



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**ENVIRONMENTAL PUBLIC HEALTH
ACT 1987**

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Environmental Public Health Act 1987

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

[1 July 1987]

PART 1**PRELIMINARY****Short title**

1. This Act is the Environmental Public Health Act 1987.

Interpretation

2. In this Act, unless the context otherwise requires —
 - “aerosol-generating system” means any device or system that is capable of producing a suspension of fine liquid droplets in air or other type of gas;
 - “Agency” means the National Environment Agency established under the National Environment Agency Act 2002;
 - “aquatic facility” means any pool, device or facility used or intended to be used for any recreational or therapeutic activity in, on or involving the use of water;

“aquatic facility licence” means a licence granted under this Act for a licensable aquatic facility;

“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 2002;

“baseline wage”, in relation to a waste management worker —

(a) means the total amount of money (including wage adjustments and increments) to which the waste management worker is entitled under his or her contract of service —

(i) for working for a period of time, that is, for one hour, one day, one week, one month or for any other period that may be stated or implied in his or her contract of service; or

(ii) for each completed piece or task of work;

(b) includes any payment that is prescribed as being part of the baseline wage; and

(c) excludes all of the following:

(i) additional payments by way of overtime payments;

(ii) additional payments by way of bonus payments or annual wage supplements;

(iii) any sum paid to the waste management worker to reimburse him or her for special expenses incurred by him or her in the course of his or her employment;

(iv) any payment that may be prescribed as not being part of the baseline wage;

[Act 5 of 2023 wef 01/07/2023]

“basic rate of pay” means the total amount of money (including wage adjustments and increments) to which an employee is entitled under his or her contract of service for working for a period of time, that is, for one hour, one day, one week, one month or for any other period that may be stated or implied in his or her contract of service, or for each completed piece or task of work, 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 or her for special expenses incurred by him or her in the course of his or her employment;
- (d) productivity incentive payments; and
- (e) any allowance however described;

[Act 5 of 2023 wef 01/07/2023]

“basic wage”, in relation to a cleaner, means wage calculated at the cleaner’s basic rate of pay —

- (a) for one hour, one day, one week, one month or for any other period that may be stated or implied in his or her contract of service; or
- (b) for each completed piece or task of work;

[Act 5 of 2023 wef 01/07/2023]

“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 the individual’s employer; or
- (b) to supervise other individuals performing cleaning work for a person other than the individual’s

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;

“cleaning business” means a business, whether or not the business is carried on for profit —

(a) in which a person carries out cleaning work for other persons through the services of cleaners engaged or employed by that person; or

(b) of supplying cleaners to other persons;

[Act 5 of 2023 wef 01/07/2023]

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

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

[Act 5 of 2023 wef 01/07/2023]

“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 that work but excludes any work that the Minister declares, by notification in the *Gazette*, not to be cleaning work;

“code of practice” means any code of practice issued or approved under section 99A(1), and includes such code of practice as amended from time to time;

“Commissioner for Labour” means the Commissioner for Labour appointed under section 3(1) of the Employment Act 1968;

“common property” has the meaning given by section 2(1) of the Building Maintenance and Strata Management Act 2004;

“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;
- (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;
- (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 a dangerous substance for the purpose of this Act;

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

“Director-General, Food Administration” means the Director-General, Food Administration appointed under section 3(1) of the Sale of Food Act 1973;

“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;

“environmental sanitation programme” means any environmental sanitation programme developed under section 62B, and includes such environmental sanitation programme as amended from time to time;

“flat” means a horizontal stratum of any building or part thereof, whether the 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 meanings given by the Land Titles (Strata) Act 1967);

“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, or removed or recovered, 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;

[Act 24 of 2021 wef 01/04/2022]

“infectious diseases” means —

(a) any disease set out in the First or Second Schedule to the Infectious Diseases Act 1976; 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;

“licensable aquatic facility” means any aquatic facility of the description or type prescribed by the Agency, with the approval of the Minister, by order in the *Gazette*;

