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THE DUTY TO SUPPORT AN AGED PARENT IN SINGAPORE

Wing-Cheong Chan[†]

Abstract: When the legislation to impose a financial obligation on adult children to provide for their aged parents was introduced in Singapore in 1994, it generated heated public debate which polarized the population. Several criticisms of this proposal emerged: it subsumed the Asian value of filial piety in a legalistic, Western framework; it was unnecessary given the small number of parents being neglected by their children; and it was an undesirable intrusion into family life.

Nonetheless, the proposal managed to gain enough Parliamentary support to be referred to a Select Committee. Several adjustments to the proposed legislation were made to take into account these criticisms. The Maintenance of Parents Act ("MPA") was eventually passed by the Singapore Parliament on November 2, 1995. It came into effect on June 1, 1996.

This article will examine the MPA in terms of the scope of this duty, the conditions under which the duty would arise, and the extent to which state interference in an area as private as the family may be acceptable to the public. It concludes by advancing some tentative suggestions as to why a substantial number of elderly Singaporeans have resorted to the MPA, contrary to the belief of some at the time of its passage and the experience of other countries with similar legislation.

I. INTRODUCTION

The moral obligation to support one's aged parents can be found in many different cultures and religions.¹ An interesting tension arises, however, when this moral obligation crystallizes into a duty enforceable by law. Singapore is by no means the first to create this legal duty. Among the common law jurisdictions, it is the 1601 Poor Law of Elizabethan England that is perhaps the best known,² although such a law can be traced back to the third century in Roman society.³

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¹ See Seymour Moskowitz, *Adult Children and Indigent Parents: Intergenerational Responsibilities in International Perspective*, 86 MARQ. L. REV. 401 (2002).

² 43 Eliz., c. 2. § VII (1601). The Poor Law provided that:

[T]he children of every poor, old, blind, lame and impotent person, or other poor person not able to work, being of a sufficient ability, shall, at their own charges, relieve and maintain every such poor person in that manner, and according to that rate, as by the justices of peace of that county . . . at their quarter-sessions shall be assessed . . .

For an account of the development of the Poor Law in England, see David Thomson, "I am not my father's keeper:" *Families and the Elderly in Nineteenth Century England*, 2 LAW & HIST. REV. 265 (1984). The English Poor Law later found its way to the colonies of North America. See William P. Quigley, *Reluctant*

Typical questions that have arisen historically include the scope of this duty, the conditions under which the duty obtains, and the extent to which state interference in an area as private as the family may be acceptable to the public. The legal obligation of support under the Poor Law was narrowly construed in England such that the duty was held not to extend to a son-in-law to support his mother-in-law;⁴ a brother to support another brother;⁵ or a grandchild to support his grandfather.⁶ In contrast, the *Code Napoleon*, which is followed by some countries in Europe, placed sons- and daughters-in-law under a legal obligation to maintain their fathers- and mothers-in-law.⁷

When the Maintenance of Parents Act⁸ (“MPA”) was passed by the Singapore Parliament on November 2, 1995,⁹ it marked several ‘firsts’ for the small island republic.¹⁰ This was the first Act of Parliament to be initiated by a Nominated Member of Parliament¹¹ as a Private Member’s

Charity: Poor Laws in the Original Thirteen States, 31 U. RICH. L. REV. 111 (1997); Wendy Brent, *Lines of Dependence: The Rebirth of Parental Support Legislation in Canada*, 2 APPEAL 52 (1996).

³ This has been incorporated in the laws of some countries in continental Europe. See Jean van Houtte & Jef Breda, *Maintenance of the Aged by Their Adult Children: The Family as a Residual Agency in the Solution of Poverty in Belgium*, 12 LAW & SOC’Y REV. 645 (1978).

⁴ *Dominus Rex v. Munden*, 93 Eng. Rep. 465 (1719); *The King and Munday*, 92 Eng. Rep. 862. (1718)

⁵ *Rex v. William Smith, Thomas Smith, and Sarah Smith*, 172 Eng. Rep. 203 (Gloucester Assizes 1826).

⁶ *Maund v. Mason*, 9 LR 254 (Q.B. 1874).

⁷ NAPOLEONIC CODES, bk. 1, tit. IV, ch. 1, art 206 (1803), available at <http://www.napoleonseries.org/reference/political/code/book1/title05.cfm#chapter1> (last visited May 21, 2004).

⁸ Act No. 35 (1995) (Sing.) (as originally passed). It is now numbered as Chapter 167B (1996) (Sing.). Singapore’s statutes may be found online, available at <http://statutes.agc.gov.sg/> (last visited May 20, 2004). The MPA was brought into force on June 1, 1996 by the Maintenance of Parents Act (Commencement) Notification 1996. An early article on the MPA by Art Lee was unfortunately written before revisions to it were made by the Parliamentary Select Committee set up to review the proposed law. Art Lee, *Singapore’s Maintenance of Parents Act: A Lesson to be Learned from the United States*, 17 LOY. L.A. INT’L & COMP. L.J. 671 (1995).

⁹ 65 PARLIAMENTARY DEBATES col. 213 (1995) (Sing.).

¹⁰ Singapore was founded by the British as a trading outpost in 1819. It was under continuous British rule, except for a short period during WWII, until internal self-government was granted in 1959. A brief merger with the Federation of Malaysia followed in 1963, which lasted for two years. It finally became a sovereign nation in 1965. Singapore’s laws and judicial system are based on the common law model. See C.M. TURNBULL, *A HISTORY OF SINGAPORE 1819-1988* (2d ed. 1989). According to the census taken in 2000, Singapore’s total population amounted to 4 million people, of which 3.263 million were Singapore residents. The Chinese formed the largest ethnic group of the population, comprising 76.8% of the resident population; Malays were next at 13.9% and Indians at 7.9%. See LEOW BEE GEOK, *CENSUS OF POPULATION 2000: DEMOGRAPHIC CHARACTERISTICS* 10 (2001).

¹¹ Nominated Members of Parliament were created in 1990 in order to introduce alternative views to Parliament. Such persons are not members of the ruling party, and do not stand for elections. They are persons with a certain background or special expertise who are nominated for the post by a Special Select Committee of Parliament. See SING. CONST. art. 39(1)(c); Thio Li-Ann, *The Post-Colonial Constitutional Evolution of the Singapore Legislature: A Case Study*, Sing. J.L. Stud. 80, 99–102 (1993).

Bill.¹² The MPA also sets up, for the first time, a Tribunal to hear applications for maintenance, thus removing such actions from the existing judicial system.¹³ As such, the Tribunal is not bound by strict rules of evidence and is able to adopt mediation, rather than adversarial proceedings, as the primary means to resolve the family conflict.¹⁴ In passing this law, Singapore also seemed to be going against the prevailing trend in other countries where such laws were abolished or allowed to fall into disuse.¹⁵

The law had, at best, a mixed reception when it was first proposed. Tremendous heated debate was generated among the population. The divisions of opinion were reflected within Parliament as well. Despite the Government's support for the bill and the fact that members of the ruling political party occupied an overwhelming majority of seats in Parliament,¹⁶ the final tally of votes allowing the Bill to proceed to a Select Committee numbered only fifty. Eleven Members of Parliament voted against the Bill, two abstained, and twenty-two were absent at this historic vote.¹⁷

II. BACKGROUND TO THE MPA

The MPA did not come about through incidents of neglected parents featured in the media or due to public lobbying efforts. Rather, it was a

¹² This is a bill that was not initiated by the Government.

¹³ Maintenance applications for a wife or a child are heard by the Family Court of Singapore. For further information on the Family Court of Singapore, see <http://www.familycourtofsgapore.gov.sg/>. (last visited May 21, 2004).

¹⁴ Mediation is a culturally respected method of family dispute resolution in Singapore, which is now used in other types of family law proceedings. See Women's Charter, ch. 353, § 50 (1997) (Sing.); Chan Wing Cheong, *Latest Improvements to the Women's Charter*, SING. J.L. STUD. 553, 592–94 (1996).

¹⁵ The Poor Law of 1601, 43 Eliz., c 7, in England and similar statutes in the United States were said to be mostly unenforced. See Ann Britton, *America's Best Kept Secret: An Adult Child's Duty to Support Aged Parents*, 26 CAL. W. L. REV. 351, 352 (1990). See also Kate Wise, *Caring for Our Parents in an Aging World: Sharing Public and Private Responsibility for the Elderly*, 5 N.Y.U. J. LEGIS. & PUB. POL'Y 563, 591 (2001), where the global trend away from the enactment and enforcement of filial responsibility laws was noted. The Poor Law was abolished in England in 1948 with the introduction of state welfare by The National Assistance Act, c 29 (1948) (Eng.) and the number of states in the United States with such laws fell from thirty-nine in 1956 to twenty-eight in 1990. Britton, *supra*, at 358. The importance of such laws in the United States was also diminished by the 1965 Medicaid statute which prohibited states from considering the financial ability of the applicant's family, other than the applicant's spouse, when awarding support. See Terrance A. Kline, *A Rational Role for Filial Responsibility Laws in Modern Society?*, 26 FAM. L.Q. 195 (1992). However, there seems to be some resurgence of interest in such laws in more recent years, e.g. in the United States, see *id.*; Robin M. Jacobson, *Americana Healthcare Centre v Randall: The Renaissance of Filial Responsibility*, 40 S.D. L. REV. 518 (1995); and in Canada, see Brent, *supra* note 2.

¹⁶ The ruling People's Action Party held all but ten of the eighty-five seats in Parliament at the time. Four were held by opposition party members and six were held by Nominated Members of Parliament.

