

FOUR MISCONCEPTIONS ABOUT CHARITY LAW IN SINGAPORE

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Charity law is an area of law in Singapore of which, sadly, little is known. This lack of knowledge has also led to the proliferation of a number of misconceptions. This article looks at four misconceptions, namely the legal structure of charities, the relationship between charities and Institutions of a Public Character, the definition of ‘charitable purposes’ in Singapore and the interplay between the registration requirements and the provisions on fund-raising appeals under the *Charities Act*. The article seeks to debunk these misconceptions by providing a clearer understanding of the legal position of charities in Singapore. This has valuable implications for reform of charity law, which is of growing importance and interest in Singapore.

I. INTRODUCTION

Charity law is an area of law in Singapore of which, sadly, little is known.¹ The dearth of knowledge about the charity law regime in Singapore has also led to the widespread proliferation of a number of misconceptions. This article identifies four misconceptions, namely the legal structure of charities, the relationship between charities and Institutions of a Public Character (“IPCs”), the definition of ‘charitable purposes’ in Singapore, and the interplay between the registration requirements and the provisions on fund-raising appeals under the *Charities Act*.² It argues that these popular understandings of the legal position in these four areas are erroneous, and seeks to bring greater clarity to foundational issues in Singapore’s charity regime by setting out a more accurate representation of the present legal position. A clearer understanding of the precise legal position is important from a practical perspective for those who advise charities, or individuals seeking to establish charities, on regulatory and compliance issues. It is also crucially important from a reform perspective.

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¹ There is a good, albeit dated casebook dealing specifically with charity law in Singapore: Ter Kah Leng, *The Law of Charities—Cases & Materials: Singapore & Malaysia* (Singapore: Butterworths, 1985). However, the face of charity law in Singapore has changed significantly over time and different issues have now become of primary concern; see generally Rachel P.S. Leow, “The Evolution of Charity Law in Singapore: From Pre-Independence to the 21st Century” (2012) 26 *Trust L. Int’l* 83.

² Cap. 37, 2007 Rev. Ed. Sing.

II. LEGAL STRUCTURE OF CHARITIES

The first issue is the legal structure of the charities in Singapore. Anecdotally, it is commonly thought that organizations are simply registered as a charity and that there is a separate legal form of a 'charity' which is distinctively different from other legal forms such as companies. This view is erroneous. There is no separate legal form of 'charity'. The question of the underlying structure of an organization is separate from the question of charitable status, contrary to popular opinion.

A closer look at charity law in Singapore indicates a two-stage process for an organization to become a charity. First, the organization itself must be set up using an existing legal form. In Singapore, the most commonly used legal forms for charity law are the society, governed by the *Societies Act*,³ the company limited by guarantee which is governed by the *Companies Act*,⁴ and the trust, which may be subject to the *Trustees Act*⁵ and possibly the *Trust Companies Act*.⁶ These legal forms are regulated by their respective governing Acts and are subject to any other provisions or restrictions in respect of the legal form. The fact that these organizations may be set up for exclusively charitable purposes does not affect the analysis at this stage. The relevance of exclusively charitable purposes becomes prominent at the second stage, *i.e.* only after the underlying organisation has been set up, at which point it becomes mandatory for the governing board members⁷ of the organisation to register the organisation as a charity, unless the charity is an exempt charity.⁸ A failure to register carries with it the spectre of criminal liability.⁹

This earlier discussion also means that another erroneous understanding can be quickly dispelled here. Many lawyers equate charities with charitable trusts, no doubt as a result of having come into contact with charity law only during their courses on trusts during their legal education.¹⁰ The earlier discussion clearly demonstrates that charities cannot automatically be equated to charitable trusts; charities can be and are frequently structured based on other legal forms than the trust. In fact, the trust is probably not the most ideal legal form to use for a charity with active business activities (apart from the separate question of how far these activities should be permitted), and there may be a need to consider the possible introduction of new legal forms in Singapore to facilitate the activities of charities and other non-profit organisations as has been done in the United Kingdom.¹¹

³ Cap. 311, 1985 Rev. Ed. Sing.

⁴ Cap. 50, 2006 Rev. Ed. Sing.

⁵ Cap. 337, 2005 Rev. Ed. Sing.

⁶ Cap. 336, 2006 Rev. Ed. Sing.

⁷ The references to "governing board members" in the *Charities Act* were only introduced in 2011. Prior to the *Charities (Amendment) Act 2010* (Act 34 of 2010), the references were to "trustees", a term which is less suited to reflecting the variety of organisational forms which can be registered as charities.

⁸ See *Charities Act*, *supra* note 2, s. 5(6).

⁹ *Ibid.*

¹⁰ See for example the discussion in Tey Tsun Hang, *Trusts, Trustees and Equitable Remedies: Text and Materials* (Singapore: LexisNexis, 2010), c. 9, which generally discusses 'charities' and 'charitable trusts' interchangeably. Insofar as the book is one on the law of trusts, this is understandable, but where the discussion is largely about charities in general, care should be taken not to run the two together.

¹¹ See generally Jean Warbuton, "Charity Corporations: The Framework for the Future?" [1990] *Conveyancer and Property Lawyer* 95; Stuart R. Cross, "New Legal Forms For Charities In The United Kingdom" [2008] *J. Bus. L.* 662.

The confusion here arises from a lay understanding of charities as a different sort of organization altogether from other types of organization seen in daily life. While there is some basis for this view, this is too simplistic a notion. Instead, organizations are structured based on certain recognized legal forms (which may be used for purposes other than charitable ones). If they have exclusively charitable purposes, they must register as a charity. The governance and regulatory oversight of organizations which register as a charity are thus two-fold: the governance structure and legal limits of the underlying legal form still apply,¹² and charity law adds a further layer of regulatory oversight by the Commissioner of Charities¹³ and the Sector Administrators, if any.¹⁴ The key point here is to decouple the existence of the organization itself from its registration as a charity. The question of the underlying existence and structure of the organization is conceptually separate from its registration as a charity, and is an important consideration when looking at the interaction of the different systems of regulation.

III. THE RELATIONSHIP BETWEEN CHARITIES AND IPCS

The second misconception deals with the status of IPCs and their relationship with the status of charities. Anecdotally, it is commonly thought that there is a conceptual necessity for IPCs to always be charities, and vice versa, for charities to always be IPCs. This misconception is encouraged because the provisions as to IPCs are found within the *Charities Act* and subsidiary legislation made thereunder. However, IPCs may be charities, but they may equally *not* be charities. There is simply no legal necessity that IPCs and charities be the one and the same. In writing about the state's role in facilitating the participation of religious groups in modern public life, Professor Thio Li-ann stated that “[IPCs] are charities that can collect tax-deductible donations”.¹⁵ However, this is not accurate, since IPCs are not always charities.

