

Wrap Up Speech by Mr Chan Chun Sing, Minister in the Prime Minister's Office, on the Presidential Elections (Amendment) Bill 2017, in Parliament, on Monday, 6 February 2017

1 First, I would like to thank all the Members for speaking on the Bill. As I emphasised at the start of my speech, this Bill makes amendments to the Presidential Elections Act that operationalises the changes that were made to the Constitution in November last year. The principles underlying the changes were passed by the House last year, and the debate on those changes have passed. This is not the place to re-ignite the debate. I had hoped the debate would take place on the changes in the Bill today.

2 With that, let me deal with the specific matters raised by the Members.

3 These can be grouped into two broad sets of issues. The first set of issues relates to the community committee provisions. The second set of issues relates to election processes. If I have time, I'll cover some of the queries on the campaigning methods and the timing of the election.

Community Committee

4 Let me begin with the first set of issues: the Community Committee. First, let me thank Ms Rahayu Mahzam for making the points that it is important for us to make efforts to maintain our multi-racial and multicultural identity, and that we need to always take care of the rights of minorities. We will continue to work hard to ensure that each Singaporean feels cherished in our society, regardless of which community they are from.

5 Ms Rahayu also had a question on whether an applicant can request for a further invitation to submit a community declaration upon rejection. As the proposed new section 8H(9) points out, the invitation comes from the community committee and is unsolicited. An applicant cannot request for an invitation.

6 I also thank Mr Thomas Chua for raising two points in his speech relating to the community committee.

7 First, the Government agrees that the Community Committee has to be diverse and each sub-committee has to be representative of the community it represents. The 5 members who belong to the Chinese community are to be appointed by the Prime Minister on the nomination of the Presidential Council for Minority Rights after consulting such organisations of the Chinese community as the Council sees fit. This will ensure that the views of the Chinese community will be taken into account in the nomination process.

8 Second, the Government also agrees with Mr Chua that qualified persons must not face difficulties with applications for community certificates simply because they are of mixed parentage. If a citizen whose parents belong to two different communities decides to run and decides to apply for a community certificate, the relevant community sub-committee should adopt an inclusive attitude toward his application.

9 I'll also like to thank Mr Louis Ng for the two suggestions he made in his speech.

10 First, I agree with Mr Ng that the processes should be as transparent as possible. All these are set out in regulations, we are amending this Bill first before setting out the necessary regulations governing how the Presidential Elections Committee and the Community Committee will conduct their meetings. The regulations will also set out the process for applying for the certificates and the information to be furnished by prospective candidates.

11 However, we will not be making the Community Committee release grounds as to why it decides to accept or not accept the community declaration of a prospective candidate. The Constitutional Commission suggested that we adapt the mechanism for determining a prospective candidate's community from the Parliamentary Elections Act, and the mechanism in the Parliamentary Elections Act does not require the Community Committee to release grounds. This has worked well over the years and we see no need to disturb this.

12 Second, Mr Ng suggested that the PEC should set out its reasons for rejecting a candidate. Indeed, the Constitutional Commission said that "it would be desirable for the PEC to give reasons when it rejects applications for Certificates of Eligibility, as this will "provide a measure of transparency and accountability to the process." However, the Commission did not think that the PEC should publicise its reasons for rejecting an application, because that could discourage persons from stepping forward to run for office, for fear of the embarrassment of being rejected in their application for the Certificate of Eligibility and then having the reasons for the rejection made public. The Commission suggested that "a more measured solution would be to require the PEC to furnish to the unsuccessful applicant its reasons for denying the Certificate of Eligibility, and to leave the applicant to decide for himself or herself whether he wishes to make those reasons public." The Government broadly agreed with this suggestion in the White Paper; the PEC should set out its grounds when it rejects a prospective candidate's application, but not publicise it. As this is governed by subsidiary legislation, we will proceed to amend the relevant regulations after this Bill is passed.

13 Mr Vikram Nair made two points in his speech.

14 First, he asked about PM's appointment of the members of the Community Committee upon the nomination of the PCMR. The intention under the new section 8E is for the PCMR to nominate 1 person for the position of Chairman and 5 for each of the sub-committees, and PM will appoint them to the Community Committee accordingly.

15 This mirrors the approach taken with regard to the nomination of the Chairman and Members of the Malay Community Committee and the Indian or Other Minority Communities Committee by the PCMR and their appointment by the President, as set out in the Parliamentary Elections Act.

