

OPENING OF THE LEGAL YEAR 2022

Speech by Attorney-General, Mr Lucien Wong, S.C.

10 January 2022

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

Introduction

1 We have been learning to cope and live with COVID-19 over the past year. Just as we thought we may have turned the page on the pandemic, the emergence of the new variant Omicron has reminded us of how unpredictable this crisis is. Throughout the uncertainty, the Attorney-General’s Chambers (or “AGC”) has stayed the course. We continued to provide critical legal support to the Government as it responded to the various challenges brought on by COVID-19. We have not allowed the pandemic to slow us down. Even in the midst of crisis, we embarked on new initiatives to improve the way we work and to do things more effectively and efficiently. I am very proud of the work done by my Chambers over the past year despite the pandemic, which I will share with you later on in my speech.

2 For now, I would like to shift gears away from COVID-19 and focus on the changes to the Legal Service that will come into effect on 14 January 2022, this Friday. This is a historic moment in the evolution of the Legal Service which was established in 1959. I will begin with my thoughts about the reconstituted Legal Service and how this move will allow us to better prepare the Legal Service for the future.

Part 1: The reconstituted Legal Service

3 I would like to first express my gratitude to past and present Presidents and Members of the Legal Service in particular to Chief Justice Menon, whom I have had the privilege and pleasure to work with, for shepherding the Legal Service to what it is today – a strong, well-respected and highly professional institution that upholds the rule of law, serves the public and safeguards the interests of Singapore. They helped to lay the strongest of foundations for the Legal Service and provided clear guidance for its mission. The spirit of commitment to the rule of law and to public service that they instilled from the outset continues to run through all Legal Service Officers (or “LSOs”) today. Since taking office, it has been a real privilege for me to have worked alongside such a team of dedicated, professional and capable lawyers who are united in their goal to serve the public interest. Further, I cannot understate the quality of the legal talent which we have in the Legal Service. We have to ensure that this precious pool of talent is nurtured, developed, and well taken care of.

4 At this juncture, it would be useful to revisit the context and impetus for the restructuring of the Legal Service. The integrated model of the Legal Service, comprising both the Legal and Judicial branches, has been in place since Singapore's Independence. However, the question of whether the judicial scheme of service should be kept distinct from other parts of the Legal Service had been considered even before that. In the interim report of the Malayanisation Commission, it advised that there should be a scheme allowing officers to transfer between the Legal and Judicial branches. The primary concern then was to give officers a more rounded experience and training.

5 The importance of broad training for the professional development of LSOs continues to be relevant today, but the practice of law has changed dramatically since Singapore's Independence. Matters have grown increasingly complex, requiring not just breadth of legal knowledge but also depth that can only come about with greater specialisation. Criminal activities for example, have become increasingly sophisticated (such as, cyber crimes and large scale money laundering). Legislation has grown exponentially in volume, length and complexity. Singapore's international obligations have become increasingly prominent in the Government's considerations, and the role of a legal adviser has evolved. We have had to sharpen our legal skills and expertise to perform the role of problem-solver – someone who is capable of identifying not just legal but also practical solutions that are fit for purpose. Legal skills remain fundamental, but we also increasingly need domain knowledge in emerging areas and other fields, such as climate change, blockchain and agile application development.

6 Moreover, the Legal Service has grown to a size where the benefits of specialisation now outweigh its trade-offs. In the past, one of the main reasons for a fused Legal Service was the need to preserve flexibility to deploy the limited number of LSOs to fulfil roles in accordance with the fluctuating needs of the Legal and Judicial branches. That need has gradually diminished with the increase in LSOs from just 45 LSOs at the time of Singapore’s Independence to more than 800 LSOs today. The pool of talent is now sufficiently large such that specialisation can be more fully supported without sacrificing the efficient running of either branch of the Legal Service. It was for these reasons that separate “Legal” and “Judicial” tracks were introduced by Chief Justice Menon in 2014.

7 The restructuring of the Legal Service can therefore be seen as a natural progression that comes with maturity and growth. Parliament has assessed that this is the right time for the Legal Service to transition into the next phase, and to embrace specialisation to an even greater degree. As the Attorney-General and President of the reconstituted Legal Service, I welcome this shift and look forward to taking the Legal Service to the next level.

