

OPENING OF THE LEGAL YEAR 2019

*Speech by Attorney-General, Mr Lucien Wong, S.C.
Monday, 7 January 2019
Supreme Court Building, Level Basement 2, Auditorium*

May it please Your Honours, Chief Justice, Judges of Appeal, Judges and Judicial Commissioners of the Supreme Court,

Introduction: AGC in Support of the Government, for the People

- 1 2018 was a fast-paced year for the Government and for the Attorney-General's Chambers. The issues occupying the thoughts of Singapore's leaders were complex and varied, with several key themes coming to the fore. These themes shaped our work over the past year, as we strove to be a strategic partner in support of the Government's plans and initiatives, for the benefit of our country and its citizens. I will touch on three of these themes.

- 2 The first theme was our **Smart Nation**. This initiative aims to tap on the ongoing digital revolution in order to transform Singapore through technology. The Smart Nation vision is for Singapore to be a world-class leader in the field of digital innovation, resting on the triple pillars of a digital economy, digital government, and digital society. The Smart Nation revolution will play a critical part in ensuring our continued competitiveness on the world stage, powered by digital innovation.

3 Data sharing was and continues to be a critical aspect of this initiative. To this end, a new law was passed in 2018 which introduced a data sharing regime among different agencies in the Singapore Government. The Public Sector (Governance) Act 2018, which was drafted by our Chambers in support of this initiative, underpins and formalises a data sharing framework for the Singapore public sector. To strengthen safeguards, the Government has also enhanced existing processes relating to data sharing, including the removal of personal identifiers. Our Chambers has also advised on policies relating to a National Digital Identity system as well as electronic payments and transactions, thereby playing a part in facilitating the strategic national projects that have been put in place to drive the pervasive adoption of digital and smart technologies throughout Singapore.

4 Even as we move towards a model of regulated and controlled data sharing, the risk of data breaches is ever present, and the importance of cyber-security all the more critical. In 2018, not only was the Cybersecurity Act drafted by our Chambers passed, we also led evidence in the Committee of Inquiry (COI) convened to examine the SingHealth cyber-attack that led to the biggest data breach in Singapore to date. One of the aims of the inquiry is to recommend measures to reduce the risk of such cybersecurity attacks on public sector IT systems which contain large databases of personal data, especially in the face of increasingly sophisticated attacks, such as that faced in the SingHealth cyber-attack. At the closing of the COI, AGC outlined a suite of 16 recommendations,

of which five were highlighted as priority ones. We were heartened that key healthcare stakeholders in the data breach took on the lessons from the COI and have begun implementing enhanced cyber security measures.

5 The second theme that was apparent in our work in the past year was **the management of cross-border relationships**. We, as Singaporeans, have grown up with the mantra that Singapore as a small nation-state has no hinterland and is dependent on trade and human connections to thrive. Singapore needs to build and manage its network of relations with other states, and law is an important tool which enables us as a small state to do so.

6 It has been a challenging year in this regard, with our bilateral ties with our closest neighbour put to the test. As a small country, Singapore is never immune from political changes in neighbouring countries, especially Malaysia. Quite apart from the disputes involving Pedra Branca, which as you know ended amicably with the withdrawal of the applications by Malaysia about two weeks before their scheduled hearing at the International Court of Justice, the change in government in Malaysia has had significant impact on ongoing projects involving Malaysia and Singapore, such as the High Speed Railway linking Singapore and Kuala Lumpur. Our officers were on hand to advise the Government on this matter, working in support of the negotiating teams. The outcome was a positive and balanced one, resulting in a mutually agreeable resolution between both countries that also ensured that Singapore's interests

were safeguarded. We have also very recently continued our support of the Government on a number of issues concerning Malaysia, including (a) the purported extension of Johor port limits into Singapore territorial waters, (b) airspace management over southern Johor and (c) the review of water prices under the 1962 Water Agreement with Malaysia.

7 The third theme that came through in 2018 was that of **building a caring and cohesive society** in Singapore, as was evident in the Prime Minister's National Day 2018 Message and his recent New Year 2019 Message. This covered issues that have concerned the ground this past year, including increasing class divides and social stratification, health and an aging population, as well as religion and education. The Government, being cognisant of such concerns, has worked with AGC as its strategic partner to update, enhance and refine social and other policies in order to strengthen social safety nets and build a more cohesive society, with the aim of re-making Singapore for the future and improving the lives of Singaporeans. One example is the enactment of the Vulnerable Adults Act, which will enhance the protection and safeguards for vulnerable adults from abuse, neglect or self-neglect.

