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MPs Speaking:	Mr Don Wee (Chua Chu Kang),Assoc Prof Jamus Jerome Lim,The Leader of the House (Ms Indranee Rajah),Mr Speaker,The Senior Minister and Coordinating Minister for National Security (Mr Teo Chee Hean),Mr Yip Hon Weng,Mr Yip Hon Weng (Yio Chu Kang),Ms Hazel Poa,Mr Louis Ng Kok Kwang (Nee Soon)

GOOD SAMARITAN FOOD DONATION BILL

Order for Second Reading read.

5.38 pm

**Mr Louis Ng Kok Kwang (Nee Soon):** Mr Speaker, I beg to move, "That the Bill be now read a Second time."

Sir, it has been a month since the First Reading of the Bill and my excitement for this Bill continues to grow exponentially and so, I hope that you will continue to enjoy hearing my excitement in my Bill speeches today.

Let me start by sharing my journey in coming up with this Bill. I have to say first, that sometimes people do not like having a meal with me because I constantly nag them about not wasting food. In fact, I will sometimes join a table of people who are already eating and they will say, "Louis is here, cannot waste food already".

I secretly quite like this when they say that because tackling food wastage is something very close to my heart. It is something I teach my daughters. I constantly tell them, "Do not waste food, take what you can eat and finish eating what you have already taken".

Sir, it was a meal with my children that started this four-year journey of drafting and now tabling this Good Samaritan Food Donation Bill. More than four years ago, I was at a buffet. Just as we were finishing our meal, my daughter, Ella, and I saw perfectly edible food being thrown away right before our eyes,

because the buffet had ended. An entire cake, freshly brought out not long ago and missing just the slice, was dumped into a trash bag. As parents, we always tell our children not to waste food. I could not explain to Ella why we were now seeing good food being thrown away.

I spoke to the restaurant and asked if the food could be donated instead of being dumped or being wasted. The reply was that they were worried about liability issues. I offered to sign a waiver of liability and even offered to bring the food to distribute to families in Yishun, families struggling to have three meals a day. Even then, the restaurant refused to donate the food.

I actually do not blame the restaurant. Not all liability can be waived and the uncertainty of legal proceedings can be a huge business risk. It pains me to say this, but it can be easier to just throw food away.

More than four years after this meal, I stand here before this House with the **Good Samaritan Food Donation Bill**. This Bill is only possible thanks to the amazing and collaborative work done by the Good Samaritan Legislation Review Committee over the past four years.

We consulted extensively, holding public consultations and meeting with restaurants, hotels, social enterprises, primary food producers, food processing companies, distributors, wholesalers, food logistics, transport and delivery provider companies, supermarkets and merchants, bakeries and non-governmental organisations (NGOs).

The Committee took the consultations seriously. The first public consultation was conducted through an online survey from 30 July 2021 to 12 September 2021. We also held several extensive focus group discussions. On 4 April 2024, the Committee conducted the second public consultation, where we presented the draft Bill to members of the public and seek their inputs and feedback.

We scrutinised and debated every clause of the Bill. We revised the draft Bill after the second public consultation to address all the feedback we received. Where we were not able to incorporate the feedback, we explained why to the public and the various stakeholders. In this Second Reading, in addition to responding to my fellow Members' questions, I will also respond to additional feedback we received from members of the public and other stakeholders.

This Bill is the work of many people who have shared their views, suggestions and feedback, and I am immensely grateful for the important role they played in shaping this important piece of legislation. Let me now outline the problems this Bill aims to tackle.

We have a serious food waste problem in Singapore. An average of about 750,000 tonnes of food waste was generated every year for the past five years. We should be concerned about this astounding wastage for four reasons.

The first reason is food security. Food does not come naturally to Singapore. More than 90% of our food supply has to be imported. At the mercy of global trade winds, we have to fight harder than most countries to put food on our tables. When we waste food, we undermine this fight.

We can do the math – 750,000 tonnes of annual food waste divided by 1.6 million tonnes of commonly consumed food imported annually. The number is 47%. It could be that nearly half of our most commonly

consumed food imports go into our trash, not our stomachs. We have to spend so much more and work so much harder because of our food waste habits.

The second reason to care about food waste is the strain it puts on our waste disposal system. Food waste makes up 11% of total waste in Singapore. As we incinerate food we do not eat, we will still have to find space to store the ashes left behind. Semakau Landfill is expected to fill up by 2035. There is no second landfill waiting for us. We must reduce the problem of food waste if we are to have a chance of prolonging the lifespan of Semakau Landfill.

The third reason to care about food waste is climate change. It is an issue I have spoken up about repeatedly in this House. I am glad that Singapore has committed to achieving net-zero emissions by 2050. Reducing food waste is an often-overlooked climate solution. Producing food and transporting it takes up valuable resources. When we waste food, we also waste the energy and water it takes to produce the food.

Noor Hanisah, a Good Samaritan Legislation Review Committee Member and an activist from the Singapore Youth for Climate Action, shared, I quote, "Food waste is one of Singapore's biggest waste streams. And we often do not realise that each part of the food journey from production, transportation, handling to wastage have huge carbon footprints that worsen climate change. The Good Samaritan Food Donation Law can reduce this through excess food distribution to the ones in need."

This Bill will also help address a fourth problem which Noor Hanisah spoke about. It will help increase availability of food for redistribution to needy families.

Sir, I am glad we are recycling the food waste as one of the ways to reduce wastage. We currently recycle less than 20% of our food waste. I am also glad that we have mandated food waste segregation for treatment and reporting this year. But we must remember that much of the food wasted is edible food. In addition to recycling food waste, redistributing excess edible food is another solution we must explore, especially when many people in Singapore still go to bed hungry.

A study by the Lien Centre for Social Innovation and supported by the Food Bank Singapore found that in 2019, 10.4% of the 1,200 surveyed households experienced food insecurity at least once in the past 12 months. Food insecurity is when a household does not have access to sufficient, adequate food for a healthy life.

While the figures represent a minority of the population, the numbers are still significant and troubling. Food insecurity has far-reaching impacts. The study found that food insecurity is associated with serious physical and mental health effects.

Sir, when we encourage food donation, we tackle so many of our existing problems. We address the issue of food security, we extend the lifespan of the Semakau Landfill, we tackle climate change and we increase the food redistributed to needy families.

