

OPENING OF THE LEGAL YEAR 2020

*Speech by Attorney-General, Mr Lucien Wong, S.C.
Monday, 6 January 2020
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

1 This is the third time I am addressing Your Honours on this significant occasion. In the course of preparing for this speech, I reviewed my speeches delivered at the two previous Openings of the Legal Year, and saw that they both began by describing 2017 and 2018 as “*momentous*” and “*fast-paced*”, respectively. I realised that if I tried for a third time to encapsulate the past year in a single adjective, some astute members of the audience might start to suspect me of recycling my old speeches.

2 I have therefore decided to depart from past practice and not talk about 2019 specifically. In truth, 2019 was very much a normal year for me and my officers in the Attorney-General’s Chambers. And by normal, I mean many sleepless nights, burnt weekends, emergency meetings, stressful cases, difficult negotiations, and endless drafting and vetting; but at the end of it all, we experience a deep sense of pride and satisfaction that our work has helped to uphold the rule of law and advance the interests of Singapore and her people.

3 What I do wish to talk about more generally this morning is where we have come over the last three years since I assumed office, our key challenges ahead, and our plans for the future. I am reminded constantly of the impact of our work on the wider legal community and the lives of Singaporeans. As the legal advisor to the Government, we serve the biggest and the most important client in Singapore. As the Public Prosecutor, we serve the interests of the people of Singapore. It is therefore imperative that we maintain a clear sense of direction and identity even as we navigate an increasingly challenging and complex environment.

Building and maintaining relationships over the past three years

4 It is impossible to explain fully the scope and complexity of AGC’s work. One of my predecessors once likened the demands of the office of Attorney-General to “*drinking from a fire hose*”. The analogy is apt, given the sheer breadth and volume of matters we deal with each day. Although we have focused on a good number of priorities in my past three years in office, one of the most important ones, I believe, would be that of building and maintaining our relationships. We live in an era of unprecedented connectivity, which, paradoxically, has led to a decline in the quality of human interactions. Even as we embrace technology, we should never lose sight of that personal connection in our relationships with each other, for it is this connection and trust that enables us to work together to achieve meaningful results.

5 I start with our relationship with the Judiciary. Your Honour the Chief Justice said in last year’s OLY speech that you wished to begin a series of conversations on the

challenges facing the legal profession today. We are grateful for having had the opportunity to be part of these conversations. They have helped align the strategic goals of our respective institutions and facilitated efforts in building up our future capabilities. At the operational level, we maintained regular dialogues with the Supreme Court and the State Courts in relation to administrative and logistical issues. These working-level meetings contributed to more streamlined processes and reduced disposal time for many cases. This is a good outcome for all parties.

6 On this note, I congratulate the State Courts on its recent move to its new premises in the State Courts Towers, which I have had the privilege of touring. It is a most impressive building and I have already received positive feedback from my officers regarding the new courtrooms and smooth running of court services. I would also place on record my sincere thanks to Justice See Kee Oon, and the judicial officers and staff of the State Courts, for accommodating our request to set aside space and facilities at the State Courts Towers for use by our prosecutors. These space and facilities meet our operational requirements and we appreciate the excellent working relationship that has made all this possible.

7 We also made it a priority to foster good relations with the Criminal Bar through regular interactions, such as luncheons and dialogue sessions with representatives from the Law Society and the Criminal Legal Aid Scheme. Most of what the public sees of the Criminal Bar comes from news reports of trials or appeals where the defence lawyer is already in Court. However, an equally important and understated aspect of the defence lawyer's work is his or her role in the pre-hearing stage, where he or she works

with our prosecutors to narrow down the issues in dispute or to discuss an outcome acceptable to all parties. These efforts, mostly unseen, are critical to ensuring the efficiency and fairness of our criminal justice system. In the recent case of *Seah Kian Li v PP*, for example, the appellant, who was unrepresented at first instance, was sentenced to three months' imprisonment after he pleaded guilty to stealing a tap from the washroom of a police station. After defence counsel came on board for the appeal against sentence, we worked with him and reached an understanding on a more appropriate outcome. As a result, we did not oppose the appeal against sentence. The High Court, in reducing the appellant's sentence from three months to 19 days, observed that the efforts by the Prosecution and the Defence were "*in line with the best traditions of the Bar*".

