



THE STATUTES OF THE REPUBLIC OF SINGAPORE

ENVIRONMENTAL PUBLIC HEALTH ACT

(CHAPTER 95)

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Environmental Public Health Act

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An Act to consolidate the law relating to environmental public health and to provide for matters connected therewith.

[1st July 1987]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Environmental Public Health Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“Agency” means the National Environment Agency established under the National Environment Agency Act 2002 (Act 4 of 2002);

“authorised officer” means any person appointed by the Director-General under sections 3(2) and 4(2) to be an authorised officer;

“auxiliary officer” means an individual who is appointed as an auxiliary officer under section 16A(1) of the National Environment Agency Act (Cap. 195);

[Act 4 of 2016 wef 01/05/2016]

“basic rate of pay” means the total amount of money (including wage adjustments and increments) to which an employee is entitled under his contract of service for working for one month, but does not include —

- (a) additional payments by way of overtime payments;
- (b) additional payments by way of bonus payments or annual wage supplements;
- (c) any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;
- (d) productivity incentive payments; and
- (e) any allowance however described;

[Act 15 of 2014 wef 01/04/2014]

“basic wage” means wage calculated at the basic rate of pay for one month;

[Act 15 of 2014 wef 01/04/2014]

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of human habitation or otherwise, and any structure, support or foundation connected to the foregoing;

“cleaner” means an individual who is engaged, whether as a full-time employee, part-time employee or casual employee and whether or not at piece rates —

(a) to perform cleaning work for a person other than his employer; or

(b) to supervise other individuals performing cleaning work for a person other than his employer, whether or not the individual is known as a supervisor or leader or by any other title,

and includes any individual who is declared by the Minister, by notification in the *Gazette*, to be a cleaner;

[Act 15 of 2014 wef 01/04/2014]

“cleaning business” means a business, whether or not the business is carried on for profit, in which a person provides cleaning work to other persons through the services of cleaners engaged or employed by that person;

[Act 15 of 2014 wef 01/04/2014]

“cleaning business licence” means a licence granted under section 80G(1);

[Act 15 of 2014 wef 01/04/2014]

“cleaning contract”, in relation to a person, means a contract for the provision of cleaning work to other persons by cleaners who are engaged or employed by the person;

[Act 15 of 2014 wef 01/04/2014]

“cleaning work” means work carried out in Singapore that has, as its main or only component, the bringing of premises or any public place into, or keeping of premises or any public place in, a clean condition, and includes supervising the carrying out of such work but excludes any work that the

Minister declares, by notification in the *Gazette*, not to be cleaning work;

[Act 15 of 2014 wef 01/04/2014]

“Commissioner for Labour” means the Commissioner for Labour appointed under section 3(1) of the Employment Act (Cap. 91);

[Act 15 of 2014 wef 01/04/2014]

“construction site” means any premises on which works of the following description are being or are going to be carried out:

- (a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;
- (b) the breaking up or opening of, or boring under, any road or adjacent land in connection with the construction, inspection, maintenance or removal of works;
- (c) demolition or dredging works; or
- (d) any other work of engineering construction;

“dangerous substance” means —

- (a) aquafortis, vitriol, naphtha benzine, gunpowder, lucifer matches, nitroglycerine and petroleum;
- (b) any explosive within the meaning of the Arms and Explosives Act (Cap. 13);
- (c) any radioactive material within the meaning of the Radiation Protection Act 2007;

[Act 27/2007 wef 01/07/2007]

- (d) any substance which owing to its nature, composition or quantity constitutes a danger to property or human life or health; and
- (e) such other substance which the Agency may, with the approval of the Minister, by notification in the *Gazette*, declare to be dangerous substance for the purpose of this Act;

“Director-General” means the Director-General of Public Health appointed under section 3(1);

“disposal facility” includes a recycling facility, a refuse disposal ground, any place used for the deposit of refuse or waste, an incinerator or any plant, machinery or apparatus used for the processing or treatment of refuse or waste;

“dwelling-house” includes any building or tenement or any part thereof which is used, constructed or adapted for use for human habitation;

“flat” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of habitation or business or for any other purpose, and which may be comprised in a “lot”, or in part of any “subdivided building” not shown in a registered “strata title plan” (the last 3 expressions within quotation marks having the same meaning as in the Land Titles (Strata) Act (Cap. 158));

“food” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food or drink or of such products, but does not include —

(a) live animals or birds;

(b) fodder or feeding stuffs for animals, birds or fish; or

(c) articles or substances used only as drugs;

“food establishment” means any place or any premises or part thereof used for the sale, or for the preparation or manufacture for sale, or for the storage or packing for sale, of food, whether cooked or not, intended for human consumption;

“footway” includes footways and verandah-ways at the sides of streets;

- “funeral parlour” means any premises where corpses are received for the purpose of preparation for burial or cremation or for the carrying out of funeral rites or ceremonies prior to burial or cremation, and includes any premises used for such purpose by whatever name called;
- “garden refuse” means the refuse from garden and agricultural operations;
- “house” includes dwelling-house, warehouse, office, shop, school and any other building in which persons are employed;
- “industrial waste” means any waste whether solid, liquid or gaseous produced in the course of or is the waste product of any trade, business, manufacture or building construction, and includes toxic industrial waste and any dangerous substance;
- “infectious diseases” means —
- (a) any disease set out in the First or Second Schedule to the Infectious Diseases Act (Cap. 137); and
 - (b) any skin disease which is likely to be contagious;
- “itinerant hawker” means any person who, with or without a vehicle, goes from place to place or from house to house carrying for sale or exposing for sale any food or goods of any kind;
- “latrine” includes bucket latrines, bore-hole latrines, water-seal latrines and pit-latrines;
- “market” means any place used for the sale of any meat, fish, fruit, vegetable, poultry, egg or other article of food, whether cooked or uncooked, for human consumption, and includes any premises therein used for the sale of goods or in any way used in conjunction or connection therewith or appurtenant thereto;
- “nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or

damage to the sense of sight, smell or hearing, or which is or is likely to be injurious or dangerous to health or property;

“occupier” means the person in occupation of any premises or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger; and, in relation to any part of any premises, different parts of which are occupied by different persons, means the person in occupation or having the charge, management or control of that part;

“operator”, in relation to a public service vehicle, means the owner, ticket conductor, driver, ticket inspector or person who is in charge or in control of the public service vehicle;

“owner”, in relation to —

- (a) any premises, means the person for the time being receiving the rent of the premises, whether on his own account or as agent or trustee or as receiver, or who would receive the rent if the premises were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254);
- (b) any premises where building works are carried out, includes the developer;
- (c) the common property of any subdivided building, includes the management corporation established under the Building Maintenance and Strata Management Act 2004 having control of the building, or the person receiving any rent or charge for the maintenance of that common property or any body corporate constituted under an order made by the Minister under section 3 of the HUDC Housing Estates Act (Cap. 131); and

[Act 47/2004 wef 01/04/2005]

- (d) the limited common property of any subdivided building, includes the subsidiary management corporation established under the Building Maintenance and Strata Management Act 2004

having control of the limited common property, or the person receiving any rent or charge for the maintenance of that limited common property;

[Act 47/2004 wef 01/04/2005]

“place of public resort” means a building or a defined or an enclosed place used or constructed or adapted to be used either ordinarily or occasionally as a church, mosque, temple or other place where public worship is or religious ceremonies are performed, not being merely a dwelling-house so used, or as a cinema, theatre, public hall, or as a public place of assembly for persons admitted thereto by ticket or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose;

“premises” means messuages, buildings, lands, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority, and includes any place or structure, or any part thereof used or intended to be used for human habitation or for any other purpose whatsoever;

“private market” means a market other than a public market;

“private street” means any street not being a public street;

“progressive wage model bonus” means a discretionary amount of money payable to a cleaner that is in addition to all of the following paid to the cleaner:

- (a) any basic wage;
- (b) any overtime payment;
- (c) any sum to reimburse the cleaner for special expenses incurred during the cleaner’s employment;
- (d) any allowance however described;

[Act 48 of 2018 wef 01/02/2019]

“public market” means a market owned, leased or maintained by the Government;

“public park” has the same meaning as in section 2 of the Parks and Trees Act (Cap. 216);

[Act 15 of 2014 wef 01/04/2014]

“public place” includes any place whether privately owned or not to which the public has access;

“public service vehicle” has the same meaning as in the Road Traffic Act (Cap. 276);

“public street” means any street over which the public has a right of way and any street vested in the Government;

“public waste collector licensee” means a person designated by the Director-General under section 31(3);

“recyclable” means such refuse, waste or other material or thing as may be prescribed by the Agency, with the approval of the Minister, to be capable of being recycled or reused;

[Act 26/2008 wef 01/11/2008]

“recycling facility” means any premises used for the sorting, segregation, processing or treatment of refuse, waste or any other material or thing for the primary purpose of recycling or reuse;

“sale” includes barter, exchange, import and export and also includes offering or attempting to sell, or causing or allowing to be sold, or exposing for sale, or receiving or sending or delivering for sale, or supplying any food, drink or goods where consideration is to be received by the supplier for such supply either specifically or as part of a service contracted for, or having in possession for sale or having in possession any food, drink or goods knowing that the same is likely to be sold or offered or exposed for sale and “sell” shall be construed accordingly;

“sanitary conveniences” includes latrines, toilets, urinals and water-closets;

“showboard” includes showcase and any description of container used for the display of any article or thing;

“specified amount” means the amount that is specified in an order made by the Commissioner for Labour under section 80H(2)(a);

[Act 15 of 2014 wef 01/04/2014]

[Act 48 of 2018 wef 01/02/2019]

“stable refuse” means the dung or urine of birds, poultry or animals and the sweepings or refuse or drainage from any stables or cattle-sheds or places for keeping animals, birds or poultry;

“stall” means any table, shed, showboard, vehicle or receptacle or any other means used or intended to be used for the purpose of selling food or goods of any kind and includes any structure affixed thereto by way of roof, support or flooring;

“street” includes any road, flyover, square, footway, back-lane or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and also includes any road, car park, field, grass verge, footway or passage, open court or open alley used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way thereover or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of the street;

“swimming pool” means any swimming pool —

(a) to which the public has access, whether or not admission is gained by payment; and

(b) managed, operated or run by any hotel, club, association or other organisation;

“toilet” means a facility for urinating and defecating which is water flushed, and which connects, directly or otherwise, with a private sewage disposal system or with the public sewage disposal system;

“toxic industrial waste” means any industrial waste which owing to its nature, composition or quantity constitutes a danger to human health or the environment or which contains or may produce pathogens of transmissible diseases;

“vehicle” means any vehicle whether mechanically propelled or otherwise and includes a barrow and a cart;

“waste” includes —

- (a) any substance which constitutes a scrap material or an effluent or other unwanted surplus substance arising from the application of any process; and
- (b) any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spoiled,

and anything which is discarded or otherwise dealt with as if it were waste shall be presumed to be waste unless the contrary is proved;

“waste collector licensee” means any person who is licensed under section 31 to collect and remove refuse and waste;

“waste disposal licensee” means any person who is licensed under section 23 to construct, establish, maintain or operate any disposal facility;

“waterway” means a navigable river, conduit or drain;

[Act 15 of 2014 wef 01/04/2014]

“work place” means any premises or place used for any industrial, trade, commercial or manufacturing purposes and includes all construction sites, work sites and farms.

[2/96; 22/99; 4/2002]

PART II

ADMINISTRATION

Appointment of Director-General and authorised officers

3.—(1) The Minister may, by notification in the *Gazette*, appoint any person to be the Director-General of Public Health who shall be responsible for the administration of this Act and any other written law, subject to the general or special directions of the Minister.

[4/2002]

(2) The Director-General may in writing appoint any of the following persons to be an authorised officer for the purposes of this Act:

- (a) a public officer;
- (b) an officer or auxiliary officer of the Agency;
- (c) an officer of any statutory authority;
- (d) an auxiliary police officer appointed under the Police Force Act (Cap. 235).

[Act 4 of 2016 wef 01/05/2016]

Delegation of power by Director-General

4.—(1) The Director-General may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act to any authorised officer, subject to such conditions or limitations as the Director-General may specify.

[4/2002]

(2) The Director-General may, with the approval of the Minister, appoint any person set out in the first column of the Fourth Schedule as authorised officer for the purposes of exercising all or any of the powers under this Act that are set out in the second column of that Schedule, subject to such conditions or limitations as the Director-General may specify.

[4/2002]

PART III

PUBLIC CLEANSING

Cleaning of Streets, etc.

Director-General to cause public streets, etc., to be cleansed

5.—(1) The Director-General shall cause public streets, including the footways thereof, and public parks, beaches, foreshores, canals, waterways and unoccupied State land, to be properly swept and cleansed and watered so far as is reasonably practicable, and refuse and filth of every sort found thereon to be collected and removed.

[Act 15 of 2014 wef 01/04/2014]

(2) Nothing in subsection (1) shall derogate from the effect of any other written law.

[Act 15 of 2014 wef 01/04/2014]

Duty of owner and occupier to keep clean private streets, etc., abutting on their premises

6.—(1) The owner and the occupier of any premises abutting upon any private street to which they have access or the right of access from such premises shall cause such portion of the street as fronts, adjoins or abuts on their premises and up to the centre thereof including the footways to be properly swept and cleansed and watered so far as is reasonably practicable, and refuse and filth of every sort found thereon to be collected and removed.

(2) The owner and the occupier of any premises shall cause the immediate vicinity of such premises, including the footways and backyards abutting thereon, and the airwells, courtyards and quadrangles thereof to be kept clean and free of refuse, filth or other matter or any accumulation of water.

(3) The Director-General may, by notice in writing, require any person upon whom any duty is cast under subsection (1) or (2) to sweep and cleanse and water such street and to collect and remove the refuse, filth and other matter found thereon at such time or times as are stated in the notice.

[4/2002]

Dustbins in streets

7.—(1) The Director-General may —

(a) cause any number of dustbins or other convenient receptacles wherein refuse may be temporarily deposited to be provided and placed in proper and convenient locations in public streets and private streets and in such other places as he may think fit; and

(b) cause vehicles to go round to collect the refuse.

[4/2002]

(2) No person shall deposit, or cause or permit to be deposited any dung, nightsoil, human excreta, industrial waste, stable refuse or garden refuse in any such dustbin or receptacle, except that such

garden refuse comprising grass, small twigs and the like as may be reasonably accommodated in those dustbins or receptacles may be placed therein.

Removal of Refuse

Director-General may apply systems for collection and removal of refuse, etc.

8.—(1) The Director-General may at any time apply to all premises within such area as he may determine any system which he thinks fit for the collection and removal of refuse and waste of every description from those premises.

[2/96; 4/2002]

(2) In any area to which a system for the collection and removal of refuse and waste is applied under subsection (1) —

(a) no person other than a waste collector licensee whose specified area in its licence includes premises in the area shall collect or remove any refuse or waste; and

(b) every occupier of such premises as the Director-General may designate in the area shall use the service of collecting and removing refuse or waste provided by a public waste collector licensee whose specified area in its licence includes those designated premises.

[2/96; 4/2002]

Removal of industrial waste, stable refuse, etc.

9.—(1) The Director-General may, by notice in writing, require any person carrying on a trade, manufacture or business or occupying any stable, cattle-shed or place for keeping sheep, goats, swine or poultry, to remove periodically industrial waste or stable refuse to a disposal facility for disposal.

[4/2002]

(2) Any person upon whom a notice has been served under subsection (1) shall, if so required by the Director-General, furnish evidence that he has complied with the notice.

[4/2002]

Director-General may require owner and occupier to provide dustbins and refuse bins, etc.

10.—(1) The Director-General may, by notice in writing, require the owner or occupier of any premises to provide, construct or reconstruct at the expense of the owner or occupier and within such period as may be specified in the notice —

- (a) dustbins or other convenient receptacles, which shall conform to such specifications as the Director-General may require, to be placed in appropriate locations within the premises of the owner or occupier as the Director-General thinks fit for the deposit of refuse and rubbish from those premises;
- (b) refuse bin centres or refuse bin compartments, which shall conform to such specifications as the Director-General may require, to be sited in appropriate situations within the premises as the Director-General thinks fit, and wherein or whereon shall be placed the dustbins and other receptacles referred to in paragraph (a); and
- (c) receptacles which shall conform to such specifications as the Director-General may require, to be placed in appropriate locations within the premises of the owner or occupier as the Director-General thinks fit for the deposit of recyclables.

[4/2002]

[26/2008 wef 01/11/2008]

(2) Where any dustbins or receptacles have been provided under subsection (1), the Director-General may, by notice in writing, require the owner or occupier of any premises concerned to convey as often as may be necessary refuse from such premises to a disposal facility.

[4/2002]

Maintenance of refuse lifts and chutes and chute chambers in buildings

11.—(1) The owner of a building or part thereof served by a refuse lift which is wholly or partly used for the conveyance of refuse or by a

refuse chute or chute chamber shall be responsible for the maintenance, repair or replacement of the refuse lift, refuse chute or chute chamber.

(2) The Director-General may, by notice in writing, require the owner of a building or part thereof served by a refuse lift, refuse chute and chute chamber to —

- (a) maintain, repair or replace the refuse lift, refuse chute or chute chamber or both; or
- (b) change the dimensions of such refuse lift, refuse chute or chute chamber as the Director-General may consider necessary.

[4/2002]

Occupier of house to remove refuse

12.—(1) The occupier of any dwelling-house or premises who —

- (a) keeps or allows to be kept otherwise than in some proper receptacle, refuse or any noxious or offensive matter in any part of such house or premises;
- (b) allows such receptacle to be in a filthy or noxious state; or
- (c) neglects or fails to remove the refuse or noxious or offensive matter from such receptacle and to cleanse the same,

shall be guilty of an offence.

(2) The receptacle referred to in subsection (1) shall be placed at such times and places as may be directed by the Director-General.

[4/2002]

Prohibition on use of nightsoil or human excreta as manure

13.—(1) No land shall be manured with nightsoil or human excreta.

(2) If any nightsoil or human excreta is found in any place collected in pits or receptacles of any kind such as would in the ordinary course be used for preparing such nightsoil or human excreta for purposes of manuring, this shall be deemed conclusive evidence that the land on which such pits or receptacles are situated or land in the same

occupation adjoining or contiguous thereto has been manured with nightsoil or human excreta.

(3) The owner and the occupier of any land which is manured with nightsoil or human excreta shall both be guilty of an offence.

(4) The Director-General may, by notice in writing, require the owner or occupier of such land to remove the nightsoil or receptacles or to fill up such pits, as the case may be.

[4/2002]

Prohibition on use of nightsoil or human excreta for manuring earth in pots, etc.

14. No person shall use any nightsoil or human excreta for the purpose of manuring any earth, soil or other substance contained in any pot, box, container or other receptacle.

Prohibition of cultivation or use of manure or irrigation which is a nuisance

15. If at any time it appears to the Director-General that the method of cultivation of any description of crop or the use or storing or method of preparing or dealing with any kind of manure (including prawn dust, prawn shell, chicken droppings and stable refuse) or the irrigation of land in any specific manner in any premises or area is a nuisance, the Director-General may —

- (a) prohibit the method of cultivation or the use or storing or method of preparing or dealing with the manure or the manner of irrigation within such premises or area; or
- (b) regulate any of the matters referred to in paragraph (a) by imposing such conditions thereon as the Director-General may think necessary for the prevention of the nuisance.

[4/2002]

All refuse, etc., collected to be property of Agency

16.—(1) All refuse, waste and filth of every sort and any matter or thing collected by the employees, contractors or agents of the Agency from streets, buildings or any premises or place or brought by any person to any public disposal facility shall be the property of the

Agency which may sell or dispose of the refuse, waste and filth as it thinks fit.