During our consultations, I heard outrageous stories about the type of perfectly edible food that goes to waste. Chickens that are bruised are rejected because they do not meet beauty standards. Juicy fruits

and crunchy vegetables are dumped because of their imperfect shape or colour. The food that we waste while others go hungry is astounding.

The Government recognised the need to address liability in food donation as early as 2014, nearly 10 years ago. Ms Tan Poh Hong, CEO of what was at the time the Agri-Food and Veterinary Authority of Singapore, said: "A lot of people do not want to donate [...] in case someone gets food poisoning and sues you. [...] I am not saying we are going to have this [Good Samaritan] law, but we are learning from other countries."

In August 2019, the Singapore Environment Council (SEC) published a report which found that the lack of liability protection for donors means that traders, distributors and wholesalers prefer throwing instead of donating food. SEC noted that a possible solution is introducing policies to safeguard entities from liability.

In 2021, the then-Ministry of Environment and Water Resources partnered with youth from the National Youth Council's Youth Circle to study the effectiveness of a Good Samaritan Food Donation law. The study found that such a law will address the important concern of liability that businesses face.

The Government, our NGOs and our youths have all spoken up for a long time for a Good Samaritan Food Donation law. I am glad we are finally taking this step forward. This Good Samaritan Food Donation Bill is an important step forward. It is a Bill for the people, by the people and for our planet.

Sir, I have shared the problems this Bill aims to tackle. Let me now explain how waiving liability, which is what this Bill is proposing and what many have been calling for, helps with the problem of food waste and food insecurity.

Like the buffet restaurant in my story earlier, many businesses are understandably worried about being liable for someone falling ill from eating the food they donate. Businesses have to worry about potential liability under common law negligence and potential penalties under the Sale of Food Act, the Food Regulations, the Environmental Public Health (Food Hygiene) Regulations and the Penal Code, just to name a few.

Mr Dellen Soh, the Chairman and CEO of Minor Food Singapore and Committee Member of the Restaurant Association of Singapore (RAS) shared, "Many restaurants want to do good. Restaurants do want to donate excess edible food to reduce food waste and help the community. But the very risk of liability from donated food has a chilling effect for many restaurants. Unfortunately, food waste may be priced into the cost of business. To encourage more food donation, we need laws to tackle the issue of liability."

I am very glad that a recent survey conducted by the RAS on the Bill found that 80% of surveyed restaurants strongly support or somewhat support this Bill. Importantly, 60% are very or somewhat likely to participate in food donation if the Bill is passed; and 20% were neutral.

However, the concern of legal liability is obviously very significant for restaurants with 80% of those surveyed remaining unsure whether the law will adequately protect businesses. This underscores what significant chilling effect the risk of liability has on restaurants.

Through this speech and the debate on this Bill, I hope to clarify how this Bill will protect donors who have done all that they can to ensure the safety and hygiene of donated food. I hope to allay the very valid concerns and uncertainties restaurants have.

Food charities too have to worry about liability under these laws that I have mentioned. I want to stress that we should never compromise on food safety and hygiene, whether the food is donated or sold. However, food donors and charities who have done all that they can to ensure that donated food is safe for consumption should not be punished for doing good because of things beyond their control.

After a food donor or charity has donated the food, a recipient may still fall ill from consuming the food if the food is not properly handled or consumed within a safe period by the recipient. Again, if a food donor or charity has taken all steps to ensure that the donated food is safe, they should be able to donate food with peace of mind from liability.

This is what we are proposing to do with the Good Samaritan Food Donation Bill. In fact, this is nothing new. Many other countries have implemented their own food donation laws to address the concerns of liability. These laws have been effective in increasing food donation and still safeguard food hygiene and safety standards.

In the United States (US), the Bill Emerson Good Samaritan Food Donation Act grants protection from civil and criminal liability as long as the food is fit for consumption and donated in good faith and if there is no intentional misconduct or gross negligence. The US introduced this law nearly 30 years ago in 1996. After this law was passed, 7-Eleven announced that the law would allow the company to increase its food donations by as much as 150% over two years.

Many other jurisdictions have similar laws, including Italy, Alberta in Canada, New South Wales, South Australia and Tasmania in Australia. In Italy, no safety issues have arisen in the 10 years since the passage of the law and their food banks have recovered more than three million meals and 23,400 tonnes of food products.

I should also add that in Singapore, the public understands and supports waiving civil and criminal liability: 83% of respondents to our public consultation agreed that donations to food charities should be exempt from civil liability; 81% agreed that donations to food charities should be exempt from criminal liability.

Businesses agree too. Marina Bay Sands shared, "Donating surplus food is important to Marina Bay Sands, demonstrated by our long-standing partnerships with Food from the Heart and The Food Bank Singapore, which have allowed us to donate over 51,000 kilogrammes of unserved food to communities in need between 2016 and 2023. We support the Bill and hope it will encourage other companies to donate food more regularly and reduce food waste."

Mr Sebastian Chung, who is the Director of Safety, Health, Environment and Food Hygiene at Mandarin Oriental Hotel Group said, "The implementation of the Good Samaritan Food Donation legislation will help to protect hotels against possible liabilities when re-distributing surplus food responsibly. This will encourage hotels to proactively embrace the 3Rs (Reduce, Reuse and Recycle) of food waste management and to support Singapore's vision of becoming a Zero Waste Nation."

I have shared why we are proposing a waiver of liability but let me stress again and make clear that a waiver of liability cannot be a shield for those who donate unsafe and unhygienic food.

In the RAS' survey, all restaurants surveyed indicated that food safety and hygiene was a concern they had with the implementation of the Bill. We agree that food safety and hygiene must remain the top priority. This is why we will introduce four conditions that must be met before a donor can enjoy a waiver of liability. I will explain these four conditions later. These four conditions strike a balance between encouraging food donation through the waiver of liability and safeguarding food hygiene and safety standards.

Sir, let me now elaborate on the provisions of the Bill. The Committee took pains to ensure that the Bill takes a balanced approach. The waiver of civil and criminal liability is very carefully scoped and accompanied with the necessary safeguards. First, I will talk about the scope of persons covered by the Bill. Second, I will talk about the definition of food donations. Third, I will talk about the four conditions to be protected from civil and criminal liability.

