the liberty of any individual by executive action nor would it wish to curtail that liberty for a moment longer than is absolutely necessary.

This Government is no exception, but when there is no other means of restoring peace and good order to the Island and removing the dark shadow of terrorism which is spreading over the new lives of innocent citizens then the Government has not only no alternative but a positive duty to the public to take that action.

So long as the public fail to give their full co-operation in the enforcement of the law the ordinary judicial processes are stultified. So long as the criminals concerned cannot be brought to justice the public will continue to live in fear, and that fear will inhibit their co-operation. This vicious circle must be broken.

With the slowly-increasing mutual confidence between the public and the Police following Police Weeks and other measures to promote that confidence, there are encouraging signs and information received by the Police has resulted in the recovery of substantial quantities of weapons and other materials stored away against gang fights. But this process is slow and may well wither away if the present level of gang activity is allowed to continue. It needs a catalytic agent. I believe this measure will provide one and I sincerely hope that if we can accelerate this process and prevail on the public to give more and more assistance to the Police, it will not be very long before the conditions in which these gangsters can flourish will no longer obtain. The normal processes of law will once more be adequate to direct and punish crime, and these special powers can be thankfully surrendered.

Sir, I beg to move.

AUGUST 15, 1958.

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