

ANNEX B – Draft Postal Services (Amendment) Bill

Postal Services (Amendment) Bill

Bill No. /2021.

Read the first time on .

A BILL

i n t i t u l e d

An Act to amend the Postal Services Act (Chapter 237A of the 2000 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

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Short title and commencement

1. This Act is the Postal Services (Amendment) Bill 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2.—(1) Section 2(1) of the Postal Services Act (called in this Act the principal Act) is amended —

10 (a) by deleting the definitions of “code of practice” and “standard of performance” and substituting the following definition:

“ “code of practice” means a code of practice issued or approved under section 23N or 24;”;

(b) by inserting, immediately after the definition of “correspondent”, the following definition:

15 “ “delivery service provider”, in relation to a parcel mentioned in paragraph (a) of the definition of “parcel”, means a person that —

(a) conveys any such parcel from any place to a public parcel locker; and

20 (b) performs all incidental services of collecting, sorting, sending, despatching and placing in a public parcel locker that parcel;”;

(c) by deleting the definition of “parcel” and substituting the following definitions:

25 “ “parcel” —

(a) in relation to a public parcel locker, means an article or thing that is conveyed to and placed in the public parcel locker by a delivery service provider for collection by the recipient of the article or thing; or

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(b) in any other case, means a postal article which is posted at a post office in Singapore or is received at a post office in Singapore by parcel post;

5 “parcel locker” means a box or receptacle which is provided or used for the receipt of parcels addressed to any person, but does not include a letter box;”;

10 (d) by inserting, immediately after the definition of “posting box”, the following definitions:

““public parcel locker” means a parcel locker that is installed, operated and maintained by the Postal Authority or the public parcel locker network operator;

15 “public parcel locker network” has the meaning given by section 23B;

“public parcel locker network operator” means a person appointed by the Postal Authority under section 23C(1);”;

20 (e) by inserting, immediately after the definition of “public postal licensee’s installation or plant”, the following definition:

““related installation”, in relation to a public parcel locker —

25 (a) includes any structure, machinery, equipment, cable or line used or intended for use in relation to the operation of the public parcel locker; but

30 (b) excludes any software used or intended for use in relation to the operation of the public parcel locker;”;

(f) by inserting, immediately after the definition of “sender”, the following definition:

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““standard of performance” means a standard of performance issued or approved under section 24;”.

5 (2) Section 2(2) of the principal Act is amended by inserting, immediately after the words “physical medium”, the words “(not exceeding 500 grams in weight)”.

Amendment of section 3A

3. Section 3A of the principal Act is amended —

10 (a) by inserting, immediately after subsection (2), the following subsections:

“(2A) Additionally, it is the function and duty of the Postal Authority —

- 15 (a) to promote the efficiency of the public parcel locker network in Singapore;
- (b) to ensure that public parcel lockers 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;
- 20 (c) to exercise regulatory functions in respect of the establishment, ownership and operation of public parcel lockers in Singapore; and
- 25 (d) to exercise regulatory functions in respect of the determination and approval of prices, tariffs and charges in relation to, and the provision of, public parcel lockers.

30 (2B) In discharging the functions and duties imposed on it by subsection (2A), the Postal Authority is to have regard to the following matters:

- (a) efficiency and economy;
- (b) the social, industrial and commercial needs of Singapore for public parcel lockers;

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- (c) the provision of public parcel lockers at rates consistent with efficient service.”;
- (b) by deleting the word “and” at the end of subsection (4)(b);
and
- 5 (c) by inserting, immediately after paragraph (b) of subsection (4), the following paragraph:
 - 10 “(ba) precluding the Postal Authority from interrupting, suspending or restricting the installation or operation of any public parcel locker provided by the Postal Authority; and”.

Amendment of section 5

- 4. Section 5 of the principal Act is amended —
 - (a) by deleting the word “and” at the end of subsection (1)(c);
 - (b) by deleting sub-paragraph (i) of subsection (1)(d);
 - 15 (c) by deleting the full-stop at the end of sub-paragraph (iv) of subsection (1)(d) and substituting the word “; and”;
 - (d) by inserting, immediately after paragraph (d) of subsection (1), the following paragraph:
 - 20 “(e) the conveyance of any letter —
 - (i) by intra-organisational mailroom service; or
 - (ii) by messenger service.”; and
 - (e) by inserting, immediately after subsection (2), the following subsection:
 - 25 “(3) In this section —
 - “intra-organisational mailroom service” means a service comprising the following:
 - 30 (a) the conveyance, between 2 or more premises occupied by an organisation, of any letter addressed to the organisation or an officer or employee of the organisation;

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- (b) the receiving, collecting, sorting, sending, despatching and delivery to the organisation or an officer or employee of the organisation of a letter mentioned in paragraph (a);

5 “messenger service” means a service comprising the following:

- (a) the receiving, collecting and sorting of any letter originating from an organisation or an officer or employee of the organisation (whether the organisation occupies one or more premises) and intended for delivery to an addressee who is not an officer or employee of the organisation;

- (b) the sending and despatching of a letter mentioned in paragraph (a) to a postal licensee for delivery to the addressee.”

New section 7A

5. The principal Act is amended by inserting, immediately after section 7, the following section:

20 **“Additional licence conditions for public postal licensees**

7A.—(1) Without affecting section 6(1) and (2), a licence granted under section 6 to a public postal licensee may include conditions requiring the public postal licensee to enter into agreements or arrangements with any applicable person or class of applicable persons, under which the public postal licensee delivers applicable postal articles to letter boxes, on such terms and conditions as the public postal licensee and the applicable person may agree to or, in default of agreement, as the Postal Authority may determine.

30 (2) In subsection (1) —

“applicable person” includes another postal licensee;

“applicable postal article” means a postal article (other than a letter) that is sent and despatched by an applicable

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person to a public postal licensee for delivery to a letter box.”.

Amendment of section 8

5 **6.** Section 8 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) To avoid doubt, this section also applies to the modification of any condition of the licence of a public postal licensee imposed under section 7A.”.

Amendment of section 11

10 **7.** Section 11 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

15 “(1) Without affecting section 6(1), the Postal Authority may specify in the licence of a public postal licensee that the public postal licensee may provide for the remittance of any sum of money through the post or any electronic or other system established by or among foreign postal administrations and postal licensees.”;

20 (b) by inserting, immediately after the words “public postal licensee” in subsection (2), the words “mentioned in subsection (1)”; and

(c) by deleting the section heading and substituting the following section heading:

“Postal remittance of money”.

25 **Amendment of section 12**

8. Section 12 of the principal Act is amended by inserting, immediately after the words “public postal licensee”, the words “mentioned in section 11(1)”.