Let me first talk about who is covered under the Bill. Clause 2 of the Bill defines a "food donor" to mean a person who donates food or an entity which donates food in the course of a business. A food donor can be an entity or an individual. The entity does not need to be a registered charity.

The Bill does not differentiate between an individual, a community food rescue group, a religious organisation, a business or a registered food charity.

A food donor will cover those who donate food directly to beneficiaries, as well as those who donate food to an intermediary, such as The Food Bank or Food from the Heart, for ultimate distribution to beneficiaries. For example, the Bill will cover soup kitchens and non-profit organisations that donate food to needy communities, food businesses giving away its surplus canned food products to an aged care establishment for consumption by residents at that establishment, and local restaurants and grocery stores that allow individuals to pick up free food from their outlets.

Now that we have discussed the definition of a food donor, let us talk about what constitutes a food donation under this Bill.

Clause 2 defines "food" to have the same meaning as in the Sale of Food Act 1973. This may include packaged food, like canned food, bottled food or food packed and sealed in a plastic packaging, perishable food, like cakes or bread, cooked food, beverages, fruits and raw vegetables.

Clause 2 also defines "donate" to mean a person giving to another anything for a charitable, benevolent, or philanthropic purpose. The definition of "donate" also covers a person giving a thing donated by another for a charitable, benevolent or philanthropic purpose. This means that the Bill covers both direct and indirect giving, as long as the purpose of the giving is charitable, benevolent or philanthropic.

Any person can be considered a recipient of food donations. There is no requirement that the recipient must be from a certain income group for the Bill to apply. This Bill will not apply if any money is

exchanged for the food. This includes any fee charged by the donor for providing the food, even if the sum is a nominal sum or is lower than market price.

Next, clause 3 sets out the purposes of the Bill which are to reduce food waste and to increase availability of food for redistribution to food-insecure communities.

I now move on to the waiver of civil and criminal liability.

Clause 4 protects a food donor from civil and criminal liability in respect of any death or personal injury that results from consuming the food donated. The protection applies to all food donors, regardless of whether the food is donated directly to consumers or given to an intermediary, such as a food bank. It also does not matter whether the intermediary is a charity or a profit-making social enterprise.

Food donors must meet four conditions to ensure food safety and hygiene before benefiting from the waiver of liability. This is to balance the interest of donors with that of ultimate recipients. These conditions are not intended to be onerous for food donors. Instead, the Committee believes that these conditions will benefit the food donation ecosystem in Singapore. Beneficiaries would have confidence that the donated food is safe. The safeguards also prevent potential abuse of the waiver.

Through our consultations, we arrived at these conditions which are, in fact, best practices that many food donors are already following.

First, the food must not be unsafe and unsuitable at the time it was donated. Second, the food donor must inform the recipient of any particular requirements to handle the food to ensure it remains safe to consume. Third, the food donor must inform the recipient of any time limit within which the food remains safe and suitable. Fourth, the donor must take all reasonable measures to comply with food safety and hygiene requirements up to the point of donation.

If a donor meets these conditions, even if a beneficiary falls sick after eating donated food, the donor is shielded from civil and criminal liability. Importantly, being shielded from liability does not take away the Singapore Food Agency's (SFA's) powers to investigate any food safety issue. If any food safety issue arises with donated food, SFA can still investigate and take enforcement action. The difference is that food donors only need to show SFA that they have met the four conditions and SFA would not impose any liability on the food donor.

Let me now elaborate and give examples on how the four conditions can be met.

The Good Samaritan Legislation Review Committee Members, The Food Bank Singapore and Food from the Heart helped to come up with these practical steps that donors can take to fulfil these requirements. These are examples of many different ways that a food donor can fulfil the conditions. A food donor does not have to do all the practical steps listed here to enjoy liability protections. Again, these are just suggestions so that everyone can better understand the four conditions.

The first requirement is that the food was not unsafe and unsuitable at the time it was donated. A food donor can show that the food was not unsafe and unsuitable by showing, for example, that the food donated had a reasonable period before its expiry date or that cooked food was donated within the four-hour timeframe recommended by SFA.

A food donor can also show that it has processes to ensure that the donated food was properly packed and that the packaging was not damaged. For example, Food from the Heart has guidelines on packaging of donated bread and the type of bread that it will accept from bakeries. This can be as simple as requiring donated bread to be tied up in plastic bags or not accepting buns with fillings. They also ask that homes and self-collection centres check the bread for mold, pest infestation, bad smells, before distributing to beneficiaries.

The second requirement is that the food donor must inform the recipient of any particular requirements to handle the food to ensure it remains safe to consume. These handling requirements may include proper refrigeration, heating, storage temperatures and packaging requirements. The food donor can use various means to inform the recipient of handling requirements.

For instance, food donors can ensure that each individual package of donated food has a sticker label informing the recipients of handling requirements. Food donors can also have a sign with handling requirements at the location where donated food is collected or they can verbally brief recipients on the handling requirements. They can either have recipients confirm in writing that they were briefed or can also show that recipients were briefed on handling requirements through messages sent to recipients.

The third condition is that the food donor informs the recipient of any time limit within which the food remains safe and suitable. Similar to the handling requirements, the food donor can use various means to inform the recipient of any time limit for consuming the food. The key is to ensure that the food donor has proper documentation of the information conveyed to recipients on the time limit for consuming food.

The fourth condition is that the donor took all reasonable measures to comply with food safety and hygiene requirements up to the point of donation. One key document here is the SFA Guidelines for Social Service Agencies and Community Groups Involved in Food Preparation and Distribution Activities for Charitable Causes. That was a mouthful and is probably the longest name for any guideline. Food donors must comply with these guidelines.

In addition, the donor can have a standard operating procedure (SOP) for its food donation operations and training for its volunteers which complies with food safety and hygiene requirements. As an example, again, Food from the Heart requires its donors to fulfil its SOPs for its Bread Run. Volunteers are also required to comply with the SOPs, including that bread must be collected and redistributed on the same day.

If all these four conditions are met, a food donor will enjoy the waiver of civil and criminal liability. All four conditions must be proven before protection can apply. I should stress that the defendant seeking protection has the burden of proof. The defendant continues to enjoy any defence available under any other laws like those in the Sale of Food Act and the Penal Code. I should also stress that clause 5 provides that the protection from liability applies only to liability arising on or after the operative date of the Bill.