8 *Seah Kian Li* is a good example of the Prosecution and the Defence working together to achieve a fair and just outcome, with minimal cost and delay for the criminal justice system. For this to happen, there must be a certain degree of openness and trust between both sides. It is my hope that AGC and the Criminal Bar will continue to build upon this spirit of constructive engagement. In this regard, I must express my regret that the traditional AG's Challenge Cup football match between AGC and the Criminal Bar was not held in 2019. Let me assure the Criminal Bar that this was not attributable to any sense of despondency on our part following our losses in 2017 and 2018, and, without putting any pressure on my officers, I can say without qualification or reservation that we will be taking the Cup back in 2020.

9 Another area where we expanded our outreach efforts in the past three years is the public sector legal community, comprising close to 500 lawyers. Following the success of our inaugural Public Sector Legal Forum or PSLF in 2018, we organised the PSLF Seminar Series in 2019. These are seminars held in the year when we do not hold the larger Forum, and are designed to provide a continuing platform for AGC officers and public sector lawyers to discuss legal issues affecting AGC and the public sector. We intend to hold the Forum every two years, and the Seminar Series in alternate years. We also worked with the public sector legal community to formalise a Public Counsel Legal Network, which provides another channel for public sector lawyers to network and collaborate, as well as to identify and discuss Whole-of-Government issues, in order to brainstorm legal know-how and solutions. In addition, our AGC Academy compiles and disseminates our in-house KM bulletins to the legal departments of Ministries and Statutory Boards to update them regularly on notable developments in the law. This creates value because it gives these agencies access to more resources at no extra cost to AGC, while promoting awareness of recent legal developments on common issues relevant to the public sector.

10 The response to our efforts has been very positive. There is a growing consensus among public sector lawyers of the need for agencies to work more closely to achieve a Whole-of-Government outcome. As the biggest legal department in the public sector, AGC will continue to facilitate the development of an ecosystem that will forge a more connected public sector legal community.

11 Next, we must not forget our relationships with our foreign counterparts, particularly in the region. In the past three years, we strengthened cooperation with our partners in South-East Asia, such as, hosting the Meeting of ASEAN Attorneys-General in 2018, and signing Memoranda of Understanding with Indonesia, Laos and Vietnam which facilitated better exchanges of information, training and experiences. We also continued our regular engagements through the annual China-ASEAN Prosecutors-General Conference, as well as the biennial Tri-AGC event involving our counterparts in Brunei and Malaysia. Annual speaking engagements at key platforms such as the Annual Conference of the International Association of Prosecutors have given us further opportunities to make new friends. We also had the privilege of sending delegations overseas to conduct workshops on legislative drafting for our ASEAN counterparts, as well as hosting their officers on attachments with AGC. These bilateral and multilateral ties are of increasing importance at a time where the line between domestic and international law is more blurred than ever, and where effective legal cooperation is needed to address difficult problems such as transnational crime (for example, money laundering and human trafficking) and threats to cybersecurity.

12 Last but definitely not least, I will say a few words about our relationship with our people at AGC. As senior management, it is our responsibility to create the right environment for our people to maximise their potential. We have done so by investing significant resources into our in-house customised training programmes, which are aimed at developing leadership and professional skills. For example, we recently launched our Foundational Leadership Programme, which is an intensive full-time eight-day programme designed to support the transition of an officer from an individual

contributor to one who has leadership responsibilities and influence in the organisation. Our aim is to develop a culture where officers at all levels, not just those holding formal managerial appointments, see themselves as having collective ownership over the organisation, and will take the initiative as and when needed to advance AGC's mission.

13 As part of our continuing drive to develop our people, we have been bringing in experienced and highly qualified external trainers and speakers to supplement our in-house programmes. These include Queen's Counsel, eminent law professors, and experts from other fields. We also curate our training courses regularly to keep our officers up to date on important developments in the legal world. I can never overstate how privileged I am to head an organisation staffed with an incredible corps of legal officers and executives. Their ability, commitment, and desire for continuous improvement give me assurance that the future of AGC is in excellent hands.