[4/2002]

(1A) Despite subsection (1), any refuse, waste and filth of every sort, and any other matter or thing, that is conveyed within the refuse pipeline networks of any DPWCS established under Part IIIA is also the property of the Agency which the Agency may sell or dispose of as the Agency thinks fit.

[Act 48 of 2018 wef 01/02/2019]

(2) No person shall, without the written permission of the Director-General, remove any refuse, waste or filth or any other matter or thing brought into any disposal facility for disposal or treatment.

[2/96; 4/2002]

Offences in respect of Uncleanliness in Public Places

Prohibition against throwing refuse, etc., in any public place

17.—(1) No person shall —

(a) deposit, drop, place or throw any dust, dirt, paper, ash, carcase, refuse, box, barrel, bale or any other article or thing in any public place, except in a dustbin or other receptacle provided for the deposit of refuse and rubbish;

[Act 48 of 2018 wef 01/02/2019]

(b) keep or leave any article or thing in any place where it or particles therefrom have passed or are likely to pass into any public place, except in a dustbin or other receptacle provided for the deposit of refuse and rubbish;

[Act 48 of 2018 wef 01/02/2019]

(c) dry any article of food or any other article or thing in any public place;

(d) place, scatter, spill or throw any blood, brine, noxious liquid, swill or any other offensive or filthy matter of any kind in such manner as to run or fall into any public place;

(e) beat, clean, shake, sieve or otherwise agitate any ash, hair, feathers, lime, sand, waste paper or other substance in such manner that it is carried or likely to be carried by the wind to any public place;

(f) throw or leave behind any bottle, can, food container, food wrapper, glass, particles of food or any other article or thing in any public place, except in a dustbin or other receptacle provided for the deposit of refuse and rubbish;

[Act 48 of 2018 wef 01/02/2019]

(g) spit any substance or expel mucus from the nose upon or onto any street or any public place, except in a dustbin or other receptacle provided for the deposit of refuse and rubbish; or

[Act 48 of 2018 wef 01/02/2019]

(h) discard or abandon in any public place any motor vehicle whose registration has been cancelled under section 27 of the Road Traffic Act (Cap. 276), any furniture or any other bulky article.

[2/96; 22/99]

(2) No person shall drop, deposit or throw any refuse or any other matter or thing in any channel, drain, lake, reservoir, river, stream or watercourse or upon the bank of any of the same or in any part of the sea abutting on the foreshore.

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence.

(4) Where the driver or a passenger of a motor vehicle is alleged or suspected to be guilty of an offence under this section —

(a) the owner of the motor vehicle shall give such information as he may be required to give by a police officer or an authorised officer as to the identity and address of the person who, at or about the time of the alleged offence, was the driver or a passenger of the motor vehicle; and

(b) any other person who was or should have been in charge or in control of the motor vehicle at or about the time of the alleged offence shall, if so required, give any information which it is in his power to give and which may lead to the identification of the driver and passengers.

[Act 15 of 2014 wef 01/04/2014]

(5) Where an offence under this section is alleged or suspected to be in connection with throwing, dropping or scattering of refuse or any

other matter or thing from a flat used for residential purpose (including a flat which is leased for residential purpose) —

- (a) any owner of that flat shall give such information as he may be required to give by a police officer or an authorised officer as to the identity of every person who, at or about the time of the alleged offence, was an occupier of that flat; and
- (b) any occupier of that flat at or about the time of the alleged offence, or any owner of that flat in the case where that flat was unoccupied at or about that time, shall, if so required, give any information which it is in his power to give and which may lead to the identification of the alleged offender.

[Act 15 of 2014 wef 01/04/2014]

(6) Any person who, without reasonable excuse, fails to comply with subsection (4) or (5) within 14 days after the date on which the information was required from him shall be guilty of an offence.

[Act 15 of 2014 wef 01/04/2014]

(7) A person is not excused from giving any information required of him by subsection (4) or (5) on the ground that the disclosure of the information might tend to incriminate the person.

[Act 15 of 2014 wef 01/04/2014]

Building works constituting danger to life, health, etc.

18. Any person who, during the erection, alteration, construction or demolition of any building or at any time, fails to take reasonable precautions to prevent danger to the life, health or well-being of persons using any public place from flying dust or falling fragments or from any other material, thing or substance shall be guilty of an offence.

Prohibition against dropping, scattering, etc., certain substances in public place

19.—(1) Any person who —

- (a) drops, scatters, spills or throws any noxious liquid, dirt, sand, earth, gravel, clay, loam, manure, refuse, sawdust,

shavings, stone, straw or any other similar matter or thing;
or

- (b) causes or permits any noxious liquid, dirt, sand, earth, gravel, clay, loam, manure, refuse, sawdust, shavings, stone, straw or any other similar matter or thing to be dropped, scattered, spilled or thrown,

in any public place (whether from a moving or stationary vehicle or in any other manner) shall be guilty of an offence.

[22/99]

(2) The Director-General may, by notice in writing, require any person carrying out any construction or earth works to provide or construct any device or facility as the Director-General may think fit for the removal of dirt, earth, sand or other particles from any vehicle used in connection with the construction or earth works.

[22/99; 4/2002]

(3) For the purposes of subsection (1) —

- (a) where the matter or thing is dropped, scattered, spilled or thrown from a vehicle, the driver or person having charge or control of the vehicle shall be deemed to have committed the offence, unless the offence is committed by a person other than the driver or person having charge or control of the vehicle and the identity of the person who committed the offence can be established; and

(b) where the driver of a motor vehicle is alleged or is suspected to be guilty of the offence under this section —

- (i) the owner of the motor vehicle shall give such information as he may be required to give by a police officer or an authorised officer as to the identity and address of the person who, at or about the time of the alleged offence, was the driver of the motor vehicle and such other information as the police officer or authorised officer may require; and

[Act 15 of 2014 wef 01/04/2014]

- (ii) any other person who was or should have been in charge or in control of the motor vehicle at or about the time of the alleged offence shall, if so required,

give any information which it is in his power to give, and which may lead to the identification of the driver.

[22/99; 4/2002]

[Act 15 of 2014 wef 01/04/2014]

(4) Any person who, without reasonable excuse, fails to comply with subsection (3)(b) within 14 days after the date on which the information was required from him shall be guilty of an offence.

[Act 15 of 2014 wef 01/04/2014]

(5) A person is not excused from giving any information required of him by subsection (3)(b) on the ground that the disclosure of the information might tend to incriminate the person.

[Act 15 of 2014 wef 01/04/2014]

Prohibition against dumping and disposing

20.—(1) Any person who —

- (a) dumps or disposes of any refuse, waste or any other article from a vehicle in a public place; or
- (b) uses a vehicle for the purpose of dumping or disposing of any refuse, waste or any other article in a public place,

shall be guilty of an offence.

[22/99]

(1A) Where the driver or a passenger of a motor vehicle is alleged or suspected to be guilty of an offence under this section —

- (a) the owner of the motor vehicle shall give such information as he may be required to give by a police officer or an authorised officer as to the identity and address of the person who, at or about the time of the alleged offence, was the driver or a passenger of the motor vehicle; and
- (b) any other person who was or should have been in charge or in control of the motor vehicle at or about the time of the alleged offence shall, if so required, give any information which it is in his power to give and which may lead to the identification of the driver and passengers.

[Act 15 of 2014 wef 01/04/2014]

(1B) Any person who, without reasonable excuse, fails to comply with subsection (1A) within 14 days after the date on which the information was required from him shall be guilty of an offence.

[Act 15 of 2014 wef 01/04/2014]

(1C) A person is not excused from giving any information required of him by subsection (1A) on the ground that the disclosure of the information might tend to incriminate the person.

[Act 15 of 2014 wef 01/04/2014]

(2) Any vehicle used in dumping or disposing of refuse, waste or any other article in any public place (other than a disposal facility established with a licence granted by the Director-General under section 23(1) or a public disposal facility) may be seized by any police officer, or any authorised officer, and removed to and detained in any police station or Government depot or other place as may be approved by the Director-General at the risk of the owner for the purposes of proceedings under this Act.

[22/99; 4/2002]

(3) Where, upon an application by the Public Prosecutor, it is proved to the satisfaction of a court that a vehicle seized under subsection (2) has been used in the commission of an offence of dumping or disposing of refuse, waste or any other article in any public place under subsection (1), the court shall make an order for the forfeiture of the vehicle, notwithstanding that no person may have been convicted of that offence.

[22/99]

(4) An order for the forfeiture of a vehicle under subsection (3) may be made by the court before which the prosecution with regard to an offence under subsection (1) has been or will be held.

[22/99]

(5) If there is no prosecution with regard to an offence under subsection (1) —

- (a) the vehicle seized under subsection (2) shall be forfeited at the expiry of 3 months from the date of the seizure unless a claim thereto is made before that date; and
- (b) any person asserting that he is the owner of such vehicle may personally, or by his agent authorised in writing, give

written notice to the Director-General that he claims the vehicle.

[22/99; 4/2002]

(6) Upon receipt of a notice under subsection (5), the Director-General may direct that the vehicle be released or may refer the matter by information to a Magistrate.

[22/99; 4/2002]

(7) The Magistrate shall, on receipt of any information under subsection (6), hold an inquiry and proceed to determine the matter and shall —

- (a) on proof that the vehicle was used in the commission of an offence of dumping or disposing of refuse, waste or any other article in any public place under subsection (1), order the vehicle to be forfeited; or
- (b) in the absence of such proof, order the vehicle to be released.

[22/99]

(8) No person shall, in any proceedings in any court in respect of the seizure of any vehicle seized in exercise or the purported exercise of any power conferred under subsection (2), be entitled to the costs of such proceedings or to any damages or other relief, other than an order for the return of the vehicle, unless the seizure was made without reasonable or probable cause.

[22/99]

Notice to attend Court

21.—(1) Any person who commits an offence under section 17, 18, 19 or 20 may be arrested without warrant by any police officer or authorised officer, and taken before a Magistrate's Court or a District Court, as the case may be, and shall be liable on conviction —

- (a) in the case of an offence under section 20(1), to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$100,000 and to imprisonment for a term of not less than one month and not more than 12 months;

(b) in the case of an offence under section 17(1)(h), to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

(c) in the case of any other offence, to a fine not exceeding —

(i) in the case of a first conviction, \$2,000;

[Act 15 of 2014 wef 01/04/2014]

(ii) in the case of a second conviction, \$4,000; and

[Act 15 of 2014 wef 01/04/2014]

(iii) in the case of a third or subsequent conviction, \$10,000.

[22/99; 4/2002]

[Act 15 of 2014 wef 01/04/2014]

(2) Notwithstanding subsection (1) or any other written law, any police officer or authorised officer who, having effected an arrest in accordance with this section, is satisfied as to the identity, name and place of residence of the person arrested, may, instead of taking that person before a Court or to a police station, serve upon that person a notice in such form as may be prescribed under section 108 requiring the person to attend at the Court described at the hour and on the date specified in the notice.

[4/2002]

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer or authorised officer may require the person to furnish such evidence of identity as he may consider necessary.

[4/2002]

(4) A duplicate of the notice referred to in subsection (2) shall be prepared by the police officer or authorised officer, as the case may be, and produced by him to a Court, if so required by the Court.

[4/2002]

(5) On an accused person appearing before a Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it under subsection (1).

(6) If a person upon whom a notice under subsection (2) has been served fails to appear before a Court in accordance therewith, the Court shall thereupon issue a warrant for the arrest of that person.

(7) Upon a person arrested in pursuance of a warrant of arrest issued under subsection (6) being produced before a Court, the Court shall —

- (a) proceed as though he were produced before it under subsection (1); and
- (b) at the conclusion of the proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him, and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court thinks fit or may commit him to prison for a term not exceeding 2 months.

(8) Upon the conviction of any person under subsection (1), the Director-General may, in the manner provided in section 89, recover from the person the costs and expenses incurred by the Director-General in cleaning the public place except that where an offence was committed by any person in the course of his employment, the Director-General may recover the costs and expenses in the manner provided in section 89 from the employer of such person.

[4/2002]

(9) This section shall apply, with the necessary modifications, to any person who contravenes any regulations made under this Act in respect of public cleansing.

Corrective work order

21A.—(1) Where a person who is 16 years of age or above is convicted of an offence under section 17 or 19, and if the Court by or before which he is convicted is satisfied that it is expedient with a view to his reformation and the protection of the environment and environmental public health that he should be required to perform unpaid work in relation to the cleaning of any premises, the Court shall, in lieu of or in addition to any other order, punishment or sentence and unless it has special reasons for not so doing, make a corrective work order requiring him to perform such work under the

supervision of a supervision officer and in accordance with the provisions of this section and section 21B.

[32/92; 22/99]

(2) The number of hours which a person may be required to work under a corrective work order shall be specified in the order and shall not in the aggregate exceed 12 hours.

[32/92; 22/99]

(3) Notwithstanding section 307(1) of the Criminal Procedure Code 2010, where a Court makes corrective work orders in respect of 2 or more offences of which the offender has been convicted by or before the Court, the Court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to the hours specified in any other of those orders, but so that the total number of hours which are not concurrent shall not exceed the maximum specified in subsection (2).

[32/92]

[Act 15/2010 wef 02/01/2011]

(4) In making a corrective work order, the Court shall consider the physical and mental condition of the offender and his suitability for carrying out the requirements of such order.

[32/92]

(5) Before making a corrective work order, the Court shall explain to the offender in ordinary language —

- (a) the purpose and effect of the order and in particular the requirements of the order as specified in section 21B or any regulations made thereunder;
- (b) the consequences which may follow under section 21C if he fails to comply with any of those requirements; and
- (c) that the Court has under section 21D the power to review the order on the application of the offender or the Director-General.

[32/92; 4/2002]

(6) The Minister may, by order published in the *Gazette*, amend subsection (2) by varying the maximum number of hours for the time being specified in that subsection.

[32/92]

Obligations of person subject to corrective work order

21B.—(1) An offender in respect of whom a corrective work order is in force shall —

- (a) report to the supervision officer and subsequently from time to time notify him of any change of address; and
- (b) perform for the number of hours specified in the order such work at such places and times and in such manner as he may be instructed by the supervision officer.

[32/92]

(2) The work required to be performed under a corrective work order shall be performed during the period of 12 months beginning with the date of the order; but unless revoked, the order shall remain in force until the offender has worked under it for the number of hours specified therein.

[32/92]

(3) A supervision officer shall not require an offender to work under one or more corrective work orders for a continuous period exceeding 3 hours in a day.

[22/99]

(4) The Agency may, with the approval of the Minister, make regulations, not inconsistent with the provisions of this section, to make further provisions for the manner in which a corrective work order may be carried out including the imposition of additional requirements and the service of any instructions or notice on a person in respect of whom such an order has been made.

[32/92; 4/2002]

Breach of corrective work order

21C.—(1) If, at any time while a corrective work order is in force in respect of an offender, it appears to the Court on the application of the Director-General that the offender has failed to comply with any of the requirements of section 21B or any regulations made thereunder (including any failure to perform satisfactorily the work which he has been instructed to do), the Court may —

- (a) issue a summons requiring the offender to appear before the Court at the place and time specified therein; or

(b) issue a warrant for the arrest of the offender.

[32/92; 4/2002]

(2) If it is proved to the satisfaction of the Court that the offender has failed without reasonable excuse to comply with any of the requirements of section 21B or any regulations made thereunder, the Court may, without prejudice to the continuance of the corrective work order, order him to pay a fine not exceeding \$5,000 or may commit him to imprisonment for a term not exceeding 2 months.

[32/92]

(3) A fine or term of imprisonment imposed under this section shall be deemed to be a fine imposed or a sentence of imprisonment passed on conviction.

[32/92]

Variation and revocation of corrective work order

21D.—(1) Where a corrective work order is in force in respect of any offender and, on the application of the offender or the Director-General, it appears to the Court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the Court may in relation to the order —

(a) reduce the number of hours of work which has been specified in the order under section 21A(2); or

(b) extend the period of 12 months referred to in section 21B(2).

[32/92; 4/2002]

(2) Where such an order is in force and on any such application it appears to the Court that, having regard to such circumstances, it would be in the interests of justice that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the Court may revoke the order or revoke it and deal with the offender as if he had just been convicted of that offence in any manner in which he could have been dealt with for that offence by the Court which made the order had the order not been made.

[32/92]

Interpretation of sections 21 to 21D

21E. In sections 21, 21A, 21B, 21C and 21D —

“corrective work order” means a corrective work order made by a Court under section 21A;

“Court” means a Magistrate’s Court or a District Court;

“offender” means a person who is 16 years of age or above who is convicted of an offence under section 17 or 19;

“supervision officer” means an authorised officer or any other person as the Agency may, with the approval of the Minister, by notification in the *Gazette*, specify to be a supervision officer for the purpose of supervising the performance of work by an offender under a corrective work order.

[32/92; 4/2002]

*Disposal Facilities***Provision of public disposal facilities**

22.—(1) The Director-General may —

- (a) provide, acquire, construct and maintain disposal facilities (referred to in this Act as public disposal facilities) for the deposit, disposal and treatment of refuse or waste as he may consider necessary; and
- (b) make available the facilities to any person upon payment of any fees or charges as may be prescribed.

[4/2002]

(2) The Director-General may —

- (a) refuse to accept any refuse or waste brought to any public disposal facility without assigning any reason; or
- (b) accept refuse or waste of such description or kind upon such terms and conditions as he may consider necessary.

[4/2002]

No disposal facility to be constructed, etc., without licence

23.—(1) No person shall construct, establish, maintain or operate any disposal facility without a waste disposal licence granted by the Director-General under this section.

[2/96; 4/2002]

(2) The Director-General may grant a licence authorising any person to construct, establish, maintain or operate any disposal facility.

[2/96; 4/2002]

(3) A licence may be granted under this section following a public tender or in such other manner as the Director-General thinks fit.

[2/96; 4/2002]

(4) Except as otherwise prescribed under section 99(9), the Director-General may require any waste disposal licensee to render a payment on the grant of a licence under this section or such periodic payments during the currency of the licence or both of such amount or amounts as the Director-General may determine by or under the licence.

[2/96; 4/2002]

(5) Without prejudice to the generality of section 99(1), conditions attached to a licence granted under this section may include —

- (a) a condition requiring the licensee to comply with such standard of service and level of performance as the Director-General may specify;
- (b) the right of the Director-General in the public interest to make modifications to any condition of the licence or add new conditions during the period to which the licence relates;
- (c) a condition regulating the charge to be levied by the licensee for the provision of the waste disposal facility; and
- (d) a condition requiring the licensee not to accept any waste which in the opinion of the Director-General is not suitable for disposal.

[2/96; 4/2002]

(6) The Director-General may by notice in writing require any owner or occupier of any work place to construct, establish, maintain or operate any disposal facility.

[2/96; 4/2002]

(7) Any person using, working or operating a disposal facility shall use, work or operate such facility in such manner as the Director-General may require.

[2/96; 4/2002]

(8) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

[2/96; 22/99]

(9) If in any proceedings for a contravention of subsection (1) it is shown that any premises are being used as a disposal facility, it shall be presumed, until the contrary is proved, that the occupier of the premises has constructed, established, maintained or operated the disposal facility.

[2/96]

Disposal and Treatment of Industrial Waste

Prohibition against disposal of industrial waste in unauthorised places

24.—(1) No person shall dispose of or cause or permit to be disposed of industrial waste in or at any place except in or at a public disposal facility or a disposal facility established pursuant to a licence granted by the Director-General under section 23(1).

[2/96; 4/2002]

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 and to imprisonment for a term of not less than one month and not more than 12 months.

[2/96]

(3) For the purposes of this Act, a person is said to dispose of industrial waste if he burns, sells, gives away, discards, dumps, incinerates, deposits, processes, recycles, throws or treats such waste and “disposal” shall be construed accordingly.