Sir, the Committee intends for these conditions to be reasonable to meet and not any more than what a food donor would already be expected to do before they donate food. To increase safeguards for food safety and hygiene, the Committee considered requiring food donors to be accredited to enjoy waiver



from civil and criminal liability. The proposal was surveyed in a public consultation and there was some support for accreditation. However, the Committee also received feedback from smaller food charities and food rescue groups that accreditation will make donation activities more onerous.

We did not want the Bill to have the unintended consequence of dissuading food donations by imposing conditions that are too difficult to achieve. For this reason, the Committee decided not to include accreditation as a condition for waiving liability.

Even then, the Committee recognises that food donors could use some help to incorporate the proof of meeting these conditions into their operations. I hope that the Ministry of Sustainability and the Environment (MSE), SFA and the Ministry of Social and Family Development will continue to engage the industry and food charities and provide this support that is very much needed on the ground.

Finally, under clause 5(2), the waiver will not apply in two scenarios.

The first scenario is where food is exchanged between individuals as part of a personal relationship. For example, the Bill would not apply to giving food to friends or snacks in the office pantry bought for colleagues even though no money is exchanged.

The second scenario is where food is provided together with accommodation to an individual in a private residence in exchange for services or labour. This means that employers would not receive a waiver for food provided to their domestic helpers.

In conclusion, Sir, this Bill will encourage food donation to address the twin problems of food wastage and food insecurity by waiving civil and criminal liability for food donors. To enjoy the waiver of liability, food donors will have to fulfil four conditions which safeguard food safety and hygiene.

Sir, in closing, I once again thank the Good Samaritan Legislation Review Committee, who have worked tirelessly to make this Bill possible and who have helped to draft this Bill from scratch.

I am grateful to Ms Elyssa Chua from Breadtalk; Ms Adalia Tan from DBS Bank; Mr Robin Lee from Food from the Heart; Mr Tan Hang Chong from Foodscape Collective; Ms Soh Li Sar from NTUC Fairprice; Mr Dellen Soh from the Restaurant Association of Singapore and Minor Food Group Singapore; Mr Sebastian Chung from the Singapore Hotel Association and Mandarin Oriental Singapore; Ms Noor Hanisah from the Singapore Youth for Climate Action; Mr Nicholas Ng from The Food Bank Singapore; Ms Jeanne Ng from The Fullerton Hotels and Resorts; Mr Jesher Loi from Ya Kun International; grassroots leaders Ms Chua Wei-Shan and Mr Wong Jin Feng; and my fellow Members of Parliament, Ms Poh Li San, Ms Hany Soh and Mr Edward Chia.

Finally, I would like to dedicate this Bill to Nizar, the founder of Free Food For All, who passed away last year. He was invited to be a part of the Good Samaritan Legislation Review Committee but could not make it due to his health. Nizar was an inspiration to many for his work in providing food to the needy. I am sure he would be very proud to see what we have accomplished today. His legacy of giving to others will continue. Sir, I beg to move. [*Applause.*]

Question proposed.

**Mr Speaker:** Assoc Prof Jamus Lim.

6.06 pm

**Assoc Prof Jamus Jerome Lim (Sengkang):** Mr Speaker, the Good Samaritan Food Donation Bill being debated today is, in my view, a valuable piece of legislation that will improve the incentives for donations of food made in good faith while helping those in need, combating waste and promoting environmental sustainability. For this reason, the Workers' Party supports the Bill.

Let me begin, first, by acknowledging Member Louis Ng for his work on this front. I believe that he first flagged food waste as an issue back in 2018 before following up with a suggestion for a Good Samaritan Act in 2020. The Bill today is a culmination of his efforts.

I should also disclose, at the outset, that there are currently various food rescue and distribution programmes in operation across Sengkang Group Representation Constituency (GRC), the constituency that I serve, and that I and my fellow Sengkang Members of Parliament have, at various times in the past, participated in these community-led initiatives while also offering our support to them. This is also the case for several other Workers' Party divisions in Hougang and Aljunied GRCs.

Sir, the Bill seeks to provide indemnity to food donors so long as reasonable steps have been followed to ensure that food safety and hygiene standards are being met. The four stipulations, outlined in clause 4 of the Bill, delineate these conditions while ensuring consistency with existing laws.

Part D, for example, requires that measures be taken "to comply with any applicable requirement under any written law relating to food safety and good hygiene".

This is sensible and the circumstance that especially comes to mind pertains to the existing NEA guidelines for catered meals, which limit the consumption time of food at room temperature to four hours from the time it is cooked. Notably, however, the observed duration is a guideline and, as far as I am aware, not mandated by law. This strikes me as fair since we do not wish to excessively police folks who may decide to tapao leftovers, nor would a blanket requirement cater for the wide variation in windows for safe consumption of different types of food. After all, I would be far more comfortable stuffing my face with a day-old cupcake, for instance, than I would with a day-old plate of laksa.

However, how would the fact that these existing guidelines not crossing the threshold of the law alter the stipulation in Part D? Would a potential donor be able to pass along leftover food that had been in a buffet line for four and a half hours to the youth hostel next door, for example, under this Bill?

I understand that Part C does insist on informing recipients of the timeline for safe consumption, but does this also imply that donating food that exceeds this duration is permissible so long as this step is undertaken? Would it perhaps be safer, for the case of cooked food, that a "donated food" label be affixed? This approach aligns with the US Department of Agriculture's definition of "qualifying food" under the Bill Emerson Good Samaritan Food Donation Act.

Finally, it may also be useful if it is made explicit that the stipulations in clause 4 apply to donors who do so in good faith. In particular, I would suggest that line 19 on page 5 consider the inclusion of this term

so that it would read "A food donor who donates any food in good faith shall not, in fact, be liable" and so on.

I also observed that this is not the first time that questions concerning Good Samaritan acts have been discussed in Parliament. This occurred on four prior occasions, in 2008, 2012 and 2014, by former People's Action Party Member of Parliament, Assoc Prof Fatimah Lateef, and more recently in 2021, by the hon Member Hazel Poa.

To be clear, on each of those occasions, the then-Ministers of Law explained that such legislation was unnecessary since both civil and criminal liability would generally be waived for those acting in good faith and it was stated explicitly that "our current laws strike the correct balance".