¹⁷ See the record of the votes in 63 PARLIAMENTARY DEBATES (1994) (Sing.), cols. 362–63. The absence of twenty-two Members of Parliament could be due to complacency that the Bill would succeed considering the overwhelming majority held by the ruling party, or it could be due to some discomfort with the Bill.

result of a concern raised in 1993 by the then Nominated Member of Parliament, Professor Walter Woon, that a proposed Goods and Services Tax would negatively affect a disproportionate number of middle class retirees.¹⁸ His solution was to impose a legal obligation on children to support their parents.¹⁹ The then Minister for Finance, Dr. Richard Hu, suggested that he draft the law for consideration by Parliament.²⁰

The idea of introducing such a law, however, originated almost ten years earlier. A committee appointed by the Government in 1984 to study the problems of persons aged sixty years and above noted the examples of Taiwan and Israel where such a law existed, and recommended the same for Singapore.²¹ The motivation for this recommendation was to counter exposure of Western ideas on the young in Singapore, as the Committee found that the youth were "more materialistic, self-oriented and individualistic," and thus predisposed to believe that the State should look after aged parents who cannot support themselves.²²

Although the idea gained some support in Parliament at the time,²³ nothing came of it. Another committee appointed by the Government to advise on issues confronting the aged recommended in 1989 that there was no need for such a law for two main reasons.²⁴ First, there were few parents who were neglected by their children. It was found that only an average of six out of 140 applicants for public assistance had claimed to be rejected by their children.²⁵ The Committee also cited a 1983 survey of senior citizens aged fifty-five years and older in Singapore which showed that 95% of those without their own sources of monetary income received cash contributions from their relatives.²⁶

Second, it was argued that there would be difficulties in implementing such legislation. In particular, the Committee pointed to several factors: 1) filial piety is a sentiment of the heart which cannot be legislated;²⁷ 2) legislation could at most compel children to make cash payments grudgingly;²⁸ 3) legislation would only affect an errant minority;²⁹ 4) there

¹⁸ 60 PARLIAMENTARY DEBATES cols. 699-702 (1993) (Sing.).

¹⁹ *Id.*

²⁰ *Id.* col. 833.

²¹ Report of the Committee on the Problems of the Aged, Paper Misc. 3, para. 6.4 (1984) (Sing.) (presented to Parliament by the Ministry of Health).

²² *Id.* para. 1.2.4.

²³ See 43 PARLIAMENTARY DEBATES (1984) (Sing.).

²⁴ Report of the Advisory Council on the Aged, paras. 4.9, 4.10 (1989) (Sing.).

²⁵ *Id.* para. 4.9.2.

²⁶ Ministry of Social Affairs, Report of the National Survey of Senior Citizens, para. 2.4 (1983) (Sing.).

²⁷ Report of the Advisory Council on the Aged, *supra* note 24, para. 4.10.1.

²⁸ *Id.*

will be practical difficulties in collecting payments from children who choose to evade their responsibilities,³⁰ 5) and parents would not be prepared to institute proceedings against their own children due to a desire to preserve family harmony and the fear of alienating their children.³¹

Two other main points were raised in Parliament during the debate on the MPA. First, it was argued that the Asian value of filial piety was already strongly embedded in the culture and traditions of the different ethnic groups in Singapore.³² Second, the proposed use of the adversarial court system, which Singapore inherited from the West, to enforce the obligation to maintain one's aged parents would amount to a humiliating intrusion into the family lives of litigants.³³

Professor Woon effectively turned the debate around by presenting the proposed law as no more than a pragmatic response to the potential problem of increasing numbers of the elderly in Singapore. It was therefore not so much a contest between Asian and Western values, but rather a proposal as to how Singapore could best respond to the fact that there would inevitably be *some* financially able children who neglect their parents. State welfare was out of the question³⁴ and would not be a viable option regardless in view of Singapore's rapidly aging population profile. Like all developing

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Filial piety is more than providing for the material needs of parents. It involves deference and inner reverence for parents. In the words of Confucius, "nowadays for a man to be filial means no more than that he is able to provide his parents with food. Even hounds and horses are, in some way, provided with food. If a man shows no reverence, where is the difference?" ANALECTS OF CONFUCIUS 64 (D.C. Lau trans., 1979). It is said that "[t]he peoples of East Asia have a notable tradition of elder respect" and that "while expressions of elder respect are changing, elder respect remains a central value and feelings of respect and obligation do remain to bind generations together [in East Asia] as well as in other Chinese communities . . ." Kyu-taik Sung, *Elder Respect*, 15 J. AGING STUD. 13, 14 (2001). Owing to the fact that the Chinese comprise more than three-quarters of the Singapore population, Asian values and Confucian values are often used interchangeably.

³³ See, e.g., Leong Horn Kee, Speech in Parliament, in 63 PARLIAMENTARY DEBATES cols. 173-75 (1994) (Sing.); Tan Cheng Bock, Speech in Parliament, in 63 PARLIAMENTARY DEBATES cols. 257-60 (1994) (Sing.); and Peh Chin Hua, Speech in Parliament, in 63 PARLIAMENTARY DEBATES cols. 276-88 (1994) (Sing.).

³⁴ The Singapore Government's philosophy is overtly anti-welfare. In terms of financing health services in Singapore, for example, its approach is that "[t]he primary responsibility for caring for the elderly rests with the family" and that "every Singaporean is personally responsible for his own health and well being . . . [including having] adequate financial resources to take care of their own health care costs in old age." Report of the Inter-Ministerial Committee on Health Care for the Elderly 23 (1999) (Sing.). In the year 2000, Singapore spent 3% of its Gross Domestic Product ("GDP") on healthcare, of which Government expenditure amounted to only 0.8% of GDP. See Ministry of Health, at <http://app.moh.gov.sg> (last visited May 20, 2004). In comparison, the total expenditure on healthcare in the United States in 2001 amounted to 13.9% of its GDP, and public expenditure amounted to 6.2% of its GDP. See Organization for Economic Co-operation and Development, *OECD Health Data 2003*, at <http://www.oecd.org/home> (last visited May 20, 2004).

countries, Singapore had evolved from a high fertility and high mortality society to a low fertility and low mortality society.³⁵ The percentage of elderly persons in Singapore of at least sixty-five years increased from 6.0% of the resident population in 1990 to 7.4% in 2001,³⁶ and is projected to reach 26% in 2030.³⁷ In comparison, persons aged sixty-five years and above in the United States comprised 12.4% of the total population in the United States in 2000,³⁸ and are projected to comprise 20% of the United States population in 2030.³⁹

Professor Woon justified the proposed law on pragmatic grounds that could be reconciled with the traditional moral obligation of filial piety:

This Bill has got nothing to do with filial piety at all. The law cannot legislate filial piety any more than it can legislate love between husbands and wives or parents and children. The aim of the Bill is to provide a safety net if filial piety fails. It is not meant to be a replacement for filial piety

Ideally, people with families should get the support they need in their old age from their families, freely given out of love and respect, not compelled by law. But . . . there will always be a few who will not live up to their moral responsibilities and who will not support their aged parents unless they are compelled to do so

The first question is one of principle: should children support their parents? If you take the view that children did not ask to be born and therefore owe nothing to their parents, then of course you do not support this Bill at all and we have nothing else to talk about, because we start from different premises. But like me, if you do start from the premise that, yes, children

³⁵ Tan Yeow Lip, *Singapore's Current Population Trends Statistics*, SING. NEWSL., Sept. 2002, available at <http://www.singstat.gov.sg> (last visited May 20, 2004). The median age of the resident population rose from twenty years in 1970 to thirty-five years in 2001; life expectancy at birth increased from 75.3 to 78.4 years between 1990 and 2001; and the fertility rate had been below the replacement level of 2.1 children per woman since 1977. The Singapore Department of Statistics reported on its website that the total fertility rate was at an all time low of 1.26 children per woman in 2003. *Id.*

³⁶ *Id.*

³⁷ Report of the Advisory Council on the Aged, *supra* note 24, para. 1.2.2.

³⁸ Lisa Hetzel & Annetta Smith, U.S. Census Bureau, *The 65 Years and Over Population: 2000* (2001), available at <http://www.census.gov> (last visited May 20, 2004).

³⁹ Jennifer Cheeseman Day, U.S. Census Bureau, *Population Projections of the United States by Age, Sex, Race, and Hispanic Origin: 1995 to 2050* (1996).

should support their parents, then the next question is: should there be a choice about it?

Some people have expressed the view that it is not the individual who is responsible for his parents. It should be the State . . . The State should pay an allowance. The State should maintain the old. No doubt this is a very seductive thing . . . In the end, the bill comes to each and every one of us who has to pay taxes.⁴⁰

Professor Woon also focused concern on the 5% of elderly persons in the 1983 survey of senior citizens who did not get any contributions from family members.⁴¹ With the increase in the elderly population, 5% can amount to a sizeable number. As for the criticism of engaging the court system in such intimate family relations, Professor Woon pointed out that he was a private Member of Parliament and therefore he could not commit the Government to create or fund a new tribunal to hear such claims.⁴² In any case, he hoped that the very existence of such a law would strengthen the hand of mediators to get children to come to an amicable solution with their parents rather than risk having their case exposed to the public by going through the court system.⁴³

In summary, the principle behind the MPA was presented as a pragmatic one: it should be the responsibility of the children, and not the State, to care for an aged parent if they are able to do so. However, questions of scope and clarification of ambiguous terminology remain. As cases are adjudicated, it is foreseeable that difficult issues will arise including the circumstances when one can be regarded as eligible for support; which family members should be held liable for providing the support; how liability to support is assessed; and whether there should be any defenses to such liability. As discussed above, the Tribunal set up under the MPA has begun to address these unresolved questions.

⁴⁰ 63 PARLIAMENTARY DEBATES col. 150-52 (1994) (Sing.).

⁴¹ *Id.* cols. 152-53.

⁴² *Id.* col. 357.

⁴³ *Id.* cols 156-57.