16 Second, Mr Vikram Nair sought a clarification that the “Other Minority Communities” provision is not intended to be a catch-all for people who do not fit into other categories by ethnicity, but is intended to be only for those who are part of the established minority communities in Singapore. He also asked which groups may fall into the category of such communities at this point in time.

17 DPM Teo provided an answer to this in the debates on the Constitutional Amendments last November. He made clear then that the “Other Minority Communities” refers to groups that have some degree of history, permanence, and established presence in Singapore, such as the Eurasian community.

18 Ms Sylvia Lim made two points. First, she asked, as she did last November during the debate on the changes to the Constitution, about the advice from the Attorney-General's Chambers to the Government on the counting of terms. At the same debate, DPM Teo had confirmed to Ms Lim that the advice referred to by the Prime Minister in his speech is indeed the Attorney-General's Chambers' advice, and invited Ms Lim to challenge it judicially if she thought that it was not correct advice. Ms Lim then suggested that there might be something controversial or confidential that the Government was unwilling to publish.

19 The Government is confident of the advice rendered by the Attorney General. We proceeded on that basis during the debates on the constitutional changes in this House. PM Lee explained to all why we need the hiatus-triggered mechanism, and we passed the Constitutional Amendment Bill. We are here today to put the nuts and bolts in place for a decision made clear by PM during the debates in November.

20 We will not go through this again.

21 Ms Lim spoke about being bewildered.

22 I have also got round to solicit feedback from the public and I am bewildered that you are bewildered because I did not receive the sentiments that you said. The feedback that I have received has not been like that. And if I may just make two points. Ms Lim once again questioned the Attorney-General's advice. I'm a bit bewildered by this. Is Ms Lim suggesting that the AG did not give the Government the appropriate advice? Or that the Prime Minister has not been truthful with the AG's advice? If it's the first, then I think Ms Lim, as suggested by DPM Teo, can challenge this in the courts. But if it's the second, then I'm afraid it's a very serious issue, to cast aspersions on the integrity of our Prime Minister. Ms Lim, you are a lawyer; I'm not a lawyer. You will know that when you get advice, you do not freely publicise

the advice and you may have various reasons why you do not publicise all the advice. And as a lawyer, I think you will know this better than me. So I think we should not impute motives on this Government nor the Prime Minister.

23 To Ms Lim's second point, the proposed amendments state that the Minister must have regard to, to the extent that they are applicable, the prevailing accounting standards and the general law relating to the insolvency of companies.

24 These are standards set by professionals. The Minister does not have unbridled power. And if you think about it, isn't this even better than the Minister setting the rules by himself. We are adhering to the prevailing accounting standards set by the professional bodies and not by someone else who is not from the profession. So if you ask me, I think this is an even stronger system than that proposed for the Minister to decide.

25 Now to give clarity and certainty, we will provide administrative guidelines to applicants.

26 Mr Pritam Singh made several points. First, on language proficiency and the other criteria Mr Singh spoke about, it is up to the Community Committee to look at the prospective candidate holistically, and not hone in on one factor. This is not new; it has worked well in the GRC context.

27 Second, as to whether the President has to be born in Singapore, we should be careful in differentiating between new citizens and those who are born in Singapore. All citizens pledge allegiance to Singapore. They are entitled to exercise their rights, and are expected to live up to their responsibilities. The question of whether a new citizen is accepted as a unifying symbol of Singapore is one that should be left to the electorate to decide.

28 Third, constitutionally, there is no such thing as a First Lady position. There is only the President. If I may refer you to the Hansard, in 2001, then-Deputy Prime Minister Lee Hsien Loong in answer to a question to Mr Jeyaratnam had stated that the First Lady is not a position enshrined in the Singapore Constitution. It is a courtesy term that has been customarily used for the wife of the President, including previous presidents before the Elected Presidency was created.