8 Notwithstanding the restructuring, the core function of the Legal Service will remain the same. The Legal Service will continue to be a key pillar of the rule of law. We will continue to discharge our functions without fear or favour. We will continue to provide the highest quality legal support to the Government – be it in the areas of

legislation drafting, providing legal advice and representation, making legal policy, enforcing laws, performing regulatory functions or representing Singapore's interests on the international stage.

9 We will build on these strong foundations that have made the Legal Service the premier service that it is today. The reconstituted Legal Service will comprise some 400 officers in the Attorney-General's Chambers and a further 200 officers deployed in Ministries and Statutory Boards. This easily makes the Legal Service the biggest "law firm" in Singapore. My vision for AGC has always been for it to be the best law firm in Singapore, because the Government and the country deserve nothing less. The Government must expect to receive from AGC legal advice or representation which is at least equal in quality to what the top law firms in the private sector can provide. This vision will now extend to the reconstituted Legal Service, and is grounded on what I term as the 3Qs, namely: **Quality People** doing **Quality Work**, supported by **Quality Systems and Processes**.

Quality Work, supported by Quality Systems and Processes

10 The goal now is to build a vibrant and agile Legal Service that will be prepared to meet the challenges of the future. This will require us to pivot even more towards specialisation than before, to respond to the increasing scope and complexity of legal work. Allowing LSOs to deepen expertise in key areas of legal practice is not new to

my Chambers. The shift to develop niche areas of practice had already started more than a decade ago, with the establishment of what was then the Economic Crimes and Governance Division in AGC in 2011. We continued to move in that direction outside of criminal law, with the establishment of “Specialist Tracks” in litigation, international law and legislative drafting in 2020.

11 We will continue to build depth of expertise to future-proof the reconstituted Legal Service to meet the evolving needs of the Government. I can share two areas for specialisation which we have already identified that will cut across the reconstituted Legal Service.

(a) First, we will be establishing a Corporate Law Cluster to respond to a growing demand for legal support within the Government in the area of corporate law. For example, the Government had, in 2019, announced that it would provide a guarantee for Changi East borrowings, so as to lower the costs of borrowings. And just last year, the Significant Infrastructure Government Loan Act 2021 was passed. This Act allows the Government to borrow for certain significant infrastructure projects, so as to promote intergenerational equity. As public financing policy in Singapore continues to evolve to meet the opportunities and challenges of the day, there is a need to develop a pool of LSOs who are proficient and competent to advise the Government in areas that are currently undertaken by corporate entities, such as fund-raising, borrowings, and provision of guarantees.

(b) Second, we have revamped the Technology Law Cluster to better address the Government's and Singapore's fast-evolving technology law needs. The Technology Law Cluster will build up a pool of Technology Lawyers, with specialist legal skill sets and technology know-how, who can bridge law, technology and policy. This will be done through targeted postings to Government agencies and a structured and rigorous training programme. These LSOs will be deployed throughout the public service, and will deal with cutting-edge legal and regulatory issues that the law has had to grapple with in recent times. For example, the Court of Appeal had to consider in *Quoine Pte Ltd v B2C2 Ltd* [2020] 2 SLR 20 how the well-established contractual doctrine of mistake applied to algorithmic trading in cryptocurrencies. This entailed novel considerations of how the element of knowledge is addressed where a contract is formed without direct human intervention, and whether cryptocurrency may be regarded as property in law. More recently, my Chambers has intervened in a matter that is to be heard by the Court of Appeal next month, concerning the handling of personal data and the underlying privacy concerns which the age of big data has brought about. These cases are some examples of how developments in the law – like much of our lives – have been shaped by technological advances, and how the practice of law in the Legal Service is not immune to the digital headwinds that have impacted other legal practitioners.

12 These specialist Clusters mark the direction that the Legal Service will take in the future – LSOs from across the reconstituted Legal Service coming together to form a community of practitioners and sharing each other’s experience and expertise. They will be given the requisite training to build up the legal skillsets and know-how in specific areas of law. We will continue to work with Ministries to identify new areas of focus early to meet the Government’s critical legal needs, both present and future.

