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PHASE II (AADCP II)

ROADMAPPING CAPACITY BUILDING NEEDS IN CONSUMER PROTECTION IN ASEAN

Consumers International

COUNTRY REPORT: SINGAPORE (FINAL)
(Revised 3 June 2011)

“The final report was prepared by the Consumers International Kuala Lumpur Office (“CIKL”), a not-for-profit company limited by guarantee, as the approved Contractor on the *Roadmapping Capacity Building Needs in Consumer Protection in ASEAN* (“Project”) under the Special Services Agreement signed by and between the ASEAN Secretariat and the CIKL on 9 August 2010. The views expressed in this report do not necessarily represent or are not necessarily endorsed by the relevant agencies in ASEAN Member States. Mention of specific entities, departments and/or government agencies do not necessarily imply endorsement of it by the relevant entities, departments, and/or government agencies of ASEAN Member States. The author of this report can be contacted at consint@ciroap.org.”

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ABSTRACT

Singapore is one of the ASEAN countries that have put in place a relatively comprehensive regime of consumer protection laws. Existing laws cover misleading trade descriptions in all their forms, the provision of safety requirements regarding the preparation and sale of food and medicinal products, and the control of prices and supply of essential goods when these have been determined to be necessary. Legal instruments for the advancing consumer areas that are of interest to ASEAN economic integration, such as product safety and labelling, telecommunication and e-commerce, finance and banking, environment, healthcare and professional services are well put in place.

This report presents the outcomes of an assessment of the capacity building needs in Consumer Protection in Singapore with specific focus on above six-selected consumer areas, contributing towards the ASEAN regional framework. The research project addressed gaps in both human and institutional capacities related to specific needs for improved effectiveness and long-term sustainability in dealing with consumer issues and consumer protection areas. 12 different stakeholders including government agencies, business sector, academic institutions and non-government organisations successfully completed a general survey. Further validation was obtained through Key Informant Interviews involving 8 key informants and another 8 participants at a roundtable discussion. The findings suggest that whilst Singapore has the necessary enabling environment for consumer protection and innovative best practices, it still needs to look at ways that it can enhance the existing framework for consumer protection to encourage and build consumer confidence in the thriving market place in light of emerging issues and concerns within the region. Specifically, there is a need to increase legal access to consumers through more intensive consumer awareness and education programmes. The report outlined some of the recommendations on how to achieve Singapore's envisaged consumer protection for a sustainable future at the domestic level as well as at the ASEAN level without impacting its future development.

Keywords: Consumer protection, capacity building, consumer awareness, best practices, Singapore.

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ABBREVIATIONS

| | |
|------------|---|
| AADCP | ASEAN-Australia Development Cooperation Program Phase II |
| ACCSQ | ASEAN Consultative Committee for Standards & Quality |
| ADM | Asian Dollar Market |
| ADR | Alternative Dispute Resolution |
| AMs | ASEAN Member States |
| APEC | Asia-Pacific Economic Cooperation |
| ASAS | Advertising Standards Authority of Singapore |
| ASEAN | Association of Southeast Asian Nations |
| AVA | Agri-Food and Veterinary Authority |
| B2B | Business-to-Business |
| BTC | Business-to-Consumer |
| CAB | Conformity Assessment Bodies |
| CAC | Codex Alimentarius Commission |
| CASE | Consumers Association of Singapore |
| CI | Consumers International |
| CIKL | Consumers International Kuala Lumpur |
| CMA | Computer Misuse Act |
| CMC | Community Mediation Centre |
| CME | Continuing Medical Education |
| CNG | Compressed Natural Gas |
| COC | Certificate of Conformity |
| CPFTA | Consumer Protection (Fair Trading) Act 2004 |
| CPM | Chinese Proprietary Medicines |
| CPS Scheme | Consumer Protection (Safety Requirements) Registration Scheme |
| EDB | Singapore Economic Development Board |
| ENV | Ministry of Environment |
| ETA | Electronic Transactions Act |
| FBO | Facilities-Based Operators |
| FIDReC | Financial Institution Disputes Resolution Centre |
| FSC | Food Standard Committees |
| GBP | Great British Pound |
| GDP | Gross Domestic Product |
| GHS | Globally Harmonised System |
| GMAC | Genetic Modification Advisory Committee |
| GMOs | Genetically Modified Organisms |
| GNP | Gross National Product |
| HES | Household Expenditure Survey |
| HSA | Health Science Authority |
| IBTRM | Internet Banking and Technology Risk Management |
| IDA | Infocomm Development Authority |
| IE | International Enterprise (Singapore) |
| IEC | International Electrotechnical Commission |
| ISO | International Organisation for Standardisation |
| ISP | Internet service providers |

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| | |
|----------|---|
| IT | Information Technology |
| MAS | Monetary Authority of Singapore |
| MCAC | Milk for Children Advisory Council |
| MND | Ministry of National Development |
| MOH | Ministry of Health |
| MRA | Mutual Recognition Arrangement |
| MTI | Ministry of Trade and Industry |
| NEA | National Environment Agency |
| NEA | National Environment Agency |
| NGN | Next Generation |
| NPB | National Productivity Board (Singapore) |
| PASC | Pacific Area Standards Congress |
| PCD | Pollution Control Department |
| PSB | Productivity and Standards Board (Singapore) |
| PUB | Public Utilities Board |
| QOB | Qualifying offshore banks |
| SBMG | Singapore Breastfeeding Mothers' Group |
| SBO | Service-Based Operators |
| SCT | Small Claims Tribunal |
| SD | Singaporean Dollar |
| SDC | Singapore Dental Council |
| SEC | Singapore Environment Council |
| SGA | Sale of Goods Act |
| SIAC | Singapore International Arbitration Centre |
| SIP | Standards Implementation for Productivity |
| SISIR | Singapore Institute of Standards and Industrial Research |
| SMC | Singapore Medical Council |
| SNB | Singapore Nursing Board |
| SPB | Singapore Pharmacy Board |
| SPRING | Standards, Productivity and Innovation for Growth (Singapore) |
| SRA | Singapore Retailers Association |
| STC | Special Technical Committees |
| TAS | Telecommunication Authority of Singapore |
| TCMPB | Traditional Chinese Medicine Practitioners Board |
| TSAS | Toy Safety Authority of Singapore |
| UCTA | Unfair Contract Terms Act |
| UNFCCC | United Nations Framework Convention on Climate Change |
| UNICTRAL | United Nations Commission on International Trade Law |
| WHO | World Health Organisation |
| WTO | World Trade Organisation |

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EXECUTIVE SUMMARY

Singapore develops its economy based on a liberal trade and investment regime and the Government is constantly seeking to improve the operating laws and regulations to ensure the business environment is market-driven while looking at the interest of consumers. Singapore regards the purpose of regulation as providing prudential supervision (e.g. the financial services sector), ensuring public safety, protecting consumer interests and national security. In particular, the Legal protection of consumers is something that is taken as priority in all the major industrial countries where technical advancement is in a progressive stage with distribution of goods as well as the supply of services have long become facts of life. Such countries have already put in place an array of laws and institutions that work towards the protection of the consumer. Singapore, which is racing to break into the league of industrial and commercial nations, has also embarked on developing the same kinds of tools for the protection of consumers. Singapore, a member of ASEAN and the founding member of WTO, is a small, open, highly diversified economy recording long-term growth at the top of international rankings. Singapore's seventh place ranking in the 2007-2008 Global Competitiveness Index published by the World Economic Forum places it ahead of all other APEC economies except the US. Furthermore, the Nielsen Global Consumer Confidence Index 2010 indicates that consumer confidence in Singapore is high. However, they are also mindful of increasing costs.

Singapore ranks first in the World Bank's index of the ease of doing business and second in economic freedom behind Hong Kong, China. Singapore takes justifiable pride in a 40-year development strategy that enabled the economy to move up the value chain by adopting measures to respond to the changing global economy as well as the consumer needs. However in order to further enhance consumer protection in Singapore to the next level, specific capacity building programmes for relevant stakeholders would help to provide consumers with much better protection, not only nationally but also at the ASEAN level.

In general, in order to enhance consumer protection in Singapore, the stakeholders have to overcome the following five major difficulties:

- Inadequacy of Laws
- Inadequate finances
- Inadequate Inter-agency co-ordination
- Inadequate experienced and qualified staff
- Inadequate number of staff

The following are the forms of assistance that are needed to overcome the existing gaps for effective implementation of Consumer Protection such as:

- Fund raising training
- Regional partnerships
- Staff exchange
- IT system (e.g. database management)
- Certified programmes on consumer studies
- Training on specific consumer specific issues
- Study and exposure visits
- Seminars and conferences to raise awareness

1. INTRODUCTION

1.1 STUDY BACKGROUND

This Country Report is part of the research titled '*Roadmapping Capacity Building in Consumer Protection in ASEAN*' and is complemented with a Subgroup Report and a Regional Report. It is a project of the ASEAN-Australia Development Cooperation Programme (AADCP) Phase II, which aims to strengthen consumer protection in the region as well as in individual ASEAN Member States (AMSs). The major output of this research is a regional capacity building roadmap on consumer protection and supporting roadmaps for each of the AMS. The roadmaps were based on the following information that were gathered and presented in this report:

- a mapping of consumer protection policies, laws and regulations in AMS
- consumer education programmes, initiatives and best practices
- capacity building needs of major stakeholders in consumer protection and recommendations

The overarching framework of the study is primarily based on the UN Guidelines on Consumer Protection (1985), which has been further espoused and reiterated by Consumers International into 8 fundamental rights as follows:

1. The right to basic needs
2. The right to safety
3. The right to information
4. The right to choose
5. The right to representation
6. The right to redress
7. The right to consumer education
8. The right to a healthy environment

The following key principles are also adhered to in the development of the national road map, contributing towards the regional framework:

Protection: Consumers should be protected from unfair practices

Responsibility: Transparent law in addition to effective consumer programmes to enable consumers to have sufficient information in order for them to exercise their responsibilities

Enforcement: There should be prompt and efficient enforcement of law to deter breaches of the consumer protection laws by businesses

Change: new and emerging consumer issues are identified so that law is updated and consumers have access to relevant information on these issues in order to make informed choices.

Competition: free and open competition is generally beneficial for consumers and Government regulations and law help to ensure a fair environment in the marketplace for consumers and businesses

Representation: Legitimacy for representation by non-governmental consumer organisations must be recognised such as the right to association

Consumers International Kuala Lumpur (CIKL) Office carried out the study in cooperation with its members in the AMS and partners, or appointed local focal points. In Singapore, the study was done with Consumers Association of Singapore (CASE), as the local focal point.

CI is a not-for profit federation of consumer groups that serves as the only independent and authoritative global voice for consumers. Founded in 1960 and with over 220 member organisations in 115 countries, it is building a powerful international movement to help protect and empower consumers everywhere. The Kuala Lumpur office is CI's regional office for Asia Pacific and the Middle East.

Organisation of Report

This report is organised into 6 Chapters. Chapter 1 provides general background on Singapore and a general state of consumer protection in the country. Chapter 2 outlines the methods applied for data gathering that led to the outcomes and findings presented in this report. Findings of the project are presented in Chapters 3, 4 and 5. The general mapping and situational analysis on national legislation and consumer protection programmes are presented in Chapter 3. Chapter 4 covers the assessment on the capacity building needs of the various stakeholders that took part in the project, and Chapter 5 presents some recommendations and the national Roadmap for capacity building needs in consumer protection at the national level. Finally, Chapter 6 draws an overall conclusion of the report.

1.2 COUNTRY BACKGROUND

Singapore is a small, open, highly diversified economy recording long-term growth at the top of international rankings. It ranks first in the World Bank's index of the ease of doing business in the Country. Singapore has a multi-racial population, which is predominantly, Chinese (75%) and it is one of the world's most densely populated countries. Over 85% of the population is concentrated in the heavily populated urban centre.

The life style is a mixture of East and West while the culture is strongly influenced by the Chinese. Among the people, traditional values such as strong family ties and close social relationships are still dominant in the society. In Asia, Singapore is the second wealthiest country only after Japan. It has a per capita income high enough to be classified by the United Nations as a developed country. The country is advanced, modern, highly commercialised and it has all the business infrastructures of a developed Western society.

The spending power and high consumption trends have made Singapore a relatively strong consumer market for targeted products and services. The Household Expenditure Survey (HES) 2007-2008 conducted by Department of Statistics, Ministry of Trade & Industry indicates that housing and related expenditure, food and food serving services and transport accounted for the largest share accounting for over 60 % per cent of the monthly household expenditure consumption. According to the Survey, spending on healthcare grew by 5.8 per cent per annum between 2002/03 to 2007/08 from Singaporean Dollar (SD) 170 to SD 230. Specifically, there were increases in expenditure on hospitalisation, specialised medical treatment, dental services and pharmaceutical products.

With higher spending on school fees, private tuition and other educational courses, the average monthly expenditure on educational services rose from SD 200 to SD 230 in the last 5 years. Average monthly household spending on communications increased from SD 170 in 2002/03

to SD 210 in 2007/08, an increase of 4.1 per cent per annum. This was attributed to the higher spending on mobile phone subscriptions and call charges as well as Internet subscriptions, reflecting the increased ownership of mobile phones and Internet subscriptions among households. In contrast, average household expenditure on residential telephone fixed-line subscriptions and call charges declined. Spending on recreation and culture declined from SD 450 in 2002/03 to SD 380 in 2007/08.

1.3 CONSUMER PROTECTION IN SINGAPORE

1.3.1 General Overview

Consumer law relates essentially to the prescription of safety, labelling, advertising and service standards and the provision of redress (civil, administrative and criminal) in cases where businesses fail to meet those standards. The underlying objective is to prevent or reduce losses and injuries that buyers might suffer from unfair trade practices and unsafe products. In a sense, this may amount to instituting an equitable distribution in the society of such losses (distributive justice).

In terms of substance, the development of consumer law in Singapore owed more to criminal and administrative law than to civil law¹. The common law was slow to react or came too late for consumers. Statutes therefore seemed more suitable than accumulating precedents. Common law contributed to the protection of consumers through the requirements gradually imposed on traders of supplying goods that are of merchantable quality and reasonably fit for the buyer's purpose².

Consumer law in Singapore can be regarded as a derivative of sales law (narrowly conceived) or of marketing law (in a broader sense)³. It is commonly understood that sales law expanded greatly after the industrial revolution when mass production of goods became possible and previous notions of intimate knowledge between seller and buyer disappeared and the relations became more and more de-personalised. The notion of caveat emptor embedded in early sales law became less and less relevant when not only mass production but mass marketing and packaging of goods made it difficult for the buyer to inspect, examine or try the goods before taking them home.

Contracts: It is well known that the English Sale of Goods Act (SGA), first issued in 1893 and later revised in 1979, attempted to codify the law regarding sale transactions in light of the vast changes brought about by the industrial revolution. This was later adopted in Singapore and renamed as well as amended⁴. The SGA enabled protection of the consumer only when the

¹ For an introduction to the evolution of consumer protection law in the UK, see Gordon J. Borrie, *The Development of Consumer Law and Policy—bold spirits and timorous souls*, London:Stevens, 1984.

² *Laing v Fidgeon* (1815) 128 English Reports 974; and *Jones v Bright* (1829) 130 English Reports 1167, respectively

³ JG Collinge and BR Clarke, *Law of Marketing in Australia and New Zealand*, Butterworths, Sydney--Wellington, 2nd edition 1989.

⁴ The Sale of Goods (Amendment) Act 1996, No.43 of 1996, has made some changes, in line with the recommendations of the English Law Commission, in the concept, e.g., of merchantability and replacing it

seller failed to stipulate anything. This meant that it was open for the seller to pre-empt such protection by including an exemption clause and, consequently, wiping out the remedies that the common law as codified would have offered to the consumer.

The introduction of the Unfair Contract Terms Act 1977 (UCTA), Cap 396, put a stop to the possibility for the seller to manoeuvre himself out of possible obligations towards consumers that the SGA recognised. The UCTA stipulates that if one of the parties is a consumer or, to use the exact terms, “dealing as a consumer”, the liability of the seller for lack of title, merchantability or fitness for purpose cannot be excluded or restricted. Moreover, it allows no exclusion of liability for death of or injury to persons. In all other situations, the law allows exclusion from liability where it is reasonable to do so, pursuant to such a determination based on Section 11 and Schedule 2 of the UCTA. Although the latter may not be clear or simple to apply, the fact that businesses have been spared of a strict liability across the board suggests that a compromise approach was preferred in the interests of businesses.

Prices: In order to control prices, the Price Controller appointed by the Minister of Trade and Industry under the Prices Control Act (Cap 244), has powers to order the exhibition of price for any goods⁵. He is empowered further to a) fix maximum prices for sale of goods (including delivery) or maximum charge for services (s.4); b) determine wholesale or retail quantity of goods (s.4); c) declare in the Gazette any goods or class of goods as controlled articles (s.5); d) prohibit purchase, sale or barter, import or export or limit retail sale or wholesale of same (s.5)

However, under the Control of Essential Supplies Act the Controller of Supplies receives the list of “controlled articles” via an order of the President who appears to have exclusive power in this regard in relation to control and rationing of essential supplies. The scope of articles that may be designated as subject to control is not limited either. Furthermore, the Controller depends on the Minister for detailed regulations to prohibit or restrict, partially or fully, the purchase or sale, import or export of any controlled article. The power of the Controller of Supplies is limited to regulating the wholesale or retail trade in controlled articles through the issue or withdrawal, or renewal of licenses or permits.

1.3.2 Product Safety and Labelling

Consumer concerns with regards to Product Safety in Singapore include raising complaints on Services –like beauty saloons and slimming centres, healthcare products and children's toys. Specifically, toys were found with excessive levels of toxic chemicals that can cause health problems in children. Product Testing on 50 toys (all imported from China) commissioned by CASE in August 2010 was found to contain two toxic chemicals Di-n-butyl Phthalate (DBP) and Di-2—ethylhexyl Phthalate (DEHP). This raised the need for clarity in the laws, regulations and guidelines that would probably require better inspections and possibly for a regulator. Other consumer concerns include low level of awareness and knowledge amongst consumers on the importance of labelling and SAFETY Mark.

with “satisfactory quality”. We have to wait and see whether the changes are merely cosmetic or expand the protection already available in the Sale of Goods Act.

⁵The Price Control Act, s 8.

For the safety of consumers, the Ministry of Trade and Industry gazetted the Consumer Protection (Safety Requirements) Regulations 2002 to ensure that household appliances designated as controlled goods meet specified safety standards and are safe for normal use. However, prior to the enactment of the above gazette, the Singapore Standardisation Strategy was developed in 2001. To assist in the implementation of the Regulations, SPRING Singapore⁶ is appointed as the Safety Authority to administer the Consumer Protection (Safety Requirements) Registration Scheme (CPS Scheme) to ensure designs of controlled goods meet specified safety standards before the products are made available to consumers in Singapore.

To date, there are 45 types of household electrical, electronic and gas products designated as controlled goods. These controlled goods must be tested to ensure that their designs meet the relevant safety standards before the Safety Authority register them. All controlled goods must bear the SAFETY Mark. Products with the SAFETY Mark are denoted as controlled goods that have been tested and found safe for use.

Consumers when purchasing any of the controlled goods are encouraged to “insist on the SAFETY Mark”. The SAFETY Mark comprises a safety logo enclosed in a square and a rectangle with the word “SAFETY Mark”. Below these is a unique 8-digit certification number traceable to the registered supplier’s certification.

Standards are developed by SPRING Singapore, which also administers the Standardisation Programme, where committees with experts from industry, businesses, research institutions, academia, government bodies and consumers are involved. Till date, Singapore has 712 standards in use by industry. Of these, 75% are voluntary while 25% are mandatory. As the national standards body, SPRING Singapore collaborates closely with about 1,300 standards partners who sit in 140 committees. Singapore’s industry is given an opportunity to shape international standards to reach international markets through:

- Active participation in 38 International Organisation for Standardisation (ISO) standards committees and seven International Electrotechnical Commission (IEC) standards committees
- Singapore industry’s leadership positions in eight international standards committees which are in key industry sectors, such as :
Building and construction, Chemical, Electrical and electronic, Food manufacturing, General engineering and safety, Information technology, Management systems, Medical technology

Supported by an industry-led Standards Council, SPRING develops and promotes the adoption of standards in target industry sectors. The Standards Council is responsible for:

- Providing strategic directions for the national standardisation programme

⁶ SPRING (Standards, Productivity and Innovation for Growth) Singapore, formerly known as Productivity and Standards Board (PSB), was formed as a result of the merger in April 1996 between the National Productivity Board (NPB) and the Singapore Institute of Standards and Industrial Research (SISIR). The purpose of the merger is to bring together the soft skills of productivity handled by NPB and the technical aspects handled by SISIR. In April 2002, PSB was renamed as Standards, Productivity and Innovation for Growth (SPRING Singapore) to signify the shift towards an innovation-driven economy, and its new role in promoting creativity to sustain growth for Singaporeans.

- Mapping out the overall standardisation policies and priorities
- Determining the areas of standards work
- Providing the necessary guidance for the implementation of Singapore's Standardisation Programme

Two Special Technical Committees (STC) covering supply chain and tourism and exhibition services report to the Standards Council. Three policy committees have also been formed under the Standards Council to advise the Standards Council on these following new areas:

- Renewal Energy and Energy Efficiency which mirrors the ISO Strategic Advisory Group on Renewal Energy and Energy Efficiency
- Energy and Environment
- Security which mirrors the ISO Strategic Advisory Group on Security

A total of 111 Standards Implementation for Productivity (SIP) projects have been initiated since 1997. They cover areas such as chemical, electrical and electronics, food, general engineering and safety, information technology and services standards. SIP is a key initiative of the Singapore Standardisation Programme to encourage industry to carry out pilots of standards that have a high impact on productivity and competitiveness. This will then encourage the relevant industries to implement the standards. SIPs will help Singapore-based enterprises in the use of Singapore Standards or other relevant standards that have a high impact on productivity and competitiveness. The intent is to catalyse the use of standards through pilots involving at least three enterprises that will eventually benefit the entire industry concerned. Co-funding is provided for the SIP pilot projects, which will determine the benefits of the standard to encourage other industry members to adopt the standard.

Singapore aligns standards development with international standards to help ease entry into overseas markets for Singapore's exports by minimising technical barriers to trade. Where international standards can be adopted by locally without modification, Singapore helps to promote industry awareness and use of these standards.

At the regional level, SPRING Singapore also participates actively in regional standardisation work such as in the Asia Pacific Economic Cooperation (APEC) Sub-Committee on Standards & Conformance (SCSC), the ASEAN Consultative Committee for Standards & Quality (ACCSQ) and the Pacific Area Standards Congress (PASC).

The study found out that Labelling Laws are referred to different products and services in Singapore. However, much emphasis has been made to labels on chemical products, food and medicinal products.

In addition, SPRING Singapore introduced the Accuracy Label for all weighing and measuring instruments for trade use. Accuracy Label helps consumers to identify weighing and measuring instruments for trade use that have been verified accurate at the point of verification. The Label is affixed on a prominent part of weighing and measuring instruments verified by SPRING or its Authorised Verifiers. Some examples of weighing and measuring instruments include: Spring balances, Postal scales, Price computing scales, Jewellery scales, Airport baggage weighing machines, Truck scales (weighbridges), Petrol/diesel/compressed natural gas (CNG) dispensers, Flow meters, Metre rules, Liquor measures

Consumers play a role to ensure fair weights and measures by:

- Looking out for the Accuracy Label on weighing and measuring instruments for trade use
- Reading the weight or measure display when goods are being weighed or measured
- Reading the weight or measure labels on pre-packed goods
- Asking the seller to weigh or measure the goods again if one feels that it has not been done correctly.

The Globally Harmonised System (GHS) system under Singapore Chemical Industry Council regulates companies dealing with chemicals (chemical users) on the use of GHS system for chemical classification and hazards communication through the use of labels and safety data sheets according to the requirements of the GHS.

With regards to labelling of foods, all pre-packed foods, including drinks sold must be properly labelled. The Food Control Division of the Agri-Food and Veterinary Authority (AVA) enforces the labelling laws pertaining to food.

The following information must be provided in English:

- Product name
- List of ingredients in descending order of proportions by weight.
- Name and address of manufacturer, importer, packer and distributor.
- Country of origin of the product.
- Additional information as required by the Food Regulations.
- Expiry date (if applicable)

Under regulation 9 of the Food Regulations, false or misleading statement, word, brand, picture, or mark purporting to indicate the nature, stability, quantity, strength, purity, composition, weight, origin, age, effects, or proportion of the food or any ingredients are not allowed to be used on food labels and advertisements, unless otherwise specified.

The use of claims for therapeutic or prophylactic action; claims which could be interpreted as advice of a medical nature from any person; claims that a food will prevent, alleviate or cure any disease or condition affecting the human body; and claims that health or an improved physical condition may be achieved by consuming any food, is also prohibited.

The use of the word “pure” is acceptable only if the food is free from other added substances or is of the composition, strength and quality required under the Regulations.

There are 2 levels of labelling requirements for medicinal products in Singapore:

- **Administrative labelling requirements** – These are not statutory requirements and are specified in the Health Science Authority's (HSA) Guidance on Medicinal Product Registration in Singapore. Compliance with these labelling requirements is checked during the product registration process, prior to grant of marketing approval for the product.
- **Legal labelling requirements** – These are stipulated in the laws related to medicinal product regulation in Singapore. Compliance with these labelling requirements are checked as part of HSA's surveillance programme

In Singapore, the legal framework for product liability redress straddles both contract and tort law and there is no distinct body of rules that make up product liability law. The general objective of product liability law is compensatory in nature. It seeks to provide remedies for loss or damage caused by defective products by imposing liability on the manufacturer. Product liability in terms of defect in the goods is based on contract law, as the cause of action depends on the contractual nexus between the buyer and the seller while the remedies are contractual in nature as there is no general statutory liability for unsafe products in Singapore.

The Agri-Food and Veterinary Authority (AVA) is the national authority for food safety in Singapore. AVA sets stringent food safety standards that are consistent with international standards. It ensures that up-to-date food law is in place, and is properly enforced through inspection and testing programmes. AVA also educates consumers on food-borne hazards and how to keep food safe.