29 Fourth, Mr Pritam Singh asked about the GRC system. Madam Speaker, I beg your indulgence. This is totally unrelated to the Bill today, but since it was raised, I will deal with it. When Mr Goh Chok Tong moved the motion to explain the GRC system to this House, it was done with a very clear intent to achieve two purposes. Number 1, it was to ensure that this house has sufficient minority members in the house, as a system. Today, we have about one-third of our House with minority members. That is more than what you would expect proportionally from adding up the percentage of Malays, Indians and Other Minorities. So that was the first purpose, to make sure that this house has sufficient minority represented. And I

think over the years we have achieved this by leaning forward and having more than the minimum that we are expected to have. The second reason for the GRC system was to make sure that none of the parties would campaign on issues on a race - religion platform. That we would all, on party lines, campaign on the basis that we are all Singaporeans, that we would not use race, language, religion for political reasons. These were the two very clear reasons why we established the GRC system in this House. The members of the GRC team who are elected to serve their respective GRCs are expected to serve all their residents in the GRC regardless of race, language and religion. Mr Goh Chok Tong was further asked – if one member of the GRC team resigned, or for medical reasons is incapacitated, does the GRC need to hold a by-election? And the answer given was that it is no. Because recalling the two specific reasons that we set up the GRC system – one was to ensure that this house has sufficient minority representation, and given our current circumstances, we have more than what we would expect on a pure proportional representation system. Number two, the aim was to make sure that no party campaigns on the issues of race, language and religion. Number three, all members of the GRC team are expected to serve all their residents regardless of race, language and religion. Madam I beg your indulgence, this is totally unrelated but since it was asked, I will put on record, I will reply. Today we have 25 minority MPs out of 89. Even if we have one less, it is 24 out of 89, which is 27 per cent of Parliament.

30 Let me talk about public sector candidates, which Mr Pritam Singh raised. I do not think that public sector candidates lack experience. Whether it is a public sector candidate or a private sector candidate, they all bring with them their respective suite of experience to the office of the President. These are senior people who have been exposed to a broad range of social, economic and security issues, and they would likely have managed and led substantial organisations and regularly made decisions impacting thousands. As the Commission had noted, these officers would have “experienced the contrary pulls and pressures of government decision making”.

31 Before I leave this point about the process, I also want to touch on one point Ms Sylvia Lim raised. And that is, Ms Sylvia Lim, in your speech you seemed to have suggested or imputed that this Government has all sorts of short-term political objectives to amend the Constitution and put in place this new system. Can I put it to you that this is not the style of this Government. We are here to build for the long haul. We are here to take care of this country for the long haul – we are but stewards entrusted with the responsibility to take Singapore forward. The changes we have made are significant ones. We made it not because there is an immediate issue we have to address, but we made it with a view to make sure issues like this don't come about, especially sensitive issues on race, language and religion. As the debate in November has highlighted, we will be very happy to be proven wrong, that one of these days, we are totally race-blind as we all aspire to be, just like you and for me. But we are all concerned for the future of this country – what if we are not, and what if we are wrong? Then it is our responsibility to do what we can to build a mechanism to best allow us to overcome these difficulties should they arise. It is not for short-term political advantage. If it is for short-term political advantage, let me ask the members of this house – if we are all politicians here

calculating our short-term political advantage, would we expend political capital to do this even? By any measure, any sensible people whom we talk to, they would know that such amendments and the moving of this Bill carries with it high political risk, if not political cost. If this Government led by Prime Minister Lee Hsien Loong is for short-term political advantage, would we do it? Would we expend our political capital to do this? We have no need to do it now because it is not as if we have a problem now but we know, the day when we face a problem, we may not have the chance to discuss this calmly as we do now. So I would urge Members of this House not to impute perhaps our own motives on why we are doing this. We have gone through this in November, and I will repeat this again – we are here for the long haul – we are here to build systems for Singapore for the long haul. Not for short-term political advantage, not for the political advantage of any particular parties - we are but stewards for our nation.

Election Processes

32 Let me continue to talk about the election processes. I would like to thank Mr Ang Wei Neng for supporting the ban on election surveys and exit polls.

33 To Mr Chen Show Mao, the polling station is the lowest unit because voters can drop their ballot papers in any of the ballot boxes in the polling station. This is why even if one box is destroyed and the number of the voters in the polling station is material to the outcome of the election results, we will restart the polls for the affected polling station.

Campaign methods

34 Let me now touch on campaigning methods. The third set of questions were on the campaign methods for the Presidential Elections. I thank Mr Ang Wei Neng and Ms Rahayu Mahzam for speaking on this issue.