13 With two-thirds of the reconstituted Legal Service comprising of AGC officers, the Attorney-General’s Chambers will become the hub in bringing together the community of public lawyers to take the Legal Service to greater heights. AGC will provide the anchor to identify synergies and foster collaboration across AGC, Ministries and Statutory Boards. This will be done by leveraging on the resources of AGC, as well as the processes that AGC has put in place.

14 For example, the AGC Academy, which was set up to focus on meeting the training and development needs of AGC’s officers, has been renamed the AGC-Legal Service Academy and it will have a widened mandate. The AGC-Legal Service Academy’s new mission is to serve the wider community of public lawyers in the reconstituted Legal Service, and not just AGC. This will ensure that all Legal Service Officers continue to learn and develop their knowledge and skillsets throughout their career.

15 The extension of the AGC-Legal Service Academy’s function is timely, as LSOs at Ministries and Statutory Boards will need to be supported to keep up with the demands of their work, which has grown in tandem with the growing complexity of public governance. LSOs in the Ministries and Statutory Boards will be given access to the same training and legal resources that are available to AGC officers. Training opportunities will also provide an additional avenue for the community of public lawyers under the reconstituted Legal Service to come together to learn from one another, to exchange views on cross-cutting legal issues, and to share legal knowledge and resources. The newly minted AGC-Legal Service Academy will play a major part in all of this as it embarks on its role to support the wider community of public lawyers.

Quality People

16 Beyond training and specialisation, the Legal Service will need to ensure that it is not only able to recruit the best legal minds into the Service, but also retain talent within the Service, in order for it to continue to flourish. Afterall, the Legal Service is only as good as its people.

17 The strength and appeal of the Legal Service will continue to be the sheer diversity of roles that it offers to lawyers who want to make a difference – these lawyers can serve the public interest either in AGC:

- as DPPs in the Crime Division,

- as international lawyers in the International Affairs Division,
- as drafters in the Legislation Division,
- as legal advisors and litigators in the Civil Division,

or these lawyers can serve in legal, policy or regulatory roles in the Ministries and Statutory Boards. All of these opportunities will continue to be available to officers in the Legal Service (in particular, junior lawyers) who may be interested in enjoying the full breadth of legal practice before deciding on their area of expertise.

18 At the same time, we will continue to reap the benefits that cross-service exposure can bring for legal and judicial officers alike. This will be achieved by way of targeted secondments. The Legal and Judicial Service Commissions will work out a suitable framework to ensure that secondments will be a rich and fulfilling experience. For officers who have found their calling in the other Service, permanent transfers between the Services will also be possible, subject to broader considerations which will be refined.

19 To attract and retain talent, we must offer the best opportunities for Legal Service Officers to develop meaningful and deeply rewarding careers as public lawyers. At its core, it is about ensuring that the reconstituted Legal Service remains the place where LSOs feel that they can use their legal skills to make a difference. We will ensure that the Legal Service continues to be a place where LSOs feel proud that they can play a

direct role in serving the public interest, and see to it that laws are made, implemented and enforced fairly and efficiently. I am also conscious that we will need to continue to ensure that our policies and benefits remain competitive and reflect the standing of the Legal Service as a premier service. We will be reviewing our human resource policies, to ensure that the Legal Service remains the employer of choice for the brightest talents in the legal profession.

Part 2: Living with COVID-19

20 Let me now turn to what my Chambers has achieved over the past year. It would be remiss of me not to highlight the hard work my officers have continued to put in, overcoming pandemic fatigue that has inevitably set in.

21 In my speech for the Opening of the Legal Year 2021, I spoke about how AGC had to deal with the unprecedented challenge of providing critical legal support in the face of the evolving public health threat posed by COVID-19. This challenge is manifested in both scale and intensity – not only did AGC’s workload increase substantially, but a significantly larger proportion of the work was urgent and had to be completed within tight timelines.

