

***Systems of Government in Some Foreign Countries:
Singapore***

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Prepared by

Mr Chau Pak Kwan

**Research and Library Services Division
Legislative Council Secretariat**

5th Floor, Citibank Tower, 3 Garden Road, Central, Hong Kong

Telephone : (852) 2869 7735

Facsimile : (852) 2525 0990

Website : <http://legco.gov.hk>

E-mail : library@legco.gov.hk

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EXECUTIVE SUMMARY

1. In Singapore, the Head of State is the President, who is directly elected by the citizens. The President exercises his functions under the Constitution with the advice of the Cabinet or of a Minister acting under the authority of the Cabinet. The President is vested with limited power of veto in financial matters, public appointments and detention for reasons of national security.
2. The Prime Minister is the Head of Government. The Prime Minister is to be one who, in the judgement of the President, is likely to command the confidence of a majority of the Members of Parliament. The Cabinet consists of the Prime Minister and other Ministers, they are to have general direction and control of the government and be collectively responsible to the Parliament.
3. Singapore has a unicameral Parliament which is elected by direct universal suffrage for five-year terms, unless dissolved earlier. The Parliament comprises three categories of members: the Elected Member, the Non-Constituency Members and the Nominated Members. Members of Parliament stand for election in either Single-Member Constituencies or Group Representation Constituencies.
4. In relation to the executive-legislative relationship, the British style of ministerial responsibility is generally adopted in Singapore. Bills may be introduced by the government and by private members of the Parliament. Private Member Bills are rare in Singapore.
5. The Parliament uses a variety of means to monitor the executive, which include question time, debates, and select committee. The Parliament has the power to control taxation and public expenditures. The President has the power to refuse his assent to any government expenditure if he is of the opinion that the expenditure will be drawing on funds not accumulated during its current term of office.
6. Political parties in Singapore are required to register with the Registry of Societies. The Singapore Constitution is a heavily amended one, especially in the 1990s. Many of these amendments related to political structure, including the establishment of an Elected President in 1991, the setting up of a special constitutional tribunal in 1994, and the increase of number of Nominated Members of Parliament in 1996.

SYSTEMS OF GOVERNMENT IN SOME FOREIGN COUNTRIES: SINGAPORE

PART 1- INTRODUCTION

1. Background

1.1 In January 2000, the Panel on Constitutional Affairs requested the Research and Library Services (RLS) Division of the Legislative Council (LegCo) Secretariat to conduct a study on systems of government in some foreign countries.

1.2 This report forms part of the series of studies discussing systems of government. There are seven separate research reports (RP03/99-00 to RP09/99-00) on this subject.

2. Scope

2.1 The scope of the research, as agreed by the Panel, covers

- the election or appointment of the Executive;
- the election or appointment of the Legislature;
- the structural and operational, formal and informal inter-relationships between the Executive and the Legislature; and
- other features of political participation, e.g. referendum, constitutional assembly or constitutional convention, political parties, etc.

2.2 This research studies the systems of government of the United States of America (the United States), the United Kingdom, the French Republic (France), Federal Republic of Germany (Germany), Japan, New Zealand and the Republic of Singapore (Singapore). The United States is chosen because it is a typical form of presidential government. The United Kingdom is chosen because its Executive ministers are all members of the Legislature. France is chosen because its Executive ministers are not allowed to be members of the Legislature. Germany is chosen because it allows but does not require Executive ministers to be members of the Legislature. Japan, New Zealand and Singapore are chosen because their electoral laws have been reformed in recent years.