III. THE MAINTENANCE OF PARENTS ACT IN SINGAPORE

Two types of actions are possible under the MPA. The first is a direct action by the parent claiming support from his or her children.⁴⁴ In the event that the parent is unable or unwilling to bring the action personally, a provision is made for other persons to act on the parent's behalf.⁴⁵ The second type of action is an indirect action by a third party, such as a nursing home or hospital, in claiming reimbursement from a parent's children for expenses incurred in supporting the aged person.⁴⁶ For this action, only an approved person or organization in whose care a parent resides may apply, and any maintenance that is awarded by the Tribunal for the Maintenance of Parents ("Tribunal") must be paid into a separate account in the name of the parent or as directed by the Tribunal.⁴⁷ A person or organization attains this status by applying to the Minister for Community Development and Sports.⁴⁸

A. *Scope of the Duty to Support a Parent*

Only a person's children are liable to maintain him or her. As for its definition of a "child," the MPA "includes an illegitimate or adopted child and a step-child."⁴⁹ The MPA reflects the converse duty under existing family law of Singapore that a parent has to support his or her legitimate, illegitimate and adopted children, as well as step-children (if accepted as a member of the family).⁵⁰ With the enactment of the MPA, these children now owe a similar duty to support their elderly parents.

It is noteworthy that this duty to support a dependent parent is admirably gender-neutral in that it extends to both sons and daughters, married and unmarried. To some extent, this may be contrary to expectations within the Indian and Chinese communities, which adhere strongly to the patrilineal family structure where parents expect to be looked after by their married sons in their old age. Daughters are considered to have only transient membership in their family of origin, and "belong" to

⁴⁴ Maintenance of Parents Act, ch. 167B, § 3(1) (1997) (Sing.).

⁴⁵ *Id.* §§ 11 & 12(2).

⁴⁶ *Id.* § 3(2).

⁴⁷ Maintenance of Parents Rules, R. 12 (1997) (Sing.).

⁴⁸ Approval must be given by the Minister in writing, Maintenance of Parents Act, § 2. A person or organization may apply for this status by using the prescribed forms and furnishing the required information. Maintenance of Parents Rules, R. 2, Forms 1 & 2.

⁴⁹ Maintenance of Parents Act, § 2.

⁵⁰ Women's Charter, ch. 353, §§ 68, 70 (1997) (Sing.).

their new family on marriage.⁵¹ The patriarchal nature of the family in Singapore, by contrast, was given as a reason for *not* extending the duty of spousal support to a wife to support her dependent husband.⁵²

Imposing a legal duty on a step-child to support one's step-parent arguably goes beyond what a reasonable person may expect. The decision to marry the parent of the child may not necessarily be accompanied by a decision to accept the child. In such a case, the relationship lacks the voluntary obligation of a non-biological parent to support the step-child.⁵³ On the other hand, it may be argued that the relationships provided for under the definition of "child" is too narrow if it excludes persons who ought to be included. Some children may not be biological children or the subject of legal adoptions, but they may have received substantial care and treatment as members of the family. An example is the practice of some Chinese and Hindu⁵⁴ families in "adopting" a son by custom for the purpose of perpetuating the family name, ensuring care in one's old age, and securing the family property.⁵⁵

The approach of the law in the area of succession in Singapore has been to expressly reject the notion of customary adoptions as giving rise to enforceable rights.⁵⁶ It could also be argued that recognition of customary adoptions would undermine the comprehensive system of legal adoptions.⁵⁷ However, the use of the term "includes" in the definition of the term "child" may support the inference that the identified relationships are not intended to be exhaustive such that other relationships could fall within the definition. Although the longstanding practice of the administrative officers receiving applications at the Tribunal was to accept customary adoptions within the

⁵¹ Maruja Milagros B Asis et al., *Living Arrangements in Four Asian Countries: A Comparative Perspective*, 10 J. Cross-Cultural Gerontology 145, 152-53 (1995); see also Kalyani Mehta et al., *Living Arrangements of the Elderly in Singapore: Cultural Norms in Transition*, 10 J. Cross-Cultural Gerontology 113 (1995); 63 PARLIAMENTARY DEBATES col. 319 (1994) (Sing.) (speech by Kanwaljit Soin).

⁵² 66 PARLIAMENTARY DEBATES col. 95 (1996) (Sing.). The spousal duty in Singapore law unfortunately remains as it was under the common law such that only husbands owe a duty to support their dependent wives.

⁵³ The duty to support a father or mother in India had also been restrictively read to exclude a step-mother. See *Rewalal v. Kamlabai*, 1968-Cri. L.J. 282 (Madhya Pradesh High Court); *ASV Prasad Rao v. AV Veni*, 1989-Cri L.J. 673 (Andhra Pradesh High Court).

⁵⁴ According to the census 2000, Hindus formed 4.0% of the resident population in Singapore. LEONG BEE GEOK, *supra* note 10, at viii.

⁵⁵ This practice had been noted among the Chinese in Singapore by M. Freedman, *Colonial law and Chinese Society*, 80 J. Royal Anthropological Inst. Gr. Brit. & Ir. 97 (1950); and among Hindus in India by Nirmala Pandit, *Inter-Country Adoption: the Indian View*, in PARENTHOOD IN MODERN SOCIETY 267 (John Eckelaar & Petar Sarcevic eds., 1993).

⁵⁶ See M. Freedman, *supra* note 55; LEONG WAI KUM, PRINCIPLES OF FAMILY LAW IN SINGAPORE 639-42 (1997).

⁵⁷ Adoption of Children Act, ch. 4 (1985) (Sing.).

definition of "child," this practice has since changed to require proof of legal adoption.⁵⁸

Another relationship that is not expressly included within the definition of "child" is that of a son-in-law or daughter-in-law. In the case of a parent whose daughter marries into a financially wealthy family, it might be argued that the burden to support the parent should be extended to the son-in-law as well.⁵⁹ However, the MPA is based on the reciprocal model such that the child bears the obligation to support an aged parent in exchange for the support the child received.⁶⁰ It follows that the son- and daughter-in-law rightly should not be made to support the dependent parent-in-law since they did not receive any help or support from the parent-in-law.

It is therefore suggested that the best interpretation that defines the range of persons who owe this duty of support under the MPA should not be whether the relationship falls within any identified category. Rather, it should be a functional approach which considers whether the "parent" had voluntarily taken on the task of caring for the "child" in the past, and thus may make a rightful claim for maintenance.

B. *Reciprocal Basis of Duty*

One stark difference in Singapore law between the duty to maintain an aged parent on the one hand, and the duty to maintain a wife or a child on the other, is the equitable consideration of whether a parent has exhibited an expected degree of care for the child from whom he or she is now claiming maintenance. In other words, unlike spousal or child maintenance, relief under the MPA may not be granted on proof of financial need even if the child can afford it. Maintenance under the MPA would be ordered only if it is "just and equitable" to do so in consideration of "the manner in which an applicant has spent his savings or dissipated his financial resources."⁶¹ Therefore, if viewed negatively, those who squander away past savings cannot rightfully call upon the law to force their children to support them.

This equity factor gives rise to the defense that focuses on the culpability of the aged parent who has not fulfilled his or her parental duty to care for his or her child. As emphasized in the next subsection of the MPA:

⁵⁸ Private communication with the author.

⁵⁹ It has been argued in India that extending the obligation to a son-in-law would further the cause for women's rights. This recognizes that the daughter has a share in the property of the son-in-law which can be used to support her dependent parents. See Amita Dhanda, *Daughter's Duty to Maintain Parents - Supreme Court on the Path of Son-Daughter Parity*, 29 J. INDIAN L. INST. 116 (1987).

⁶⁰ See *infra* Part III.B.

⁶¹ Maintenance of Parents Act, §§ (2)(b) & 5(1) (1997) (Sing.).

“[i]f the Tribunal is satisfied upon due proof that the applicant abandoned, abused or neglected the respondent, it may dismiss the application or may reduce the quantum of maintenance ordered by such amount as may be just.”⁶²

The message is that those who have failed to fulfill their parental role are not eligible for support from their children. The onus of proving abandonment, abuse or neglect is on the child alleging it, under the civil standard of proof of the “balance of probabilities.”⁶³ In one case, the Tribunal opined that this is proved “when the Tribunal after considering the matters placed before it either believes it to exist or its existence probable under the circumstances of the particular case.”⁶⁴

In the case of *KLH v. KSW & 4 others*, the court, having reviewed the evidence presented, found that the respondents had been abandoned, abused or neglected.⁶⁵ The father had left the family on its own for many years and had failed to comply with a maintenance order granted in favor of his wife and the respondents when they were children.⁶⁶ The wife had to rear poultry and work as a laborer to raise the family, and the respondents also had to start working at an early stage of their lives in order to ease the pressures on their mother.⁶⁷ The respondents produced nine police reports dated from 1962 to 1996 which showed that the father had threatened or assaulted them and their mother.⁶⁸ The respondents also reported being belted, and recounted the mental agony and suffering endured by them and their mother.⁶⁹ Consequently, the Tribunal found that it would not be just and equitable to grant the maintenance order sought by the father.⁷⁰

It would appear that evidence of the severity of the alleged mistreatment is required before the parent’s behavior can be said to amount to abandonment, abuse or neglect. In the case of *LGC v. LHC & 4 Others*, the fact that there was considerable animosity between the father and his sons was not enough to absolve the sons from their responsibility to maintain their father when they were financially able to do so.⁷¹ In *TKH v.*

⁶² *Id.* § 5(3).

⁶³ *Id.* § 5(4).

⁶⁴ *LGC v. LHC & 4 Others* (Tribunal for the Maintenance of Parents, Dec. 31, 1996) (Sing.).

⁶⁵ (Tribunal for the Maintenance of Parents, Sept. 12, 1996) (Sing.). Similarly, in the case of *AR v. JT and 6 others* (Tribunal for the Maintenance of Parents, July 17, 1997) (Sing.), the Tribunal found that the Applicant had abandoned and neglected his children in that he had failed to provide them with financial support when they were young, and he had chosen to spend his time and money on other women instead.