[Amendment of section 16]

30 **9.** Section 16 of the principal Act is amended —

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(a) [by deleting subsections (5) and (6) and substituting the following subsections:]

5 “(4A) [Where letter boxes are provided for the occupiers of any residential, commercial or industrial building or any lot within a residential, commercial or industrial building, and the letter boxes are situated on any common property or limited common property of that building, the owner of that common property or limited common property (as the case may be) must —

10 (a) provide or continue to provide one letter box —

(i) in the case of a residential building — for each lot within the residential building; or

15 (ii) in the case of a commercial or industrial building — for the occupier of each lot within the commercial or industrial building;

(b) ensure that the letter boxes provided under paragraph (a) —

(i) are numbered in numerical sequence; and

20 (ii) [are at all times kept in a state of good and serviceable repair, in compliance with all specifications issued, approved or amended by the Postal Authority under subsection (1)]; and

25 (c) ensure that the lawful access to each letter box provided under paragraph (a) is at all times kept clear from any obstruction by any vehicle, debris, box or object or any other thing which would prevent or impede the delivery of postal articles to that letter box by a postal licensee.]

30 (4B) [Where letter boxes are provided for the occupiers of any residential, commercial or industrial building or any part of a residential, commercial or industrial building, and the letter boxes are situated in or on any part

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of the building other than a common property or limited common property of the building, the owner of the building must —

(a) provide or continue to provide one letter box —

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(i) in the case of a residential building — for each lot within the residential building; or

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(ii) in the case of a commercial or industrial building — for the occupier of each lot within the commercial or industrial building;

(b) ensure that the letter boxes provided under paragraph (a) —

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(i) are numbered in numerical sequence; and

(ii) [are at all times kept in a state of good and serviceable repair, in compliance with all specifications issued, approved or amended by the Postal Authority under subsection (1)]; and

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(c) ensure that the lawful access to each letter box provided under paragraph (a) is at all times kept clear from any obstruction by any vehicle, debris, box or object or any other thing which would prevent or impede the delivery of postal articles to that letter box by a postal licensee.]

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(5) [Where a letter box is provided for the owner or occupier of a building, the owner of the building must ensure —

30

(a) [that the letter box is at all times kept in a state of good and serviceable repair, in compliance with all specifications issued, approved or amended by the Postal Authority under subsection (1)]; and

(b) that the lawful access to the letter box is at all times kept clear from any obstruction by any vehicle, debris, box or object or any other thing

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which would prevent or impede the delivery of postal articles to that letter box by a postal licensee.]

5 (5A) [Subsection (4A) or (4B) applies where a residential, commercial or industrial building, or any lot within that building, is occupied by any person.]

(5B) A person who contravenes subsection (4A)(a) or (b), (4B)(a) or (b) [or (5)(a)] shall be guilty of an offence.

10 (6) [Where, in the opinion of the Postal Authority, the lawful access to any letter box mentioned in subsection (4A)(c), (4B)(c) or (5)(b) is not clear from any obstruction, the Postal Authority may, by written notice, require the owner of the common property, limited common property or building (as the case may be) to
15 undertake, within the time specified in that notice, such work or rectification steps to ensure that the lawful access to the letter box is kept clear from any obstruction.];

20 (b) by deleting the words “subsections (5)” in subsection (8) and substituting the words “subsections (4A)(c), (4B)(c), (5)(b)”; and

(c) by deleting the definitions of “common property”, “limited common property” and “owner” in subsection (9) and substituting the following definitions:

25 ““common property” and “limited common property” have the meanings given by section 2(1) of the Building Maintenance and Strata Management Act;

30 “lot” means a lot or non-strata lot within the meaning given by section 2(1) of the Building Maintenance and Strata Management Act;

“owner” —

(a) [in the case of a common property of any premises comprised in a strata title plan

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under the Land Titles (Strata) Act (Cap. 158), means —

- 5
- (i) the management corporation having control of that common property; or
 - (ii) the person receiving any rent or charge for the maintenance and management of that common property;
- 10
- (b) in the case of a limited common property of any premises comprised in a strata title plan under the Land Titles (Strata) Act, means —
- 15 (i) the subsidiary management corporation established by the Building Maintenance and Strata Management Act having control of that limited common property; or
 - (ii) the person receiving any rent or charge for the maintenance and management of that limited common property;
- 20
- (c) in relation to a building in a housing estate of the Housing and Development Board (called an HDB housing estate), means —
- 25 (i) in the case of the building’s common property in an HDB housing estate that is controlled, managed and maintained by a Town Council — that Town Council; and
 - (ii) in the case of the building’s common property in an HDB housing estate that is not controlled, managed and maintained by a Town Council — the
- 30
- (d) in relation to a common property of a subdivided building other than a subdivided

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building mentioned in paragraph (a), (b) or (c), means —

- 5 (i) every person who is registered under the Land Titles Act (Cap. 157) as the proprietor of the fee simple, estate in perpetuity or leasehold estate of a lot in that building; or
- 10 (ii) the person receiving any rent or charge for the maintenance or management of the common property;
- 15 (e) in relation to any premises which are not subdivided, means any person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises; and
- 20 (f) in relation to any other premises or building, means the person for the time being receiving the rent of the premises or building, whether on the person’s own account or as agent, trustee or receiver, or who would receive such rent if the premises or building were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as the owner of the premises or building, or a mortgagee in possession.]”.

New section 17

30 **10.** The principal Act is amended by inserting, immediately after section 16, the following section:

“Administrative exemption from section 16

17.—(1) The Postal Authority may exempt —

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- (a) a developer of any residential, commercial or industrial building from the application of section 16(3)(a); or
 - (b) the owner of any residential, commercial or industrial building from the application of section 16(4A)(a) or (4B)(a).
- 5
- (2) An exemption under this section —
- (a) must be in writing and given to the developer or owner concerned; and
 - (b) need not be published in the *Gazette*.”.

10 **Amendment of section 19**

11. Section 19 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection:

15 “(1) A person, other than the Postal Authority or a specified public postal licensee, must not cause to be provided postage stamps that bear the word “Singapore” in any language.”;

- (b) by deleting the words “public postal licensee” in subsections (3), (5) and (6) and substituting in each case the words “specified public postal licensee”;
- 20

- (c) by deleting the words “public postal licensee” wherever they appear in subsection (4) and substituting in each case the words “specified public postal licensee”; and

- (d) by inserting, immediately after subsection (8), the following subsection:
- 25

“(9) In this section, “specified public postal licensee” means a public postal licensee holding a licence granted under section 6 specifying that the public postal licensee may [provide or] cause to be provided postage stamps that bear the word “Singapore” in any language.”.