Proper storage of industrial waste

25. The occupier of any work place where industrial waste is being produced shall keep or store the waste before disposal in a proper and efficient manner so as not to create a nuisance or to cause any risk, harm or injury to persons or animals or is likely to pollute the environment.

Notice requiring periodic removal of industrial waste from premises

26.—(1) The Director-General may, by notice in writing, require the occupier of any work place to remove periodically industrial waste from such premises to a disposal facility.

[4/2002]

(2) The Director-General may, by notice in writing, require any occupier upon whom a notice has been served under subsection (1) to furnish evidence that the industrial waste from the premises has been disposed of at a disposal facility in accordance with the notice.

[4/2002]

27. [Repealed by Act 15 of 2014 wef 01/04/2014]

Industrial waste brought to disposal facility to be recycled or treated

28. The Director-General may, by notice in writing, require the occupier of any work place to recycle or treat any industrial waste found or produced in those premises at his own expense before it is brought to any disposal facility for disposal.

[2/96; 4/2002]

Dangerous substance or toxic industrial waste not to be brought to disposal facility without permission

29.—(1) No person who owns or is in possession of any dangerous substance or toxic industrial waste or the residue from the treatment

thereof shall bring or cause to be brought such substance or waste to any disposal facility for disposal without the written permission of the Director-General.

[2/96; 4/2002]

(2) An application for the written permission referred to in subsection (1) shall be made to the Director-General giving details of the nature and composition of the dangerous substance or toxic industrial waste and the residue thereof.

[2/96; 4/2002]

(3) In granting the permission under subsection (1), the Director-General may, by notice in writing, require the owner or the person in possession of the dangerous substance or toxic industrial waste to treat such substance or waste at his own expense before it is brought to any disposal facility for disposal.

[2/96; 4/2002]

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[2/96]

(5) Any waste disposal licensee who knowingly allows any dangerous substance or any toxic industrial waste or the residue from the treatment thereof to be disposed of at the disposal facility in contravention of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[2/96]

Excessive production of toxic industrial waste

30. Where in the opinion of the Director-General the quantity of toxic industrial waste produced in any work place is or is likely to be excessive or unduly toxic, he may by notice require the occupier of the work place to —

- (a) alter the method of operation or process used in the work place;
- (b) alter, install, repair or replace any device, equipment or plant used in the work place;

- (c) use other materials or substances other than those used in the work place; or
- (d) take such other steps as may be necessary to reduce the quantity or toxicity of such waste.

[4/2002]

General

Furnishing of information and keeping, etc., of records on waste and submission of waste reduction plan

30A.—(1) The Director-General may, by notice in writing from time to time, require any owner, occupier or lessee of a work place to do all or any of the following:

- (a) to furnish the Director-General with any information on the amount, type and nature of any waste produced in that work place and such other particulars as may be specified in the notice;
- (b) to keep and maintain records containing such information on any waste produced in that work place as may be specified in the notice and retain those records for such period as may be specified in the notice;
- (c) to submit to the Director-General any waste reduction plan for such period and containing information on the targets for waste reduction, measures to reduce waste and the progress of any waste reduction measure contained in any waste reduction plan previously submitted to the Director-General, and such other particulars relating to waste reduction, as may be specified in the notice.

(2) Any person who fails to comply with any notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

[Act 15 of 2014 wef 01/04/2014]

Licensing of persons carrying on business of collecting, removing, etc., of refuse or waste

31.—(1) No person shall carry on the business of collecting, removing, transporting, storing or importing refuse or waste of any description without a waste collector licence granted by the Director-General under this section.

[2/96; 4/2002]

(2) The Director-General may grant a licence authorising any person to carry on the business of collecting, removing, transporting, storing or importing refuse or waste of any description.

[2/96; 4/2002]

(3) The Director-General may designate any person who has been granted a licence under this section as a public waste collector licensee.

[2/96; 4/2002]

(4) A licence may be granted under this section following a public tender or in such other manner as the Director-General thinks fit.

[2/96; 4/2002]

(5) Except as otherwise prescribed under section 99(9), the Director-General may require any licensee to render a payment on the grant of a licence under this section or such periodic payments during the currency of the licence or both of such amount or amounts as the Director-General may determine by or under the licence.

[2/96; 4/2002]

(6) Without prejudice to the generality of section 99(1), conditions attached to a licence granted under this section may include —

- (a) a condition requiring the licensee to comply with such standard of service and level of performance as the Director-General may specify;
- (b) a condition restricting, in a manner specified in the licence, the provision by the licensee of the service of collecting and removing refuse or waste to premises which are of a class or description so specified and to the area so specified;
- (c) the right of the Director-General in the public interest to make modifications to any condition of the licence or add

new conditions during the period to which the licence relates; and

- (d) a condition regulating the charge to be levied by the licensee for the provision of the service of collecting and removing refuse or waste.

[2/96; 4/2002]

(7) Any person who collects or transports refuse or waste of any description shall ensure that the refuse or waste or liquid from such refuse or waste is not dropped, scattered or spilled onto any public place.

[2/96]

(8) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[2/96]

Special administration order, etc., made on application by Agency

31A.—(1) If, on an application made to the Minister by the Agency, the Minister is satisfied, in relation to any public waste collector licensee, that any one or more of the grounds specified in subsection (2) is satisfied, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to that public waste collector licensee;
- (b) an order requiring the public waste collector licensee immediately to take action or to do or not to do any act or thing in relation to that part of its business or undertaking to which its licence relates as the Minister may consider necessary;
- (c) an order appointing a person to advise the public waste collector licensee on the proper conduct of that part of its business or undertaking to which its licence relates.

- (2) The grounds referred to in subsection (1) are —
- (a) there has been, is or is likely to be, a contravention by the public waste collector licensee of the conditions of its licence that is serious enough to make it inappropriate for the public waste collector licensee to continue to be designated a public waste collector licensee;
 - (b) the public waste collector licensee is or is likely to be unable to pay its debts;
 - (c) a public emergency has occurred;
 - (d) the Minister considers it in the interest of the security and reliability of waste collection and removal services to the public; or
 - (e) the Minister otherwise considers it in the public interest.
- (3) Notice of any application under subsection (1) shall be given immediately by the Agency to such persons and in such manner as may be determined by the Agency.
- (4) Any order made by the Minister under subsection (1) must be published in such manner as will secure adequate publicity.
- (5) Any decision of the Minister under subsection (1) shall be final.
- (6) For the purposes of this section, in the case of a public waste collector licensee which is a company, the public waste collector licensee is unable to pay its debts if it is deemed to be unable to pay its debts under section 254(2) of the Companies Act (Cap. 50).

[Act 15 of 2014 wef 01/04/2014]

Meaning and effect of special administration orders

31B.—(1) A special administration order is an order of the Minister made in accordance with section 31A directing that, during the period for which the order is in force, the affairs, business and property of the public waste collector licensee shall be managed directly or indirectly by the Agency —

- (a) for securing one or more of the purposes of such an order set out in subsection (2); and

- (b) in a manner which protects the respective interests of the members, creditors and customers of that public waste collector licensee.
- (2) The purposes referred to in subsection (1)(a) are —
- (a) the security and reliability of the supply of waste collection and removal services in any specified area to the public;
 - (b) the survival of the public waste collector licensee, or the whole or part of its business for which it is authorised by its licence to carry on, as a going concern;
 - (c) the transfer to another person, or (as respects different parts of its undertaking) to 2 or more different persons, as a going concern, of so much of the public waste collector licensee's undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the public waste collector licensee by virtue of its licence may be properly carried out; or
 - (d) the carrying out of those functions and duties which have been vested in the public waste collector licensee pending the making of the transfer and the vesting of those functions and duties in other person or persons.
- (3) The Minister may, by rules published in the *Gazette*, give effect to this section and section 31A, including making provision for applying, omitting or modifying provisions of Part VIIIA of the Companies Act where a special administration order is made.

[Act 15 of 2014 wef 01/04/2014]

Remuneration and expenses of Agency and others

31C.—(1) Where a special administration order has been made under section 31A(1)(a), the Agency may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the public waste collector licensee to the Agency.

(2) The Agency may, at any time, fix the remuneration and expenses to be paid by a public waste collector licensee to any person appointed by the Minister under section 31A(1)(c), whether or not the appointment of the person has terminated.

[Act 15 of 2014 wef 01/04/2014]

Restrictions on voluntary winding up, etc.

31D.—(1) Notwithstanding the provisions of any other written law —

- (a) a public waste collector licensee shall not be wound up voluntarily without the consent of the Agency;
- (b) no judicial management order under Part VIIIA of the Companies Act shall be made in relation to a public waste collector licensee;
- (c) no step shall be taken by any person to enforce any security over a public waste collector licensee’s property, except where that person has served on the Agency 14 days’ notice of the person’s intention to take that step; and
- (d) no step shall be taken by any person to execute or enforce a judgment or an order of court obtained against a public waste collector licensee, except where that person has served on the Agency 14 days’ notice of the person’s intention to take that step.

(2) The Agency shall be a party to any proceedings under the Companies Act relating to the winding up of the affairs of a public waste collector licensee.

[Act 15 of 2014 wef 01/04/2014]

PART IIIA**DISTRICT PNEUMATIC WASTE CONVEYANCE SYSTEM**

[Act 48 of 2018 wef 01/02/2019]

Interpretation of this Part

31E. In this Part, unless the context otherwise requires —

“air and ventilation networks” means —

- (a) all air and ventilation transmission pipelines or interconnected transmission pipelines; and
- (b) other devices and equipment (including pressure regulating and control valves),

used or intended for, or for purposes connected with, conveying or transporting refuse or waste by air suction;

“connection point” means a point situated in, or in immediate proximity to, any premises in a DPWCS area where the refuse pipeline networks are connected to the related internal assets;

“District Pneumatic Waste Conveyance System” or “DPWCS” means a pneumatic waste conveyance system that is established, or required to be established, for a DPWCS area;

“DPWCS area” means an area declared under section 31G(1);

“DPWCS licence” means a licence granted under section 31J to —

- (a) establish, operate or maintain a pneumatic waste conveyance system for a DPWCS area; or
- (b) do any combination of 2 or more things in paragraph (a);

“DPWCS licensee” means a person to whom a DPWCS licence is granted under this Act;

“pneumatic waste conveyance system” means an automated waste collection system that conveys or transports refuse or waste by air suction from individual premises through a network of pipes to a central location for collection and that consists of —

- (a) air and ventilation networks;
- (b) refuse pipeline networks; and
- (c) related internal assets,

but does not include any disposal facility;

“refuse pipeline networks” —

- (a) means all valves, cables, pipes, regulators, apparatus, equipment or plant or station used for, or for purposes connected with, conveying or transporting refuse or waste by air suction; and

(b) includes any connection point, but does not include any related internal assets;

“related internal assets” means all receptacles, refuse chutes, chute chambers, pipes, valves, control cables and sensors within any premises up to but not including any connection point, that are used for, or for purposes connected with, conveying or transporting refuse or waste by air suction from within any premises to the refuse pipeline networks.

[Act 48 of 2018 wef 01/02/2019]

Application of this Part

31F. This Part does not apply to any premises controlled or managed by a Town Council constituted under the Town Councils Act (Cap. 329A).

[Act 48 of 2018 wef 01/02/2019]

Declaration of DPWCS areas

31G.—(1) The Minister may, from time to time, by notice in the *Gazette*, declare an area to be a DPWCS area where a pneumatic waste conveyance system is established, and operated or maintained, for that area under this Part.

(2) A notice under subsection (1) must —

(a) define the limits of the DPWCS area; or

(b) state that a plan of the DPWCS area may be inspected at a place and within such time as is specified in the notice.

(3) The owner or occupier of every premises within a DPWCS area declared under subsection (1) must use the pneumatic waste conveyance system established, and operated or maintained by the DPWCS licensee for the area.

(4) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

(5) In proceedings for an offence under subsection (4), it is a defence for the accused to prove, on a balance of probabilities, that the accused had a reasonable excuse for failing to comply.

[Act 48 of 2018 wef 01/02/2019]

Changes affecting DPWCS areas

31H.—(1) The Minister may, by notice in the *Gazette* —

- (a) revoke any declaration made under section 31G; or
- (b) modify an area declared as a DPWCS area under section 31G.

(2) A notice under subsection (1)(b) modifying an area declared as a DPWCS area must —

- (a) define the part of the DPWCS area that is modified; or
- (b) state that a plan of the modification of the DPWCS area may be inspected at a place and within such time as is specified in the notice.

[Act 48 of 2018 wef 01/02/2019]

Notice of declaration, etc.

31I.—(1) Before making any declaration under section 31G(1) or revoking or modifying a declaration under section 31H, the Minister must give advance notice in the *Gazette* of the Minister's intention to make, revoke or modify (as the case may be) the declaration.

(2) The notice mentioned in subsection (1) must —

- (a) contain either of the following unless the declaration relates to the revocation of a declaration under section 31H:
 - (i) a definition of the area that is proposed to be declared as a DPWCS area or the part of the DPWCS area that is proposed to be modified; or
 - (ii) particulars as to where and when a plan of the proposed DPWCS area or of the part of the DPWCS area proposed to be modified may be inspected; and

(b) specify the time (not being less than 28 days after the publication of the notice in the *Gazette*) within which written representations with respect to the intended declaration, or intended revocation or modification of the declaration, may be made.

(3) The decision of the Minister after considering any written representation made within the time specified in the notice under subsection (2)(b) is final.

(4) If no written representation is received by the Minister within the time specified under subsection (2)(b), or if a written representation made under that subsection is subsequently withdrawn, the Minister may immediately carry out the proposed matters specified in the notice under subsection (1).

[Act 48 of 2018 wef 01/02/2019]

No collection of waste or waste through DPWCS, etc., without licence

31J.—(1) A person must not —

- (a) establish, operate or maintain; or
- (b) convey or transport refuse or waste through,

any DPWCS without a DPWCS licence.

(2) Without limiting section 99 —

- (a) a DPWCS licence may be granted following a public tender or in such other manner as the Director-General thinks fit;
- (b) the Director-General may require any DPWCS licensee to render a payment on the grant of a DPWCS licence or such periodic payments during the currency of the licence or both of such amount or amounts as the Director-General may determine by or under the licence; and
- (c) the conditions attached to a DPWCS licence may include —
 - (i) a condition requiring the DPWCS licensee to connect, at its own cost, any premises or part

thereof within the DPWCS area covered by its DPWCS licence to the DPWCS in accordance with such specifications as the Director-General may specify;

- (ii) a condition requiring the DPWCS licensee to comply with such code of practice, standard of service and level of performance as the Director-General may specify;
- (iii) a condition requiring the DPWCS licensee to enter into interconnection or sharing agreements in respect of any infrastructure and facilities relating to the DPWCS upon such terms and conditions as the Director-General may consider necessary; and
- (iv) the right of the Director-General in the public interest to make modifications to any condition of the DPWCS licence or add new conditions during the period to which the licence relates.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

[Act 48 of 2018 wef 01/02/2019]

Works by DPWCS licensee

31K.—(1) Subject to the provisions of this Part, a DPWCS licensee may, in order to carry out the activities which it is authorised or required by its DPWCS licence to do —

- (a) install in, on, over, under, along or across any premises or street and inspect, maintain, adjust, repair, alter, restore, replace or remove any valve, cable, pipe, regulator, apparatus, equipment, plant or station which is or is to be part of the DPWCS; and
- (b) carry out such activities as are necessary or incidental to the activities falling within paragraph (a), including —

- (i) excavating any premises, street, sewer or drain;
- (ii) tunnelling or boring under any premises, street, sewer or drain;
- (iii) removing or using all earth and materials in or under any premises, street, sewer or drain;
- (iv) erecting or placing any valve, cable, pipe, regulator, apparatus, equipment, plant or station in or under any land or street; and
- (v) taking such other action as may be necessary to render any valve, cable, pipe, regulator, apparatus, equipment, plant or station safe and efficient.

(2) A DPWCS licensee must pay to any person who has suffered damage or loss of value to the person's property caused by any activity of the DPWCS licensee mentioned in subsection (1) such sum as may be agreed by between the DPWCS licensee and the person by way of compensation.

(3) Any person who —

- (a) hinders, obstructs or delays a DPWCS licensee in the performance of its duties or anything which the DPWCS licensee is authorised, empowered or required to do under subsection (1); or
- (b) interferes with any works authorised, empowered or required to be done by a DPWCS licensee under subsection (1),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(4) Except in the case of an emergency arising from any fault in the DPWCS, a DPWCS licensee must not carry out or cause to be carried out works mentioned in subsection (1) without first giving 14 days' notice to the owner or occupier of the premises stating as fully and accurately as possible the nature and extent of the acts intended to be done.

(5) In this section, a reference to a DPWCS licensee includes a reference to any employee, agent or contractor authorised by the DPWCS licensee for the purposes of this section.

(6) To avoid doubt, nothing in subsection (1) derogates from any requirement imposed on the DPWCS licensee by or under any written law to obtain approval from the Government or a statutory authority to carry out any activity mentioned in that subsection.

[Act 48 of 2018 wef 01/02/2019]

Director-General may require owner or occupier to connect to DPWCS

31L.—(1) The Director-General may, by written notice, require the owner or occupier of any premises within a DPWCS area to —

- (a) reconstruct, rebuild, retrofit or modify, at the owner's or occupier's expense, any refuse lift, refuse chute, refuse chamber, refuse bin centre or refuse bin compartment (or any part or component of the foregoing) within the premises to conform to such specifications of the related internal assets as may be prescribed, or if not prescribed, as the Director-General may require for the good working of the DPWCS;
- (b) maintain or operate, at the owner's or occupier's expense, any related internal assets according to such specifications as the Director-General may require;
- (c) make or maintain, at the owner's or occupier's expense, the connection of the related internal assets to the refuse pipeline networks according to such specifications, and for such period as the Director-General may require; and
- (d) employ or engage only such persons as the Director-General may approve to construct, reconstruct, connect, maintain the connection of, maintain or operate any related internal assets.

(2) An owner or occupier who fails to comply with a notice of the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in

the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

(3) In proceedings for an offence under subsection (2), it is a defence for the accused to prove, on a balance of probabilities, that the accused had a reasonable excuse for failing to comply.

[Act 48 of 2018 wef 01/02/2019]

Connection charge

31M.—(1) The owner of any premises within a DPWCS area which is connected to the DPWCS for that DPWCS area must pay to the Agency a charge known as a connection charge of such amount and payable at such time or times as the Agency may, with the approval of the Minister, by order in the *Gazette*, prescribe.

(2) For the purpose of determining the amount of the connection charge under subsection (1), all the costs incurred in the construction of the DPWCS for the DPWCS area, including (but not limited to) the cost of constructing the air and ventilation networks and refuse pipeline networks, but excluding the cost of constructing the related internal assets, may be taken into consideration.

(3) For the purposes of subsection (1), the Agency may, with the Minister's approval, prescribe different amounts of connection charge and different times of payment for persons differently situated, including different amounts of connection charge for premises with different gross floor areas and generating different amounts of refuse.

(4) Where the premises mentioned in subsection (1) are comprised in a strata title plan under the Land Titles (Strata) Act (Cap. 158), a reference in that subsection to the owner or occupier of the premises is deemed to refer to the management corporation constituted under that strata title plan under that Act.

[Act 48 of 2018 wef 01/02/2019]

Tariff

31N.—(1) The owner or occupier of any premises within a DPWCS area which is connected to the DPWCS for that DPWCS area must

pay to the DPWCS licensee a tariff for, or in respect of, operating or maintaining the DPWCS.

(2) The tariff mentioned in subsection (1) —

(a) is of such amount; and

(b) is payable at such time or times,

as the Agency may, with the approval of the Minister, by order in the *Gazette*, prescribe.