⁶⁶ *AR v. JT & 6 others* (Tribunal for the Maintenance of Parents, July 17, 1997) (Sing.).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *LGC v. LHC & 4 Others* (Tribunal for the Maintenance of Parents, Dec. 31, 1996) (Sing.).

LAC, LHS, LAK and LTS, the Tribunal sympathized with the children of a seventy-six year-old mother who was a difficult person to get along with.⁷² The Tribunal commented:

There is no suggestion that the Applicant failed in her duties as a mother and it cannot be right for children to refuse to maintain their parents because of the ills of old age.

Parents have to be maintained in good times and bad and when the problems of old age make it difficult for them to adjust readily to changing times. The problems a difficult mother poses in her old age must be endured, unless there are exceptional circumstances.⁷³

In another case, the Tribunal found that the fact that a father had four legitimate wives and twenty-six children did not necessarily mean that he had neglected the children.⁷⁴ The Tribunal commented that:

The large number of children would naturally have resulted in less time, less money, less food and less of the good things of life but the Tribunal found as a fact that the Applicant had not abandoned, abused or neglected the Appellants to warrant dismissing the application for maintenance.⁷⁵

While the MPA recognizes the parent's abandonment, abuse or neglect as a defense to paying maintenance, the Tribunal has yet to formulate a clear standard. Comparison may be made with the legislation in some states in the United States where this defense exists and the degree or severity of abandonment or neglect is expressly stipulated.⁷⁶ Under California law, for example, the order to maintain a parent shall be discharged if the court finds proof of the following:

⁷² (Tribunal for the Maintenance of Parents, July 31, 1997) (Sing.).

⁷³ *Id.*

⁷⁴ *KSH v. KHH & 16 Others; KSI & 7 Others v. KSH* (Tribunal for the Maintenance of Parents, Dec. 17, 1998) (Sing.). Until the enactment of the Women's Charter in Singapore in 1961, it was legal for a Chinese man to marry more than one wife.

⁷⁵ *Id.*

⁷⁶ For a review of the U.S. statutes, see Britton, *supra* note 15; Daniel R. Mandelker, *Family Responsibility under the American Poor Laws*, 54 MICH. L. REV. 497, 607 (1956); W. Walton Garrett, *Filial Responsibility Laws*, 18 J. FAM. L. 793 (1979-80).

- (a) The child was abandoned by the parent when the child was a minor
- (b) The abandonment continued for a period of two or more years before the time the child attained the age of 18 years
- (c) During the period of abandonment the parent was physically and mentally able to provide support for the child.⁷⁷

Until the Tribunal crafts such a standard, children of abusive upbringings will have to be able to show some degree of severity as a minimum to mount a successful defense.

C. *Eligibility for Support*

The aged parent must be domiciled and resident in Singapore, aged sixty years or above, and be unable to maintain himself adequately before he is eligible in order to apply for maintenance under the MPA.⁷⁸ In the original proposal, the only substantive requirements were that a person be domiciled in Singapore and be unable to maintain himself adequately.⁷⁹ This was changed to impose a residency and an age requirement by the Select Committee.⁸⁰ It was thought that persons who were domiciled in Singapore but resident abroad were those who could probably afford to maintain themselves through independent means.⁸¹ The minimum age requirement of sixty years was imposed in order to keep the MPA in line with the then age of retirement of sixty years.⁸² Although the retirement age has since been raised to sixty-two years, effective as of 1999, the MPA has not been amended to reflect this change.⁸³

An exception is made for a person below sixty years of age if “the Tribunal is satisfied that he is suffering from infirmity of mind or body which prevents him from maintaining or makes it difficult for him to

⁷⁷ CAL. FAM. CODE, § 4411 (2004).

⁷⁸ Maintenance of Parents Act, § 3(1) (1997) (Sing.).

⁷⁹ Maintenance of Parents Bill, No. 13/94, § 3 (1995) (Sing.).

⁸⁰ Report of the Select Committee on the Maintenance of Parents Bill, at ii (1995) (presented to Parliament on October 20, 1995) (Sing.) [hereinafter Select Committee Report].

⁸¹ *Id.*

⁸² *Id.*, at iii. The retirement age was raised from fifty-five to sixty years in 1993. Retirement Age Act, ch. 274A, § 3 (1993) (Sing.). The Government’s stated intention is to raise the retirement age to sixty-seven years eventually. 60 PARLIAMENTARY DEBATES col. 30 (1993) (Sing.) (Dr. Lee Boon Yang).

⁸³ Retirement Age (Prescribed Retirement Age) Regulations (2001) (Sing.).

maintain himself or that there is any other special reason.”⁸⁴ This is different from the case of a person who is or above sixty years of age where the Tribunal may make the maintenance order if it is “just and equitable” to do so, and “the applicant is unable, in spite of efforts on his part, to maintain himself through work or from his property or from any other source.”⁸⁵ The difference in the wording is intentional; it prevents applicants below sixty years of age who “are able to work from using the [MPA] as a crutch.”⁸⁶ In other words, the legislative policy is that a person below under age sixty who is unable to maintain himself is to be treated as a personal failing, unless his needs arose out of physical or mental incapacity. A claimant is not able to argue that he deserves support due to economic downturns or social misfortunes that make work scarce. On the other hand, a person who is sixty years of age or above may claim that he is unable to maintain himself through work “in spite of efforts on his part.” In both cases, the parent is expected to either seek employment himself or to tap into his financial resources to support himself first. When such efforts fail, however, the person below sixty years old, in contrast, may not turn to the MPA to require his children to give him financial support.

In the MPA, a parent is “unable to maintain himself” under the following conditions:

[I]f his total or expected income and other financial resources are inadequate to provide him with *basic* amenities and *basic* physical needs including (but not limited to) shelter, food and clothing.⁸⁷

There is no difficulty in finding an aged parent who has adequate financial means as ineligible for support. In one case, the Tribunal rejected the application from a sixty-nine year-old mother who had \$20,000 in the bank, received \$800 a month from her children, and was financially astute enough to buy and sell shares on the stock market.⁸⁸ It is a more difficult case where the aged parent is barely able to eke out a living at a subsistence level. The wording of the MPA implies that such a person is not eligible for maintenance, and this has been borne out in practice.

⁸⁴ Maintenance of Parents Act, § 3(5) (1997) (Sing.).

⁸⁵ *Id.* § 5(1)(b).

⁸⁶ Select Committee Report, *supra* note 80, at iii.

⁸⁷ Maintenance of Parents Act, § 3(4) (emphasis added).

⁸⁸ CAE v. OSC (Tribunal for the Maintenance of Parents, Sept. 1, 2000) (Sing.).

In the case of *KLH v. KSW & 4 Others* mentioned above, a father aged seventy-nine years applied to the Tribunal for maintenance of \$700 per month from his five sons.⁸⁹ The sons resisted the application on the basis that the father was able to maintain himself and that he had abandoned, abused and neglected them.⁹⁰ The Tribunal found that the father had lived apart from the family for many years since 1963, and had managed to maintain himself by working periodically as a petrol kiosk attendant and carpark attendant.⁹¹ When asked by the Tribunal if he had any savings or funds or any bank accounts, he denied any.⁹² But, when asked later where he was living, he said that he was living in a one-room Housing and Development Board (“HDB”)⁹³ flat and was paying the rent through direct deductions from a bank account. He also admitted having a subscription based radio service and a television set, and his expenses came to \$100 a month.⁹⁴ On this basis, the Tribunal found that he was able to maintain himself adequately on his earnings and savings.⁹⁵ Thus, only applications from those who are truly unable to provide even the basic necessities of living for themselves will be entertained.

It is also unclear to what extent the Tribunal should scrutinize the financial resources of the aged parent. Take the situation of an aged parent who may have a capital asset which could be sold to raise funds to maintain himself. This parent, however, refuses to do so because the asset is his home where he presently lives or because the asset would have to be sold at a large discount from his purchase price in the prevailing economic situation. It could be argued that in such situations, the parent is still “unable to maintain himself.” The approach of the Tribunal, however, is otherwise. The case of *PYL on behalf of YGG v. PWK* involved an application for maintenance made by a daughter on behalf of the mother against her son.⁹⁶ The mother was unable to walk and resided in a hospital.⁹⁷ Her hospital fees and

⁸⁹ (Tribunal for the Maintenance of Parents, Sept. 12, 1996) (Sing.).

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹³ The Housing and Development Board was established in 1960 in order to provide low cost public housing in Singapore. About 85% of the population lives in such flats today. See <http://www.hdb.gov.sg>. (last visited May 21, 2004).

⁹⁴ (Tribunal for the Maintenance of Parents, Sept. 12, 1996) (Sing.).

⁹⁵ *Id.* The Tribunal may have been influenced by two factors in the case which were taken against the father. The first was his failure to disclose his income, savings and financial resources; and the second was that the real motive of the father’s application was found to be to inflict pain and humiliation on the children.

⁹⁶ (Tribunal for the Maintenance of Parents, Oct. 17, 1996) (Sing.).