There is a Food Standard Committees (FSC) in SPRING that spearheads food standardisation work to develop Singapore into a vital food hub by nurturing and fostering the growth and productivity of local food & beverage industry. The scope of FSC includes the development of the technical direction of international food standards in the field of human foodstuffs, food handling, processing and related activities of the food industry and food retail services, which covers catering, restaurants, food courts, coffee shops and supermarkets. This includes active participation and review of the Codex Alimentarius Commission and ISO standards on food safety, food products, handling, processing and related activities. The FSC is involved in the following activities to help achieve its goals:

- Upgrading and productivity improvement of the local Food & Beverage enterprises through its standardisation, implementation and promotional activities.
- Elevating original standards to international standards to help Singapore's food & beverage industry become more competitive globally, and to make Singapore a robust standards hub.
- Protect and safeguard Singapore's interests through active participation in the technical direction of international standardisation and collaborative study activities of ISO and Codex Alimentarius Commission.
- Conducting feasibility studies for organically produced food, genetically modified food, functional, nutraceutical and health food supplements to develop the life sciences industry.

Data Collection: Singapore's current system for data collection of safety of consumer products is focused on 45 categories of Controlled Goods- mainly household electrical, electronic and gases products. The system relies on feedback from the Police, Civil Defence (fire brigade), consumers, industry, consumer association (CASE) and the media. Singapore also monitors the safety of other consumer products such as toys and children's products. As for labelling, all Controlled Goods must undergo mandatory pre-market testing and certification and that includes labelling. This will also be checked at post-market surveillance to ensure continuous compliance.

1.3.3 Phone, Internet and E-Commerce in Singapore

With strong leadership from its government and good support from its telecommunications service providers, Singapore continues to maintain a strong positive outlook in the country's telecommunications sector. The country has built what is widely seen as a high quality and extremely progressive telecommunications regulatory regime that has, in turn, resulted in a richly competitive market. All restrictions on direct and indirect foreign ownership within the country's telecommunications sector have been lifted. In such a progressive commercial environment, over 97% of homes have fixed-line telephone connections with about 20% of the population having two fixed-line telephones at home. Singapore was also one of the first countries in the world to have a fully digital telephone network.

With the liberalisation policy in place from the year 2000, Singapore telecommunications sector has seen a host of new operators along with Singapore Telecommunications (SingTel). The country has continued to grow both its mobile subscriber bases (143% penetration by January 2010) as well as its value-added data services. By early 2010, there were more than 3.2 million 3G subscribers in a country where the total mobile market was 6.9 million. The Singapore government's continuing vigorous support for the ICT sector saw the launch in 2006 of a 10-year Infocomm Master Plan, labelled the Intelligent Nation 2015 (iN2015). The Infocomm Development Authority (IDA) regulates the country's telecommunications sector.

Following a major effort in expanding its broadband services, Singapore has now become a serious player with effectively 100% of Internet households having broadband access including mobile broadband service. Apart from the high household penetration, Singapore's Wireless@SG initiative has put in place more than 5,000 public hot spots around the island. The country has positioned itself well for the development and adoption of Next Generation (NGN) services. It was evident from the level of intense activity that the iN2015 master plan was on track to be fully implemented.

However, despite the continued popularity of mobile broadband and the opportunity available to operators, 83% of consumers face problems in relation to quality, including: slow speeds (68%), network coverage (42%) and getting connected (38%). Slow speeds were also identified as the main reason behind subscribers cancelling contracts or switching carriers, with operators potentially facing a churn rate of 31% and missing out on critical opportunities to monetise broadband services and retain loyal subscribers⁷.

E-commerce: Typical e-commerce transactions in Singapore range from business-to-business (B2B) order processing, invoicing and payment to business-to-consumer (B2C) online shopping and Internet banking and trading. The government drew up a ten-year master plan, Information and Communication Technology 21 (ICT21), in 2000 to position Singapore in the new electronic world as a global capital of information and communication technology by 2010. ICT21 will build on the achievements of IT 2000, the existing information-technology (IT) blueprint, and Singapore ONE, a broadband initiative that had facilitated the implementation of a nationwide broadband network. To enhance the shopping experience of consumers and

⁷ According to the research carried out by Acision and Toluna in November 2010. For more information refer to <http://www.acision.com/News-and-Events/Press-Releases/Singapore/2010/New-research-reveals-significant-opportunities-for-mobile-broadband-services-in-Singapore.aspx>

establish public confidence in e-commerce, the National Internet Advisory Committee drew up an E-Commerce Consumer Protection Code in 1998.

Singapore's IT industry and financial institutions have worked in partnership with the government to develop infrastructure services such as trust and security systems, directory services, online-payment systems and other intermediary e-commerce services to keep the track of both technological advancement and consumer protection. The Singapore Telecom Internet Exchange (STIX) provides Internet access to more than 35 Internet service providers (ISPs) and more than 90 resellers.

To encourage more competition in the telecoms market, IDA Singapore revised licensing requirements for service-based operators (SBOs) and facilities-based operators (FBOs) in 2003. The authority lifted the rules requiring a firm to be locally incorporated for all SBO license applications and for certain categories of FBO license applications for foreign companies registered under the Singapore Companies Act. This move resulted in lowering the market-entry barrier for foreign businesses.

The Infocomm Development Authority now accepts applications from foreign-registered companies as well as locally incorporated firms for:

- VSAT Licence
- Satellite Downlink Licence (two types of FBO licences)
- Licences for FBOs deploying fixed wireless infrastructure for broadband multimedia services (such as those using wireless LAN, LMDS, and infra-red and laser technologies).

As part of its efforts to spearhead new technologies, the Economic Development Board Investment in July 2000 set up M-Commerce Ventures. This mobile-commerce fund focuses on mobile portals, personal-information management, and messaging, bandwidth optimisation and other emerging businesses in the wireless space. Because of the success of the first fund, Mobile Commerce Ventures II was incorporated in February 2003, with an initial capital of SD20m. This initiative could be scaled up at the ASEAN regional level to enhance the protection of mobile consumers under the information management system.

1.3.4 Consumer Credit and Banking

The competitive banking industry in Singapore is a key player in the country's financial market segment. Factors such as a sound economic and political environment, conducive legal and tax policies, reputation for integrity, and strict enforcement against crime and money laundering, have contributed much to protect the interests of consumers in Singapore. In the island state, there are foreign banks and local banks that dominate the industry.

Factors that have contributed to the success of the banking industry especially for consumers in Singapore include:

- Liberalisation of the domestic banking market.
- Local banks strengthened their regional presence through mergers and acquisitions.

- Expansion of foreign banks, some of which made Singapore a regional or even global platform for important banking services, which in turn led to increased competitiveness offering more choices for consumers.
- Increased competition spurred the development of innovative products and more competitive pricing models.
- Provision of sophisticated banking services like corporate and investment banking activities, apart from traditional lending and deposit-taking functions.
- Recognising and catering to the needs of Small and Medium Enterprises who comprise a sizable banking market in Singapore.

Below are snapshots of the key segments of the financial sector to give a sense of the breadth and depth of the financial activities offered by the Singapore Financial Centre.

Table 1.1: Distribution of financial institutions

| | |
|-------------------------------|-----|
| No. of Financial Institutions | |
| Insurance Companies/brokers | 218 |
| Banks | 162 |
| Fund Management Firms | 118 |
| Securities Deal | 94 |
| Financial Advisors | 69 |
| Futures Brokers | 47 |
| Corporate Finance | 37 |

Source: FinanceConnectSingapore

Singapore's Banking sector provides the consumers with the traditional lending and deposits functions as well as a wide range of corporate and investment banking services. Internet Banking has been conferred as a preferred method of transaction for the customers of banks in Singapore. MAS has updated the Internet Banking and Technology Risk Management (IBTRM) Guidelines following consultation with the industry. The Guidelines aims to assist banks in:

- Establishing a sound and robust technology risk management framework;
- Strengthening system security, reliability, availability and recoverability; and
- Deploying strong cryptography and authentication mechanisms to protect customer data and transactions

In the area of Islamic banking, MAS has also issued two regulations clarifying that Singapore-based banks may enter into Diminishing Musharaka financing and Spot Murabaha transactions.

The share of consumer credit to GDP in Singapore remains comparable to that of other developed countries like the USA, UK and Canada. Consumer credit in Singapore has been largely boosted by motor vehicle loans due to high car prices. As a result of aggressive

marketing by credit card issuers coupled with interest-free payments, consumers have increasingly turned to credit cards as a preferred mode of payment in recent years, thereby substituting retail instalment credit such as hire-purchase or instalment-purchase plans traditionally offered by retail stores as indicated by the 2004 survey of the Singapore Department of Statistics.

1.3.5 Environmental Issues

Overall management of the environment lies with the Ministry of Environment (ENV). The ENV was first established in the 1970s as a department within the Prime Minister's Office before eventually becoming a full-fledged Ministry. It is responsible for providing the infrastructure for waste management, as well as enforcing and administering laws relating to pollution control and public health. The Pollution Control Department (PCD) within the ENV is in charge of environmental planning and building development control, air and water pollution control and the regulation of hazardous substances and wastes.

Due to the government's strong commitment to pollution control and also its size, the ENV has been largely successful in implementing its pollution control programmes throughout Singapore. The Ministry today heads a complex administrative network that: 1) plans, develops, and operates comprehensive sewerage, drainage, and solid waste facilities; 2) sets standards related to air, water, and soil pollution; 3) monitors air and water pollution through island wide monitoring stations; and 4) administers and enforces environmental regulations.

Including ENV, the following list shows the responsibilities of different government agencies and their relevant areas relating to environmental programmes in Singapore:

Table 1.2: List of Government agencies on Environment and areas of competence

| Ministry | Area of Competence |
|--|--|
| Ministry of Environment (ENV) | Sewerage, drainage, building management, Environmental training, prosecution, general environmental health, quarantines, vector control, food hygiene, public education, pollution control, international policy |
| Ministry of National Development (MND) | Urban development, Public Works, National Parks and nature conservation in general, Recreational parks, Animal quarantine, control of trade in wildlife |
| Ministry of Trade and Industry (MTI) | Foreign investment promotion, Trade promotion, Management of industrial zones, Standards and certification, Science and technology development |
| Ministry of Health | Food testing |
| Ministry of Labour | Worker safety |
| Ministry of Communications | Marine pollution, Vehicular matters |

Source: <http://sunsite.nus.edu.sg> 2007⁸

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⁸ Preliminary Assessment of Singapore's Environmental Law 2007 by Alan K.J. Tan, Faculty of Law, National University of Singapore

Apart from ENV, other government ministries that are directly involved in land-based environmental management are the Ministry of National Development (MND), and the Ministry of Trade and Industry (MTI). The Port of Singapore Authority (PSA) manages marine pollution.

The Ministry of National Development (MND) uses land planning under the Statutory Master Plan to form the basis for sound environmental management. An essential feature of the Master Plan is the use of zoning and the control of the intensity of land use in each zone. Facilities are located in areas zoned for industrial use that are subdivided into special, general, and light industry zones. Heavy industries are located furthest from residential and commercial areas. Special industries that have the potential to cause serious pollution, such as oil refining, electric power generation, and petrochemical manufacturing are located on off-shore islands and in Tuas at the south-western tip of the main island. Only light industries such as packing of dried foodstuffs, packing and bottling of medicinal herbs and medicated oil, and assembly of electronic and electrical components are allowed near residential areas.

The relevant bodies under Ministry of Trade and Industry (MTI) are the Singapore Economic Development Board (EDB), Jurong Town Corporation (JTC), International Enterprise (IE) Singapore⁹, SPRING Singapore and National Science and Technology Board (NSTB). MTI is also responsible for ratifying international treaties with environmental implications, and ensuring that trade and environmental policies are mutually supportive.

A signatory of both the Kyoto Protocol and the United Nations Framework Convention on Climate Change (UNFCCC), Singapore recognises that climate change is a global challenge and that all countries have a role to play in mitigating greenhouse gas emissions. As a small, low-lying city-state, Singapore is vulnerable to the effects of climate change, including warming temperatures and rising sea levels. Scarce land and a lack of suitable sites limit the availability of renewable energy in Singapore, leading to a dependence on imported fossil fuels. The British global risk advisory firm Maplecroft listed Singapore as the world's seventh largest carbon dioxide (CO₂) emitter relative to its population size. Maplecroft's index was calculated by evaluating annual CO₂ emissions (from energy use, emissions per capita and cumulative emissions) of a country over more than a century -- 1900 to 2006.

"The lack of 'clean' energy sources coupled with the growth in Singapore's economy and the increasing use of cars as well as electronic appliances such as air-conditioners contribute to Singapore's emissions," stated Maplecroft (2010)

Despite these limitations, Singapore remains committed to the global climate change agenda. It has focused its efforts on using energy as efficiently as possible, aiming to reduce its carbon intensity (amount of carbon emissions per dollar GDP) by 25% from 1990 levels by 2012. It is targeting relevant sectors, including power generation, industry, transport, building and households.

It has also developed a comprehensive National Climate Change Strategy, setting out past and future plans in the areas of vulnerability and adaptation, mitigation, competency-building and public awareness. The government's initiatives include:

⁹ IE Singapore is formerly the Singapore Trade Development Board

Urban Planning: Singapore plans to keep temperatures down with more greenery. The Housing and National Parks Boards are working together to develop a planning tool to quantify the amount of 'green' going into each design project. The Green Plot Ratio will help designers ensure that new housing developments have sufficient trees and plants.

Power Generation: The percentage of electricity generated in Singapore by natural gas, which is cleaner than oil or coal, has risen from 19% in 2000 to 78% in 2006. Since 2000, 2% of Singapore's electricity supply comes from waste-to-energy plants, which convert the heat produced by the incineration of refuse into electrical energy.

Transport: Given its limited land area, Singapore uses innovative measures to manage its traffic flow, including car ownership licensing and Electronic Road Pricing systems. Integrated land-use planning and an efficient public transportation network help to reduce the need for private transport. The use of Green Vehicles, such as hybrids and compressed natural gas (CNG) fuelled cars, is being encouraged through rebates to promote sustainable consumption in the country.

Buildings: The Building and Construction Authority has set minimum energy efficiency standards for buildings, and introduced a Green Mark building label scheme to promote environment-friendly buildings. All new large government buildings and schools will be Green Mark certified from April 2007.

Certain initiative plans have been established like the Green Plan that aimed to conserve nature by 5 percent of land area. The Singapore Environment Council (SEC) aims to promote Environmental awareness amongst consumers and constantly organizes educational programmes on Environmental issues that include the seminars for recycling and waste management. Apart from the above, the National Environment Agency (NEA) is the leading public organisation responsible for improving and sustaining a clean and green environment in Singapore. The NEA develops and spearheads environmental initiatives and programmes through its partnership with the People, Public and Private sectors. It is committed to motivating every individual to take up environmental ownership and to care for the environment as a way of life. By protecting Singapore's resources from pollution, maintaining a high level of public health and providing timely meteorological information, the NEA endeavours to ensure sustainable development and a quality living environment for present and future generations.

NEA's key programmes include:

- **Pollution control:** Controls air and water pollution, and regulates hazardous substances and toxic industrial wastes through prevention, enforcement and monitoring. Develops and implements joint programmes on trans-boundary pollution with the neighbouring countries.
- **Solid waste management:** Plans, develops and manages refuse disposal facilities; licenses waste collectors; regulates refuse collection for the domestic and trade premises in the nine sectors; and enforces illegal dumping. Promotes the 3Rs (reduce, reuse, recycle) to conserve resources.
- **Energy efficiency:** Promotes energy efficiency and conservation to improve air quality,

reduce greenhouse gas emissions and help mitigate climate change. The Energy Efficiency Programme Office (E2PO) integrates the overall efforts of the public, private and people sectors to improve energy efficiency.

- **Public hygiene and cleanliness:** Conducts regular checks on food establishments, cooling towers, swimming pools, and public toilets to ensure that a high standard of hygiene is maintained. Promotes anti-littering practices through education and enforcement. Maintains an effective system of public cleansing to keep Singapore clean and to prevent environment-related diseases.
- **Management of hawkker centres:** Oversees the licensing, management and regulation of hawkkers to maintain and promote good hygiene practices and public health standards in government hawkker centres. Manages the upgrading of hawkker centres.
- **Meteorological services:** Provides timely weather information to support public safety and socio-economic activities. Issues haze alerts and provide vital meteorological services to the aviation and maritime communities.
- **3P (People, Public and Private) Partnership:** Builds strong networks among the 3P sectors, and develops effective outreach programmes in partnership with partners from the 3P sectors to enhance the pro-environmental mindset amongst the community and to raise community ownership of environmental and public health issues.
- **Environmental Training:** Actively promotes knowledge transfer and offers environmental capacity-building training programmes to enhance the competency of working professionals from the industry, international organisations and the general public, through our Singapore Environment Institute.

The following are the consumer concerns with regards to Environment in Singapore:

- industrial pollution;
- limited natural fresh water resources;
- limited land availability presents waste disposal problems;
- seasonal smoke/haze resulting from forest fires in Indonesia
- PM 2.5 as a key air pollutant of concern- Singapore has yet to meet United States Environmental Protection Agency (UNSPA) standards. Diesel vehicles contribute 50% of PM2.5. The government has introduced various policy measures to reduce emissions from diesel vehicles
- Littering in public spaces

1.3.6 Healthcare Services in Singapore

Healthcare in Singapore is mainly under the responsibility of the Singapore Government's Ministry of Health. According to World Health Organisation (WHO) Statistical Information System, Singapore generally has an efficient and widespread system of healthcare and is ranked 6th in WHO's ranking of the world's health systems in the year 2000.

Singapore has a universal healthcare system where government ensures affordability, largely through compulsory savings and price controls, while the private sector provides most care. Overall spending on healthcare amounts to only 3% of annual GDP. Of that, 66% comes from private sources. Singapore currently has the lowest infant mortality rate in the world (equalled

only by Iceland) and among the highest life expectancies from birth, according to the World Health Organisation. Singapore has "one of the most successful healthcare systems in the world, in terms of both efficiency in financing and the results achieved in community health outcomes," according to an analysis by global consulting firm Watson Wyatt. Singapore's system uses a combination of compulsory savings from payroll deductions (funded by both employers and workers) a nationalized catastrophic health insurance plan, and government subsidies, as well as "actively regulating the supply and prices of healthcare services in the country" to keep costs in check. The specific features have been described as potentially a "very difficult system to replicate in many other countries." Many Singaporeans also have supplemental private health insurance (often provided by employers) for services not covered by the government's programmes.

Singapore's well-established healthcare system comprises a total of 13 private hospitals, 10 public (government) hospitals and several specialist clinics, each specialising in and catering to different patient needs, at varying costs.

Patients are free to choose the providers within the government or private healthcare delivery system and can walk in for a consultation at any private clinic or any government polyclinic. For emergency services, patients can go at any time to the 24-hour Accident & Emergency Departments located in the government hospitals. Singapore's medical facilities are among the finest in the world, with well-qualified doctors and dentists, many trained overseas.

Promoting good health while reducing illness by ensuring access to good and affordable healthcare through medical excellence, the Ministry of Health in Singapore aims to build a healthy population through preventive healthcare programmes and promoting a healthy lifestyle. MOH is responsible for formulating national health policies, co-ordinating the development of planning of the private and public health sectors, as well as regulating health standards.

The healthcare policies in Singapore have by and large been successful in meeting the needs of Singaporeans. As will be shown, the government's emphasis on encouraging self-reliance, keeping healthcare affordable, promoting a healthy lifestyle and engaging the community in the provision of healthcare have greatly improved the standard of healthcare in Singapore, ensuring that Singaporeans continued to enjoy a high quality of healthcare services.

Singapore's healthcare policies give the individual incentives to stay healthy and not use medical services he or she does not really need. This ensures that healthcare resources are allocated to those in need of them. The government's introduction of Medisave, a savings scheme allows individuals to save up for their future medical bills by allocating a portion (6 – 8%) of their monthly CPF contributions of 34.5% (20% individual, 14.5% employer) into their Medisave account. By encouraging Singaporeans to have money in their Medisave accounts, they are better able to pay for healthcare. Medisave, therefore, helps to lighten the government's burden of paying for healthcare services.

In addition, encompassing the notion of self-reliance, the government introduced the MediShield scheme whereby Singaporeans pay for this scheme with their Medisave, to cover large medical bills that Medisave does not cover. For example, a patient can use MediShield to pay for more long-term hospitalisation or treatment of serious illnesses such as kidney dialysis and chronic heart diseases. Essentially, the use of MediShield and Medisave is able to meet a large part of Singaporeans' healthcare needs.

Furthermore, the government seek to ensure that basic healthcare is affordable to all Singaporeans. This is done by putting in place safety nets to ensure that healthcare remains affordable. Direct subsidies are given to government hospitals, polyclinics and nursing homes for the elderly to ensure that all basic healthcare services are available to all Singaporeans. Different rates of subsidies are given to the different classes of wards in hospitals. For instance, a patient in a Class C ward is given 4 times more subsidies than a patient in a Class B1 ward.

Moreover, the government ensures that all Singaporeans enjoy basic healthcare services. Despite the presence of Medisave, MediShield and government subsidies, there are many needy Singaporeans who still cannot afford to pay for their medical expenses. Thus, in order to keep healthcare cheap and affordable to all, the Medifund was set up to provide help for those who are unable to pay for healthcare. The government initiated with a fund of SD 200 million and the interest earned from this fund is given to public hospitals to provide help for needy patients. Patients are thus able to apply for this fund to pay for their healthcare.

Another spectrum of the government's healthcare policies is the promotion of a healthy lifestyle. If a person is in good health, he will not need medical treatment and the person can save on medical expenses. A healthy lifestyle has always been emphasised in Singapore. Through health education, people are provided with the knowledge to make informed choices. Regular physical exercise and a well-balanced diet are encouraged. Bad habits such as smoking and excessive drinking are discouraged. On 19 April 1992, the National Healthy Lifestyle Campaign was launched by then Prime Minister Goh Chok Tong. It encourages Singaporeans to incorporate physical activity into their daily life and teaches them how to read food labels to select healthier food choices. Adults are also encouraged to go for screening to detect diseases such as hypertension, diabetes and heart diseases early.

On top of all these, the government engages the community to provide healthcare support services to meet the needs of the people. This is because it is not possible for the government to run all healthcare services. For instance, some patients who are discharged from hospitals may still need continued medical care. Voluntary welfare organisations are given grants to run community hospitals, nursing homes and day rehabilitation centres for Singaporeans. An example of a voluntary welfare organisation is the Ren Ci Hospital who organises fund-raising drives on a yearly basis to obtain the funds they need to provide medical care for their patients. At the same time, government supports organisations such as the National Kidney Foundation (NKF) that provides specific healthcare support services. These healthcare services cater to the specific needs of patients.

Against this background, e-Health¹⁰ in Singapore is also recognised as a means to meet the challenges in accommodating one of the fastest ageing populations in Asia through the Singapore One Infrastructure programme launched in 2001. It is forecasted that by 2030, 19% of Singapore's population will be over the age of 65, compared to the current level of 7%. The ageing population, along with rapid advancement in medical knowledge and technology has continuously raised the demand for and cost of health care.

The current major challenge is to ensure that consumers continue to have access to good and affordable health care.

¹⁰ E-Health in Asia and the Pacific- Challenges and opportunities, UNESCAP 2007

1.3.7 Professional Services

1.3.7.1 Health Care Professionals

Prudent health care policies that encourage public-private participation in health care financing and provisioning have conferred on Singapore the advantage of flexible response as it faces the potentially conflicting challenges of becoming a regional medical hub attracting foreign patients and ensuring domestic access to affordable health care. The Singapore Medical Council (SMC), the Singapore Dental Council (SDC), the Singapore Nursing Board (SNB), the Singapore Pharmacy Board (SPB) and the Traditional Chinese Medicine Practitioners Board (TCMPB) are professional registration Boards under the Ministry of Health, Singapore. They maintain the registers of medical practitioners, dentists, nurses/ midwives, pharmacists and TCM practitioners respectively in Singapore.

SMC in particular maintains the register of Medical Practitioners in Singapore, administers the compulsory continuing medical education (CME) programme and also governs and regulates the professional conduct and ethics of registered medical practitioners in Singapore. In an effort to ensure that doctors are keeping abreast of medical advances, the Council has implemented compulsory CME with effect from 1 January 2003. The well-established health care system comprises of 26 well equipped hospitals that includes private hospitals, public (government) hospitals and several specialist clinics, each specializing in and catering to different patient needs. Quality of care in Singapore has seen a paradigm shift from a traditional focus on structural approaches to a broader multidimensional concept, which includes the monitoring of clinical indicators and medical errors. Strong political commitment and institutional capacities have been important factors for making the transition. Patients in Singapore have complete freedom of choice of providers. Primary health care is easily accessible through private medical practitioners (80%) and government outpatient polyclinics (20%). and specialty centres providing 11,798 beds (ratio of 3.7 beds per 1000 population).

A first nationwide survey¹¹ to gather feedback from patients recently discharged from public hospitals revealed some interesting results. Overall, 80% of patients were satisfied or very satisfied with their recent stay. It was found that outcome satisfaction and care satisfaction were consistently more important to patients than service satisfaction, in that order. However, overall satisfaction was most strongly determined by care satisfaction, followed by outcome satisfaction. Patients' experiences with doctors and nurses were the strongest predictors of care satisfaction.

1.3.7.2 Legal Profession and Practice

The institutions governing the admission into and the conduct of the legal profession in Singapore are:

- Board of Legal Education;
- Supreme Court of Singapore;
- Law Society of Singapore;
- Singapore Academy of Law; and
- Attorney General's Chambers.