The distinction between charities and IPCs lies in the different eligibility criterion for registration as a charity or approval as an IPC respectively. Because of their respective criteria for registration, it is simply not legally necessary for charities to be IPCs, or vice versa.¹⁶ To be eligible for registration as a charity, the organization's governing instruments must provide that: the organization's purposes are exclusively charitable; the organization must have a minimum of three persons to perform the function of governing members, at least two of whom shall be Singapore citizens or

¹² For example, a society would not have separate legal personality from its members for the purposes of liability, cf. *Chen Cheng v. Central Christian Church* [1995] 3 S.L.R.(R.) 806 at para. 38 that a registered society has sufficient legal personality to sue for defamatory statements against it.

¹³ See *Charities Act*, supra note 2, ss. 3, 4.

¹⁴ See generally *ibid.*, ss. 40B, 40C, *Charities Act* (Cap. 37, 2007 Rev. Ed. Sing.) and the *Charities (Sector Administrators) Regulations* (Cap. 37, Reg. 6, 2008 Rev. Ed. Sing.).

¹⁵ Li-ann Thio, “The Cooperation of Religion and State in Singapore: A Compassionate Partnership in Service of Welfare” (2009) 3 *Review of Faith and International Affairs* 33, in Kevin Y.L. Tan & Thio Li-ann, *Constitutional Law in Malaysia and Singapore*, 3rd ed. (Singapore: LexisNexis, 2010) 1224 at 1228 [“Cooperation of Religion and State”].

¹⁶ This point has also been noted by Calum M. Carmichael, “Dispensing Charity: The Deficiencies of an All-Or-Nothing Fiscal Concept” (2012) 23 *Voluntas* 392 at 410.

permanent residents; and the purposes of the organization must be beneficial wholly or substantially to the community in Singapore.¹⁷

The qualifying criteria for IPC status are slightly more complicated. An organization may be approved as an IPC if it is a registered charity or a charity that is exempt or not required to be registered under the *Charities Act*, or otherwise falls within s. 40A of the *Charities Act*.¹⁸ *Inter alia*, s. 40A includes: a hospital not operated or conducted for profit; a public or benevolent institution not operated or conducted for profit; a public fund established and maintained for the relief of distress among members of the public; and an institution which is established for charitable, benevolent or philanthropic purposes only.¹⁹ The key thread linking the institutions listed under s. 40A is that their activities must not be conducted for profit. Some of the categories of organizations under s. 40A also include organizations that would not fall within the definition of exclusively 'charitable purposes' in Singapore, even if the modern view on charitable purposes in Singapore identified below is accepted.²⁰ Furthermore, eligibility for approval as an IPC also requires satisfaction of a further list of governance requirements such as the approval of the Sector Administrator over the organization's governing instruments and auditors, and provisions as to the composition of the organization's governing board.²¹

Most interesting from the charity law perspective is the requirement for IPCs that the activities of the organization are exclusively beneficial to the community in Singapore as a whole and are not confined to sectional interests or groups of persons based on race, belief or religion. This requirement marks a clear point of departure from traditional charity law, which has never restricted eligibility to register as a charity to non-sectional interests. In fact, the head of advancement of religion, which was laid down in *Special Commissioners of Income Tax v. Pemsel* as one of the four heads of charitable purposes,²² clearly contemplates only benefit to sectional interests or groups of persons based on belief or religion. The point here is that charities and IPCs are in no way necessarily tied together. Their eligibility criterion has significant points of divergence, and it is possible to have charities which are not IPCs, IPCs which are not charities,²³ and organizations which are both charities and IPCs, though as a practical matter most organizations are either solely charities, charity IPCs, or non-charity IPCs.

¹⁷ See *Charities (Registration of Charities) Regulations* (Cap. 37, Reg. 10, 2008 Rev. Ed. Sing.), regs. 3(1)(a)-(c).

¹⁸ *Supra* note 2.

¹⁹ See below at Part V(B).

²⁰ See below at Part IV.

²¹ *Charities (Institutions of a Public Character) Regulations* (Cap. 37, Reg. 5, 2008 Rev. Ed. Sing.), regs. 3, 4.

²² [1891] A.C. 531 (H.L.) [*Pemsel*].

²³ Theoretically, it is possible that there are non-charity IPCs. This is also clearly contemplated by the Charity Council, whose webpage titled "Frequently Asked Questions" under the subsection for "Definition", online: Charity Council <http://app.customerfeedback.mcys.gov.sg/charities_faqmain.asp>, states that "[m]ost IPCs are charities, and the rest are sports associations." Unfortunately, it is difficult to affirmatively provide an example of a non-charity IPC because the lists of registered charities and IPCs are found on an electronic search portal on the Charity Portal's website (available online: Charity Portal <<http://www.charities.gov.sg>>), but the web-links do not function past the first page of search results (last accessed 25 July 2012).

The distinction between charities and IPCs is important because the fiscal privileges attached to one's status as a charity or IPC also differ. This illustrates the importance in practice of conceptual clarity between charities and IPCs. The two primary points of difference are in relation to exemption from income tax and whether tax deductions are allowed in respect of donations. Registered or exempt charities have a clear-cut exemption from having their income being subject to income tax under s. 13(1)(zm) of the *Income Tax Act*.²⁴ There is no direct equivalent for IPCs, but IPCs may be able to fit themselves within the exemption given for the income of approved not-for-profit organisations under s. 13U of the *Income Tax Act*.²⁵ The provisions on the exemption from income tax for IPCs are more nuanced than those applying to charities. For example, income tax exemptions given to a not-for-profit organisation cannot be for a period exceeding 10 years²⁶ and there are provisions for the Comptroller of Income Tax to make additional assessments on the organisation where it appears to him that any income has been exempted when it ought not have been so.²⁷ This also makes an IPC's claim to have its income exempt from income tax weaker than a charity's claim for exemption. Apart from the differences as far as income tax are concerned, IPCs and charities also differ in whether donors are able to receive tax deductions.²⁸ Donors to charities which are not IPCs are not eligible for tax deductions, while donors to IPCs (regardless of charitable status or not) are eligible for 2.5 times tax deduction for donations made up to 31 December 2015, pursuant to measures released in Budget 2011.²⁹ The rationale behind the difference in tax treatment for charities and IPCs lies in the extent of the public benefit conferred. Greater public benefit is present where the organisation's purposes are not limited solely to sectoral benefit, which justifies the additional tax privilege of tax deductions to donors.³⁰

IV. THE DEFINITION OF CHARITABLE PURPOSES

The third misconception about charity law in Singapore is possibly also the most widespread of the four. The predominant view is that there is no concrete definition of 'charitable purposes' in Singapore which has been explicitly recognized and that therefore, it is the English common law definition of 'charitable purposes' that

²⁴ Cap. 134, 2008 Rev. Ed. Sing.