Granted, the context of those Good Samaritan discussions was distinct and applicable more to the provision of on-site physical or medical assistance to those in need. Importantly, such laws in many other jurisdictions actually compel aid, whereas the Bill in question today is essentially voluntary in nature.

Still, I believe it is fair to ask why this particular Good Samaritan law, which waives liability in a voluntary context, is deemed necessary while an analogous law that would do the same for involuntary harm is not.

Importantly, I think it is useful for us to put ourselves in the mindset of those rendering aid. Would their knowledge of the potential for liability inhibit their choice to render succour even if the law would not explicitly hold them to account? Would it be better to have the waiver made explicit, as it is in this present Bill, albeit in a different context.

Sir, in the final part of my speech, let me move on to practical ways that I believe the Government can further advance the objectives of this sustainability practice.

First, MSE can support the development of, potentially, an online database of potential food donors and recipients to promote scaling up at the national level. This could then become a one-stop shop which matches those in the F&B industry with those with a desire to contribute back to the community and social welfare groups, such as food banks or grassroots organisations.

This will relieve these groups from the need to maintain their own independent network of suppliers and distributors. It will also help imbalances of access where certain more-connected groups are able to leverage their establishment connections to acquire a higher volume of donations but may be left with perhaps an embarrassment of riches even as other groups face shortages.

Consistent with the thrust of the present Bill, the site can also prominently post reminders, perhaps even explicitly require donors to declare that the four stipulations of clause 4 of this Bill are being adhered to.

Second, I believe that the pervasiveness of residents participating in food rescue programmes hints at the squeezed middle class in our society. In Anchorvale, we routinely welcome an average of about 130 collectors on a weekly basis. While some of these participating households are undoubtedly doing

so out of an abundance of thrift or a desire to promote sustainable living, many that I have spoken to do so because the regular channels of support are unavailable to them.

Indeed, their ranks have actually increased somewhat as the costs of living have risen and, as a House, we must be aware of the struggles with food security that are faced by Singaporeans that fall just above the threshold of assistance programmes but continue to struggle to stretch the purchasing power of their dollars.

By way of conclusion, I wish to thank the many donors, coordinators and food banks that have already stepped forward to support food sustainability programmes across the nation. They have done so despite the potential liability exposure that they could have faced prior to this piece of legislation and this speaks to both their commitment as well as courage. And for all the so-called "Food Rescue Uncles and Aunties" who have been tirelessly working to distribute food to those in need, week after week, including in our town of Sengkang, thank you.

**Mr Speaker:** Mr Don Wee.

6.14 pm

**Mr Don Wee (Chua Chu Kang):** Mr Speaker, Sir, this Bill will encourage more food donation by offering legal protection to well-meaning donors against liability. At the same time, recipients are protected as there are clear specifications to ensure that the food donated meet hygiene requirements and delivery timeframes for food safety. This Bill will also go a long way to cut down on the unfortunately huge amounts of food waste in Singapore.

Many other countries had already enacted similar legislation. In the US, the Bill Emerson Good Samaritan Food Donation Act has been providing liability protection to donors since 1996. Canada has similar laws with slight differences in each province. In Australia, the Civil Liability Amendment (Food Donations) Act 2005 offers similar protections too. In 2016, the Italians passed a law in the Senate to relax regulations for food donated, such as allowing companies to donate mislabelled food as long as these do not pose a safety risk. France and Spain, on the other hand, have legislations penalising food waste, compelling entities, such as supermarkets, to donate unsold food to charities. Five years ago, Japan introduced the Act on Promotion of Food Loss and Waste Reduction to reduce food waste and support food banks. The South Koreans are charged for the disposal of food waste by weight, prompting them to treat surplus food more conscientiously.

It is a crying shame that much of perfectly safe and edible food are thrown away every day while the most vulnerable segments of our society face food insecurity. This new legislation will help suppliers and sellers overcome their concerns about liabilities and donate to those in need. Companies involved in food donation can enhance their reputation and image. Based on the information and food data available, there is more than enough food to feed our needy regularly and nutritiously. In addition to reducing food waste, food donation will reduce our environmental impact and footprint associated with the wastage. Mr Speaker, Sir, in Mandarin.

(*In Mandarin*): [*Please refer to [Vernacular Speech](#).*] I would like to raise my concerns to the relevant Government departments. May I ask, how do the authorities enforce the guidelines established for the safe handling, storage and transportation of donated food? How will the relevant Ministry ensure that staff and volunteers receive regular training on food safety practices?

Will there be requirements to prove traceability of the donated items, such as the maintenance of records, to ensure accountability in case issues arise? Will the Ministry conduct audits or regular inspections to check on the food quality and safety standards? Will donors be encouraged or be required to have liability insurance as an extra layer of protection?

How will SFA foster partnerships between donors and reputable charities to ensure the proper distribution and use of donated food, avoid duplicate deliveries and prevent abuse of donations, such as reselling? Will public accountability measures be implemented, such as the collection and publication of donation data and impact reports?

(*In English*): By implementing these strategies, I am confident that Singapore can optimise the benefits of the Good Samaritan Food Donation Bill, while mitigating the risks and preventing potential abuse of the system. I would like to conclude with my strong support for the Bill.

**Mr Speaker:** Ms Hazel Poa.

6.18 pm

**Ms Hazel Poa (Non-Constituency Member):** Mr Speaker, Sir, during the debate on the Motion on Advancing Mental Health in February, I spoke about the importance of being kind, which would go a long way towards improving our collective mental health.

The Good Samaritan Food Donation Bill that we are debating today helps to promote more acts of kindness in our society.

Every day, we throw away more than two million kilogrammes of food. This is a tremendous amount of waste, which is even more regrettable because we import more than 90% of our food. The Progress Singapore Party (PSP) hopes that the enactment of this Bill will encourage more F&B premises, food producers and retailers to be kind and donate excess food instead of throwing it away.

With this Bill, these donors will be shielded from liability from deaths or health issues from the consumption of cooked food, provided that four conditions are met. We believe that these conditions, which include ensuring that the food must not be unsafe at the time it was donated and the food donor must inform the food recipient of the handling requirements, are reasonable and should not pose an excessive impediment to food donors.

