

COMMERCIAL LITIGATION | CORPORATE COMMERCIAL

New Bill Introduced in Parliament to Maintain Racial Harmony in Singapore

On 7 January 2025, the [Maintenance of Racial Harmony Bill](#) ("**Bill**") was tabled in Parliament.¹ As an overarching aim, the Singapore Government's enactment of a legislative framework envisions a cohesive multi-racial society. Intentional and carefully architected, it goes beyond the existing Penal Code offences that address threats to racial harmony and ports them over into the Bill. These include hateful speech, bigotry and racism criminalised in the following ways: (i) inciting enmity, hatred, ill-will or hostility against a racial group; (ii) insulting, vilifying, denigrating, threatening or abusing another person on the basis of race; and (iii) inciting violence on the basis of race, or against a racial group.

In the words of President Tharman Shanmugaratnam, multiracialism in Singapore involves a "*very intrusive model of integration*". The Bill covers measures to maintain racial harmony in Singapore that are broadly analogous to the measures in the [Maintenance of Religious Harmony Act 1990](#) ("**MRHA**"). The Bill proposes several significant measures such as safeguards to prevent race-based entities from being used as vectors of foreign influence, as well as the introduction of a restraining order regime to deal with content prejudicial to racial harmony.

This Update provides a summary of the proposed key measures covered in the Bill. It focusses on significant points and obligations relevant to potential entities affected by the Bill such as racial or ethnic-based organisations, e.g. clan associations, trade chambers, charities, etc.

Safeguards against Foreign Influence in Designated Race-Based Entities

These safeguards are largely similar to those under the MRHA, save that they will apply only to race-based entities that are designated by a Competent Authority.² The safeguards under MRHA, on the other hand, apply to all religious groups.

Designated entities

Under the Bill, the Competent Authority may, if satisfied about certain conditions, designate an entity for the purposes of Part 4 of the Bill (such entities referred to as "**designated entities**"). These designated entities are subject to certain reporting, governance and other obligations under the Bill, which are detailed below.

¹ [First Reading of the Maintenance of Racial Harmony Bill and Constitution of the Republic of Singapore \(Amendment\) Bill](#)

² "Competent Authority" refers to "any public officer who is appointed under section 5(1) as a competent authority for the purposes of that provision or for the purposes of the Bill in general"

The conditions for designating an entity are that:

- the entity's primary or other objects, purposes or activities include representing or promoting the interests of, or discussing any issue relating to, any race; and
- designation is deemed by the Competent Authority to be necessary or expedient to pre-empt, prevent or reduce any foreign influence that may undermine racial harmony in Singapore.

The Competent Authority will provide advance notice to race-based entities of its intent to designate them as designated entities. These entities may then make representations to the Competent Authority as to why they need not be designated, before a final decision is made on their designation. Designated entities may apply to the Competent Authority to cancel their designation, as well as apply to the Minister for Home Affairs ("**Minister**") for exemptions from some, or all, of their obligations under the Bill.

For a start, clans and business associations linked to the Chinese, Malay and Indian races will be designated under the Bill. The Ministry of Home Affairs ("**MHA**") has engaged with representatives from these race-based entities, who have acknowledged the necessity of the baseline measures. MHA will follow up with them regarding the designation process in the near future.

Reporting obligations of designated entities

Generally, designated entities will be subject to reporting obligations, such as reporting on:

- the foreign donations and anonymous donations that they accept;
- their foreign affiliations;
- their constitutional arrangements;
- the composition of their governing bodies;
- the nationality of the members of their governing bodies; and
- the nationality of their responsible officers.

Non-compliance with reporting requirements

The regulations may prescribe offences for non-compliance with the reporting obligations. Separately, it is an offence to deceitfully withhold from a designated entity any information about donations to the entity, or to knowingly provide false information about donations to the designated entity.

Basic leadership restrictions include the following:

- More than half of the total number of seats on the governing body of a designated entity must be occupied or held by Singapore citizens.
- For governing bodies with fewer than three seats, all of them must be occupied or held by Singapore citizens.
- Responsible officers of designated entities must be Singapore citizens or Singapore permanent residents.

Consequences of contravention of basic leadership restrictions

If a designated entity contravenes any of the basic leadership restrictions, the Competent Authority may direct the designated entity to remove the relevant members or officers. A removal direction may be appealed against to the Minister, whose decision is final. The designated entity commits an offence if a removal direction against a designated entity is not complied with. Each person who is a member of the governing body of the designated entity while the removal direction is not complied with also commits an offence.

Stepped-up measures imposed under foreign influence restraining orders

The Minister may make a foreign influence restraining order against a designated entity to pre-empt, prevent or reduce any foreign influence that may undermine racial harmony in Singapore and present a threat to public peace and public order in Singapore. A foreign influence restraining order may include measures against:

- accepting or retaining foreign or anonymous donations;
- foreign affiliations;
- non-citizens in general serving on the governing body of the designated entity; and
- specified persons (who may be Singapore citizens) serving on the governing body of the designated entity.

Other Proposed Measures

Other proposed measures under the Bill include:

- **Establishment of the Presidential Council for Racial and Religious Harmony ("PCRRH"):** The PCRRH will replace the Presidential Council for Religious Harmony ("PCRH") established under the MRHA. The PCRRH is independent of the Singapore Government and will perform the same functions as the PCRH, but with an expanded scope to cover race-related matters as well.
- **Introduction of Restraining Orders Against Content Prejudicial to Racial Harmony:** The process of issuing restraining orders under the Bill will be the same as the existing process for the issuance of restraining orders under the MRHA. Details of the process of issuing ROs may be viewed [here](#) (available on the MHA website).

Our Comments on the Bill

The Bill, although containing largely similar measures to the MRHA, is noteworthy because of its expansion to cover race-related matters with aspirational aims of even greater racial integration. In a commentator's analysis, this proposed racial harmony law is "*a forward-looking approach*"³. If passed, the Bill may apply to numerous race-based or ethnic-based organisations in Singapore, such as clan associations, trade chambers, charities and non-profit organisations. Of particular concern will be organisations with foreign affiliation or that receive foreign donations. If designated under Part 4 of the Bill, these organisations will be subject to stringent reporting obligations and leadership restrictions. The proposed racial harmony law is a valuable complement to other Government policies to promote racial harmony (such as the Racial and Religious Harmony Circles and the annual Racial Harmony Day).

Please feel free to contact our team members below who are well-poised to assist you with any queries or advice which you may require.

³ Eugene Tan, the Straits Times 23 January 2025, "*Beyond punishment: Singapore's proposed racial harmony law [is] a forward-looking approach*".

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