

12 July 2019

Ms Aileen Chia
Deputy Chief Executive (Policy, Regulation & Competition Development)
Director-General (Telecoms & Post)
Infocomm Media Development Authority
10 Pasir Panjang Road
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Dear Ms Chia

Public Consultation on the Review of the Electronic Transactions Act

I am Tan Chew Ling, a Singapore citizen who is the holder of NRIC Number [REDACTED]. I live at [REDACTED]. My mobile contact number is [REDACTED]. My comments in this submission are given in my personal capacity.

2 I support IMDA's proposals to:

- a) Remove contracts for the sale or disposition of immovable property from the exclusion list under the First Schedule to the Electronic Transactions Act (ETA) [Question 14 of the consultation paper dated 27 Jun 2019 issued by IMDA];
- b) Accept only secured electronic signatures or digital signatures for property transactions conducted electronically [Question 15];
- c) Amend the legislation to facilitate the use of electronic contracts for the sale or disposition of immovable property [Question 16]; and
- d) Remove the conveyance of immovable property or the transfer of any interest in immovable property from the exclusion list under the First Schedule of the ETA [Question 17].

3 However, the mere amendments to the ETA may not realise these proposals because there may be other legislations which implicitly require manual processes and hence, hamper digitisation efforts. I will cite an example of the **Land Titles Act**.

4 Section 57 of the Land Titles Act requires instruments (e.g. sales contract, mortgage document, etc.) intended for registration under the Act to be attested by a person other than a party to the instrument or the solicitor. In the case of the latter, the Act further requires the **solicitor to be present** to witness the document execution.

5 Furthermore, section 59 of the Land Titles Act requires a Certificate of Correctness to accompany any application to bring land under the Act. The **Certificate of Correctness** is to be endorsed by any party to the instrument or the solicitor, **confirming that the instrument is made in good faith, the information provided is substantially correct and the parties to the instrument are of full age and legal capacity.** In order to satisfy the statutory requirements under sections 57 and 59 of the LTA, solicitors will have to meet up with their clients face-to-face and get the clients to physically sign (i.e. wet ink) on the documents. Without meeting their clients, solicitors would not be able to ascertain whether their clients have, e.g. the legal capacity (which includes a sound mind) to execute the instrument. In fact, even after a face-to-face meet up with their clients, solicitors may not be able to conclude whether their clients have the mental capacity since solicitors are not medical practitioners.

6 Unless the LTA is amended, e.g. the need for witness to be physically present, solicitors' Certificate of Correctness to affirm, among others, that the parties have the legal capacity (which includes a sound mind) to execute instrument, etc., the amendments to the ETA will not enable immovable property and related transactions (e.g. mortgage) to be fully digitalised.

7 As my example cited is not exhaustive, you may wish to consider scanning the other legislations which may similarly compel certain work to be done manually.

8 Thank you.

Yours sincerely

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NRIC No. [REDACTED]