22 Thankfully, 2021 has been less tumultuous, even if it has not felt like it at times. That is not to say that it has been an easy year by any means. Just as the Nation has

moved towards living with COVID-19, AGC has adapted to our “new normal”. For my officers at AGC, living with COVID-19 has meant continuing to provide urgent and cross-cutting COVID-related advice on all aspects of the pandemic response, and ensuring that those who have breached COVID-19 regulations are dealt with swiftly and firmly.

23 As the COVID-19 situation continued to evolve, and the Nation transitioned from a COVID-zero approach to an endemic situation, the measures required to keep the population safe while balancing other needs also had to be adapted. From the tightening of border control measures when Singapore was put on heightened alert, to the introduction of Vaccination-Differentiated Safe Management Measures, AGC was actively involved in providing the legal assistance required in shaping the Government’s policies as we moved towards a COVID-resilient Nation.

24 If we have learnt any lessons from the past two years, it is that change is the only constant. AGC has continued to stand steadfast through these turbulent times by staying nimble, so as to support urgent policy formulation and strict enforcement action. What served us well last year was not just the domain expertise that we had acquired during the earlier days of our fight against COVID-19, but also the relationships and processes we had established with our stakeholders. These have enabled us to provide quick and targeted legal advice, even at the nascent stages of policy formulation, which in turn allowed Government agencies to react rapidly to the constant changes. With these

foundations in place, we are ready to address the twists and turns that may arise should new COVID-19 variants emerge.

Part 3: Key initiatives in 2021/2022

25 While COVID-19 remained a significant area of focus for my Chambers, we did not take our eye off our other duties and functions, pushing ahead with initiatives to improve the way we operate.

26 We have continued to improve how we deal with existing streams of work beyond COVID-19. Two examples, both related to criminal prosecution, demonstrate the importance we place on ensuring that justice is not only done, but done expediently. We recognise the prejudice that delays in prosecution could cause to both victims and accused persons alike, and have taken active steps to expedite the investigative and decision-making processes.

27 First, since 1 July 2021, my Chambers has deployed around 30 DPPs under the Office of the Public Prosecutor (“OPP”) initiative to the police divisions. These DPPs, who are embedded at the police divisions, have assisted with the early review of investigation papers (“IPs”) and formulating replies to the representations of accused persons. Early feedback has been positive. The dedicated involvement of DPPs at the upstream stage of the charging process has allowed IPs to be cleared quicker and more

efficiently. We have increased the total number of IP-related requests processed by approximately 30% in the last year, despite the OPP scheme being in effect only for the later part of the year. The police divisions have also appreciated the greater ease of access to legal advice and improved channels of communication with my Chambers. With these positive results, we will explore how to further enhance and deepen the benefits gained from this OPP initiative.

28 Second, in order to promote timely and consistent decision-making in the prosecutorial process, we have introduced a follow-through system of assignment for all cases within AGC from 1 July 2021. The same DPP will now oversee a case from the pre-trial stage all the way to its conclusion. This streamlining of criminal case assignments allows a DPP to be intimately familiar with the development of a prosecutorial matter. Apart from contributing to the professional development of DPPs as they oversee the case from start to end, it also allows our law enforcement partners and members of the criminal bar to know which DPP to contact on a case if necessary.

29 We have also continued to engage in constructive dialogue with the criminal bar, which is an essential cog in the wheels of criminal justice. Aside from our regular dialogue sessions, we have worked with members of the criminal bar to develop a remodelled AGC portal for the submission of representations on behalf of accused persons. This automates what currently remains a very manual process, and ensures that representations are dealt with in a timely manner by routing them to the relevant DPPs

as quickly as possible. The portal is currently in the pilot phase, and is already available to members of the criminal bar for the making of representations. We aim to have all members of the criminal bar make representations on the portal by the middle of the year.

30 Another group that we will be engaging and working more closely with this year are the prosecutors in the Ministries and agencies. We would like to better understand their needs on the ground, and to explore how we can support them to meet the growing demands and increasing complexities that they face in their prosecution work. As a start, we will provide them with training and share our legal resources with them. We will also institute short-term secondments of DPPs to these prosecution units to better support their requirements. We are prepared to consider longer-term postings for DPPs to head prosecution units should it be required.