The National Population Health Survey, conducted by the Health Promotion Board in 2019, found that approximately one in 10 households in Singapore lack sufficient access to food. Even though we live in an era of great material abundance and our country has achieved great economic progress, there are still some amongst us who are struggling to even put food on the table. As a nation, we can and should do more to help this group of vulnerable Singaporeans.

Sir, I hope that beyond this Bill, the Government will also do more to encourage individuals and companies to donate their excess food to the needy. This will also have a positive impact on the environment. Singapore's only landfill, Semakau Landfill, is already more than half full as of the end of last year and is projected to reach capacity by 2035. Food waste is one of our biggest waste streams, accounting for about 11% of the waste generated in Singapore in 2023. Any reduction in food waste will go towards extending the lifespan of Semakau Landfill.

The Government can consider implementing tax reliefs to businesses that donate unsold or excess food to charities, so that there is a stronger incentive for companies to do the right thing and redistribute their unsold or excess food instead of throwing it away.

Additionally, would-be food donors may face logistical challenges in transporting their excess food to food distribution centres or charities. We can also consider providing tax incentives to transport or platform companies to assist in this effort by providing food pickup and delivery services for larger F&B enterprises. Sir, in Mandarin, please.

*(In Mandarin):* [Please refer to [Vernacular Speech](#).] Mr Speaker, PSP supports the Good Samaritan Food Donation Bill.

In February this year, I spoke about the importance of being kind, which would go a long way towards improving our collective mental health. The Bill that we are debating today, will exempt businesses or individuals donating food from liability. This helps promote more acts of kindness in our society.

It is said that food is of utmost importance to people. In prosperous Singapore, approximately one in 10 households lack sufficient access to food. At the same time, every day, we throw away more than two million kilogrammes of food. Many of these discarded food items are still safe for consumption. If they can be redistributed to food-insecure households, it would benefit numerous families.

Besides passing this Bill, the Government can consider implementing tax reliefs to businesses to encourage them to donate excess food. Additionally, some food donors may face logistical challenges in transporting food. The Government can also consider providing tax incentives to transport or platform companies to assist by providing delivery services and deliver the donated food to charities. In doing so, we can also reduce the food waste in Singapore, contributing to environmental conservation efforts. It is a win-win situation.

Kindness makes us happy. I hope that after this Bill is passed, more companies and individuals will step up and generously donate excess food to help the needy.

*(In English):* Sir, I hope that after this Bill is passed, more companies and individuals will step up and generously donate the excess food after their catering events or unsold food at the end of the day to the needy. There will always be someone out there who will appreciate having that food on the table.

Let us reduce food waste and build a kinder Singapore together. Mr Speaker, PSP supports the Bill.

**Mr Speaker:** Minister Indranee Rajah.

**The Leader of the House (Ms Indranee Rajah):** Mr Speaker, I had not actually intended to speak on the Bill, but this is more of a clarification in response to a few points raised by Assoc Prof Jamus Lim. Assoc Prof Jamus Lim had made a few observations regarding the Bill and statements made by various Ministers for Law in response to questions. And I was one of those, at that time, Senior Minister of State for Law, who had addressed a question on the point of Good Samaritan Bills.

I believe Assoc Prof Lim asked why this particular Good Samaritan law is deemed necessary, when an analogous law that would do the same for involuntary harm by a helpful bystander would not. And actually, the question, if you had listened to his speech, was actually answered by Assoc Prof Lim himself.

He had said this, and I quote, "Granted, the context of those Good Samaritan discussions was distinct and applicable more to the provision of on-site physical or medical assistance to those in need. Importantly, such laws in many other jurisdictions compel aid, whereas the Bill in question is essentially voluntary in nature." And that is exactly right. In short, the context of the previous Parliamentary Questions (PQs) and the replies to them is different.

The previous PQs referred to Good Samaritan laws in the context of rendering medical or emergency assistance to people who are ill or injured. For example, in his reply, Prof Jayakumar explained that Good Samaritan laws adopted in other countries broadly take two forms.

First, to reduce bystanders' hesitation to render assistance because of significant liability concerns. In these jurisdictions, there are laws granting persons who offer aid in emergency situations, certain protections from legal liability. And second, to impose a positive legal requirement on people to assist others in distress, unless they will put themselves in danger.

On the first point, that is, to overcome bystanders' hesitation, the various Ministers for Law explained in their replies that, in Singapore, we have not encountered reluctance on the part of our citizens to step forward to help in those emergency situations.

And on the second point, Prof Jayakumar said that helpful bystanders do not face any major liability concerns in Singapore. For civil liability, a person who offers assistance need only comply with what is expected of a person of his or her skills or experience, so an untrained person would not be held to the standard of a doctor, for example. As for criminal liability, that is generally premised on an intent to cause harm or injury. A person who has acted reasonably and in good faith is unlikely to be held criminally liable.

As such, in the context of rendering emergency assistance, it is MinLaw's assessment that there is no need to introduce a Good Samaritan law, though MinLaw said that it would continue to study the experience of other jurisdictions and would review our position if the need arises.

The context of the current Good Samaritan Bill is different. First, it deals with food donations, not emergency medical services. The considerations are different. And second, as I understand it, Mr Louis Ng is moving the Bill because potential donors are hesitant to donate because of potential liability concerns. And this is different from the emergency scenarios addressed by the Ministers for Law, where they have not encountered reluctance to step forward and there are no major liability concerns.

**Mr Speaker:** Assoc Prof Jamus Lim.

6.28 pm

**Assoc Prof Jamus Jerome Lim:** I thank the Minister for the clarification, which I truly appreciate. If I could clarify, since the Minister did suggest that she had spoken about this Good Samaritan law elsewhere before, do all other jurisdictions compel the rendering of aid? Are there some Good Samaritan laws that simply waive liability? And I ask this because in that case, then analogous to this law, the idea of providing that peace of mind to bystanders that may choose to render aid, I think, would nevertheless still be helpful.

**Ms Indranee Rajah:** I thank the Member for his clarification. I had actually addressed that earlier, because he asked whether all jurisdictions compel bystanders to provide aid. And as I had explained, which was also explained by Prof Jayakumar, there are two forms. Firstly, there are some jurisdictions where you have Good Samaritan laws because you want to reduce hesitation. So, in other words, it is because people are reluctant to step forward and help.