8 Aside from our strong partnership with the Government in these broad areas, several key issues stood out to me on a personal level in 2018 as I carried out my twin functions of Public Prosecutor and legal advisor to the Government.

Key Moments as Public Prosecutor: Guardian of the Public Interest

- 9 The most striking aspect of my present job, unlike my previous position in a private law firm, is the role that my officers and I play every day in interacting with and protecting ordinary citizens whose lives have been turned upside down by crime. After all, we are guardians of the public interest.
- 10 This is apparent foremost in the protection of the **vulnerable victims** of our society. I have instructed my officers to take a strong stand against those who prey on the weakest in our society, especially the elderly, domestic workers and minors, even if the journey to bringing the perpetrators to justice is fraught with challenges. For instance, in *PP v Arshad bin Dullah*, our Chambers sought and the accused was eventually sentenced to 18 years' imprisonment and 24 strokes for offences of aggravated sexual assault against an 8-year old victim who lived in the same house as the accused. In *PP v Hussain Bin Samat*, our Chambers sought and obtained the maximum preventative detention sentence against a recalcitrant paedophile who had sexually abused two young siblings. In yet another case, we sought and obtained an imprisonment sentence against a relief Physical Education teacher for abusing his 9-year old autistic student.
- 11 In relation to foreign domestic workers, our Chambers has established protocols with the Police and the Courts to ensure that all cases involving the abuse of foreign domestic workers are dealt with expeditiously. These protocols aim to

deal with such cases on a “fast track”. Foreign domestic workers who remain in Singapore while their cases are pending do so at great personal cost and sacrifice to themselves. They are often housed in the embassy, or with some non-governmental organisations. Some seek alternative employment with new employers. At the conclusion of the matter, our Chambers will usually ask the Court to make a compensation order in favour of the foreign domestic worker for pain and suffering. I am also heartened by the Court setting out a sentencing framework for maid abuse cases after reviewing benchmarks.

12 Similarly, the Court has recently reviewed the practice of meting out only fines to those who endanger the safety of workers at the workplace, signalling that a serious view will be taken of such wrongdoing. This led to the first jail sentence under the Workplace Safety and Health Act for such an offence in *Nurun Novi Saydur Rahman v PP*, in view of the harm and culpability involved in that case. In appropriate instances, we will not hesitate to prosecute egregious cases involving harm to workers under the Penal Code. The examples which I have cited underscore our push to speak for victims who are without voice.

13 Next, it is important to me that the officers in our Chambers live and breathe the principle of **even-handed justice**. It is all too easy to divide the inhabitants of the litigation world into two categories: winners and losers. To do so, however, is to lose sight of the bigger picture. As public prosecutors, our goal is not to win every case and ask for the highest sentence, but rather, we are to protect the

public interest and ensure that a convicted offender receives a just sentence. This means that sentences must be fair to the offender. We must always bear in mind that the accused is not our adversary.

14 The case of *Kok Kum Hong v PP* is a good example of this principle. The accused was found to have terminal liver cancer after being convicted for unlicensed moneylending and sentenced to 12 months' imprisonment. In light of his condition, the Prosecution submitted that even though unlicensed moneylending-related offences are serious and a 12-month sentence is ordinarily appropriate, one day's imprisonment was appropriate in this exceptional case to meet the ends of justice and compassion. Another example is the case involving the young accomplice of Anthony Ler, who infamously planned the murder of his wife. Ler's accomplice, who was 15 at the time of the offence, was sentenced to be detained during the President's pleasure in 2001 and was released in November 2018 after his petition for clemency was granted by the President. Our Chambers advised on the clemency petition and highlighted the various considerations that might be relevant for consideration in deciding on the merits of the petition.