3. Methodology

3.1 Information for this report is obtained from the Internet, government reports and relevant reference materials.

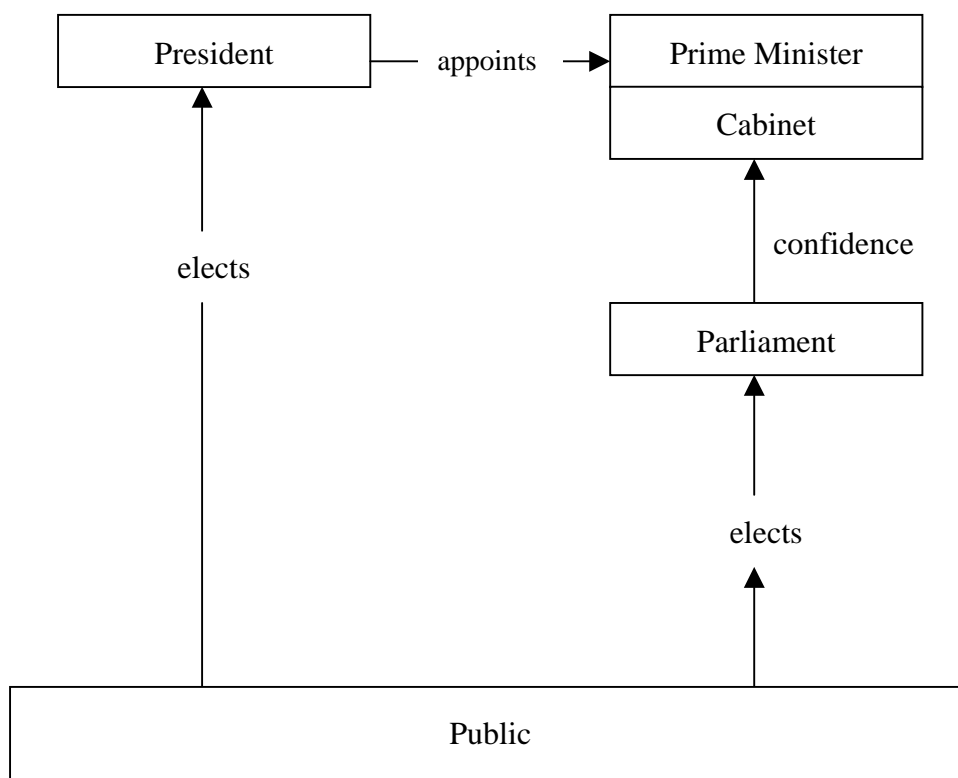
3.2 Unless specified otherwise, all reference to legal articles in this report refer to relevant articles in the Constitution of the Republic of Singapore, as at 27 February 1999.

PART 2- SOME BASIC INFORMATION

4.1 Singapore is a republic with a population of 3.89 million in 1999. It has a parliamentary system of government (see figure 1). The Head of State is the President, who is separated from the Head of Government (Prime Minister). The Prime Minister leads a Cabinet consisting of Members of Parliament. The Cabinet is collectively responsible to Parliament.

4.2 On August 9 1965, Singapore was proclaimed an independent state. In December 1965, the Singapore Parliament passed the Constitution of Singapore (Amendment) Act and the Republic of Singapore Independent Act. The Constitution of the Republic of Singapore was amended in January 1991 to provide for the election of a President by universal adult suffrage.

Figure 1 - Political Institutions of Singapore



PART 3 - THE EXECUTIVE

5.1 Article 13 of the Constitution provides that "The executive authority of Singapore shall be vested in the President and exercisable subject to the provisions of this Constitution by him or by the Cabinet or any Minister authorised by the Cabinet."

6. Head of State

6.1 The Constitution provides for a President who is the Head of State. Prior to 1991, the President was appointed by Parliament and had a largely ceremonial role. In January 1991, the Constitution was amended to allow for an elected President with a fixed term of six years.

Selection of Candidates

6.2 A Presidential candidate is to be a citizen of Singapore, be not less than 45 years of age, be not a member of any political party on the date of his nomination for election, have his name appear on the current register of electors, be a resident of Singapore at the date of his nomination for election and have been a resident for periods amounting in the aggregate of not less than 10 years, not subject to any disqualification requirement for a Member of Parliament, have for a period of not less than 3 years experience as senior government officials, chairs or chief executives of large Singaporean companies or government agencies (Article 19).

6.3 Also, the candidate is required to satisfy the Presidential Elections Committee (PEC) that "he is a person of integrity, good character and reputation." (Article 19). The PEC consists of the Chairman of the Public Service Commission, a member of the Presidential Council for Minority Rights, and the Chairman of the Public Accountants Board (Article 18 (2)).¹

Election Method

6.4 The President is directly elected by the citizens of Singapore. Under the Presidential Election Act, if there is only one candidate for the election, there would be no election and that candidate would be deemed elected as President.

¹ The first two officials were appointed by the Singapore Government.

6.5 In the first direct Presidential election held in August 1993, Mr. Ong Teng Cheong, Secretary-general of the National Trades Union Congress and the former Deputy Prime Minister and Chairman of the People's Action Party (PAP), secured 59% of the vote, defeating Chua Kim Yeow, president of the Development Bank of Singapore. Two opposition leaders applied to contest the presidency but they failed to secure certificates of eligibility from the PEC.