And in some other jurisdictions, they take a more aggressive approach and they say you must help. But of course, having said you must help, then the corollary is you also provide the waiver of liability.

So, in short, there is no one-size-fits-all, you have a law where there is a need or you assess that you want to do it for a particular reason. In this case, this Bill is a Private Member's Bill. The need, as I understand it, is Mr Louis Ng feels that people are hesitant to donate because they are concerned about liability.

The context of the Ministers for Law talking in the emergency medical assistance context was that there was not a need because people are not hesitant to step up, number one. And number two, there is no major concern about liability because our law pitches the liability at your level of skill or expertise. So, if you are a doctor, you are held to a higher standard. If you are just an ordinary person helping out, you are held to that standard. So, the considerations are different.

**Mr Speaker:** One final clarification.

**Assoc Prof Jamus Jerome Lim:** I promise to be quick. Just one note and that is, I do not think we can actually know if it is true that someone who is hesitant has not actually hesitated to step up. Because we do not observe all those individuals that have stepped up. So, I am wondering if the Minister would agree with me that, indeed, we will never know the counterfactual to the situation.

**Mr Speaker:** Senior Minister Teo Chee Hean.

**The Senior Minister and Coordinating Minister for National Security (Mr Teo Chee Hean):** Assoc Prof Jamus Lim had missed reports in the newspapers from the last few days. I was present at Home Team's National Day Observance Ceremony at the Home Team Academy and there were dozens of members of the public who had voluntarily stepped forward in emergency situations to help others. So, perhaps, Assoc Prof Jamus Lim, would like to look at those news reports and see for himself.

**Mr Speaker:** Minister Indranee, would you like to respond as well?



**Ms Indranee Rajah:** I am sorry, Sir, because I was listening to Senior Minister Teo Chee Hean and I had forgotten Assoc Prof Jamus Lim's question, would the Member like to repeat it?

**Assoc Prof Jamus Jerome Lim:** The question is whether, it is not so much whether we observe that some people are indeed stepping forward. I am certain that is the case and we have news reports that say this.

My question is, what we do not observe is all the instances where people have chosen not to step forward because of fear of liability. That is fundamentally unobservable as a counterfactual and, that is why, I asked whether the Minister would agree that we would not know the full extent to which individuals have not stepped forward.

**Mr Speaker:** Senior Minister Teo.

**Mr Teo Chee Hean:** Sir, perhaps instead of debating this issue in a theoretical manner, look at the practical issues, Assoc Prof Jamus Lim. Perhaps Assoc Prof Jamus Lim would join me in encouraging members of the public to do so rather than debating this in a theoretical manner. If all of us encourage members of the public to do so and tell them not to be afraid, I am sure they would do so and more of them would do more and not be hesitant.

**Mr Speaker:** Minister Indranee.

**Ms Indranee Rajah:** Mr Speaker, I do not think I have more to add to what Senior Minister Teo Chee Hean has said, other than the fact that you take the assessment based on what you see. If we do not see that there is a particular need, then there is no need to pass legislation or move a Bill. But Senior Minister Teo Chee Hean's point is perfectly well taken, which is that it is good to encourage people to step up.

**Mr Speaker:** Mr Yip Hon Weng.

6.33 pm

**Mr Yip Hon Weng (Yio Chu Kang):** Mr Speaker, Sir, this Bill is an important step towards reducing food waste, increasing food availability for food-insecure communities and developing a more sustainable and compassionate society in Singapore. While this Bill has noble intentions, I have several clarifications.

First, Mr Speaker, Sir, while the Bill seeks to address liability concerns, we must also consider the practical aspects of encouraging greater participation. The intent alone, while admirable, may not be sufficient to shift behaviour on a larger scale. What specific incentives or support mechanisms are being considered to motivate eateries or bakeries to donate their surplus food? Although liability protection is a step forward, it is essentially removing a barrier; we must now provide and encourage people to be more active.

To this end, I urge the Government to consider tangible incentives. Tax benefits for food donations, like those already in place for charitable giving, could be effective. Subsidies for logistical costs associated with donated food, particularly for smaller businesses, could also boost participation.

Furthermore, public recognition programmes, perhaps, a "Food Rescue Champion" award, could incentivise businesses through positive reinforcement. By incorporating such proactive measures, we can transform this Bill from a shield against liability, into a sword actively combating food waste.

Second, Mr Speaker, Sir, clear and consistent communication is paramount to ensure clarity and safety for recipients. Beyond merely requiring donors to inform recipients about handling requirements and consumption time limits, we should consider mandating information labels on donated cooked food.

A visible and clear "consume by" label could minimise the risk of foodborne illnesses arising from miscommunication or forgetfulness. Such labels would serve as a visual vivid reminder, even after verbal communication has taken place. This could empower recipients to make informed decisions about food consumption. It can also provide an additional layer of protection for well-intended donors. It would also foster greater trust and transparency within the food donation ecosystem.

However, practicality is key. We must consider the feasibility of implementing such labelling requirements, particularly for smaller businesses involved in food. A balanced approach, perhaps, with exemptions or tailored guidelines for different types of food donations, may be necessary.

Third, Mr Speaker, Sir, greater clarity is needed on the Bill's stance on community fridges and food rescue initiatives. While we strive to ensure the safety and suitability of donated food, we must also recognise the valuable contributions of initiatives operating at the community level. These initiatives often involve collecting and redistributing food that might be aesthetically imperfect or nearing its "best by" date. However, they are still safe for consumption.

Does the Bill explicitly extend liability protection to these prevalent endeavours? Explicit inclusion would provide these groups with much-needed legal assurance and encourage their growth. This allows them to expand their reach and impact on minimising food waste in addition to supporting vulnerable individuals.

Fourth, Mr Speaker, Sir, we must not overlook the critical issue of food allergies. These can present significant, even life-threatening risks, if not managed carefully. I seek clarification on how this Bill addresses the potential for allergic reactions, particularly, in situations where donors may not be fully aware of the allergen content in the food they are donating.

Among food-insecure groups, those with allergies already face an uphill battle in balancing their dietary needs with financial constraints.

While some might suggest that individuals with allergies could simply avoid donated food with unclear labelling, this ignores a critical aspect of food insecurity. By denying themselves access to potentially safe and nutritious food due to a lack of information, individuals with allergies are deprived of economical choices that could significantly ease their burdens.