“limited common property” has the meaning given by section 2(1) of the Building Maintenance and Strata Management Act 2004;

“manager”, in relation to any premises, means the occupier of the premises, and where there is no occupier, the owner of the premises;

“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 that person’s own account or as agent of another person; 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 the person’s 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 1960;

(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; and

- (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;

“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”, for a cleaner or waste management worker —

- (a) means a discretionary amount of money payable to a cleaner or waste management worker (as the case may be) that is in addition to all of the following paid to the cleaner or waste management worker:

- (i) any basic wage (for a cleaner) or baseline wage (for a waste management worker);
 - (ii) any overtime payment;
 - (iii) any sum to reimburse the cleaner or waste management worker for special expenses incurred during his or her employment;
 - (iv) any allowance however described;
- (b) includes any component that is prescribed as being part of the progressive wage model bonus for a cleaner or waste management worker, as the case may be; and
- (c) excludes any component that is prescribed as not being part of the progressive wage model bonus for a cleaner or waste management worker, as the case may be;

[Act 5 of 2023 wef 01/07/2023]

“progressive wage plan” means —

- (a) in relation to an applicant for a cleaning business licence — a plan that relates to the basic wage and progressive wage model bonus that the applicant pays or intends to pay to the cleaners who are the applicant’s employees; or
- (b) in relation to an applicant for a waste collector licence or waste disposal licence — a plan that relates to the baseline wage, overtime payment and progressive wage model bonus that the applicant pays or intends to pay to the waste management workers who are the applicant’s employees;

[Act 5 of 2023 wef 01/07/2023]

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

“public park” has the meaning given by section 2 of the Parks and Trees Act 2005;

- “public place” includes any place whether privately owned or not to which the public has access;
- “public service vehicle” has the meaning given by the Road Traffic Act 1961;
- “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);
- “publicly accessible premises” means any premises to which the public or a section of the public has access as of right, or by virtue of any express or implied permission with or without payment of a fee and whether or not access to the premises may be restricted at particular times or for particular purposes, and includes any part of those premises, and “publicly accessible” is to be construed accordingly;
- “recyclable” means any refuse, waste or other material or thing that the Agency may prescribe, with the approval of the Minister, to be capable of being recycled or reused;
- “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;
- “registered aerosol-generating system” means any registrable aerosol-generating system that is registered under this Act;
- “registered Environmental Control Coordinator” means any individual who is registered under this Act as an Environmental Control Coordinator;
- “registered Environmental Control Officer” means any individual who is registered under this Act as an Environmental Control Officer;
- “registrable aerosol-generating system” means any aerosol-generating system of the description or type prescribed by the Agency, with the approval of the Minister, by order in the *Gazette*;

“residential premises” means any premises which are permitted to be used under the Planning Act 1998 or any other written law as a dwelling house or which is lawfully so used;

“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” is to 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;

“Singapore Food Agency” means the Singapore Food Agency established by the Singapore Food Agency Act 2019;

[Deleted by Act 5 of 2023 wef 01/07/2023]

“specified premises”, in relation to Part 6, has the meaning given by section 62A;

“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;

“standard of performance” means any standard of performance issued or approved under section 99A(1), and includes such standard of performance as amended from time to time;

“statutory body” means a body corporate established by or under a public Act for a public purpose;

“street” includes any road, flyover, square, footway, backlane 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 are deemed to be part of the street;

“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 is presumed to be waste unless the contrary is proved;

[Deleted by Act 5 of 2023 wef 01/07/2023]

[Deleted by Act 5 of 2023 wef 01/07/2023]

“waste collection work” —

- (a) means work carried out in Singapore that has, as its main or only component, the collection, removal, transport, storage or import of refuse or waste;
- (b) includes supervising the carrying out of that work; and
- (c) excludes any work that the Minister declares, by notification in the *Gazette*, not to be waste collection work;

[Act 5 of 2023 wef 01/07/2023]

“waste collection worker” 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 waste collection work; or
- (b) to supervise other individuals performing waste collection work, 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 waste collection worker;