²⁵ *Ibid.* This section exempts any person, other than those which are registered or exempt under the *Charities Act*:

[W]ho is not established or operated for the object of deriving a profit; whose income and property may only be applied for the furtherance of its objects; and are not distributable to any shareholder, member, trustee or officer of the person except as reasonable compensation for services rendered; and whose property may only be distributed to persons established for a similar object as that person's upon that person's dissolution [paragraphing and section numbers omitted].

²⁶ *Ibid.*, ss.13U(2)-(4).

²⁷ *Ibid.*, s. 13U(6).

²⁸ *Ibid.*, s. 37(3)(c)(ii).

²⁹ *Ibid.*, s. 37(3A).

³⁰ See also Leow, *supra* note 1, for a discussion of the historical background which led up to the creation of a two-tiered system of public benefit.

applies. Contrary to the commonly held view, there is in fact a definition of ‘charitable purposes’ that, while not being explicitly laid down in the *Charities Act* and its subsidiary legislation, has nevertheless been applied by the regulatory bodies in Singapore since 2005. In fact, this definition of ‘charitable purposes’ is an adapted version of the definition of ‘charitable purposes’ set out in the English *Charities Act 2006*³¹ and now the English *Charities Act 2011*.³²

A. Illustrating the Misconception

A commentator, in discussing the fiscal treatment of third-sector organisations, identifies Singapore as recognising only the *Pemsel* heads of charity, in contrast to the expanded definition in England and Wales under the English *Charities Act 2006* (and now the English *Charities Act 2011*).³³ An example of the pervasiveness of this misconception is well-illustrated by a consideration of the treatment of the topic in the only casebook on trust law in Singapore.³⁴ Under the heading “Defining Charity”, the author starts off by saying that “[b]oth Singapore and the United Kingdom have not provided any useful definition of what a charity is.”³⁵ Under the sub-heading “Methodology”, the author then proceeds to identify the four heads of charitable purposes identified by Lord MacNaughten in *Pemsel*,³⁶ namely the “relief of poverty”, the “advancement of education”, the “advancement of religion”, and “other purposes beneficial to the community”.³⁷ In the following paragraph, the author then makes this erroneous statement:³⁸

Singapore has yet to implement a more comprehensive classification of charitable trusts. How a charitable trust regime is structured will depend heavily on the government’s partnership arrangements with charities, taxation issues as well as the presence and strength of voluntary organisations. Dr Vivian Balakrishnan has also articulated that Parliament intends to give the Commissioner of Charities as much flexibility as possible in deciding whether an organisation is truly pursuing a public benefit.

First, the definition of ‘charity’ does not affect only charitable trusts, but also charities which are structured as companies and societies. Secondly, the reference to “public benefit” in Dr. Vivian Balakrishnan’s speech is misguided as Dr. Balakrishnan had indicated in his speech that:³⁹

What we are trying to do here is not to redefine a charity, but rather to give the Commissioner more flexibility, to see whether someone who puts up his hand and

³¹ (U.K.), 2006, c. 50.

³² *Charities Act 2011*, (U.K.), 2011, c. 25.

³³ Carmichael, *supra* note 16 at 405-407.

³⁴ Tey, *supra* note 10. A good, albeit dated casebook dealing specifically with charity law in Singapore is Ter, *supra* note 1. Obviously, the latter does not discuss the expanded definition of charitable purposes since it was published long before the recognition of additional charitable purposes.

³⁵ Tey, *ibid.* at 513 [footnotes omitted].

³⁶ *Supra* note 22.

³⁷ *Ibid.* at 583.

³⁸ Tey, *supra* note 10 [emphasis added].

³⁹ Sing., *Parliamentary Debates*, vol. 82, col. 1158 (23 January 2007) [emphasis added].

says, “I am pursuing one of these objectives”, is really doing so in a *bona fide* organisation and in a way which is acceptable to the public. So it is really for the Commissioner to exercise judgment on behalf of the public *interest*.

It is therefore clear that Dr. Balakrishnan was advocating a more flexible approach to ascertaining whether an organization’s purposes fell within the category of permitted charitable purposes, not in an ascertainment of whether there was sufficient public benefit. The issue of public benefit is a second stage inquiry that follows if the organization had exclusively charitable purposes.

But more fundamentally problematic from these two points is the first statement that Singapore has yet to implement a more comprehensive classification of charitable trusts from the *Pemsel* heads of charity, for which recourse presumably has to be made to the common law. In fact, in the speech which Dr. Balakrishnan made in 2007 which had been extracted by the author, Dr. Balakrishnan had identified a more comprehensive list of charitable purposes than was set out in *Pemsel*. This list of charitable purposes has been recognized by the then-Prime Minister and Minister of Finance in Parliament and then accepted and applied by the regulators in Singapore since 2005.

B. Charitable Purposes: A Historical View Pre-2005

Taking a step back, the first port of call for defining charitable purposes must be the *Charities Act* and then, subsidiary legislation. The *Charities Act* is not particularly illuminating and does not even set out the conditions of eligibility for registration, which are found in subsidiary legislation. The only hint towards the difficult issue of defining charitable purposes is the definition of “charity” under s. 2(1) of the *Charities Act*. Under s. 2(1), “charity” is defined as “any institution, corporate or not, which is established for charitable purposes and is subject to the control of the High Court in exercise of the Court’s jurisdiction with respect to charities”. “[C]haritable purposes” is then defined as “purposes which are exclusively charitable according to the law of Singapore”.⁴⁰ The common misconception arises because the enquiry for most people stops here: since the statute does not provide a comprehensive definition, it is thought that there is no such definition and that one has to look at English case-law. Fewer enquire whether the English case-law has been formally accepted in Singapore and fewer still enquire about the view that the regulator, the Commissioner of Charities, takes with respect to charitable purposes.