6.6 In August 1999, Mr. S. R. Nathan became the new Singapore President without facing a vote. He was the only candidate that qualified for presidential election. Two other potential candidates were determined to be unqualified by the PEC.

Removal

6.7 All three branches of government in Singapore are involved in the removal process of the President. The process may be initiated by notice of a motion given either by the Prime Minister or a minimum of one-quarter of elected Members of Parliaments (MPs).

6.8 If the motion is adopted by not less than half of the total number of elected MPs, a tribunal appointed by the Chief Justice will inquire into the allegations of unfitness for holding office. The tribunal consists of not less than five judges of the Supreme Court, including the Chief Justice. The President is removed from office by a motion passed by not less than three-quarters of the total number of the elected MPs.

The Council for Presidential Advisors

6.9 The Council for Presidential Advisors consists of six members appointed by the President, two are appointed in the discretion of the President, two on the advice of the Prime Minister, one on the advice of the Chief Justice, and one on the advice of the Chairman of the Public Service Commission (Article 37B). The Council provides advice to the President on certain matters² and possesses the power "to require any public officer or public officer of any statutory board or Government company to appear before the council and give such information"³ in relation to these matters.

² Matters pursuant to Article 21(3) and (4), such as issues pertaining to loan-rising and the appointment of public officers.

³ Art. 37J (1)

Functions and Powers

6.10 The Singapore President exercises his functions under the Constitution with the advice of the Cabinet or of a Minister acting under the authority of the Cabinet. The President is vested with limited power of veto in financial matters, public appointments and detention for reasons of national security.

6.11 The President may act in his discretion in the performance of the following functions (Article 21 (2)):

- the appointment of the Prime Minister;
- the withholding of consent to a request for a dissolution of Parliament;
- the withholding of assent to certain Bills;⁴
- the withholding of concurrence to any guarantee or loan to be given or raised by the Government;
- the withholding of concurrence and approval to the appointments and budgets of the statutory boards and Government companies;
- the disapproval of proposed transactions by the government which is likely to draw on the Government reserves and proposed transactions which is likely to draw on the reserves accumulated by the statutory board or government companies;
- the withholding of concurrence in relation to the detention or further detention of any person under any law or ordinance made or promulgated in pursuance of Part XII (Special powers against subversion and Emergency Powers) of the Constitution;
- the exercise of his functions under the Maintenance of Religious Harmony Act; and
- any other function the performance of which the President is authorised by the Constitution to act in his Discretion.

In performing these functions, the President is, in some cases, required to consult the Council for Presidential Advisors (CPA) and in others, may refer these matters to them for advice.

⁴ Bills related to moneys of the Central Provident Funds, discretionary powers of the President conferred by the Constitution, loans or guarantees is likely to draw on the government reserves, and Financial Supply. A new Article 151A was added to the constitution in 1994 which effectively makes the presidential veto ineffective in respect of any defense and security measures.

6.12 The President is entitled to any information concerning the government which is available to the Cabinet, and any statutory board or government company under his purview (Article 22F(1)).

6.13 The President, according to Article 22(1), may refuse to make an appointment to certain key civil service appointment. They include the Supreme Court Justices, the Attorney-General, the Chiefs of the Air Force, Army and Navy. Articles 22A and 22C provide for the same arrangement concerning members of statutory boards and directors of government companies.

6.14 In 1994, The elected President is empowered to "designate as a significant grade", certain appointments in the Administrative Service and the Administrative (Foreign Service) Scheme of Service. In the same year, a new Article 100 was added to the Constitution, which established a Special Tribunal consisting of not less than three Judges of the Supreme Court to render opinions on constitutional issues referred by the President.

6.15 President Ong Teng Cheong, upon the end of his term, openly acknowledged that he had a number of differences with the Government, one of which was his difficulty in getting a list of the physical assets owned by the country. A White Paper on past reserves was approved by the Cabinet and tabled in Parliament in 1999, which specified rules by which further governments and presidents will have to abide on their dealings over past reserves.

7. Prime Minister

Appointment

7.1 According to Article 25, the President is conferred with the power to appoint an MP as Prime Minister, who in the judgement of the President, is likely to command the confidence of a majority of the MPs.

7.2 Since the founding of the Republic of Singapore in 1959, Mr. Lee Kuan Yew had been the Prime Minister. Mr. Goh Chok Tong became the second Prime Minister in January 1990. In 1990, two Deputy Prime Minister positions were created in the Cabinet, as well as the position of Senior Minister, which has been held by Mr. Lee Kwan Yew since then.