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New Part IIIA

12. The principal Act is amended by inserting, immediately after section 23, the following Part:

“PART IIIA

PUBLIC PARCEL LOCKERS

Division 1 — Preliminary

Definitions of this Part

23A. In this Part, unless the context otherwise requires —

“authorised person”, for any provision of this Part, means a person authorised by the public parcel locker network operator for the purposes of that provision;

“common property” and “limited common property” have the meanings given by section 2(1) of the Building Maintenance and Strata Management Act;

“Housing and Development Board” means the Housing and Development Board established by section 3 of the Housing and Development Act (Cap. 129);

“owner” —

(a) in relation to any premises comprised in a strata title plan under the Land Titles (Strata) Act, means —

(i) in the case of a lot — the person who is registered as subsidiary proprietor of the lot under that Act;

(ii) in the case of a common property — the management corporation having control of that common property, or the person receiving any rent or charge for the maintenance and management of that common property; and

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- (iii) in the case of a limited common property — the subsidiary management corporation established by the Building Maintenance and Strata Management Act having control of that limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property;
- 10
- (b) in relation to a building in a housing estate of the Housing and Development Board (called an HDB housing estate), means —
- (i) in the case of a flat — any owner of the flat as defined in section 2(1) of the Housing and Development Act;
- 15
- (ii) in the case of the building’s common property in an HDB housing estate that is controlled, managed and maintained by a Town Council — that Town Council; and
- 20
- (iii) in the case of the building’s common property in an HDB housing estate that is not controlled, managed and maintained by a Town Council — the Housing and Development Board;
- 25
- (c) in relation to a subdivided building other than a subdivided building mentioned in paragraph (a) or (b), means —
- (i) in the case of a lot — the person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of that lot; and
- 30
- (ii) in the case of the subdivided building’s common property — every person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of a lot in that
- 35

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building, or the person receiving any rent or charge for the maintenance or management of the common property;

5 (d) in relation to any premises which are not subdivided, means any person who is registered under the Land Titles Act as the proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises; and

10 (e) in relation to any other premises or building, means the person for the time being receiving the rent of the premises or building, whether on the person's own account or as agent, trustee or receiver, or who would receive such rent if the premises or building were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act as the owner of the premises or building, or a mortgagee in possession;

20 “premises” has the meaning given by section 2(1) of the Building Control Act (Cap. 29);

“Singapore Land Authority” means the Singapore Land Authority established by section 3 of the Singapore Land Authority Act (Cap. 301);

25 “specified day” means the date of commencement of section 12 of the Postal Services (Amendment) Act 2020;

“specified premises” —

(a) means any of the following:

- 30 (i) the common property of a building in an HDB housing estate;
- (ii) a bus interchange within the meaning given by section 2 of the Bus Services Industry Act 2015 (Act 30 of 2015);
- (iii) a railway commuter facility or railway premises within the meaning given by

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section 2 of the Rapid Transit Systems Act
(Cap. 263A);

5 (iv) a community centre or club managed or run
by the People’s Association established by
section 2(1) of the People’s Association Act
(Cap. 227);

(v) any other premises that are prescribed by the
Minister, by order in the Gazette, as
specified premises; and

10 (b) [includes any State land adjoining any premises
mentioned in paragraph (a)];

“Town Council” means a Town Council established by
section 4 of the Town Councils Act (Cap. 329A).

15 **Exclusive privilege with respect to public parcel locker
network**

23B. The Postal Authority has the exclusive privilege of
establishing, installing, operating and maintaining all of the
following (collectively called the public parcel locker network):

- 20 (a) parcel lockers located in or on any specified premises;
- (b) related installations for any parcel locker mentioned in
subsection (a);
- (c) any software or other system for enabling and
managing access to public parcel lockers.

Public parcel locker network operator

25 **23C.**—(1) The Postal Authority may appoint any person
(called the public parcel locker network operator) to establish,
install, operate and maintain the public parcel locker network,
subject to any conditions that the Postal Authority thinks fit.

30 (2) Anything done by the public parcel locker network
operator under and in accordance with this Act and any
conditions imposed under subsection (1) does not constitute an

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infringement of the privilege conferred on the Postal Authority under section 23B.

Residual power of Postal Authority with respect to public parcel locker network

5 **23D.**—(1) The Postal Authority may, despite the appointment of the public parcel locker network operator under section 23C(1), establish, install, operate and maintain a public parcel locker network —

- 10 (a) if the Postal Authority is of the opinion that the public parcel locker network operator has failed to comply with the provisions of this Part or any condition imposed by the Postal Authority under section 23C(1); or
- 15 (b) to give effect to any direction of the Minister under section 45.

(2) Where the Postal Authority operates and maintains a public parcel locker network under subsection (1) —

- 20 (a) sections 2, 23A, 23I to 23L, 39A to 39K, 57 and 58 apply, with the necessary modifications, to the Postal Authority in respect of the installation, operation and maintenance of the public parcel locker network; and
- (b) the references to the public parcel locker network operator in those sections are references to the Postal Authority.

Charges and other terms for public parcel locker network operated by Postal Authority

25 **23E.**—(1) The Postal Authority may make, in relation to a public parcel locker network operated by the Postal Authority under this Part, a scheme or schemes for determining either or
30 both of the following:

- (a) the charges which, except insofar as they are the subject of an agreement between the Postal Authority and a

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person using any public parcel locker, are to be made by the Postal Authority;

- 5 (b) the other terms and conditions which, except as provided, are to be applicable to the public parcel locker network.

(2) A scheme made under this section may make different provision for different cases or classes of cases determined by, or in accordance with, the provisions of the scheme.

10 (3) A charge exigible by virtue of this section may be recovered by the Postal Authority in any court of competent jurisdiction as if it were a simple contract debt.

(4) A scheme made under this section or any amendment of such a scheme comes into operation on the date determined by the Postal Authority.

15 (5) Nothing in this section is to be construed as prohibiting the Postal Authority from levying any charge or collecting any dues for anything done or any service rendered by reason only of not being incorporated in a scheme and the rates, charges and fees payable to the Postal Authority for any service rendered must be
20 in accordance with any rates, charges and fees determined by the Postal Authority.

Prohibited parcels

23F. The Postal Authority may prescribe any parcel or class of parcels that may not be placed in a public parcel locker.

Application of Part to Government

25 **23G.**—(1) This Part binds the Government.

(2) However, nothing in this Part and Parts 5 and 7 —

- 30 (a) renders the Government liable for prosecution for an offence under this Act; or
- (b) prevents any public officer from exercising his or her powers or carrying out his or her duties under this Act or any other written law.

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(3) To avoid doubt, no person is immune from prosecution for any offence under this Act by reason only that the person is engaged to provide services to or on behalf of the Government.

*Division 2 — Installation, operation and maintenance
of public parcel lockers*

5

Installation, relocation and removal of public parcel lockers

23H. The public parcel locker network operator may, with the prior approval of the Postal Authority, install, relocate or remove any public parcel locker.