(3) For the purpose of determining the amount of the tariff under subsection (2)(a), the following factors may be taken into consideration:

(a) the amount of refuse conveyed from the premises;

(b) the cost of storage of the refuse conveyed from the premises;

(c) the cost of operating, maintaining and replacing the air and ventilation networks and refuse pipeline networks of the DPWCS;

(d) the cost of treatment of exhaust air generated by the pneumatic waste conveyance system to minimise any environmental nuisance.

(4) For the purposes of subsection (2), the Agency may, with the approval of the Minister, prescribe different amounts of tariffs and different times of payment for persons differently situated, including different amounts of tariff for premises with different gross floor areas and generating different amounts of refuse.

(5) Where the premises mentioned in subsection (1) are comprised in a strata title plan under the Land Titles (Strata) Act, a reference to the owner or occupier of the premises is deemed to refer to the management corporation constituted under that strata title plan under that Act.

[Act 48 of 2018 wef 01/02/2019]

Recovery of connection charge and tariff

31O.—(1) The connection charge that is payable under section 31M may be recovered by the Agency as a civil debt due to the Agency.

(2) The tariff that is payable under section 31N may be recovered as a civil debt due to the DPWCS licensee mentioned in that section.

[Act 48 of 2018 wef 01/02/2019]

Duty to enquire before excavation

31P. Any person who digs, bores, trenches, grades, excavates, tunnels or breaks any ground with any mechanical equipment, tool or explosive within a DPWCS area or allows the person's employee or agent to do so, without first ascertaining the location of any refuse pipeline networks that may be interfered with, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

[Act 48 of 2018 wef 01/02/2019]

Damage to DPWCS

31Q.—(1) Any person who, whether wilfully or otherwise —

- (a) removes, destroys or damages or causes or permits to be removed, destroyed or damaged, any part of a DPWCS; or
- (b) hinders or prevents a DPWCS from being used or operated in the manner in which it is intended to be used or operated,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) If it appears to the Agency that there has been a contravention of subsection (1), the Agency may, by written notice, require any person

who has done any of the acts mentioned in that subsection or such other person who may be liable under that subsection by virtue of section 103A (called in this section the person in default) to carry out such works as may be necessary to restore the DPWCS to its original condition, use or operation, or to replace it, within such time as may be specified in the notice.

(4) If the Agency is of the opinion that immediate action is necessary or expedient, or that the DPWCS cannot be restored by the person in default, the Agency may, instead of issuing the notice under subsection (3) —

- (a) carry out such works as are necessary to restore the DPWCS to its original condition, use or operation, or to replace it; and
- (b) recover in a court of competent jurisdiction as a debt due to the Agency all expenses reasonably incurred in doing so from the person in default.

(5) If the person to whom a notice is given under subsection (3) fails to comply with the notice within the time specified, the Agency may carry out the works specified in the notice in such manner as the Agency thinks fit and recover in a court of competent jurisdiction as a debt due to it all expenses reasonably incurred in doing so from the person in default.

(6) Without affecting the right of the Agency to exercise its powers under subsection (5), any person who fails to comply with a notice given to him under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(7) In proceedings for an offence under subsection (6), it is a defence for the accused to prove, on a balance of probabilities, that the accused had a reasonable excuse for failing to comply.

[Act 48 of 2018 wef 01/02/2019]

Relocation, etc., of pneumatic waste conveyance system

31R.—(1) Where a pneumatic waste conveyance system has been laid in, on, over, under, along or across any land within a DPWCS area and the owner or occupier of the land desires to use the land in a manner which renders it necessary or convenient that the pneumatic

waste conveyance system should be moved, the owner or occupier may request the Agency to move, or cause to be moved, the pneumatic waste conveyance system accordingly.

(2) The Agency may, at the request of the owner or occupier under subsection (1), relocate the pneumatic waste conveyance system, or cause the pneumatic waste conveyance system to be relocated, if —

- (a) the Agency is satisfied that such relocation is reasonable; and
- (b) the owner or occupier complies with such terms and conditions as the Agency may impose, including terms and conditions relating to the payment by the owner or occupier of all reasonable costs and expenses (including compensation for any loss that may be incurred by the DPWCS licensee) necessary for the relocation.

(3) Where a pneumatic waste conveyance system has been laid in, on, over, under, upon, along or across any land within a DPWCS area and the pneumatic waste conveyance system is no longer in use by the occupier or any other person for the purposes of conveying or transporting refuse or waste by air suction, the DPWCS licensee may of its own volition or must at the reasonable request of the owner, remove the pneumatic waste conveyance system from the land at its own expense.

(4) In this section —

“owner” includes any person having a leasehold interest with an unexpired term of not less than 7 years;

“pneumatic waste conveyance system” means any part or section of the pneumatic waste conveyance system, other than the related internal assets.

[Act 48 of 2018 wef 01/02/2019]

DPWCS connections not fixtures

31S. No works, apparatus, fixture, fitting or other equipment used for, for the purposes of, or in connection with, connecting, affixing or fastening the refuse pipeline networks or any part of the refuse pipeline networks to the related internal assets is deemed to be a

fixture or vest in the owner of the premises on or within which the related internal assets are constructed or placed.

[Act 48 of 2018 wef 01/02/2019]

Exemption from distress and attachment, etc.

31T. The air and ventilation networks and refuse pipeline networks of a DPWCS licensee are not subject to distress and are not liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person without the prior written approval of the Minister.

[Act 48 of 2018 wef 01/02/2019]

Exclusion from requirement for waste collector licence

31U. A DPWCS licensee is not, by reason only of the fact that the DPWCS licensee is in the business of conveying or transporting refuse or waste through the DPWCS under a DPWCS licence, required to hold a waste collector licence under section 31.

[Act 48 of 2018 wef 01/02/2019]

Application of sections 31A to 31D in relation to DPWCS licensee

31V. Sections 31A to 31D apply in relation to a DPWCS licensee in the same manner as those sections apply in relation to a public waste collector licensee.

[Act 48 of 2018 wef 01/02/2019]

PART IV

FOOD ESTABLISHMENTS, MARKETS AND HAWKERS

Food establishments to be licensed

32.—(1) No person shall operate or use or knowingly permit a food establishment to be used for any of the purposes specified in the First Schedule without first obtaining a licence from the Director-General.

[4/2002]

(2) Upon any conviction under subsection (1), the Director-General may, by order in writing addressed to the convicted person, require that the place or premises or any part thereof where the offence took

place shall no longer be operated or used as a food establishment as from such date as the Director-General shall specify in the order.

[4/2002]

(3) Where the convicted person fails to comply with any order under subsection (2), the Director-General —

(a) may take steps or measures as are necessary to ensure that the order is complied with; and

(b) shall be entitled to recover from that person the costs and expenses incurred by the Director-General in doing so.

[4/2002]

Licensing of hawkers operating from stalls, etc.

33. No person shall —

(a) hawk, sell or expose for sale any food or goods of any kind; or

(b) set up or use any stall, table, showboard, vehicle or receptacle for the purpose of hawking, selling or exposing for sale any food or goods of any kind,

in any street or part thereof or in any premises or public place without first obtaining a licence from the Director-General.

[4/2002]

Licensing of itinerant hawkers

34.—(1) No person shall act as an itinerant hawker without first obtaining a licence from the Director-General.

[4/2002]

(2) The Director-General may, subject to such conditions as he may think fit, permit licensed itinerant hawkers to occupy stationary positions for such period as he may think fit on such site or sites as may from time to time be approved by him for this purpose.

[4/2002]

(3) The Director-General may prohibit itinerant hawkers from hawking in such place or places as he may think fit.

[4/2002]

Director-General may issue temporary permits

35. No person shall promote, organise or stage any temporary fair, stage show or other such function or activity without first obtaining a permit from the Director-General.

[4/2002]

Licences for private markets

36. No person shall use any building, situation or place as a private market without first obtaining a licence from the Director-General.

[4/2002]

Persons with infectious diseases not to carry on business

37.—(1) The Director-General may require any person to whom a licence has been issued under this Part (referred to in this Act as a licensee) or any assistant or employee of the licensee or any applicant for a licence under this Part to submit to medical examination.

[4/2002]

(2) If such licensee, assistant, employee or applicant is suffering from or is suspected to be suffering from an infectious disease or is suspected to be a carrier thereof, the Director-General may require him to undergo treatment.

[4/2002]

(3) The Director-General may require that treatment to be obtained at any hospital as he may think fit.

[4/2002]

(4) The Director-General may require any licensee or any assistant or employee of the licensee to submit to immunisation against any infectious disease.

[4/2002]

(5) Every licensee shall ensure that his assistant or any person employed by him is immunised against any infectious disease as required by the Director-General.

[4/2002]

(6) The Director-General may, at any time, revoke or suspend any licence issued under this Part if —

(a) the licensee is suffering from an infectious disease;

- (b) the licensee knowingly employs any person who is suffering from or is suspected to be suffering from an infectious disease;
- (c) the licensee, his assistant or employee refuses to comply with any requisition made by the Director-General under subsection (1), (2) or (3); and
- (d) the licensee does not comply with subsection (5).

[4/2002]

Unauthorised structures

38.—(1) No licensee, stall-holder or other person shall erect any extension or effect any extension to any stall, shed or other place in or out of any food establishment without the permission of the Director-General or cause any obstruction in any of the passageways or other places therein.

[4/2002]

(2) The Director-General may, by notice in writing, require any person who contravenes subsection (1) to remove any erection, structure or obstruction within a period specified in the notice.

[4/2002]

Cleanliness of markets and stalls

39.—(1) Every licensee of a private market shall keep the market in a clean and sanitary condition.

(2) Every licensee of a stall shall keep his stall and the immediate vicinity thereof in a clean and sanitary condition.

(3) Where, in the opinion of the Director-General, a licensee of a private market or a stall-holder has failed to comply with subsection (1) or (2), as the case may be, the Director-General may, by notice in writing, require such licensee, within such period as may be specified therein to take such steps as the Director-General may think fit for the purpose of complying with those subsections.

[4/2002]

Articles of food unfit for human consumption

40.—(1) No person shall, without lawful excuse, have in his possession for sale by retail any article of food intended for human consumption which is unsound or unfit for human consumption.

[4/2002]

(2) The Director-General or an authorised officer may at all reasonable times —

(a) enter into and inspect any place which is used, or which he has reasonable grounds for believing to be used —

(i) for the sale by retail of articles of food intended for human consumption; or

(ii) for the preparation or storage of such articles intended for sale; and

(b) search any cart or vehicle or any basket, sack, bag, parcel or receptacle which he has reasonable grounds for believing to contain for sale by retail articles of food intended for human consumption and may examine any such articles which are therein.

[4/2002]

(3) If it appears to the Director-General or an authorised officer that any such article of food is unsound or unfit for human consumption, the article may be seized by the Director-General or authorised officer.

[4/2002]

(4) Any article of food seized may be kept or stored in the place or premises where it was seized or may at the direction of the Director-General or an authorised officer be removed to any other place or, where the article is likely to decay or is deleterious to health, be destroyed.

[4/2002]

(5) A certificate signed by the Director-General shall be accepted by a Magistrate's Court as sufficient evidence that any article of food seized was unsound or unfit for human consumption at the time of seizure.

[4/2002]

(6) A person claiming any article of food seized under this section may within 48 hours after the seizure complain thereof to a Magistrate's Court.

(7) Such complaint may be heard and determined by the Magistrate's Court, which may either confirm or disallow the seizure wholly or in part, or may order any article of food seized to be returned to the owner and may order payment to be made to the owner of the article of such amount as the Court considers will compensate him for any loss or depreciation resulting from the seizure.

(8) If within 48 hours after such seizure no complaint has been made, or if such seizure is confirmed, every article of food seized shall become the property of the Agency and shall be destroyed or otherwise disposed of so as to prevent the article from being used for human consumption.

[4/2002]

(9) No person shall obstruct the Director-General or an authorised officer in the exercise of his powers under this section or tamper with any article of food kept or stored in any place or premises under subsection (4).

[4/2002]

Cleanliness of vehicles, equipment, etc.

41.—(1) Any person who uses a vehicle for the transportation of food shall ensure that the surface of the vehicle with which the food is likely to come into contact is kept in a state of cleanliness, good order and condition so as to prevent any risk of contamination of the food.

(2) The Director-General may, by notice in writing, require any person who uses a vehicle to transport food to use or install in or on the vehicle any device or equipment as he thinks fit to ensure that the food carried in or on the vehicle will not be contaminated.

[4/2002]

Penalties for offences under this Part

41A.—(1) Any person who contravenes section 32(1), 33, 34(1), 35, 36, 37(5), 38(1), 39(1) or (2), 40(1) or (9) or 41(1) shall be guilty of an offence and —

- (a) in the case of any contravention of section 33, 34(1), 37(5), 39(2) or 41(1) —
- (i) the person shall be liable on conviction to a fine not exceeding \$5,000; and
 - (ii) where the person is a repeat offender, the person shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) in the case of any contravention of section 32(1), 35, 36, 38(1), 39(1) or 40(1) or (9) —
- (i) the person shall be liable on conviction to a fine not exceeding \$10,000; and
 - (ii) where the person is a repeat offender, the person shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) For the purposes of subsection (1), a person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted, or found guilty, of an offence under that subsection (referred to as the current offence) for contravening section 32(1), 33, 34(1), 35, 36, 37(5), 38(1), 39(1) or (2), 40(1) or (9) or 41(1) —

- (a) has been convicted or found guilty on at least one other earlier occasion of an offence under that subsection for contravening the same provision as the current offence; or
- (b) has (whether before, on or after the date of commencement of section 12 of the Environmental Public Health (Amendment) Act 2014) been convicted or found guilty on at least one other earlier occasion of an offence under section 42(1) in force immediately before that date for contravening the same provision as the current offence.

[Act 15 of 2014 wef 01/04/2014]

Notice to attend Court

42.—(1) Any person who contravenes any of the provisions of this Part may be arrested without warrant by any police officer or authorised officer and taken before a Magistrate's Court.

[4/2002]

[Act 15 of 2014 wef 01/04/2014]

(2) Notwithstanding subsection (1) or any other written law for the time being in force, any police officer or authorised officer, who, having effected an arrest in accordance with subsection (1), is satisfied as to the identity, name and place of residence of the person arrested, may, instead of taking him before a Magistrate's Court or to a police station serve upon that person a notice in such form as may be prescribed under section 108 requiring him to attend at the Court described at the hour and on the date specified in the notice.

[4/2002]

(3) For the purpose of satisfying himself as to the identity of the person arrested, the police officer or authorised officer may require the person arrested to furnish such evidence of identity as he may consider necessary.

[4/2002]

(4) A duplicate of the notice served under subsection (2) shall be prepared by the police officer or authorised officer, as the case may be, and produced by him to a Magistrate's Court if so required by the Court.

[4/2002]

(5) On an accused person appearing before a Magistrate's Court in pursuance of such a notice, the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it under subsection (1).

(6) If a person upon whom a notice under subsection (2) has been served fails to appear before a Magistrate's Court in accordance with the notice, the Court shall thereupon issue a warrant for the arrest of that person.

(7) Upon a person arrested in pursuance of a warrant issued under subsection (6) being produced before it, a Magistrate's Court shall —

- (a) proceed as though he were produced before it under subsection (1); and
- (b) at the conclusion of the proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice served upon him and if cause is not shown may order him to pay such penalty not exceeding \$2,000 as the Court may think fit or may commit him to prison for a term not exceeding 2 months.

(8) Any stall, together with any appliances and utensils relating thereto and the food or goods intended or exposed for sale, whether or not they appear to be abandoned, belonging or appearing to belong to or in the possession of a person appearing to be committing or to have committed an offence under this Part may be seized by any police officer or authorised officer and removed to and detained in any police station or such other place as may be approved by the Director-General at the risk of the owner, to abide the directions of a Magistrate's Court.

[4/2002]

(9) If any money is found, together with any food, articles, appliances or utensils seized under subsection (8), the money shall be deemed to be lawfully seized.

(10) Any money seized under subsection (9) if it is claimed within 48 hours after such seizure by the owner thereof shall be returned to the owner whether or not he is licensed under this Part.

(11) Any cooked or uncooked food or perishable articles or goods, seized and removed under subsection (8) and likely to decay may be disposed of immediately.

(12) If any abandoned articles or goods so seized and detained, other than cooked or uncooked food or perishable articles or goods already disposed of, are claimed within 48 hours after the seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell the articles or goods at the place at which the articles or goods were seized, such abandoned articles or goods shall be returned to him.

(13) Every seizure shall, except when the articles, goods or money have been returned to the owner, be reported to a Magistrate's Court.

(14) The Magistrate's Court shall, on convicting any person of an offence under section 41A(1) or on receiving a report in respect of any abandoned articles which were apparently being used in connection with the sale of food or goods, order the property seized under subsection (8) to be forfeited and to be disposed of in such manner as the Court may think fit.

[Act 15 of 2014 wef 01/04/2014]

(15) The Magistrate's Court may, on receiving a report in respect of any abandoned articles which were not apparently being used in connection with the sale of food or goods, order the property seized under subsection (8) to be forfeited and to be disposed of in such manner as the Court may think fit.

(16) If the Magistrate's Court directs the sale of any article, the proceeds or such part thereof as the Court may think fit shall be paid to the Agency and the balance, if any, paid to the owner.

[4/2002]

(17) The Magistrate's Court may, on convicting any person for an offence under section 41A(1), order any money seized under subsection (9) to be returned to him if he satisfies the Court that he is the owner thereof.

[Act 15 of 2014 wef 01/04/2014]

(18) The Magistrate's Court shall, on convicting any person for an offence under section 41A(1) and such person does not satisfy the Court that he is the owner of any money seized under subsection (9) or, on receiving a report in respect of any abandoned money, order such money to be forfeited and paid to the Agency.

[4/2002]

[Act 15 of 2014 wef 01/04/2014]

(19) This section shall apply, with the necessary modifications, to any person who contravenes any regulations made under this Act for the control of matters under this Part.

PART V

PUBLIC NUISANCES

Public nuisances to be abated

43. The Director-General may take such steps as he may consider necessary to remove or abate all nuisances of a public nature and may, if he considers that the circumstances so warrant, proceed at law against any person committing any such nuisance.

[4/2002]

Nuisances liable to be dealt with summarily

44. For the purposes of this Act, the following shall be nuisances liable to be dealt with summarily under this Act:

- (a) any premises or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health;
- (b) any pool, gutter, watercourse, earth-closet, cesspool, sewer, drain or sanitary conveniences in a foul state or so situate as to be a nuisance or injurious or dangerous to health;
- (c) the keeping of any animal, bird, poultry or carcass in such place or manner or in such numbers as to be a nuisance or injurious or dangerous to health;
- (d) any dust, effluvium, accumulation or deposit which is a nuisance or injurious or dangerous to health;
- (e) the issue of any fumes, vapours, gases, heat, radiation or smells in any premises which is a nuisance or injurious or dangerous to health;
- (f) any well, pool or other source, the water from which is used or likely to be used for human consumption and which is so polluted or is likely to become so polluted as to be injurious or dangerous to health;
- (g) any tank or receptacle or article capable of containing water or any well, pool, watercourse, ditch or low marshy

ground which is injurious to health or offensive to the neighbourhood;

- (h) any factory or work place which is not kept in a clean state and free from effluvia arising from any sewer, drain, privy, latrine, earth-closet, urinal or other nuisance;
- (i) any place where there exists, or is likely to exist, any condition giving rise, or capable of giving rise to the breeding of flies or mosquitoes;
- (j) any furnace, chimney, fire place or other place from which is emitted smoke or other unconsumed combustible matter in such quantity or in such a manner as to be a nuisance or injurious or dangerous to health;
- (k) any brick-field, sandpit or any other kind of excavation which is injurious to health or offensive to the neighbourhood or is used for any purpose likely to be injurious to health;
- (l) any machinery, plant or any method or process used in any premises which causes a nuisance or is dangerous to public health or safety;
- (m) any place where there occurs, or from which there emanates noise or vibration as to amount to a nuisance; or
- (n) any other matter declared by this Act to be a nuisance liable to be dealt with summarily.