Removal

7.3 When the President is personally satisfied that the Prime Minister "has ceased to command the confidence of a majority of the Member of Parliament" (Article 26), he may declare that office vacant. However, under this situation, the President is required to inform the Prime Minister and to give the Prime Minister the option to dissolve the Parliament instead.

Functions and Powers

7.4 Some of the major powers of the Prime Minister are specified in the Constitution, which include the power to

- summon the Cabinet⁵;
- preside at meetings of the Cabinet⁶;
- charge any Minister with responsibility for any department or subject⁷;
- request a dissolution of Parliament⁸;
- provide advice to President to appoint Parliamentary Secretaries⁹, Permanent Secretaries¹⁰, the Attorney-General¹¹, two members of Council of Presidential Advisors¹², judges of Supreme Court¹³, members of the Public Service Commission¹⁴, and an Auditor-General¹⁵.

8. Cabinet

Appointment

8.1 Article 24 directs that the Cabinet is to consist of the Prime Minister and other Ministers. Other Ministers are appointed, on the advice of the Prime Minister, by the President from among the MPs (Article 25).

8.2 Cabinet Ministers must not hold any office of profit and must not actively engage in any commercial enterprise.

8.3 There are 16 Ministers in the Cabinet, in charge of the Ministries of Communications and Information Technology, Community Development, Defence, Education, the Environment, Finance, Foreign Affairs, Health, Home Affairs, Information and the Arts, Manpower, Law, National Development, and Trade and Industry.

⁵ Article 28 (1)

⁶ Article 28 (2)

⁷ Article 30 (1) (a)

⁸ Article 65 (3)

⁹ Article 31 (1)

¹⁰ Article 34 (2) (a)

¹¹ Article 35 (1)

¹² Article 37(1) (b)

¹³ Article 95

¹⁴ Article 105

¹⁵ Article 148F

Removal

8.4 A Minister, other than the Prime Minister, can be removed by the President in accordance with the advice of the Prime Minister.

Functions and Powers

8.5 Under Article 24 (2), the Cabinet is to have general direction and control of the government and is collectively responsible to Parliament.

9. The Senior Public Officials

9.1 Each Ministry has one or more Permanent Secretaries who are public officers. Permanent Secretaries are appointed by the President with the advice of the Prime Minister. Every Permanent Secretary, under the general direction and control of the Minister, exercises supervision over the department or departments.

PART 4 - THE LEGISLATURE

10.1 Article 38 provides that the Legislature of Singapore consists of the President and Parliament.

11. Parliament House of Singapore

Composition

11.1 Singapore has a unicameral Parliament, which comprises three categories of members. (see Table 1) The first category is the elected members. The Singapore Constitution provides that Parliament consists of such number of elected members as prescribed by law made by the legislature (Article 39(1)a). The number of elected members has been increased from 69 in 1976 to 83 in 1997.

Table 1 - Categories of Members of Parliament

Categories	Number
Elected Member	83
Non-Constituency Members	3
Nominated Members	Up to 9

11.2 The second category is the Non-constituency Members of Parliament (NCMPs). Although the Singapore Constitution provides for the appointment of NCMPs up to six, this number is restricted to only three by the Parliamentary Elections Act. NCMPs may be appointed from among unsuccessful opposition candidates who have had the highest percentage of votes in their respective constituencies (see Table 2). The number of NCMPs will depend on the number of opposition candidates elected into Parliament and is reduced by one for each opposition party candidate returned¹⁶.

¹⁶ For example, if two opposite candidates were elected, only one unsuccessful opposite candidate may be appointed as NCMP.

Table 2 - Provisions for non-elected members of Parliament

	Non-constituency MP	Nominated MP
Purpose	To ensure an opposition element in Parliament in perpetuity	To co-opt alternative, non-partisan views
Powers, privileges, immunities	(a) Same privileges and immunities as per elected MPs (b) Limited voting powers (c) Not town councillors	As per NCMPs
Method of entry into Parliament	Second past the post (a) Top three losers of political parties not forming the government are offered seats (b) Minimally, 15% of the total number of votes must be polled by candidates	Appointed by president (a) Public submits the names of prospective nominees (b) Considered by Special Parliamentary Select Committee (c) Application of Fourth Schedule criteria