15 Such an even-handed approach mirrors broad legislative measures taken in 2018 to strengthen Singapore's criminal justice framework, by putting in place additional safeguards and process to enhance the fairness of existing procedures and offer additional protection to victims in the court process. One such additional safeguard is the use of video-recorded interviews in certain cases to

allow the Court to actually see the demeanour of a witness explaining his or her side of a story, if a matter proceeds to trial. Also, allegations that may be made against investigators can be better assessed if the entire process, and even the accused's statement itself, is video-recorded. In addition, the report of the Penal Code Review Committee, if accepted by the Government, will take this even further as a wide range of reforms have been recommended, including more protection for minors against sexual predators, with the introduction of new categories of sex offences and harsher punishments for sex crimes involving those below 18. AGC officers were appointed to the Committee and I am glad to see our officers working closely with our counterparts from the Bar, academia and Ministries towards the common goal of a stronger criminal justice system for all.

Key Moments as Attorney-General: Creating Connections and Building

Bridges

- 16 Given today's networked world, I have emphasised to my officers the importance of outreach and continual building of strong networks in our legal community, both domestically and in the region. I had mentioned in my 2018 Opening of Legal Year address that our Chambers was planning to hold a conference to provide a platform for the larger community of public sector lawyers to come together to share their knowledge and foster stronger working relationships. I am pleased to let you know that the inaugural **Public Sector Legal Forum** indeed took place in November 2018. This expands on past

conferences which brought in-house lawyers in the Government together, and the Forum brought the entire community of lawyers who serve in the wider Singapore public sector together for the first time, such as in-house counsel of statutory boards. As head of the Legal Branch of the Singapore Legal Service, it was important to me that our Chambers took the lead to organise this event. The Forum is an important step towards our vision of building a more connected legal community in the Singapore public sector, that will in turn help generate synergies for the work that we do. I am glad to learn that the Forum was well received by over 300 of the public sector lawyers who attended the Forum, representing 51 agencies, and they have indicated their desire for more of such platforms. We in Chambers will certainly build on the momentum of the Forum to facilitate collaborative relationships and a common understanding across this community of public sector lawyers.

- 17 It is also important that our Chambers maintains a healthy relationship with the Criminal Bar. We continued our active engagement with the Bar in 2018. Besides regular tripartite lunches attended by members of our Chambers, the Bar and the Bench, as well as regular dialogue sessions with the Bar, we held the fifth edition of the AG's Challenge Cup in September last year. For your information the AG's Cup Challenge was initiated by CJ Menon when he was Attorney-General. In addition to the usual Captain's Ball game between our female prosecutors and female members of the Bar and the highly anticipated soccer game between our male prosecutors and male members of the Bar, both

of which games were unfortunately lost by the AGC teams, last year's event featured a special 20-minute 7-side football match involving mixed teams of prosecutors, defence counsels and players from the Yellow Ribbon Project. This was a deliberate bid to develop goodwill among the various stakeholders in the criminal justice system. I would add too that AGC officers are also actively involved in the Singapore Academy of Law (SAL) Professional Affairs Committee Criminal Law Chapter, which is rolling out a 2-year advocacy project supported by High Court judges, senior members of the Bar and senior prosecutors from the AGC in order to raise the advocacy standards for the Bar and the Prosecution as a whole. Our Chambers will also be involved in organising the Criminal Law Conference with the SAL and the Bar in March 2019. We intend to continue our active engagement with the Bar this year.

- 18 On a regional level, we also had a successful **Meeting of ASEAN Attorneys-General** in 2018. This was held on the side-lines of the ASEAN Law Association General Assembly which met in Singapore in July 2018, and I might add, at the suggestion of Chief Justice Menon. The last such meeting of the ASEAN Attorneys-General was held almost 30 years ago. The event brought together our counterparts from seven ASEAN states, building and strengthening important friendships. This was affirmed by our guests, fellow Attorneys-General from ASEAN, who noted that the opportunity further strengthened multilateral ties and bilateral cooperation with AGC Singapore. This should be continued on a regular basis given the close relationships we share as members of ASEAN.