Nuisance order

45.—(1) On receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Act, the Director-General may, if satisfied of the existence of a nuisance, serve a nuisance order on the person by whose act, default or sufferance the nuisance arises or continues, or if the person cannot be found, on the owner or occupier of the premises on which the nuisance arises.

[4/2002]

(2) A nuisance order may —

- (a) require works to be executed or things to be done that are necessary to abate the nuisance;
- (b) require works to be executed or things to be done that are necessary to prevent the recurrence of the nuisance notwithstanding that the nuisance has for the time being been abated;
- (c) require the stoppage of any work either indefinitely or until such time as the steps which may be specified in the order have been taken to abate or prevent the recurrence of the nuisance; or
- (d) prohibit a dwelling-house from being used for human habitation.

(3) A nuisance order shall, if the Director-General thinks it desirable, specify the works to be executed by any person under subsection (2).

[4/2002]

(4) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or the owner of the premises, the Director-General may cause the nuisance to be abated and may do what is necessary to prevent the recurrence of the nuisance.

[4/2002]

(5) Where a nuisance order prohibits a dwelling-house from being used for human habitation, the Director-General may, when satisfied that it has been rendered fit for human habitation, cancel the nuisance order.

[4/2002]

(6) Where a nuisance order prohibiting a dwelling-house from being used for human habitation has not been cancelled, the Director-General, if he is of the opinion that —

- (a) the dwelling-house has not been rendered fit for human habitation;
- (b) the necessary steps are not being taken with all due diligence to render it so fit; or

- (c) the continuance of the dwelling-house is dangerous or injurious to the health of the public or of the occupants of the neighbouring dwelling-houses,

may make a complaint to a Magistrate's Court.

[4/2002]

(7) A Magistrate's Court after hearing the complaint may make on the owner a summary order for the demolition of such dwelling-house within the time and date specified in such order.

(8) The order may also contain a direction that the materials of the dwelling-house or any part of such materials shall be destroyed.

(9) Where a nuisance order prohibits a dwelling-house from being used for human habitation, the Director-General shall serve notice of the order on every occupier of the dwelling-house.

(10) Within such period as is specified in the order not being less than 7 days (except in case of immediate danger) after the service of the order under subsection (9), the order shall be obeyed by the occupier and he and his family shall cease to inhabit the dwelling-house, and in default he shall be guilty of an offence and the Magistrate's Court shall, upon application by the Director-General, make a summary order for his ejection and the order may be carried into effect by any police officer.

[4/2002]

(11) Any person who fails to comply with a nuisance order served on him under subsection (1) shall be guilty of an offence and shall be liable —

- (a) in the case of a first conviction, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000

for every day or part thereof during which the offence continues after conviction.

[22/99]

Execution of order for demolition

46.—(1) Where an order for the demolition of a dwelling-house has been made under section 45(7), the owner thereof shall, within the time mentioned in the order, take down and remove the dwelling-house and, if the order for demolition so directs and to the extent therein mentioned, destroy the materials thereof.

(2) If the owner fails to comply with subsection (1), the Director-General or any authorised officer shall proceed to take down and remove the building and, if necessary, destroy the materials, and may recover the costs of such work from the owner.

[4/2002]

(3) Section 93 shall apply to any sum recoverable from any owner under this section.

PART VI

INSANITARY PREMISES, SANITARY CONVENIENCES, GENERAL HEALTH REQUIREMENTS FOR BUILDINGS

Insanitary Premises

Premises in unwholesome state

47. Where the Director-General is of the opinion that any premises, whether tenanted or otherwise, or any part thereof are in an unclean, grimy, neglected, unkempt or insanitary condition, he may by an order in writing direct the owner or occupier thereof to take all or any of the following measures at the expense of that owner or occupier within a time and date to be specified in the order:

- (a) remove all rank or noisome vegetation, refuse or other matter within those premises or part thereof, or in the immediate vicinity of those premises, to such place or otherwise dispose of it at such place, as may be specified in the order;

- (b) cleanse the premises or part thereof internally or externally, or both internally and externally, and if necessary disinfect it.

[4/2002]

Destruction of rats, wasps, bees, etc.

48.—(1) Where the Director-General is of the opinion that —

- (a) any premises are so infested with rats, mice, insects or other vermin; or
- (b) there exist, in any premises, wasps, bees, hornets or other insects capable of stinging and the Director-General is of the opinion that there is a probability, risk or danger that the persons in those premises or in the vicinity thereof may be stung by them, or if any of those persons has been stung by them,

the Director-General may, by notice in writing, require the owner or occupier of the premises at his own expense to take such measures as the Director-General may consider necessary, within such time and date as may be specified in the notice, for the destruction of the rats, mice, wasps, bees, hornets or other insects or vermins, for the removal of their breeding places and for preventing their reappearance.

[4/2002]

(2) Where wasps, bees, hornets or other insects capable of stinging exist in any vacant premises and the owner cannot by the exercise of reasonable diligence be found, and the Director-General is of the opinion that persons in the vicinity of the premises are in imminent danger of being stung by them, or if any such persons have been stung by them, he may enter upon the premises and take such measures as he considers necessary for their destruction, for the removal of their breeding places and for preventing their reappearance.

[4/2002]

(3) The costs and expenses incurred under subsection (2) shall be borne by the Agency.

[4/2002]

Closing and demolition, etc., of insanitary dwellings

49.—(1) Where the Director-General is of the opinion that any building or part thereof or anything attached to a building used or occupied as a dwelling-house is unfit for human habitation and cannot be rendered fit therefor without the removal, alteration or demolition in whole or in part of any partition, compartment, loft, gallery, pent-roof, out-house or other structure or erection or without the execution of such alterations or structural operations as he may specify, the Director-General may, by notice in writing, require the owner thereof to carry into effect all or any of the following:

- (a) the removal, alteration or demolition of the whole or a part of the partitions or other erections or obstructions complained of;
- (b) the execution of such operations or structural alterations as are necessary to render the premises fit for human habitation and to guard against danger of disease.

[4/2002]

(2) The notice shall give not less than 24 hours in advance for the commencement of the operation enjoined and shall specify the period within which the operation shall be completed.

(3) No person shall, without the express permission in writing of the Director-General, replace any partition, erection or obstruction removed under subsection (1) and the Director-General or any authorised officer may enter upon such premises and remove such partition, erection or obstruction.

[4/2002]

(4) The Director-General may also, by notice to be posted in a conspicuous position upon the building, require the owner or occupier, as the case may be, to cease to inhabit the building and to remove all goods, furniture and effects from the building within 48 hours from the posting of the notice.

[4/2002]

(5) The owner and every occupying tenant shall thereupon comply with the requirements of the notice.

(6) At the expiration of 48 hours from the posting of the notice mentioned in subsection (4), the Director-General or any authorised officer may remove all goods, furniture and effects from the building.

[4/2002]

Overcrowding of houses

50. No person shall permit a house to be so overcrowded as in the opinion of the Director-General to be injurious or dangerous to the health of the residents thereof.

[4/2002]

Sanitary Conveniences, Drains, Sewers and Wells

Public toilets

51. The Director-General may provide and maintain in proper and convenient situations toilets for public use and may charge a fee for the use of any such toilets or may license such toilets for such periods and on payment of such fees as he may think fit.

[4/2002]

Insufficient and defective sanitary conveniences

52.—(1) If it appears to the Director-General that —

- (a) any building or part thereof is without sufficient sanitary conveniences; or
- (b) any sanitary conveniences provided for or in connection with a building or part thereof are in such a state as to be prejudicial to health or a nuisance and cannot without reconstruction be put into a satisfactory condition,

the Director-General shall, by notice in writing to the owner of the building, require him to provide the building or any part thereof with such sanitary conveniences as may be necessary for the use of persons using the building.

[4/2002]

(2) The Director-General may, in his discretion, by notice in writing to the owner of any building or part thereof, require him to re-site any toilet attached thereto.

[4/2002]

Repairs

53. If it appears to the Director-General that any sanitary conveniences provided for or in connection with a building or part thereof are in such a state as to be defective or prejudicial to health or a nuisance, but that they can without reconstruction be put into a satisfactory condition, the Director-General shall, by notice in writing, require the owner or occupier of the building to execute such works or to take such steps by cleansing the sanitary conveniences or otherwise as may be necessary for that purpose.

[4/2002]

Sanitary conveniences in work premises or work place

54.—(1) Any premises which are used as work premises or work place shall be provided —

- (a) with adequate sanitary conveniences sited at such locations as the Director-General may think fit, having regard to the number of persons employed in, or in attendance at, the work premises or work place; and
- (b) where persons of both sexes are employed or in attendance, with adequate separate sanitary conveniences for persons of each sex, unless the Director-General is satisfied that in the circumstances of any particular case the provision of such separate sanitary conveniences is unnecessary.

[4/2002]

(2) If it appears to the Director-General that subsection (1) has not been complied with in the case of any work premises or work place, he shall, by notice in writing, require the owner or the occupier of the work premises or work place, as the case may be, to —

- (a) make such alterations in the existing sanitary conveniences; and
- (b) provide such additional sanitary conveniences as may be necessary.

[4/2002]

Care of sanitary conveniences

55.—(1) The owner and the occupier of every building in or in connection with which a toilet or urinal is provided shall cause the flushing apparatus thereof to be kept supplied with water sufficient for flushing.

(2) Where sanitary conveniences are used in common by the members of 2 or more families or by members of the public or by employees, the owner, occupier, chief or principal tenant or the person in charge of the building concerned, as the case may be, shall maintain such sanitary conveniences in a clean and hygienic manner without causing any nuisance to sight or smell.

Inadequate bathroom facilities

56. If it appears to the Director-General that any building or part thereof is without any bathroom or without adequate facilities for bathing, he may, by notice in writing to the owner of the building, require him to provide the building with one or more bathrooms or with such facilities for bathing as the Director-General may consider adequate.

[4/2002]

Construction and maintenance of private drains

57.—(1) The Director-General may, by notice in writing, require the owner of any land or the owner of adjoining lands, at the expense of the owner to —

- (a) construct such drain or number of drains as the Director-General may consider necessary in accordance with such specifications as he may think fit; and
- (b) maintain and keep in a clean and sanitary condition any drain or drains so constructed or any other existing drain or drains in such land.

[4/2002]

(2) For the purpose of ensuring a free flow of water, the Director-General may cause one or more drains to be constructed through, across or under any land after giving notice in writing in that behalf to

the owner thereof, doing as little damage as may be and making full compensation for any damage done.

[4/2002]

(3) If any dispute arises concerning the amount or apportionment of compensation, it shall be settled in the manner provided in section 89.

Drains, etc., to be kept in order at cost of owners

58.—(1) All drains or any appurtenance thereof shall be altered, repaired and kept in proper order at the expense of the owners of the land and buildings to which the drains or appurtenance belong or for the use of which they are maintained.

(2) The Director-General may, by notice in writing, require the owner of any land or building to alter, repair or put any drain or any appurtenance thereof in good order in the manner required by him.

[4/2002]

(3) In any case where an authorised officer is satisfied that an emergency exists and that it is necessary immediately to alter, repair or put in good order and condition any drain or any appurtenance thereto, the authorised officer may —

- (a) enter with such assistants and workmen as are necessary upon any land or building; and
- (b) do or cause to be done such alterations, repairs, works, acts or things as are necessary for any of the purposes under this subsection.

[4/2002]

(4) The expenses reasonably and necessarily incurred in so doing may be recovered from the person who is the owner of the land or building when the work is completed, and in default of agreement the amount of such expenses may be determined under section 89, and section 92 shall apply to the amount for which judgment is given.

(5) Any person who constructs, rebuilds or unstops any drain or any appurtenance thereto, which has been ordered by the Director-General to be demolished or stopped up or not to be made shall be guilty of an offence.

[4/2002]

Restriction on construction of wells, etc.

59.—(1) No person other than the owner or occupier of an agricultural or horticultural holding shall, without the previous permission of the Director-General, open, dig or otherwise construct or permit or allow to be opened, dug or otherwise constructed any well, tank or reservoir, the water in which is likely to be used for drinking, domestic or other purposes.

[4/2002]

(2) For the purposes of subsection (1), any well within the curtilage of any dwelling-house shall be deemed to be likely to be used for drinking or domestic purposes.

(3) If the owner or occupier of any agricultural or horticultural holding opens, digs or otherwise constructs or permits or allows to be opened, dug or otherwise constructed any well, tank or reservoir, he shall report the opening, digging or construction of the well, tank or reservoir, as the case may be, within one month thereof to the Director-General.

[4/2002]

(4) The Director-General may give to the owner or occupier of any premises notice to close any well, tank or reservoir, the water in which is likely to be used for drinking or domestic purposes and may by the notice specify any works to be executed for such purpose within a time and date to be specified in the notice, and the owner or occupier shall comply with the terms of such notice.

[4/2002]

General Health Requirements for Buildings

Buildings to which public has access to be kept clean

60.—(1) The owner, occupier or lessee of any building or any part thereof to which the public has access shall —

- (a) regularly clean and keep clean and in good repair the building or part thereof; and
- (b) keep the building or part thereof free of such conditions as may endanger the lives or health of his employees, members of the public and other users thereof.

(2) Where, in the opinion of the Director-General, the owner, occupier or lessee of any such building or part thereof fails to comply with subsection (1)(a) or (b), the Director-General may, by notice in writing, require the owner, occupier or lessee within such period as may be specified therein to take such steps as the Director-General may think fit.

[4/2002]

(3) In the case of an air-conditioned building or part thereof, the Director-General may, by notice in writing —

- (a) prescribe temperature and humidity controls for such air-conditioned building or part thereof; and
- (b) require the owner, occupier or lessee of the building or part thereof —
 - (i) to install automatic devices for recording the temperature and humidity level in the building or part thereof; and
 - (ii) to keep such records and charts of the temperature and humidity level in such building or part thereof as the Director-General may direct for the inspection of the Director-General.

[4/2002]

Director-General may require employers to provide mess rooms, etc.

61. The Director-General may, in his discretion, by notice in writing, require any employer to provide for his employees, if in the opinion of the Director-General the conditions or circumstances under which such employees work so warrant, suitable and sufficient facilities by way of mess rooms, rest rooms, canteens, changing rooms or pantries or to improve upon the same if the Director-General considers the existing facilities inadequate.

[4/2002]

Appointment of Environmental Control Officer in construction site

62.—(1) This section shall apply to such class or description of construction sites as the Agency may, with the approval of the Minister by order published in the *Gazette*, specify.

[22/99; 4/2002]

(2) The occupier of any construction site to which this section applies shall employ a competent person to act as an Environmental Control Officer in the construction site.

[22/99]

(2A) Notwithstanding subsection (2), where a construction site has more than one occupier, the Director-General may, by notice in writing, require the developer of that construction site to employ a competent person to act as an Environmental Control Officer in that construction site, and the developer shall ensure that an Environmental Control Officer is so employed until the completion of the works in that construction site.

[Act 15 of 2014 wef 01/04/2014]

(3) The Environmental Control Officer employed under this section shall be employed on a full-time or part-time basis, as may be specified in the order under subsection (1), for the purpose of exercising general supervision within the construction sites of the observance of the provisions of this Act, the Control of Vectors and Pesticides Act (Cap. 59), the Environmental Protection and Management Act (Cap. 94A) and the Sewerage and Drainage Act (Cap. 294), and any regulations made thereunder.

[22/99]

[26/2007 wef 01/01/2008]

(4) The Environmental Control Officer shall possess such qualifications or have received such training as the Agency may, with the approval of the Minister, from time to time, by notification in the *Gazette*, prescribe.

[22/99; 4/2002]

PART VII**SWIMMING POOLS****Licensing of swimming pools**

63. No person shall establish, manage, operate or run a swimming pool without first obtaining a licence from the Director-General.

[4/2002]

Closure of swimming pools

64.—(1) The Director-General may, by notice in writing, require the owner or person in charge of any swimming pool to close the swimming pool within a specified time if —

- (a) he fails to comply with any of the provisions of this Part or of any regulations pertaining to swimming pools; or
- (b) there is an outbreak of an infectious disease which may endanger the health of any person using the swimming pool.

[4/2002]

(2) Upon the receipt from the Director-General of any such notice, the owner or person in charge shall close the swimming pool within such time as is specified in the notice.

[4/2002]

(3) Upon compliance by the owner or person in charge with the provisions that he has contravened as specified in such notice or upon the cessation of the infectious disease, as the case may be, the Director-General shall, by notice in writing, grant permission to the owner or person in charge for the reopening of the swimming pool.

[4/2002]

65. [Repealed by Act 48 of 2018 wef 01/02/2019]

Application to Government swimming pools

66. Section 64 shall also apply to swimming pools owned by the Government.

PART VIII

FUNERAL PARLOURS, CEMETERIES AND CREMATORIA

Licensing of funeral parlours, cemeteries and crematoria

67. No person shall establish, use, manage, operate or run any premises as a funeral parlour, cemetery or crematoria without first obtaining a licence from the Director-General.

[4/2002]

68. [Repealed by Act 48 of 2018 wef 01/02/2019]

Corpse not to be retained beyond 48 hours unless encoffined

69.—(1) No corpse shall be retained in any premises, including a funeral parlour, for a period longer than 48 hours after death, unless the corpse is encoffined in a hermetically sealed coffin or is embalmed.

(2) So long as such corpse is encoffined in a hermetically sealed coffin or is embalmed, it may be retained in any premises, including a funeral parlour, for a period not exceeding 7 days after death, but where it is intended to retain a corpse for a period exceeding 7 days, the permission in writing of the Director-General shall be obtained.

[4/2002]

Decomposed corpse

70. No corpse in an advanced stage of decomposition shall be received into any funeral parlour unless encoffined in a hermetically sealed coffin.

Agency may provide cemeteries and crematoria

71. The Agency may provide suitable places to be used as public cemeteries and crematoria and shall make proper provisions for maintaining them.

[4/2002]

Places which may be used for burials, etc.

72.—(1) No place shall be used or prepared for the burial or cremation of any corpse except cemeteries or crematoria provided by the Agency or licensed by the Director-General under section 67.

[4/2002]

(2) Notwithstanding subsection (1), the Minister may permit the burial at any suitable place of the corpse of any person who in the opinion of the Minister has rendered outstanding or meritorious service to Singapore.

Unlawful burials

73.—(1) No person shall bury or cremate or cause or procure or suffer to be buried or cremated any corpse in or upon any place, not being a place where burial or cremation is permitted under this Act or prepare any such place to be used for the burial or cremation of any corpse.

(2) The Director-General may, by notice in writing, require any person who has been convicted of an offence under this section to remove within 14 days —

(a) the corpse in respect of the unlawful interment of which he has been convicted from the place in which it has been buried to a lawful burial ground; and

(b) any structure which has been erected at such place.

[4/2002]

(3) If, within 14 days, the person convicted produces to the Director-General a licence granted under section 67, the notice may be cancelled.

[4/2002]

(4) Any person who refuses or neglects to comply with any such notice shall be guilty of an offence.

(5) The Director-General may proceed to authorise any person to carry the notice into execution at the expense of the person so refusing or so neglecting to comply with the notice and to hire or employ proper persons for that purpose and may recover such

expense in the manner provided by law for the levy of fines imposed by a court.

[4/2002]

Power to close cemeteries, etc.