¹¹ Quest for quality care and patient safety: the case of Singapore by M K Lim in 2004

Lawyers in Singapore may act as both a solicitor and as an advocate, although lawyers usually specialise in one of litigation, conveyancing or corporate law. There were 3,300 lawyers in 2006. Parliament approved changes in 2009 to replace the 'pupillage' system with structured training, and to make it easier for lawyers to return to practise. Practising lawyers have a wide variety of structures in which to practise law. A lawyer may practise alone or in partnership with other lawyers or as an employed legal assistant in a law firm. The partners own the firm and the legal assistants are salaried employees. Although there are a number of large firms, the vast majority of firms are small and medium-sized. Up to 1 March 1997, there was nothing to prevent a newly qualified lawyer from setting up his own law firm. This was changed in 1997 when the Legal Profession Act was amended. Lawyers admitted on or after 1 March 1997, cannot practise as a sole proprietor or partner for the first three years of practise. After 3 years of practise, lawyers can practise without any restriction as a partner or director. A lawyer cannot practise as a sole proprietor, even after 3 years of practise, without completing the Law Society's Legal Practice Management Course.

Under the Singapore civil justice system, the courts have the power to determine the party-party costs as well as solicitor-client costs in the taxation of costs. The courts may supervise litigation costs, whether in the context of a cost agreement between disputing parties or outside the parameters of a costs agreement. The courts supervise contentious business agreements on solicitor client costs based on the principles of fairness and reasonableness as provided for in the Legal Profession Act. The judicial power of supervision over costs on the basis of fairness and reasonableness extends even to situations where a prior agreement required the client to pay higher costs as well as legal costs outside the context of costs agreements. The judiciary has put in place fairly comprehensive economic measures, whether by promulgating rules or through its court decisions, to control and manage litigation costs, including lawyers' fees, solicitor-client costs, party-party costs, court fees, and hearing fees

The Legal Aid Bureau of Singapore ensures equal access to justice to persons of limited means, by providing them legal aid, including representing them in court. However, an applicant must meet the means and merits tests to qualify for legal aid. To avoid a conflict of interest in criminal cases, the Bureau only provides legal aid for civil matters, which are handled by in-house lawyers and assigned volunteer lawyers.

The Law Society of Singapore also offers pro bono services for those that need free legal help. An important mission of the Law Society is ensuring access to justice. It offers services for most vulnerable members of society. In 2007, the Law Society established the Law Society of Singapore pro bono, Learning and Support Services (PLSS) to oversee its free legal assistance efforts and programmes. PLSS is a Charity and an Institution of Public Character. The pro bono Services Office is the administrative arm of PLSS and co-ordinates all of the Law Society's free legal assistance efforts and programmes.

2. METHODOLOGY

2.1 SCOPE

In developing the capacity building roadmap on consumer protection for ASEAN, this research covered two main areas of consumer protection. It looked at

- consumer protection laws in the country vis-à-vis enforcement, and
- the relevant agencies' capacity building needs in carrying out the relevant laws.

The study focuses mainly on the aspects of consumer protection that been specifically identified by AADCP II as being of particular relevance to the ASEAN's goal of becoming a single market. As such, it has been mutually agreed that in addition to the general consumer protection measures, six key consumer areas will be specifically addressed in the project. The following are the 6 areas that will be covered in this study:

Table 2.1: Selected key consumer areas and issues of focus

| <u>Key consumer areas</u> | <u>Specific aspects to be covered</u> |
|--|--|
| • Product safety and labelling | : Consumer products including Food (excluding drugs and medicines) |
| • Phone & Internet services and E-Commerce | : Including broadband services, online purchase, rates and charges, access, quality of services. |
| • Consumer Credit and Banking: | : Banking and financial institutions providing loans; money lending, hire purchase or other financial assistance to consumers. |
| • Environment | : Policies, laws and programmes for safe and healthy environment, products or services related to water, energy and air |
| • Health care services | : Public and private health care services, pharmaceuticals. |
| • Professional services | : Laws related to chargeable fees and accountability with regards to legal and medical professions, consumer redress/ access |

Across all consumer protection relevant laws, the study also examined these areas:

- Legal provisions that provide for consumer redress vis-à-vis the mechanisms already in place.
- Initiatives and best practices on consumer protection that are being implemented both by relevant government agencies, non-governmental and business organisations.

For the capacity building needs, the study covered the enforcement agencies that are principally in-charge of carrying out the provisions of the main consumer protection act and of the six major areas as listed above. Particularly, the agencies' capacity to enact, enforce and implement relevant laws was studied. The capacity building needs of non-governmental organisations and business groups in the country were also considered.

2.2 APPROACHES

The approach in carrying out the study was hinged on the review of the Formal Operating Context (FOC) vis-à-vis the Actual Operational Context (AOC) of consumer protection in the country. The analysis and findings from this exercise served as the basis in developing the recommendations for capacity building needs in consumer protection.

The **FOC covered** the assessment of

- The national consumer laws and regulations, including those that are being drafted or are awaiting enactment,
- National consumer protection programmes and initiatives
- Key stakeholders' views and analysis

While in the **AOC** of consumer protection legislations and programmes, the following activities were carried out:

- Evaluated how well laws and programmes are actually implemented and enforced, and
- Review human and institutional capacities to draft and enforce consumer legislations and implement related programmes.

The approach towards constructing the roadmap on the capacity building needs in consumer protection in Singapore was also carried out through the fundamental understanding of the current the human and institutional gaps in implementing or carrying out consumer protection activities.

Reviews of available records, databases, reports and documents related to consumer protection, including stakeholders' annual reports, were also performed. Soft and hard copies of laws, reports and publications were obtained where possible.

2.2.1 Capacity Building Needs Assessment on Consumer Protection

In order to achieve this objective, the study adopted an overall approach of the Formal and Actual Operating Contexts. The FOC involves legislation, policies and regulations that govern the responsibilities of the governments, businesses, consumers, and other stakeholder in the area of consumer protection. The FOC also includes the structures related to consumer protection. On the other hand, the AOC relates to the protection levels actually experienced by consumers, viewed from a rights-based perspective. The AOC includes governance and consumer welfare matters e.g. how enforcement mechanisms actually operate, the nature of consumer complaints/injuries and the nature of redress and compensation which consumers actually obtain.

The assessment of capacity building needs (CBN) constituted the following activities:

- **System level:** Reviewed the principal legislation and mapped other related laws covering consumer protection, institutional structures specifically for the purpose of consumer protection laws and policies that explicitly protect the rights of consumers such as Ombudsmen schemes, tribunals and industry based complaints handling systems. Private “structures” such as complaint cells in multi-national companies were not included as the motivation behind such structures is not always in the public interest.

- **Organisational level:** Identified gaps in institutional capacities such as roles and functions including monitoring and implementation of policies, laws and regulations, operation procedures, budget, number of staff, infrastructure, management and leadership,
- **Individual level:** Identified gaps in human capacities knowledge, experience, competencies, and skills.

The capacity building needs (CBN) were identified based on the existing gaps and deficiencies in the current (actual) operating context of consumer protection vis-à-vis a comprehensive protection regime at the System, Institutional and Individual levels. The gaps were then translated into the areas for capacities building that were recommended in order to attain the desired outcomes. The desired outcomes in implementing CP at the national level were benchmarked at the different states of needs and capacities for the different stakeholders and were tailored in order to harmonise CB strategies towards the desired outcomes at the regional level.

2.3 DATA COLLECTION PROCESS

A major activity under the analysis approach was the **regional mapping** exercise. A compilation of national consumer protection laws, programmes in the country as well relevant regional agreements, plans and targets in relation to consumer protection were done. All these were reviewed vis-à-vis actual situations within the national context. The following research activities were implemented in carrying out the mapping of available records, database, reports and documents including annual reports:

- Desk research of consumer laws, programmes initiatives and reviews.
- A general survey of national laws, programmes and implementation with national government stakeholders as well as about their issues and needs and expectations.
- Key informant interviews in relation to consumer protection implementation and about issues and gaps in national consumer laws and enforcement.
- Roundtable discussions with key stakeholders

The Study applied four data collection instruments to support and complement the accuracy and reliability of information gathered as follows:

- Instrument 1: Secondary Data Collection
- Instrument 2: General Survey Questionnaire
- Instrument 3: Key Informant Interview Questionnaire
- Instrument 4: Roundtable Discussion Programme

2.3.1 Secondary Data Collection

Secondary Data Collection instrument was designed by CIKL with the main objective to generally map the status of consumer protection status in Singapore. The data was collected by the Project focal point in Singapore throughout the month of October 2010. Further processing and refinement were made for the purpose of final reporting.

Secondary data related to CBN and consumer protection-related matters from various agencies, ministries and organisations in all countries involved in the study were also gathered and reviewed. This includes Acts and laws; rules and regulations; codes of conduct, government policies and consumer protection programmes.

The sources of information include annual reports from the relevant agencies and any report or study related to this study, including the preliminary findings of the study conducted by CI in 2009 entitled “*The Asia Pacific Consumer Laws Analysis*” where baseline information of consumer protection and competition laws in Asia Pacific have been established.

2.3.2 General Survey

The General Survey (GS) instrument was designed by CIKL where the questionnaire was structured to map information on consumer protection laws, regulations, policies, codes of conduct, consumer protection programmes and initiatives; redress mechanisms; human and institutional gaps in the selected consumer protection areas, i.e. product safety and labelling, phone & internet services, e-commerce, consumer credit and banking, environmental issues, healthcare, and professional services. Other areas of interests expressed by the respondents were also noted to be taken up for further deliberations during KII and RTD.

The GS was distributed locally CASE throughout the month of October 2010. Briefing for CASE staff on the general objectives of the Project and the General Survey was done through phones and email. The stakeholders targeted for the general survey were identified by CASE.

The contact details of the stakeholders can be seen in Appendix 2.

2.3.3 Key Informant Interviews

In addition to the GS, interviews with Key Informants were conducted. The Key Informants were persons in senior positions within relevant organisations, involved in policy making or enforcement; or individuals who were acknowledged experts in the field. These individuals were identified in consultation with members or contacts of CIKL, in the respective countries.

The Key Informant Interviews (KII) utilised open-ended questions to probe for more detailed information based on the findings from the general survey. This includes probing into recommendations and prioritisations as well as short, medium and long-term strategies and focus areas for capacity development on consumer protection for the relevant institutions nationally and regionally.

The programme of KIIs can be seen in Appendix 2.

2.3.4 Round-Table Discussion

The half-day RTD, which was the final step of the local activities for information gathering was held in the office of CASE O on 15 October 2010. A total of 8 representatives including staff of CASE attended the RTD to validate the findings. Power-points presentation was used to share all relevant data from the Secondary Data, General Survey analyses and the Key Informant Interviews. The comments and feedback were consolidated throughout the 3 ½ hour process.

The programme of RTD can be seen in Appendix 3.

2.4 DATA ANALYSIS

2.4.1 Secondary Data Analysis

The review and analysis of policies and laws entailed the identification of existing consumer protection related laws, the scope of the relevant Acts such as the areas or elements covered, how the Act is implemented and regulations enforced; and how consumers seek redress under the Act. The enforcement of these relevant Acts was examined through state actions and through private action.

The process also involved reviewing of consumer protection regimes in other parts of the world where consumers enjoy a fairly higher degree of protection. Legal, structural, institutional and regulatory arrangements for consumer protection found in the European Union, Australia, United Kingdom and United States of America were examined with a view to establish a basis for a consumer protection regime that would be appropriate for the ASEAN region.

In analysing the other aspects of data and information collected, it was necessary to take into account the socio-economic, cultural and political characteristics of Singapore. By drawing upon examples of good practices from the more advanced consumer protection regimes and adopting or adapting them to the requirements of the country, key components of a comprehensive consumer protection regime were identified.

2.4.2 General Survey Analysis

Six types of analysis were performed on the data from the General Survey using the 17.0 version of Statistical Package of Social Sciences (SPSS) in order to identify priority areas for capacity building and gaps in consumer protection (Table 2.2).

Table 2.2: Types of Statistical Analysis Used

| Type of Analysis | SPSS analysis |
|---|---------------------------------|
| Normality test of the data | Kurtosis and skewness, P-P Plot |
| Reliability test of the data | Cronbach alpha |
| Organisational profile and consumer protection measures | Frequencies |
| Level of difficulty in implementing consumer protection programmes and activities | Frequencies, Index |
| Capacity building needs and form of assistance required | Frequencies, Index |
| Relationship between level of difficulties and capacity building needs | Pearson correlation, T-Test |

Qualitative information obtained from Key Informant Interviews and Round Table Interviews was used to substantiate or supplement quantitative information obtained from the general survey. The open-ended Key Informant interviews and the Round Table Discussions served as

a sounding board to fill in the gaps in formation, to check the validity and relevance of the capacity building needs of the AMSs.

Based on the findings from the General Survey, secondary data collection, key informant interviews and roundtable discussions at country levels, strategies and recommendations as well as a road map for strategic thrust areas for consumer protection was developed for the short, medium and long terms.

2.4.3 Capacity Building Needs Analysis

The identification of the capacity building needs was accomplished by making a systematic analysis of the information gathered through the general survey, especially with regard to difficulties expressed by respondents, and the types and forms of assistance which they needed. The information gathered from the above-mentioned analysis was used to identify weaknesses and gaps in the existing operating context for consumer protection among the stakeholders in the country.

An index was developed to measure capacity building needs, using an interval scale of 1 to 7. Level 1 is the least priority and level 7 is the highest priority. The Index level was based on the total scores (i.e. the total computed score for all items related to capacity building needs) and the mean for each area of capacity building need. The mean for the total score is called the Index for each item listed in the questionnaire.

The Index was also used to measure the level of difficulty in implementing consumer protection programmes and activities, and the preferred forms of assistance required by the stakeholders for work on consumer protection.

By making reference to a proposed framework for comprehensive consumer protection regime, it was possible to identify capacity building needs that would assist Singapore to make the transition from the current state to the desired state of consumer protection at the national and regional levels.

2.5 PROFILE OF STAKEHOLDERS

Generally, the stakeholders were identified based on their direct and indirect involvement in consumer protection and the six main sectors that were specified including:

- The government entities (the relevant ministries, particularly with relevance to the sector specified, including consumer tribunals and courts;
- Local Authorities
- ASEAN Committee on Consumer Protection (ACCP).
- Industries/business associations;
- National non-governmental organisations (NGOs)/civil society organisations (CSOs) including consumer associations,
- Academic or think-tank institutions
- Professional bodies of relevant services

The stakeholders that responded to the General Survey are:

1. SPRING Singapore
2. Singapore Medical Council
3. Ministry of Health
4. Agri-Food and Veterinary Singapore
5. Monetary Authority of Singapore
6. DP Credit Bureau
7. Direct Selling Association of Singapore
8. The Association of Banks Singapore
9. Singapore Medical Association
10. Singapore Environmental Council
11. CASE
12. Info-Communications Development Authority of Singapore (IDA)

The KIIs included the following stakeholders:

1. Mr Seah Seng Choon, Executive Director of Consumers Association of Singapore (CASE)
2. Dr Tan Sze Wee, Member of Singapore Medical Association
3. Mr Gerald Wee, Info-communications Development Authority of Singapore (IDA)
4. Mr Lincoln Teo, General Manager of DP Credit Bureau
5. Mr Michael Ong, Director (Consumer Product Safety and Weights & Measures), SPRING Singapore
6. Dr Paul Chiew, Director, Laboratory Department-Agri-Food and Veterinary Authority of Singapore (AVA)
7. Mr Kelvin Quan, Senior Assistant Director, Ministry of Trade and Industry
8. Mr Desmond Yeo, Assistant Director (Inspection) | Regulatory Compliance Division, Ministry of Health Singapore

The key participants of the RTD include:

- Mr Seah Seng Choon, Executive Director of CASE and his programme staffs
- Mr Michael Ong, Director (Consumer Product Safety and Weights & Measures)- SPRING Singapore
- Mr Lincoln Teo, General Manager-DP Credit Bureau

2.5.1 Overview Of the consumer movement: CASE

CASE has been helping consumers since its establishment in 1971 by providing advice and support. Its possession of independent status both from the government and businesses enables it to offer advice, education and guidance to the general public and to represent consumer concerns to the government. No doubt because of this, it receives complaints from the public and raises them with the alleged offender(s). CASE has intervened on many occasions to thwart price increases whether generally or in specific areas such as coffee shops, cinemas, drinks, pork, bread and electric power. Safety of consumers and the availability of information to them have also been causes for its activities through publications and the exposure of misdeeds.

The most important group of complaints received by CASE from local residents are about defective goods (23%) followed by pricing (7%). Tourists appear to have been affected mainly

by defective goods, pricing and misrepresentation¹². Lately CASE has evolved from its standing as a complaints receiving body to one that is able to intervene on behalf of consumers and to ensure that its views matter. Thus it has embarked on issuing a “black list” of errant businesses which practice false advertising or use unethical practices.

The role of CASE has correspondingly increased over the years. Today, CASE's major functions include:

1. distributing consumer information;
2. fostering consumer education;
3. carrying out investigations and tests on matters affecting consumers;
4. publishing consumer information; providing consumers with greater protection against mal-practices in the marketplace;
5. improving standards of safety, quality and performance of consumer products;
6. improving the availability of consumer products between which consumers may make a reasonable choice; and
7. improving the quality of product information to ensure that consumers are able to make an informed choice.

CASE has always been aware of the close links between consumers' and education. Consumer information and education are widely disseminated through *CASE's* publications and the local media. Books and pamphlets have also been printed periodically for public consumption. "Hire Purchase and You", "A Guide to Consumer Protection", "The Code of Advertising Practice", "Guide to The Pawn Brokers Act", "Contact Lens Handbook" were published to aid consumers on their rights.

CASE has not neglected the young in its pursuits. CASE educational material include bulletin to inform and educate children on consumerism. Modelled after "KIDS' CHOICE", a publication of the Australian Consumers' Association, the quarterly bulletin focuses on current issues such as energy conservation, safety, food, drinks and other issues affecting children like the use of pocket money, toys, clothes, stationery. With the support of school principals and teachers, it is envisaged that the articles in the bulletin would be used to stimulate and focus discussion of consumer issues in the classroom.

The mass media has played a significant role in disseminating consumer information and education in Singapore. Publicity given to CASE has made many people increasingly more aware of themselves as consumers. CASE is kept in constant contact with the news media which sought its views and opinions on a diversity of consumer issues and concerns. By means of press releases, interviews and press conferences, CASE has managed to maintain a regular flow of consumer education and information to the general public through this medium.

CASE was instrumental and was actively involved in the formation of Advisory Councils such as the Singapore Breastfeeding Mothers' group (SBMG), the Advertising Standards Authority of Singapore (ASAS), the Toy Safety Authority of Singapore (TSAS) and the Milk for Children Advisory Council (MCAC) to advise and protect consumers.

¹²See CASE, *Annual Report 1995-1996*, at 38.

CASE also conducts tests and market research on selected categories of products. So far, it has conducted comparative product tests and price surveys on products such as LPG cylinders, life insurance, cosmetics, food processors, full cream powdered milk, disposable diapers, cooking oil, cameras, credit cards, energy drinks, part time courses in commercial schools, hire purchase of motor vehicles, chewing gum, ball pens, condoms and toiletries.

One of the inevitable functions of any consumer movement organization is the handling of consumer Complaints, and CASE is no exception. In 1972, when the Complaints Bureau was first set up, 64 official written complaints were recorded. But over the years, with changes in technology and consumer tastes, the number (including refunds in cash), and category of complaints have expanded considerably.

2.6 LIMITATIONS

Due to the time constraints, some relevant stakeholders were not able to participate in the General Survey (GS), Key Informant Interviews (KII) and the Roundtable Discussion (RTD).

Further, the availability of detailed materials primarily depended on the available resources and publications or reports available through internet search. Data were also mainly based on secondary compilation by the focal points and Key Informants and GS respondents, who were selected by the local focal points. However, it was also noted during the course of interviews, the participants might have limited knowledge or experience in answering some of the questions pertinent to areas beyond their scope of functions.

Complete data representation on enforcement was also critically lacking in this report due the absence of participation of enforcement unit or departments. Only small passing reference and general remarks were made by respondents or key informants, without any specific mentioned of or reference materials, cases or statistics provided.

3. MAPPING AND SITUATIONAL ANALYSIS OF CONSUMER PROTECTION LAWS AND PROGRAMMES

3.1 LAWS AND REGULATIONS RELATED TO CONSUMER PROTECTION

In realizing the goals and objectives of the ASEAN Economic Community Blueprint to drive towards a people-centred ASEAN Community, consumer protection is considered an essential means in its market integration agenda.¹³

In mapping the relevant laws, this Study examines specific or general provisions that capture or provide for access, safety, quality, of products and services in relation to the 8 fundamental rights of consumers as espoused by the UN Guidelines and CIKL (see Chapter 1, Section 1.1), including the responsibilities and obligations of consumers and producers or providers. Provisions that imply authorities and their enforcement power were also examined in line with the rights for consumers to seek redress.

Numerous laws provide for consumer protection in Singapore in relation to prices, weights and measures, unfair contract terms, travel, second hand goods, credit and banking, utilities, telecommunications, safety and quality, fees and charges etc. which are implemented by various Agencies (*Please see Appendix 6 on List of Laws and Appendix 5 on List of Implementing Agencies*).

3.1.1 The Principal Consumer Protection Act

Consumer Protection (Fair Trading) Act 2004 is the principal consumer protection law currently in force in Singapore. The Act known as CPFTA came into force on 1 March 2004. It seeks to protect consumers without adding too many obstacles for businesses.

In order to promote a fairer and more equitable marketplace, the CPFTA under section 6(1) provides that a consumer who concluded a consumer contract as a result of unfair trading is entitled to bring an action in court to obtain relief. Unfair practices are described under section 4 that include all actions that might mislead the consumer or take advantage of him if the supplier knows or ought to know that the consumer is not in a position to understand the contract or to protect his own interests. In addition, the Act sets out a list of examples of unfair trade practices, such as representing that goods are new if they are not or that a price benefit exists if it does not. If treated in such an unfair way, a consumer can seek civil remedies.

The Act has been amended in 2009 to include provisions such as:

- Increase prescribed claim limit from SD 20,000 to SD 30,000 to allow consumers to rely on the CPFTA for larger transactions.
- Extend Small Claims Tribunals' (SCT) jurisdiction to time share related actions arising from the Consumer Protection (Cancellation of Contracts) Regulations, thus providing consumers with a low cost avenue to pursue such actions. The SCT has also been given

¹³ ASEAN Secretariat (2009).

jurisdiction over actions in as far as they relate to a deposit paid in relation to or in contemplation of a motor vehicle sale contract. This provision was made because, prior to the change, the SCT only heard cases relating to concluded contracts. Cases arising from the new Consumer Protection (Motor Vehicle Dealer Deposits) Regulations may involve actions for the return of deposits when the contemplated vehicle sale contract falls through because the dealer did not obtain financing as agreed with the consumer.

- Extend the limitation period for actions by specified bodies. The CPFTA allows specified bodies (CASE and STB) to seek a court declaration that a supplier has (or is about to be) engaged in an unfair practice and/or an injunction against the supplier. The limitation period for such actions has been extended from one year to two years. The starting date of the limitation period has been aligned with that for consumers (namely, the date of the consumer's knowledge of the unfair practice).
- The limitation period for consumer actions in respect of unfair practices has been extended from one to two years to align with the limitation period for declaration or injunction actions by specified bodies. The courts have been given the discretion to stay such proceedings if there is a corresponding action for a declaration or injunction by a specified body. This allows consumers to await the outcome of the specified body's corresponding action in order to rely on findings of the court in the corresponding action in support of their own actions against the supplier.
- Inclusion of Financial Products and Services under the CPFTA. Financial products and services regulated under certain Acts were previously excluded from the CPFTA. With the amendments, financial products and services regulated under the following Acts administered by either the Monetary Authority of Singapore (MAS) or International Enterprise Singapore have been brought under the CPFTA:
 - Banking Act
 - Finance Companies Act
 - Financial Advisers Act
 - Insurance Act
 - Section 28 of the Monetary Authority of Singapore Act
 - Money-changing and Remittance Businesses Act
 - Securities and Futures Act
 - Commodity Trading Act
 - Moneylenders Act (w.e.f. 1 April 2010)

With the inclusion of financial products and services under the CPFTA benefits, consumers can seek redress and civil remedies for unfair practices. The CPFTA also covers aspects of unconscionable conduct (such as exerting undue pressure or undue influence on a consumer) that are not covered by existing MAS laws.

Some of the key amendments to the regulations brought in 2009 are:

- The right to cancel contracts within the “cancellation period” has been extended to time share related contracts (such as a time-share resale contract).

- The duration of the cancellation period has been increased from 3 to 5 working days.
- Suppliers are required to provide refunds within 60 days after the cancellation of a contract under the Regulations.
- Direct sales contracts are essentially contracts entered into during an unsolicited visit. Under the former Regulations, an “unsolicited visit” extended to a visit by a supplier (not expressly requested by the consumer) that takes place after the supplier telephones or visits the consumer indicating his willingness to visit the consumer.
- Motor vehicle dealers will be required to be transparent about their deposit policies and, upon the consumer’s request, to produce a written statement from the financial institution to prove the loan rejection when they intend to retain the deposit.
- Consumers to treat all unsolicited goods and services (except for mis-deliveries) as unconditional gifts from suppliers, unless the consumer has acknowledged in writing his willingness to accept and pay for such goods and services. Consumers can claim a refund of payments made for such goods and services. The refund claim must be made within 12 months after the payment, and the supplier will have 60 days to make the refund.

The Consumer Protection (Fair Trading) (Amendment) Act and the Regulations came into effect on 15 April 2009. In general, the Act applies to all transactions with consumers in the country including electronically transacted businesses.

Different from general evidence rules, oral evidence establishing the existence of a warranty is admissible in court, even though it adds to, varies or contradicts a written contract. All ambiguous provisions in a document provided by the supplier must be interpreted in advantage to the consumer.

The provisions of the Consumer Protection (Fair Trading) Act cannot be contracted out. In case if a consumer has encountered an unfair practice, he/she can seek recourse initially with the trader. In Singapore, it is believed that businesses should consider having in place a dispute resolution or alternative mediation process so that there is a platform for settling disputes with consumers.

In this study, a general analysis on Consumer Protection (Fair Trading) Act was made using Wood’s (1996) Consumer Laws Matrix (*please see Appendix 1*), which is based on the parameters of the 8 consumer rights. The analysis suggests that the Law contain strong provisions protecting consumers of their rights to safety, to be informed, to choose and to redress. However, provisions relating to consumer education in establishing mechanisms to monitor consumer awareness and use of their rights are required. The analysis also suggests that provisions are needed to ensure consumers are aware of their consumer responsibilities that need to be included.