[Act 5 of 2023 wef 01/07/2023]

“waste collector licence” means a licence granted under section 31(2);

[Act 5 of 2023 wef 01/07/2023]

“waste disposal licence” means a licence granted under section 23(2);

[Act 5 of 2023 wef 01/07/2023]

“waste disposal work” —

- (a) means work carried out in Singapore that has, as its main or only component, the construction, establishment, maintenance or operation of a disposal facility;
- (b) includes supervising the carrying out of that work; and

- (c) excludes any work that the Minister declares, by notification in the *Gazette*, not to be waste disposal work;

[Act 5 of 2023 wef 01/07/2023]

“waste disposal worker” 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 waste disposal work; or
(b) to supervise other individuals performing waste disposal work, 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 waste disposal worker;

[Act 5 of 2023 wef 01/07/2023]

“waste management worker” means a waste collection worker or waste disposal worker;

[Act 5 of 2023 wef 01/07/2023]

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

“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.

[47/2004; 27/2007; 26/2008; 15/2014; 4/2016; 48/2018;
11/2019; 33/2020; 4/2021]

PART 2

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 is responsible for the administration of this Act except where expressly provided otherwise, subject to the general or special directions of the Minister.

[11/2019]

(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 2004.

[4/2016]

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 the Director-General by this Act to any authorised officer, subject to any conditions or limitations that the Director-General may specify.

(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 an 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 any conditions or limitations that the Director-General may specify.

PART 3

PUBLIC CLEANSING

Cleaning of streets, etc.

[15/2014]

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

5.—(1) The Director-General must 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.

[15/2014]

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

[15/2014]

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 their premises must cause any portion of the street that 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 must cause the immediate vicinity of their 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 written notice, 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.

Dustbins in streets

7.—(1) The Director-General may —

(a) cause any number of dustbins or other convenient receptacles in which refuse may be temporarily deposited to be provided and placed in proper and convenient locations in public streets and private streets and in any other places that the Director-General may think fit; and

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

(2) A person must not 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 any area that he or she may determine any system which he or she thinks fit for the collection and removal of refuse and waste of every description from those premises.

(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 may collect or remove any refuse or waste; and
- (b) every occupier of any premises that the Director-General may designate in the area must 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.

Removal of industrial waste, stable refuse, etc.

9.—(1) The Director-General may, by written notice, 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.

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

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

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

- (a) dustbins or other convenient receptacles, which must conform to any specifications that 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 must conform to any specifications that the Director-General may require, to be sited in appropriate locations within the premises as the Director-General thinks fit, and in or on which must be placed the dustbins and other receptacles mentioned in paragraph (a); and
- (c) receptacles which must 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.

[26/2008]

(2) Where any dustbins or receptacles have been provided under subsection (1), the Director-General may, by written notice, 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.

Maintenance of refuse equipment or facility in buildings

11.—(1) The owner of a building or part of a building served by any refuse equipment or facility is responsible for the maintenance, repair or replacement of the refuse equipment or facility.

(2) The Director-General may, by written notice, require the owner of a building or part of a building served by any refuse equipment or facility to —

- (a) maintain, repair or replace the refuse equipment or facility;
or
- (b) make any modification to the refuse equipment or facility that the Director-General considers necessary for the protection of the environment or environmental public health.

(3) In this section —

“refuse equipment or facility” means any of the following:

- (a) a refuse or waste chute;
- (b) a refuse or waste chute chamber;
- (c) a refuse or waste chute hopper;
- (d) a refuse or waste lift that is wholly or partly used for the conveyance of refuse or waste;
- (e) a standalone pneumatic waste conveyance system;

“standalone pneumatic waste conveyance system” —

- (a) means an automated waste collection system that —
 - (i) conveys or transports refuse or waste by air suction through a network of pipes to the refuse bin centre;
 - (ii) consists of the following that are used for, or for purposes connected with, conveying or transporting refuse or waste by air suction to the refuse bin centre:
 - (A) all air and ventilation networks;
 - (B) all valves, cables, pipes, regulators, apparatus, equipment, plants, stations, sensors and receptacles for the temporary storage of refuse or waste; and
 - (iii) is not located in a DPWCS area declared under section 31G(1); and
- (b) excludes any disposal facility.