⁹⁷ *Id.*

miscellaneous expenses amounted to \$1,000 per month.⁹⁸ One of her assets was a house jointly owned by her and the daughter.⁹⁹ The Tribunal found as one of the facts that the mother “would be able to maintain herself if the property is let to a stranger,” but this was not possible as the house was occupied at the time by the son rent-free.¹⁰⁰ The Tribunal found that it would be just and equitable in the circumstances to order the son to pay maintenance of the mother.¹⁰¹

In *SLP v. SW and 1 other*, the Applicant-father lived in a five-room HDB flat with two of his three sons.¹⁰² Despite having obtained maintenance orders earlier in his favor, he wanted the Tribunal to order the first Respondent-son to sell a three-room HDB flat, which the Applicant had previously transferred to the Respondent-son and his wife, and have part of the sales proceeds paid to him.¹⁰³ The Tribunal commented:

The Applicant is having difficulty paying the monthly instalments for his 5 room flat. The remedy is in his hands. If aged parents choose to buy property beyond their means in their old age, they cannot expect their children to sell the house the children own to pay the monthly mortgage loan installments of a resourceful aged father.¹⁰⁴

The Tribunal also noted that the Applicant was in a position to earn money by letting out a room or two of his five-room flat.¹⁰⁵ It thus upheld the earlier maintenance orders totaling \$300 per month from the two sons instead of granting an order for \$600 per month as requested by the Applicant.¹⁰⁶ From these two cases, it can be seen that the children will be made to support an aged parent only when the latter’s assets are truly depleted.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² (Tribunal for the Maintenance of Parents, Dec. 24, 1997) (Sing.).

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

D. Range of Persons Who May Apply on Parent's Behalf

The aged parent generally applies on his own for maintenance, but the MPA allows other persons to apply on the parent's behalf in two situations. First, if the parent is not able to make the application on his own, whether by reason of physical or mental infirmity or for any other reason, an application for maintenance may be made on his behalf by: (a) any member of his family; (b) any person in whose care he resides; or (c) any other person whom the applicant has authorized to make such application.¹⁰⁷

In the second situation, the Commissioner for the Maintenance of Parents appointed under the MPA¹⁰⁸ may champion worthy cases by making an application for maintenance on behalf of an applicant who is sixty years of age or above.¹⁰⁹ Allowing others to apply on the aged parent's behalf helps to ensure that those who are unable to do so will still have their needs addressed.

An interesting question arises as to whether the parent must consent to the application brought on his behalf. One can imagine a situation where a parent may not wish to bring the application because of the fear of creating greater family disharmony or of public embarrassment to the family. The scheme of the legislation suggests that such applications are possible. First, if there is a need to authorize other persons to bring the application on the parent's behalf, those who are physically or mentally incapacitated may not be protected by the legislation. Second, the provision indicating that "any member of his family," "any person in whose care he resides," and "any other person whom the applicant has authorized to make such application" has standing under the MPA suggests that the first two categories of persons may act without the parent's consent. Finally, the concept of a Commissioner for the Maintenance of Parents acting to champion the rights of the neglected would be undermined if the consent of the parent were required.

In the case of *OKT v. TKH and 2 Others*, the eighty-four year-old Applicant-mother had been taken to the Tribunal office by a welfare

¹⁰⁷ Maintenance of Parents Act, § 11 (1997) (Sing.).

¹⁰⁸ Id. § 12. This includes the Deputy Commissioner and the Assistant Commissioner for the Maintenance of Parents. The Commissioner for the Maintenance of Parents is the Director of Social Welfare; and the Deputy Commissioners and Assistant Commissioners for the Maintenance of Parents are the Deputy Directors and Assistant Directors of the Family and Child Protection and Welfare Branch of the Ministry of Community Development and Sports respectively, see Maintenance of Parents Act, notification 1 (2002 rev. ed.) (Sing.).

¹⁰⁹ Maintenance of Parents Act, § 12(2).

officer.¹¹⁰ She did not wish to continue with her application because she claimed that she did not understand the nature of the proceedings and she felt that her children were financially unable to support her in any case.¹¹¹ It appears that the Tribunal heard the application nevertheless but found that the children were indeed unable to provide maintenance.¹¹² Through the efforts of the Commissioner for the Maintenance of Parents, the family members were persuaded to make arrangements for the Applicant to reside in a subsidized nursing home and to cooperate with a social worker in the management of the case.¹¹³ In *CM on behalf of CWT v. ZM and 2 Others and CM*, the Tribunal expressly held that consent by a parent to the application for maintenance was not required in the case of family members acting on behalf of the parent who was unable to make the application by reason of physical or mental infirmity or for any other reason.¹¹⁴

It is unfortunately not clear how the concept of “person in whose care [the parent] resides” overlaps with the “approved person or organization in whose care a person resides” (who may also apply to the Tribunal for a maintenance order to defray the costs of maintaining the parent). Neither a “person in whose care [the parent] resides” nor an “approved person or organization” requires consent from the parent before filing the application before the Tribunal.¹¹⁵ The only distinction between the two appears to be whether it is a direct application made on behalf of a parent for his own maintenance or an application made to defray costs of maintenance by a third party. The reason for this confusion is because the concept of allowing others to apply to the Tribunal to defray costs of maintenance was not envisaged in the original Maintenance of Parents Bill. The new provisions allowing a third party action were unfortunately added by the Select Committee set up to review the proposed law without amending the original provisions of the Bill.¹¹⁶

The phrase “person in whose care [the parent] resides” may be so broad as to create a risk of misuse of funds awarded for maintenance. This potential problem could be remedied by amending the phrase to read “approved person or organization in whose care he resides” and subjecting all persons to the same vetting procedures by the Minister for Community Development and Sports.

¹¹⁰ (Tribunal for the Maintenance of Parents, Oct. 12, 2000) (Sing.).

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ (Tribunal for the Maintenance of Parents, Aug. 6, 2001) (Sing.).

¹¹⁵ See Maintenance of Parents Rules, Forms 4 & 5 (1997) (Sing.).

¹¹⁶ Select Committee Report, *supra* note 80, at iii.

E. *Quantum of Maintenance*

In determining the amount of maintenance to be ordered, the MPA provides the following non-exhaustive list of factors for consideration by the Tribunal:

- (a) the financial needs of the applicant, taking into account reasonable expenses for housing and medical costs;
- (b) the income, earning capacity, property and other financial resources of the applicant and the manner in which an applicant has spent his savings or dissipated his financial resources;
- (c) any physical or mental disability of the applicant;
- (d) the income, earning capacity, property and other financial resources of the respondent;
- (e) the expenses incurred by the respondent in supporting his spouse or children;
- (f) the contributions and provisions, whether financial or otherwise, which the respondent has made for the maintenance of the applicant.¹¹⁷

While there is no upper limit to the quantum of maintenance that is to be provided to an aged parent in Singapore, unlike some statutory provisions in other parts of the world where a legal duty to support a parent exists,¹¹⁸ it is clear from the legislation that only *minimal* requirements are to be provided. As noted above, a person is “unable to maintain himself” only if he is not able to care for his *basic* needs. This point is emphasized by the fact that the Tribunal is directed to take into account “*reasonable* expenses for housing and medical costs” in deciding on the quantum of the maintenance order.¹¹⁹ When the issue of quantum was considered by the Select Committee, it accepted the position that the MPA should not be used as a means to redistribute wealth within the family, and that the amount

¹¹⁷ Maintenance of Parents Act, § 5(2) (1997) (Sing.).

¹¹⁸ This may be compared with India where it is limited to 500 rupees a month. INDIA CODE CRIM. PROC. § 125(1) (1974); and Saskatchewan and Manitoba in Canada where it is limited to CN\$ 20 per week. See, e.g., The Parents’ Maintenance Act, R.S.S. ch. P-1 (1978); The Parents’ Maintenance Act, R.S.M. ch. P-10 (2004).

¹¹⁹ Maintenance of Parents Act, § 5(2)(a) (1997) (Sing.).

ordered should not be dependent on the lifestyle to which the individual parent was accustomed or aspires.¹²⁰

In assessing the amount of maintenance to be ordered, consideration is given to the contributions that the child has made for the maintenance of the aged parent.¹²¹ Thus, it may be argued that a child may have discharged his duty to support the aged parent by furnishing sufficient support prior to the application. Such assistance may be "financial or otherwise"¹²² such that support in kind may also be considered. In *TKH v. LAC, LHS, LAK and LTS*, the Tribunal ordered that each of the Applicant's four children were to provide board and lodging to the mother for a month in rotation in accordance with an agreement made between them earlier.¹²³

The powers of the Tribunal are, however, limited to the award of maintenance. It is unable to circumvent existing laws such as those relating to the employment of domestic maids;¹²⁴ to order interest on outstanding medical bills when other Respondents fail to make reimbursement of their share of the sums expended as ordered by the Tribunal previously;¹²⁵ or to adjudicate a contractual claim between the parties.¹²⁶

The amounts awarded by the Tribunal thus far have been generally small, between \$20 and \$2,700 a month.¹²⁷ In *PYL on behalf of YGG v. PWK*, it amounted to \$300 per month (\$1,000 was applied for);¹²⁸ and in *LGC v. LHC & 4 Others*, the Tribunal awarded a total of \$350 per month (\$750 was requested).¹²⁹

¹²⁰ Select Committee Report, *supra* note 80, at iv, app. E.4. This approach is in direct contrast to the duty to provide for a wife and a child in Singapore family law where the quantum is assessed with reference, *inter alia*, to the "standard of living enjoyed by the wife or child," and in the case of maintenance of a child, "the manner in which he was being, and in which the parties to the marriage expected him to be, educated or trained." See Women's Charter, ch. 353, § 69(4) (1997) (Sing.). Thus, where the husband or the parent can afford it, the wife or the child is entitled to more than mere subsistence support.

¹²¹ Maintenance of Parents Act, § 5(2)(f).

¹²² *Id.*

¹²³ (Tribunal for the Maintenance of Parents, July 31, 1997) (Sing.).

¹²⁴ *SS and on behalf of PK v. AS and 2 others* (Tribunal for the Maintenance of Parents, Jan. 19, 2001) (Sing.). The Tribunal was asked to waive the minimum income and maid levy requirements imposed by the Ministry of Manpower for the employment of domestic maids as well as to allow the maid to be registered under the name of another Respondent.

¹²⁵ *Id.*

¹²⁶ *QST v. QKK and 2 others* (Tribunal for the Maintenance of Parents, Nov. 10, 1997) (Sing.).