74.—(1) If at any time it appears to the Director-General that —

- (a) burials in any cemetery or place of burial should be wholly discontinued;
- (b) the cremation of corpses in any crematorium or any place used for the cremation of corpses should be wholly discontinued; or
- (c) any cemetery or place of burial, crematorium or any place used for the cremation of corpses or any part thereof is being used in contravention of any condition of the licence granted in respect of the cemetery or crematorium,

the Director-General may order the cemetery or crematorium or any part thereof to be closed and may revoke the licence thereof and thereafter it shall not be lawful to use the cemetery or crematorium or part thereof, as the case may be, as a place for the burial or cremation of corpses.

[4/2002]

(2) No such closing or revocation shall have effect until it has been confirmed by the Minister.

Unauthorised structure

75.—(1) No person shall construct or erect any unauthorised structure in any cemetery or crematorium.

(2) The Director-General shall, by notice in writing, require any person who constructs or erects an unauthorised structure in any cemetery or crematorium to demolish or remove the structure within such period as he may specify, and if the person fails to do so within the period specified, the Director-General may cause the structure to be removed or demolished.

[4/2002]

Exhumation

76.—(1) No corpse shall be exhumed otherwise than —

- (a) by a notice from the Director-General under section 73;
- (b) by order of a Magistrate, Coroner or Commissioner of Police for the purpose of judicial inquiry;
- (c) by written permission granted for that purpose by the Director-General; and
- (d) by the Director-General for the purpose of using the place where the corpse is buried for the burial of another corpse.

[22/99; 4/2002]

(2) Any person who exhumes or causes to be exhumed or, being the owner, trustee or person in charge of any burial ground, permits to be exhumed any corpse in contravention of this section shall be guilty of an offence.

77. *[Repealed by Act 48 of 2018 wef 01/02/2019]*

PART IX**PROVISION OF WATER SUITABLE FOR DRINKING****Interpretation of this Part**

78. In this Part —

“general appearance”, in relation to water suitable for drinking, includes the colour and clarity of the water;

“provide”, in relation to water suitable for drinking, means to convey, distribute, produce, supply, offer to provide or otherwise make available, in the course of business and whether or not carried on for profit, the water —

- (a) to the public, or a section of the public, at a public place, any common area of any residential premises, or any other place, premises or area; and
- (b) by using any reticulation system, storage tank, container, hose, water fitting, generator, tanker,

truck or any other system, facility, equipment or vehicle,

but does not include —

- (i) any sale of water suitable for drinking that is regulated under the Sale of Food Act (Cap. 283);
- (ii) any supply to a vessel of water suitable for drinking that is regulated under the Maritime and Port Authority of Singapore Act (Cap. 170A);
- (iii) any provision to a Singapore ship of water suitable for drinking that is regulated under the Merchant Shipping Act (Cap. 179);
- (iv) any provision of water suitable for drinking solely to the Public Utilities Board; and
- (v) any other provision of water prescribed by the Minister by order in the *Gazette*, as not being the provision of water suitable for drinking;

“Public Utilities Board” means the Public Utilities Board continued under section 3 of the Public Utilities Act (Cap. 261);

“water provider” means a person who provides water suitable for drinking;

“water suitable for drinking” means —

- (a) potable water; and
- (b) any water held out by a water provider as potable water,

but does not include any water intended for consumption solely by animals.

[Act 11 of 2018 wef 25/03/2019]

Provision of water suitable for drinking

79.—(1) A water provider must not provide water suitable for drinking unless the water is unpolluted and wholesome.

(2) For the purposes of subsection (1), water is unpolluted and wholesome if the water —

- (a) conforms to the prescribed requirements concerning the quality, purity and general appearance of water suitable for drinking; and
- (b) does not, based on any prescribed methodology or assessment, contain any contaminant, substance or organism, either alone or in any combination, at a concentration or value that constitutes a potential danger to human health.

(3) The regulations prescribing the methodology or assessment mentioned in subsection (2)(b) may —

- (a) incorporate by reference any document relating to such methodology or assessment that is —
 - (i) issued or approved; and
 - (ii) in force or published at a particular time, or from time to time,by any organisation or other person whose purposes relate to public health; and
- (b) provide for the Director-General to specify any other methodology or assessment.

(4) A water provider who provides, or intends to provide, water suitable for drinking must comply with the prescribed duties of a water provider, which may include the duty to —

- (a) comply with the requirements relating to the composition, type and specifications of any container or other package in which the water is provided or is to be provided (called in this section the water packaging);
- (b) comply with the requirements relating to the way in which the water provided or to be provided is presented, including requirements relating to the labels that may be affixed on the water packaging and information that must accompany the water packaging (whether on the label,

printed on the water packaging or on an accompanying document);

- (c) comply with the requirements relating to the risk assessment and risk management measures that are or are to be used in order to minimise the likelihood of the water becoming polluted and unwholesome;
- (d) comply with the requirements relating to the sampling and testing of the water;
- (e) provide, to the Director-General, such information as the Director-General may require relating to the water provided or to be provided;
- (f) carry out such remedial measures as the Director-General may require; and
- (g) comply with any other requirement, as may be prescribed, for the purposes of keeping the water unpolluted and wholesome.

(5) Where the Director-General is of the opinion that any water provider has contravened any requirement under subsection (1) or (4), the Director-General may by notice in writing require the water provider to stop the provision of such water, and the water provider must comply with such notice.

(6) Any person who contravenes subsection (1), (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

[Act 11 of 2018 wef 25/03/2019]

Power to enter and investigate

80.—(1) An authorised officer may, at any time without notice, enter any premises and do all or any of the following for the specified purposes:

- (a) search the premises and take possession of any thing found in those premises;

- (b) require the production of, and take and retain extracts from or copies of, records, certificates, notices and documents (wherever and by whoever they are kept);
 - (c) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found for the purpose of analysis;
 - (d) take such photographs or video recordings as the authorised officer thinks necessary;
 - (e) require any person whom the authorised officer finds in the premises to produce the person's identity card or other identification papers for inspection.
- (2) In subsection (1), "specified purposes" means one or both of the following purposes:
- (a) to ascertain whether the requirements imposed by or under this Part are complied with;
 - (b) to investigate a suspected offence under this Part.

[Act 11 of 2018 wef 25/03/2019]

80A. *[Repealed by Act 11 of 2018 wef 25/03/2019]*

PART IXA

GENERAL CLEANING INDUSTRY

[Act 15 of 2014 wef 01/04/2014]

Purpose of this Part

80B. The purpose of this Part is to regulate and upgrade cleaning standards and productivity in the cleaning industry in Singapore by licensing cleaning businesses with requirements for the training of cleaners and the payment of progressive wages to cleaners that ensure a more engaged cleaning workforce and the retention of a core of resident cleaners.

[Act 15 of 2014 wef 01/04/2014]

Non-application of sections 99 and 103

80C.—(1) Section 99 shall not apply to or in relation to any cleaning business licence.

(2) Section 103 shall not apply to the contravention of any provision of this Part.

[Act 15 of 2014 wef 01/04/2014]

Carrying on cleaning business without cleaning business licence prohibited

80D.—(1) No person shall carry on a cleaning business in Singapore, except under and in accordance with a cleaning business licence that is in force.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(3) In this section, a person is presumed, until the contrary is proved, to be carrying on a cleaning business if the person, directly or indirectly, charges or receives any fee or reward for providing cleaning work to other persons, or undertakes for a fee or reward to provide cleaning work to other persons, as follows:

(a) by contract of service, the person employs 2 or more individuals as cleaners to perform the cleaning work;

(b) the person, having —

(i) to achieve a stated result or outcome; and

(ii) to supply all or substantially all of the plant or equipment or the tools of trade needed to perform the cleaning work,

by contract (whether or not a contract of service) engages 2 or more individuals to perform the cleaning work; or

(c) being a principal contractor, the person engages by contract (other than a contract of service) any person

referred to in paragraph (a) or (b) to provide cleaning work to other persons.

[Act 15 of 2014 wef 01/04/2014]

Offence to engage unlicensed persons

80E.—(1) Where —

- (a) a person (referred to in this section as A) enters into or renews any contract (other than a contract of service) with another person (referred to in this section as B) for cleaning work to be performed by cleaners engaged or employed by B on premises or any public place owned, occupied or managed by A; and
- (b) B does not hold a valid cleaning business licence as required by section 80D,

then, whether or not any criminal proceedings are instituted against B, A shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(2) In any proceedings for an offence under subsection (1), it shall be a defence for A to prove, on a balance of probabilities, that he did not know and could not reasonably have been expected to know that B did not hold a valid cleaning business licence as required by section 80D.

[Act 15 of 2014 wef 01/04/2014]

Application for cleaning business licence

80F.—(1) Every application for a cleaning business licence shall —

- (a) be made to the Director-General in such form and manner as the Director-General may require; and
- (b) be accompanied by —
 - (i) the prescribed application fee (if any);

- (ii) a progressive wage plan in respect of the applicant's cleaning business that is in conformity with section 80G(5); and
- (iii) such other particulars, information and documents as the Director-General may require.

(2) The applicant shall, at the request of the Director-General, provide any further information or evidence that the Director-General may require to decide the application.

(3) Any person who, in relation to any application for the grant or renewal of a cleaning business licence, submits a false document or makes a statement which is false or misleading in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

[Act 15 of 2014 wef 01/04/2014]

Grant or refusal of cleaning business licence

80G.—(1) The Director-General may grant or refuse to grant a cleaning business licence in accordance with this Part, and in every case he must notify the applicant in writing of his decision.

(2) There shall be charged for the grant of any cleaning business licence such fee, if any, as may be prescribed.

(3) No applicant for, or holder of, a cleaning business licence shall be entitled to any refund of any fee paid in respect of any application for or grant of a cleaning business licence.

(4) Subject to the provisions of this Part, an applicant shall be eligible for a cleaning business licence if —

- (a) the applicant is a company registered under the Companies Act, a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), a sole proprietorship or firm registered under the Business Names Registration Act 2014, a society registered under the Societies Act (Cap. 311) or an entity having such business or corporate structure as may be prescribed;

[Act 29 of 2014 wef 03/01/2016]

- (b) the applicant satisfies the Director-General that —
- (i) the applicant has, during the prescribed period before the date of the applicant's application, performed or started performing no fewer than the prescribed minimum number of cleaning contracts; or
 - (ii) in the case where the applicant does not satisfy the requirement in sub-paragraph (i) in relation to the cleaning contracts, the applicant has at least one officer or employee who has not less than the prescribed minimum number of years of practical experience in supervising cleaning work or who has been conferred such qualification or certificate relating to cleaning work as may be prescribed;
- (c) the progressive wage plan in respect of its cleaning business submitted by the applicant is in conformity with subsection (5);
- (d) in the case of an applicant who has one or more cleaners in the applicant's employ at the time of the application, the applicant satisfies the Director-General that the prescribed proportion of the cleaners the applicant employs have attended the prescribed training and at the prescribed frequency; and
- (e) the applicant satisfies such other requirements as may be prescribed.
- (5) Every progressive wage plan in respect of a cleaning business of a licensee or an applicant for a cleaning business licence must —
- (a) relate to every citizen or permanent resident of Singapore the licensee or applicant employs or proposes to employ as a cleaner in its cleaning business;
 - (b) specify the basic wage payable to every cleaner in paragraph (a) that is on an increasing scale depending on seniority, responsibilities, cleaning work experience and training received;

[Act 48 of 2018 wef 01/02/2019]

(c) specify an amount as the basic wage for each class of cleaners in paragraph (a) that is not less than the amount specified under section 80H(2)(a) for that class; and

[Act 48 of 2018 wef 01/02/2019]

(d) specify that where the cleaner belongs to a class of cleaners specified as eligible for a progressive wage model bonus under section 80H(2)(b), the cleaner will be paid a progressive wage model bonus.

[Act 48 of 2018 wef 01/02/2019]

(6) The Director-General may, if he thinks fit, in any particular case waive any (but not all) of the requirements of subsection (4).

(7) Any person who is aggrieved by the decision of the Director-General refusing to grant the person a cleaning business licence may, within 14 days after the person is notified of that decision, appeal to the Minister whose decision shall be final.

(8) In subsection (4)(b)(ii), “officer” —

(a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate;

(b) in relation to a partnership, means any partner;

(c) in relation to a sole proprietorship, means the sole proprietor; or

(d) in relation to a society, means any member of the committee of the society.

[Act 15 of 2014 wef 01/04/2014]

Conditions of cleaning business licence

80H.—(1) Every cleaning business licence shall be deemed to be granted subject to the following conditions:

(a) the holder of a cleaning business licence (referred to in this Part as a licensee) shall keep such records relating to the licensee’s cleaning business, and retain the records for such period, as may be prescribed;

- (b) the licensee —
- (i) shall ensure that each cleaner the licensee employs attends such training as may be specified by the Director-General whenever the Director-General requires that cleaner to attend such training; and
 - (ii) shall keep training records of each cleaner the licensee employs in such manner, containing such particulars and for such period as may be prescribed;
- (c) for each cleaner the licensee employs, the licensee shall enter into a contract of service in writing;
- (d) for every contract of service entered into between the licensee and a cleaner who is a citizen or permanent resident of Singapore, the contract must —
- (i) provide for payment to that cleaner of a basic wage that is not less than the minimum amount specified under subsection (2) for the class of cleaners to which that cleaner belongs;
[Act 48 of 2018 wef 01/02/2019]
 - (ii) provide for payment to that cleaner of a progressive wage model bonus that is not less than the minimum amount, and at the frequency, specified under subsection (2) if the cleaner belongs to the eligible class of cleaners specified under that subsection; and
[Act 48 of 2018 wef 01/02/2019]
 - (iii) contain terms not inconsistent with the requirements in section 80G(5) for the progressive wage plan in respect of that licensee's cleaning business;
[Act 48 of 2018 wef 01/02/2019]
- (e) the licensee shall issue to each cleaner the licensee employs a pay slip containing such particulars of that cleaner's basic wage and such other payment received by that cleaner from the licensee, and at such frequency, as may be prescribed; and
- (f) in the case where the licensee was required to satisfy the requirement in section 80G(4)(b)(ii) in respect of the grant

of the cleaning business licence, the licensee shall ensure that at all times at least one of the licensee's officers or employees has the practical experience, qualification or certificate referred to in section 80G(4)(b)(ii).

- (2) The Commissioner for Labour must, by order, specify —
- (a) the minimum amount for the purposes of subsection (1)(d)(i) and when the specified amount takes effect; and
 - (b) the minimum amount, the frequency of payment, and the eligible class of cleaners for the purposes of subsection (1)(d)(ii).

[Act 48 of 2018 wef 01/02/2019]

(2A) An order under subsection (2) may specify different minimum amounts for different classes of cleaners, and may be varied from time to time.

[Act 48 of 2018 wef 01/02/2019]

(3) In making an order under subsection (2), the Commissioner for Labour shall consider the recommendations by the Tripartite Cluster for Cleaners on remuneration for cleaners, if any.

(4) The Commissioner for Labour must publish every order he makes under subsection (2) in any way he thinks appropriate to bring the order to the notice of persons who in his opinion ought to have notice thereof, except that failure to comply with this subsection in respect of any order shall not invalidate the order.

(5) A specified amount shall take effect for the purposes of this Part notwithstanding that the basic wage that would have been payable to a cleaner under any collective agreement as defined in section 2 of the Industrial Relations Act (Cap. 136) is lower than the specified amount.

(6) The Director-General may, by notice in writing to licensees, postpone the effective date of any specified amount or any minimum amount specified under subsection (2) for the purposes of subsection (1)(d)(ii) (or any variation of that amount) —

- (a) in relation to cleaners employed (whether or not exclusively) to carry out or supervise the carrying out of

cleaning work under any cleaning contract entered into by licensees before the date on which the specified amount or minimum amount (as the case may be) otherwise takes effect; and

[Act 48 of 2018 wef 01/02/2019]

- (b) in any case where the Commissioner for Labour varies the specified amount or minimum amount (as the case may be), in relation to cleaners employed (whether or not exclusively) to carry out or supervise the carrying out of cleaning work under any cleaning contract entered into by licensees before the variation otherwise takes effect.

[Act 48 of 2018 wef 01/02/2019]

[Act 48 of 2018 wef 01/02/2019]

(7) The Director-General may, if he thinks fit, waive any (but not all) of the conditions specified in subsection (1) in any particular case.

(8) Subject to subsection (10), the Director-General may impose such other conditions on a cleaning business licence as he thinks fit, being conditions which are not inconsistent with those specified in subsection (1).

(9) Subject to subsection (10), the Director-General may, at any time, add to, vary or revoke any condition of a cleaning business licence imposed under subsection (8), except that any addition or variation must also not be inconsistent with any condition specified in subsection (1).

(10) Before imposing any condition under subsection (8) or making any modification to any condition of a cleaning business licence under subsection (9), the Director-General shall give notice to the licensee concerned —

- (a) of the terms of the proposed condition or modification; and
- (b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee concerned) within which written representations with respect to the proposed condition or modification may be made.

(11) Upon receipt of any written representation referred to in subsection (10)(b), the Director-General shall consider the

representation, and may reject the representation or amend the proposed condition or modification in accordance with the representation or otherwise, and in either event shall thereupon issue a direction in writing to the licensee concerned, requiring that effect be given within a reasonable time to the proposed condition or modification specified in the notice under subsection (10) or to such condition or modification as subsequently amended by the Director-General.

(12) In this section —

“officer”, in relation to a licensee referred to in subsection (1)(f), has the same meaning as in section 80G(8);

“Tripartite Cluster for Cleaners” means the body, comprising the representatives from employers, the trade unions of employees, and the Government, which is responsible for making recommendations on progressive wages for cleaners.

[Act 15 of 2014 wef 01/04/2014]

Form and validity of cleaning business licence

80I.—(1) Every cleaning business licence —

- (a) shall be in such form as the Director-General may determine;
- (b) shall contain the conditions subject to which it was granted;
- (c) shall be valid for the period stated therein unless it is earlier revoked under section 80J; and
- (d) may be renewed upon its expiry.

(2) Sections 80F, 80G and 80H shall apply, with the necessary modifications, to the renewal and an application for the renewal of a cleaning business licence.

[Act 15 of 2014 wef 01/04/2014]

Revocation and suspension of cleaning business licence

80J.—(1) Subject to subsections (3) and (4), the Director-General may by order revoke any cleaning business licence if he is satisfied that —

- (a) the licensee has ceased to carry on a cleaning business in Singapore;
- (b) the licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) the licensee no longer satisfies the requirements for a cleaning business licence referred to in section 80G(4)(a);
- (d) the licensee had, in connection with the application for the grant or renewal of its cleaning business licence, furnished false or misleading information in a material particular, or its cleaning business licence had been obtained by fraud or misrepresentation;
- (e) a circumstance which the Director-General becomes aware of would have required or permitted the Director-General to refuse to grant or renew the licensee's cleaning business licence, had the Director-General been aware of the circumstance immediately before granting or renewing the cleaning business licence;
- (f) any part of the progressive wage plan in respect of the licensee's cleaning business is not in conformity with section 80G(5);
- (g) the licensee has contravened any requirement or other provision of this Part or has been convicted of an offence under this Part;
- (h) the licensee has, on or after the date of commencement of section 15 of the Environmental Public Health (Amendment) Act 2014, contravened any requirement or provision of Part III of the Employment Act (Cap. 91) relating to the payment of salary, or has been convicted of an offence under Part III of the Employment Act relating to the payment of salary, of any of its employees, whether or not cleaners;
- (i) the licensee has failed to comply with any notice, direction or order issued under this Part by the Director-General or any authorised officer;

- (j) the licensee has failed to pay any fine for any offence under this Part, or any financial penalty, charge or fee charged or imposed under this Part;
- (k) the licensee has failed to comply with any condition of its cleaning business licence that is not waived under section 80H(7); or
- (l) it is in the public interest to revoke the cleaning business licence.