[Act 5 of 2023 wef 01/07/2023]

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 mentioned in subsection (1) must be placed at such times and places as the Director-General may direct.

Prohibition on use of nightsoil or human excreta as manure

13.—(1) No land may 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 that would in the ordinary course be used for preparing the nightsoil or human excreta for purposes of manuring, this is deemed conclusive evidence that the land on which the 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 written notice, require the owner or occupier of the land to remove the nightsoil or receptacles or to fill up the pits, as the case may be.

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

14. A person must not 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 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 the premises or area; or
- (b) regulate any of the matters referred to in paragraph (a) by imposing any conditions thereon that the Director-General may think necessary for the prevention of the nuisance.

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

(2) 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 3B is also the property of the Agency which the Agency may sell or dispose of as the Agency thinks fit.

[48/2018]

[Act 5 of 2023 wef 01/07/2023]

(3) A person must not, 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.

*Offences in respect of uncleanness in public places***Prohibition against throwing refuse, etc., in any public place**

17.—(1) A person must not —

- (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;
- (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;
- (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;
- (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
- (h) discard or abandon in any public place any motor vehicle whose registration has been cancelled under section 27 of the Road Traffic Act 1961, any furniture or any other bulky article.

[48/2018]

(2) A person must not 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 must give any information that he or she 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 must (if so required) give any information which it is in that person's power to give and which may lead to the identification of the driver and passengers.

[15/2014]

(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 must give any information that the owner 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, must (if so required) give any information which it is in the occupier's or owner's power to give and which may lead to the identification of the alleged offender.

[15/2014]

(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 the person shall be guilty of an offence.

[15/2014]

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

[15/2014]

Presumptions in respect of littering, etc., from residential flats

17A.—(1) Where in any proceedings for a contravention of section 17(1)(a), (d) or (f), it is proved that any refuse or any other article, matter or thing that is the subject of the charge, had been deposited, dropped, placed, thrown, scattered or spilled in or into any public place from a residential flat, it is presumed, until the contrary is proved, that the refuse, article, matter or thing was deposited, dropped, placed, thrown, scattered or spilled in or into the public place from the residential flat, as the case may be —

- (a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or
- (b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(2) Where in any proceedings for a contravention of section 17(1)(b), it is proved that an article or a thing, or particles from an article or a thing, that is the subject of the charge, had passed into any public place from a residential flat, it is presumed, until the contrary is proved, that the article or thing was kept or left in the residential flat —

- (a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or

- (b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(3) Where in any proceedings for a contravention of section 17(1)(e), it is proved that any ash, hair, feathers, lime, sand, waste paper or other substance that is the subject of the charge, had been carried by the wind to any public place due to the beating, cleaning, shaking, sieving or agitating thereof by a person in a residential flat, it is presumed, until the contrary is proved, that the act was done —

- (a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or
- (b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(4) Where in any proceedings for a contravention of section 17(1)(g), it is proved that any substance or mucus that is the subject of the charge, had been spat by, or expelled from the nose of, a person in a residential flat upon or onto any street or public place, it is presumed, until the contrary is proved, that the substance or mucus was spat or expelled —

- (a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or
- (b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(5) The presumption in subsection (1), (2), (3) or (4) against a person (called in this subsection the presumed offender) is rebutted if it is proved that —

- (a) the contravention mentioned in subsection (1), (2), (3) or (4) (as the case may be) was committed by a person other than the presumed offender;
- (b) the presumed offender was not present in the residential flat at the time the contravention was committed; or
- (c) the presumed offender provided the identity of the person whom the presumed offender reasonably believes to have committed the contravention, to a police officer or an authorised officer within 14 days after being required to do so by the police officer or authorised officer.