The Evolving Nature of AGC's Work

- 19 My officers who have been in Chambers for some time tell me that the pace of life at Chambers has increased. The work of AGC has indeed become more dynamic in recent years, in tandem with the fast pace of Government policy and decision-making.
- 20 This has partly been driven by increased demand for our legal services, as well as increasing complexity of the problems brought to us by our clients, along with their heightened expectations. For example, we saw more requests across the whole of Government for new and updated legislation. The number of bills has increased by 167 % and the pages of bills produced increased by 169% since FY 2013. Even amidst this increased workload, a key priority of our Legislation Division is to ensure that legislation is accessible and easy to understand, through the ongoing work to simplify the language of existing laws. One of the ways this is achieved is by breaking down long provisions and complex concepts into separate paragraphs, while simpler text is adopted in new laws where possible. New laws being drafted also take into consideration the increasingly digital audience, with internal guidelines recommending that each sentence be kept within 45 words, which would fit the screens of most mobile devices. My legislation colleagues are also working on a video-guide for laymen on how to read Singapore legislation and find Singapore legislation on Singapore Statutes Online.

21 Similarly, there has been a significant increase in the volume of domestic criminal and civil cases handled by AGC, as well as in disputes and potential disputes at an international level, or matters with international law implications. We have also seen more complex cases that have required much thought and delicate handling, ranging from constitutional and administrative law challenges, to the sentencing of mentally ill offenders, to complex fraud and market manipulation cases.

22 We at AGC are not in position to reject work from Government agencies as doing so would affect national objectives. The increased complexity of our work has demanded, in particular, that our officers adopt a **one-AGC** approach in all that we do, because the matters which we handle increasingly require multi-faceted responses touching on many different areas of law, thereby requiring input from officers across our different Divisions. We have thus taken a serious look internally and dedicated time and effort to a purposeful and extensive transformation at different levels in AGC, in order to cope with the various increased demands. This is critical and important for our Chambers because as lawyers for the Government, we have to be *the* leading law firm, as good as if not better than the best international and local firms. We have no choice but to constantly evolve and upgrade, whether in terms of infrastructure, technology, corporate services or people, in order to be world-class and future-ready. We have therefore taken the following deliberate steps to achieve this aim.

i. AGC is Expanding and Restructuring

- 23 AGC has sought and been given more manpower to manage the Government-wide increase in demand for legal services. There will be an increase in headcount for the next five fiscal years, comprising mostly legal officers. This will allow us to spread out the workload among more officers, thereby allowing our officers the breathing room that is needed to concentrate on delivering quality work for the benefit of our clients, and for Singapore. We will also be needing more office space in order to accommodate the increased headcount.
- 24 Internally, in line with the one-AGC approach, we will be restructuring two currently separate divisions of prosecutors, namely the Criminal Justice Division and the Financial and Technology Crime Division, to become a single Crime Division. Specialisation is important and our prosecutors will retain their areas of specialisation, but the merger of these two Crime Divisions will allow all teams of prosecutors to prosecute a wider variety of offences and engage in advisory work. This will in turn provide more opportunities for our prosecutors, especially the younger officers, to broaden their knowledge and skills and benefit from structured mentorship programmes. Management competencies will also be developed and clearer progression paths for prosecutors, managers and executives will be defined. The goal is that our officers will work together even more closely and continue to deliver quality work in service to Singapore.

ii. AGC at the Forefront of Legal Technology

25 We have also made significant efforts to structure AGC to be at the forefront of cutting edge legal technology, through investments in both hardware as well as resources for our people to tap on.

26 Our **Intelligent Workspace** is on track for launch in 2019. This is an end to end digital workbench designed to serve almost all of AGC's legal work needs. We are working closely with our stakeholders, such as the enforcement partners, to create a seamless and digitised process which will further improve efficiencies in prosecution. The main aim of the Intelligent Workspace is to leverage on information technology so that our officers spend more time delivering quality work and less time on administration. With the Intelligent Workspace, our officers can look forward to enhanced technological support, for example, they would have a personal dashboard to monitor their work, automated prompts of timelines, a single search point across different databases of precedents, and the auto-generation of statistics and analysis.

27 A **Legal Technology and Innovation Office** which we formed in July 2017 has grown significantly over the past year. The team comprises full-time technologists and practising lawyers with deep technology expertise (such as coding and agile methodologies). They are piloting and scaling up solutions to tap on artificial intelligence and other tools to enhance AGC's depth and breadth in legal expertise.