Key challenges ahead

14 Although we have done much in the last three years, we have little time to rest. I see two major challenges facing AGC as we head into the new decade. First, we anticipate increasing demands on our officers arising from a mix of domestic and international factors. As a financial centre with an open economy, Singapore is vulnerable to global headwinds. The ongoing uncertainty over various trade wars, Brexit, and the continuing unrest in Hong Kong, present Singapore with a cloudy economic outlook. Nearer to home, there remains a number of outstanding bilateral issues with our close neighbours, such as the status of the Johor Bahru-Singapore Rapid

Transit System Link project. In the longer term, climate change poses an existential threat that Singapore has to mitigate and adapt to, as Prime Minister Lee Hsien Loong recognised in his National Day Rally Speech in 2019.

15 Singapore's commitment to the rule of law makes it imperative for AGC to be ready with legal solutions if the Government has to step in to support the economy or to protect Singapore's security and infrastructure. This is not a simple matter because the issues raised by many of our problems straddle multiple areas of domestic and international law. For example, in our maritime dispute with Malaysia a year ago relating to both countries' overlapping port limits, we had officers from all of AGC's legal divisions supporting the Government in safeguarding Singapore's interests.

16 As we grapple with change brought on by external forces, we also need to prepare on the domestic front for an increase in litigation arising from new laws. For example, the Criminal Law Reform Act introduces long-awaited amendments to the Penal Code. We anticipate that this will lead to more contested cases in the short term as accused persons charged under new offence provisions seek to clarify the boundaries of the law. Outside the criminal justice sphere, we are also readying ourselves to deal with appeals under the Protection from Online Falsehoods and Manipulation Act, which must be heard within extremely short timelines.

17 The long and short of it is that we have to learn to do things better, faster, smarter and cheaper. Although we have been given more manpower to address the Government-

wide increasing demand for legal services, we cannot depend on this alone as a panacea to our problems.

18 The second major challenge is to maintain public trust and confidence in AGC as a fair and independent institution devoted to the rule of law. The world in general is going through a period of declining trust in governments and public institutions. In Singapore's context, maintaining public confidence in the rule of law is critical to our stability and continued relevance. In a world of instant news and connectivity, controversial incidents can ignite public unhappiness quickly and turn into flashpoints. AGC needs to be vigilant and work constantly to dispel any perceptions that some segments of society are treated more favourably than others. This is particularly so in the area of criminal justice, where decisions by the Public Prosecutor are scrutinised closely by the public.

19 To illustrate, there has been a lot of recent debate over the issue of sexual misconduct on university campuses. I can understand how the disparity in outcomes for such cases may touch a raw nerve if people feel that we had given preferential treatment to a particular offender, or that we had simply been too lenient. The simple reality is that no two cases are exactly alike. While I acknowledge the importance of being tough on such offences, my prosecutors and I are also duty-bound to consider all relevant evidence and mitigating factors, such as whether the offender came clean on his own initiative; or whether the offence arose from a mental condition that can be treated.

20 I accept that there will still be cases where people may disagree with our decisions. We cannot totally ignore public opinion when exercising our prosecutorial functions. After all, the public has an instinctive sense of fairness and justice – public opinion can therefore be a common sense check on whether a decision is so removed from logic or acceptable moral standards that it should be relooked. Public opinion is also a useful indicator of the effect of certain types of offences on the community, which in turn affects the need for general deterrence. For instance, public disquiet over accidents to pedestrians caused by errant cyclists and personal mobility device users has shown a greater need to deter careless or reckless riding. We have taken a firm stance against such offences and will continue to do so.

21 At the same time, let me make it clear that our prosecutorial decisions will not be made on the basis of public opinion, because if a decision is grounded on facts, law, and precedent, the fact that it is unpopular does not make it any less right. We will not take action against an accused person if the legal elements of an offence are not made out, even if he or she had done something to provoke a strong reaction. Neither will we pursue a sentence which is disproportionate to the offence simply for the sake of quelling public outrage. Moving forward, we will continue, in appropriate cases, to explain more clearly the basis behind some of our decisions, while also helping the public to understand that sometimes, the rule of law requires us to act contrary to the wishes of the majority.