(6) The presumptions in subsections (1), (2), (3) and (4), respectively, only apply in respect of an alleged contravention committed on or after the date of commencement of section 5 of the Environmental Public Health (Amendment) Act 2023.

(7) For the purposes of this section, the whole residential flat may be leased to 2 or more tenants by —

- (a) a single agreement with those tenants; or
- (b) separate agreements with one or more of those tenants.

(8) In this section, “residential flat” means a flat used for residential purposes, including a flat that is leased for residential purposes.

[Act 5 of 2023 wef 01/07/2023]

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 wellbeing 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.

(2) The Director-General may, by written notice, require any person carrying out any construction or earth works to provide or construct any device or facility that 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.

(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 is 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 must give any information that the owner 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
 - (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 must (if so required) give any information which it is in that person's

power to give, and which may lead to the identification of the driver.

[15/2014]

(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 the person shall be guilty of an offence.

[15/2014]

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

[15/2014]

Prohibition against dumping and disposing

20.—(1) Any person who —

(a) dumps or disposes, or causes or permits the dumping or disposal, of any refuse, waste or any other article from a vehicle in a public place; or

[Act 5 of 2023 wef 01/07/2023]

(b) uses, or permits the use of, a vehicle for the purpose of dumping or disposing of any refuse, waste or any other article in a public place,

[Act 5 of 2023 wef 01/07/2023]

shall be guilty of an offence.

(2) 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 must give any information that the owner 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 must (if so required) give any information which it is in that person's power to give and which may lead to the identification of the driver and passengers.

[15/2014]

(3) Any person who, without reasonable excuse, fails to comply with subsection (2) within 14 days after the date on which the information was required from the person shall be guilty of an offence.

[15/2014]

(4) A person is not excused from giving any information required of the person by subsection (2) on the ground that the disclosure of the information might tend to incriminate the person.

[15/2014]

(5) 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 waste disposal licence granted by the Director-General under section 23(2) 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.

[Act 5 of 2023 wef 01/07/2023]

(6) Where, upon an application by the Public Prosecutor, it is proved to the satisfaction of a court that a vehicle seized under subsection (5) 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 is to make an order for the forfeiture of the vehicle, even though no person may have been convicted of that offence.

(7) An order for the forfeiture of a vehicle under subsection (6) may be made by the court before which the prosecution with regard to an offence under subsection (1) has been or will be held.

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

- (a) the vehicle seized under subsection (5) is to 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 the person is the owner of the vehicle may personally, or by the person's agent authorised

in writing, give written notice to the Director-General that the person claims the vehicle.

(9) Upon receipt of a notice under subsection (8), the Director-General may direct that the vehicle be released or may refer the matter by information to a Magistrate.

(10) The Magistrate is to, on receipt of any information under subsection (9), hold an inquiry and proceed to determine the matter and is to —

- (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.

(11) No person is, 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 (5), 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.

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;
 - (ii) in the case of a second conviction, \$4,000; and
 - (iii) in the case of a third or subsequent conviction, \$10,000.

[15/2014]

(2) Despite 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.

(3) For the purpose of satisfying himself or herself as to the identity of the person arrested, the police officer or authorised officer may require the person to provide any evidence of identity that he or she may consider necessary.

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

(5) On an accused person appearing before a Court pursuant to such a notice, the Court is to take cognizance of the offence alleged and is to proceed as though the accused 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 is to thereupon issue a warrant for the arrest of that person.

(7) Upon a person arrested pursuant to a warrant of arrest issued under subsection (6) being produced before a Court, the Court is to proceed as though the person were produced before it under subsection (1).

[Act 31 of 2022 wef 01/11/2022]

(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 or her employment, the Director-General may recover the costs and expenses in the manner provided in section 89 from the employer of the person.

(9) This section applies, 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 the person is convicted is satisfied that it is expedient with a view to his or her reformation and the protection of the environment and environmental public health that he or she should be required to perform unpaid work in relation to the cleaning of any premises, the Court is to, 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 the person to perform that work under the supervision of a supervision officer and in accordance with the provisions of this section and section 21B.