35 Let me speak on specific points that the Members raised.

36 The Government believes, like the taxi driver in Mr Thomas Chua's story, that electing a President is an important matter and that voters should be informed and not cavalier in exercising their vote. This is why we have amended the Act to make sure that prospective candidates have to state that they are aware of the limits set by the Constitution on the role of the President, and they will have no excuse if they decide to mislead the electorate on the proper role of the President. The voter must vote in an informed fashion.

37 It would be appropriate here to discuss Mr Ang's question about the statutory declaration that candidates have to make, stating that they understand the role of the Elected President under the Constitution.

38 The Constitutional Commission cited one observer as saying that it was “misleading and a great disservice to the electorate” when previous candidates promised to pursue particular policies if they were elected into office, despite such areas not being within the constitutional remit of the President’s functions. Ms Rahayu alluded to the Commission’s recommendations to deal with this, and said that she saw merits in the proposals. What, specifically did the Commission propose? The Commission proposed that laws be enacted, which:

- a. Require candidates to explicitly declare that they understand the constitutional role of the President before they may be issued a Certificate of Eligibility, in the form of a statutory declaration contained within the application form for the Certificate of Eligibility;
- b. Make it an offence for candidates to make promises or to take positions that are incompatible with the office of President;
- c. Impose a regime of sanctions where a breach of election rules, including a breach of the prohibition in (b), could give rise to a range of possible consequences including criminal sanctions, applications to an Election Judge for declaratory reliefs, and, in appropriate extreme cases, the revocation of a candidate’s Certificate of Eligibility.

Although the Commission suggested criminal sanctions, the Government has decided to take up the first proposal of requiring the statutory declaration.

39 The statutory declaration will ensure that the candidate has applied his mind to the Constitutional limits of the Presidency. It will then be inexcusable if he deliberately chooses to disregard the limits of the Constitution and makes promises or statements exceeding this role.

40 Now, let us be very clear about this. We have put this into the rules and I take it that anyone who runs for the presidency should understand the letter of the law and the spirit of the law. If someone tries to bypass the letter of the law by violating the spirit of the law, I think I leave it to the good judgment of our electorate. That means we have to double our efforts to help all Singaporeans understand the roles prescribed for our elected presidency. This is the Singapore elected presidency, not the elected presidency of some other country with their own unique defined roles. The Singapore elected presidency has two main roles – one, the custodial function for the reserves and the appointment of key appointment holders in the civil service; two, the unifying symbol for our nation. These are the two clear roles for the elected presidency for Singapore.

41 We will step up educational efforts on the importance of the institution of the Elected President. As Mr Chua and Mr Ang have also rightly pointed out, there are also fundamental differences between the Presidential Elections and the Parliamentary Elections. This is a point made several times in the Constitutional Commission’s report, and attempts to draw parallels between the two can be attributed to persons being ill-informed, or worse, intentionally muddying the waters.

42 Mr Ang Wei Neng asked whether we would be increasing the airtime on national TV for candidates, and suggested two televised debates between candidates.

43 The Government will increase the overall national TV airtime that candidates will have to allow the candidates a wide platform to share their views with the public. During PE2011, there were 2 presidential campaign broadcasts for each candidate and 1 TV roundtable session which involved all 4 candidates.

44 The Government will discuss the provision of additional air time for the candidates with MediaCorp. We will consider Mr Ang's suggestion on at least two televised debates when we discuss the format of the additional TV time with Mediacorp. The principle that the Government will adhere to is this - that we will provide candidates with more TV opportunities, which again I emphasize will allow for more effective national outreach. And if I may add, if we just think about it, this actually facilitates and levels the playing field for those without established mechanisms to organise large outreach for themselves.

45 The details will be made known closer to the elections, and candidates may also reach out to voters on a variety of social media platforms as currently allowed.

46 Mr Ang asked about whether candidates can continue to meet voters face to face, and if they can organise speeches in places like the indoor stadium. The answer is yes, they can continue to conduct private meetings at indoor locations.

47 A meeting is considered private if it is not open to the general public. A private meeting will not require a permit under the Public Order Act. An example of a private meeting is where it is open to a limited number of persons who are invited by name to attend the meeting. Candidates can hold such private meetings to engage specific groups of voters. No permit from the Police is required for private meetings. Permits from the Police will be required for meetings that are open to the general public. These would include election meetings which are organised by or on behalf of a candidate and held during the election period (any time on or after Nomination Day but before the eve of the Polling Day).