10

Power to enter on and examine land other than State land

23I.—(1) This section applies whenever it appears to the public parcel locker network operator that it is or is probably necessary to exercise the powers conferred by this Part on the public parcel locker network operator in respect of any land (other than State land) for the installation of any public parcel locker or related installation.

15

(2) The public parcel locker network operator or an authorised person may, after giving not less than 3 hours' prior notice to the occupier of the land mentioned in subsection (1), if any —

20

- (a) enter upon the land; and
- (b) survey and take levels and do all other necessary acts preparatory to the installation of any public parcel locker or related installation, so far as those acts may be possible without causing any damage or disturbance.

25

(3) Where any damage or disturbance is caused by reason of the entry upon the land under subsection (2), the public parcel locker network operator must pay compensation to the owner or occupier of the land.

30

(4) Nothing in this section authorises any authorised person or any officer, employee or agent of the public parcel locker network operator —

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- (a) to cut down or clear away any vegetation or any fence or other erection; or
- (b) to enter any building or upon any enclosure attached to any building.

5 **Power to enter on State land for purposes of installing public parcel locker or related installation**

23J.—(1) For the purpose of installing any public parcel locker or related installation, the public parcel locker network operator or an authorised person may, at any reasonable time —

- 10 (a) enter upon any State land;
- (b) subject to the approval of the Postal Authority [and the Singapore Land Authority] —
 - (i) place or erect in or upon the State land any public parcel locker or related installation; or
 - 15 (ii) excavate any trenches that may be necessary or proper for the purpose of installing the public parcel locker or related installation; and
- (c) carry out all necessary works in connection with paragraph (a) or (b) and may, in the course of carrying out those works, fell or lop trees, remove vegetation and
20 do all other things necessary for that purpose.

(2) Where any work mentioned in subsection (1) interferes with any improvements, buildings, growing trees or crops on the State land, the public parcel locker network operator must pay
25 compensation for any damage or disturbance.

(3) Where the State land is occupied under a licence for temporary occupation, the compensation must be paid to the occupant under the licence.

30 **Power to enter on other land or specified premises for purposes of public parcel locker or related installation**

23K.—(1) Subject to section 23L, the public parcel locker network operator may —

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(a) place or erect any public parcel locker in or on any specified premises; and

(b) under, over, along, across, in or upon any land (other than State land) or specified premises —

5 (i) lay, place or carry on and erect any related installation necessary for the operation of any public parcel locker; and

 (ii) take any other action as may be necessary to ensure the safety and efficiency of the public parcel locker or related installation, as the case may be.

10

(2) Where any damage, disturbance or disability is caused by reason of any act done under subsection (1), the public parcel locker network operator must pay compensation to any person interested.

15 (3) Any compensation payable under subsection (2) may include an annual payment for land, building or other immovable property used for the purpose of the public parcel locker or related installation, as the case may be.

20 (4) The public parcel locker network operator does not acquire any right other than that of user only in respect of any land, building or other immovable property under, over, along, across, in or upon which the public parcel locker network operator places or erects any public parcel locker or related installation under subsection (1).

25 **Procedure for purposes of section 23K**

23L.—(1) The public parcel locker network operator must, before entering on any land or specified premises under section 23K(1), give not less than 14 days’ written notice to the owner or occupier of the land or specified premises in the manner provided under this Act.

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(2) The written notice given under subsection (1) must state, as fully and accurately as possible, the nature and extent of the acts intended to be done.

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(3) The owner or occupier of the land or specified premises may, within 14 days after receiving the notice mentioned in subsection (1), lodge a written objection with the Postal Authority.

5 (4) Where a written objection is lodged by the owner or occupier of the land or specified premises under subsection (3) (called in this section the objector) —

(a) the Postal Authority must notify the public parcel locker network operator to resolve the dispute with the
10 objector due to the written objection; and

(b) the public parcel locker network operator must, upon receiving the Postal Authority’s notice under paragraph (a), take genuine steps to resolve the dispute with the objector.

15 (5) If the public parcel locker network operator fails to resolve the dispute with the objector —

(a) the public parcel locker network operator must inform the Postal Authority in writing and provide all relevant information relating to the steps taken by the public parcel locker network operator to resolve the dispute;
20 and

(b) the Postal Authority must, after receiving the information mentioned in paragraph (a), notify the public parcel locker network operator and the objector as to whether the Postal Authority is satisfied that the public parcel locker network operator has taken
25 genuine steps to resolve the dispute.

(6) If —

(a) the Postal Authority notifies the parties under
30 subsection (5)(b) that it is satisfied that the public parcel locker network operator has taken genuine steps to resolve the dispute with the objector; and

(b) the objection is not withdrawn,

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the Postal Authority must hold an inquiry (in any manner as the Postal Authority thinks fit) on the objection, giving each party a reasonable opportunity to be heard.

5 (7) Upon the conclusion of the inquiry, the Postal Authority may authorise, either unconditionally or subject to any terms, conditions and stipulations as the Postal Authority thinks fit, any of the acts mentioned in the notice given under subsection (1) to be carried out.

10 (8) The public parcel locker network operator may enter the land or specified premises and do all or any of the acts mentioned in the notice given under subsection (1) —

- 15 (a) where no written objection is lodged within the period specified in subsection (3) — after the expiry of that period; or
- 15 (b) where a written objection is lodged under subsection (3) —
 - (i) after the objection is withdrawn;
 - (ii) after the public parcel locker network operator resolves the dispute with the objector; or
 - 20 (iii) on the Postal Authority’s authorisation under subsection (7), subject to the terms, conditions and stipulations (if any) imposed by the Postal Authority under subsection (7).

25 **Inspection, maintenance and repair of public parcel locker or related installation**

23M.—(1) Whenever it is necessary to do so for the purpose of inspecting, maintaining or repairing any public parcel locker or related installation, the public parcel locker network operator or an authorised person may, at any reasonable time —

- 30 (a) enter upon any land or building, whether or not the public parcel locker or related installation (as the case may be) has been laid, placed, carried or erected under,

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over, along, across, in or upon the land or building, as the case may be; and

- 5 (b) carry out all necessary inspection, maintenance or repair, and may, in the course of the inspection, maintenance or repair (as the case may be), fell or lop trees, remove vegetation and do all other things necessary for the purpose, causing as little damage as possible.

10 (2) Where any damage, disturbance or disability is caused by reason of any act done under subsection (1), the public parcel locker network operator must pay compensation to any person adversely affected to the extent that compensation has not already been assessed under section 23K(2).

15 **Alteration or relocation of public parcel locker or related installation**

23N.—(1) Where —

- 20 (a) a public parcel locker or related installation has been laid, placed, carried or erected under, over, along, across, in or upon any land or specified premises under section 23J or 23K; and
- (b) the owner or occupier of the land or specified premises desires to use the land or specified premises in a manner which renders it necessary or convenient for the public parcel locker or related installation (as the case may be)
- 25 to be altered, removed, relocated or diverted,

the owner or occupier of the land or specified premises may request the public parcel locker network operator to alter, remove, relocate or divert the public parcel locker or related installation (as the case may be) accordingly.