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

(3) Despite 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 must 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 do not exceed the maximum specified in subsection (2).

[15/2010]

(4) In making a corrective work order, the Court is to consider the physical and mental condition of the offender and his or her suitability for carrying out the requirements of that order.

(5) Before making a corrective work order, the Court is to 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 under that section;
- (b) the consequences which may follow under section 21C if the offender 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.

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

Obligations of person subject to corrective work order

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

- (a) report to the supervision officer and subsequently from time to time notify him or her 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 the offender may be instructed by the supervision officer.

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

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

(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 that order has been made.

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 under that section (including any failure to perform satisfactorily the work which the offender 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 in the summons;
or
- (b) issue a warrant for the arrest of the offender.

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

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

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 mentioned in section 21B(2).

(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 the offender had just been convicted of that offence in any manner in which the offender could have been dealt with for that offence by the Court which made the order had the order not been made.

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.

PART 3A

WASTE MANAGEMENT

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

22.—(1) The Director-General may —

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

(2) The Director-General may —

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

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

23.—(1) A person must not construct, establish, maintain or operate any disposal facility without a waste disposal licence granted by the Director-General under this section.

(1A) Without limiting section 99(2), an application for the grant or renewal of a waste disposal licence must —

- (a) be in the form and manner specified by the Director-General;
- (b) be accompanied by an application fee, if prescribed; and
- (c) be accompanied by any prescribed information that the Director-General requires to decide on the application, including but not limited to the following:

- (i) a progressive wage plan for the waste disposal workers that the applicant employs who are citizens or permanent residents of Singapore, that complies with the prescribed requirements;
- (ii) evidence that such proportion of the waste disposal workers that the applicant employs, have attended such training and at such frequency, as the Director-General may specify.

[Act 5 of 2023 wef 01/07/2023]

(1B) The Director-General may refuse to consider an application that is incomplete or not made in accordance with subsection (1A).

[Act 5 of 2023 wef 01/07/2023]

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

[Act 5 of 2023 wef 01/07/2023]

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

[Act 5 of 2023 wef 01/07/2023]

(3A) The Director-General may subdivide waste disposal licences into classes, such as according to the type of waste that may be received, stored, sorted, treated or processed at the disposal facility maintained or operated by the waste disposal licensee, and may grant or renew a waste disposal licence accordingly for one or more such classes.

[Act 5 of 2023 wef 01/07/2023]

(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 waste disposal licence under this section or such periodic payments during the currency of the waste disposal licence or both of such amount or amounts as the Director-General may determine by or under the waste disposal licence.

[Act 5 of 2023 wef 01/07/2023]

(5) Without limiting section 99(1), conditions attached to a waste disposal licence granted under this section may include —

- (a) a condition requiring the waste disposal licensee to comply with any standard of service and level of performance that the Director-General may specify;

[Act 5 of 2023 wef 01/07/2023]

- (b) *[Deleted by Act 5 of 2023 wef 01/07/2023]*

- (c) a condition regulating the charge to be levied by the waste disposal licensee for the provision of the waste disposal facility; and

[Act 5 of 2023 wef 01/07/2023]

- (d) a condition requiring the waste disposal licensee not to accept any waste which in the opinion of the Director-General is not suitable for disposal.

[Act 5 of 2023 wef 01/07/2023]

[Act 5 of 2023 wef 01/07/2023]

(5A) The Director-General may —

- (a) under section 99(1)(c), impose different conditions for different classes of waste disposal licences or waste disposal licensees under different circumstances; and

- (b) despite section 99(13), modify any condition or add any new condition during the period to which a waste disposal licence relates, if the Director-General is satisfied that it is in the public interest to do so,

except that any such condition or modification must not be inconsistent with any prescribed condition referred to in section 23A(1) or (2).

[Act 5 of 2023 wef 01/07/2023]

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

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

(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.

(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 is presumed, until the contrary is proved, that the occupier of the premises has constructed, established, maintained or operated the disposal facility.