Source: Thio Li-ann, "Choosing Representatives: Singapore Does it Her Way," in Graham Hassall & Cheryl Saunders, 1997, *The People's Representatives -- Electoral Systems in the Asia-Pacific Region*, Australia: Allen & Unwin. p. 40

11.3 A provision inserted in the Singapore Constitution in 1990 provides that the President may appoint up to six Nominated Members of Parliament (NMPs) on the recommendation of a Special Select Committee of Parliament.¹⁷ The Committee comprises the Speaker of the Parliament as the chair and seven MPs. Parliament has the discretion to resolve whether to have NMPs for that particular term (see Table 2). The number of NMPs was increased up to nine in the September 1997. Nominations are open to the general public. Each NMP serves a term of two years.

11.4 NCMPs and NMPs have all the rights and privileges as normal MPs but cannot vote on bills to amend the Constitution, supply or money Bills or on a motion of no confidence in the Government. The present Parliament was constituted by General Election held on 2 January 1997, consists of 83 elected members, one NCMP and nine NMPs.

¹⁷ The appointment procedure is spelt out in the Fourth Schedule of the Constitution.

Election Method

11.5 A general election must be carried out at least once in five years. A by-election may also be carried out if one of the Parliament seats becomes vacant. In Singapore, voting is compulsory and each person is entitled to only one vote. Secret ballots are used in the electoral process.

11.6 Members of Parliament stand for election in either Single-Member Constituencies (SMCs) or Group Representation Constituencies (GRCs). In SMCs, the election adopts the first-past-the post system, which means that a candidate who secures the greatest number of votes will be elected.

11.7 The GRC system was introduced in Singapore by a constitutional amendment in 1988. Basically, a GRC is a cluster of three to six single-member constituencies into a larger constituency run by a team of three to six candidates. All candidates must either belong to a single political party or be independents. Each GRC must have at least one candidate belonging to a minority race.

11.8 During the election, the voters in the GRC cast their votes for a team of candidates rather than individual candidate. The team of candidates which secures the highest number of votes collectively becomes Members of Parliament. In 1988, the number of candidates in a GRC was set at three. Just prior to the 1997 general election, this number was increased to a maximum of six per GRC.

11.9 In the 1997 general election, Singapore was divided into nine SMCs and 15 GRCs. The distribution of the SMCs and GRCs is shown in Table 3. All the SMCs were contested, while only six GRCs were contested. The People's Action Party won all the GRCs and all but two of the SMCs.

Table 3 - Distribution of SMCs and GRCs in the 1997 General Election

	Single-Member Constituencies	Group Representation Constituencies		
	Single seat	Six-seat	Five-seat	Four-seat
No. of Constituencies	9	4	6	5
No. of Contested Constituencies	9	0	3	3

Dissolution

11.10 The President has the power to dissolve the Parliament as soon as he is satisfied that a reasonable period has elapsed since the Office of Prime Minister is vacant and that there is no MP likely to command the confidence of a majority of the MPs. The President also has the power to dissolve the Parliament on the advice of the Prime Minister.

11.11 The President ceases to have power to dissolve the Parliament once a notice of motion proposing an inquiry into the conduct of the President has been passed by the Parliament, unless the President has not been found guilty of any allegation of unfitness.

Functions and Powers

11.12 The law making function of the Parliament is provided under Article 58 of the Constitution that " the power of the Legislature to make laws shall be exercised by Bills passed by Parliament and assented to by the President."

11.13 The power to control taxation is also constitutionally provided for under Article 143 of the Constitution that " No tax or rate shall be levied by, or for the purposes of, Singapore except by or under the authority of law.

11.14 Like parliaments in other countries, the Parliament of Singapore carries out functions such as oversight of government policy and monitoring of administration through questions, motions and Select Committees. These functions, which are not clearly spelt out in the Constitution, are only under the Parliament's domain by tradition.

11.15 The Parliament may overrule the President's veto of Supply Bill (See paragraph 6.11(f)) and certain public appointments. When the President, contrary to the recommendation of the Council of Presidential Advisors, refuses to make an appointment or refuses to revoke the appointment of certain senior public officers¹⁸, Parliament may pass a resolution by 2/3 majority of elected MPs to overrule the decision of the President.

11.16 The Parliament also has the power to initiate the process of removal of the President, which has been discussed in paragraphs 6.7 to 6.8.

