

Discretion in public order

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AS MPs noted, against the backdrop of escalating riots in Thailand, the new laws to equip Singapore police with better tools to preserve public order were timely. The laws will also, in the words of Second Minister for Home Affairs K Shanmugam, mean a “substantial relaxation” of regulations on outdoor activities.

Even so, the Public Order Act, passed by Parliament yesterday after a lengthy debate, raised concerns among the 12 MPs who spoke: Mainly, over the amount of discretion it would place in the hands of the police, and the potential this had for abuse.

Broadly, the new laws will give the police more pre-emptive powers to deal with cause-related activism and new security threats. They can order persons deemed a threat to public order, to move on from a designated area.

Officers will be empowered to direct any person to stop filming and spreading pictures or recordings of their operations or investigations.

And unless they are carried out at the Speakers' Corner, cause-related activities – such as assemblies and processions – will be subject to permits.

The new laws apply even if it is a one-person demonstration. The previous Public Entertainments and Meetings Act had governed groups of four or less, and the Miscellaneous Offences (Public Order and Nuisance) Act, groups of five or more.

Thus, the change would “move away from a proscription based on the number of participants”, to focus on the nature of the activity – that is, whether it is disruptive, Mr Shanmugam, who is also Law Minister, explained.

But several MPs took issue with the fact that the new laws would apply to even a single person, which Non-Constituency MP Sylvia Lim felt was tantamount to “giving the state complete control over an individual citizen's freedoms”.

Tampines GRC MP Sin Boon Ann wondered if the Government “had gone for the overkill”. “Surely, there are other security-related instruments under our legislative armoury that could have dealt with

such issues?" he said.

Mr Shamugam stressed that the Public Order Act "applies only to cause-based activities". Moreover, it does not ban such activities per se; "it only requires the getting of permits".

Also, the previous regime already extended to one-man cause-related activities. The difference now? The exemption for sporting and recreational activities held by statutory boards and charities means "about 50 per cent of the activities that now require permits will no longer require permits", he said.

SUBHD: Move-on orders a 'low key' matter

Recalling how the police had overreacted in 2006 – in warning a group of students who had created T-shirts inspired by the infamous Buangkok white-elephant incident – MP Lee Bee Wah (Ang Mo Kio GRC) was worried about the high degree of discretion that police officers of the rank of sergeant and above have to exercise, when issuing move-on orders.

Under the new laws, such orders can be issued to persons or groups suspected of "undesirable" behaviour, including being "disorderly, indecent, offensive, or threatening" to passers-by.

While those who feel they had been wrongfully issued the order can make a case to the Commissioner of Police, they will have to comply – failing which, they may be fined up to \$20,000, or jailed up to 12 months, or both.

Calling for greater accountability and transparency, Nominated Member of Parliament Siew Kum Hong – who, along with fellow NMP Thio Li-ann, suggested the Act be deliberated on by a Select Committee – called for move-on orders to be recorded in a public register.

Mr Shanmugam rejected both ideas, as the issuance of orders is meant to be "low key" and the Government did not see a need to put the new laws before a Select Committee.

SUBHD: Stability and room for expression

Another point of contention: The powers granted to the police to stop the filming of ongoing security operations and to seize such materials.

Citing the Mumbai terrorist incident, Mr Shanmugam reiterated that such powers were necessary in the face of new media technologies. Otherwise, intelligence or counter-terrorism operations could be compromised.

However, Mr Siew – who, along with Ms Lim and Hougang MP Low Thia Khiang voted against the Bill – pointed out that such powers could lead to cover-ups of wrongdoings. Giving his assurance that police would not exercise such powers during routine activities, Mr Shanmugam stressed that Mr Siew's assumption was based on a "fundamental disagreement that our officers are honest and upright".

Responding to Professor Thio's point for mechanisms to hold "decision-makers accountable, such as appeal processes or judicial review", the Minister noted that the news laws "do not preclude

judicial reviews”, and her views would be taken onboard in future reviews.

For now though, Mr Shanmugam argued, it boils down to how much Singaporeans trust the Government – bearing in mind the limitations and geo-political challenge that a small country faces.

“The Executive needs to be given power and discretion and the voters will judge, at the end, how the powers have been exercised. It means striking a balance in such a way that quick, effective, efficient action is possible to take our country forward,” he said.

In setting out his case for the Bill, Mr Shanmugam posed another balance to be struck: Between enough space for political expression and society’s need for stability. And, he made it clear, “stability has to be given greater weight”.

With major international events to be held here, such as the Asia Pacific Economic Cooperation meetings later this year, Singapore cannot afford disruptions, he said. Hence under the new laws, the Minister may confer additional powers to security officers during such “special events” – for instance, the power to search persons and property, or refuse entry to specific persons.

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