The starting point in the U.K. for classifying charitable purposes historically was the *Charitable Uses Act, 1601* (also known as the “Preamble” to the Statute of Elizabeth I).⁴¹ The *Charitable Uses Act, 1601* was later repealed by the *Mortmain and Charitable Uses Act, 1888*,⁴² but referring to the Preamble for guidance had become practice in England by the beginning of the nineteenth century. The *Charitable Uses Act, 1601* thus formed the foundation of English charity law. The first classification of charitable objects attempted after the *Charitable Uses Act, 1601* was made in

⁴⁰ *Charities Act*, *supra* note 2, s. 2(1).

⁴¹ (U.K.), 43 Eliz. I, c. 4.

⁴² (U.K.), 51 & 53 Vict., c. 43, s. 13(1). Section 13(2), however, preserved the Preamble for the limited purpose of making references in other documents intelligible.

Morice v. Bishop of Durham,⁴³ which identified four heads of charity, namely the “relief of the indigent”, “advancement of learning”, “advancement of religion” and the “advancement of objects of general public utility.”⁴⁴ A very similar classification was finally laid down in the more famous decision of *Pemsel*, which identified the four heads of charity as being “for the relief of poverty”, “for the advancement of education”, “for the advancement of religion” and “for other purposes beneficial to the community”.⁴⁵

The approach taken by the English common law in recognizing the four *Pemsel* heads of charity has been applied in Singapore since the 1930s in several early cases such as *Re Abdul Guny Abdullasa*⁴⁶ and *Veerasamy Krishnasamy v. Jannaki Ammal*.⁴⁷ Therefore, prior to 2005, it was correct that only the *Pemsel* heads of charity applied.

C. Charitable Purposes: Post-2005

However, the modern approach in Singapore after 2005 is in fact a wider application of the *Pemsel* test, which bears great resemblance to the heads of charity in the English *Charities Act 2006*⁴⁸ (which has now been replaced by the English *Charities Act 2011* and which is not intended to effect any substantive change to the law).⁴⁹ The English *Charities Act 2011* defines a “charitable purpose” under s. 2(1) as a “purpose which falls within [s.] 3(1), and is for the public benefit.”⁵⁰ Section 3(1) identifies thirteen different categories of charitable purposes, twelve of which are as follows:⁵¹

- (a) The prevention or relief of poverty;
- (b) The advancement of education;
- (c) The advancement of religion;
- (d) The advancement of health or the saving of lives;
- (e) The advancement of citizenship or community development;
- (f) The advancement of the arts, culture, heritage or science;
- (g) The advancement of amateur sport;
- (h) The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity;
- (i) The advancement of environmental protection or improvement;
- (j) The relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage;
- (k) The advancement of animal welfare; [and]

⁴³ (1805) 10 Ves. Jr. 522 (Ch.).

⁴⁴ *Ibid.* at 532.

⁴⁵ *Supra* note 22.

⁴⁶ [1936] S.S.L.R. 5 (Straits Settlement S.C.).

⁴⁷ [1947] M.L.J. 157 (H.C.).

⁴⁸ *Supra* note 31.

⁴⁹ *Supra* note 32.

⁵⁰ *Ibid.*, s. 2 [section numbers omitted]. For the definition of “public benefit”, see *ibid.*, s. 4.

⁵¹ The order here follows that in the Act. Note that in the English *Charities Act 2006*, there were thirteen heads of charitable purposes, of which the first twelve heads are the same as that listed here. Section 2(2)(m) (the thirteenth head) of the *Charities Act 2006*, read with s. 2(4) of that Act, is now broadly reproduced as s. 3(1)(m) of the *Charities Act 2011*.

- (l) The promotion of the efficiency of the armed forces of the Crown or of the efficiency of the police, fire and rescue services or ambulance services[.]

Section 3(1)(m) includes further purposes within s. 5 of the English *Charities Act 2011* relating to recreational trusts, and also acts as a catch-all provision for purposes which may be reasonably recognized to be analogous to, or within the spirit of, the thirteen categories set out in s. 3(1) or any purposes previously recognized as charitable under the law of England and Wales.

In 2005, the small but significant change in the list of recognized heads of charity originated from the Budget Speech for 2005, delivered by the then-Prime Minister and Minister for Finance Lee Hsien Loong. In his speech, the Prime Minister and then-Minister for Finance made two consecutive expansions to the four *Pemsel* heads of charity. First, the definition of “charitable purposes” was extended by the addition of a fifth category of charitable purposes, “the advancement of sport... where the sport advances the health of individuals”.⁵² Secondly, the Prime Minister and then-Minister for Finance announced that:⁵³

[He would] explicitly recognise as charitable purposes several purposes that we [had then] group[ed] under “other purposes beneficial to the community”, to encourage the groups undertaking these activities, as well as [to] encourage Singaporeans to donate to these groups. The purposes are:

- The advancement of health;
- The advancement of citizenship or community development;
- The advancement of the arts, heritage or science;
- The advancement of environmental protection or improvement;
- The relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantage; and
- The advancement of animal welfare.

This extended list of charitable purposes thus encompasses eleven out of the thirteen charitable purposes recognized under the English *Charities Act 2011*. Notably, the two categories of charitable purposes which are omitted are s. 3(1)(h), on the “advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity”, and s. 3(1)(l), on the “promotion of the efficiency of the armed forces of the Crown, or of the efficiency of the police, fire and rescue services or ambulance services”. It is beyond the scope of this paper to evaluate the purpose, correctness and implications of these curious omissions which merits separate treatment, but it suffices for present purposes to point out the fact of omission of these two categories, while the remaining categories are identical.⁵⁴

⁵² Sing., *Parliamentary Debates*, vol. 79, col. 655. (18 February 2005) [“Budget Speech 2005”]. Available also at Sing., Government of Singapore, *Budget Speech 2005*, online: Singapore Budget 2005 <http://www.mof.gov.sg/budget_2005/budget_speech/subsection13.1.html>.

⁵³ *Ibid.*, available also at Sing., Government of Singapore, *Budget Speech 2005*, online: Singapore Budget 2005 <http://www.mof.gov.sg/budget_2005/budget_speech/subsection13.2.html>.

⁵⁴ In contrast, note the debate over the role of charities and political activities in Hong Kong: Rebecca Lee & Lusina Ho, “Advocating Public Advocacy: An Opportunity for Charities in Hong Kong?” (2012) 18 *Trusts & Trustees* 43.

