

Open Letter to Infocomm Media Development Authority
on Proposed Amendments to the Films Act

Dear Ms Lee Ee Jia,

Director (Media Policy)

Infocomm Media Development Authority

1. We refer to the [proposed amendments](#) to the Films Act and are heartened by the clarification and update to the licensing and classification scope in view of changes to the media landscape, as well as the formalisation of the co-classification scheme in line with the move towards co-regulation with the media and arts industries.

2. However, we are writing with great unease over s 23A of the draft Films (Amendment) Bill. In particular, we are perturbed by the proposal to grant wide powers under s 23A(1)(a)(i) to classification officers and licensing officers to to enter and search, without warrant, the premises, and to search any equipment, vehicle or other thing at any premises. In addition, s 23A(1)(a)(iii) allows these officers to detain any individual found within those premises until the search of the premises is complete.

IMDA officers should not be given power to enter and search without warrant

3. It is unclear why IMDA officers should be given the power to enter and search any premises without warrant in relation to all offences under the Films Act (Cap. 107, Rev Ed 1998).

4. Under the current law, the Films Act confers the power to enter and search a place without warrant on IMDA officers under s 34(1) in relation to unlawful films, namely obscene and party

political films under ss 29 - 33. The proposed amendment will expand this power to all offences under the Act or any of its subsidiary legislation.

5. The only other provision which confers the power to enter and search without warrant is s 23(2). However, this power is conferred *only* on a Deputy or an Assistant Commissioner of Police or an Assistant Superintendent of Police who may, without warrant, enter and search a place and seize an unauthorised film and to take into custody any person reasonably believed to be guilty of an offence under certain circumstances, such as where the film was not approved for exhibition.
6. It has been noted that the power to enter and search without warrant is a “great one”.¹ Nevertheless, it is a necessary one as then Senior Minister of State for National Development Dr Lee Boon Yang noted. While usually conferred only on police officers, this power is also conferred on non-police enforcement officers in numerous statutes, including the Animals and Birds Act, Fisheries Act, Environmental (Public Health) Act, Control of Import and Export Act and the Sale of Food Act, to allow enforcement officers to take timely action.
7. For instance, in relation to the Endangered Species (Import and Export) Act, Dr Lee explained that the power to enter and search without warrant is necessary because enforcement authorities must be able to act quickly in order to secure evidence and any delay in obtaining warrant of arrest may allow the illegal traders to escape prosecution.² However, such a power is usually confined only to sufficiently serious offences that threaten public safety, health or morality. It is

¹ Singapore Parliamentary Report (26 January, 1989), Vol. 52, cols 563.

² Singapore Parliamentary Report (26 January, 1989), Vol. 52, cols 564.

doubtful whether all offences under the Films Act are of such gravity as to justify the conferment of such a power on IMDA officers.

Lack of clarity in relation to proposed enactment of s 23A of the Films Act

8. There are three grounds of concern with regard to the present proposed amendments to confer such a power on IMDA officers in relation to all offences under the Films Act:
 - a. Such a policy decision must be weighed against competing considerations such as the potential encroachment onto the personal property of private individuals and the abuse of power. It is unclear how these competing considerations are or will be addressed under the Act.
 - b. It is unclear what policy imperatives justify the conferment of the same power in relation to **all** offences under the Films Act, beyond s 34(1). Given that such a power is a “great” one, there should be a sufficiently serious basis for the necessity of this provision.
 - c. It is unclear why the current statutory regime for the police to be responsible for the enforcement and investigations of breaches under the FA is unsatisfactory. The ambiguity may even leave the public wondering whether this may be due to a lack of police resources as suggested by [academics](#), [politicians](#) and the [police commissioner himself](#).

IMDA should reconsider and clarify the proposed enactment of s 23A

9. The spirit of the proposed amendments and IMDA’s time extension to the public consultation to better engage with the Singaporean public on these important issues are laudable. As Prime Minister Lee Hsien Loong noted in a [speech](#) at the Harvard Club of Singapore's 35th Anniversary in relation to public consultation exercises, “an active citizenry will help us to build a national

consensus, engender a sense of rootedness, and enable the Government to serve the people better.”

10. As such, we hope that IMDA will take into account these concerns regarding the lack of clarity over the proposed enactment of s 23A and reconsider its decision to confer such a power on IMDA officers. We also urge IMDA to share to the Singaporean public why such a provision is necessary or expedient in relation to the statutory objectives of the Films Act and the institutional mission of the IMDA before tabling these amendments to Parliament.

11. Thank you very much for your time.

Yours Sincerely,

Concerned Students & Singaporeans

Daryl Yang

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