30 (2) The public parcel locker network operator may, at the request of the owner or occupier of the land or specified premises under subsection (1), alter, remove, relocate or divert the public parcel locker or related installation (as the case may be) if —

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- (a) the public parcel locker network operator is satisfied that the alteration, removal, relocation or diversion is reasonable; and
- (b) the owner or occupier complies with any reasonable terms and conditions that the public parcel locker network operator may impose.

5

(3) The terms and conditions mentioned in subsection (2)(b) may include terms and conditions relating to the payment by the owner or occupier of the land or specified premises of all costs and expenses necessary for the alteration, removal, relocation or diversion.

10

Provision of space or facility under code of practice

23O.—(1) The Postal Authority may, for the purposes of this Part —

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- (a) issue one or more codes of practice for or in connection with —
 - (i) the provision, maintenance and use of, and access to, space and facilities in or on any specified premises for the operation of any public parcel locker or related installation; and
 - (ii) the allocation of costs and expenses incurred for the provision, maintenance and use of, and access to, the space and facilities mentioned in sub-paragraph (i); and
- (b) amend, suspend or revoke the whole or any part of any code of practice issued under paragraph (a).

20

25

(2) A code of practice issued under subsection (1) may, in particular —

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- (a) require the developer or owner of any specified premises to provide, maintain or give access to, at the developer's or owner's expense, any space or facility in or on the specified premises for the installation,

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operation or maintenance of any public parcel locker or related installation; and

5 (b) provide for any fees and charges that may be payable to the Postal Authority in relation to any application or request made to the Postal Authority under the code of practice.

(3) If any provision in any code of practice issued under subsection (1) is inconsistent with any provision of this Act, that provision in that code of practice, to the extent of the inconsistency —

- (a) is to have effect subject to the provisions of this Act; or
- (b) having regard to this Act, is not to have effect.

(4) Where any code of practice is issued, amended or revoked under subsection (1), the Postal Authority must —

- 15 (a) publish a notice of the issue, amendment or revocation (as the case may be) of the code of practice;
- (b) specify in the notice in paragraph (a) the date of issue, amendment or revocation, as the case may be; and
- 20 (c) ensure that, so long as the code of practice remains in force, copies of that code of practice are made available (including on a website designated by the Postal Authority for this purpose), free of charge, to the persons to whom the code of practice applies.

(5) A code of practice issued under subsection (1) does not have legislative effect.

(6) Subject to subsection (7), every developer or owner of any specified premises to whom any code of practice issued under subsection (1) applies, and the public parcel locker network operator, must comply, at that person's expense, with that code of practice.

(7) The Postal Authority may, either generally or for any period that the Postal Authority may specify, waive the application, to any developer or owner of any specified premises,

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of any code of practice issued under subsection (1) or any part of that code of practice.

Enforcement of code of practice

23P.—(1) The Postal Authority may —

- 5 (a) give a written notice to the public parcel locker network operator, or the developer, owner or occupier of any specified premises, requiring compliance with any code of practice issued under section 23O(1); or
- 10 (b) vary, suspend or revoke the whole or any part of the written notice given under paragraph (a).

(2) To avoid doubt, the Postal Authority may give a written notice under subsection (1)(a) even though the written notice may affect the contractual obligations of the person to whom the written notice is given, whether the obligation relates to a contract made before, on or after the specified day.

15

(3) No liability shall lie against any party to a contract made before, on or after the specified day for or in relation to any breach of the contract, where the breach is solely attributable to, or occasioned by, the compliance by that party with a written notice under subsection (1)(a).

20

(4) Nothing in subsection (3) affects the operation of the Frustrated Contracts Act (Cap. 115).

(5) Where —

- 25 (a) any code of practice issued under section 23O(1) applies to a person who is the developer or owner of any specified premises; and
- (b) the Postal Authority is satisfied that the person is contravening or has contravened (whether by act or omission) any provision of that code of practice,

30 the Postal Authority may issue a written order to that person for the purpose of securing compliance with that provision.

(6) The written order under subsection (5) —

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(a) must require the person concerned to do, or refrain from doing, anything that is, or is of a description, specified in the order; and

5 (b) takes effect at the time (being the earliest practicable time) determined by or under the order.

(7) The Postal Authority may vary, suspend or revoke the whole or any part of a written order issued under subsection (5).

10 (8) A person mentioned in subsection (5) who fails, without reasonable cause, to comply with a written order issued under subsection (5) shall be guilty of an offence.

Provision of space or facility, etc. by direction of Postal Authority

23Q.—(1) Subsection (2) applies where the Postal Authority considers it necessary that —

15 (a) any public parcel locker should be installed on any specified premises, whether completed or not; or

20 (b) any related installation should be laid, placed, carried or erected under, over, along, across, in or upon any land or building (whether completed or not) to ensure the safety or efficiency of any public parcel locker.

(2) The Postal Authority may, by written direction —

25 (a) require the developer or owner of the specified premises, land or building (as the case may be) to provide, at the developer's or owner's expense and within the period specified in the direction —

(i) any space or facility in or on that specified premises, land or building, as the case may be; and

(ii) access to that specified premises, land or building, as the case may be,

30 as the Postal Authority may specify in the direction; and

(b) require the public parcel locker network operator to install, within the period specified in the direction, any

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public parcel locker or related installation in the space or facility mentioned in paragraph (a)(i) as the Postal Authority considers necessary.

(3) A written direction under subsection (2) may include —

- 5 (a) a requirement that the public parcel locker network operator must contribute (wholly or partly) to any costs and expenses incurred for the provision and use of any space or facility as the Postal Authority may determine;
- 10 (b) terms and conditions relating to the payment of costs and expenses necessary for any alteration, removal, relocation or diversion of any public parcel locker or related installation that may subsequently be required; or
- 15 (c) any other requirements as the Postal Authority may specify.

(4) To avoid doubt, the Postal Authority may give a written direction under subsection (2) even though the written direction may affect the contractual obligations of any person to whom the written direction is given, whether the obligation relates to a contract made before, on or after the specified day.

20

(5) No liability shall lie against any party to a contract made before, on or after the specified day for or in relation to any breach of the contract, where the breach is solely attributable to, or occasioned by, the compliance by that party with any written direction given under subsection (2).

25

(6) Nothing in subsection (5) affects the operation of the Frustrated Contracts Act.

(7) The Postal Authority may vary, suspend or revoke the whole or any part of a written direction given under subsection (2).

30

(8) A person who fails, without reasonable cause, to comply with any requirement in a written direction given under subsection (2) shall be guilty of an offence.