The extended list of charitable purposes has also been recognized in the annual reports of the Commissioner of Charities since 2005. The *Annual Report of the Commissioner of Charities for 2005* states:⁵⁵

There are 4 charitable purposes that are explicitly recognised. These are the relief of poverty, the advancement of education, the advancement of religion, and other purposes beneficial to the community. In the 2005 Budget, the Minister for Finance had decided to explicitly recognise the following purposes as charitable under “other purposes beneficial to the community”:

- The advancement of health;
- The advancement of citizenship or community development;
- The advancement of arts, heritage or science;
- The advancement of environmental protection or improvement;
- The relief of those in need by reason of youth, age, ill-health, disability, financial hardship or other disadvantages;
- The advancement of animal welfare; and
- The advancement of sport, where the sport advances the health.

The Annual Reports of the Commissioner of Charities in 2006 to 2011 all continue recognizing the additional heads of charity as recognized categories of charitable purposes in Singapore.⁵⁶ It is likely that this practice will continue in future. An accurate statement of the modern position of charitable purposes in Singapore is that the charity regulators have a definition of recognized ‘charitable purposes’ in Singapore. Therefore, it is not necessary to resort to English case law immediately, though it may be relevant in the interpreting of any similar categories of recognized charitable purposes.

In conclusion, contrary to existing accounts, it is erroneous to assert that the definition of ‘charitable purposes’ in Singapore is the *Pemsel* definition rather than the more detailed definition in the English *Charities Act 2011*. Singapore has already implemented a more modern classification of recognized charitable purposes similar to the definition under the English *Charities Act 2011* and in fact had done so in 2005. It was only the lack of publicity of the more comprehensive definition in the primary or even subsidiary legislation that has led to this erroneous conception being perpetuated over the years. A clearer understanding of the purposes which are recognized as charitable under Singapore’s charity law should also put to rest suggestions that Singapore should enact reforms to follow the English *Charities Act 2011*’s approach towards a more detailed classification of charitable purposes. Singapore has in fact already largely adopted the approach taken in the English *Charities Act 2011* in practice, though the legal effects of non-publicity must now be considered.

⁵⁵ Sing., Commissioner of Charities, *Annual Report of the Commissioner of Charities for 2005* at 1, online: Charity Council <<https://www.charities.gov.sg/charity/charity/charityCMSFileDownload.do?id=9>>.

⁵⁶ The Annual Reports can be found at Sing., Commissioner of Charities, *Publications*, online: Charity Portal <<https://www.charities.gov.sg/charity/charity/viewPublications.do>>.

D. Potential Legal Consequences of the Post-2005 Definition

The consequences that follow from the recognition of additional charitable purposes by the Commissioner of Charities and the then-Minister of Finance may possibly have far greater significance than was previously anticipated. In particular, there is the possibility that the additional charitable purposes recognised by Commissioner of Charities and the then-Minister of Finance may be construed as subsidiary legislation.⁵⁷ Subsidiary legislation is defined under s. 2(1) of the *Interpretation Act* as meaning “any order in council, proclamation, rule, regulation, order, notification, by-law or other instrument made under any Act, Ordinance or other lawful authority and having legislative effect.”⁵⁸ One test to determine whether the instrument is legislation or merely the execution of legislation is whether the instrument contains or brings into effect a rule of conduct or a declaration as to power, right or duty, which but for the instrument, it would not have done.⁵⁹ If the instrument is subsidiary legislation, it is mandatory for it be published in the *Gazette*.⁶⁰ If it were subsidiary legislation, non-compliance with the requirement to publish subsidiary legislation in the *Gazette* would render it invalid or ineffective.⁶¹

The requirement of publication rests on rule of law considerations and is a manifestation of the legislature’s recognition of the need to inform or enable the public to be informed of the law, so as to fulfil the action-guiding function of law.⁶² One cannot effectively guide one’s actions in accordance with the law if one has no means by which to know of the laws relating to one’s contemplated actions. In *Cheong Seok Leng v. Public Prosecutor*,⁶³ Chan Sek Keong J.C. (as he then was) held that there were two reasons for the right of the public to know or be informed of subsidiary legislation affecting them. The first reason is that it forms the basis of the maxim that ignorance of the law does not excuse any subject.⁶⁴ The second reason is that “under our legal system, a person is at liberty to do as he wishes except that which is prohibited by law or which encroaches upon the rights of others... It is therefore only reasonable that this liberty should not be indirectly curtailed by laws and regulations unknown or inaccessible to him.” In fact, in Singapore, the publication of legislation has been elevated to a constitutional obligation.⁶⁵ Arguably, the recognition of additional charitable purposes brings into effect a rule of conduct, since institutions which fall under the definition of “charity” under the *Charities Act* are required to

⁵⁷ This is assuming it is not construed to be outright *ultra vires*, as the power under the *Charities Act* to promulgate subsidiary legislation is conferred solely upon the Minister of Community Development, Youth and Sports: *Charities Act*, *supra* note 2, s. 48. The powers of the Commissioner of Charities under s. 4 of the *Charities Act* contain a general power to perform such other functions as the Minister may determine (under subsection 2(g)), but there appears to be no subsidiary legislation itself which gives the Commissioner of Charities the power to promulgate further subsidiary legislation.

⁵⁸ Cap. 1, 2002 Rev. Ed. Sing.

⁵⁹ *Commonwealth v. Grunseit* (1943) 67 C.L.R. 58 (H.C.A.), followed in *Cheong Seok Leng v. Public Prosecutor* [1988] 1 S.L.R.(R.) 530 (H.C.) [*Cheong Seok Leng*].

⁶⁰ *Interpretation Act*, *supra* note 58, s. 23(1); see also *Cheong Seok Leng*, *ibid*.

⁶¹ *Cheong Seok Leng*, *ibid*.

⁶² Joseph Raz, “The Rule of Law and its Virtue” (1977) 93 Law Q. Rev. 195 at 198, reprinted in Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford: Clarendon Press, 1979) 210 at 213-214.

⁶³ *Supra* note 59.

⁶⁴ *Ibid.* at para. 57, citing *Blackpool Corp v. Locker* [1948] 1 K.B. 349 (C.A.).