“Following the amendment to the CPFTA in 2009, one of the most recent development in the consumer protection sphere in Singapore is the introduction of the Lemon law in September 2012.

Lemon Law

1. The introduction of the Lemon law provides additional remedies for both consumers and business. Under the law, where the product purchased by the consumer turns out to be defective, there is a two steps recourse mechanism. Consumers can first require the seller to repair or replace the product. If the seller is unable to do so, consumers can then demand for a reduction in price or the full refund.
2. The Lemon law covers all consumer products including second hand goods, except retail properties or leased products. Before the Lemon law was introduced, there was ambiguity in the burden of proof. With the Lemon law in place, it is clear that the burden of proof falls on the suppliers if the defect surfaces within six months of purchase. As such, if a defect is found on the goods within six months of the purchase, it is assumed that the defects existed at the point of sale, unless the seller can prove otherwise. “

3.1.1.1 Implementing Agencies

In Singapore, the responsibility for implementing consumer protection functions is shared by various ministries and statutory boards. Of the numerous consumer protection laws to promote and protect the interests of all consumers. Of the Singapore Government institutions, the Ministry of Trade and Industry (MTI) is mainly responsible for administering the key consumer protection laws.

The following are the agencies that has regulatory and enforcement powers:

- Ministry of Trade and Industry (MTI)
- Consumers Association of Singapore (CASE) and Singapore Tourism Board (STB) are specified bodies and can invite errant suppliers to sign a Voluntary Compliance Agreement and commence declaration / injunction proceedings against errant suppliers.

(Under CPFTA, only MTI has regulatory powers, and CASE and STB has enforcement powers).

3.1.2 Laws on Product Safety and Labelling

The Consumer Protection (Trade Descriptions and Safety Requirements Act) 1975 prescribes provisions prohibiting mis-descriptions of goods supplied in the course of trade as well as confer power to prescribe requirements relating to informative marking and advertisement of goods and to their safe composition, construction or design, and for purposes connected therewith. There has been growing concern among regulatory authorities and consumers in Singapore about the safety and performance of products as evidenced by reports of accidents due to product failures. One such recent product failure which occurred in December 2010 was an alert from Health Sciences Authority (HSA) issuing a recall of 3 personal hygiene products that were said to be contaminated with the bacteria.¹⁴

To protect consumer and public interests, various regulatory authorities have put in place regulations and Acts to control the quality and safety of products regulated under their

¹⁴ http://www.straitstimes.com/BreakingNews/Singapore/Story/STIStory_618997.html

jurisdiction. Table 3.1 provides examples of selected categories of consumer products and the regulatory agencies that are responsible for their faulty and safety standards.

Government/regulatory authorities or bodies regulate the safety and performance of products through two mechanisms, namely, the Government/Regulatory Authorities Registration Scheme or the Third-party Product Certification Scheme.

Sale of Food Act 1973 prescribes the provisions on safety requirements regarding the preparation and sale of food have been incorporated in the Sale of Food Act 1973 (Cap 283). Accordingly, the sale of adulterated food without information as to the adulteration supplied to the purchaser, the sale of food containing banned substances listed in the relevant regulations or in circumstances, which make such food unfit or unsound, is a criminal offence.

In addition, food sold in a package is required to have all information regarding weight, volume, quality, strength purity and the particulars of the manufacturer and trader. False labelling or advertisement of the value, merit or safety of any food; or the sale of a different quality of food than requested by the buyer is a punishable offence.

The Food Regulations No.1 of 1st October 1988 specifies detailed standards of labelling and the type and amount of information to be disclosed to buyers. Sell-by dates are also required to be affixed to food products listed in the Third Schedule (most of the 19 items being types of food ready for immediate consumption). The use of chemicals such as additives and preservatives is also strictly regulated in Singapore.

Table 3.1: Examples of the types of products regulated in Singapore and regulatory authorities or bulk purchasers

| Regulators | Items Controlled | Laws/Administration Control |
|--|--|--|
| Fire Safety Bureau (FSB) | Fire safety materials & products | Fire Safety Act |
| Ministry of Health | Condoms | Medicine Act |
| Ministry of Manpower | Safety footwear, industrial safety helmets, safety belts, safety nets, scaffolds | Factory Act |
| Ministry of the Environment | Sanitary wares and flush valves, pipes and fittings | Sewerage and Drainage (Sanitary Works) Regulations |
| Traffic Police | Motorcyclist helmets, triangular reflective signs | |
| Public Utilities Board (PUB) | Switches, socket outlets, water heaters, etc | PUB Regulations |
| Telecommunication Authority of Singapore (TAS) | Telephone equipment | TAS Act |
| Consumer Product Safety Authority | Home appliances, entertainment equipment, etc | Consumer Protection (Safety Requirements) |

| | | |
|-------------------------------|--|-----------------|
| Housing and Development Board | Fire resistant cables, consumer units, emergency battery operated power supplies | Bulk Purchasers |
| Land Transport Authority | Taximeters | Bulk Purchasers |
| Singapore Telecoms | Telephone sockets | Bulk Purchasers |

Source: Product regulation in Singapore, ASEAN website¹⁵

Food Regulations 2006 stipulate food safety and specification standards, permitted additives and their maximum limits; tolerable limits for chemical residues; as well as standards for labelling and advertising. The Regulations are formulated based on recommendations by the Codex Alimentarius Commission (CAC), the international food standards body, and food safety authorities of major developed countries, and are in line with international guidelines. AVA reviews the Regulations regularly to ensure that they continue to be up-to-date, in line with international practice and adequate to safeguard public health.

To protect consumers' rights and ensure fair practices in the food trade, the Food Regulations stipulate standards for various food products. These include flour, bakery and cereal products, meat and meat products, fish and fish products, edible fats and oils, milk and milk products, ice cream, frozen confections and related products, sauces, vinegar and relishes, sugar and sugar products, tea, coffee and cocoa, fruit juices and fruit cordials, jams, non-alcoholic drinks, alcoholic drinks, salts, spices and condiments, flavouring essences or extracts, flavour enhancers to special purpose foods.

Taking cognation of the international move towards providing health advice to consumers in food labels and advertisements so as to promote healthier dietary patterns, AVA is considering a review of the current regulations on the use of health claims in Singapore. AVA is now preparing the ground work to form an advisory committee, which will be tasked to both review and improve on the existing framework, and develop a set of guidelines on the use of health claims, for AVA's consideration.

As for the use of food additives, the review is conducted regularly. New additives are considered as and when applications are received, or when there are new developments in international standards,

Labelling requirements for food products are maintained under the **Sale of Food Act (Cap 283)** and the Food Regulations. All pre-packaged food must carry a label indicating the name, statement of ingredients, net quantity, country of origin, and name and address of importer in the case of imported food, or the name and address of manufacturer or packer in the case of locally manufactured/packed food. Further details are required for certain products, including irradiated foods, royal jelly, and artificial sweeteners. Nineteen groups of food products listed under the Third Schedule of the Food Regulations are required to carry expiry dates on their labels. Labels for bottled natural mineral water and spring water should include the brand name, the source of the water and the amounts of sodium, calcium, potassium, magnesium, bicarbonates, chloride and sulphates present, in addition to the basic labelling information.

¹⁵ <http://www.aseansec.org/6889.htm>

At present Singapore does not have any specific labelling requirements for pre-packed genetically modified (GM) food. However, there is a provision in the Sale of Food Act that prohibits the sale of food labelled or advertised in a manner that is false, deceptive or misleading. The labelling of GM food is currently being discussed in the Sub-Committee on Labelling, under the Genetic Modification Advisory Committee (GMAC). GMAC is following developments in international forums, especially the Codex Alimentarius. In the meantime, Singapore has set up a Sub-Committee on Public Awareness, under the GMAC, to provide factual and scientific information to the public on GM organisms (GMOs).

In 1992, the Ministry of the Environment launched the **Singapore Green Label Scheme**. The Singapore Environment Council (SEC) currently administers the scheme. There are presently 32 product categories in this scheme. The qualifying criteria for each product category are drawn up after consultation with industries. Testing requirements vary for the different product categories but are generally based on methods described in established international standards where these are applicable. The scheme is voluntary and is available for a number of products but not for food, beverages, and pharmaceutical products. The Health Sciences Authority administers medical and pharmaceutical labelling and packaging requirements. Since labelling requirements were put in place for cosmetics and Chinese proprietary medicines (CPMs) in 1997 and 1999 respectively, one additional requirement has been introduced for CPMs with effect from 1 January 2003.¹⁶

The Environmental Public Health Act 1987 (Cap 95) consolidates the law in this area and, therefore, reinforces the protection provided to consumers by the Sale of Food Act. The operations of, among others, food establishments (including hawkers), markets, waste collectors and public amenities are regulated with a view to ensuring public safety and hygiene and dealing with public nuisances and dangers to health.

Safety of medicinal products is covered under the **Drugs Act 1970 (Cap 282)** and the **Medicine (Advertisements & Sale) Act (Cap.161)**. These Acts combine to protect consumers of these products. In much the same way as the Food Act, the Sale of Drugs Act prohibits the sale of adulterated drugs, those carrying false or misleading drugs or containing a prohibited substance.⁴⁶ As well, those not containing the composition prescribed by regulations are prohibited.

The Consumer Protection (Warning against Danger of Smoking) Regulations 1980 issued under the CPA makes it obligatory on advertisers that target smokers or consumers to insert the usual “Government Warning” and display it prominently. Further requirements have been issued under the **Consumer Protection (Labelling of Tobacco Product Containers) Regulations of 1989**. The Regulations require the printing or marking, in a prominent place in English on containers of all types, of the health risk that attach to smoking, adding the words “Government Warning”. Moreover, the nicotine and tar content will have to be disclosed.

Manufacturers, importers and distributors are also required to furnish to the Director of

¹⁶ All Chinese proprietary medicine products are, as of 1 January 2003, required to have an additional label that states "Allowed for Sale as a Chinese Proprietary Medicine". This requirement was introduced to help consumers differentiate such products from western pharmaceutical products

Consumer Protection a statement regarding the amount of cigarettes that they produce or sell. Failure to fulfil any of these requirements is a punishable offence. The Customs and Excise Department is required to enforce the same **Consumer Protection (Labelling of Tobacco Product Containers) Regulations**.

Product safety is also taken care of under **the Electric Lamp and Electric Appliances Act (Cap 243)** whereby the Public Utilities Board (PUB), under the Ministry of Trade and Industry, vets electrical appliances and approves or rejects them. The Regulations that the PUB issued on 1 January 1975 pursuant to its powers under the Electrical Workers and Contractors Licensing Act allow it to control contractors through the issue or denial of licenses for carrying on electrical work.

The Agri-Food and Veterinary Authority of Singapore administers a total of 9 Statutes, namely:

- The Agri-Food and Veterinary Authority Act,
- The Animals and Birds Act
- The Control of Plants Act
- Endangered Species (Import and Export) Act
- The Feeding Stuffs Act
- Fisheries Act,
- The Sale of Food Act
- The Wholesome Meat and Fish Act
- The Wild Animals and Birds Act and their subsidiary laws.

3.1.3 Laws on Phone & Internet Services and E-Commerce

Singapore was the first country in the world to enact the United Nations Commission on International Trade Law (UNCITRAL) Model Law on Electronic Commerce. The government recognised that a clear and comprehensive legal framework would be vital to become an e-commerce hub in the region.

The **Electronic Transactions Act (ETA)** came into force on 10 July 1998 provides the legal framework for e-commerce transaction in Singapore. Under Section 3, it addresses the following issues posed by electronic transactions:

- The identity and authentication of the generator of electronic records and messages
- The legal recognition of electronic signatures
- The retention of records by electronic means
- The integrity of electronic records transmitted over networks
- The limitation of liability for network service provider
- The formation and the validity of electronic contracts
- The legislative framework for certification authorities and digital signature
- The cross certification of foreign digital signatures
- The government use of electronic records and signatures, in particular, the acceptance of electronic filing by government departments and statutory board
- Miscellaneous enforcement and investigation powers tailored for electronic transactions

The basic elements of contract formation (acceptance, offer, and intention to enter into legal relations with consideration) are addressed. Conflict of law principles for cross-border

transactions are as applicable in electronic transactions as they are in transactions not conducted electronically. The use of digital signatures, especially against a backdrop of cross-border, cross certification arrangements can help to resolve some jurisdictional issues. Singapore is continually working out practical and predictable arrangements (e.g. bilateral agreements) to address such issues.

The ETA 1998 is a major cornerstone for e-commerce in Singapore. Apart from the general laws dealing with intellectual property, other important laws are the **Computer Misuse Act 1998** and the **Evidence Act 1997**. Following the United Nations Convention on the Use of Electronic Communications in International Contracts (UN Convention), adopted by the General Assembly of the United Nations on 23rd November 2005, IDA together with the Attorney-General's Chambers (AGC) in Singapore conducted a review of the 1998 ETA, culminating in a further modified **Electronic Transactions Act 2010**.

The primary law relevant to telecommunications is the **Telecommunications Act** enacted in 1999 that came into effect in 2000. The Act covers matters such as:

- Licensing of telecom systems and services and grant of spectrum rights;
- Erection, maintenance and repair of telecom installations;
- IDA's powers to issue codes of practice, standards of performance, directions and advisory guidelines relating to telecom systems and services;
- Telecom cable detection work;
- Ownership and management controls over designated telecom licensees; and
- Offences and penalties relating to telecom systems and services.

The Infocomm Development Authority ('IDA') is the telecommunications industry regulator responsible for the regulation of competition in telecommunications, including infrastructure and spectrum. IDA is a statutory board of the Singapore Ministry of Information, Communications. IDA was formed in 1999 as a result of a merger between the Telecommunications Authority of Singapore (the then statutory body in charge of the regulation of the telecommunications services sector) and the National Computer Board. The Singapore government's intention on the merge was in recognition (and indeed promotion) of the convergence taking place in information technology industries.

The functions and powers of the IDA are as follows:

- to promote the efficiency and international competitiveness of the information and communications industry in Singapore;
- to ensure that telecommunication services are reasonably accessible to all people in Singapore, and are supplied as efficiently and economically as practicable and at performance standards that reasonably meet the social, industrial and commercial needs of Singapore;
- to act internationally as the national body representative of Singapore and at the same time to advise the government in respect of information and communication matters;
- to exercise licensing and regulatory functions in respect of the information and communication industry, including but not limited to, licensing and regulating the

management, allocation and use of satellite orbital slots, radio frequency spectrum and numbering plans in Singapore;

- to maintain effective competition between telecommunication operators; and
- to encourage, promote, facilitate investments in and otherwise assist in the establishment, development and expansion.

3.1.4 Laws on Consumer Credit and Banking

In Singapore, the laws regulating banking are found in the relevant Acts passed by Parliament (and their related subsidiary law), the common law and principles and the rules of equity. The common law and principles and rules of equity are derived from case law. These case laws not only regulate the banking sector in Singapore, but also ensures that the legal framework for banking in Singapore is kept in pace with the latest developments in the financial world. The relevant Acts pertaining to the banking industry include:

- The Banking Act of 1970 and its further revisions - the law that governs commercial banks in Singapore.
- Monetary Authority of Singapore (MAS) governs all matters related to and connected to MAS and its operations.
- Anti Money Laundering Regulations
- Payment & Settlement Systems Guidelines
- Securities and Futures Act

The **Banking Act (“BA”) 1970** protects customer’s information held by banks from unauthorised disclosure. Under the BA, it is an offence for Customer Information to be disclosed by a bank in Singapore or by any of its officers to any person except as expressly provided in the BA. Section 47 (1) & (2) of the BA provides that,

- (1) A bank shall not, in any way, disclose customer information or any of its officers to any other person except as expressly provided in this Act.
- (2) A bank in Singapore or any of its officers may, for such purpose as may be specified in the first column of the Sixth Schedule, disclose customer information to such persons or class of persons as may be specified in the second column of that Schedule, and in compliance with such conditions as may be specified in the third column of that Schedule.”

The Sixth Schedule of the BA provides a lengthy list of specific situations where customer information may be disclosed, the persons to whom the information may be disclosed to and the conditions, which must be fulfilled.

Section 43 (1) of the BA provides that,

“The Authority shall, from time to time, inspect under conditions of secrecy, the books, accounts and transactions of each bank in Singapore and of any branch, agency or office outside Singapore opened by a bank incorporated in Singapore.”

In Singapore, Monetary Authority of Singapore (MAS) acts as a de facto central bank that regulates the banking industry. It was established in 1971 in order to regulate Singapore’s financial industry to aid in its development as an international financial centre. Its primary function is to ensure that the financial markets operate in an efficient and smooth manner, in

line with national economic goals.

The Hire-Purchase Act was enacted in 1969 and further amended in 2004 with the Ministry of Trade and Industry administering the Law. This Act principally regulates the form and content of hire-purchase agreements, and spells out the rights and duties of parties to such agreements. Under the amended rules, the Act seeks to:

- enhance disclosure and transparency requirements so that consumers have access to all material and relevant information to make an informed choice when deciding whether to enter into a hire-purchase agreement; and
- update the Hire-Purchase Act in a manner which balances the needs and concerns of consumers and hire-purchase financiers and facilitates market developments.

The Act is covered for any consumer goods the value of which does not exceed SD20,000 (inclusive of any Goods and Services Tax) and any motor vehicle the value of which does not exceed SD55,000 but shall exclude the cost of a certificate of entitlement for the vehicle

The **Moneylenders Act 2008** refines and modernises the regulation of 1959 of money lending in Singapore and perhaps most importantly clarifies the law's ambit by introducing new safe harbours for commercial parties engaged in lending transactions in Singapore.

- It excludes from its application a greater range of commercial lending transactions, avoiding the need, in cases of doubt, either to obtain a moneylenders licence or an exemption from it. Intra-group transactions should fall outside the application of the Act.
- The Act came into effect on 1 March 2009.

The Ministry of Law through the Registrar of Pawnbrokers administers the **Pawnbrokers Act**. The consumer is protected by the fact that there is a ceiling to the amount involved in the transaction (namely, sums less than SD 1,000) and that a pawn ticket would be required to be given as evidence. Moreover, the interest to be paid on the loan cannot be more than one and a half percentage per month. The Pawnbrokers Rules No.1 of 1st December 1977 further state that an applicant seeking to obtain a license to operate as a pawnbroker will be subject to a clearance from the Police; at the same time, he must be free from any adverse public comment about his financial standing. To ensure that an applicant satisfies these requirements, a notice of his application is sent to the Police while a copy of the same notice is posted on the public notice board of the Registry of Pawnbrokers¹⁷. The applicant himself is required to advertise about his application in one English and one Chinese newspaper for two consecutive days and to place a notice on his premises for three weeks. At the same time, the Police or the Registrar may inspect his premises before a license is granted. In addition, the pawnbroker is required, after the grant of the license, to furnish “information and data relating to his business as a pawnbroker”.⁶¹ Any neglect or failure on his part will be an offence.

The stringent procedures in the granting process and the publicity surrounding it are additional safeguards for those who entrust their property as guarantee for borrowing money. The likely denial of a license for people who might not have had a reputation for financial prudence might

¹⁷The Pawnbrokers Rules No.1, r 5.

conceivably reduce the chance of pawnbrokers running away with property surrendered to them as security.

The three main laws covering payment and settlement systems in Singapore are the **Payment Systems (Oversight) Act of 2006**, the **Payment and Settlement Systems (Finality and Netting) Act of 2002**, and the **Bills of Exchange (Check Truncation) Regulation of 2002**. Other key laws and by-laws governing payment systems and instruments in Singapore are **Currency Act**, and the **1998 Electronic Transactions Act**.

3.1.5 Laws on Environmental Quality and Services

The growth of industrial activity and solid waste prompted the government to enact different laws to protect the environmental interests of Singapore. One fine example of the pollution control tools in Singapore is the **Environmental Pollution Control Act (EPCA)**. The EPCA was passed in February of 1999 to replace the Clean Air Act, the Water Pollution Control and Drainage Act, the Poisons Act and to enforce the Environmental Public Health Act (EPHA). EPCA actually controls 4 main areas: Air pollution, Water pollution, Noise pollution, and toxic and hazardous substances

The Director of Environmental Pollution Control with a team of Deputy and assistant administrates the EPCA regulation. This regulation also emphasises the emission standard in the **Clean Air Standards Regulations**. In the Air Pollution Control Part, EPCA obliges the user to maintain and operate air pollution control equipment, to prohibit dark smoke from chimney, to control of air impurities according to the standard rate of emission prescribed in that industry.

In the Water Pollution Part, EPCA prescribes licence for discharge of trade effluent, oil, chemical, sewage or other polluting matters. This part also set the obligation to set treatment plant for trade effluent with non-compliance fine maximum to \$20,000 and also gives penalties for discharging toxic substances or hazardous substances into inland waters to maximum \$50,000 or to 12 months imprisonment or to both.

In Section 18 of EPCA, The Director-General also is authorised to require any person that has polluted the water or land to clean it up within a specified time. This is one implementation of the polluters-pay principle.

Part VII of EPCA regulates the importation and sale of hazardous substances. In Section 22, It is said that, “No person shall import, possess for sale, sell or offer for sale any hazardous substance unless he holds a licence.....”

Noise identified from building and road construction is regulated under Part VIII of EPCA.

The construction owner is obliged to notify the Director-General and gets permission before doing such activity. In Section 4, it is said that, “Any person who fails to comply with a notice issued under subsection (3) shall be guilty of an offence and ... liable on conviction to a fine not exceeding \$10,000.” Industrial noise also is regulated in Part VIII, especially the limitation and permit in premises.

There are several Environmental Pollution Control Regulations or Subsidiary Laws that support this Act under Chapter 94a. These were categorised and unified under a single umbrella. In addition to deleting outdated provisions and modifying other clauses, the Act also established new powers for environmental agencies.

Some of the important laws and regulations that are concerned to consumers and are integrated into Environmental Pollution Control Act are:

- Environmental (Public Health) Act, Chapter 95 (relating to public health in general)
- Environmental Public Health (Markets) Regulations 1969
- Environmental Public Health (Hawkers) Regulations
- Environmental Public Health (Public Cleansing) Regulations 1970
- Environmental Public Health (Food Handlers) Regulations
- Environmental Public Health (Funeral Parlours) Regulations
- Environmental Public Health (Crematoria) Regulations
- Environmental Public Health (Food Establishment) Regulations
- Environmental Public Health (Manufacture and Sale of Ice Cream) Regulations
- Environmental Public Health (Swimming Pools) Regulations
- Environmental Public Health (Toxic Industrial Waste) Regulations 1988
- Environmental Public Health (General Waste Collection) Regulations
- Environmental Public Health (Notice to Attend Court) Regulations
- Environmental Public Health (Control of Noise from Construction Sites) Regulations
- Environmental Public Health (Corrective Work Order) Regulations
- Environmental Public Health (Composition of Offences) Rules
- Environmental Public Health (Boundary Noise Limits for Factory Premises) Regulations

Water Pollution Control and Drainage Act, Chapter 348 (water pollution, sewerage, and drainage matters) covers the following regulations:

- Trade Effluent Regulations 1976

Under the Clean Air Act, Chapter 45 (air quality), the following regulations have been enacted:

- Clean Air (Standards) Regulations 1972, as amended 1978
- Clean Air (Prohibition on the Use of Open Fires) Order 1973

Under the Factories Act, Chapter 104 (regulation of factories and working conditions within), aspects relating to use and emission of toxic substances were covered. Those include:

- Factories (Abrasive Blasting) Regulations
- Factories (Asbestos) Regulations 1980
- Factories (Permissible Exposure Levels of Toxic Substances) Order 1996
- Factories (Medical Examinations) Regulations
- Factories (Noise) Regulations

Under the Road Traffic Act, Chapter 276 (vehicular pollution and traffic congestion), the following regulations include:

- Road Traffic (Public Service Vehicles) Rules
- Road Traffic (Motor Vehicles) (Construction and Use) Rules
- Road Traffic (Restricted Zone and Area Licenses) Rules
- Road Traffic (Motor Vehicles, Quota System) Rules

- Road Traffic (Composition of Offences) Rules

Under the Hazardous Waste (Control of Export, Import and Transit) Act, Chapter 122A (implementation of the Basel Convention on the Trans-boundary movement of Hazardous Wastes), regulations include:

- Hazardous Waste Regulations 1998

Other related laws and regulations include:

- Energy Market Authority of Singapore Act (Chapter 92b), Section 6
- Electricity Act (Chapter 89A)
- Gas Act (Chapter 116A)
- Smoking (Control of Advertisements and Sale of Tobacco) Act, Chapter 309
- Smoking (Prohibition in Certain Places) Act, Chapter 310 (banning of smoking in public places)
- Sale of Drugs Act, Chapter 282
- Drug Regulations
- Sale of Drugs (Prohibited Substances) Regulations
- Sale of Drugs (Prohibited Drugs) (Consolidation) Regulations
- Public Utilities Act, Chapter 261 (water catchment areas)
- Public Utilities (Composition of Offences) Regulations
- Public Utilities (Water Supply) Regulations
- Public Utilities (Central Water Catchment Area and Catchment Area Parks) Regulations

Singapore relies heavily on proper land use planning, control of development and building plans, and provision of an environmental infrastructure to maintain environmental quality and prevent pollution. The government has utilised regulations, enforcement, and financial incentives to help encourage industry to adopt cleaner technologies. Singapore's environmental goals for the next decade have been laid out in the Singapore Green Plan.

3.1.6 Laws on Health and Healthcare Services

Some of the important laws that regulate the healthcare services in Singapore are:

- **Medicines Act** and the Medicines Regulations promulgated therein provide the control of all aspects of dealings in medicinal and related products, as well as Chinese proprietary medicines. This law provides for the licensing of all medicinal products to be sold, manufacturers, wholesalers and importers, as well as dealing with issues relating to advertisements. All these are to ensure the safety, efficacy and quality of medicinal products. Besides the Medicines Act, other regulations such as the Misuse of Drugs Regulations, the **Sale of Drugs Act**, the **Poisons Act** and the Poisons Rules are also in place to regulate the industry
- **Private Hospitals and Medical Clinics Act** that regulates licensing of private hospitals, medical clinics, clinical laboratories and healthcare establishments

A National Health Plan introduced in 1982 aimed at building a healthy, vigorous, active and physically fit population also provided for the introduction of different schemes. The White Paper (Singapore, MOH, 1993) based on the Ministerial Committee's recommendations

outlines the Government's healthcare philosophy which includes nurturing a healthy nation; keeping medical services affordable and intervention to structure and regulate the healthcare system to prevent over-supply of medical services and dampen demand.