[Act 5 of 2023 wef 01/07/2023]

Prescribed conditions relating to progressive wage model for waste disposal industry

23A.—(1) For the purpose of regulating and upgrading the standards and productivity in the waste disposal industry in Singapore, regulations may be made under section 111 to impose conditions on waste disposal licensees for the training of waste disposal workers and the payment of progressive wages to waste disposal workers that ensure a more engaged waste disposal workforce and the retention of a core of waste disposal workers who are citizens or permanent residents of Singapore (called in this section resident waste disposal workers).

(2) Without limiting subsection (1), the prescribed conditions referred to in that subsection may include —

- (a) conditions requiring the waste disposal licensee to enter into a contract of service in writing with each waste disposal worker employed by the waste disposal licensee;
- (b) conditions requiring every contract of service entered into between the waste disposal licensee and every resident waste disposal worker to provide for the payment of a baseline wage, a progressive wage model bonus or an overtime payment to the resident waste disposal worker, that —
 - (i) is not less than the amount; and
 - (ii) in the case of a progressive wage model bonus, is to be paid at the frequency,

specified by order under section 31DA(1) for the class of waste disposal workers that the resident waste disposal worker belongs to;

- (c) conditions requiring the waste disposal licensee to ensure that every waste disposal worker employed by the waste disposal licensee satisfies the training requirements as may be specified by the Director-General for the class of waste disposal workers that the waste disposal worker belongs to;
- (d) conditions prohibiting the waste disposal licensee from deploying any individual who is not employed by the waste disposal licensee to carry out any waste disposal work, unless the individual is a waste disposal worker employed by another waste disposal licensee; and
- (e) conditions requiring the waste disposal licensee to keep such records, accounts or documents relating to the business or activities that the waste disposal licensee is authorised to carry out under the waste disposal licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

(3) The Director-General must not exercise his or her powers under section 99(15)(c) or (d) in relation to a waste disposal licensee for failing to comply with any condition mentioned in subsection (2)(b) unless the Director-General has first consulted the Commissioner for Labour.

[Act 5 of 2023 wef 01/07/2023]

Disposal and treatment of industrial waste

Prohibition against disposal of industrial waste in unauthorised places

24.—(1) A person must not 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 waste disposal licence granted by the Director-General under section 23(2).

[Act 5 of 2023 wef 01/07/2023]

(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.

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

Proper storage of industrial waste

25. The occupier of any work place where industrial waste is being produced must 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 written notice, require the occupier of any work place to remove periodically industrial waste from such premises to a disposal facility.

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

27. [*Repealed by Act 15 of 2014*]

Industrial waste brought to disposal facility to be recycled or treated

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

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

29.—(1) A person who owns or is in possession of any dangerous substance or toxic industrial waste or the residue from the treatment thereof must not bring or cause to be brought the substance or waste to any disposal facility for disposal without the written permission of the Director-General.

(2) An application for the written permission mentioned in subsection (1) must 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.

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

(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.

(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.

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 or she 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 any other steps that may be necessary to reduce the quantity or toxicity of such waste.

General

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

30A.—(1) The Director-General may, by written notice 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 any other particulars that may be specified in the notice;
- (b) to keep and maintain records containing any information on any waste produced in that work place that may be specified in the notice and retain those records for the period that may be specified in the notice;
- (c) to submit to the Director-General any waste reduction plan for the 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 any other particulars relating to waste reduction, that may be specified in the notice.

[15/2014]

(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.

[15/2014]

*Collection, removal, etc., of waste**[Act 5 of 2023 wef 01/07/2023]***Licensing of persons carrying on business of collecting, removing, etc., of refuse or waste**

31.—(1) A person must not 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.