⁶⁵ *Cheong Seok Leng*, *supra* note 59 at paras. 59, 61.

register themselves with the Commissioner of Charities. If this were to be construed as subsidiary legislation, merely listing the purposes on the Charity Council website or in the Commissioner of Charities' annual report, which are not easily noticeable, would arguably be inadequate to fulfil the rule of law requirement that law be sufficiently publicized. This is all the more so, taking into account potential criminal sanctions for non-compliance with registration obligations.⁶⁶

Even if the additional charitable purposes are not subsidiary legislation, it is still possible that they may have the legal character of an informal rule only. In that case, they may be non-binding, and institutions with purposes falling within the list of additional purposes may not have a duty to register. If this were the case, it would run contrary to the intention of Parliament in making registration of charities mandatory and backed by the force of the criminal law.⁶⁷

In the charity context, we already see an indication of the importance of publicity in existing law. The *Charities Act* requires that the register of registered charities must be open to public inspection at all reasonable times unless the regulations provide otherwise,⁶⁸ or if kept in a form other than documentary form, the information must be available for public inspection in legible form at all reasonable times.⁶⁹ Earlier on, in discussing the absence of a necessary connection between charities and IPCs, we noted that it was difficult to conclusively determine whether there is an actual example of a non-charitable IPC because of technical failures on the search portal for lists of registered charities and IPCs.⁷⁰ This raises another intriguing question related to the consequences of failing to adequately publicise the law: could the search portal on the Charity Portal website⁷¹ refer to the register of registered charities under s. 5 of the *Charities Act*? If so, there may be an arguable case that there has been a prima facie breach of s. 5(7) of the *Charities Act*, and this deserves further investigation by the regulators.

Given the potentially grave consequences, it would undoubtedly be desirable to reflect the additional charitable purposes more clearly in the *Charities Act* or subsidiary legislation. As it currently stands, the additional charitable purposes run the risk of being *ultra vires*, being invalid because of non-compliance with publicity requirements or being of no legal effect as a mere informal rule. The potential problems with the register of charities also demonstrate that it is not just in the law books, but also in practice, that publicity requirements must be taken seriously.

V. CHARITABLE, BENEVOLENT OR PHILANTHROPIC PURPOSES: FUND-RAISING WOES

The fourth and final misconception relates to the scope of the prohibition on conducting fund-raising appeals without permits under the *Charities Act* and its relation

⁶⁶ Thio Li-ann, "Law and the Administrative State" in Kevin Y.L. Tan, ed., *Singapore Legal System*, 2nd ed., (Singapore: Singapore University Press, 1999) 160.

⁶⁷ *Charities Act*, *supra* note 2, s. 5(6).

⁶⁸ *Ibid.*, s. 5(7). The regulations promulgated under the *Charities Act* do not appear to provide otherwise.

⁶⁹ *Ibid.*, s. 5(9).

⁷⁰ See above at note 25.

⁷¹ Sing., Commissioner of Charities, *Home*, online: Charity Portal <<https://www.charities.gov.sg/charity/index.do>>.

to the requirements for registration. Part VIII of the *Charities Act* covers the conduct of fund-raising appeals, and s. 39 defines a fund-raising appeal as “an appeal, whether made expressly or impliedly, to any member of the public to give money or other property (whether for consideration or otherwise) which is made in association with a representation that the whole or any part of its proceeds is to be applied for charitable, benevolent or philanthropic purposes.”

It has been said that “[c]harity status is necessary to raise funds from the public for ‘charitable, benevolent or philanthropic purposes.’”⁷² This is incorrect, as there is no necessary connection between charitable status and the permissibility of conducting fund-raising appeals. Charitable status is required for governing board members of an organization to avoid criminal liability for failure to register and also to receive certain tax benefits. On the other hand, the fund-raising provisions make it a criminal offence to conduct fund-raising appeals made to members of the public without either exemption from the provisions or a fund-raising permit. Charitable status is neither necessary nor sufficient to raise funds from the public. The two sets of provisions are triggered by different criteria and their differing scope is explicable in light of their different functions.

A. *Distinguishing Between Exclusively Charitable Purposes and ‘Charitable, Benevolent and Philanthropic Purposes’*

Different criteria trigger the fund-raising provisions and the registration provisions for charitable status. It is therefore necessary to distinguish between the two. As discussed earlier, the eligibility requirement for registration as a charity requires the organization to have exclusively charitable purposes under the *Charities (Registration of Charities) Regulations 2007*. Under the common law, benevolent or philanthropic purposes were usually discussed in contrast to charitable purposes to the effect that even if a purpose is benevolent or philanthropic, it may nevertheless not be charitable in the eye of the law. For example, in *Re Macduff*,⁷³ the testator made a gift for “some one or more purposes, charitable, philanthropic”.⁷⁴ Lindley L.J. concluded that there could be purposes which were philanthropic but not charitable, such as “purposes indicating goodwill to rich men to the exclusion of poor men.”⁷⁵ Lindley L.J. thought that “[s]uch purposes would be philanthropic in the ordinary acceptance of the word—that is to say, in the wide, loose sense of indicating goodwill towards mankind or a great portion of them;” but that they would not be charitable.⁷⁶ In the same case, Lopes and Rigby LL.J. also concluded that some purposes may be philanthropic but not charitable; examples of such purposes are “a gift... to landowners affected by agricultural depression and whose incomes are reduced to 300*l.* a year”⁷⁷ and a gift of residue on trust towards “advancing the happiness and the position in life” generally of the well to do or moderately well to

⁷² Thio, “Cooperation of Religion and State”, *supra* note 15 at 1225.

⁷³ [1896] 2 Ch. 451 (C.A.).

⁷⁴ *Ibid.* at 452.

⁷⁵ *Ibid.* at 464.

⁷⁶ *Ibid.*

⁷⁷ *Ibid.* at 469, Lopes L.J.

do.⁷⁸ Similarly, in *Re Eades*,⁷⁹ a testator made a bequest to “such religious, charitable and philanthropic objects as three named persons should jointly appoint”.⁸⁰ Sargant J. considered that the term ‘philanthropic’ was too wide and had a different meaning from ‘charitable’ within the law.⁸¹ A line of Scots cases persistently took a different view from the English position, including *Hay’s Trustees v. Baillie*,⁸² *Pater-son’s Trustees v. Paterson*⁸³ and *Mackinnon’s Trustees v. Mackinnon*⁸⁴ but the matter was finally settled in the House of Lords decision of *Chichester Diocesan Fund and Board of Finance (Incorporated) v. Simpson*,⁸⁵ where a 4-1 majority of the House of Lords upheld the *Re Macduff* position in England and held that a gift for “other charitable or benevolent object or objects” was void for uncertainty under English law. The majority of their Lordships accepted the argument that ‘charitable’ and ‘benevolent’ do not mean the same thing.⁸⁶ Therefore, case law clearly establishes that charitable purposes are different from benevolent or philanthropic purposes.