3.1.7 Laws on Professional Services

This study covers services that are specifically related to medical and legal professions.

3.1.7.1 Medical Profession

Under the **Medical Registration Act**, Singapore Medical Council is a statutory board under the Ministry of Health. The council, maintains the Register of Medical Practitioners in Singapore, administers the compulsory continuing medical education (CME) programme. The Singapore Medical Council also keeps a check and regulates the professional conduct and ethics of registered medical practitioners. The council also issues work certificates to registered medical practitioners. With regards to registration, an application should be submitted through a local employer in Singapore. Each application is considered on its merits and then a registration certificate is issued.

The council will also check the credentials of the doctor and check if any disciplinary actions have been taken against him or investigations pending against him at his last practice place.

There are 4 types of registration, which can be done such as:

- Full Registration
- Temporary Registration
- Conditional Registration
- Provisional Registration

Under the **Traditional Chinese Medicine Practitioners Act**, the Traditional Chinese Medicine Practitioners Board administers the registration of traditional Chinese medicine practitioners that can also suspend or cancel registration and impose financial penalties. The **Dental Registration Act** empowers the Singapore Dental Council to administer the registration of dentists and oral health therapists, to also suspend or revoke registration and impose financial penalties.

3.1.7.2 Legal Profession

Under the **Legal Profession Act**, the Law Society of Singapore can intervene in the solicitor's practice. The Society can also determine the costs (fees) a solicitor is entitled to in respect of his services and order compensation to be paid to the consumer (client).

3.1.8 Other Laws Protecting Rights of Consumers

Other the provisions prescribed in the above areas, there are different laws enacted by the Government of Singapore to protect the interests of consumers. Listed below are different laws that include some aspects of consumer protection.

| | |
|-------------------------------------|--|
| COMPETITION ACT OF SINGAPORE | The Competition Act of Singapore was enacted in 2004. Under the Act, Competition Commission of Singapore (CCS) was established in 2005 and the Act was introduced in phases in 2006 and 2007. The Competition Act has three major prohibitions: (1) Section 34 prohibition: agreements that prevent, restrict or distort competition; (2) Section 47 prohibition: abuse of dominant position; (3) Section 54 |
|-------------------------------------|--|

| | |
|--------------------------------------|--|
| | prohibition; mergers that substantially lessen competition. Given Singapore's small economy with some markets, which are characterised by few players, a high concentration would not be unexpected. In light of that, only mergers and acquisitions that substantially lessen competition are prohibited because of the fear that it might further reduce market competition and ultimately impact negatively on consumers through price fixing and monopoly. |
| PRICE CONTROL ACT | The Price Control Act of Singapore established the office of a Price Controller and enables the Controller to fix maximum prices for goods that are presumed to be essential for the supply of consumers. Price orders have been published regarding to, among others, dairy products, tea and coffee. |
| WEIGHTS AND MEASURES ACT | The Weights and Measures Act directs the use of known units of measurements and approved weighing instruments through Spring Singapore. |
| REGULATIONS ON ADVERTISEMENTS | <p>Statutory intervention on Advertisements to regulate advertising in Singapore has been through the Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975. An entirely novel regulatory regime was added to that Act when the Singapore Broadcasting Authority (SBA) issued Guidelines for Internet Service and Content Providers in July 1996; SBA has also produced a Code of Practice relating to standards of programmes and advertisements broadcast by licensees on the Internet.</p> <p>As a result, aside from the vestiges of legal control existent in the common law, the control of advertising material has been left to a self-regulatory code of practice under the Advertising Standards Authority of Singapore (ASAS).</p> <p>The ASAS is not a government outfit although its name contains the appellation "authority". It is an organisation set up jointly by representatives of advertisers, advertising agencies, the media and governmental departments concerned. Its function is to provide advice as to the appropriateness of any advertising prior to publication although it does not seek to approve all advertisements¹⁸. While responsibility for any publication and compliance with the Code rests with the advertiser or advertising agency, ASAS has powers to require any advertisement to be amended, withheld or withdrawn¹⁹. It also has power to mediate in and decide upon any dispute between the respective associations of advertisers, agents and owners alike.</p> <p>Sanctions against parties which breach the Code are "withholding of advertising space or time from advertisers, and the withdrawal of trading privileges from advertising agencies" as well as publicity. It is noteworthy that public or consumer complaints arising from breach of the Code are also entertained by ASAS. Any such complaint will have to be addressed to the Chairman. A simple letter detailing the</p> |

¹⁸ Singapore Code of Advertising Practice, at iv

¹⁹ ASAS reportedly received 169 advertisements for review in the fiscal year 1995/6; 8 of them were ordered to be withdrawn and 1 to be modified while 78 were referred to the relevant authorities. See CASE, Annual Report 1995-1996, at 17.

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| | <p>basis of the complaint with examples of the kind of breach will suffice.</p> <p>The 1976 Singapore Code of Advertising Practice owes its origin in the British Code of 1962 and the subsequent Malaysian and Singapore Code. Its basic concerns are the setting up of fair dealing and honest trading standards for advertisements. Hence, legality, decency, honesty, truthfulness and conformity with fair competition principles are the declared yardsticks for acceptability of advertisements. These are dealt with extensively in the “General Principles” (part II). Advertising through comparisons, the use of another person’s name and goodwill, imitations or testimonials, the exploitation of living persons without permission, also form a large part of that section.</p> <p>Part III covers specific categories of advertisement such as those referring to alcohol, employment and instructional courses, money matters, franchises, “sales” and other promotions. Advertising relating to health and medicinal matters is given prominence by a detailed treatment under part V. The problems that surround advertising in certain areas of importance are taken care of in a large Appendix: Children and young people (Appendix B), slimming (C), mail order (E), “Sales” (F), hair and scalp products (H), alcoholic drinks (K).</p> |
| <p>CONTROL OF PRICES AND ESSENTIAL GOODS</p> | <p>The control of prices and of certain designated articles in a relatively limited form has been practised in Singapore for a long time now. The two separate statutes, namely the Price control Act 1974 (Cap 244) and the Control of Essential Supplies Act (Cap 55), provide a general framework for doing this, their application and the specific requirements to be put in place depend on undisclosed considerations.</p> <p>Whatever the circumstances for the introduction of price control, according to the Price Control Act 1974, businesses will be required, when they happen and if they are in possession of the “price-regulated” goods, to display the prices in English and other languages specified by the Price Controller. Such display should be “in a prominent manner and in a conspicuous position”. There are no limits to the power of the Controller as to the type of goods that he may order a business to exhibit the price for²⁰. The Control of Essential Supplies Act has been followed by a number of orders, which specified the type of supplies that were earmarked for control.</p> |
| <p>REGULATIONS ON CONTROL OF “UNFAIR” TRADING PRACTICES</p> | <p>Under the Control of “unfair” trading practices, the concern for consumers in terms of false or misleading pricing has already been addressed in the CPA. However, the special circumstances of the second-hand goods market and the problems surrounding door-to-door sales have been taken care of through the Second-hand Dealers Act (Cap 288) and the House to House and Street Collections Act (Cap 128), respectively. The latter Act covers sale and exchange for consideration rather than pure charity. Dealers’ as well as door-to-door sellers must register with the police and acquire license before starting operations. Any refusal of license by the police is subject to appeal to the Minister of Home Affairs.</p> |

²⁰ The Price Control Act, s 7.

| | |
|--|--|
| | <p>The problems that flow from multi-level marketing arrangements have been addressed under the Multi-level Marketing & Pyramid Selling (Prohibition) Act (Cap 190). The Act makes it unlawful for any person to promote or participate in such a business or to hold itself out as doing so. Businesses, which engage in such an arrangement, cannot be registered and those, which have done, so after registration would be guilty of an offence (together with the officers).</p> |
| Copyright Laws of Singapore | <p>Singapore's copyright laws comply with the major intellectual-property-rights standards, such as the Berne Convention and the World Trade Organisation's Trade-Related Aspects of Intellectual Property Rights Agreement. An amendment to the Copyright Act was passed in 1999 to extend protection of intellectual property for copyright owners in the digital environment, to include areas such as digitally encoded text and graphics, multimedia productions and compilations of material from different media (like sound recordings, photographs and film clips).</p> |
| E-Commerce Consumer Protection Code | <p>The code is intended to protect personal information of e-commerce consumers. The CaseTrust adopted the E-Commerce Consumer Protection Code in 1999, which is a joint project operated by CASE, the Retail Promotion Centre and CommerceNet Singapore.</p> <p>Singapore has a three-pronged approach to Internet content regulation: (1) a light-touch class licence scheme that provides minimum standards to safeguard values and promote healthy growth; (2) encouragement of industry self-regulation; and (3) an active public-education programme to promote parental supervision. Content owners that publish their content on the Internet are automatically licensed under the Singapore Broadcasting Authority's Class Licence Scheme. Under the scheme, local Internet service providers (ISPs) and content providers must comply with an Internet Code of Practice. The ISPs must register with the Singapore Broadcasting Authority, but content providers do not need to unless their web pages are set up primarily to promote political or religious causes. Steps are being taken to encourage industry self-regulation. Singapore does not regulate personal communications, such as e-mail or Internet relay chat, personal websites and corporate Internet use by employees or for business transactions.</p> <p>Traders who sell goods and services over the Internet are expected to charge the standard 5% goods and services tax (GST) just as they would if their products were sold in a shop. If the goods are delivered to customers outside Singapore, however, the trader may zero-rate his supply (that is, charge 0% GST). For goods sold in Singapore from outside the country, the Customs and Excise Department collects GST from the party bringing in the goods. This could be the postal service or courier companies, which would in turn collect the GST from the purchaser. However, digitised goods imported (that is, downloaded) from overseas do not attract GST, regardless of value, nor do imported services (that is, hiring someone from outside Singapore to carry out the service).</p> |

3.2 INTER-AGENCY CO-ORDINATION

The Ministry of Trade and Industry (MTI) is mainly responsible for administering the key consumer protection laws but as there are other implementing agencies based on sector specific, some sort of inter agency coordination is needed.

3.3 REDRESS MECHANISM

If consumers have a claim for unfair business practice, consumers may go to the Small Claims Tribunal or to CASE to mediate. Currently, mediation services are available through Community Mediation Centres, Singapore Mediation Centre, CASE and various industry-specific mediation facilities. If the dispute cannot be settled, the consumer may file a claim in court for civil remedies. The consumer may also have rights of action under contract or tort law.

The Consumer Protection (Fair Trading) Act has provisions for civil remedies, with appropriate and practical channels for redress and compensation for consumers. The following are the different agencies in Singapore that are involved in providing redress for consumers.

Table 3.2: Agencies handling consumer complaints in Singapore

| Agency | Affiliation | Types of complaints handled | Complaints filing mechanism |
|---|-------------|--|---|
| Consumers Association of Singapore | Independent | Consumer to Business transactions (goods/services): | <ul style="list-style-type: none"> ▪ General phone hotline ▪ Fax ▪ Walk-in consultation ▪ Online submission |
| Financial Institution Disputes Resolution Centre (FIDReC) | Independent | Banking and finance, insurance products/services | Fax, Post, Email |
| Singapore Mediation Centre | Independent | Arranges mediation sessions for dispute resolution between parties | Mediation session in person |
| Small Claims Tribunal | Government | All consumer goods and services; Civil claims regarding all goods and services | Filing a claim: Personally and Through fax |
| Monetary Authority of Singapore (MAS) | Government | Civil Penalty Enforcement Action For False Trading | Filing a claim: Personally and Through fax |

An Overview of the Small Claims Tribunal in Singapore

The Small Claims Tribunal Act (Cap 308) provides redress at relatively insignificant costs. The relatively quick and inexpensive nature of the Tribunal is shown by the amount that an individual consumer pays to initiate legal action (only SD10). Under the SCT, legal representation is not allowed, which means that parties appear in their own capacity. Thus the consumer will appear on his/ her own while the corporate defendant will not be able to send its highly experienced legal counsel as would happen in the regular courts. Any claims brought before the Tribunal should involve less than SD10,000. It is possible for this to go up to SD20,000 if the parties so agree. The types of disputes that can be brought to the Tribunal are those arising from sale of goods, supply of services and damage caused to property.

As regards the time period, claims can be initiated within one year²¹ from occurrence of a cause of action; otherwise, the consumer will have to use the regular courts. As might have become evident from what was said already, the Tribunal engages in very little that may pass as legal procedure. Above all, it attempts to mediate between the disputing parties and, if that fails, it issues orders. This makes it a convenient forum for those who cannot possibly find the time or the resources to mount legal battles to obtain redress²². Any party that is dissatisfied by the decision of the Referee (a legally qualified person with the same powers as a Magistrate hearing the case) can appeal to the High Court only on matters of law.

Alternate Dispute Resolution in Singapore

Apart from the Supreme Court and Subordinate Courts, Singapore depends heavily on Alternative Dispute Resolution (ADR) Services to solve civil problems of the citizens. And,

²¹ With the 2009 Amendment, the time limit is now extended to two years

²² For a succinct account of the workings of the Tribunal, see, George TSL Shenoy and Toh See Kiat, *Legal Aspects of Doing Business in Singapore*, Addison-Wesley, 1996, at 321-325.

those are best managed by agencies like Singapore Mediation Centre (SMC), Singapore International Arbitration Centre (SIAC) and Community Mediation Centre (CMC).

Singapore Mediation Centre is a prominent Alternative Dispute Resolution in Singapore providing solutions through Neutral Evaluation and Mediation- Arbitration methods. It also provides training facilities in Negotiation, Mediation and Conflict Management.

Singapore International Arbitration Centre maintains complete transparency while acting as an ADR in Singapore. It helps parties in getting appointments of arbitrators, in managing the financial aspect of the arbitration and making the progress of arbitration very smooth. It functions according to the guidelines mentioned in its Code of Practice. It is well equipped with a wide range of multinational and multicultural professional secretariat who suggest solutions which are culture specific and this sensibility is required for solving civil matters which are very much socio- cultural in nature.

Community Mediation Centre mainly focuses on community disputes. Community disputes are essentially social in character and those include neighbourhood and family disputes excluding family violence, disagreements with friends, conflict between strangers, various sorts of squabbles and so on. CMC acts as a mediator who helps the two opponent parties to get settled either through joint meetings of both parties or through private one- on- one session. Just like other court cases each side is given a chance to put up their points and during joint sessions the mediator asks questions to clarify doubts and to gather more information on the issue. Parties can even meet the mediator privately in separate sessions called caucuses to reveal their private view points which they are not ready to disclose before their opponents. Generally this Alternative Dispute Resolution in Singapore tries to solve the problem within an hour.

Other key agencies involved in the work of alternative dispute resolution are CASE Mediation Centre and Financial Industry Disputes Resolution Centre. It is easy to access Alternative Dispute Resolutions in Singapore and the best part of the story is that trivial disputes get solved in an hour, which generally goes on for years in other nations. One can really come to a solution and settlement through the interference of a legal mediator through discussions and counselling in the Alternative Dispute Resolutions system.

Cross Border Redress

Under the cross border redress, CASE has signed a memorandum of Understanding (MOU) with its counterpart the Federation of Malaysian Consumers Associations (FOMCA) in August 2010. The MOU strengthens bilateral co-operation between CASE and FOMCA in the areas of information sharing and will pave way for a cross-border consumer dispute resolution from both the respective countries, which is first of its kind in the ASEAN region. CASE has even signed MOUs with consumer associations of China, India, and Macao SAR Government Consumer Council (CCM) respectively.

3.4 CONSUMER PROTECTION PROGRAMMES, INITIATIVES AND BEST PRACTICES

3.4.1 Consumer Protection Programmes and Initiatives

Listed below in the table are the specific education and awareness programmes that are being carried out in Singapore to help to educate and raise awareness of consumers.

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

| Areas | Name of Programme | Implementing Organisation | Objectives |
|------------------------------|---|---|---|
| General Consumer Protection | Consumer Protection (Fair Trading) Act Carnival 2009 | Consumers Association of Singapore (CASE) | To increase awareness of consumers' rights, redress options |
| Product safety and labelling | Safety Mark and Consumer Product Safety Education Programme | SPRING Singapore | - Educating the public on the SAFETY Mark and the Consumer Product Safety Scheme - Reducing accident rate involving the use of Controlled Goods |
| Consumer credit and Banking | MoneySENSE national financial education programme ²³ | Monetary Authority of Singapore | Enhance the basic financial literacy of consumers through 3 tiers of programmes: Tier I - Basic Money Management - which covers skills in budgeting and saving, and provides tips on the responsible use of credit; Tier II - Financial Planning - to equip Singaporeans with the skills and knowledge to plan for their long term financial needs; Tier III - Investment Know-How - which imparts knowledge about the different investment products and skills for investing. |
| Environment | Anti-littering campaign; Smoking ban extension; Clean & Green Singapore; Energy Efficient Singapore | National Environment Agency (NEA) | <ul style="list-style-type: none"> ▪ Curb littering in Singapore ▪ To inform consumers of the additional public areas where smoking is prohibited ▪ Inspire Singaporeans to care for and protect the living environment by adopting an environmentally-friendly lifestyle ▪ Educating Singaporeans of the importance of adopting energy efficient practices |

In addition to the general consumer protection programme that CASE organises, it is also involved in organising:

- Education Campaign on “Knowledge is Protection” to impart knowledge and generate awareness among consumers of their rights and relevant applicable laws when dealing with transactions
- Annual World Consumer Rights Day activities such as the WCRD Carnival 2010
- Our Money, Our Rights Financial Literacy Seminar 2010

²³ http://www.moneysense.gov.sg/news_events/Consumer_Portal_Latest_News.html

- Consumer Protection (Fair Trading) Act Carnival 2009
- Healthcare financing & health insurance seminar 2010 (in conjunction with the Ministry of Health and Life Insurance Association)
- CASE seminar on CPF Life (in conjunction with Central Provident Fund Board)

Apart from the above listed programmes, there are different initiatives such as schemes being implemented in Singapore to protect the interests of consumers. Listed below are some of the schemes.

| | |
|--|--|
| <p>Singapore Consumer Protection (Safety Requirements) Registration Scheme (CPS Scheme)</p> | <p>The CPS Scheme is intended to safeguard consumers' interest by ensuring household products, designated as controlled goods, meet the specified safety standards. The Scheme is consistent with the growing sophistication of consumers in Singapore and is administered by SPRING Singapore as the Safety Authority since 1991 by Ministry of Trade and Industry (MTI) under the Consumer Protection (Safety Requirements) Regulations 2002. One of the roles of the Safety Authority under the Regulations is to ensure compliance by industry on the registration of forty-five (45) categories of controlled goods. Registration of controlled goods under the Consumer Protection (Safety Requirements) Regulations 2002 is based on Certificate of Conformity (COC) issued by designated third party Conformity Assessment Bodies (CABs).</p> <p>All suppliers of controlled goods for consumers or for use in schools, educational institutions, hotels, offices, etc. (which are operated other than by staff and professionals) must first be registered with the Safety Authority as Registered Supplier before it can be advertised or supplied. The registration must be supported with COC issued by designated CABs located in Singapore or Mutual Recognition Arrangement (MRA) partners, i.e. CABs (Local) or CABs (Foreign - MRA) respectively.</p> <p>Under the Regulation 4(1) of the Regulations 2002, no person shall trade, supply or advertise for the purpose of supplying any of the controlled goods in Singapore after the specified dates, unless the controlled goods are registered with the Safety Authority and are affixed with the SAFETY Mark. The SAFETY Mark comprises a "safety logo" enclosed in a square on the left and the words "SAFETY MARK" within a rectangle on the right. Below these is a unique 8-digit registration number traceable to the registrant and the registered models. Hence, merely labelling products or stamping receipts 'For Export Only' is not an excuse for not registering controlled goods.</p> <p>Depending on the relevant authority under SPRING, the regulators' roles in the scheme involve the following activities:</p> <ul style="list-style-type: none"> ▪ Setting of safety and performance requirements ▪ Processing of submissions made by companies ▪ Sampling for type-testing ▪ Certification of products |
|--|--|

| | |
|---|--|
| | <ul style="list-style-type: none"> ▪ Approval of products ▪ Enforcement and market surveillance. <p>A person guilty of an offence, shall be liable on conviction, to a fine not exceeding SD10, 000/- or to imprisonment for a term not exceeding two years or to both.</p> |
| THIRD-PARTY PRODUCT CERTIFICATION SCHEME | <p>Alternatively, the regulators or bulk purchasers may leverage on the third party Product Certification Scheme administered by SPRING Singapore. This allows regulators to focus on the setting of safety and performance requirements, processing of submissions made by companies, approval of products and enforcement, leaving the sampling for type-testing, certification of products and part of the market surveillance to the product certification body.</p> |
| SINGAPORE GREEN PLAN | <p>To prepare Singapore for the next decade, the Singapore Green Plan, a master plan for environmental protection and improvement, was prepared in May of 1992. The Singapore Green Plan was presented at the Earth Summit in Rio de Janeiro, Brazil in June of 1992. The plan is a co-operative effort formulated with input from various ministries, private and public organisations, and members of the public.</p> <p>The Green Plan maps the policies and strategies to: 1) transform Singapore into a model green city with a high standard of public health; 2) establish an environmental quality conducive to gracious living; and 3) create a population that cares for both the local and the global environment by the year 2000.</p> <p>The Ministry of the Environment is responsible for overall co-ordination of the Green Plan, but actual programme implementation has been divided amongst various ministries and organisations based on their specialised skills.</p> <p>Six strategic directions have been identified under the Singapore Green Plan:</p> <ol style="list-style-type: none"> 1. Environmental education – to educate the people of Singapore to be environmentally conscious; 2. Resource conservation – to engage public support in minimizing waste generation, as well as reusing and recycling wastes; 3. Cleaner technology – to promote cleaner technologies and processes to create a cleaner and healthier environment and to offer the only long-term solution to environmental pollution; 4. Environmental technology – to become a regional hub in environmental technology (ET) by setting up research and development facilities; 5. Nature conservation – to set aside 5 percent of Singapore’s land for nature conservation; and 6. Noise management – installation of technologies to achieve greater noise reduction at the source. |

| | |
|---|---|
| REGISTRATI ON SCHEME & THE SAFETY MARK | <p>The Singapore Consumer Protection (Safety Requirements) Registration Scheme²⁴ was developed to allay the growing concerns of consumers on product safety issues. The Ministry of Trade and Industry appointed SPRING the Safety Authority to administer the scheme. As the Safety Authority, SPRING's role is to ensure that manufacturers and/or importers register consumer products designated as controlled goods. All controlled goods²⁵ must be registered with the Safety Authority before it can be made available on the Singapore market. Registration is based on test reports from recognised test laboratories, which attest to the fact that the controlled goods conform to international/Singapore product safety standards. The responsibility for ensuring that registered goods remain safe after coming off the manufacturing line, storage, transportation and servicing lies with manufacturers and/or importers.</p> <p>The benefits of the scheme to consumers come in the way of reduced risk of injury or death as well as reduced risk of damage to property.</p> |
|---|---|

3.4.2 Best Practices in Consumer Protection

The study attempted to identify the best practices in Consumer protection programme implementation in Singapore based on the following criteria.

- there is continuity, the ability for replication and follow-up, with regular reporting and updates (each time the programme is conducted)
- meets the objectives and targets of the programme
- programme is evaluated by participants
- documentation of the programme's effects
- reaches out to target groups as expected or beyond
- programme is implemented within the budget.