¹²⁷ Braema Mathi, *Over 400 Parents Turned to Tribunal*, SUNDAY TIMES (Sing.), Apr. 4, 1999.

¹²⁸ (Tribunal for the Maintenance of Parents, Oct. 17, 1996) (Sing.). In this case, the mother was supported at the time by two daughters who contributed SGD 500 each.

¹²⁹ (Tribunal for the Maintenance of Parents, Dec. 31, 1996) (Sing.).

F. *Financial Ability of the Child and Apportionment*

The MPA expressly provides that the needs of the child and his or her immediate family are placed before the needs of the parent.¹³⁰ A maintenance order will only be made in favor of the parent from any remaining financial surplus.

If there is more than one person liable for the support of the dependent parent, the Tribunal may apportion the maintenance among the respondents as is just.¹³¹ This demonstrates the fact that the obligation to support an aged parent is imposed on all of the children although the exact amounts may vary depending on the individual circumstances of the children.

G. *Terms and Duration of Order*

The maintenance order for an aged parent may be in the form of a lump sum, or a monthly or other periodic payment.¹³² This sum may also be secured, in whole or in part, by vesting property in trusts from which maintenance is paid out of the income from the property.¹³³ The Tribunal is also able to direct that the applicant deposit a minimum sum with a bank or to purchase an annuity with an insurer.¹³⁴

Unless the maintenance is expressly to be for a shorter period or is rescinded,¹³⁵ the expiry of the maintenance order depends on whether it is secured or not. If it is secured, it expires on the death of the aged parent. If it is unsecured, it expires on the death of the child or the aged parent, whichever is earlier.¹³⁶

Where the maintenance order applies to multiple children, the death of one child does not affect the liability of the others to continue paying maintenance. The Tribunal, however, may reapportion the liability among the surviving children.¹³⁷

¹³⁰ Maintenance of Parents Act, §§ 5(1)(a) & (2)(e) (1997) (Sing.).

¹³¹ *Id.* § 5(5).

¹³² *Id.* §§ 3(1) & 6(1).

¹³³ *Id.* § 6(2).

¹³⁴ *Id.* § 6(3).

¹³⁵ The order for maintenance may be varied or rescinded on showing that the order was "based on any misrepresentation or mistake of fact or where there has been any material change in the circumstances of the applicant or respondents or where another person is joined as a respondent." *See id.* § 8(1).

¹³⁶ *Id.* § 7(1).

¹³⁷ *Id.* § 7(2), (3).

H. Enforcement Actions

Maintenance orders made under the MPA are enforceable in the same way as maintenance orders for a wife or a child.¹³⁸ The need for effective enforcement mechanisms for the maintenance orders issued is as strong here as in the case of maintenance orders in favor of a wife or a child. It was reported in the local press that the number of children who defaulted on payments rose from 24 in 1997 to 78 in 1999.¹³⁹

I. Maintenance of Parents Tribunal and its Proceedings

The distinctive nature of the MPA in Singapore is the creation of a Tribunal to hear applications for maintenance and its emphasis on mediation as the primary means to resolve such applications. The Select Committee adopted the position that such a system was preferable to adversarial court proceedings.¹⁴⁰ It is thus specifically provided that before the Tribunal hears applications for maintenance, the parties are to be referred to mediation of their dispute.¹⁴¹

According to figures released by the Government, a very large number of applications at the Tribunal were successfully resolved through mediation:¹⁴²

| | Applications for maintenance orders filed | <i>Applications settled</i> | Applications for variation of maintenance orders filed | <i>Applications settled</i> |
|-------|---|-----------------------------|--|-----------------------------|
| FY 96 | 189 | 131 (69.3%) | 8 | 1 (12.5%) |
| FY 97 | 130 | 103 (79.2%) | 48 | 33 (68.8%) |
| FY 98 | 139 | 105 (75.5%) | 75 | 57 (76.0%) |

The members of the Tribunal are appointed by the Minister of Community Development and Sports, and the person appointed to act as

¹³⁸ *Id.* § 10.

¹³⁹ Braema Mathi, *Fewer Turning to Family Tribunal*, SUNDAY TIMES (Sing.), Aug 12, 2001.

¹⁴⁰ Select Committee Report, *supra* note 80, at ii.

¹⁴¹ Maintenance of Parents Act, § 5(6).

¹⁴² MINISTRY OF COMMUNITY DEVELOPMENT, EXPANDING SOCIAL HORIZONS 60 (1999) (percentages added by author).

President of the Tribunal must be a person who is legally trained and must at least be qualified for appointment as a District Judge.¹⁴³ The President and members of the Tribunal hold office for three years and are eligible for reappointment.¹⁴⁴

In order to lessen the adversarial nature of the proceedings, no lawyers are allowed to act for parties at the proceedings of the Tribunal.¹⁴⁵ Furthermore, to protect the already fragile family relationship, the Tribunal's proceedings are also heard in camera.¹⁴⁶ However, there is a competing interest to provide guidance to the public on the workings of the Tribunal and to educate them on their duty to support an aged parent. The MPA provides that the facts of the case may be published, including the arguments and decision of the Tribunal, without disclosing the identity of the parties concerned.¹⁴⁷

The powers of the Tribunal are wide. It may, for example, summon any person to appear before a conciliation officer for the purpose of mediation; summon any person whom it may consider able to give evidence to attend at the hearing of an application; examine such person as a witness and require such person to produce records, documents or articles as the Tribunal may think necessary for the purposes of the proceedings.¹⁴⁸ The Tribunal is also empowered to punish any person in contempt of the Tribunal by a fine not exceeding \$5,000 or with imprisonment for a term not exceeding six months.¹⁴⁹

Appeals from the decision of the Tribunal to the High Court of Singapore on any question of law or of mixed law and fact are possible except where the order is made with the consent of the parties.¹⁵⁰ Provision is also made for the Tribunal to reserve a question of law in the form of a special case for consideration by the High Court.¹⁵¹ In addition, the High

¹⁴³ Maintenance of Parents Act, § 13(1), (2), (3) (1997) (Sing.). Generally, in order to be a District Judge, a person must have been in legal practice for at least five years. See Subordinate Courts Act, ch. 321, § 9(3) (2001) (Sing.) and Legal Profession Act, ch. 161, § 2 (2001) (Sing.). The former President of the Tribunal from its inception to June 2003 was Senior Counsel KS Rajah who was called to the Singapore Bar in 1966 and was a former Judicial Commissioner of the Supreme Court of Singapore. The present President of the Tribunal is Mr. Goh Joon Seng who was called to the Singapore Bar in 1963 and was a former Judge of the Supreme Court of Singapore.

¹⁴⁴ Maintenance of Parents Act, § 13(5).

¹⁴⁵ *Id.* § 14(4).

¹⁴⁶ *Id.* § 19(1). But a party who wishes the hearing to be public may apply to the Tribunal. See *id.* § 19(2).

¹⁴⁷ *Id.* § 19(3). The cases mentioned in this article are those which have been released to the public.

¹⁴⁸ *Id.* § 14(7).

¹⁴⁹ *Id.* § 15(1).

¹⁵⁰ *Id.* § 18(2). This restriction does not apply if it is alleged that the consent was obtained by means of fraud, duress, threat, or misrepresentation.

¹⁵¹ *Id.* § 16(1).

Court may, on its own motion or on application of a party aggrieved by the legally erroneous decision of the Tribunal, review the Tribunal's decision.¹⁵² Such revision, however, does not extend to the quantum of the maintenance awarded or apportioned under the MPA.¹⁵³

There is no further right of appeal from the decision of the High Court to the Court of Appeal unless the High Court reserves a "question of law of public interest which has arisen in the course of the appeal and the determination of which ... has affected ... the appeal."¹⁵⁴ The latter is not meant to be utilized as another avenue of appeal.¹⁵⁵

IV. ACCEPTANCE OF THE MAINTENANCE OF PARENTS ACT

The initial public reactions to the proposed law were mixed. A survey of 701 persons conducted by the local English newspaper during the 1994 debates in Parliament showed that 53% of parents aged fifty years and above with adult children opposed the proposed law, 44% favored it, and 3% had no comments.¹⁵⁶ Only 9% of persons in this group said that they would take their children to court if the latter did not provide them with financial support.¹⁵⁷ On the other hand, 53% of those who were working adults between 20 and 49 years who still have parents supported the proposed law, 45% opposed it, and 2% had no views.¹⁵⁸

A larger scale survey of 4,750 persons aged fifty-five and above conducted in 1995, however, showed that 77.4% supported the proposed law.¹⁵⁹ The age and ethnicity of these senior citizens did not appear to influence their response, although differences were found between the sexes and between those with and without higher education. The survey found that 53.7% of females supported the proposed law, as compared to 46.3% of

¹⁵² *Id.* § 17(1). This avenue is only available where there is "serious injustice" or "something palpably wrong in the decision." See *Ang Poh Chuan v. PP*, 1996-1 Sing. L. Rep. 326 (Sing. High Ct.) (regarding a similar statutory provision in Singapore law).

¹⁵³ Maintenance of Parents Act § 17(2).

¹⁵⁴ *Id.* § 18(5).

¹⁵⁵ See *PP v. Bridges Christopher*, 1998-1 Sing. L. Rep. 162 (Sing. App. Ct.) (regarding a similar statutory provision in Singapore law).