Prohibition against agreements or arrangements for other parcel lockers on specified premises

5 **23R.**—(1) The developer, owner or occupier of any specified premises must not enter into or enforce any agreement or other arrangement with any person who is not the public parcel locker network operator —

 (a) to install any parcel locker in or on the specified premises; or

10 (b) to lay, place, carry or erect under, over, along, across, in or upon the specified premises any related installation in relation to any parcel locker mentioned in paragraph (a).

15 (2) The Postal Authority may give a written direction to the developer, owner or occupier of any specified premises to ensure compliance with subsection (1).

20 (3) To avoid doubt, the Postal Authority may give a written direction under subsection (2) even though the written direction may affect the contractual obligations of the developer, owner or occupier (as the case may be) of the specified premises, whether the obligation relates to a contract made before, on or after the specified day.

25 (4) No liability shall lie against any party to a contract made before, on or after the specified day for or in relation to any breach of the contract, where the breach is solely attributable to, or occasioned by, the compliance by that party with a written direction given under subsection (2).

 (5) Nothing in subsection (4) affects the operation of the Frustrated Contracts Act.

30 (6) The Postal Authority may vary, suspend or revoke the whole or any part of a written direction given under subsection (2).

 (7) A person who fails, without reasonable cause, to comply with any requirement in a written direction given under subsection (2) shall be guilty of an offence.

Disputes as to compensation

5 **23S.** If any dispute as to compensation arises under section 23I(3), 23J(2), 23K(2) or 23M(2), any aggrieved person may, by written application, request for a determination by the Postal Authority.

Public parcel locker network operator not liable to pay fee, etc., for right to enter or use land or premises

10 **23T.** The public parcel locker network operator is not, when exercising the powers conferred by section 23I, 23J, 23K or 23M, liable for or required to pay any person any fee, charge or expense for the right to enter or use any land or premises.

Division 3 — Enforcement powers

Power of Postal Authority to deal with parcels, etc., in public parcel lockers

15 **23U.—**(1) The Postal Authority may direct the public parcel locker network operator to detain and open any parcel or other article or object that is placed or found in a public parcel locker, where the parcel, article or object is or is suspected to be the subject of or used in the commission of an offence under this Act or any regulations made under this Act.

20 (2) The Postal Authority may, by written order, direct the public parcel locker network operator —

- 25 (a) to detain and open any parcel or other article or object placed in any public parcel locker by any person named in the order; or
- (b) to prevent any person named in the order from placing any parcel or other article or object in any public parcel locker,

30 where the person named in the order is reasonably suspected of having committed an offence under this Act or any regulations made under this Act.

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(3) The public parcel locker network operator must, upon receiving an order made under subsection (2), comply with the order.

5 (4) A parcel or an article or object that is detained and opened under subsection (1) or (2)(a) must be destroyed, returned to the sender or dealt with in any other manner as the Postal Authority may direct.”

Amendment of section 24

13. Section 24(5) of the principal Act is deleted.

10 New Division heading of Part V

14. Part V of the principal Act is amended by inserting, immediately before section 27, the following Division heading:

“Division 1 — Offences relating to postal licensees, postal services, etc.”.

15 New section 33A

15. The principal Act is amended by inserting, immediately after section 33, the following section:

“Offence to use unlawfully operated postal services

20 **33A.**—(1) Subject to subsection (2), a person who sends, tenders or delivers any letter to an unauthorised person for the unauthorised person to convey the letter from one place to another shall be guilty of an offence.

25 (2) Paragraph (1) does not apply to a person who, at the time the person sends, tenders or delivers a letter to another person for the other person to convey the letter from one place to another, does not know, and has no reason to believe, that the other person is an unauthorised person.

30 (3) A person may be charged with and convicted of an offence under subsection (1) whether or not the unauthorised person is convicted of an offence under section 33.

(4) In this section, “unauthorised person” —

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- (a) means a person that, without holding a licence granted under section 6 or contrary to any conditions of such a licence, carries on, or advertises or holds out the person as carrying on, any of the following:
- 5 (i) the conveyance of any letter or the performance of any service incidental to the conveyance of the letter;
- (ii) the collection, sending, tendering or delivery in order to be sent of any letter;
- 10 (iii) the collection of letters for transmission or distribution to or from any place through a postal licensee; but
- (b) excludes a person who does any thing, or conveys any letter or document, in accordance with an exception under section 5.”.
- 15

Amendment of section 34

16. Section 34 of the principal Act is amended —

- (a) by inserting the word “or” at the end of subsection (1)(b);
- (b) by deleting the word “; or” at the end of subsection (1)(c) and substituting a comma;
- 20 (c) by deleting subsection (1)(d); and
- (d) by inserting, immediately after subsection (3), the following subsection:

25 “(4) An officer, employee or agent of a public postal licensee mentioned in section 11(1) who fraudulently issues or causes to be issued a document specified for use in connection with the remittance of money through that public postal licensee shall be guilty of an offence.”.

New Division 2 of Part V

- 30 17. Part V of the principal Act is amended by inserting, immediately after section 39, the following Division:

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“Division 2 — Offences relating to public parcel lockers, etc.

Obstruction of public parcel locker network operator

5 **39A.** A person who assaults or intentionally obstructs, or incites any other person to obstruct or impede, an officer or employee or a contractor of the public parcel locker network operator in the performance of the duties of that officer, employee or contractor (as the case may be) shall be guilty of an offence.

Intentional damage to public parcel lockers and related installations

10 **39B.** A person who, intending —
(a) to prevent or obstruct the delivery of any parcel;
(b) to intercept, or to acquaint the person with the contents of, any parcel; or
15 (c) to commit mischief,
damages, removes, tampers with or touches any public parcel locker or related installation, or any part of a public parcel locker or related installation, shall be guilty of an offence.

Protection of public parcel lockers and related installations

20 **39C.—(1)** A person must not, without the written approval of the Postal Authority —
(a) lay or carry any mains, pipes, conduits, circuits or wires in, along, through, across, over or under any land or building in a manner which is likely to interfere with or
25 cause damage to any public parcel locker or related installation; or
(b) affix any placard, advertisement, notice or other thing in or on, or paint, tar or in any way disfigure any public parcel locker or related installation.
30 (2) The Postal Authority may —

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(a) grant an approval under subsection (1) on such terms and conditions as the Postal Authority may determine; or

(b) refuse to grant an approval under subsection (1).

5 (3) A person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and shall, in addition to the forfeiture of any equipment seized, be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or
10 part of a day during which the offence continues after conviction.

(4) Where the commission by any person (*A*) of an offence under subsection (1) is due to the act or default of some other person (*B*), *B* shall be guilty of the offence.

15 (5) *B* may be charged with and convicted of the offence by virtue of subsection (4) whether or not proceedings are taken against *A*.

(6) In any proceedings for an offence under subsection (1), it is a defence, subject to subsection (7), for the person charged to prove that the person took all reasonable steps and exercised all
20 due diligence to avoid committing the offence.

