

**MINISTERIAL STATEMENT BY PROF JAYAKUMAR, DPM & MINISTER FOR  
LAW, IN PARLIAMENT ON 3 APRIL 2006 CHANGES TO THE LEGAL  
SERVICE COMMISSION AND LEGAL SERVICE PERSONNEL  
MANAGEMENT SYSTEM**

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Introduction

**1. Members would have read that Chief Justice Yong Pung How is retiring. Attorney-General Chan Sek Keong will succeed him as the next Chief Justice, and Mr Justice Chao Hick Tin will be appointed as the next Attorney-General.**

Chief Justice and Attorney General – Two Important Offices

**2. The Chief Justice and the Attorney-General are the two most important positions in our legal system. They are responsible for setting the directions for our legal system and high standards for the administration of justice in Singapore.**

**3. The Chief Justice is head of the Judiciary. As such, his is a critical appointment in developing and shaping a respected and competent judiciary and in ensuring a fair and just administration of justice in our**

**Courts. The Attorney-General is the legal advisor to the Government. He advises Government Ministries and agencies on increasingly complex and highly specialized issues. As Public Prosecutor, he oversees and sets the standards for criminal prosecutions.**

Tribute to Chief Justice Yong Pung How

**4. If I may make a tribute to Chief Justice Yong Pung How, who was appointed Chief Justice in 1990. In his distinguished tenure of 16 years, he has built up our judiciary and legal system to vigilantly uphold the rule of law and administration of justice. He has made a lasting and outstanding contribution. He initiated wide ranging reforms to build up the legal infrastructure and develop local jurisprudence relevant to Singapore's context. He took a series of measures to clear the backlog of cases, streamlined the rules of court, and improved efficiency through extensive use of IT. He created specialist courts and Night Courts and also leveraged on alternative dispute resolution. He also introduced our own Singapore Law reports and the Senior Counsel Scheme. Sir, as a result of his leadership, we have today a judiciary that has a high standing internationally. Many judges and judicial officers from other countries who are involved in reforms or reviews of their own systems – including, England – have made study visits to our Courts. This is a tribute to Chief Justice Yong's sterling contributions in enhancing the standing and reputation of our Judiciary.**

**5. Chief Justice Yong recognised that we cannot have a first-rate legal system without quality people on the High Court bench and in the Legal Service. He saw the need for officers with strong professional knowledge and skills, and the ability to adapt and respond to a rapidly changing environment. As President of the Legal Service Commission, he aggressively pursued efforts to attract talent into the Legal Service. He**

started the Justices' Law Clerk (JLC) programme in 1991, which he supervised himself. He personally recruited many outstanding law graduates to become JLCs, and mentored them as they worked closely with him and the judges in the Court of Appeal during their initial years of training. Former Justices' Law Clerks have moved on to other departments to provide a steady flow of talent to the whole Legal Service. This has resulted in high quality work and judgements.

6. In addition to his duties as Chief Justice, Chief Justice Yong also served as Chairman of the Presidential Council on Minority Rights (PCMR). As I am a member of Presidential Council on Minority Rights, I can attest to the diligent and meticulous manner with which he scrutinised every Bill passed by the House in the meetings of the Council.

Tribute to Attorney-General Chan Sek Keong

7. I'd also like to say a few words about Attorney-General Chan Sek Keong has served with distinction for 14 years as Attorney-General. He has transformed the AG's Chambers from a relatively small office to one with an efficient team of lawyers who can handle a whole range of complex legal issues in civil and commercial law, criminal law, and international law. Many of the lawyers in the Attorney-General's Chambers are acknowledged as experts in their own fields and some have been invited to assist as experts by Commonwealth and United Nations agencies.

8. Mr Chan Sek Keong has also made major organisational changes to build up capabilities in the AG's Chambers. He established the International Affairs Division to advance the interests of Singapore internationally. He also set up the Law Reform and Revision Division to review and reform Singapore law and to revise and modernise our legislation. He considerably strengthened both the Civil and Criminal Law Divisions in the Chambers. Mr Chan Sek Keong also headed important

policy reviews to strengthen the legal service sector and these include chairing the Committee on Supply of Lawyers and chairing the Legal Services Review Committee which resulted in the Joint Law Venture and Formal Law Alliance Schemes.

9. Sir, as Minister for Law, I have observed first hand the high quality of Mr Chan Sek Keong's contributions. For instance, I was present in Hamburg at the hearings before the International Tribunal on the Law of the Sea in the case brought against us by Malaysia concerning Singapore's reclamation within our territorial waters. He and his team did Singapore proud in ably presenting our legal arguments before the International tribunal. He has also been playing a pivotal role in overseeing our preparations for the case we have with Malaysia on Pedra Branca before the International Court of Justice (ICJ). I am grateful to him for agreeing to continue with this role until the ICJ has heard and decided that case.

#### Their Contributions to the Standing of our Legal System

10. For the past 25 years as Minister for Law and before that as 2<sup>nd</sup> Minister for Law and Minister of State for Law, I have quite a bit to do with our laws and our legal system. Based on my experience, I can say without exaggeration that we in Singapore have been very fortunate that Chief Justice Yong Pung How and Attorney General Chan Sek Keong occupied these positions since 1990 and 1992 respectively. As a result of their contributions, our legal system today is consistently ranked among the top in Asia and in the world, and has contributed to Singapore's strong reputation for trust, integrity and reliability.