¹⁵⁶ *S'poreans Divided Over Bill, ST Survey Shows*, STRAITS TIMES (Sing.), July 23, 1994.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Report of the National Survey of Senior Citizens in Singapore 1995*, Nov. 1996, at 70. This survey also found that of those who did not support the proposed law, 64.8% felt that children should not be forced to maintain their parents, 14.4% felt that there was no necessity for the proposed law, and 8.5% felt that there was a lack of relevant information. These surveys were based on the proposed law which would allow a parent to sue his or her child in court. It is unknown to what extent the law is more acceptable in its final form of closed door proceedings before a Tribunal where mediation is stressed.

males.¹⁶⁰ A much higher level of support for the proposed law came from senior citizens who never attended school (78.6%) and those who completed only primary education (80.2%).¹⁶¹ In comparison, only 62.5% of those with post-secondary education and university education were in favor of the proposed law.¹⁶² These differences are in line with other findings of the survey which showed that male senior citizens were more financially secure than their female counterparts,¹⁶³ and that those with higher education were more likely to remain employed even after reaching fifty-five years of age.¹⁶⁴

Some variation apparently exists in the acceptability of the MPA between individuals who are Chinese-educated and those who are English-educated. Of the fifteen letters on the subject received by a local Chinese newspaper in response to an editorial request to readers to comment during the debate on the proposed law, ten were against it. By contrast, four of the six people who wrote to the local English newspaper supported the proposed law.¹⁶⁵ One Member of Parliament, Mr. Peh Chin Hua, who has strong support from Chinese-educated constituents, even attacked Professor Woon in Parliament for failing to understand the Chinese tradition and culture in Singapore.¹⁶⁶ This notion is further evidenced by the fact that, since its inception, proportionately fewer Chinese applicants have turned to the Tribunal as compared to the other races: 66% of the cases handled by the Tribunal between 1996 and 2001 involved Chinese families, who form 77% of the resident population of Singapore.¹⁶⁷ Malays were represented in roughly the same proportions as the resident population, whereas Indians, constituting 8% of the resident population, were involved in about 15% of the cases.¹⁶⁸ However, it would be difficult to generalize from this evidence

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.* at 17. Of male senior citizens, 58.2% were found to have their own sources of income as compared to 28.9% of female senior citizens.

¹⁶⁴ *Id.* at 33 (Table 6.3).

¹⁶⁵ Wang Hui Ling, *Maintenance of Parents Bill Finds Little Favour with Zaobao Letter-Writers*, STRAITS TIMES (Sing.), July 18, 1994. The Chinese-educated are the more traditional and less affluent segment of the population. However, the Singapore Federation of Chinese Clan Associations expressed its support for the proposed law after Parliament agreed to send the Bill to a Select Committee. See, e.g., Ng Wei Joo, *Chinese Clans Back Parents-Support Bill*, STRAITS TIMES (Sing.), Sept. 26, 1994. A survey conducted in Hong Kong found that 79.4% of respondents there agreed that the government should enact laws to penalise those who failed to take care of their parents. LAU SIU-KAI & KUAN HSIN-CHI, *THE ETHOS OF THE HONG KONG CHINESE* 139 (1988).

¹⁶⁶ Peh Chin Hua, *supra* note 33.

¹⁶⁷ KC Vijayan, *Indian Parents More Likely to Seek Legal Help For Support*, STRAITS TIMES (Sing.), Oct. 24, 2003.

¹⁶⁸ *Id.*

that the MPA is less acceptable to the Chinese-educated. The difference in numbers may also have arisen because of a host of socio-economic factors such as the extent of the family and community support networks, educational attainment, employment prospects, and the income level of the different ethnic groups.

Contrary to predictions by some that the MPA would not be utilized by aged parents,¹⁶⁹ a surprising number have made applications for maintenance to the Tribunal, which suggests some acceptance of the law. A total of 152 applications were made in the last six months of 1996 after the MPA came into force.¹⁷⁰ Although the number of applications have since decreased steadily, they still remain significant: 138 in 1997; 134 in 1998; 127 in 1999; and 102 in 2000.¹⁷¹ This number dropped to 99 for the period from January to November 2002.¹⁷²

It was also reported in the press in 2001 that of the 653 applications received by the Tribunal since 1996, 514 had been successful.¹⁷³ Three out of four applicants were aged between sixty and eighty years old, while the rest were over eighty years.¹⁷⁴

V. DATA ON SUPPORT OF AGED PARENTS BY THEIR CHILDREN

It was reported that between 1990 and 1997, the fastest growing type of living arrangement for older persons aged sixty and above was separate from their children, whether alone or with a spouse.¹⁷⁵ In 1997, such households formed 15% of all households with an older person aged sixty and above, compared with 9% in 1990.¹⁷⁶ Despite fears that this gradual change from the traditional extended family to a nuclear family structure would bring about less social and economic interdependence within families, the surveys carried out in Singapore show that the family is still the primary provider of help and support to the elderly.¹⁷⁷ The incidence of an elderly person residing with his adult child and the numbers receiving support in cash or in kind remains high.¹⁷⁸

¹⁶⁹ *E.g.*, Peh Chin Hua, *supra* note 33, col. 279 (speech in Parliament).

¹⁷⁰ Tan Ooi Boon et al., *Ordered to Support Parents, 1 in 2 Default*, STRAITS TIMES (Sing.), Feb. 23, 2000.

¹⁷¹ *Id.*; Mathi, *supra* note 127.

¹⁷² *Fewer Aged Parents Seek Law to Get Maintenance*, SUNDAY TIMES (Sing.), Dec. 29, 2002.

¹⁷³ *Supra* note 127.

¹⁷⁴ *Id.*

¹⁷⁵ REPORT OF THE INTER-MINISTERIAL COMMITTEE ON THE AGEING POPULATION 31 (1999) (Sing.).

¹⁷⁶ *Id.*

¹⁷⁷ *See infra* notes 179-197 and accompanying text.

¹⁷⁸ *See infra* notes 179-197 and accompanying text.

The 1983 large scale survey of over 5,000 senior citizens aged fifty-five years and above found that 82% of the senior citizens lived with their children: 46% in two-generation households and 36% in three-generation households.¹⁷⁹ It further found that 84% received financial support from their relatives¹⁸⁰ and 81% received support in kind.¹⁸¹

In terms of contact with their children, 93.2% received visits from children living apart from them.¹⁸² The survey revealed that 59.7% received visits at least once a week, 21.7% received visits at least once a month, while 11.8% were visited less than once a month.¹⁸³ While 6.8% received no visits from their children, this figure includes a substantial number of respondents who have children living abroad.¹⁸⁴ It is therefore not a surprise to find that 87.7% felt that they can depend on their family members when they fall ill and 76.8% would also confide in them.¹⁸⁵

A similar large scale survey of senior citizens aged fifty-five years and above in 1995 found that the proportion of parents living with their children had increased to 86% since the 1983 study.¹⁸⁶ Overall, 76% of these senior citizens received regular cash contributions from their children, with the proportion increasing with the age of the senior citizens.¹⁸⁷ For senior citizens aged fifty-five to sixty-four years, 68.9% received financial support from their children. This increased to 83.5% for those aged sixty-five years and above.¹⁸⁸ For 57.7% of senior citizens aged fifty-five years and above, their children provided more than three-quarters of the income.¹⁸⁹ Nearly all of senior citizens fifty-five years and above who lived apart from

¹⁷⁹ REPORT OF THE NATIONAL SURVEY OF SENIOR CITIZENS, *supra* note 26.

¹⁸⁰ *Id.* Of those who do not have their own sources of monetary income (defined as the periodic receipt of money from work, investments, pension or other allowances; but excluding possession of accumulated wealth or withdrawal of past savings, Central Provident Fund savings, and sale of property), 95.2% received cash contributions from relatives whereas, for those who have their own sources of monetary income, only 71% received such support.

¹⁸¹ *Id.* The proportion who received maintenance in kind is 91.5% among those without income and 68.0% among those with income of their own.

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.* Those who receive frequent visits from their children are more likely to be the younger respondents, those who are currently married and those with higher monthly household income. Senior citizens living alone or with non-relatives get far fewer visits.

¹⁸⁵ *Id.*

¹⁸⁶ *Report of the National Survey of Senior Citizens in Singapore 1995, supra*, note 159, at 15.

¹⁸⁷ *Id.* Of the 57.3% of senior citizens aged fifty-five and above who had no income of their own, 8.3% of males and 6.2% of females did not receive any cash support from their children or relatives. However, support in the form of maintenance in kind had risen for those without income. For males, the proportion who received maintenance in kind increased from 89.4% in 1983 to 91.6% in 1995. For females, it improved from 92.3% to 96.1%.

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

their children (97.4%) were nevertheless in contact with them.¹⁹⁰ Close to two-thirds (64.7%) were in contact at least once a week with their children who lived separately; and 26.7% had contact at least once a month.¹⁹¹

According to the latest data from the Census of Population carried out in 2000, 75.0% of residents aged sixty-five years and above relied on allowances given by their children as their main source of financial support.¹⁹² Another 2.3% relied on their spouse as their main source of financial support, while 18.7% had their own income from employment, interest, rental or dividends.¹⁹³ Few were found to be dependant on public assistance or charity for their livelihood.¹⁹⁴ This may be contrasted with a study in the United States which found that only 11.3% of elderly persons received financial help from their children, and that only 34.6% of those elderly persons who needed financial help were receiving it from their children.¹⁹⁵

From the point of view of the young, a survey conducted on a sample of 1,481 Singapore citizens aged fifteen years and above reported that 98% agreed that people who are earning their own income should regularly give money to their family, and 99% agreed that they will give money to their family members if the members are in need of financial support.¹⁹⁶ Furthermore, 98% agreed that children should provide financial support to and regularly spend time with their elderly parents.¹⁹⁷

From the above studies, it can be seen that the bonds between family members in Singapore remain strong. The fear expressed by some that the enactment of the MPA may bring about a weakening of family ties is therefore not supported.

VI. CONCLUSION

The imposition of a legal obligation on a child to maintain his or her aged parent poses a great risk of causing family disharmony. It reverses parent-child roles such that a parent is made to ask his or her child for

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² LEOW BEE GEOK, *supra* note 10, tbl. 36.

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ Lois Wladis Hoffman et al., *The Value of Children to Young and Elderly Parents*, 25 INT'L J. AGING & HUM. DEV. 309 (1987). It was found that Blacks were also more likely to receive financial help from their children (18.2%) as compared to Whites (8.6%).