(7) Where the defence provided by subsection (6) involves an allegation that the commission of the offence was due to the act or default of another person (*X*), the person charged (*Y*) is not, without leave of the court, entitled to rely on that defence unless,
25 within a period ending 7 clear days before the hearing, *Y* has served on the prosecutor a written notice giving any information identifying or assisting in the identification of *X* as was then in *Y*'s possession.

Prohibition of false notice relating to public parcel lockers

30 **39D.** A person who, without the permission of the public parcel locker network operator, places or maintains in any premises or place belonging to or under the control of that person any word, letter or mark which signifies or implies or may reasonably lead the public to believe that —

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- (a) a public parcel locker or related installation is installed or located in or on those premises or at that place; or
- (b) any thing erected, installed or located in or on those premises or at that place is part of the public parcel locker network,

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shall be guilty of an offence.

Offence to remove, destroy or damage public parcel locker or related installation

10 **39E.** A person who wilfully removes, destroys or damages any public parcel locker or related installation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

Compensation for removal, destruction or damage of public parcel locker or related installation

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20 **39F.**—(1) A person who removes, destroys or damages (whether wilfully, negligently, accidentally or otherwise) any public parcel locker or related installation is, in addition to any penalty for which the person is liable for an offence under this Act, liable to pay compensation for the damage the person has done.

(2) The compensation mentioned in subsection (1) is recoverable by civil action or suit before any court of competent jurisdiction.

25

(3) Subject to subsection (1), any court before which a person is charged with an offence under this Act may assess the compensation payable under this section and may make an order for the payment of that compensation.

30

(4) An order under subsection (3) may be enforced as if it were a judgment in a civil action or suit.

Unlawful operation of parcel lockers in or on specified premises

5 **39G.** A person other than the public parcel locker network operator that provides or operates, or offers to provide or operate, a parcel locker in or on any specified premises shall be guilty of an offence.

Offence to use unlawfully operated parcel locker in or on specified premises

10 **39H.**—(1) A person who uses a parcel locker in or on any specified premises that is provided or operated by an unauthorised person shall be guilty of an offence.

15 (2) Paragraph (1) does not apply to a person who, at the time the person uses a parcel locker in or on any specified premises, does not know, and has no reason to believe, that the parcel locker is provided or operated by an unauthorised person.

 (3) In this section, “unauthorised person” means a person other than the public parcel locker network operator.

Offences by officer, employee or agent of public parcel locker network operator

20 **39I.**—(1) Subject to subsection (3), an officer, employee or agent of the public parcel locker network operator who —

- 25 (a) destroys or throws away any parcel placed in a public parcel locker or anything contained in that parcel;
- (b) commits theft in respect of or dishonestly misappropriates or secretes any parcel placed in a public parcel locker or anything contained in that parcel; or
- 30 (c) except in obedience to an order under the hand of the Minister or the direction of a court or the requirement by the Public Prosecutor under section 20 of the Criminal Procedure Code, wilfully opens or causes to be opened any public parcel locker or parcel placed in a public parcel locker,

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shall be guilty of an offence.

5 (2) An officer, employee or agent of the public parcel locker network operator who intentionally alters, defaces, obliterates or removes any identifying mark on a parcel placed in a public parcel locker shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

10 (3) Subsection (1) applies only to parcels which the officer, employee or agent of the public parcel locker network operator has access to in the course of his or her employment as an officer, employee or agent of the public parcel locker network operator.

(4) In subsection (2), “identifying mark”, in relation to a parcel, means any mark on the parcel identifying the intended recipient of the parcel.

15 **Fraudulent retention or opening of parcel placed in public parcel locker**

39J.—(1) A person who, except in accordance with this Act or unless authorised by the Postal Authority —

20 (a) wilfully retains or secretes, makes away with, keeps or detains any parcel placed in a public parcel locker; or

(b) wilfully opens or causes to be opened any parcel placed in a public parcel locker,

shall be guilty of an offence.

25 (2) Subsection (1)(b) does not apply to an individual who does any act to which subsection (1)(b) applies where —

(a) the individual is a parent, or in the position of a parent or guardian, of the recipient of the parcel; and

(b) the recipient is a minor or the ward of that individual.

30 **Offence to place anything indecent, etc., in public parcel locker**

39K. A person who places in a public parcel locker —

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- (a) any parcel which contains any indecent or obscene article, or has any word, mark or design of an indecent or obscene or a scurrilous, threatening or grossly offensive character;
- 5 (b) any thing which is likely to damage any public parcel locker or parcel placed in a public parcel locker, or injure any person using a public parcel locker; or
- (c) except as otherwise provided by any regulations made under this Act —
- 10 (i) any explosive, inflammable, dangerous, filthy, noxious or deleterious substance;
- (ii) any sharp instrument not properly protected; or
- (iii) any living creature which is noxious or likely to damage any public parcel locker or parcel placed in a public parcel locker, or injure any person using a public parcel locker,
- 15

shall be guilty of an offence.”.

Amendment of section 45

18. Section 45 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection:

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“(4A) A postal licensee that, on or after the date of commencement of section 18 of the Postal Services (Amendment) Bill 2020, contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1 million and, in the case of a continuing offence, to a further fine not exceeding \$100,000 for every day or part of a day during which the offence continues after conviction.”.

25

Amendment of section 46

19. Section 46(1) of the principal Act is amended by inserting, immediately after the words “postal system” in paragraphs (a) and (b), the words “or the public parcel locker network or any part of the public parcel locker network, as the case may be”.

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Amendment of section 47

20. Section 47(3) of the principal Act is deleted and the following subsection substituted therefor:

5 “(3) For the purposes of this section, offences punishable under sections 28, 31, 34(1), 35, 36, 37, 38, 39, 39B, 39E, 39I(1), 39J and 39K are deemed to be arrestable offences within the meaning of the Criminal Procedure Code (Cap. 68).”.

Amendment of section 48

10 21. Section 48 of the principal Act is amended by inserting, immediately after the words “section 33” in subsection (1) and the section heading, the words “or 33A”.

Amendment of section 48A

15 22. Section 48A of the principal Act is amended by inserting, immediately after the words “section 33” in the section and the section heading, the words “or 33A”.

New sections 48B and 48C

23. The principal Act is amended by inserting, immediately after section 48A, the following sections:

20 “Powers of inspection, search, seizure, etc., in relation to public parcel lockers

48B.—(1) This section applies where there are reasonable grounds to believe that any parcel or other article or object is or has been placed in a public parcel locker and —

- 25 (a) the parcel, article or object is the subject matter of, or is connected with the commission of, an offence under this Act or any regulations made under this Act; or
- (b) the continued presence of the parcel, article or object in the public parcel locker is contrary to public safety.