The table below includes some of the best practices being implemented in Singapore that were captured by the study.

| | |
|---|---|
| Multi-tiered system to ensure consumer protection | <p>As referred by Ministry of Trade and Industry (MTI) under the Government of Singapore, the Country adopts a multi-tiered consumer protection framework for protecting consumers in the Country. Given the diverse and evolving range of consumer products and services, MTI believes that the best protection for consumers is based on their ability to discern the best deals for themselves, and reject unrealistic promises. In Singapore, Consumers can make better choices when they are well informed about their rights and the need to be vigilant. Consumer education and accreditation carried out by MTI, Consumers Association of Singapore (CASE), SPRING Singapore, Monetary Authority of Singapore (MAS), National Environment Agency (NEA), Agri-Food and Veterinary Authority of Singapore (AVA) and others thus provide the first level of defence.</p> |
|---|---|

²⁴ <http://www.spring.gov.sg/qualitystandards/cps/pages/consumer-protection-registration-scheme.aspx>

²⁵ http://www.spring.gov.sg/QualityStandards/CPS/Documents/List_of_controlled_goods.pdf

| | |
|--------------------------------|--|
| | <p>Law provides the next level of defence. The Consumer Protection (Fair Trading) Act, or CPFTA, empowers consumers to seek civil remedies against a wide range of unfair practices. These include practices such as misleading claims, aggressive sales techniques and bogus offers. The CPFTA also empowers Case to apply for injunction orders against errant businesses. The Enforcement through a non-profit Consumer Organisation is one of the best models in Singapore that is unlike in most other countries.</p> <p>Finally, serious offences such as cheating and fraud, including those connected to pyramid schemes, are dealt with by criminal laws.</p> <p>The Government constantly reviews and updates consumer protection law based on study of international best practices and feedback from stakeholders. For example, regulations under the CPFTA were amended in 2009 to extend the mandatory cooling-off period in timeshare and direct sales contracts from three to five days, while a 60-day refund period was also stipulated for cancellations during the cooling-off period.</p> <p>In general like other countries, Singapore has opted for targeted regulations to address key problem areas, rather than sweeping and prescriptive ones applied across all sectors. The latter will result in increased business costs, which will be passed back to consumers. A balanced approach, where regulation is complemented by consumer education and accreditation, will best serve the needs of consumers and businesses.</p> |
| Code of Practice for Retailers | <p>In Singapore there is a Code of Practice for Retailers²⁶ to ensure that they protect consumers' interests in ensuring transparency and fair deal. The Singapore Retailers Association's (SRA) Good Retail Practices and Standards Scheme certify that those retailers who adopt and adhere to SRA's Code of Practice may display the "Good Retail Practices and Standards" logo within their stores.</p> <p>As referred, some interesting aspects of SRA's Code of Practice are:</p> <ul style="list-style-type: none"> ▪ Providing itemised receipts ▪ Ensuring refund/ replacement / return of goods ▪ Fixing price tags ▪ Verifying goods before processing consumers payment |
| CaseTrust | <p>The CaseTrust²⁷ Department was formed as a Secretariat in 1999 under the initiative of The Consumers Association of Singapore (CASE). It was an accreditation scheme targeting the service and retail industry to spearhead businesses towards excellence by means of adopting fair business practices. A shop, which displays the CaseTrust</p> |

²⁶ Please refer to <http://www.retail.org.sg/CoP.htm#top>

²⁷ <http://www.casetrust.org.sg/AboutCaseTrust/tabid/56/Default.aspx>

| | |
|---|---|
| | <p>Logo, signifies fairness and honesty in its dealings with consumers.</p> <p>Since its launch, CaseTrust has been highly regarded by industry players. This is because CaseTrust’s standards are maintained in an unbiased manner, and that its accredited businesses are kept abreast of consumer trends and new developments in the industry. Representatives from STB, SPRING Singapore, IDA, NATAS, and CASE volunteers were all members of the CaseTrust Advisory Council, giving the Secretariat in sights and directions forward.</p> <p>On 18 May 2004, CaseTrust relaunched with a brand new CaseTrust logo. The logo presents CaseTrust as the middleman through which the consumers and traders, represented by the two C’s, engage in mutually beneficial business transactions. When all the elements are joined together, they form the likeness of a sturdy key, which is a universal symbol of trust and confidence. ‘CaseTrust’ makes up the minimum framework of the key, symbolising a solid foundation for good business practices:</p> |
| <p>Small claims tribunals (SCT)</p> | <p>Under the jurisdiction of Small Claims Tribunal (SCT), most consumers’ claims qualify to be under Consumers Small Claims Tribunal²⁸. The Tribunals were established on the 1st of February 1985, to provide a quick and inexpensive forum for the resolution of small claims between consumers and suppliers.</p> |
| <p>Tourists Complaints in Singapore</p> | <p>Collaboration between SCT and Singapore's Tourism Board resulted in a system to ensure prompt and effective management of complaints for the benefit of consumers of the tourism sector. The Singapore's Tourism Board manages tourist complaints²⁹ in a prompt and professional manner to deliver effective service recovery by STB and/or service providers. Under this system, tourism claims are provided with redress within 1 working day from the date that the complaint is lodged.</p> |

²⁸ For more information, please refer to <http://app.subcourts.gov.sg/sct/page.aspx?pageid=8617>

²⁹ http://app.subcourts.gov.sg/Data/Files/File/InforBooklet_Brochures/CourtCharter.pdf

4. NEEDS ASSESSMENT FOR CONSUMER PROTECTION PROGRAMMES IN SINGAPORE

4.1 ANALYSIS OF SYSTEM, INSTITUTIONAL AND HUMAN RESOURCE CAPACITY GAPS

Despite having all the legal measures in place, some of the important concerns that were identified in the study were:

Administrative Gaps for Consumer Protection

The regulation of trade practices particularly in view of the need to protect consumers from unethical businesses is undertaken by administrative departments' officials who check the trading standards of businesses operate from various government departments. The need to regulate trade practices arises basically from the possible use of such apparently innocuous activities as, to mention the most important, price display to dupe consumers, to disguise the true cost of a credit purchase.

Where businesses are at liberty to put or not to put up prices and to change them as often as they wish, the unwary consumer may lose out, if no adequate safeguards are in place and administrative monitoring of compliance by businesses is lacking. Frequent business practices of varying sizes and packaging of the same item will make it impossible for consumers to undertake their own comparisons and come to informed decisions. On the other hand, abuse of practices such as "manufacturers suggested list price" or "manufacturer's recommended price" as well as the neglect of unit prices may conceal traps for unsuspecting consumers.

Consumer complaints

Consumer complaints in Singapore have increased in recent times in relation to unethical motor vehicle dealers and errant retailers getting involved in fraudulent practices who repeatedly short-change local Singaporeans as well as tourists. As per the study and the information shared by CASE, more complaints are getting registered on:

- motorcar industry
- electrical and electronics
- furniture Industry

The General Survey (GS) provides the basis for the needs assessments and capacity gaps in CP among the identified CP-related stakeholders in Singapore, as based on the six identified consumer areas. In terms of human resource capacity, 11 stakeholders comprising of nearly 85%, employed full time paid staff for work on consumers' protection affairs. Seven stakeholders reported that they had the services of volunteers or advisors who were unpaid to work on consumer protection

In this Study, language of operation was also considered as an important factor that may affect the efficiency and effectiveness of the organisations in conducting CP Programmes or activities. Communicating relevant messages and information in languages comprehensible by the stakeholders should be noted in order to transfer the correct messages. From the GS, it was found that all stakeholders have reported that they use English for their day-to-day operations.

The study found that most of the stakeholders have divisions/department/unit with assigned staff for consumer protection. In addition, some stakeholders reported that though they did not have a specific unit, they have assigned technical or administrative staff for consumer protection. For example, in Singapore Medical Association, there was a dedicated unit for consumer protection, but without any staff assigned for consumer protection

As a whole, majority of the stakeholders placed the following areas as the constraints in implementing consumer protection activities in Singapore:

4.1.1 Inadequacy of Laws

New and emerging concerns such as e-services have to be covered adequately to protect vulnerable consumers. Businesses are constantly employing changing tactics to lure consumers and these gimmicks and tactics such as ‘telemarketing’ are currently not covered.

4.1.2 Inadequate finances

The needs for adequate finances mainly referred to the accessibility of fund, as funds for consumer protection activities would require specific lines of budgetary allocations. In order to ensure more activities on consumer education are carried out, there is a need for adequate resources

4.1.3 Inadequate experienced and qualified staff

Most agencies or stakeholders in the country have limited exposure and experience in dealing with CP or consumer issues. To overcome this constraint, outsourcing and expert engagement are commonly sought. In addition, specific training for staff development or exchange programs are constantly sought after

4.1.4 Inadequate number of staff

Inadequate number of staff is primarily due to the limited number of local residents with the required skills, experience, qualifications and expertise. As such, in many instances, relevant agencies resorted to sourcing for foreign experts or staff with CP background.

4.1.5 Inadequate Inter-agency co-ordination

As consumer protection is wide ranging and cuts across different Ministries and different sectors, there is a need to ensure that the consumer protection agenda is prioritized in development and trade liberalization pacts. This can only be assured if there is proper inter agency co-ordination among the various Ministries with one dedicated agency taking the lead on specific consumer sectors.

4.1.6 Specific Challenges in Consumer Protection Programmes Implementation Product Safety and Labelling

Singapore's current system for data collection of safety of consumer products is focused on 45 categories of Controlled Goods- mainly household electrical, electronic and gases products. The system relies on feedback from the Police, Civil Defence (fire brigade), consumers, industry, consumer association (CASE) and the media. Singapore also monitors the safety of other consumer products such as toys and children's products. As for labelling, all Controlled Goods must undergo mandatory pre-market testing and certification and that includes labelling.

This has been checked through post-market surveillance to ensure continuous compliance.

Phone, Internet Services and E-Commerce

Based on the Research by IDA in 2008, 69% of Singapore's population are Internet users. The subscription for Internet at the Household level is 81%. The Research also indicates that 36% of Internet users are using online Internet purchasing.

Consumer concerns with regards to phone, Internet and E-commerce services, in Singapore are:

- Defective goods (e.g. coverage/network issues)
- Delay in delivery (e.g. delay in their repair services)
- Failure to honour (e.g. consumer was billed even though the contract was under promotion or the consumer experienced difficulty in using the services)
- Misrepresentation / misleading claims (e.g. free service was only valid for 6 months instead of 12 months or consumer was not informed of hidden/additional charges)
- Unsatisfactory services (e.g. consumers not informed of billing charges OR consumer did not subscribe to services yet billed OR consumer informed the telco to suspend certain services but was billed as the services had not been suspended as requested)
- Sales tactics (e.g. consumer received ring tones continuously despite requesting for only 1 ring tone, causing consumer to pay for the additional ring tones OR consumer unable to cancel subscription and billed for content)

Consumer Credit and Banking

Whilst the financial landscape has unleashed exciting opportunities for Singapore's growth as a financial centre, it also poses uncertain implications for risk management and financial stability.

The challenge for both the industry and MAS is to work together to maintain confidence and stability while promoting innovation and enterprise.

The following are the consumer concerns with regards to Consumer Credit and Banking in Singapore:

- Currently, teenagers are allowed to own debit cards. Without proper knowledge, these teenagers can potentially grow up to be heavily dependent on credit cards and may end up in indebtedness.
- Poor understanding of contractual terms and conditions as it is often in legalistic language which is hard to understand
- High credit card interest rates and hidden charges
- Lack of knowledge of credit card billing, egg with overseas transactions
- Heavy marketing of credit facilities which includes the financial institutions "offering" cash advancement without the consumer even applying for it. The same applies for credit cards where consumers may be issued with a card without even applying
- Merchants are given by the financial institutions incentives for loan applications and consumers may be asked to take the loan which may not necessarily be the best for them

Environment

The National Environment Agency (NEA) licenses Public Waste Collectors (PWCs) and General Waste Collectors (GWCs) to collect solid waste in Singapore. Besides waste collection

services, PWCs also provide recycling services to residents. Currently, about 54% of Singapore's waste is recycled with the remaining 43% incinerated and 3% goes directly into landfill. The resulting ash from incineration is subsequently disposed of at Singapore's one and only landfill. As both incineration plants and landfill are capital-intensive infrastructures and require large tracts of land, it is not sustainable for land-scarce Singapore to continue building incineration plants and landfills to cope with the growing demand for waste disposal. Suitable measures need to be taken to address these issues.

Healthcare Services

Singapore has a comprehensive suite of healthcare service providers, including private clinics, general practitioners, polyclinics, specialist doctors and public and private hospitals. The government provides for various public healthcare schemes to enable healthcare services to be affordable. Subsidies are also readily available to the public.

The quality of healthcare services and facilities in Singapore is high. As such, at present there are minimal major problems faced by consumers with regards to healthcare services. However, there have been instances where the consumers claimed that they were charged a relatively high price for basic medical treatment. There have also been instances where the actual billing amount is many times more than the estimated amount. Further with the advent of e-health, cost of healthcare for the older and poorer consumers may pose a challenge.

On the other hand, traditional medicines (e.g. traditional Malay and Indian medicines) and homeopathic medicines are not subject to pre-marketing approval and licensing for their import, manufacture and sale in Singapore. The onus of responsibility for the safety and quality of traditional medicines and homeopathic medicines rests with the dealers (importers, manufacturers, wholesale dealers) and sellers. They must ensure that their products shall:

- Not contain any other substances except those stated on the labels;
- Not contain substances listed in the Schedule of the Poisons Act;
- Not contain prohibited substances including amygdalin, pangamic acid, danthron, suprofen and rhodamine B;
- Not exceed the toxic heavy metals limits specified;
- Not stipulate any of the 19 diseases/conditions specified in the Schedule of the Medicines (Advertisement and Sale) Act, namely, blindness, cancer, cataract, drug addiction, deafness, diabetes, epilepsy or fits, hypertension, insanity, kidney diseases, leprosy, menstrual disorders, paralysis, tuberculosis, sexual function, infertility, impotency, frigidity, conception and pregnancy on the labels and packaging materials.
- Traditional medicines and homeopathic medicines are subject to medical advertisement control.

For Chinese Proprietary Medicines (CPM), the Health Sciences Authority (HSA) has taken steps to regulate products and practices. HSA's CPM Unit was set up in 1996 to administer regulatory control on CPM, with the following aims:

- To ensure that CPM sold in Singapore are safe and of good quality;
- To ensure that CPM are labelled appropriately; and
- To facilitate prompt withdrawal of CPM from the market when necessary.

Professional Services

While there is subsidised healthcare in Singapore, specialised treatment or long-term care is very costly and is very financially taxing on those needing them. The problem becomes worse when insurance companies exclude the particular treatment during the renewal of the policy.

The cost of legal fees is relatively high and it makes it less worthwhile for consumers to engage lawyers to settle most consumer disputes. Consumers could refer cases to the Small Claim Tribunal (SCT). However the SCT does not accept cases that have claim amount exceeding SD10,000 or SD20,000 if both disputing parties agree.

4.2 CAPACITY BUILDING NEEDS AND STRATEGIC THRUSTS

Based on the primary and secondary research of this study, it was found that the following are the strategic thrusts towards enhancing consumer protection in Singapore in terms of priority:

- Awareness and educational programmes
- Information Technology management
- Researching consumer laws on emerging issues
- Monitoring compliance to laws/codes of conduct
- Developing strategic plans for consumer protection

The stakeholders involved in the study also specified the forms of assistance required in terms of frequency, which included

- Fund raising training
- Regional partnerships
- Staff exchange
- IT system (e.g. database management)
- Certified programmes on consumer studies
- Consumer specific training
- Study and exposure visits
- Seminars

5. RECOMMENDATIONS FOR CAPACITY BUILDING ON CONSUMER PROTECTION

5.1 Capacity Building Roadmap for Singapore

To further enhance the development of ASEAN Economic Community and regional market integration, it is necessary that there is effective channelling of resources along with efforts for the increased capacity building needs in CP. This needs to be done through the ACCP focal points, which are vital to continuously ensure tangible outcomes of consumer protection at the national level and in the ASEAN region.

With reference to the national Implementation Plan (Table 5.1), the roadmap for capacity building in consumer protection for Singapore focuses on the following strategic objectives:

- 1) Enhancing human resource capacities and needs
- 2) Strengthening the Consumer culture through enhanced consumer education and awareness programs
- 3) Strengthening access to Public and Private redress mechanisms
- 4) Strengthening co-ordination amongst agencies for enhanced CP through policy development and strategic planning

The proposed timeframe to implement the actions are as follows:

1. Short-term: within 1 year (2011)
2. Medium-term: within 3 years (2011-2013)
3. Long-term: within 5 years or beyond (2011-2015 or beyond)

Strategic objective 1: Enhancing human resource capacities and needs

Actions:

Medium to long term

- Allocate resources to strengthen personnel of implementing agencies and consumer leaders from non government organisations.
- Identify and Implement employee training and development programmes needs through training sessions internship, staff exchange and exposure visits
- Monitor continuously and appraise through performance , review and planning, develop the capability of the workforce to carry out various activities of the consumer protection

Strategic objective 2: Strengthening the Consumer culture through enhanced consumer education and awareness programs

Actions:

Medium to long term

- Dedicated CP agency to develop a comprehensive 3-5 year Consumer Education program utilising innovative strategies such as online tools for the young and IT savvy consumers and offline tools targeting vulnerable consumers.
- Strategically deliver targeted and effective education modules by increasing coordination amongst different stakeholders such as the government agency, consumer organisations, media to make optimal use of available resources
- Evaluate the effectiveness of consumer education programmes with respect to its effectiveness, outreach, efficiency etc through Monitoring, Evaluation and Learning framework. Document that learned from the benchmarking exercise as “lessons learnt”.

Strategic objective 3: Strengthening access to Public and Private Redress mechanisms

Actions

Short to medium term

- Develop user friendly processes that allow consumers from all walks of life to lodge complaints and seek redress via multiple ways – telephone, in person, in writing, through email etc
- Additional support for vulnerable consumers with special needs need to be provided to ensure adequate legal access
- Development of database enabling easy retrieval of information for referral and complaints
- Utilise the media to generate consumer awareness; workshops with journalists, newspaper columns, problem solving.
- Compliance monitoring through surveillance, inspection and investigation of codes of conduct/ practices

Strategic objective 4: Strengthening co-ordination amongst agencies for enhanced CP through policy development and strategic planning

Action

Medium and Long Term

- Develop a 5 year strategic plan on CP and targeted outcomes and outputs through a Master Plan
- Review CP laws in tandem with a sustainable CP policy framework. Draft a policy to encapsulate emerging issues and concerns and obtain feedback

Table 5.1: National Implementation Plan for capacity building in Consumer Protection.

| Focus Areas | Strategic Thrust Areas | | |
|-------------------------------------|---|--|--|
| | Short Term (till 2011) | Medium Term (2011 to 2013) | Long Term (2011 to 2015) |
| NATIONAL CONSUMER PROTECTION POLICY | Identifying and analysing consumer market problems Focusing on: <ul style="list-style-type: none"> • What is consumer detriment? • How can markets be screened to detect problems where consumer detriment may exist? • Analysis of market problems | <ul style="list-style-type: none"> • Identify, evaluate and test the most promising tools for addressing the problems they are confronting. Focusing on: <ul style="list-style-type: none"> • Consumer awareness and education • Information provision and disclosure • Contract-term regulation • Cooling-off periods • Moral persuasion • Codes of conduct • Standards • Licensing and accreditation • Prohibitions • Dispute-resolution and redress mechanisms • Enforcement strategies | Develop a Framework with objectives that consumer agencies can use to decide when they might want to intervene in market to address a problem. |

Table 5.1: National Implementation Plan for capacity building in Consumer Protection. (continued)

| Focus Areas | Strategic Thrust Areas | | |
|-----------------------------------|--|--|---|
| | Short Term (till 2011) | Medium Term (2011 to 2013) | Long Term (2011 to 2015) |
| CONSUMER PROTECTION MASTER PLAN | Commission a Consumer Protection Master Plan for a 10-year time frame with a clear vision and mission. Set objectives for enhancing consumer protection regimes in Singapore covering all the consumer related areas while strengthening the infrastructure including human resources of the consumer protection institutions. | Develop set of recommendations with implementing strategies for undertaking different activities under each identified objective. Based on UN Guidelines for Consumer Protection, develop a Master Plan for achieving a consumer protection regime of international standing to implement the recommendations. | Review the Master Plan to improve the Consumer protection regimes in the Country |
| CONSUMER RELATED LAWS AND STATUES | Product Safety and Labelling: Reviewing Regulations to include aspects of healthcare products and Children's Toys Adoption suitable National/ International standards on product safety covering | <ul style="list-style-type: none"> Strengthen enforcement of Product Safety provisions in different Laws Enhance consumer education for better for understanding in genetic modified food | <ul style="list-style-type: none"> Conduct and Communicate risk assessment of Product Safety Issues Emulating best practices from ASEAN Member State Collaboration among ASEAN Member States |
| | Phone, Internet Services & E-Commerce: Develop consumer education tools and programmes to generate awareness among different categories of consumers especially the youth. | Implement best practices in redress mechanisms for consumer protection on phone and Internet services & E-commerce | Encourage ethical practices in E-commerce (e.g. unfair contract terms, billing practices and misleading advertising) |

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Table 5.1: National Implementation Plan for capacity building in Consumer Protection. *(continued)*

| Focus Areas | Strategic Thrust Areas | | |
|---|--|---|--------------------------|
| | Short Term (till 2011) | Medium Term (2011 to 2013) | Long Term (2011 to 2015) |
| <p>Consumer Credit and Banking: Develop, implement and evaluate consumer protection policies on non banking and leasing company and consumer credit law</p> <p>Environment: Develop consumer education tools and programmes to generate awareness among: on environmental issues especially, on waste reduction and energy efficiency.</p> | <ul style="list-style-type: none"> • Monitor and enforce laws/codes of conduct and mandatory standards on consumer credit and banking • Conduct programmes on Financial literacy (e.g. managing finance and debt) • Implement best practices on access to consumer credit • Develop mechanism for environmental preferable products & environmental labelling • Develop, implement and evaluate consumer protection programmes on environment | <p>Establish of institutional structures on consumer credit and banking</p> <p>Establish of institutional structures on environment and consumer protection</p> | |
| <p>Healthcare services: Develop consumer education tools and programmes to generate awareness on consumers rights in health care</p> <p>Professional services:</p> <ul style="list-style-type: none"> • Monitor and enforce laws/codes of conduct on professional services especially the Medical profession • Training on Monitoring compliance of codes of conduct and ethical practices related to the legal and medical professionals | <p>Regulate, Monitor and enforce laws/codes relating to health care products and practices.</p> <p>Emulate Best practices in redress mechanisms</p> | <p>Establishment of institutional structures for consumer protection in health care system</p> <p>Establishment of institutional structures for consumer protection</p> | |

Table 5.1: National Implementation Plan for capacity building in Consumer Protection. (continued)

| Focus Areas | Strategic Thrust Areas | | |
|----------------------------|--|--|--|
| | Short Term (till 2011) | Medium Term (2011 to 2013) | Long Term (2011 to 2015) |
| HUMAN RESOURCE DEVELOPMENT | <ul style="list-style-type: none"> Identify training/development opportunities that help employees to develop skills related to their current job duties, and to enhance career development. Develop a long range staffing plan to maintain adequate staff for addressing consumer affairs | <ul style="list-style-type: none"> Implementing employee training and development programmes Taking steps to ensure that consumer protection departments are appropriately staffed with trained and qualified personnel. | <ul style="list-style-type: none"> Through continuous performance evaluation, review and planning, develop the capability of the workforce to carry out various activities of consumer protection. Provision of adequate staff and resources for consumer related activities in different agencies |
| FINANCE | Identifying priorities for enhancing the work of consumer protection agencies which are not included in budget | Make and adopt adequate budget provisions to enable MTI and related agencies to work on consumer protection | Work out methods by which the Ministry of Trade and Industry can augment adequate funding from the Government to carry out different activities of consumer protection |

Table 5.1: National Implementation Plan for capacity building in Consumer Protection. (continued)

| Focus Areas | Strategic Thrust Areas | | |
|----------------------------------|--|---|---|
| | Short Term (till 2011) | Medium Term (2011 to 2013) | Long Term (2011 to 2015) |
| CONSUMER EDUCATION AND AWARENESS | Government should explore the possibilities on how to supplement consumer education in different consumer related. This includes structuring to build knowledge in a cumulative fashion over time. | <ul style="list-style-type: none"> • Consumer education should be disseminated in a variety of ways, taking advantage of both online and offline resources. • Strategies to maximise the effectiveness of online resources need to be developed and adapted as technologies evolve. Sites that draw together different elements of consumer education are important in this regard, as are social media (e.g. blogs). • Developing effective strategies to attract consumers to these sites is also important. • Identify examples of effective consumer education initiatives • Set standards for consumer education work • Develop new approaches to consumer education that recognise individual learning needs. | Strategically deliver targeted, effective education modules by increasing coordination among different stakeholders like Government Agencies, Consumer Organisations, CSOs and media to make best use of available resources. |

Table 5.1: National Implementation Plan for capacity building in Consumer Protection. (continued)

| Focus Areas | Strategic Thrust Areas | | |
|---|---|---|---|
| | Short Term (till 2011) | Medium Term (2011 to 2013) | Long Term (2011 to 2015) |
| STRENGTHENING COORDINATION THROUGH AMONG DIFFERENT AGENCIES | Intra-governmental co-operation among relevant organisations should be promoted. In particular, co-operation between education ministries and consumer affairs ministries is essential to strengthen consumer protection. | Stakeholders should work together to determine how to share consumer education responsibilities in different areas, with a view towards exploiting synergies and avoiding redundancy. | An intergovernmental relation system should be promoted that consists of facilitative systems and relationships that enable the units of government to participate effectively and carry out mandates so that governmental goals are achieved. This includes executive, coordinating and judiciary and legislative mechanisms, as well as cooperative agreements that facilitate delivery by government machinery. Intergovernmental relations acts as the “glue” that holds them together. In other words, it is the interactions, relationships and the conduct of officials between governmental activities. It seeks to achieve common goals through mutual relationships between and across vertical and horizontal governmental arrangements, alignment and cohesion across all spheres of government. The aims is to enable governmental activities (primarily service delivery), through synergy, efficiency and effectiveness in delivering services, to sustain consumer protection and strengthen delivery capacity across all spheres of government for the common good. |

Table 5.1: National Implementation Plan for capacity building in Consumer Protection. (continued)

| Focus Areas | Strategic Thrust Areas | | |
|-------------------------------------|---|--|---|
| | Short Term (till 2011) | Medium Term (2011 to 2013) | Long Term (2011 to 2015) |
| WOMEN AND CONSUMER PROTECTION | <ul style="list-style-type: none"> • Study and analyse women's role in consumer protection especially on role of women in advertising and their roles; health and Reproductive needs of women. • Enact Laws and regulations to protect women as consumers | Develop educational programmes for Education for women as consumers | Enforce Laws and Regulations to protect women as consumers |
| PROTECTION OF CHILDREN AS CONSUMERS | <ul style="list-style-type: none"> • Establish Specific Platform for addressing “CHILDREN AS CONSUMERS” at domestic and regional level • Develop specific programmes or initiatives to address issues related to children being targeted for products or marketing or advertising E.g. cigarettes, toys, junk food, fast food, pornography, communication services and technology | Adopt specific recognition in nationally and regionally on the rights of children as consumers | Develop New Health Policy to include specific provisions for children Enhance SR in industry Collaboration with experts for research on impact of products on children Develop ASEAN Code of Conduct for marketing to children |

5.2 PRIORITISATION OF STRATEGIES AND FOCUS AREAS

5.2.1 Enhancing Legal Access to the Consumer

In Singapore, the Ministry of Law runs a legal aid scheme pursuant to the Legal Aid and Advice Act (Cap 160). The Legal Aid Bureau established in 1958 helps those who cannot afford to hire their own lawyers. Persons eligible to apply for help with their legal problems had to have an annual disposal income ceiling of SD3,000 until 1995 when an amendment raised it to SD7,000. At the moment, the assistance provided by the Bureau is limited to domestic problems (matrimonial, divorce, tenancy and wrongful dismissal cases). It is recommended that the assistance may be available for consumer complaints as well.