To mitigate health risks associated with allergic reactions, I urge the Government to consider implementing guidelines for clear and consistent allergen labelling, wherever possible, within the framework of this Bill. Collaboration with health authorities to develop a standardised allergen labelling system, perhaps drawing from existing regulations requiring businesses to declare known food allergens

on their food labels, would be invaluable. This could be done for common allergies, like seafood, nuts or gluten, if they are known to be present in the donated food. Furthermore, greater efforts could be made to educate food donors on best practices for minimising allergen consumption risks, such as avoiding cross-contamination and providing accurate ingredient information.

Fifth, Mr Speaker, Sir, as a multicultural society, we must respect and accommodate the diverse dietary needs of our population, especially those with specific religious or cultural requirements. For example, Muslims are required to consume Halal food and Hindus and many Buddhists abstain from consuming beef.

Therefore, I urge the Government to outline guidelines for donors to follow, preventing unintentional non-compliance with these various dietary standards. Clear and accurate labelling of ingredients, particularly when it comes to potentially "sensitive" ingredients like beef or pork products, is paramount in empowering recipients to make informed choices. Resources should also be made available on proper handling and labelling, to ensure that food intended for halal consumption remains untainted.

But in cases where this is not practical or where such oversights occur despite best efforts, does the Bill offer legal protection for donors who unintentionally provide food that does not align with a recipient's religious dietary needs? Addressing this aspect thoughtfully will not only demonstrate our commitment to inclusivity. It can also instil greater confidence in the food donation system, encouraging wider participation from both donors and recipients.

Sixth, Mr Speaker, Sir, it is equally critical that we ensure faithful compliance to food safety and hygiene. The success of this initiative hinges on maintaining public trust in the safety and quality of donated food. Therefore, I seek clarification on how the Bill will ensure that food donors are well-informed and fully compliant with existing food safety and hygiene laws.

Recent incidents, such as the mass food poisoning cases involving the Singapore Civil Defence Force Academy and Bytedance, serve as stark reminders of the risks associated with large-scale food handling. These situations, often involving catering or bulk cooking, can increase the likelihood of issues, such as undercooking, improper storage and prolonged exposure to hot weather, a concern further amplified by Singapore's rising temperatures.

It is also precisely such events, where large volumes of food might otherwise go to waste, that could benefit most from the food donation framework established by this Bill. Therefore, we must be particularly vigilant in mitigating the risks. I urge the Government to consider incorporating targeted guidelines and training for donors handling large quantities of food, emphasising best practices for safe storage and transportation.

Perhaps the Bill could incorporate provisions for mandatory training programmes or certifications for frequent food donors. These programmes could be developed in collaboration with relevant agencies, like SFA, providing donors with the knowledge and skills to handle food safely throughout the donation process. Additionally, raising awareness among recipients about the importance of thoroughly reheating donated food, where possible, before consumption, could further minimise the risk of foodborne illnesses.

Lastly, Mr Speaker, Sir, I seek clarifications on the Bill's broader implications. The Bill has the potential to be more than just a legal framework. It can be a catalyst for positive change in how we, as a nation, approach food waste and food security.

To fully realise this potential, I believe it is vital that the Ministry provides us with a broader perspective. What are the long-term goals and strategic vision underlining this Bill? How will its implementation impact Singapore's overall food security and waste management strategy and contribute to our national sustainability targets, such as the "30 by 30" food sustainability goal set by MSE?

A clear understanding of the Bill's intended impact beyond the immediate legal implications would be invaluable to all stakeholders. It will enable us to identify potential synergies, areas for future refinement and opportunities for collaborative action. This can empower businesses, organisations and individuals to play a meaningful role in building a more sustainable and food-secure future for Singapore.

In conclusion, Mr Speaker, Sir, in Yio Chu Kang, we have seen, first-hand, the power of community action on reducing food waste. Our Food Rescue programme, run entirely by volunteers, sees about 60 dedicated individuals, many of them youths from nearby schools, including Presbyterian High, Nanyang Polytechnic, the Institute of Technical Education Central and so on, coming together every fortnight to volunteer their time in the name of sustainability. They help to collect imperfect or expiring food from wholesale centres and shops that would have otherwise gone to waste. They sort out and throw away parts that cannot be eaten and redistribute the good and edible portions. We have about 200 regular residents who participate in this programme. Both our Prime Minister and Senior Minister Lee have witnessed how our Food Rescue Programme works during their visits to Yio Chu Kang.

Nonetheless, as much as we strive for careful sorting and quality control, there are always inherent risks associated with redistributing food that are deemed commercially unsellable or nearing its expiry date, particularly when problematic food products are unintentionally overlooked during the sorting process. The Good Samaritan Food Donation Bill would play a vital role in addressing these concerns, providing legal clarity and peace of mind for those involved in such initiatives.

While the Bill is a significant step in the right direction, I believe that addressing the points and questions that I have raised today will further strengthen its effectiveness. For instance, to truly shift behavior on a larger scale, we should go beyond merely removing legal barriers. Offering tangible incentives, such as tax benefits, logistical support and public recognition, could significantly motivate more eateries and bakeries to participate in food donation efforts.

Clear labelling is another important aspect that should be mandated. The Bill should also explicitly extend legal protection to community fridges and food rescue initiatives, which play a critical role in reducing food waste. Providing these groups with legal assurance would encourage their growth and amplify their impact. Additionally, this Bill must address the issue of food allergies, which pose significant risks if not properly managed. Clear guidelines for allergen labelling are essential to protect those with food allergies, ensuring that they have safe access to donated food.

Given Singapore's multicultural society, it is also equally important to respect religious dietary requirements in food donations. The Bill should include guidelines and legal protections to

prevent unintentional non-compliance, fostering inclusivity and confidence in the food donation system.

It should also incorporate mandatory training for food donors, equipping them with the knowledge and skills needed to handle food safely.

Mr Speaker, Sir, this Bill has the potential to be more than just a legal safeguard. It can serve as a catalyst for positive change in how we approach food waste and food security. It aligns perfectly with the spirit of Forward Singapore, where sustainability is a key pillar. By addressing these key areas and working collaboratively with all stakeholders, we can build a more sustainable and compassionate society in Singapore. I support this Bill.

**Mr Speaker:** Mr Louis Ng.

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