¹⁸ Include the Supreme Court justices, the Attorney-General, the Chiefs of the Air Force, Army and Navy, members of statutory boards and directors of government controlled companies.

11.17 Parliament enjoys certain special powers during emergency period. A Proclamation of Emergency and any ordinance promulgated by the President within the period of emergency must be presented to Parliament and, if not revoked sooner, will cease to have effect if a resolution is passed by Parliament annulling the proclamation or ordinance (Art. 150 (3)). While a Proclamation of Emergency is in force, Parliament may, notwithstanding anything in the Constitution, pass laws that it deems necessary to cope with the emergency, and no Presidential consent or concurrence is required.

11.18 The Parliament is also conferred by the Constitution to have special powers to promulgate legislation against subversion. Article 149 specifies the circumstances in which Parliament may take steps to stop or prevent subversive actions.

Legislative Procedures

11.19 In Singapore, a bill must pass through several stages to become an Act. These stages include the First Reading, Second Reading, Committee Stage, Report Stage, and the Third Reading. A vote is taken as to whether the bill should be read a second time. Once agreed, the bill is committed to a Committee of the whole Parliament or to a Select Committee.

11.20 Except for Money Bills, bills which affect the defense and the security of Singapore and urgent Bills, the Constitution provides for all Bills to be referred to the Presidential Council for Minority Rights after the Third Reading. This Council determines if any of the Bill's provisions discriminate against any religious or racial minority. If the Council presents an adverse report, the Bill is referred back to Parliament.

11.21 After the Bill is assented to by the President, it becomes an Act of Parliament. The President is conferred with power to veto certain Bills (see paragraph 6.11(c)).

11.22 One statistics shows that from 1990 to 1998, only about 32 bills out of 360 passed were sent to Select Committee.¹⁹ About one to five bills out of roughly 40 bills passed in a year go through Parliament without debate.

¹⁹ The Straits Times, Singapore, 27 March 1999.

PART 5 - EXECUTIVE-LEGISLATIVE RELATIONSHIP

12. Ministerial Responsibility

12.1 Article 24 expressly incorporates the British convention of cabinet government, declaring the Cabinet of Singapore is collectively responsible to Parliament.

12.2 Theoretically, parliament is supposed to hold the cabinet to be accountable through the operation of the doctrine of ministerial responsibility whereby ministers are called upon to justify policies before the Parliament. However, this is a weak sanction since leaders of the ruling party tend to be members of the cabinet in Westminster systems²⁰. This is more evident in Singapore. Since 1968, the PAP has enjoyed total control over the legislature (see Table 4). There is little that a tiny opposition can do in checking government power.

Table 4 - Totals Seats Occupied in Parliament after a General Election, 1968-97

Year	Total Seats	Occupied Seats		PAP's Electoral Support (%)
		PAP	Opposition	
1968	58	58	0	84.4
1972	65	65	0	69.0
1976	69	69	0	72.4
1980	75	75	0	75.6
1984	79	77	2	62.9
1988	81	80	1	62.9
1991	81	77	4	61.0
1997	83	81	2	65.0

13. Initiation of Legislation

13.1 In Singapore, bills may be introduced by the government or by private members. Government Bills usually originate in the various Ministers and government departments. They are drafted by the legal officers of the Attorney-General. Government Bills may be introduced to Parliament by a notice of two clear days.

²⁰ So-called because of their origins in the British prototype at Westminster, London.

Private Member Bill

13.2 Private Member Bills may be introduced into Parliament by a notice of four clear days. The initiation, conception and finalization of its draft provisions are the responsibility of the Member proposing the Bill.

13.3 Article 59(2)²¹ provides that when provisions of a bill or an amendment are either directly or indirectly for tax collection, state expenditure involving the Consolidated Fund or matters relating to the financial obligations of the Government, the bill may not be introduced or moved unless it is recommended by the President signified by a Minister. However, this does not affect legislation which provides for the imposition or alteration of fines, fees or licensing.

13.4 In Singapore, Private Member Bills are rare. In 1994, a Roman Catholic Archbishop's Bill was proposed by a back-bencher at the suggestion of the Government. In the same year, a Nominated MP introduced the Maintenance of Parents Bill and was able to get it through Parliament. Another Nominated MP tabled the Family Violence Bill in 1995, which was defeated in Parliament.

14. Monitoring of the Executive

14.1 The Parliament uses a variety of means to monitor the executive, which include question time, debates, and select committee.