¹⁹⁶ DAVID CHAN, MINISTRY OF COMMUNITY DEVELOPMENT AND SPORTS, ATTITUDES ON FAMILY: SURVEY ON SOCIAL ATTITUDES OF SINGAPOREANS 2001 (2002).

¹⁹⁷ *Id.*

financial support. Questions over the costs and effectiveness of the enforcement mechanisms of such laws have also been raised. One commentator opined:

Although the moral obligation to support needy relatives is nowhere questioned, embodying this duty in a statute does seem to raise more difficulties than it solves. Even though legal enforcement against the malignant few might be desirable, that ability comes at too high a price for society.¹⁹⁸

The experience of the MPA in Singapore has been different. Although there is a lack of qualitative research on the general affect on aged parents who have either contemplated or applied for maintenance under the MPA, the substantial number of applications indicate that the MPA provides a viable avenue for assistance. The acceptability of the MPA is suggested to be due to three factors. First, the MPA utilizes a distinctive closed-door Tribunal system which shields the parties from adverse publicity.¹⁹⁹ The absence of lawyers and the finality of its order in most cases also means that bringing the case does not incur a financial burden on the applicant.²⁰⁰ Moreover, the emotional cost of bringing the application is lessened by the Tribunal's initial use of mediation for conflict resolution. This helps to lessen the guilt and hostility of the parties to an application, making it more palatable to the average Singaporean who may view litigation as undesirable behavior that undermines social harmony.²⁰¹

Second, as indicated by the surveys analyzed above, both the young and old in Singapore still accept that it is the children's responsibility to support their parents. This in turn has been encouraged and fostered over the years by the Singapore Government. In its national policy on elderly persons enunciated in 1984, one of the key elements was the strengthening

¹⁹⁸ Britton, *supra* note 15, at 371. See also Jacobson, *supra* note 15; Garrett, *supra* note 76; Catherine Doscher Byrd, *Relative Responsibility Extended: Requirement of Adult Children to Pay for Their Indigent Parent's Medical Needs*, 22 FAM. L.Q. 87 (1988).

¹⁹⁹ There is no assurance that the route taken by Singapore can totally shield parties from the disruptions caused to their family relationships. One tragic case involved a daughter who took pity on her father when her siblings wanted to place their eighty-nine year-old father in an old-age home. She took on the duty to care for the father at home, but sought the help of the Tribunal in getting the siblings to share the financial burdens of supporting him. One of the brothers became so depressed and angry with her that he took out a knife and stabbed her to death during an adjournment of the Tribunal's proceedings. See Jane Ng, *Daughter Paid Tragic Price for Love*, STRAITS TIMES (Sing.), Oct. 15, 2000.

²⁰⁰ In the unusual event that a lawyer is instructed to act for any party where the case progresses to the High Court or the Court of Appeal, the lawyer's total remuneration is capped at SGD 3,000. Maintenance of Parents Rules, R. 18 (1997) (Sing.).

²⁰¹ HELENA HM CHAN, THE LEGAL SYSTEM OF SINGAPORE 175 (1995).

of "the traditional family system through moral education and the inculcation of the virtues of filial piety, respect for the elderly in the family and general reverence for old age."²⁰² This emphasis on the family may be contrasted with the value of independence encouraged in Western cultures which motivates people to plan for their old age and discourages them from turning to their children for financial support.²⁰³

The dependence on the family as the primary means of financial support has also been encouraged through a deliberate Government policy in not instituting a comprehensive social welfare system in Singapore. Other than support from private charitable organizations and help from the Government for specific purposes such as rental and utility assistance for those in arrears, only limited financial support is available to the destitute from the Government through the Public Assistance Scheme, which provides a monthly allowance for needy persons without means of support.²⁰⁴ The amounts given under this scheme are extremely small: in Financial Year 1996, there were 1,935 recipients of this scheme amounting to \$4.52 million disbursed; in Financial Year 1997, there were 1,992 recipients amounting to \$4.96 million disbursed; and in Financial Year 1998, there were 2,021 recipients amounting to \$5.11 million disbursed.²⁰⁵

In the place of Government funded social welfare is the Central Provident Fund ("CPF") scheme which is a mandatory savings plan for workers in Singapore. This scheme was originally established in 1955 and operates through compulsory contributions from workers, matched in part by employers.²⁰⁶ It provides modest returns on the savings, which are eventually released to the worker when he or she reaches fifty-five years of

²⁰² Report of the Committee on the Problems of the Aged, *supra* note 21.

²⁰³ Sharon Mengchee Lee, *Dimensions of Aging in Singapore*, 1986-1 J. CROSS-CULTURAL GERONTOLOGY 239, 243 (1986). See also Kevin Tan Yew Lee, *The Family, Social Policy and the Law in Singapore*, 6 SING. L. REV. 2 (1985). For information on the services available to the elderly in Singapore, see Kalyani Mehta, *The Development of Services for the Elderly in Singapore: An Asian Model*, 7 ASIA PAC. J. SOCIAL WORK 32 (1997); G. Shantakumar, *Ageing in the City-State Context: Perspectives from Singapore*, XXV AGEING INT'L 46 (1999).

²⁰⁴ MINISTRY OF COMMUNITY DEVELOPMENT, HELPING LOW INCOME FAMILIES—THE SINGAPORE WAY 7-9 (1996).

²⁰⁵ MINISTRY OF COMMUNITY DEVELOPMENT, *supra* note 142.

²⁰⁶ See Central Provident Fund, at <http://www.cpf.gov.sg>; Aw Tar Choon & Linda Low, *Social Security: How Singapore Does It*, 6 ASIA PAC. J. SOCIAL WORK 97 (1996); Ken J. Moyle, *A Cultural Exchange: Singapore and the United States Can Learn From Each Other in Restructuring Social Security Plans*, 6 PAC. RIM. L & POL'Y J. 449 (1997). Criticisms have also been made of the CPF scheme in that its fundamental objective as a retirement fund had been undermined by the fact that members are allowed to withdraw funds for purchase of housing; investment in approved insurance plans, shares and unit trust schemes; and payment for medical and hospital expenses. Calls have been made to refocus the objective of the CPF as a source of income for old age. See REPORT OF THE INTER-MINISTERIAL COMMITTEE ON THE AGEING POPULATION, *supra* note 175, ch. 5.

age provided that the savings exceed certain mandated minimum sums which must be kept in the worker's account. All workers in the labor force are covered, except for foreign workers, part time and casual workers, and the self-employed who choose not to participate. As of 2003, the rate of contribution for those below fifty-five years of age was 16% of the monthly salary from the employer, subject to a maximum contribution based on a salary of \$6,000, and 20% of the monthly salary from the employee.²⁰⁷ However, since the fund was only established in 1955, many of the elderly either did not belong to this scheme or have only managed to save a relatively small amount under it.²⁰⁸ In a survey conducted in 1995, it was found that only 39.2% of senior citizens aged fifty-five years and above had CPF savings.²⁰⁹ Of these, only 43.6% considered their CPF savings sufficient to meet their old age and medical expenses.²¹⁰ The fact that the CPF does not allocate support funds for this group of elderly Singaporeans is arguably a rationale for the MPA safety net.

Third, it is suggested that the MPA is acceptable to the public in Singapore because the reciprocal nature of the duty accords with their view of fairness as to the extent of the duty of support.²¹¹ Few signs of protest had been discerned against the Tribunal's decisions to dismiss applications for maintenance where a parent had been found to have abandoned, neglected or abused his or her child. On the other hand, letters to the press related to such cases have been mainly in support of the Tribunal.²¹² Furthermore, commentators have noted that the concept of "repayment to parents by children for the care that they had received has been crystallized into proverbs and phrases in Asian countries" including that of Singapore.²¹³ Within the Malay culture in Singapore, for example, the term *balas budi* is found meaning "repayment of parental love with filial care."²¹⁴

²⁰⁷ Wide-ranging changes to the CPF scheme have been announced recently in order to contain wage costs in Singapore and to respond to the economic downturn. See Lydia Lim, *CPF: 33% from October*, STRAITS TIMES (Sing.), Aug. 29, 2003.

²⁰⁸ CENTRAL PROVIDENT FUND BOARD, ANNUAL REPORT (2001).

²⁰⁹ *Report of the National Survey of Senior Citizens in Singapore 1995*, supra note 159, at xii.

²¹⁰ *Id.*

²¹¹ Cf. Lee E. Teitelbaum, *Intergenerational Responsibility and Family Obligation: On Sharing*, UTAH L. REV. 765, 780 (1992).

²¹² Leong Wai Khuen, *Irresponsible Father Wants Maintenance*, STRAITS TIMES (Sing.), July 2, 1996; Sung Keng Hwa, *Driven to Despair by Ex-Husband*, STRAITS TIMES (Sing.), July 4, 1996; Leong Wai Cheng, *What Proof Does Tribunal Want?*, STRAITS TIMES (Sing.) Sept. 25, 1996; Mohamad Rosle Ahmad, *Unconditional Filial Piety: Parents Must Set Example*, STRAITS TIMES (Sing.), Sept. 25, 1996. Cf. Goh Sin Tub, *Filial Duty: Are Wrong Signals Being Sent to Over-Critical Children*, STRAITS TIMES (Sing.), Sept. 24, 1996; Wong Sin Hee, *Filial Piety is Absolute and Non-Negotiable*, STRAITS TIMES (Sing.), Sept. 25, 1996.

²¹³ *Asis et al.*, supra note 51, at 148.

²¹⁴ *Id.*

In conclusion, the MPA appears to have been a success in Singapore in two senses. The law has found acceptance. But, perhaps more importantly, individuals have retained the moral obligation to support an aged parent in spite of the legal obligation such that the MPA is called upon only as a legal avenue of last resort.