30 (2) A police officer or an officer of the Postal Authority authorised to act for the Postal Authority under this section may —

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- (a) open and search any public parcel locker in which a parcel or an article or object mentioned in subsection (1) is believed to be placed; and
- (b) inspect, examine, remove and detain any parcel, article or object found in the public parcel locker mentioned in paragraph (a).

Disposal of documents, letters, parcels, etc.

48C.—(1) Subject to sections 23(3) and (5), 23U(4) and 48A, an article, document, letter, object or parcel produced, detained or seized under this Act must —

- (a) where the article, document, letter, object or parcel is produced in any criminal trial — be dealt with in accordance with section 364(1) of the Criminal Procedure Code;
- (b) in the case of a letter or parcel that is not produced in a criminal trial — be delivered to its intended addressee or recipient or returned to its sender or reported to a Magistrate’s Court; or
- (c) in any other case — be returned to its owner or reported to a Magistrate’s Court.

(2) Where the report of any article, document, letter, object or parcel is made to a Magistrate’s Court under subsection (1)(b) or (c), the Magistrate’s Court may order the article, document, letter, object or parcel, as the case may be —

- (a) to be forfeited; or
- (b) to be disposed of in any manner that the Magistrate’s Court thinks fit.

(3) This section does not affect any right to retain or dispose of property which may exist in law apart from this section.”.

Repeal and re-enactment of section 55 and new section 55A

24. Section 55 of the principal Act is repealed and the following sections substituted therefor:

“Offences by corporations

5 **55.**—(1) Where, in a proceeding for an offence under this Act or any regulations made under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of the actual or apparent authority of the officer, employee or agent; and

10 (b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act or any regulations made under this Act, a person —

(a) who is —

15 (i) an officer of the corporation; or

(ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

20 (b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

25 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

30 (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

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5 (3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- 10 (a) Chapters V and VA of the Penal Code; or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

15 (6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

20 “officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- 25 (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- 30 (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

Offences by unincorporated associations or partnerships

5 **55A.**—(1) Where, in a proceeding for an offence under this Act or any regulations made under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of the actual or apparent authority of the employee or agent; and

10 (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

15 (a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

20 (iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

25 (b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

30 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or

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partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

5 shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

10 (3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

15 (4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code; or
- (b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

20 (5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

25 “officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

30 (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

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“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.”.

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Amendment of section 56

25. Section 56 of the principal Act is amended —

- (a) by inserting, immediately after subsection (2), the following subsection:

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“(2A) Any person (other than the public parcel locker network operator) who is aggrieved by —

- (a) any decision of the Postal Authority under section 23L(5) or (7), 23O(7) or 23P(1)(a) or (5); or

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- (b) anything contained in any code of practice issued under section 23O, or any direction of the Postal Authority given under section 23Q(2)(a) or 23R(2),

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may, within 14 days after being notified of the decision or direction or the issue of the code of practice, as the case may be (or such longer period as the Minister allows in exceptional circumstances, whether before or after the end of the 14 days), appeal to the Minister in the prescribed manner.”; and

25

- (b) by deleting the words “or (2)” in subsections (3) and (4) and substituting in each case the words “(2) or (2A)”.

Amendment of section 57

26. Section 57 of the principal Act is amended —

- (a) by inserting, immediately after subsection (2), the following subsection:

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5 “(3) The public parcel locker network operator is not liable in respect of any injury, loss or damage suffered by any person by reason of any of the following, which is due to the act or default of another person, or an accident or other cause beyond the control of the public parcel locker network operator:

- 10 (a) any loss or delay of or damage to any parcel that is placed in any public parcel locker;
- (b) the inability to use, or any interruption, suspension or restriction of the use of, a public parcel locker;
- (c) any loss of secrecy in communication arising from the use of a public parcel locker.”; and

15 (b) by inserting, immediately after the words “public postal licensees” in the section heading, the words “and public parcel locker network operator”.

Amendment of section 58

27. Section 58 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

20 “(1) The following are not subject to distress, or liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person, without the prior written approval of the Minister:

- 25 (a) in relation to a public postal licensee — the installation or plant used for posts of the licensee;
- (b) in relation to the public parcel locker network operator — all or any part of the public parcel locker network.”; and

30 (b) by inserting, immediately after subsection (2), the following subsection:

“(3) Every public parcel locker and related installation remains the property of the public parcel locker network

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operator whether or not it has become in whole or in part a fixture.”.

Amendment of section 61

28. Section 61(2) of the principal Act is amended —

5 (a) by inserting, immediately after the words “public postal licensee” in paragraph (e), the words “mentioned in section 11(1)”; and

(b) by inserting, immediately after paragraph (j), the following paragraph:

10 “(ja) the installation, operation and maintenance of the public parcel locker network;”.

Amendment of Schedule

29. The Schedule to the principal Act is amended —

15 (a) by inserting, immediately after paragraph 2, the following paragraph:

“2A. To give directions to the public parcel locker network operator in relation to the installation, operation and maintenance of public parcel locker network.”;

20 (b) by inserting, immediately after the words “postal services” in paragraph 4, the words “and the public parcel locker network operator”; and

(c) by deleting the words “and postal services” in paragraphs 5 and 8 and substituting in each case the words “, postal services and the public parcel locker network”.

Consequential amendments to Criminal Procedure Code

30. The Criminal Procedure Code (Cap. 68) is amended —

(a) by deleting the definitions of “Postal Authority” and “public postal licensee” in section 2(1) and substituting the following definitions:

30 ““Postal Authority”, “public parcel locker network operator” and “public postal licensee” have the

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meanings given by section 2 of the Postal Services Act (Cap. 237A);”;

- 5 (b) by deleting the words “a Postal Authority or public postal licensee” in section 20(1), (1A), (3) and (3A) and substituting in each case the words “the Postal Authority, a public postal licensee or the public parcel locker network operator”;
- 10 (c) by deleting the words “the Postal Authority or public postal licensee” in section 20(3) and (3A)(a) and (b) and substituting in each case the words “the Postal Authority, public postal licensee or public parcel locker network operator, as the case may be”;
- (d) by deleting the words “or a public postal licensee” in section 24(2) and substituting the words “, a public postal licensee or the public parcel locker network operator”; and
- 15 (e) by deleting subsection (2) of section 235 and substituting the following subsection:
- 20 “(2) If any document or thing in the custody of the Postal Authority, a public postal licensee or the public parcel locker network operator is, in the opinion of the court, required for the purposes of any inquiry, trial or proceeding under this Code, the court may require the Postal Authority, public postal licensee or public parcel locker network operator (as the case may be) to deliver that document or thing to such person as the court
- 25 directs.”.

EXPLANATORY STATEMENT

This Bill seeks to

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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Note 1: SK/Postal Services (Amd) Bill 2020 (v1.05-clean) 26112020