The conclusion is therefore that the criteria for registration as a charity and from conducting a “fund-raising appeal” within the meaning of the *Charities Act* are different. For registration as a charity, only exclusively charitable purposes pass muster.⁸⁷ For conducting a fund-raising appeal, charitable, philanthropic or benevolent purposes are caught. The differences in scope are explicable in light of their purpose: while registration as a charity confers fiscal benefits as discussed earlier and is facilitative, the provisions on conducting fund-raising appeals are restrictive. As a facilitative provision, a high watermark may be necessary in the registration of charities to ensure that it is not all and sundry who are able to avail themselves of the income tax exemption. Conversely, as restrictive provisions, a wide net is cast by widening the relevant concept to ‘charitable, philanthropic or benevolent purposes’ for the conduct of fund-raising appeals from the public in order to protect the public from fund-raising for bogus organizations or other similar scams. The prohibition on fund-raising appeals without a permit thus covers all organizations which purport to raise money or other property for, or receive money or other property for charitable, philanthropic or benevolent purposes. Having charitable status does not exempt one from the provisions on fund-raising, a point made abundantly clear by the *Charities (Fund-raising Appeals) Regulations*.⁸⁸ In short, it is neither necessary nor sufficient

⁷⁸ *Ibid.* at 471, Rigby L.J.

⁷⁹ [1920] 2 Ch. 353 (H.C.).

⁸⁰ *Ibid.* at 353.

⁸¹ *Ibid.* at 356.

⁸² (1908) Sess. C. 1224 (Scot.).

⁸³ (1909) Sess. C. 485 (Scot.).

⁸⁴ (1909) Sess. C. 1041 (Scot.).

⁸⁵ [1944] 1 A.C. 341 [*Chichester*].

⁸⁶ See *e.g.*, *ibid.* at 348, 349, Viscount Simon L.C.

⁸⁷ Where a trust has both charitable purposes and non-charitable purposes, it would be possible to sever the non-charitable purposes under the *Trustees Act*, *supra* note 5, s. 64. However, it is not clear that it is possible to use this provision at the registration stage. It may be possible only to use this provision after the trust has registered as a charity and then subsequently alters its purposes to include non-charitable purposes. Furthermore, this provision would only apply to charities which are legally structured as trusts and hence would not cover societies nor companies limited by guarantee.

⁸⁸ Made under *Charities Act*, *supra* note 2, s. 48.

to have charitable status to carry out fund-raising. What is instead necessary is either an exemption under the section or a permit.⁸⁹

B. Problems with the Definition of ‘Charitable, Philanthropic or Benevolent Purposes’

As a side comment on the provisions concerning fund-raising appeals, the difficulty, of course, with using ‘charitable, philanthropic or benevolent purposes’ as the criterion for coming under the scope of the provisions on fund-raising appeals, is that it will be exceedingly difficult for anyone to advise on whether some organizations may be caught by the provisions.

Case law has not been able to successfully outline a working definition of the words ‘philanthropic’ or ‘benevolent’, all we can say is that the words are of very wide meaning and do not mean ‘charitable’. For example, Viscount Simon L.C. held in *Chichester* that “it is impossible to attribute to the word ‘benevolent’ an equal precision [as compared to the word ‘charitable’] or to regard the courts as able to decide with accuracy the ambit of that expression.”⁹⁰ Similarly, Lindley L.J. was even more explicit on this point in *Re Macduff* when he remarked:⁹¹

[W]hat is the meaning of the word “philanthropic”? He means by that something distinguished from charitable in the ordinary sense; but I cannot put any definite meaning on the word. All I can say is that a philanthropic purpose must be a purpose which indicates goodwill to mankind in general. Can anything be looser than that?

The difficulty of understanding the scope of the phrase ‘charitable, philanthropic or benevolent’ is already great. Matters are not helped by the re-introduction of s. 39(2) of the *Charities Act* in 2011, which provides that:⁹²

In this Part and any regulations made for the purpose of this Part —
 (a) any reference to charitable purposes, where occurring in the context of a reference to charitable, benevolent or philanthropic purposes, shall be a reference to charitable purposes whether or not the purposes are charitable within the meaning of any rule of law[.]

Frankly, it is exceedingly difficult to understand the purpose or meaning of this paragraph. Presumably, the inclusion of “benevolent or philanthropic purposes” within the fund-raising provisions would appear to be in order to widen the scope of the provisions past the fairly restrictive definition of “charitable purposes”, even if the expanded post-2005 position on charitable purposes is considered. But a redefinition of “charitable purposes” for Part VIII of the *Charities Act* to mean charitable purposes whether or not they are legally charitable simply makes no sense whatsoever. What is the meaning of charitable purposes which are not charitable within any rule of law? This makes a mockery out of the word ‘charitable’ as a term of art as it has been

⁸⁹ *Charities Act, ibid.*, s. 39A(1).

⁹⁰ *Supra* note 85 at 348.

⁹¹ *Supra* note 73 at 464.

⁹² *Supra* note 2 [paragraphing and section numbers omitted].

understood in the common law for centuries. What would these purposes be? In any case, would they not be covered by benevolent or philanthropic purposes anyway?

It might be argued that the references here to “charitable, benevolent or philanthropic purposes” may be a reference to the equivalent provision in one of the categories of organisations eligible to be an IPC.⁹³ This is unlikely from a drafting perspective; the newly introduced s. 39(2)(a) has had a long history through various repeals and re-enactments in the *Charities Act* over the years. The provision has existed since the *Charities Act* was first enacted in 1994 and there has been no change in the wording of s. 39(2)(a) since the inception of the *Charities Act*.⁹⁴ It is unlikely that the draftsman used the present s. 39(2)(a) to refer to IPCs, when IPCs were only introduced in Singapore in 2007 in the *Charities (Amendment) Act 2007*.⁹⁵ In fact, the reference to “charitable, benevolent or philanthropic purposes” within the definition of IPCs is itself subject to the same criticisms levelled above concerning the width of the phrase, though the consequences are less severe than in the fund-raising provisions since no criminal liability attaches to non-registration.

All that can be surmised from the present s. 39(2)(a) is that the phrase “charitable, benevolent or philanthropic purposes”, read together with the expanded interpretation of ‘charitable purposes’, is so incredibly wide so as to be practically unworkable. Apart from the sheer practical unwieldiness of the current definition, it raises the spectre of widespread criminalisation under s. 39A which could not have been intended.⁹⁶

It would appear that it is a matter of some urgency that reform of this section be undertaken to include a more detailed definition of “benevolent or philanthropic purposes” and s. 39(2)(a) should simply be removed. Any wider definition of ‘charitable’ that was intended should be able to fall within “benevolent or philanthropic purposes” insofar as it was generally a lay understanding of the notion of charity that was meant to be caught. Section 39(2)(a) serves no purpose except to confuse and generates greater uncertainty in an area which has already been fraught with it.