Looking to the future

22 As we prepare to meet the challenges ahead, our vision of the AGC of the future is guided by a simple mantra: Quality People, doing Quality Work, supported by Quality Systems and Processes. I will elaborate briefly on some of the initiatives we have planned to address each of these aspects.

23 Our people are our most important resource, and it is only natural that we continue to invest heavily in developing Quality People. To complement our foundational leadership training, we will be refining our Senior Officer Management Programme for officers holding Director-level appointments. The programme will equip our senior officers with both leadership skills as well as more exposure to strategic thinking and Whole-of-Government perspectives as they work to shape AGC's future. We have also launched the Executive Development Project, which aims to review existing job competency frameworks for our executives and design new roles and career roadmaps for them. Our executives form an equally important part of AGC together with our legal officers, and the philosophy behind this project is to equip them with future-ready capabilities to focus on higher value work.

24 Next, our vision of Quality Work consists of not just attending promptly to a matter when it arises, but being able to identify and address hot-button legal issues in advance. We have formed teams to look into this. We will also be stepping up our engagement efforts with our clients in the Ministries and our partners in the law enforcement agencies, to better understand their priorities and constraints from the

operational and policy perspectives. This will enable us to render more practical advice and also anticipate likely issues for us to prepare for. We continually strive to benefit the legal community and lay persons directly through our work. For example, given that most lawyers access Singapore legislation online, we plan to make available more historical versions of legislation on the Singapore Statutes Online website. Further, as part of our Plain Laws Understandable by Singaporeans Project, we have released a short video on YouTube accessible via Singapore Statutes Online as an introductory guide to Singapore legislation and how legislation is made. We plan to produce more video guides on topics, such as how to navigate and read Singapore legislation, for the benefit of members of the public.

25 Finally, we will leverage on technology as a driver of Quality Systems and Processes. Technology is changing the legal landscape rapidly and AGC, like every other law firm, must adapt to this or risk being left behind. Your Honour the Chief Justice had cited an example in last year's OLY speech of legal technology being employed for tasks such as document preparation, often bypassing lawyers altogether. We have experimented with such technology and have developed (for example) an automated template that enables public agencies to customise a standard form of Conditions of Contract in procurement matters, which is based on responses to a series of multiple-choice questions. The template has been rolled out for trial with more than 30 public agencies, and more than 90 percent of respondents surveyed reported time savings of between 25 to 75 percent. This one example showcases the transformative effect that legal technology can have on our profession, by enabling routine tasks to be performed much faster and freeing up our lawyers to focus on more complex work. Our

Legal Technology and Innovation Office is currently working on a number of other exciting projects, which I look forward to sharing more details of in due course.

Conclusion

26 I will conclude on a personal note by saying that my time in AGC so far has been an incredibly challenging, yet fulfilling period in my legal career. The past three years have gone by in a whirlwind, and it was with some surprise that I learnt that I am now the third longest serving Attorney-General since independence. While I have no intention of surpassing the record of 25 years of service set by Mr Tan Boon Teik, let me assure Your Honours that my senior leadership and I are committed fully to our continued stewardship of AGC for the immediate future, as we prepare for the next chapter in AGC's history.

27 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.

28 May I also take this opportunity to congratulate:

- Justice Woo Bih Li and Justice Tan Siong Thye, on the extension of their appointments as Judges of the High Court;
- Justice Pang Khang Chau, Justice Audrey Lim and Justice Ang Cheng Hock, on their appointments as Judges of the High Court; and

- Justice Arjan Kumar Sikri and Justice Douglas Samuel Jones, on their appointments as International Judges of the Singapore International Commercial Court.

29 I would also like to extend a very warm welcome to:

- Justice Vincent Hoong, who was appointed as a Judicial Commissioner in April 2019 and subsequently as a Judge of the High Court earlier this month; and
- Judicial Commissioner Mohan Ramamirtha Subbaraman, who joined the Supreme Court Bench earlier this month.

30 I wish Your Honours and all members of the legal community the very best for the year ahead.