Question Time

14.2 At the start of every Parliament sitting, one hour is reserved for Question Time. Questions are raised with various Ministers on their respective Ministries' responsibilities, for the sake of explanation or requests for assistance and information.

Motions

14.3 MPs can raise, debate and have Parliament resolve any issue through Private Members Motion or claim for the right to raise a matter on the motion for the adjournment.

Select Committees

14.4 Parliament can form Select Committees to study certain matters and to make recommendations to the government.

²¹ Article 59(2) is provided in Appendix I.

Public Accounts Committee

14.5 The Public Accounts Committee examines various accounts of the government showing the appropriation of funds granted by Parliament to meet public expenditure, as well as other accounts laid before Parliament.

Government Parliamentary Committees

14.6 The Government Parliamentary Committees (GPCs) is a party structure created to give government back-benchers a larger role to play in government affairs. Government MPs may serve in any one of the 11 GPCs which is allocated portfolios corresponding to one or more Ministerial portfolios.

14.7 The specialised committees scrutinise the work of the Ministries allocated. They seek assistance from panels of experts, and engage the public in discussions and make recommendations arising are then made to the government.

15. Scrutiny of Public Expenditure

Budget Process

15.1 The Constitution provides that the Finance Minister prepare an annual estimate of revenue and expenditure before the end of each financial year, for the coming financial year, and present it to Parliament after it has been approved by the Cabinet.

15.2 The Finance Minister must indicate whether the estimates will necessitate drawing on reserve funds accumulated by the Government during its current term of office. An audited statements showing Singapore's assets and liabilities at the end of the previous financial year must also be submitted. The Parliament votes only on estimates of expenditure other than statutory expenditures and other designated expenditures, and these three types of expenditures are all included in a bill known as the Supply Bill.

Revision of Budget

15.3 If necessary, a Supplementary Supply Bill may be presented to Parliament covering expenditure in excess of the sum provided by the Supply Act for that year, or for new services or purposes not provided for in the Supply Law. Parliament votes upon a Supplementary Supply Bill in the same manner as the original Supply Bill. A final Supply Bill may also be presented.

Presidential Veto

15.4 The President has the power to refuse his assent to any Supply, Supplementary Supply, or Final Supply Bill for any financial year if he is of the opinion that the Government will be drawing on funds not accumulated during its current term of office. This checks the present Government from squandering the country's reserves built up by previous governments. In forming this decision, the President is assisted by the Council of Presidential Advisors.

15.5 If the President assents to any such bill, notwithstanding his opinion that it will affect reserves, then the President's opinion must be stated in writing, addressed to the Speaker, and published in the official gazette.

15.6 If the President withholds assent from any type of Supply Bill, and no resolution to overrule the President is passed by Parliament²² within 30 days of such withholdings, Parliament may by resolution authorise the expenditure or supplementary expenditure. If this is the case, the amount authorised cannot exceed the amount voted for the same service or purpose in the preceding financial year. If the President does not signify the withholding of assent from a bill, the President is deemed to have given assent and the date of the assent will be deemed to be the day immediately following the expiration of 30 days.

15.7 Until now, no supply bill has been vetoed by the President.

²² Not less than 2/3 of the total number of the elected MPs.

PART 6 - SOME FEATURES OF POLITICAL PARTICIPATION

16. Political Parties

Registration

16.1 There are 23 registered political parties in Singapore.²³ The registration of political parties, like that of other societies, is processed through the Registry of Societies. Under the Societies Act, political parties in Singapore must reflect the principle that Singapore politics is for Singaporeans alone. Articles 4 and 24 of the Societies Act explicitly state that a political party should confine its membership to Singapore citizens. These two Articles also provide that a political party must not be affiliated to or connected with any organisation outside Singapore that is considered to be contrary to the national interest.

Party Finance

16.2 Article 8(3) of the Societies Act provides that 'no person shall be allowed to inspect the accounts of a registered society or be supplied with a copy of or extract from those accounts unless the Registrar is satisfied that the person is a member of the society.'

17. Recent Electoral Reform

17.1 Recent electoral reforms at the Presidential and Parliamentary levels have been discussed in Part 1 and Part 2 of this report.

18. Constitutional Amendments Related to Political Reform

18.1 The Singapore Constitution is a heavily amended one²⁴, especially in the 1990s. Many of these amendments related to political structure, including the establishment of an Elected President in 1991, the setting up of a special constitutional tribunal in 1994, and the increase of number of NMPs in 1996. In recent years, Parliament has fine-tuned the presidential provisions through a series of constitutional amendments, in 1994, 1996, 1997 and 1998.