31 Finally, I am pleased to announce that the 2020 Revised Edition of Acts has come into force on 31 December 2021. (The last revision of Acts was in 1985, more than 35 years ago). The 2020 Revised Edition of Acts aims to produce a verified consolidation of 510 in-force statutes as amended up to 1 December 2021. You will see the use of plain English and shorter sentences in the 2020 Revised Edition of Acts. This is a significant step in our drive to ensure that our legislation will be effective, readable and more understandable to members of the public, and not just to judges and lawyers. We have done so without changing the meaning of the legislation. It is a culmination of more than four years of hard work by the Law Revision Commissioners, with the able

support of AGC’s Legislation Division. It was a mammoth task. The scope of the 2020 Revised Edition of Acts comprised 510 Acts and approximately 27,000 pages. This far exceeded the scope of the 1985 Revised Edition of Acts that comprised 387 Acts and approximately 8,000 pages. Some of the key features of the revision include the removal of Chapter numbers for Acts (with the short title of the Act now containing the year of enactment). It also includes the use of gender-neutral language, and the replacement of certain expressions, such as the word “shall” with “must”. For practitioners, academics and law students who are accustomed to citing Chapter numbers for Acts (like myself), there will no doubt be some adjustment when referring to the revised Acts. On the whole, I think most of us can agree that the revision of laws is a change for the better, save perhaps for the few who have fond memories of intense debate over whether the word “shall” in an Act is permissive or mandatory in nature.

Conclusion

32 In conclusion, I am humbled and honoured to be given the opportunity to oversee the transition of the Legal Service into the next phase of its evolution. The Legal Service remains fully committed to discharging the duties and responsibilities that it has been entrusted with. With the professionalism and dedication of the Legal Service Officers today, I am confident that the Legal Service will meet its goal of becoming the best “law firm” in Singapore – one where a strong corps of Quality Lawyers, supported by

the best Quality Systems and Processes, produce Quality Work that upholds and breathes life to the law, always serving the interests of Singapore and all Singaporeans.

33 On behalf of the Attorney-General's Chambers 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 appointment as a member of the International Chamber of Commerce's Governing Body for Dispute Resolution Services;
- Justice Judith Prakash and Justice Tay Yong Kwang, on the extension of their appointments as Justices of the Court of Appeal;
- Justice Belinda Ang and Justice Woo Bih Li, on the extension of their appointments as Judges of the Appellate Division;
- Justice Quentin Loh, on the extension of his appointment as Judge of the Supreme Court of Fiji;
- Justice Chan Seng Onn, on his appointment as a Senior Judge of the Supreme Court;

- Justice Tan Siong Thye, on the extension of his appointment as a Judge of the High Court;
- Justice Kannan Ramesh, on the extension of his appointment as a Judicial Commissioner of the Supreme Court of Brunei Darussalam;
- Justice S. Mohan, Justice Andre Maniam and Justice Philip Jeyaretnam, on their appointments as Judges of the High Court;
- Justice Andrew Ang and Justice Lai Siu Chiu, on their reappointment as Senior Judges; and
- Justice Yuko Miyazaki and Judge Christopher Scott Sontchi, on their appointments as International Judges of the Singapore International Commercial Court.

35 We also bid farewell to Judicial Commissioner Tan Puay Boon, who left the Bench in March last year. Prior to his term on the Supreme Court Bench, he had served with distinction in the Singapore Legal Service for over 30 years, and I would like to show my appreciation to Puay Boon for his contributions.

36 Finally, I would like to congratulate Mr Gregory Vijayendran for completing his very successful term as the President of the Law Society, and Mr Adrian Tan for his election as the next President of the Law Society. As the longest-serving Law Society

President, Mr Vijayendran not only helped to navigate the legal industry through the uncertainty brought about by the COVID-19 pandemic, but he also oversaw numerous initiatives that have helped to strengthen the legal profession. Mr Vijayendran also took upon himself the task of forging closer ties between the Law Society and AGC. Mr Tan certainly has big shoes to fill, but I have every confidence that he will thrive in his new role. I will miss working with Mr Vijayendran as the President of the Law Society, I look forward to working with Mr Tan as his successor.

37 With this, I wish Your Honours and all members of the legal community the very best for the year ahead.