Priority should be given to include disadvantaged consumers by removing the administrative and regulatory barriers. More cost-effective complaints handling mechanisms by NGOS need to be set up and supported

5.2.2 Increasing Consumer Awareness and Education

Involving civil society and enhancing inter-agency coordination, scope of consumer awareness and education need to be increased to cover different groups of consumers in the country. Some of the approaches to increase consumer awareness are:

- Government to identify best practices in the country and other countries and adopt these into national context and needs to increase consumers' awareness on core consumer areas.
- Develop a national education policy at the formal and non-formal level to implement a continuing consumer education programme
- Maximise the effectiveness of online resources and adapt technologies as they evolve that may include access to creative content on the Internet such as music and audiovisual works. Sites that draw together different elements of consumer education are important in this regard, as are social media (e.g. blogs).
- Develop effective strategies to attract consumers to these sites are also important.
- Identify examples of effective consumer education initiatives
- Set standards for consumer education work
- Develop new approaches to consumer education that recognise individual learning needs.

5.2.3 Addressing Gaps in different Government Agencies

- Administrative gaps for consumer protection are to be addressed by placing adequate safeguards such as monitoring of compliance. Frequent practices like enhancing market surveillance, transparency of rules and enforcement mechanisms are to be encouraged to promote consumers confidence and effective inter agency coordination
- For the price controller to ensure transparency and administration control, there needs to be clear guidelines or criteria for controlling the prices as well as to base his/ her judgments upon.

5.3 CAPACITY BUILDING NEEDS IN THE SIX CORE AREAS

Listed below is the capacity development matrix for the identified stakeholders for enhancing consumer protection in Singapore as well as at the ASEAN level.

Table 5.2: Capacity Development Matrix in Selected Consumer Areas.

| Area | Identified Stakeholders | Identified areas (in the order of importance from short to long term) for capacity development: |
|---------------------------------------|---|---|
| Product Safety and Labelling | <ul style="list-style-type: none"> ▪ Ministry of Industry and Trade ▪ Agri-Food and Veterinary Authority ▪ SPRING Singapore ▪ CASE | <ul style="list-style-type: none"> ▪ Harmonising regulatory requirement ▪ Communicating risk assessment findings to consumers ▪ Public education – for better understanding in genetic modified food ▪ Emulating best practices from ASEAN Member State ▪ Collaboration among AMSs |
| Phone, Internet Services & E-Commerce | <ul style="list-style-type: none"> ▪ IDA Singapore ▪ CASE | <ul style="list-style-type: none"> ▪ Consumer Education |
| Consumer Credit and Banking | <ul style="list-style-type: none"> ▪ Monetary Authority of Singapore ▪ Registry of Moneylenders ▪ Registry of Pawnbrokers ▪ Credit Counselling Society of Singapore ▪ DP Credit Bureau ▪ CASE | <ul style="list-style-type: none"> ▪ Exchange of experts ▪ Knowledge sharing ▪ Regulation of non banking and leasing company ▪ Regulation for consumer credit law |
| Environment | <ul style="list-style-type: none"> ▪ Energy Market Authority of Singapore ▪ National Environment Agency ▪ Ministry of Environment and Water Resources ▪ CASE | <ul style="list-style-type: none"> ▪ Consumer Education |
| Healthcare services | <ul style="list-style-type: none"> ▪ Ministry of Health ▪ Singapore Medical Association ▪ CASE | <ul style="list-style-type: none"> ▪ Consumer Education |

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Table 5.2: Capacity Development Matrix in Selected Consumer Areas. (continued)

| Area | Identified Stakeholders | Identified areas (in the order of importance from short to long term) for capacity development: |
|--|--|---|
| Professional services | <ul style="list-style-type: none"> ▪ Singapore Dental Council ▪ The Law Society of Singapore ▪ The Law Society of Singapore ▪ Singapore Pharmacy Council ▪ Traditional Chinese Medicine Practitioners Board | <ul style="list-style-type: none"> ▪ Consumer Education |
| Consumer Protection at the ASEAN Level | <ul style="list-style-type: none"> ▪ ASEAN Secretariat ▪ Respective National Governments | <ul style="list-style-type: none"> ▪ Harmonisation in codes, rules and regulations ▪ Standard level of protection for consumers in all over ASEAN Member States ▪ A system should be in place for sharing experiences from different countries on different areas especially on the Product Safety, Better Practices on Consumer Protection ▪ Enhanced role of ACCP as a platform for encourage exchange of information and evaluation mechanisms ▪ Knowledge management on consumer protection at ASEAN ▪ Pro-consumer oriented policy level should be enacted |

6. CONCLUSION

Singapore is one of the most advanced countries in the Asia Pacific region having the second highest GDP per capita in ASEAN and the fourth highest projected GDP growth rate in the world. With aggressive advancement of trade liberalization in the region, Singapore has to also enhance its market competitiveness and at the same time protects its consumers.

This report has made recommendations on prioritization of strategies for implementation plan of consumer protection in the country. In advancing and prioritizing the development of Consumer Protection, ASEAN assistance, through cooperation with other AMSs with more advanced consumer protection mechanisms, is particularly needed to provide advice on the engagement of experts to help develop and draft a Consumer Master Plan and a national Consumer policy.

With the necessary assistance and prioritization strategies as described in this report, consumer protection in Singapore may be realized through an inclusive approach, which has already steered encouraging interests from the various key stakeholders. Through this, both the national and regional objectives to provide certain level of protection for consumers among AMSs could be harmonised.

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APPENDICES

A. APPENDIX 1 LIST OF STAKEHOLDERS

| | |
|---|---|
| <p>Agri-Food and Veterinary Singapore 5 Maxwell Road, Tower Block, MND Complex Singapore 069110 Tel: (65) 62221211 Fax: (65) 62206068</p> | <p>Consumers Association of Singapore 170 Ghim Moh Road #05-01 Ulu Pandan Community Building Singapore 279621 Tel: 6463 6678 Fax: 6467 9055</p> |
| <p>Direct Selling Association of Singapore DSAS Secretariat Newton P.O.Box 0127 Singapore 912205 Tel: (65) 6333 3225 Fax: (65) 6333 3225</p> | <p>DP Credit Bureau 72 Bendemeer Road #04-28 Luzerne Singapore 339941 Tel: (65) 6738 1900 Fax: (65) 6298 2310</p> |
| <p>Info-Communications Development Authority of Singapore (IDA) 8 Temasek Boulevard #14-00 Suntec Tower 3, Singapore 038988 Tel: (65) 6211 0888 Fax: (65) 6211 2222</p> | <p>Ministry of Health College of Medicine Building 16 College Road, Singapore 169854 Phone: (65) 6325 9220 Fax: (65) 6224 1677</p> |
| <p>Monetary Authority of Singapore 10 Shenton Way MAS Building Singapore 079117 Tel: (65)-6225-5577 Fax: (65)-6229-9229</p> | <p>SPRING Singapore 1 Fusionopolis Walk #01-02 South Tower, Solaris Singapore 138628 Tel: (65) 6278 6666 Fax: (65) 6278 6667</p> |
| <p>Singapore Medical Council 16 College Road #01-01 College of Medicine Building Singapore 169854 Tel: (65) 6372-3093 Fax: (65) 6221-0558</p> | <p>Singapore Medical Association 2 College Road, Level 2, Alumni Medical Centre, Singapore 169850 Tel: (65) 6223 1264 Fax: (65) 6224 7827</p> |
| <p>Singapore Environmental Council 1E Cluny Road, #02-01 Singapore 259601 Tel: (65) 6337 6062 Fax: (65) 6337 6035</p> | <p>The Association of Banks Singapore 10 Shenton Way #12-08 MAS Building, Singapore 079117 Telephone: (65) 6224 4300 Fax: (65) 6224 1785</p> |

B. APPENDIX 2 KEY INFORMANT INTERVIEW PROGRAMME

Guidelines for discussion with Key Informants

Note: The questions below are not prescriptive; they are guidelines for a discussion to elicit information in addition to what has been obtained from the general questionnaire. Not all questions will be relevant for all Key Informants. The interviewer should exercise discretion in deciding which of the questions are relevant for a specific Key Informant.

Ice breaking questions

- A1 Please introduce yourself and where you are from etc.
Please share with us about the work of your organisation/division/department/unit and who are your target audiences etc.?
- A2 Please elaborate further about the functions of your /division/department/unit in relation to consumer protection issues.
- A3 In general, what kind of activities and programmes has your /division/department/unit conducted/implemented related to consumer protection?
- A4 Share with us some strategies you have used in implementing these programmes and activities.

• Sharing and discussion on preliminary findings of the general survey in each country

- B1 Power point presentation by interviewer (CI KL)
- B2 **Potential questions:**
- Do these findings reflect the actual situation of consumer protection in your country?
- Some leading questions- e.g. How well are the policies implemented?; there a centralised, nationwide mechanism for compiling and analysing consumer complaints (in the seven aspects of consumer protection that is being reviewed); How are newly emerging issues in consumer protection identified? Does anyone conduct research into this area?; Can you describe any redress mechanisms available for consumers (in the seven aspects of consumer protection that is being reviewed) and Are there any specific issues relating to women (in the seven aspects of consumer protection that is being reviewed)? How are they being addressed?
- B3 Potential questions for the seven consumer protection areas (as in the general survey):
- Environment;
 - Product safety and labelling;
 - Healthcare and medical services;
 - Consumer credit and banking;
 - Phone, internet services and E-commerce;
 - Professional services (legal and medical)
- B4 Try to elicit the reasons for the absence of policies and/or laws related to the relevant areas.

Refer to questions from the general survey questionnaire for each specific area relevant to the Key Informant. (Please see attachment)

• **Best practices (following the question A3)**

- C1 To your knowledge, have the activities/programmes conducted by your /division/department/unit achieved their goals and objectives?
- C2 What are the key success factors (benchmarks) of these activities/programmes?
- C3 Please suggest some strategies/frameworks that can be used to improve consumer protection activities and programmes.
- C4 Do you have examples of programmes/activities that can be replicated?
- C5 Have you received any form of recognition for your programmes and activities?

• **Capacity Building Needs for Consumer Protection**

- D1 From your perspective, do you have adequate staff for work on consumer related issues in your department/division/unit? Please elaborate.
Do you have problems in getting good staff?
 - Competent staff
 - High turnover
- D2 What are your organisation's challenges in managing and sustaining staff who are dealing with consumer protection areas? Please explain.
- D3 What are other challenges faced by your /division/department/unit in implementing consumer protection activities and programmes?
- D4 Has your organisation/division/department/unit fully utilized the 2009 budget allocation for consumer awareness and education?
- D5 Do you have a strategic plan for human resource development in your organisation/division/department/unit?

Attachment

Questions from the general survey questionnaire for each specific area relevant to the Key Informant

Specific questions for Key Informants in Environment:

1. Does the national environmental policy include Sustainable Consumption and Sustainable Production Describe how?
2. Does the environmental policy focus on green issues (such as conservation)?
3. Are there regulations/ codes of conduct in place for:
 - Waste management
 - Environmental labelling
 - Organic products
 - Greenhouse gas reduction/carbon emission claims
 - Water quality and energy efficiency
 - Air quality
4. Please describe how they have been implemented and what impact they have had on consumer protection
5. Is there a national authority/body(s) that oversees consumer protection in environmental issues such as water, energy, air or waste?
6. Are women involved in the development and implementation of environmental policies?
7. Is there a redress mechanism in place to address complaints relating to breaches/violations of environmental consumer services?

8. How good is the cooperation between the environmental authority and NGOs on consumer protection? Explain
9. Are there specific programmes aimed at educating consumers on major environmental issues affecting them and how their buying decision and consumption patterns impact on the environment?

Specific questions for Key Informants in product safety and labelling:

1. What are relevant laws on product safety and liability?
2. Are there laws prohibiting false and misleading product labelling?
3. Is labelling of products in relation to their characteristics, weight, and price required by law?
4. Is there a national standards authority/body that develops standards for product quality and safety?
5. Are there product safety standards available for adoption and implementation in manufacturing and provision of goods and services?
6. Are standards made mandatory for product safety?
7. Is there a code of conduct in place with regards to health and safety of consumers implemented by manufacturers/distributors?
8. Has the government taken steps to prohibit entry into national markets of products banned elsewhere?
9. Is accredited product testing facilities available in your country? (e.g. for fresh and preserved food, vegetables and fruits, toys)
10. Is there a national rapid alert system in place to restrict dangerous consumer products that pose a serious risk to the health and safety of consumers?
11. Is there a mechanism in place to issue warnings on unsafe products in the market?
12. Are there measures to ensure that unsafe products are recalled from the market within a reasonable time period?
13. Are there mechanisms in place for an in-depth risk assessment of:
 - New technologies use in food (e.g. GMO, probiotics)
 - Unsafe chemicals on consumer products

Specific questions for Key Informants healthcare and medical services:

1. Is there a policy in place to ensure affordable and quality healthcare?
2. Is there a national drug policy to regulate drugs and ensure safety, quality and efficacy of drugs?
3. Are there laws prohibiting false and misleading healthcare and medical advertisements?
4. Are there mechanisms in place to ensure healthcare institutions comply with minimum quality and safety standards for medical equipment and facilities?
5. Is there a patient's charter in place for consumer protection (e.g. right to information, right to get second opinion)
6. Is there a national health financing scheme? (e.g. national health insurance)
7. Do all persons in your country, irrespective of citizenship, have access to free/subsidized public healthcare?
8. Are there measures in place in your country on ethical marketing of drugs by pharmaceutical companies?
9. Are there mechanisms in place to prevent illegal importation/smuggling of pharmaceutical products into your country

Specific questions for Key Informants in consumer credit and banking:

1. What are the relevant laws on consumer credit and banking in relation to: Hire purchase
2. Does the government place a limit on interest rates charged by lending institution to consumers?
3. Are there measures in place to notify/inform consumers on the basis on fees and charges?
4. Do debt collection agencies of the banks use reasonable methods to recover loans?
5. Are there measures to restrict sharing of credit data amongst credit providers through credit reference agencies?
6. Are there restrictions limiting entry of foreign banks?
7. Are there regulations and safeguards on personal data protection?
8. Does your country have a financial debt counselling agency to support consumers in addressing financial difficulties/debts?
9. Are there laws prohibiting false and misleading advertisements on consumer credit and banking?

Specific questions for Key Informants in Phone and internet services, and E-commerce:

1. What are the relevant laws in place dealing with:
 - Phone and internet services?
 - E-commerce?
2. Are there laws prohibiting false and misleading advertisements on phone and Internet services, and E-commerce?
3. Are there laws in place to protect consumers in relation to online transactions? (e.g. online scams, security of personal data)
4. Are there laws regulating internet content (censorship, firewall)?
5. Are there laws in place to protect security and prevent misuse of phone and internet services (e.g. cyber crimes, phishing, hacking, security of electronic payments, email and SMS spams)
6. Are there regulations on phone and internet services and E-commerce covering:

Specific questions for Key Informants in professional services (medical and legal):

1. Are there laws governing the conduct of professional services medicine and law?
2. Are there measures for foreign medical professionals located abroad to provide services cross-border to patients in your country?
3. Are consumers represented in developing policies on conduct of Medical and Legal professional services?
4. Are there restrictions in recognizing professional qualifications in medical and legal services?
5. Are there restrictions limiting entry of: foreign medical and legal professionals?
6. Is there a registration and licensing procedure for foreign medical and legal professionals?
7. Are there restrictions on advertising for medical and legal professional services?
8. Are there legal provisions regulating the setting of medical and legal professional fees?

KII – Questions

A. Laws (Consumer Protection)

1. Is it challenging for your agency to recruit/get staff, who are able to:
 - Draft Consumer Protection Laws;
 - Enforce them; and
 - Undertake awareness programmes on Consumer Protection related laws

(Only for countries who have a principal Consumer Protection law)

1. If reviews of Consumer Protection laws have been done periodically, what were the areas reviewed and why?
2. Were the reviews done with internal expertise or with the assistance of external consultants?
3. Would you be able to assist ASEAN members who do not have a principal Consumer Protection Act e.g. in area of training etc?

B. Policies / Development Plans

1. What are the strategies for Consumer Protection in your National Development Plans?
2. If answer is NO ----- What is holding back your country from including consumer protection in your development plans?
3. Action Plans for Consumer Protection
4. What kind of capacity building does your country need to implement action plans for consumer protection policies?

Redress Mechanisms

1. Do you think the existing consumer redress mechanisms are necessary?
2. If yes; then what are the best practices in your country's redress mechanisms?
3. If No: then what can be done to improve the redress mechanisms?
4. What would you need to achieve this? (response to question 3 above)

Enforcement

1. What are the challenges you face in enforcing Consumer Protection laws and regulations?
2. If you need to strengthen your Enforcement Agency, what do you need? (e.g. Human Resources, expertise, budget, training and etc).

Product Safety

1. Why does dumping of products happen?
2. Why is it difficult to stop dumping of dangerous/hazardous products? Why does it occur? Some reasons e.g. :
3. Consumer demand for cheap poor quality goods?
4. Weak laws related to product safety?
5. Insufficient personnel?
6. Lack of capacity to check/carry out inspection?
7. Lack of standards?
8. What are the weaknesses at points of entry?
9. Is there lack of collaboration within countries e.g. information sharing on dangerous and

hazardous products?

E-Commerce

1. Misuse of Data
2. What are the challenges faced by consumers in your country in this area?
3. What is the awareness for redress in e-commerce transactions?
4. Are there programmes to bridge the Digital Divide?

Banking and Finance

1. Do you think the financial services industry is sufficiently regulated to protect consumers (in your country)? Or
2. Are consumer protection practices of financial institutions adequately regulated? (e.g. measures to prevent predatory lending, illegal collection practices etc.)
3. Are consumers satisfied with compliance and dispute handling mechanisms?
4. Managing debt is a serious consumer problem worldwide. What measures have been taken to help consumers who have serious financial problems? (e.g. Debt management/counselling agencies, best practices?)
5. Are there financial literacy programmes for consumers?
6. Provide some examples of best practices that promote transparency, redress and financial education for consumers.
7. Are consumers included in policy dialogue related to financial institutions? Is there a level playing field?

Thank you

C. APPENDIX 3 ROUNDTABLE DISCUSSION PROGRAMME

Round Table Discussion

October 15, 2010

Agenda

Part 1

1. Introduction: Consumers International and the research project 'Roadmapping Capacity Building Needs on Consumer Protection in ASEAN Member States'
2. Presentation of the general research findings
3. Discussions / Q and A

Part 2

4. Capacity building needs on consumer protection and sectoral impacts
 - Product safety and labelling
 - Consumer credit and banking
 - Phone and internet services, and E-Commerce
 - Healthcare services
 - Environment
 - Professional services
 - Other emerging needs.
5. Feedback and discussions from relevant stakeholders

D. APPENDIX 4
LIST OF RELEVANT LAWS FOR CONSUMER PROTECTION

- Consumer Protection (Fair Trading) Act 2004
- The Consumer Protection (Fair Trading) (Amendment) Act
- The Consumer Protection (Trade Descriptions and Safety Requirements Act) 1975
- Sale of Food Act 1973
- The Food Regulations No.1 of 1st October 1988
- Food Regulations 2006
- Sale of Food Act (Cap 283)
- The Environmental Public Health Act 1987 (Cap 95)
- Drugs Act 1970 (Cap 282)
- Medicine (Advertisements & Sale) Act (Cap.161).
- The Consumer Protection (Warning against Danger of Smoking) Regulations 1980
- Consumer Protection (Labelling of Tobacco Product Containers) Regulation
- Consumer Protection (Labelling of Tobacco Product Containers) Regulations of 1989
- Electric Lamp and Electric Appliances Act (Cap 243)
- Electronic Transactions Act (ETA)
- the Computer Misuse Act 1998 and the Evidence Act 1997
- Electronic Transactions Act 2010
- Telecommunications Act
- Anti Money Laundering Regulations
- The Banking Act (“BA”) 1970
- The Hire-Purchase Act
- The Moneylenders Act 2008
- Pawnbrokers Act
- Payment Systems (Oversight) Act of 2006
- The Payment and Settlement Systems (Finality and Netting) Act 2002
- The Bills of Exchange (Check Truncation) Regulation of 2002.
- Currency Act
- Electronic Transactions Act 1998
- Environmental Pollution Control Act (EPCA)
- Clean Air Standards Regulations
- Medicines Act
- Sale of Drugs Act⁷
- the Poisons Act
- Private Hospitals and Medical Clinics Act
- Medical Registration Act
- Traditional Chinese Medicine Practitioners Act
- Dental Registration Act
- Legal Profession Act
- Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975
- Singapore Code of Advertising Practice 1976
- Price control Act 1974 (Cap 244) and the Control of Essential Supplies Act (Cap 55),
- The Second-hand Dealers Act (Cap 288) and the House to House and Street Collections Act (Cap 128),
- The Multi-level Marketing & Pyramid Selling (Prohibition) Act (Cap 190).

E. APPENDIX 5
LIST OF IMPLEMENTING AGENCIES FOR CONSUMER LAWS

- Ministry of Trade and Industry (MTI)
- SPRING Singapore
- The Infocomm Development Authority (IDA)
- Financial Industry Disputes Resolution Centre Ltd (FIDReC)
- Small Claims Tribunals
- Agri-Food and Veterinary Authority of Singapore's (AVA)
- Monetary Authority of Singapore (MAS)
- Ministry of Health
- Fire Safety Bureau (FSB)
- Ministry of Health
- Ministry of Manpower
- Ministry of the Environment
- Traffic Police
- Public Utilities Board (PUB)
- Telecommunication Authority of Singapore (TAS)
- Consumer Product Safety Authority
- Housing and Development Board
- Land Transport Authority
- Singapore Telecoms

**F. APPENDIX 6
CONSUMER LAW MATRIX**

**Based upon Consumers International's Eight Consumer Rights
on
Consumer Protection (Fair Trading) Act 2004**

| A | THE RIGHT TO SAFETY | YES | NO |
|--|---|------------|-----------|
| <i>Protect consumers from products or services which are dangerous or unsafe, or whose use might cause injury to others, by:</i> | | | |
| 1 | establishing a general duty of safety upon suppliers | √ | |
| 2 | banning the supply of unsafe goods; | √ | |
| 3 | prescribing safety and information standards with which goods or services must comply; | √ | |
| 4 | establishing procedures to examine products and services alleged to be unsafe | √ | |
| 5 | monitoring the market place for unsafe goods and services; | √ | |
| 6 | warning consumers of the possible risks involved in the use of certain goods or services. | √ | |
| <i>Ensure that information about unsafe products and services is collected and made available to consumers, by:</i> | | | |
| 7 | establishing procedures to collect and disseminate information on particular goods and services identified as being unsafe | √ | |
| 8 | establishing procedures for the notification to authorities by consumers of alleged hazardous goods and services; and | √ | |
| 9 | requiring suppliers who become aware that their goods or services are unsafe to advertise any dangers. | √ | |
| <i>Ensure that dangerous products are recalled from suppliers, by:</i> | | | |
| 10 | requiring any manufacturer who recalls goods for safety reasons to notify relevant authorities of the recall; | √ | |
| 11 | establishing procedures for the monitoring of voluntary recalls to ensure they are effective; | √ | |
| 12 | allowing relevant authorities to order a manufacturer to recall goods, and to specify how those goods are to be recalled; and | √ | |
| 13 | giving relevant authorities power to investigate the actions of manufacturers to determine whether they have complied with laws relating to recalls | √ | |

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

| B | THE RIGHT TO BE INFORMED | YES | NO |
|--|---|------------|-----------|
| <i>Require all necessary information to be given to consumers about the goods and services they acquire, especially in relation to therapeutic goods and toxic products, by:</i> | | | |
| 1 | requiring appropriate statements and warnings to accompany toxic products; | √ | |
| 2 | regulating the supply of therapeutic goods and toxic products to ensure information is disclosed in a manner consistent with international best practice; | √ | |
| 3 | establishing procedures to monitor national and international developments relating to therapeutic goods and toxic products; and | √ | |
| 4 | prescribing mandatory information standards to require particular information to be disclosed about particular goods not otherwise regulated | √ | |
| <i>Ensure consumers are able to compare different products, by:</i> | | | |
| 5 | prohibiting deceptive packaging; and | √ | |
| 6 | requiring packages to clearly identify their contents | √ | |
| 7 | requiring packages to clearly identify their price | √ | |
| <i>Protect consumers from conduct which is false or misleading, by:</i> | | | |
| 7 | prohibiting conduct, in relation to the supply of goods or services to a consumer, that is misleading or deceptive, or likely to mislead or deceive, or which is unfair | √ | |
| 8 | prohibiting representations about goods or manufacturers and suppliers which are not true or which could mislead consumers; and | √ | |
| 9 | prohibiting any particular sales or marketing practices which act to the detriment of consumers. | √ | |
| 10 | require all necessary information to be given to consumers about food and drinks in order to enable them to make informed decisions regarding health and nutrition | √ | |
| 11 | ensure that necessary information about goods and services is required to be accurate and comprehensible | √ | |
| C | THE RIGHT TO CHOOSE | YES | NO |
| <i>Encourage consumers to acquire only the things they need, by:</i> | | | |
| 1 | establishing procedures for community and consumer education about products. | √ | |
| <i>Protect consumers from anti-competitive conduct and exploitation, by:</i> | | | |
| 2 | <ul style="list-style-type: none"> ensuring manufacturers and suppliers do not abuse their powers; and | √ | |