For example, they are looking into text analytics to allow efficient review of large evidence collections.

iii. AGC at the forefront of People Development

- 28 And finally, our people, who are the heart and soul of any transformation effort. In my two years as Attorney-General, I have been constantly heartened by the quality of the people in our Chambers, their dedication, and their commitment to public service. Investment in their growth and development is therefore important and a key priority. People capabilities are also critical in support of AGC's technological leap. I have emphasised the need for a learning mindset at all levels of the organisation, and a culture of sharing of knowledge by senior officers. People development should also include identifying and upskilling officers whose jobs may one day be replaced by machines, so that no one is left behind.
- 29 To this end, the AGC Academy has overseen a number of initiatives that will make our officers more competent and change-ready. First, competency frameworks in professional and leadership skills have been developed for legal officers and executives at all levels. This is managed and monitored through a real-time Learning Management System for a more holistic overview of officers' training roadmaps and learning history, and the creation of more online learning opportunities. We have also set up a digital classroom in AGC, which allows legal officers in Ministries and statutory boards to remotely dial in to lunch-time

talks held in AGC. Our target is to offer relevant training to our officers anytime, anywhere.

30 We are also building leadership and management capability at all levels of the organisation. Our senior officers are being encouraged to see themselves not just as technical specialists, but as guides and mentors, grooming young officers to be even better than themselves. We are also developing our executives to take on basic legal work, so that our legal officers can focus on more complex legal matters.

31 Before I end, I would like to acknowledge the contributions of Principal Senior Consultant Mr Jeffrey Chan S.C., who retired on 5 July 2018 after 45 years of sterling service in the Singapore Legal Service. At his retirement, he had the honour of being the longest serving Legal Service Officer. Jeffrey headed the Civil Division from 1995 to 2007 and the International Affairs Division from 2007 to 2008, and was part of the Legal Profession Secretariat from 2008 to 2015, before the role was transferred to the Ministry of Law in 2015 under the Legal Services Regulatory Authority. Jeffrey was the first Chief of Staff of the Legal Service and was appointed Deputy Solicitor-General in 2008. He is remembered for his legal acumen, his formidable advocacy and his unerring knowledge of AGC's heritage. Jeffrey is an AGC institution and he will be missed at AGC. We at AGC wish him all the best in his retirement.

Conclusion

32 To conclude, as Attorney-General, my aim is to build a future-ready, world-class AGC that is able to compete with the best law firms in order to readily anticipate and serve Singapore's interests for decades to come. All of the initiatives which I have touched on today are in fulfilment of that aim.

33 On behalf of AGC and the Legal Service, I pledge the fullest support to the Judiciary in the discharge of your constitutional responsibility to administer justice.

34 May I also take this opportunity to congratulate:

- Chief Justice Sundaresh Menon for his election as the President of the ASEAN Law Association;
- Justice Judith Prakash for the extension of her appointment as a Judge of Appeal;
- Justice Choo Han Teck, Justice Belinda Ang, Justice Lee Seiu Kin, and Justice Chan Seng Onn for the extension of their appointments as High Court Judges;
- The Right Honourable The Lord Jonathan Hugh Mance for his appointment as International Judge of the Singapore International Commercial Court; and

- Justice Quentin Loh for his appointment as a Judge of Appeal of the Supreme Court of Fiji, a post he will hold concurrently with his appointment as full-time Judge of the Supreme Court of Singapore.

35 I would also like to extend a very warm welcome to the newly appointed judicial commissioners. They are:

- Judicial Commissioner Tan Puay Boon;
- Judicial Commissioner Mavis Chionh. I pause here to acknowledge Mavis' sterling contributions to AGC and the Legal Branch, where she had served with wholehearted commitment in various roles as head of the Insolvency and Public Trustee's Office, Chief Prosecutor, Third Solicitor-General and finally as Second Solicitor-General before being appointed as a Judicial Commissioner in March 2018;
- Judicial Commissioner Ang Cheng Hock; and
- Judicial Commissioner Dedar Singh Gill.

36 We also bid farewell to the judges and judicial commissioners who have left the Bench in 2018. They are:

- Justice George Wei;
- Judicial Commissioner Foo Chee Hock; and
- Judicial Commissioner Foo Tuat Yien.

37 May I take this opportunity to wish your Honour and the Honourable Judges and
Judicial Commissioners of the Supreme Court the very best for the coming year.

Thank you.