48 If a candidate intends to have a meeting that is open to the general public at the Indoor Stadium, he will have to obtain a permit from the Police.

49 Let me touch on the timing of the polls as raised by Mr Ang Wei Neng. Mr Ang Wei Neng asked for specifics on the interim period between President Tan stepping down at the end of his term and the new President being sworn into office. During the interim, the Acting President will exercise the powers of the President. According to Article 22N of the Constitution, if the office of President becomes vacant, the Chairman of the Council of Presidential Advisers or, if he is unavailable, the Speaker, shall exercise the functions of the office of President during the period between the date the office of President becomes vacant

and the assumption of office by the person declared elected as President. The Acting President will have the powers of the President.

50 Mr Ang suggested that critics of the Government might have conspiracy theories that the Government will, in this interim period, ask the Acting President to exercise his custodial powers. Let me quickly put such rumours to bed.

51 The Government will be observing a convention in relation to the Elected President. Unless absolutely necessary, for example, in a crisis situation which requires the use of the reserves, the Government will respect that the rationale of the Elected Presidency is for an elected President to be the second key to the reserves and to key appointments.

52 Before I conclude, let me talk about some other points raised by various members. Mr Vikram talked about people with mixed parentage, which was a point that Mr Chua also mentioned. Should there be such a person, and there will be more, we encourage the Community Committee to adopt an inclusive approach. In fact, by adopting an inclusive approach, we're allowing more people to be identified with a certain community. Our approach is actually quite different from the approach suggested by some other members, who want a clearer definition as to who forms what community.

53 Now if I were to take the House a step back, what is the intention, and how do we meet this intent? The intent is simply this: A person identifies himself or herself with a particular community, and that community accepts that this particular person is from the community. Once these two conditions are met, then we have pretty much met our intent. In the hiatus-triggered mechanism, this would be counted towards that particular community. That community will not need to feel shortchanged because someone from that community did not represent them. Because in the intervening years, if someone has come forward to be associated with that community, and that community has accepted that person, then that community would have deemed that it has its own representative within the hiatus-triggered mechanism. So we are going to adopt an inclusive approach rather than try to define extra lines.

54 On Mr Chua's point about giving ample notice, this is the reason why the Government has announced as many of the processes and procedures as we can, as early as possible, for prospective candidates to be familiar with the new processes.

Conclusion

55 Mdm Speaker, let me conclude. The changes that are being made to the Act, such as those pertaining to the Community Committee, are largely consequential to the amendments made to the Constitution that were passed by this House last November. The Government is putting in place the final pieces of the changes to the Elected Presidency. This set of amendments is the result of a review of the election processes. Today we are gathered here to see how best to put in place the nuts and bolts to effect what we discussed in November. Today

is not the occasion for us to reopen the debate. And actually I'm a bit confused; I thought the Workers' Party's proposal last November was one for a Senate, but today it was on appointed presidency. But never mind, this is not the occasion for us to do that today.

56 I spoke at the end of my speech about campaigning methods and timing of the Presidential Election this year. These do not require legislative changes, but the Government is of the view that we should announce them as early as possible to give potential candidates ample notice.

57 I was heartened to hear Mr Thomas Chua's speech that the Chinese, Malay, and Indian Chambers of Commerce are in agreement that meritocracy and multiracialism are two important pillars of Singapore's success. And this is also what I have said in my Malay and Chinese speeches.

58 This Government has never shied away from acting decisively to strengthen the institutions of the State to ensure a better Singapore for our people. We proceed to do so, because we consider this to be in the best long-term interest of our country, and we will take time to explain the changes to our people.

59 The Government believes that the changes to the Elected Presidency will continue to ensure that the office will be held by someone who fulfils the stringent qualification criteria, ensuring meritocracy is not compromised, and will also be held by persons of different communities, reflecting the multiracial nature of Singapore.

60 Throughout the entire process of consultation and changes to the Elected Presidency, the Government has always kept the end goal in mind: ensuring that the Elected President continues to play an important stabilizer role in our system, making sure that our reserves and our key positions are not compromised, and making sure that the Presidency is not politicised, and making sure that the President continues to be, as it was from its inception in the person of Mr Yusof Ishak, a symbol of our unity for the country.

61 With that, Mdm Speaker, I beg to move, and I urge all Members to give your support to the Bill.