#### The Way Forward - Consultations with Outgoing and incoming CJs and Incoming AG

11. We have to give thought on how to go forth on that with the new appointments which have been announced, the Government discussed

with the outgoing Chief Justice Yong, the incoming Chief Justice as well as the next Attorney General on how we can build on this hard won reputation. They are all agreed that the key is to have the right people in our judiciary and legal service. It is vital that we maintain a continuing inflow of talent and attract the best and most promising law graduates to the Legal Service. They are also unanimous that, to achieve this, we need to restructure the Legal Service Commission (LSC) and update our personnel management system. We also need a more systematic talent management scheme.

12. If I may touch on these aspects, Sir.

Revising the Structure of the Legal Service Commission

13. First, our present legal service personnel management system is inherited from the British. The Constitutional framework for the Legal Service has remained largely unchanged since our Independence, even though the demands on legal services have changed radically. The legal service has grown over the years, both in quantity and quality. There are now 290 Legal Service Officers in the legal service, up from 45 when the service was formed in 1965. Through the Justices' Law Clerk (JLC) programme initiated by Chief Justice Yong, a steady stream of top law graduates has been brought into the service. Today, almost half of the Legal Service Officers have generalised or specialised post-graduate law degrees. We need to strengthen our personnel management system to make it more robust as well as be more responsive to the new challenges in managing talent and personnel in the expanded legal service. The LSC, as it is currently constituted, has its limitations. We need to revise both the composition and structure of the LSC.

14. First, we need to widen the membership of the LSC by providing for the appointment of independent members. The LSC sits at the apex of the personnel management system, and is vested with the Constitutional

authority to appoint, recruit, promote and discipline all legal service officers. The LSC comprises the Chief Justice, the Attorney-General, the Chairman of PSC, a Judge of the Supreme Court as nominated by the Chief Justice, and two members of the PSC as nominated by the Chairman of PSC. They are all members by virtue of the offices that they hold. This composition has remained unchanged since Independence. So, we should consider restructuring the LSC to include a wider range of experience, for example people who have worked in personnel management, or who have knowledge of the legal service or the legal profession. They can be from the private sector, and can include retired judges or retired senior counsel. Their appointment will be subject to the safeguard of the elected President, as is the case with the appointment of members of the Public Service Commission. This change will require amending the Constitution.

15. Second, we need to formalise the system of Personnel Boards under the LSC, and provide the Personnel Boards with formal powers delegated from the LSC, to appoint, recruit, promote and discipline legal officers up to a certain grade, along the lines of what is done now in the civil service. The Legal Service already has a system of Personnel Boards which is modelled after the civil service, but their powers are only informally delegated from the LSC. Whereas in the civil service, the Personnel Boards are provided for under the Constitution and have their powers gazetted. We should consider doing the same for the Legal Service, but adapted to its smaller size.

#### More Systematic Talent Management Scheme

16. Sir, the outgoing and incoming Chief Justice as well as the incoming Attorney-General also agreed that we should institutionalise and update the arrangements for talent management that worked under Chief Justice Yong so as to further improve the quality of the Legal Service. This requires a personnel management system that recognises outstanding

officers, tracks their performance, and grooms them through assignments and training courses for future leadership roles. It also requires a system that assesses the performance and potential of legal officers against all their peers, and revises these assessments systematically and regularly as the officers advance, so that those who do well are recognised and are promoted, regardless whether or not they entered the service as Justices' Law Clerks.

17. The Justices' Law Clerks are an important source of talent for the Legal Service, but we need to also strengthen our other sources. We must continue to recruit as many of the top law graduates to join the Legal Service, via the Justices' Law Clerks and other schemes. However, our objective is not to retain all of this talent in the Legal Service throughout their careers. We want some of these officers to stay on and move up to hold senior appointments in the Legal Service, while others move out to practise law in the private sector, or perhaps to follow academic careers. Later, having acquired experience and made a name for themselves in the profession, then they can be considered for appointment as Solicitor General, Judicial Commissioners, or Judges. For the top posts in our legal system, we must recruit from both within and outside the Legal Service those who have had the widest exposure, and the necessary temperament and ability. We should not revert to the old Colonial Legal Service system in which promotion to the bench is only from within the service, as this would result in too narrow a range of experience at the top.

18. Sir, we will set up a review panel to conduct a comprehensive review of how to manage and develop the whole range of talent in the service, including those recruited as JLCs, so as to ensure that all serving officers are provided with opportunities to exercise their capabilities and potential to the fullest.

Concluding Remarks

**19. In concluding, let me say that we will have to consider the changes to the personnel management system and the introduction of a more systematic talent scheme carefully, and take time to study the details, including any possible amendments to the Constitution. Over the next few months, we will work out the implementation steps to bring about these changes.**

**20. Speaker Sir, the legal landscape, as lawyers in the house would know, has changed tremendously in recent years, reflecting the wider changes in the world. With each passing day the frontiers of law are being pushed further back. We need only to look at the developments in intellectual property, Alternate Dispute Resolution (ADR) processes, information technology and financial services. Our Legal Service needs to keep abreast of these wider developments and we need good and able minds in the legal service with expertise to advise, prosecute and adjudicate.**

**21. The changes to enhance and institutionalise the personnel management system in the Legal Service are therefore necessary to underscore our commitment to the Legal Service maintaining its high quality of people and the high standards of legal practice. I believe Sir, this will ensure a responsive and innovative legal service, and a fair and independent judiciary that will apply and uphold the rule of law impartially for all without fear or favour.**

**Thank you Sir.**

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