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

| | | | |
|--|---|------------|-----------|
| 3 | giving consumers rights to obtain redress for goods which are unsafe, unsuitable, and defective or of poor quality. | √ | |
| 4 | protect consumers by ensuring effective trade measurement practices and standards are adopted and enforced. | √ | |
| 5 | prohibit direct sales and marketing practices without appropriate 'cooling off' periods. | √ | |
| D | THE RIGHT TO BE HEARD | YES | NO |
| <i>Ensure consumers can participate in the development of policies which affect them, including giving consumer representatives access to the media, by:</i> | | | |
| 1 | requiring administrative and political bodies responsible for matters affecting consumers to include members representing consumers; | √ | |
| 2 | requiring laws and policies which affect consumers to be publicised before they are introduced to allow consumers to comment on them; and | √ | |
| 3 | establishing procedures to channel any comments or complaints made by consumers to appropriate authorities, and to monitor the response to those comments or complaints. | √ | |
| 4 | facilitate the establishment of complaints handling systems in both the government and non-government sectors, including the involvement of consumer representatives in the process | √ | |
| 5 | ensure consumers have standing to take action in courts and tribunals, including as third parties, to protect consumer interests. | √ | |
| 6 | enable consumers to take collective action before courts and tribunals. | √ | |
| 7 | enable indigent consumers to enforce their rights by providing access to legal and financial assistance | √ | |
| E | THE RIGHT TO REDRESS | YES | NO |
| Provide consumers with cost-effective, speedy and accessible means to enforce their legal rights, by: | | | |
| 1 | establishing a court or tribunal, with a simple procedure, to hear consumer complaints; | √ | |
| 2 | prescribing procedures to ensure consumers know their rights and how to enforce them, particularly in relation to disadvantaged groups | √ | |
| 3 | ensuring that consumers are allowed to play an equal role in the resolution of their disputes; and | √ | |

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

| | | | |
|--|--|------------|-----------|
| 4 | providing consumers with effective remedies and reasonable compensation if their complaints are found to be justified. | ✓ | |
| 5 | provide consumers with a right to compensation if they are injured as a result of unsafe goods or faulty services. | ✓ | |
| <i>Provide a mechanism through which consumers can channel their complaints and grievances to government, by:</i> | | | |
| 6 | establishing mechanisms to collect and register consumer complaints and grievances; | ✓ | |
| 7 | prescribing procedures to investigate complaints; and | ✓ | |
| 8 | prescribing procedures to monitor the number of complaints and grievances, and to report any results back to the consumer | ✓ | |
| <i>Ensure that consumers are properly compensated for any loss suffered if their consumer rights are contravened, by:</i> | | | |
| 9 | ensuring any court or tribunal can provide a consumer with an appropriate remedy if it is established that the consumer's rights have been contravened. | ✓ | |
| 10 | protect consumers from intimidation or harassment if they seek to enforce their rights. | ✓ | |
| <i>Establish effective post-sale consumer protection, by:</i> | | | |
| 11 | implying into contracts for the supply of goods and services, non-excludable warranties governing acceptable quality, fitness for known purpose, and, in relation to services, that they are rendered with due care and skill. | ✓ | |
| F | THE RIGHT TO CONSUMER EDUCATION | YES | NO |
| 1 | Consumer law should be written in language which can be easily understood | ✓ | |
| Establish procedures which ensure consumers are informed about their consumer rights, particularly consumers with special needs, by: | | | |
| 2 | prescribing mechanisms to monitor consumer awareness and use of their rights; and | | |
| 3 | introducing laws to protect particular groups with special needs as required | | |
| 4 | set in place mechanisms to inform consumers about how to enforce their rights | ✓ | |
| 5 | ensure consumers are aware of their consumer responsibilities | | |
| G | THE RIGHT TO A HEALTHY ENVIRONMENT | YES | |
| Protect consumers from pollution of the environment, by: | | | |
| 1 | promoting the use of products which are environmentally friendly; | ✓ | |
| 2 | encouraging recycling of consumer goods; and | ✓ | |

Roadmapping Capacity Building Needs in Consumer Protection in ASEAN

| | | | |
|--|---|-----|--|
| | | | |
| 3 | requiring environmentally dangerous products to carry appropriate warnings and instructions for the safe use and disposal of the product | ✓ | |
| <i>Promote the use of non-toxic products where available, by:</i> | | | |
| 4 | promoting consumer awareness of safer alternatives to toxic products; | ✓ | |
| 5 | establishing procedures to monitor international developments and ensure products which are banned overseas do not find their way into national markets | ✓ | |
| 6 | ensure the social costs of pollution are minimised. | ✓ | |
| 7 | encourage the promotion of ethical and socially responsible practices by the producers and suppliers of goods and services | ✓ | |
| H | THE RIGHT TO THE SATISFACTION OF BASIC NEEDS | YES | |
| <i>Consumer laws should promote the provision of information to consumers about products and substances which may adversely affect them, by:</i> | | | |
| 1 | requiring therapeutic goods to carry information about safety, efficacy, and side effects; and | ✓ | |
| 2 | requiring any products containing hazardous substances to clearly list all its ingredients and to display appropriate warnings. | ✓ | |
| 3 | protect consumers from unethical, unconscionable, and illegal practices especially in the supply or provision of: health care; housing and accommodation; education; water; energy; financial services; employment; retirement services; children's services; insurance; investment services; and food. | ✓ | |
| <i>Protect the privacy of consumers, by:</i> | | | |
| 4 | ensuring telecommunications and other communications are secure from unauthorised interference and are not used to provide or promote unsolicited commercial communications; | ✓ | |
| 5 | ensuring personal information about consumers is used only for the purposes for which it is collected and with their knowledge and approval; and | ✓ | |
| 6 | ensuring that consumers have the right to access, amend and correct their personal information held by government or non-government entities. | ✓ | |

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**G. Appendix 7:
Consumer Protection (Fair Trading) Act 2003**

**REPUBLIC OF SINGAPORE
GOVERNMENT GAZETTE
ACTS SUPPLEMENT
*Published by Authority***

NO. 31

FRIDAY, DECEMBER 26

2003

The following Act was passed by Parliament on 11th November 2003 and assented to by the President on 28th November 2003:—
Consumer Protection (Fair Trading) Act 2003
(No. 27 of 2003)

I assent.

S R NATHAN,
President.

28th November 2003.

Date of coming into operation: 1st March 2004.

An Act to protect consumers against unfair practices and for matters connected therewith.
Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Consumer Protection (Fair Trading) Act 2003 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. —(1) In this Act, unless the context otherwise requires —

"Chairman" means the Chairman of the Injunction Proposals Review Panel appointed under section 10;

"consumer" means an individual who, otherwise than exclusively in the course of business —

- (a) receives or has the right to receive goods or services from a supplier; or
- (b) has a legal obligation to pay a supplier for goods or services that have been or are to be supplied to another individual;

"consumer transaction" means —

(a) the supply of goods or services by a supplier to a consumer as a result of a purchase, lease, gift, contest or other arrangement; or

(b) an agreement between a supplier and a consumer, as a result of a purchase, lease, gift, contest or other arrangement, in which the supplier is to supply goods or services to the consumer or to another consumer specified in the agreement,

but does not include any transaction specified in the First Schedule;

"flat" means a horizontal stratum of any building or part thereof, whether the stratum or part is on one or more levels or is partially or wholly below the surface of the ground;

"goods" means —

(a) any personal property, whether tangible or intangible, and includes —

- (i) chattels that are attached or intended to be attached to real property on or after delivery;
- and

(ii) credit, including credit extended solely on the security of land;

(b) any residential property; or

(c) a voucher;

"hire-purchase agreement" has the same meaning as in the Hire-Purchase Act (Cap.125);

"material fact" means any information that a supplier knows or ought reasonably to know would affect the decision of a consumer to enter into a consumer transaction;

"Panel" means the Injunction Proposals Review Panel appointed under section 10;

"residential property" means any house, flat or other premises which is permitted to be used pursuant to any written law as a dwelling-house and any such house, flat or other premises which is in the course of being constructed;

"services" includes —

(a) a service offered or provided that involves the addition to or maintenance, repair or alteration of goods or any residential property;

(b) a membership in any club or organisation if the club or organisation is a business formed to make a profit for its owners;

(c) the right to use time share accommodation under a time share contract;

"Small Claims Tribunal" means a Small Claims Tribunal constituted under section 4 of the Subordinate Courts Act (Cap. 321);

"specified body" means any person or body appointed under section 8 (10);

"supplier" means a person who, in the course of the person's business —

(a) provides goods or services to consumers;

(b) manufactures, assembles or produces goods;

(c) promotes the use or purchase of goods or services; or

(d) receives or is entitled to receive money or other consideration as a result of the provision of goods or services to consumers,

and includes any employee or agent of the person;

"time share accommodation" means any living accommodation, in Singapore or elsewhere, used or intended to be used (wholly or partly) for leisure purposes by a class of persons all of whom have rights to use, or participate in arrangements under which they may use, that accommodation or accommodation within a pool of accommodation to which that accommodation belongs;

"time share contract" means a contract which confers or purports to confer on an individual time share rights that are exercisable during a period of not less than 3 years;

"time share rights" means rights to use time share accommodation for a specified or ascertainable period, but does not include rights under a contract of employment or an insurance policy;

"unfair practice" means an unfair practice within the meaning of section 4;

"voucher" means any document that purports to give the holder of the document the right to obtain goods or a service or the right to obtain goods or a service at a discounted or reduced price.

(2) An individual who holds himself out as acting exclusively in the course of business shall be treated as acting exclusively in the course of business for the purpose of the definition of "consumer" in subsection (1).

Application of Act

3. This Act shall not apply unless —

(a) the supplier or consumer is resident in Singapore; or

(b) the offer or acceptance relating to the consumer transaction is made in or is sent from Singapore.

Meaning of unfair practice

4. It is an unfair practice for a supplier, in relation to a consumer transaction —

(a) to do or say anything, or omit to do or say anything, if as a result a consumer might reasonably be deceived or misled;

(b) to make a false claim;

(c) to take advantage of a consumer if the supplier knows or ought reasonably to know that the consumer —

(i) is not in a position to protect his own interests; or

(ii) is not reasonably able to understand the character, nature, language or effect of the transaction or any matter related to the transaction; or

(d) without limiting the generality of paragraphs (a) to (c), to do anything specified in the Second Schedule.

Circumstances surrounding unfair practice

5. —(1) An unfair practice may occur before, during or after a consumer transaction.

(2) An unfair practice may consist of a single act or omission.

(3) In determining whether or not a person has engaged in an unfair practice —

(a) the reasonableness of the actions of that person in those circumstances is to be considered; and

(b) an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of —

(i) the employee's employment with the person; or

(ii) the agent exercising the powers or performing the duties on behalf of the person within the scope of the agent's actual or apparent authority.

Consumer's right to sue for unfair practice

6. —(1) A consumer who has entered a consumer transaction involving an unfair practice may commence an action in a court of competent jurisdiction against the supplier.

(2) The right to commence an action under subsection (1) shall not apply where —

(a) the amount of the claim exceeds the prescribed limit; or

(b) there is no claim for money, and the remedy or relief sought in the action is in respect of a subject-matter the value of which exceeds the prescribed limit.

(3) For the purposes of subsection (2) (a), where the amount claimed consists of a balance not exceeding the prescribed limit after set-off of any amount claimed or recoverable by the supplier from the consumer, being a set-off admitted by the consumer in the particulars of his claim, the amount of the claim shall not be taken to exceed the prescribed limit.

(4) For the purposes of subsection (2) (b), where the subject-matter in an action is a residential property, its value shall be —

(a) the annual value of the immovable property appearing in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254);

(b) the annual rent, or twelve times the monthly rent, payable by the tenant in respect of the immovable property (if this value is lower than the value in paragraph (a)); or

(c) if the annual value, annual rent or monthly rent cannot be ascertained, one-tenth of the last transacted price.

(5) Where the amount of a claim in an action under subsection (1) exceeds the prescribed limit, the consumer may abandon the excess and thereafter —

- (a) the amount of the claim shall be deemed to be within the prescribed limit;
 - (b) the consumer shall not recover in that action an amount exceeding the prescribed limit; and
 - (c) an order of the court in relation to that action shall be in full discharge of all demands in respect of that cause of action.
- (6) The prescribed limit referred to in this section shall be \$20,000 or such other amount as the Minister may, by order in the *Gazette*, prescribe.

Jurisdiction and powers of courts

7. —(1) Subject to the provisions of the Small Claims Tribunals Act (Cap. 308), a Small Claims Tribunal shall have jurisdiction to hear and determine any action under —
- (a) section 6 (1) insofar as the action relates to an unfair practice involving a contract for the sale of goods or for the provision of services within the meaning of the Small Claims Tribunals Act (referred to in this subsection as a relevant contract);
 - (b) section 8 (6), (7) or (8) insofar as the action relates to an undertaking in respect of an unfair practice involving a relevant contract; or
 - (c) any regulations made under section 11 insofar as the action relates to a relevant contract.
- (2) For the avoidance of doubt, subsection (1) shall not confer any jurisdiction on a Small Claims Tribunal to hear and determine any action relating to a hire-purchase agreement, a time share contract or rental or sale of immovable property.
- (3) For the purposes of determining whether an action under section 6 (1) exceeds the District Court limit or the Magistrate's Court limit within the meaning of the Subordinate Courts Act (Cap. 321), such an action shall be deemed to be a claim founded on contract.
- (4) Without prejudice to any other powers of the court to grant relief, a court (other than a Small Claims Tribunal) may in any proceedings where the court finds that a supplier has engaged in an unfair practice —
- (a) order restitution of any money, property or other consideration given or furnished by the consumer;
 - (b) award the consumer damages in the amount of any loss or damage suffered by the consumer as a result of the unfair practice;
 - (c) make an order of specific performance against the supplier;
 - (d) make an order directing the supplier to repair goods or provide parts for goods; or
 - (e) make an order varying the contract between the supplier and the consumer.
- (5) For the avoidance of doubt, in an action under section 6 (1) before a Small Claims Tribunal, the Tribunal may make orders pursuant to the provisions of the Small Claims Tribunals Act (Cap. 308).
- (6) Notwithstanding subsections (4) and (5), the court shall not grant any relief in respect of any goods or services intended for business use in an action under section 6 (1).
- (7) For the purposes of subsection (6), the court may apportion the use of goods and services between business use and non-business use as the court considers just and equitable in the circumstances of the case (notwithstanding that the goods or services are indivisible) and grant relief only in respect of the portion of goods and services so attributed with non-business use.
- (8) For the purposes of subsections (6) and (7) and section 17, goods or services intended for business use shall include —
- (a) goods or services (as the case may be) that the consumer intends to re-sell in the course of his business; and

(b) goods that the consumer intends to use up or transform, in the course of his business, in a process of production or manufacturing or in repairing or treating other goods or fixtures, and “business use” and “non-business use” shall be construed accordingly.

(9) Where the court finds that an unfair practice has occurred, the court shall, in making an order in an action under section 6 (1), have regard to whether or not the consumer made a reasonable effort to —

- (a) minimise any loss or damage resulting from the unfair practice; and
- (b) resolve the dispute with the supplier before commencing the action.

Voluntary compliance agreement

8. —(1) Where there are reasonable grounds for believing that a supplier has engaged, is engaging or is likely to engage in an unfair practice, a specified body may invite the supplier to enter into a voluntary compliance agreement.

(2) The voluntary compliance agreement shall —

- (a) be in writing; and
 - (b) include an undertaking that the supplier will not engage in the unfair practice.
- (3) Subject to subsection (5), the specified body may (with the agreement of the supplier) include in a voluntary compliance agreement all or any of the following undertakings by the supplier:

(a) to compensate any consumer who has suffered loss or damage as a result of an unfair practice;

(b) to reimburse any specified body for any costs or expenses incurred by it;

(c) to publicise the voluntary compliance agreement, in such manner or upon such terms as specified in the undertakings.

(4) Subject to subsection (5), the specified body may (after entering into a voluntary compliance agreement and with the agreement of the supplier) —

(a) vary the terms of any undertaking included in the voluntary compliance agreement; or

(b) include, in the voluntary compliance agreement, additional undertakings referred to in subsection (3).

(5) No undertaking referred to in subsection (3) (a) shall be included in a voluntary compliance agreement or varied after its inclusion, except at the request of the consumer to whom the undertaking relates.

(6) Where a supplier fails to comply with any undertaking referred to in subsection (3) (a), the consumer may recover the compensation specified in the undertaking as a civil debt due to the consumer.

(7) Where a supplier fails to comply with any undertaking referred to in subsection (3) (b), the specified body may recover the reimbursement specified in the undertaking as a civil debt due to the specified body.

(8) Where a supplier fails to comply with an undertaking under subsection (3) (c), the specified body may publicise the voluntary compliance agreement in accordance with the undertaking and recover the costs and expenses so incurred from the supplier as a civil debt due to the specified body.

(9) Unless otherwise provided in the voluntary compliance agreement, recovery of compensation or reimbursement (as the case may be) under a voluntary compliance agreement or under subsection (6), (7) or (8) shall bar all further actions to recover any loss, damage, costs or expenses to which the undertaking so enforced relates.

(10) The Minister may, by notification in the *Gazette*, appoint any person or body as a specified body for the purposes of this Act.

Declaration or injunction

9. —(1) Where a supplier has engaged, is engaging or is likely to engage in an unfair practice, the District Court or High Court may, on the application of a specified body —
- (a) make a declaration that the practice engaged in or about to be engaged in by the supplier is an unfair practice;
 - (b) grant an injunction restraining the supplier from engaging in the unfair practice; and
 - (c) if the Court grants relief under paragraph (a) or (b), make a further order requiring the supplier to advertise to the public in a manner that will ensure prompt and reasonable communication to consumers, on any terms or conditions the Court considers reasonable and just, particulars of any declaration or injunction granted against the supplier under paragraph (a) or (b).
- (2) Where an application is made to the District Court or High Court for the grant of a declaration or an injunction under subsection (1), the power of the Court to grant the declaration or injunction may be exercised —
- (a) if the Court is satisfied that the supplier has engaged in the unfair practice, whether or not it appears to the Court that the supplier intends to engage again, or to continue to engage, in the unfair practice; or
 - (b) if it appears to the Court that, in the event that a declaration or an injunction is not granted, it is likely that the supplier will engage in the unfair practice, whether or not the supplier has previously engaged in the unfair practice and whether or not there is any likelihood of irreparable harm to any consumer or class of consumers if the supplier engages in the unfair practice.
- (3) Where an application is made to the District Court or High Court for an injunction under subsection (1), the Court may (pending determination of the application) grant an interim injunction restraining the supplier from engaging in the unfair practice, if the Court is of the opinion that it is desirable to do so —
- (a) whether or not it appears to the Court that the supplier intends to engage again, or to continue to engage, in the unfair practice; or
 - (b) whether or not the supplier has previously engaged in the unfair practice and whether or not there is any likelihood of irreparable harm to any consumer or class of consumers if the supplier engages in the unfair practice.
- (4) A specified body shall not, except with the endorsement of the Panel under section 10 (b), make an application for a declaration or an injunction under subsection (1).
- (5) In any legal proceedings, a certificate purporting to be under the hand of the Chairman stating that the Panel has, pursuant to section 10 (5) (b), endorsed a proposal by a specified body to make an application for a declaration or an injunction against a supplier under this section shall be admissible as prima facie evidence of those facts.
- (6) If a practice of the supplier has been declared or permanently enjoined by the District Court or High Court as being an unfair practice under this section, the order shall be, in any other civil proceedings involving the supplier except an appeal from the order, conclusive proof that the practice in question is an unfair practice.
- (7) Where a specified body makes an application to the District Court or High Court for the grant of a declaration or an injunction under subsection (1) or for an interim injunction under subsection (3), the Court may order the specified body to furnish security for costs in any amount that the Court considers proper.

Injunction Proposals Review Panel

- 10.** —(1) The Minister may, by notification in the *Gazette*, appoint an Injunction Proposals Review Panel consisting of —
- (a) a Chairman;
 - (b) a Deputy Chairman who shall be a public officer or an officer of any statutory board; and
 - (c) at least one other member.
- (2) The members of the Panel shall hold office for such period as may be determined by the Minister and shall, on ceasing to be a member, be eligible for reappointment.
- (3) The Minister may, at any time, revoke the appointment of any member of the Panel without assigning any reason.
- (4) A member of the Panel may resign his office at any time by giving notice in writing to the Minister.
- (5) The Panel shall have the power to do anything necessary, incidental or conducive for the purpose of discharging its functions under this Act and, in particular, may —
- (a) consider any proposal by a specified body to apply for a declaration or an injunction against a supplier under section 9 referred to the Panel by the Chairman; and
 - (b) if the Panel is satisfied that it is in the public interest, endorse the proposal referred to in paragraph (a).
- (6) The constitution and the proceedings of the Panel shall be governed by the provisions in the Third Schedule.
- (7) No act or thing done by or under the authority of the Panel shall be invalid in consequence of any defect that is subsequently discovered in the appointment or qualification of the members or any of them.
- (8) Subject to subsection (9), except insofar as may be necessary for the purposes of giving effect to any decision of the Panel, confidentiality shall be maintained in all proceedings conducted by the Panel.
- (9) The Chairman shall, as soon as practicable after the end of each calendar year, submit to the Minister an annual report on the activities of the Panel.
- (10) No action or proceedings shall lie against the Panel or any member thereof for any act or thing done under this Act unless it is proved to the court that the act or thing was done in bad faith or with malice.

Right to cancel certain contracts within cancellation period

- 11.** —(1) The Minister may make regulations prescribing that a consumer who, in relation to a consumer transaction, has entered into a contract falling within any class of contracts specified in the regulations may cancel the contract within a cancellation period specified in the regulations.
- (2) For the purposes of this section, the Minister may make regulations prescribing —
- (a) the manner in which notices of cancellation may be properly given;
 - (b) any notice that the supplier must give to the consumer and the manner in which such notice may be properly given;
 - (c) the rights and obligations of parties to a contract cancelled pursuant to regulations made under this section, or any other contract entered into for the purposes of the cancelled contract, including the amount or value of any deposit, security, goods or compensation recoverable in an action arising from the cancellation; and
 - (d) the effect of cancellation pursuant to regulations made under this section on any rights the parties to the contract may otherwise have.

Limitation period

- 12.** —(1) No action under section 6 shall be commenced later than one year from —
- (a) the date of the occurrence of the last material event on which the action is based; or
 - (b) the earliest date on which the consumer had knowledge that the supplier had engaged in the unfair practice to which the action relates, including —
 - (i) in the case of an unfair practice referred to in section 4 (a) or (b) or involving any representation, act or omission that is false, deceptive or misleading, knowledge that the representation, act or omission is false, deceptive or misleading; and
 - (ii) in the case of an unfair practice referred to in section 4 (c) or involving taking advantage of the consumer, knowledge that the supplier had taken advantage of him, whichever occurs later.
- (2) No action under section 8 (6), (7) or (8) shall be commenced later than one year from the date of the failure to comply with the undertaking sought to be enforced.
- (3) No action under section 9 shall be commenced later than one year from the date of the occurrence of the last material event on which the action is based.
- (4) No action under any regulations made under section 11 shall be commenced later than one year from the date of the cancellation of the contract.
- (5) Knowledge that any representation, act or omission did or did not, as a matter of law, involve an unfair practice is irrelevant for the purposes of subsection (1) (b).
- (6) For the purposes of subsection (1) (b), a consumer's knowledge includes knowledge which he might reasonably have been expected to acquire from facts —
- (a) observable or ascertainable by him; or
 - (b) ascertainable by him with the help of appropriate expert advice which it is reasonable for him to seek.
- (7) A consumer shall not be taken by virtue of subsection (6) to have knowledge of a fact ascertainable only with the help of expert advice so long as he has taken all reasonable steps to obtain (and, where appropriate, to act on) that advice.
- (8) The Limitation Act (Cap. 163) shall apply (with the necessary modifications, including the modifications set out in the Fourth Schedule) to actions referred to in this section as if such actions were actions for which a period of limitation is prescribed in Part II of the Limitation Act.

No contracting out

- 13.** —(1) The provisions of this Act shall prevail notwithstanding any agreement to the contrary and any term contained in a contract is void, if and to the extent that it is inconsistent with the provisions of this Act.
- (2) Any waiver or release given of any right, benefit or protection conferred under this Act shall be void.
- (3) Subsections (1) and (2) shall not apply to any release made by a person in settlement of a dispute.

Rights transferred

- 14.** Where, other than in the course of business, an individual, as heir or assignee of a consumer, receives goods or services, that individual has the same rights as the consumer to seek and obtain redress from the supplier under this Act.

Preservation of other rights or remedies

15. —(1) Subject to subsection (2), nothing in this Act shall restrict, limit or derogate from any right or remedy that a consumer may have apart from this Act.

(2) Subsection (1) shall have effect subject to any provision to the contrary in any regulations made under section 11 or 20.

Exemption from liability for publishers

16. A person who, on behalf of a supplier, prints, publishes, distributes, broadcasts or telecasts an advertisement in good faith and in the ordinary course of his business shall not be liable under this Act in respect of any statement, representation or omission in that advertisement.

Parol evidence rule abolished

17. —(1) Notwithstanding sections 93 and 94 of the Evidence Act (Cap. 97), parol or extrinsic evidence establishing the existence of an express warranty is admissible in any action relating to a consumer transaction between a consumer and a supplier even though it adds to, varies or contradicts a written contract.

(2) Subsection (1) shall not be applicable to establish the existence of any express warranty in respect of goods or services intended for business use.

Interpretation of documents

18. If a consumer and a supplier enter into a consumer transaction and —

(a) all or any part of the transaction or contract is evidenced by a document provided by the supplier; and

(b) a provision of the document is ambiguous,
the provision must be interpreted against the supplier.

Amendment of Schedules

19. The Minister may, by order published in the *Gazette*, amend the Schedules.

Regulations

20. —(1) The Minister may make such regulations as may be necessary or expedient for the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations

—
(a) exempting any class of supplier or any class of goods or services or transactions from the application of this Act or any provision of this Act, and imposing conditions for that exemption;

(b) modifying the application of any provision of this Act to any class of supplier or any class of goods or services or transactions;

(c) controlling or prohibiting any practice in relation to any consumer transaction;

(d) prescribing information or notices that must be provided to consumers by suppliers with respect to any consumer transaction;

(e) prescribing the form or terms of contracts to be used in any consumer transaction and any information to be contained therein;

(f) requiring suppliers to maintain books, accounts (including trust accounts) or records in relation to any consumer transactions, and prescribing the form and mode of keeping such books, accounts and records;

- (g) prescribing or adopting, with or without modification, codes, standards or rules governing the conduct of suppliers engaged in any consumer transaction;
- (h) prescribing the rights and obligations of parties who have entered a consumer transaction in the event of failure to comply with any provision of this Act or the regulations made thereunder, including the right to sue for such failure; and
- (i) specifying limitation periods for any action under this Act or any regulations made thereunder.