(2) Subject to subsection (3), where the Director-General considers that one or more events referred to in subsection (1) have occurred, but the event or events are not of sufficient gravity to revoke a cleaning business licence, the Director-General may by order —

- (a) suspend the cleaning business licence for such period of time (not exceeding 6 months) as the Director-General thinks fit; or
- (b) impose such other directions or restrictions as the Director-General considers appropriate on the licensee's cleaning business in Singapore.

(3) The Director-General shall not exercise his powers under subsection (1) or (2) unless an opportunity of being heard (whether in writing or otherwise) had been given to the licensee against whom the Director-General intends to exercise his powers, being a period of not less than 3 days and not more than 14 days, after the Director-General informs the licensee of such intention.

(4) In addition, the Director-General shall not exercise his powers under subsection (1) or (2) in relation to a licensee for failing to comply with the licence condition referred to in section 80H(1)(d) unless the Director-General has first consulted the Commissioner for Labour.

(5) Where the Director-General has by order revoked a cleaning business licence under subsection (1) or made any order under subsection (2) in respect of a cleaning business licence, he must, without delay, serve on the licensee concerned a notice of his order.

(6) Subject to subsections (7) and (8), an order under subsection (1) or (2) by the Director-General revoking or suspending a cleaning business licence or imposing restrictions on the licensee's cleaning business shall not take effect until the expiration of 14 days after the notice under subsection (5) has been served on the licensee.

(7) Any licensee or former licensee who is aggrieved by any order of the Director-General revoking or suspending its cleaning business licence or imposing directions or restrictions on its cleaning business may, within 14 days after the notice under subsection (5) has been served on the licensee or former licensee, appeal to the Minister whose decision shall be final.

(8) Where the licensee or former licensee concerned has appealed under subsection (7) to the Minister against any order of the Director-General under subsection (1) or (2), the order shall not take effect until it is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or withdrawn.

(9) Where an order of revocation or suspension of a cleaning business licence becomes effective, the licensee or former licensee concerned shall cease to carry on cleaning business in Singapore except to the extent allowed by the Director-General.

(10) Subsection (9) shall not prejudice the enforcement by any person of any right or claim against the licensee or former licensee concerned or by the licensee or former licensee concerned against any person.

[Act 15 of 2014 wef 01/04/2014]

Financial penalty

80K.—(1) Without prejudice to section 80J, where a licensee fails to comply with any condition of its cleaning business licence including any modification to any condition made by the Director-General under section 80H(9), the Director-General may, in lieu of or in addition to revocation or suspension of its cleaning business licence or imposition of directions or restrictions on the licensee's cleaning business under section 80J, impose a financial penalty of such amount, not exceeding \$5,000, as the Director-General thinks fit.

(2) The Director-General shall not exercise his powers under subsection (1) in relation to a licensee for failing to comply with the licence condition referred to in section 80H(1)(d) unless the Director-General has first consulted the Commissioner for Labour.

(3) Any licensee or former licensee who is aggrieved by the imposition of any financial penalty by the Director-General under subsection (1) may, within 14 days after the notice of such imposition has been served on the licensee or former licensee, appeal to the Minister whose decision shall be final.

(4) Any financial penalty imposed on any person under this section —

- (a) shall be collected, and may be sued for and recovered, by the Agency;
- (b) shall be deemed to be a debt due to the Government for the purposes of section 127 of the Bankruptcy Act (Cap. 20) and section 10 of the Government Proceedings Act (Cap. 121); and
- (c) shall be paid into the Consolidated Fund upon such collection or recovery,

and that person's liability to pay shall not be affected by its cleaning business licence ceasing, for any reason, to be in force.

(5) The Director-General may, in any case in which he thinks fit, waive, remit or refund in whole or in part any financial penalty imposed under this section.

(6) In any proceedings for the recovery of any financial penalty which any person is liable to pay, a certificate purporting to be under the hand of the Director-General certifying the amount of the financial penalty that is payable by the person shall be prima facie evidence of the facts stated therein.

[Act 15 of 2014 wef 01/04/2014]

Changes to information submitted

80L. Every licensee of a cleaning business licence shall notify the Director-General of any change to —

- (a) information contained in the licensee's application for the grant or renewal of its cleaning business licence or any document accompanying the licensee's application;
- (b) particulars of any progressive wage plan submitted by the licensee under section 80F; or
- (c) information the licensee submitted to the Director-General for the purposes of the licensee's application for the grant or renewal of its cleaning business licence,

no later than 14 days after the date of the change.

[Act 15 of 2014 wef 01/04/2014]

Monitoring powers

80M.—(1) Subject to subsection (2), the Director-General or any authorised officer appointed under section 3(2) may, for the purposes of the execution of this Part, by notice in writing —

- (a) require a licensee to produce such records, accounts and documents kept by the licensee in relation to its cleaning business within such reasonable time as may be specified in the notice;
- (b) inspect, examine and make copies of any such records, accounts and documents so produced; and
- (c) make such inquiry as may be necessary to ascertain whether the provisions of this Part are complied with.

(2) Where the Director-General or any authorised officer appointed under section 3(2) has received information or has reasonable cause to believe that an offence under this Part or a failure to comply with any condition of a cleaning business licence has occurred, or is occurring or about to occur, the Director-General or authorised officer may exercise all or any of the powers referred to in subsection (1) without having to issue any notice in writing.

(3) Where any such records, accounts and documents as are mentioned in subsection (1) are kept in electronic form —

- (a) the power of the Director-General or authorised officer in subsection (1)(a) to require any such records, accounts or documents to be produced for inspection includes power to

require a copy of the records, accounts or documents to be made available for inspection in legible form and subsection (1)(b) shall accordingly apply in relation to any copy so made available; and

- (b) the power of the Director-General or authorised officer under subsection (1)(b) to inspect any such records, accounts or documents includes power to require any person on the premises in question to give the Director-General or authorised officer such assistance as the Director-General or authorised officer may reasonably require to enable him to inspect and make copies of the records, accounts or documents in legible form or to make records of information contained in them.

(4) Any person who fails, without reasonable excuse, to comply with any requirement imposed under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[Act 15 of 2014 wef 01/04/2014]

Register of licensees

80N.—(1) The Director-General shall keep and maintain a register in which shall be entered such particulars of the licensees as the Director-General may determine.

(2) Where the cleaning business licence of any licensee has been suspended or revoked or has expired, the Director-General may —

- (a) remove the particulars of the licensee from the register; or
- (b) indicate against the particulars of the licensee in the register the fact of such suspension, revocation or expiry of the licence, as the case may be.

[Act 15 of 2014 wef 01/04/2014]

PART X
ENFORCEMENT

Power to enter upon lands for purposes of Act

81.—(1) The Director-General or any authorised officer may, for the purposes of this Act, enter between the hours of 6 a.m. and 6 p.m. into and upon any premises in order to make any survey, inspection or search or to execute any work authorised by this Act without being liable to any legal proceedings or molestation on account of such entry or of anything done in any part of those premises.

[4/2002]

(2) No person shall, except with the consent of the occupier thereof, enter any house by virtue of the powers conferred by subsection (1) without at least 3 hours previous notice being given to the occupier thereof, if any.

(3) Notwithstanding subsection (1), where it is necessary and expedient to make any survey, inspection or search or to execute any work authorised by this Act outside the hours specified in subsection (1), the Director-General or any authorised officer may enter any premises by giving at least 6 hours previous notice to the owner or occupier of the premises thereof.

[4/2002]

Penalty for obstruction

82. No person shall at any time —

(a) hinder, obstruct or delay the Director-General, any authorised officer or other person in the performance and execution of his duty or of anything which he is respectively empowered, employed or required to do by virtue or in consequence of or under this Act; or

[Act 48 of 2018 wef 01/02/2019]

(b) remove any mark, line, sign or other direction drawn or set up for the purpose of this Act.

[83

[4/2002]

Director-General may act in cases of emergency

83.—(1) In cases of emergency, the Director-General may direct the immediate execution of any work or the doing of any act being any work or act authorised under this Act which is in the opinion of the Director-General necessary for public health or for the safety of the public.

[Act 15 of 2014 wef 01/04/2014]

(2) The Director-General may recover, from the owner or occupier of the premises in which any work or act referred to in subsection (1) is executed, the costs and expenses reasonably incurred in the execution of such work or act.

[Act 15 of 2014 wef 01/04/2014]

Appeal to Minister against notice, order or decision

84.—(1) Any person who is aggrieved by any notice, order or decision of the Director-General may within 7 days of the notice, order or decision appeal in writing to the Minister whereupon the execution of the notice, order or decision shall be stayed.

[4/2002]

(2) The Minister may confirm, vary or rescind the notice or order or direct that the thing shall be proceeded with, varied or abandoned, as the case may be, or make any order which the Director-General is competent to make and the decision of the Minister shall be final.

[87

4/2002]

Default in compliance with notice

85.—(1) When any notice or order under this Act requires any act to be done or work to be executed by the owner or occupier or the person in charge of any premises and default is made in complying with the requirements of the notice or order, the person in default shall, where no fine is specially provided for such default, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[22/99]

(2) When any such notice or order requires any act to be done or work to be executed for which no time is fixed by this Act, it shall fix a reasonable time for complying with the requirements.

(3) Where any person who has been served with any notice or order fails to comply therewith, the Director-General may, without prejudice to any proceedings under subsection (1), at the expiration of the period specified in the notice or order execute the works as are specified in the notice or order and may recover from that person the expenses reasonably incurred in so doing in the manner provided in section 89.

[4/2002]

(4) Nothing in this section shall be deemed to prohibit the Director-General from carrying out any works specified in any such notice or order at the request of a person who has been served with the notice or order upon an undertaking by that person to pay the costs and expenses in executing the works.

[88

[4/2002]

Authorised officers may demand names and addresses in certain cases

86.—(1) Any person who is charged by any police officer or authorised officer with any offence under this Act shall on demand give his name and address and other proof of identity to the police officer or authorised officer, if so required.

[4/2002]

(2) The occupier of any premises shall, if required by any police officer or authorised officer, give his name and other proof of identity and the name and address of the owner of the premises, if known.

[4/2002]

(3) Any person who contravenes this section or wilfully mis-states his name and address or the name and address of the owner of any premises shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[96

[Act 48 of 2018 wef 01/02/2019]

Power of investigating offences under sections 20 and 23

87.—(1) For the purpose of investigating any offence under section 20 or 23, the Director-General or any authorised officer may —

- (a) examine orally any person supposed to be acquainted with the facts and circumstances of the case, and to reduce to writing any statement made by the person so examined; and
- (b) require by order in writing the attendance before himself of any person who, from information given or otherwise, appears to be acquainted with the facts and circumstances concerning the case and that person shall attend as so required.

[22/99; 4/2002]

(2) The person mentioned in subsection (1)(a) shall be bound to state truly the facts and circumstances with which he is acquainted concerning the case except only that he may decline to make with regard to any fact or circumstance a statement which would have a tendency to expose him to a criminal charge or to penalty or forfeiture.

[22/99]

(3) A statement made under this section by any person shall be read over to him and shall, after correction, if necessary, be signed by him.

[22/99]

(4) If any person fails to attend as required by an order under subsection (1)(b), the Director-General or any authorised officer may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the order.

[97

[22/99; 4/2002]

Powers of arrest

88.—(1) Any police officer or authorised officer may arrest any person committing in his view or who he has reason to believe has committed any offence punishable under this Act if —

- (a) the name and address of the person are unknown to him;
- (b) the person declines to give his name and address; or
- (c) there is reason to doubt the accuracy of the name and address, if given.

[4/2002]

(2) A person arrested under this section may be detained until his name and address are correctly ascertained.

(3) No person arrested under this section shall be detained longer than is necessary for bringing him before a court unless the order of a court for his detention is obtained.

[99]

False or misleading information

88A. A person shall be guilty of an offence if —

- (a) the person provides information to a police officer or any authorised officer in connection with any function or duty of the police officer or authorised officer under this Act;
- (b) the information is false or misleading in a material particular; and
- (c) the person knew that that information is false or misleading in a material particular or is reckless as to whether it is so.

[Act 15 of 2014 wef 01/04/2014]

PART XI

COMPENSATION, DAMAGES, FEES, COSTS AND EXPENSES

Compensation, damages, fees, costs and expenses to be determined by Magistrate's Court or District Court

89.—(1) Subject to the provisions of this Act, in all cases when compensation, damages, fees, costs and expenses are by this Act directed to be paid, the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute or failure to pay, be summarily ascertained and determined by a Magistrate's Court or, if the amount exceeds \$10,000, by a District Court.

(2) If the amount of compensation, damages, fees, costs or expenses is not paid by the party liable to pay the same within 14 days after demand, that amount may be reported to a Magistrate's Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court.

(3) An appeal shall lie to the High Court from any decision of a Magistrate's Court or District Court under this section, and the provisions of the Criminal Procedure Code (Cap. 68) shall apply, with the necessary modifications, to all such appeals.

Damage to property of Agency to be made good in addition to penalty

90.—(1) If through any act, neglect or default on account whereof any person has incurred any penalty under this Act any damage to Agency property is committed by that person, he shall be liable to make good the damage as well as to pay the penalty.

[4/2002]

(2) The amount of such damage shall, in case of dispute, be determined by the court by which the person incurring the penalty was convicted.

(3) The amount of the damage shall be recovered as if it were a fine imposed by the court.

[85

Payment of fees, etc.

91.—(1) Subject to subsection (2) and section 31N, all fees, charges and moneys collected under this Act are payable to the Agency.

[Act 48 of 2018 wef 01/02/2019]

(2) Any fee, charge or money collected under this Act may be paid to a person other than the Agency where the Agency has, with the approval of the Minister, made regulations under section 111 providing for that fee, charge or money to be payable to that person instead.

(3) This section does not apply to composition sums in section 104 or financial penalties imposed under section 80K or 99.

[Act 16 of 2016 wef 10/06/2016]

Recovery of costs and expenses payable by owners

92.—(1) If any sum payable by or recoverable from the owner or occupier in respect of costs and expenses incurred by the Agency in the execution of any work which is, under this Act, recoverable from the owner or occupier of any premises is not paid by the owner or

occupier within 14 days after demand that sum may be reported to a Magistrate's Court or District Court and recovered in the same manner as if it were a fine imposed by a Magistrate's Court or District Court, as the case may be.

[4/2002]

(2) The person liable to pay any sum under subsection (1) shall be the owner at the time when the work was completed.

(3) Any occupier who, when requested by or on behalf of the Director-General to state the name of the owner of the premises, refuses or wilfully omits to disclose or wilfully mis-states the name of the owner shall, unless he shows cause to the satisfaction of the Magistrate's Court or the District Court for his refusal or mis-statement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

[91

[4/2002]

Recovery of costs and expenses by instalments

93.—(1) When the Director-General has incurred costs and expenses in or about the execution of any work, which are, under this Act, payable by or recoverable from the owner or occupier, the Director-General may —

- (a) recover the costs and expenses in the manner provided in this Act; or
- (b) if he thinks fit, obtain an undertaking from the owner or occupier for the payment by such instalments as will be sufficient to defray the whole amount of the costs and expenses.

[4/2002]

(2) Upon default in payment of any instalment upon the date appointed for payment thereof by any such undertaking, the whole of the balance then outstanding of the amount shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises since the date of the undertaking, may be recovered by the same means and in the like manner as provided in section 92.

[92

Liability of transferor of property in respect of costs and expenses incurred by Director-General

94.—(1) Where a person sells or transfers any property in respect of which costs and expenses have been incurred by the Director-General in or about the execution of any work required to be done under this Act and the costs and expenses are recoverable under this Act from the owner thereof, that person shall continue to be liable for the payment of all the costs and expenses payable in respect of the property and for the performance of all other obligations imposed by this Act upon the owner of the property which became payable or were required to be performed prior to the transfer.

[4/2002]

(2) Nothing in this section shall affect the liability of the purchaser or transferee to pay the costs and expenses in respect of the property or the right of the Director-General to recover the costs and expenses or to perform any obligations under this Act.

[93

[4/2002]

Limitation of liability to fines and penalties

95. Except in any case where by reason of the act or omission complained of, an injury or danger to health subsists at the date of the complaint, no person shall be liable to any fine or penalty under this Act for any offence under this Act unless the complaint respecting the offence is made within one year after the date of the commission of such offence.

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PART XII

MISCELLANEOUS PROVISIONS

Protection from personal liability

96.—(1) No matter or thing done and no contract of any kind entered into by the Agency or the Director-General and no matter or thing done by any authorised officer or any other person employed in the administration of this Act or acting under the direction of the Agency, the Director-General or authorised officer shall, if the matter

or thing was done or the contract was entered into bona fide for the purpose of executing the provisions of this Act, subject them or any of them personally to any action, liability, claim or demand.

[4/2002]

(2) Any expense incurred by such persons acting in accordance with subsection (1) shall be borne by the Agency.

[82

[4/2002]

Exemption of agent who has no funds in hand

97.—(1) No person receiving the rent of premises as receiver or agent for another person shall be liable to do anything by this Act required to be done by the owner of such premises if, after he or the actual owner has been required to do any work, that person gives notice to the Director-General within 7 days after such requisition has been made, that he has not sufficient funds of the person on whose behalf he is receiving the rents to pay for such work.

[4/2002]

(2) In such case, the Director-General may himself execute the work and the expenses incurred thereby shall be charged and recoverable as provided in section 92.

[90

[4/2002]

Service of summons, notice, etc.

98.—(1) Every summons, notice, order or document required or authorised by this Act to be served on any person may be served by —

- (a) delivering it to the person or by delivering it at his last known place of residence to some adult member or employee of his family;
- (b) leaving it at his usual or last known place of residence or business in a cover addressed to him; or
- (c) forwarding it by post in a pre-paid letter addressed to him at his usual or last known place of residence or business.

(2) When any summons, notice, order or document is to be served on any incorporated company or body, it may be served by —

- (a) delivering it to the secretary or other like officer of the company or body; or

[Act 48 of 2018 wef 01/02/2019]

- (b) sending it by registered post addressed to the company or body at its registered or principal office.

(2A) In addition, any notice, order or document (other than a notice, order or document to be served in proceedings in court) required or authorised by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served by sending it by fax to whichever of the following is applicable:

- (a) the fax number last known as the fax number for the service of notices, orders or documents on the individual;
- (b) the fax number used at the partnership's business address;
- (c) the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore.

[Act 48 of 2018 wef 01/02/2019]

(3) A summons, notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the summons, notice, order or document to some conspicuous part of the premises.

(4) Any summons, notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

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[2/96]

(5) Service of any notice, order or document (other than a notice, order or document to be served in proceedings in court) takes effect —

- (a) if the notice, order or document is sent by prepaid registered post, on the second day after the day the notice, order or document was posted (even if it is returned undelivered); or
- (b) if the notice, order or document is sent by fax and a notification of successful transmission is received, on the day of the transmission.

[Act 48 of 2018 wef 01/02/2019]

(6) In this section, “business address” or “place of business” means —

- (a) in the case of an individual, the individual’s usual or last known place of business in Singapore; and
- (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore.

[Act 48 of 2018 wef 01/02/2019]

Licences

99.—(1) Any licence under this Act may be —

- (a) granted or renewed at the discretion of the Director-General;
- (b) granted, renewed or refused without any reason for the grant, renewal or refusal being assigned therefor; and
- (c) granted or renewed subject to such restrictions and conditions as the Director-General may think fit.

[4/2002]

(2) The Director-General may require any applicant for a licence to furnish such information and evidence as he may reasonably require for a full and proper consideration of the application.

(3) If the applicant refuses to furnish the information under subsection (2) the Director-General shall refuse to grant or renew the licence.