18.2 Singapore's Constitution is amendable by more than 2/3 of the total number of the elected MPs. Article 5(2) provides that " A Bill seeking to amend any provision in this Constitution shall not be passed by Parliament unless it has been supported on Second and Third Readings by the votes of not less than two-thirds of the total number of the elected Members of Parliament....."

²³ Singapore Facts & Pictures 1998

²⁴ Since independence in 1965, the Constitution has been amended some 30 times.

Case of Elected Presidency

18.3 This report chooses the case of Elected Presidency in Singapore and briefly describes its major developments preceding the constitutional amendment in 1991.²⁵ The idea of having an elected president in Singapore was mooted by the then-Prime Minister Lee Kuan Yew in 1984.

18.4 In 1988, the Singapore Government published the first White Paper, entitled *Constitutional Amendment to Safeguard Financial Assets and the Integrity of the Public Services*. The paper outlined the rationales and recommendations for the creation of an elected presidency. The White Paper aroused considerable public debate.

18.5 In 1990, the second White Paper was published with an accompanying constitutional amendment bill, entitled *Safeguarding Financial Assets and the Integrity of the Public Services: the Constitution of the Republic of Singapore (Amendment No 3) Bill*. The second White Paper spelt out the details of the provisions for an elected President and was presented to Parliament on 27 August 1990.

18.6 Following lengthy debates in Parliament, a Select Committee was appointed. The Committee comprised 12 members including several key cabinet ministers and one opposition member, and was headed by the Speaker. It received a total of 40 written representations and held two meetings to hear oral representations. The main issues of contention were:²⁶

- qualifications and requirements of the Presidential candidate;
- the political affiliation of the candidate;
- whether the President's role should extend to those proposed under the Bill;
- entrenchment of fundamental liberties provisions and term of Parliament;
- the President's discretion in the proclamation of an Emergency;
- the role, composition, and functions of the Council of Presidential Advisors.
- grounds for the removal of the elected President.
- the exclusion of certain statutory boards from the specified list.

²⁵ For a detailed exposition, see Kevin Tan, "The Presidency in Singapore: Constitutional Developments," in Kevin Tan and Lam Peng Er, (ed.) *Managing Political Change in Singapore: The Elected Presidency*, London: Routledge, 1997.

²⁶ Kevin YL Tan & Thio Li-ann, 2nd ed., *Constitutional Law in Malaysia & Singapore*, Singapore: Butterworths Asia, 1997, pp.239-40.

18.7 The Report of the Select Committee and its proposals for amendments were presented to Parliament on 18 December 1990, and a month later, the Bill and its amendments were passed.

19. Referendum

19.1 A referendum is required for amendments to Part 3 of the Constitution, Protection of the Sovereignty of the Republic of Singapore.

Appendix I

Article 59 of the Constitution of the Republic of Singapore

Introduction of Bills.

59. --(1) Subject to the provisions of this Constitution and of Standing Orders of Parliament, any Member may introduce any Bill or propose any motion for debate in, or may present any petition to, Parliament, and the same shall be debated and disposed of according to the Standing Orders of Parliament.
- (2) A Bill or amendment making provision (whether directly or indirectly) for —
- (a) imposing or increasing any tax or abolishing, reducing or remitting any existing tax;
 - (b) the borrowing of money, or the giving of any guarantee, by the Government, or the amendment of the law relating to the financial obligations of the Government;
 - (c) the custody of the Consolidated Fund, the charging of any money on the Consolidated Fund or the abolition or alteration of any such charge;
 - (d) the payment of moneys into the Consolidated Fund or the payment, issue or withdrawal from the Consolidated Fund of any moneys not charged thereon, or any increase in the amount of such a payment, issue or withdrawal; or
 - (e) the receipt of any moneys on account of the Consolidated Fund or the custody or issue of such moneys,
- being provision as respects which the Minister charged with responsibility for finance signifies that it goes beyond what is incidental only and not of a substantial nature having regard to the purposes of the Bill or amendment, shall not be introduced or moved except on the recommendation of the President signified by a Minister.
- (3) A Bill or amendment shall not be deemed to make provision for any of the said matters by reason only that it provides for the imposition or alteration of any fine or other pecuniary penalty or for the payment or demand of a licence fee or a fee or charge for any service rendered.

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