VI. MOVING AHEAD: REFORM PERSPECTIVES

This paper has sought to clear away some popular misconceptions about charity law in Singapore relating to the legal structure of charities, the relationship between charities and IPCs and the applicable definition of charitable purposes in Singapore.

⁹³ Thanks are owed to one of the anonymous referees for this point.

⁹⁴ In the *Charities Act 1994* (No. 22 of 1994), in force on 1 January 1995, this provision was found in the then-section 39(5). In the *Charities (Amendment) Act 2007* (No. 10 of 2007), in force on 1 March 2007, s. 39(5) was repealed and re-enacted as s. 39(2). In the *Charities (Amendment) Act 2010*, *supra* note 7, s. 39(2) was deleted and then re-enacted as the present s. 39(2)(a).

⁹⁵ *Ibid.*

⁹⁶ Section 39A(1) makes it an offence to conduct or participate in any fund-raising appeal unless he is exempt from the provision of the section or has been granted a permit under the regulations for this section. Section 39A(2) provides that:

Any person who contravenes subsection (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 3 years or to both and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

These misconceptions may have practical implications to those who provide advisory and compliance services, to tax practitioners who may use charities and/or IPCs in structuring transactions, and more generally, to charity lawyers, the charity sector, and the public at large.

From a reform perspective, a clearer understanding of the legal position becomes even more important. Understanding the precise relationship between charity law and other areas of law which govern the legal form of the charity, such as company law, becomes critical particularly when contemplating reform in charity governance as the interplay between different governance regimes must be considered. Similarly, the distinction between the legal regime that applies to charities and the legal regime that applies to IPCs is important from a taxation perspective as well as a governance perspective, since different rules in these spheres apply to charities and IPCs.

Most importantly is the debate over the definition of ‘charitable purposes’ in Singapore. The present legal position of the recognized categories of charitable purposes is clear. Academic energies should move away from bemoaning the lack of a comprehensive classification of charities or advocating a simple importation of the English *Charities Act 2011*. Larger issues such as an evaluation of the adequacy of the present definition and a consideration of whether the two-tiered approach of finding charitable purposes and public benefit are more important debates than the sterile debate over our supposedly poor definition of ‘charitable purposes’. The inadequate publicity of the recognition of additional charitable purposes cannot be trivialised. The potentially severe consequences that may follow from the failure to publicise should provide great impetus to properly enact subsidiary legislation in accordance with due procedure.

The interplay between the definition of charitable purposes in the eligibility criteria for registration and in the fund-raising provisions also creates further issues. As far as the fund-raising provisions use a different criteria, these should be more carefully defined, and s. 39(2)(a) of the *Charities Act* should be repealed.

At the very least, even if no sea-change is made in the structure of charity law, a move towards greater codification of the present legal position in the primary legislation should be made, both in terms of the registration process, the conditions for eligibility for charitable status, and the recognized categories of charitable purposes. This is consistent not only with rule of law demands, but also with a move towards greater transparency in the charity sector. If it is hoped that charities will become more transparent,⁹⁷ then charity law should set the example by making its rules and regulations clear and well-publicised, rather than leaving them to languish in the depths of subsidiary legislation or worse still, in the annual reports of the Commissioner of Charities. It is hoped that this article has made some strides towards demonstrating the need for greater clarity and transparency in charity law to avoid the perpetuation of further misconceptions with potentially severe consequences.

VII. POSTSCRIPT

Since the preparation of this article for publication, charity law has come to the fore in Singapore once again. In late June 2012, several high-profile individuals

⁹⁷ “Charities to be More Transparent”, *The Straits Times* (23 November 2010).

linked to City Harvest Church, including co-founder and pastor Mr. Kong Hee, were arrested and charged for various offences, including criminal breach of trust.⁹⁸ The Commissioner of Charities also exercised its powers under the *Charities Act* to suspend 8 individuals in City Harvest Church from the exercise of their office or employment as governing board members, officers, agents or employees of City Harvest Church.⁹⁹ These events have sparked a flurry of interest in charity law from the media and the public.

The legal issues surrounding City Harvest Church are too complex to be dealt with in this article and merit separate treatment, but these recent developments suffice to demonstrate the continued relevance and importance of charity law. With some of the misconceptions about charity law cleared away, work can now begin on deeper issues such as the wisdom of continued charitable status for religious organisations,¹⁰⁰ controls over fundraising from the public,¹⁰¹ and the adequacy of current charity governance regimes.¹⁰²

⁹⁸ See Ignatius Low, "5 City Harvest Leaders Arrested, \$23m Church Funds Misused", *The Straits Times* (27 June 2012); Emilyn Yap, "City Harvest Church Founder Faces the Music", *The Business Times [of Singapore]* (27 June 2012); Yen Feng, "Those Involved were Part of City Harvest Church Founder's Inner Circle", *The Straits Times* (27 June 2012); Leonard Lim, "City Harvest Case: Allegedly Total of \$50m Misused", *The Straits Times* (28 June 2012).

⁹⁹ See Yen Feng, "Church Sent Funds to US 'To Finance Ho's Career'", *The Straits Times* (27 June 2012). The official press statement issued by the Commissioner of Charities on the suspensions is available online at Sing., Ministry of Community Development, Youth and Sports, *Inquiry Found Misconduct and Mismanagement in the City Harvest Church* (26 June 2012), online: Ministry of Community Development, Youth and Sports <<http://app1.mcys.gov.sg/PressRoom/InquiryfoundmisconductandmismanagementinCHC.aspx>>.

¹⁰⁰ See Willie Cheng, "When Churches are Charities", *The Straits Times* (7 July 2012); Lee Siew Hua & Jennani Durai, "Religion and The Rules of Charity", *The Straits Times* (14 July 2012).

¹⁰¹ See Leslie Kay Lim, "Stricter Rules for Firms Raising Funds for Charities", *The Straits Times* (6 July 2012); "Donors Need to Know Where Money Will Go", *The Straits Times* (18 July 2012).

¹⁰² See Ignatius Low, "When It Comes to Leadership, Faith Alone Won't Do", *The Straits Times* (27 June 2012); George Lim, "Learn from Finance Sector", *The Straits Times* (30 June 2012); Goh Chin Lian, "A Law to Protect Whistleblowers?", *The Straits Times* (30 June 2012); Jennani Durai, "City Harvest Probe 'Triggered by Complaints, not Governance Review'", *The Straits Times* (10 July 2012).