[4/2002]

(4) The Director-General may, before granting or renewing any licence, require the applicant to give security, either in the form of a

cash deposit or by entering into a bond, that the provisions of this Act and of the conditions of the licence will be duly observed.

[22/99; 4/2002]

(5) Where an applicant is required to enter into a bond, the Director-General may require not more than 2 sureties to enter into the bond with the applicant.

[22/99; 4/2002]

(6) Any sum deposited or bond entered into under this section shall be liable to forfeiture in whole or in part at the discretion of the Director-General on cancellation of the licence.

[22/99; 4/2002]

(7) Any person who wilfully furnishes any false information in any application for a licence shall be guilty of an offence and any licence granted shall be void and of no effect.

(8) Subject to the provisions of this Act, any licence may be for such period as the Director-General thinks fit.

[4/2002]

(9) There shall be charged for the grant or renewal of any licence such fee, if any, as may be prescribed by the Agency with the approval of the Minister.

[4/2002]

(10) Where a licence is granted for a period of less than 12 months, the Director-General may charge a proportionate fee therefor; and in charging such proportionate fee, any part of a month shall be reckoned as one month.

[4/2002]

(11) No licensee shall be entitled to any refund of any fee paid by him in respect of any licence.

(12) No person shall in any manner transfer any licence or permit any licence to be used by any other person without the approval in writing of the Director-General.

[4/2002]

(13) Where a licensee —

(a) is in breach of any restriction or condition subject to which the licence was granted; or

(b) has contravened any provision of this Act,

the Director-General may —

- (i) suspend or cancel the licence; and
- (ii) in the case of paragraph (a), in lieu of or in addition to sub-paragraph (i), impose a financial penalty of such amount, not exceeding \$5,000, as the Director-General thinks fit.

[4/2002]

(14) Subject to the provisions of this Act, any person who is aggrieved by —

- (a) the refusal by the Director-General to grant or renew any licence;
- (b) the suspension or cancellation by the Director-General of any licence;
- (c) the imposition of any financial penalty by the Director-General; or
- (d) the forfeiture of any sum deposited or bond entered into under this section,

may, within 14 days of such refusal, suspension, cancellation, imposition of financial penalty or forfeiture, appeal to the Minister whose decision shall be final.

[4/2002]

(14A) Any financial penalty imposed on any person under this section is to be paid into the Consolidated Fund.

[Act 16 of 2016 wef 10/06/2016]

(15) In this section, “licence” includes any approval, permit, permission, authority, authorisation or licence which may be granted or renewed by the Director-General under this Act, but does not include a cleaning business licence granted or renewed under Part IXA.

[94

[4/2002]

[Act 15 of 2014 wef 01/04/2014]

Receipts, notices, etc., may be given by authorised officer

100.—(1) All notices, orders, receipts, warrants and other documents which the Director-General is empowered to give by this Act may be given by any authorised officer.

[4/2002]

(2) Where any such notice, order, receipt, warrant or document requires authentication, the signature or a facsimile thereof of the Director-General or any authorised officer affixed thereto shall be sufficient authentication.

[95

[4/2002]

Furnishing of information required by Director-General

101. The Director-General may, by notice in writing, require the owner or occupier of any work place or work premises to furnish him within 14 days or such longer period as may be specified in the notice any information required by him for the purposes of this Act.

[98

[4/2002]

Saving of prosecutions under other laws

102. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or from being liable under that other written law to any other or higher punishment or penalty than that provided by this Act except that no person shall be punished twice for the same offence.

[101

General penalties

103. Any person who contravenes any of the provisions of this Act shall be guilty of an offence and, where no penalty is expressly provided, shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

[22/99]

Offences by bodies corporate, etc.

103A.—(1) Where an offence under this Act committed by a body corporate is proved —

- (a) to have been committed with the consent or connivance of an officer of the body corporate; or
- (b) to be attributable to any neglect on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to any neglect on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

- (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or
- (b) to be attributable to any neglect on the part of such an officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act;

“officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

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

(6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

[Act 15 of 2014 wef 01/04/2014]

Composition of offences

104.—(1) The Director-General may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

[Act 15 of 2014 wef 01/04/2014]

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Agency may, with the approval of the Minister, make rules to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

[4/2002]

(4) All sums collected under this section shall be paid into the Consolidated Fund.

[Act 15 of 2014 wef 01/04/2014]

Inaccuracies in documents

105.—(1) No misnomer or inaccurate description of any person, premises, building, street or place named or described in any document prepared, issued or served under or for the purposes of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under this Act shall be invalid for want of form.

[107]

Jurisdiction of court

106. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court and a Magistrate's Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty or punishment in respect of any offence under this Act.

[108]

Evidence

107.—(1) The contents of any document prepared, issued or served under or for the purposes of this Act shall, until the contrary is proved, be presumed to be correct and the production of any book purporting to contain any apportionment made under this Act shall, without any other evidence, be received as prima facie proof of the making and validity of the apportionment mentioned therein.

(2) All records, registers and other documents kept by the Director-General or by any public officer for the purposes of this Act shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, and subscribed by such officer with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

[109
[4/2002]

Forms

108. The Director-General may design and utilise such forms as he may think fit for any of the purposes of this Act, and may require any person to complete any of the forms for any such purpose.

[110
[4/2002]

Amendment of Schedules

109. The Minister may, from time to time, by notification in the *Gazette*, add to, alter or amend any of the Schedules.

[111

Exemption

110. The Agency may, subject to the general or special directions of the Minister, either permanently or for such period as the Agency thinks fit, exempt any person or premises or any class of persons or premises from any of the provisions of this Act.

[112
[4/2002]

Regulations

111.—(1) The Agency may, with the approval of the Minister, make regulations for or in respect of every purpose which he considers necessary for carrying out the provisions of this Act, and in particular, without prejudice to the generality of the foregoing, for or in respect of all or any of the matters specified in the Third Schedule.

[4/2002]

(2) The Agency may, with the approval of the Minister, in making any regulations, prescribe the circumstances in which it shall be presumed that an offence under the provisions of any such regulations was committed.

[4/2002]

(3) The Agency may, with the approval of the Minister, in making any regulations, provide that any contravention of, or failure or neglect to comply with any regulations shall be an offence and may prescribe the fine with which the offence shall be punishable, but so that no such fine shall exceed for any one offence the sum of \$20,000 and, in the case of a continuing offence, the sum of \$1,000 for every day or part thereof during which the offence continues after conviction.

[22/99; 4/2002]

[Act 15 of 2014 wef 01/04/2014]

(4) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

[113]

Transitional provision

112. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before 1st July 2002* shall be deemed to have been issued, made, given or approved under the same provision by the Director-General.

[114]

[4/2002]

*Date of commencement of the National Environment Agency Act 2002 (Act 4 of 2002).

FIRST SCHEDULE

Section 32

DESCRIPTION OF PURPOSES FOR USE OF FOOD ESTABLISHMENTS TO WHICH SECTION 32 APPLIES

1. As a retail food establishment where food is sold wholly by retail (whether or not the food sold is also prepared, stored or packed for sale or consumed at such premises), including —

- (a) an eating establishment, such as a restaurant;
- (b) a cut fruit shop;
- (c) a supermarket;
- (d) a market-produce shop (including any premises used for the sale of fish or crustacean, or meat or vegetable);
- (e) a barbecue meat shop,

except a retail food establishment that is part of a non-retail food business within the meaning of the Sale of Food Act (Cap. 283).

[Act 48 of 2017 wef 01/02/2018]

2. As a catering establishment providing a catering service whereby —

- (a) food is prepared, packed and thereafter delivered to a consumer for his consumption or use; or
- (b) food is prepared at premises appointed by a consumer for his consumption or use,

except a catering establishment that is part of a non-retail food business within the meaning of the Sale of Food Act.

[7/2002]

[Act 48 of 2017 wef 01/02/2018]

SECOND SCHEDULE

[Deleted by Act 48 of 2018 wef 01/02/2019]

THIRD SCHEDULE

Section 111(1)

SUBJECT MATTERS OF REGULATIONS

1. Public cleansing, conservancy and the depositing, collection, removal and disposal of dust, dirt, ashes, rubbish, nightsoil, dung, trade refuse, garden refuse,

THIRD SCHEDULE — *continued*

stable refuse, trade effluent and other filth; and matters relating to the receptacles used or provided in connection therewith.

1A. The control, regulation and supervision of —

- (a) the establishment, operation and maintenance of a DPWCS; and
- (b) the conveyance or transportation of refuse and waste through a DPWCS.

[Act 48 of 2018 wef 01/02/2019]

1B. The duties of owners and occupiers of premises in connection with the use, operation and maintenance of a DPWCS.

[Act 48 of 2018 wef 01/02/2019]

1C. The specifications, dimensions and other standards to which the related internal assets must conform.

[Act 48 of 2018 wef 01/02/2019]

1D. The control, regulation and restriction of the types of refuse and waste that may be disposed of through a DPWCS.

[Act 48 of 2018 wef 01/02/2019]

1E. The conditions under which refuse and waste may be disposed of through a DPWCS.

[Act 48 of 2018 wef 01/02/2019]

2. The seizure and disposal of unwholesome meat, fish, fruit, vegetables or other food or drink exposed or intended for sale.

3. The control, regulation and supervision of —

- (a) markets and of anything therein and of places in the vicinity thereof;
- (b) persons engaged or employed in markets; and
- (c) places used for the reception of sick or dying persons.

4. The prevention and abatement of nuisances.

5. The keeping down or destruction of rats, mice, insects and other vermin, and the proofing of premises against the same.

6. The use and management of stalls, tables or showboards set up for the sale of any goods in public streets or places of public resort.

7. The specifying of streets, places and areas or portions thereof in which persons shall not act as hawkers.

8. Articles or types or classes of articles which may be sold from or exposed for sale in or on any stall, vehicle or other receptacle in any public street or place or by any itinerant hawker and premises where any such article is prepared or stored and the manner in which any such article is prepared or transported.

THIRD SCHEDULE — *continued*

9. The inspection, regulation, supervision, control, management, maintenance, operation and use of cemeteries and crematoria, the dimensions of graves and places of interment, the prescribing of conditions under which human remains may be disposed of, registers to be kept and generally all matters connected with the good order of cemeteries and crematoria, due regard being had to the religious usages of the several classes of the community.

10. The provision and maintenance of sanitary conveniences.

11. The collection, transportation, storage, labelling and disposal of industrial waste and toxic industrial waste.

12. The prescribing of forms for licences and notices and for other purposes of this Act.

13. The prescribing of a code of practice relating to the control and regulation of noise levels in work places and construction sites.

14. The prescribing of fees for licences and the prescribing of fees and charges for any of the purposes of this Act and the prescribing of any other matter which by this Act is required to be or may be prescribed.

15. The prohibition and control of the burning of joss sticks and candles.

[S 77/98]

16. The prescribing of matters relating to or for the purposes of cleaning business licences and the regulation of cleaning businesses.

[Act 15 of 2014 wef 01/04/2014]

FOURTH SCHEDULE

Section 4(2)

PRIVATE PERSONS WHO CAN BE AUTHORISED TO EXERCISE POWERS
UNDER THE ACT OR REGULATIONS AND POWERS IN RESPECT OF
WHICH PERSONS MAY ACT

<i>First column</i>	<i>Second column</i>
<i>Private persons who may be authorised to exercise powers under the Act and regulations made thereunder</i>	<i>Powers under the Act and regulations which the person may be authorised to exercise</i>
(1) Any member or employee of a Town Council established under the Town Councils Act (Cap. 329A)) Powers of an authorised officer) under —) (a) section 21 of the Act;) and

FOURTH SCHEDULE — *continued*

- | | | |
|--|---|--|
| (2) Any member of any committee of a Town Council |) | (b) sections 86 and 88 of the Act in relation to any offence under section 17 of the Act and regulation 15(1) of the Environmental Public Health (Public Cleansing) Regulations (Rg 3) |
| (3) Any employee of an agent of a Town Council |) | |
| (4) Any operator of a public service vehicle |) | |
| (4A) Any — |) | |
| (a) member or employee of a society registered under the Societies Act (Cap. 311); |) | Powers of an authorised officer under — |
| (b) member, director or employee of a public company limited by guarantee registered under the Companies Act (Cap. 50); or |) | (a) section 21 of the Act; and
(b) sections 86 and 88 of the Act in relation to any offence under section 17 of the Act. |
| (c) member of a council established by the Ministry of the Environment and Water Resources, |) | |
| whose objects or activities relate to environmental public health, environmental protection, living environment improvement or matters connected therewith |) | |
| (5) Any employee of PSA Corporation Limited |) | Powers of an authorised officer under — |

FOURTH SCHEDULE — *continued*

- (a) sections 21 and 42 of the Act;
- (b) section 86 of the Act in relation to any offence under section 17, 18 or 19 of the Act, Part IV of the Act or to any offence under regulations 4, 8(2), 9, 14, 15(1) or (3), 25 and 26(1)(a) and (b) of the Environmental Public Health (Public Cleansing) Regulations (Rg 3); and
- (c) section 88 of the Act in relation to any offence under regulations 4, 8(2), 9, 14, 15(1) or (3), 25 and 26(1)(a) and (b) of the Environmental Public Health (Public Cleansing) Regulations.

[S 442/2013 wef 18/07/2013]

LEGISLATIVE HISTORY
ENVIRONMENTAL PUBLIC HEALTH ACT
(CHAPTER 95)

This Legislative History is provided for the convenience of users of the Environmental Public Health Act. It is not part of this Act.

1. Act 14 of 1987 — Environmental Public Health Act 1987

Date of First Reading : 26 January 1987
(Bill No. 2/87 published on
2 February 1987)

Date of Second and Third Readings : 20 May 1987

Date of commencement : 1 July 1987

2. 1988 Revised Edition — Environmental Public Health Act

Date of operation : 30 April 1988

3. Act 37 of 1989 — Environmental Public Health (Amendment) Act 1989

Date of First Reading : 6 October 1989
(Bill No. 38/89 published on
7 October 1989)

Date of Second and Third Readings : 30 November 1989

Date of commencement : 15 January 1990

4. Act 32 of 1992 — Environmental Public Health (Amendment) Act 1992

Date of First Reading : 31 July 1992
(Bill No. 31/92 published on
1 August 1992)

Date of Second and Third Readings : 14 September 1992

Date of commencement : 1 November 1992

5. Act 2 of 1996 — Environmental Public Health (Amendment) Act 1996

Date of First Reading : 1 November 1995
(Bill No. 41/95 published on
2 November 1995)

Date of Second and Third Readings : 5 December 1995

Date of commencement : 2 February 1996

6. G. N. No. S 77/1998 — Environmental Public Health Act (Amendment of Fourth Schedule) Notification 1998

Date of commencement : 1 March 1998

7. Act 9 of 1999 — Environmental Pollution Control Act 1999

(Consequential amendments made by)

Date of First Reading : 20 January 1999
(Bill No. 2/99 published on
21 January 1999)

Date of Second and Third Readings : 11 February 1999

Date of commencement : 1 April 1999

8. Act 22 of 1999 — Environmental Public Health (Amendment) Act 1999

Date of First Reading : 8 March 1999
(Bill No. 11/99 published on
9 March 1999)

Date of Second and Third Readings : 4 May 1999

Date of commencement : 1 June 1999

9. 1999 Revised Edition — Environmental Public Health Act

Date of operation : 1 August 1999

10. Act 4 of 2002 — National Environment Agency Act 2002

(Consequential amendments made by)

Date of First Reading : 3 May 2002
(Bill No. 13/2002 published on
4 May 2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 1 July 2002

11. Act 7 of 2002 — Sale of Food (Amendment) Act 2002

(Consequential amendments made by)

Date of First Reading : 3 April 2002
(Bill No. 10/2002 published on
4 May 2002)

Date of Second and Third Readings : 24 May 2002

Date of commencement : 1 July 2002

12. 2002 Revised Edition — Environmental Public Health Act

Date of operation : 31 December 2002

13. Act 47 of 2004 — Building Maintenance and Strata Management Act 2004

Date of First Reading : 6 February 2004

Date of Second and Third Readings : 19 October 2004

Date of commencement : 1 April 2005

14. Act 27 of 2007 — Radiation Protection Act 2007

Date of First Reading : 9 April 2007
(Bill No. 14/2007 published on
10 April 2007)

Date of Second and Third Readings : 21 May 2007

Date of commencement : 1 July 2007

15. Act 26 of 2007 — Environmental Pollution Control (Amendment) Act 2007

Date of First Reading : 9 April 2007
(Bill No. 13/2007 published on
10 April 2007)

Date of Second and Third Readings : 21 May 2007

Dates of commencement : 1st January 2008

16. Act 26 of 2008 — Environmental Public Health (Amendment) Act

Date of First Reading : 25 August 2008
(Bill No. 22/2008 published on
26 August 2008)

Date of Second and Third Readings : 16 September 2008

Date of commencement : 1 November 2008

17. Act 15 of 2010 — Criminal Procedure Code 2010

Date of First Reading : 26 April 2010
(Bill No. 11/2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011

18. G.N. No. S 442/2013 — Environmental Public Health Act (Amendment of Fourth Schedule) Notification 2013

Date of commencement : 18 July 2013

19. Act 15 of 2014 — Environmental Public Health (Amendment) Act 2014

Date of First Reading : 20 January 2014 (Bill No. 3/2014 published on 20 January 2014)

Date of Second and Third Readings : 17 February 2014

Date of commencement : 1 April 2014

20. Act 29 of 2014 — Business Names Registration Act 2014

(Consequential amendments made to Act by)

Date of First Reading : 8 September 2014
(Bill No. 26/2014)

Date of Second and Third Readings : 8 October 2014

Date of commencement : 3 January 2016

21. Act 4 of 2016 — National Environment Agency (Miscellaneous Amendments) Act 2016

Date of First Reading : 28 January 2016 (Bill No. 7/2016 published on 28 January 2016)

Date of Second and Third Readings : 1 March 2016

Date of commencement : 1 May 2016

22. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016

Date of First Reading : 14 April 2016 (Bill No. 15/2016 published on 14 April 2016)

Date of Second and Third Readings : 9 May 2016

Date of commencement : 10 June 2016

23. Act 48 of 2017 — Sale of Food (Amendment) Act 2017

Date of First Reading : 2 October 2017 (Bill No. 42/2017 published on 2 October 2017)

Date of Second and Third Readings : 7 November 2017

Date of commencement : 1 February 2018

24. Act 48 of 2018 — Environmental Public Health (Amendment) Act 2018

Date of First Reading : 10 September 2018 (Bill No. 39/2018 published on 10 September 2018)

Date of Second and Third Readings : 2 October 2018

Date of commencement : 1 February 2019

25. Act 11 of 2018 — Public Utilities (Amendment) Act 2018

Date of First Reading : 8 January 2018
(Bill No. 4/2018)

Date of Second and Third Readings : 6 February 2018

Date of commencement : 25 March 2019

COMPARATIVE TABLE
ENVIRONMENTAL PUBLIC HEALTH ACT
(CHAPTER 95)

The following provisions in the 1999 Revised Edition of the Environmental Public Health Act have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Environmental Public Health Act.

2002 Ed.	1999 Ed.
4—(1)	3—(3)
(2)	(4)
—	4 (<i>Repealed by Act 4/2002</i>)
45—(9) and (10)	45—(9)
(11)	(10)
PART X — ENFORCEMENT	PART X — MISCELLANEOUS
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99—(1)	94—(1)
(2) and (3)	(2)
(4) to (6)	(2A) to (2C)
(7) to (13)	(3) to (9)
(14)	(9A)
(15)	(10)
—	100 (<i>Repealed by Act 4/2002</i>)
100	95
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—	105 and 106 (<i>Repealed by Act 4/2002</i>)
105	107
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