(1A) Without limiting section 99(2), an application for the grant or renewal of a waste collector licence must —

- (a) be in the form and manner specified by the Director-General;
- (b) be accompanied by an application fee, if prescribed; and
- (c) be accompanied by any prescribed information that the Director-General requires to decide on the application, including but not limited to the following:
 - (i) a progressive wage plan for the waste collection workers that the applicant employs who are citizens or permanent residents of Singapore, that complies with the prescribed requirements;
 - (ii) evidence that such proportion of the waste collection workers that the applicant employs, have attended such training and at such frequency, as the Director-General may specify.

[Act 5 of 2023 wef 01/07/2023]

(1B) The Director-General may refuse to consider an application that is incomplete or not made in accordance with subsection (1A).

[Act 5 of 2023 wef 01/07/2023]

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

[Act 5 of 2023 wef 01/07/2023]

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

[Act 5 of 2023 wef 01/07/2023]

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

[Act 5 of 2023 wef 01/07/2023]

(4A) The Director-General may subdivide waste collector licences, whether granted or renewed before, on or after the date of commencement of section 13(c) of the Environmental Public Health (Amendment) Act 2023, into classes, such as according to the type of refuse or waste that may be collected, removed, transported, stored or imported by the waste collector licensee, and may grant or renew a waste collector licence accordingly for one or more such classes.

[Act 5 of 2023 wef 01/07/2023]

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

[Act 5 of 2023 wef 01/07/2023]

(6) Without limiting section 99(1), conditions attached to a waste collector licence granted under this section may include —

(a) a condition requiring the waste collector licensee to comply with such standard of service and level of performance as the Director-General may specify;

[Act 5 of 2023 wef 01/07/2023]

(b) a condition restricting, in a manner specified in the waste collector licence, the provision by the waste collector 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; and

[Act 5 of 2023 wef 01/07/2023]

(c) *[Deleted by Act 5 of 2023 wef 01/07/2023]*

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

[Act 5 of 2023 wef 01/07/2023]

[Act 5 of 2023 wef 01/07/2023]

(6A) The Director-General may —

(a) under section 99(1)(c), impose different conditions for different classes of waste collector licences or waste collector licensees under different circumstances; and

(b) despite section 99(13), modify any condition or add any new condition during the period to which a waste collector licence relates, if the Director-General is satisfied that it is in the public interest to do so,

except that any such condition or modification must not be inconsistent with any prescribed condition referred to in section 31AA(1) or (2).

[Act 5 of 2023 wef 01/07/2023]

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

(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.

Prescribed conditions relating to progressive wage model for waste collection industry

31AA.—(1) For the purpose of regulating and upgrading the standards and productivity in the waste collection industry in Singapore, regulations may be made under section 111 to impose conditions on waste collector licensees for the training of waste collection workers and the payment of progressive wages to waste collection workers that ensure a more engaged waste collection workforce and the retention of a core of waste collection workers who

are citizens or permanent residents of Singapore (called in this section resident waste collection workers).

(2) Without limiting subsection (1), the prescribed conditions referred to in that subsection may include —

- (a) conditions requiring the waste collector licensee to enter into a contract of service in writing with each waste collection worker employed by the waste collector licensee;
- (b) conditions requiring every contract of service entered into between the waste collector licensee and every resident waste collection worker to provide for the payment of a baseline wage, a progressive wage model bonus or an overtime payment to the resident waste collection worker, that —
 - (i) is not less than the amount; and
 - (ii) in the case of a progressive wage model bonus, is to be paid at the frequency,
specified by order under section 31DA(1) for the class of waste collection workers that the resident waste collection worker belongs to;
- (c) conditions requiring the waste collector licensee to ensure that every waste collection worker employed by the waste collector licensee satisfies the training requirements as may be specified by the Director-General for the class of waste collection workers that the waste collection worker belongs to;
- (d) conditions prohibiting the waste collector licensee from deploying any individual who is not employed by the waste collector licensee to carry out any waste collection work, unless the individual is a waste collection worker employed by another waste collector licensee; and
- (e) conditions requiring the waste collector licensee to keep such records, accounts or documents relating to the business or activities that the waste collector licensee is

authorised to carry out under the waste collector licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

(3) The Director-General must not exercise his or her powers under section 99(15)(c) or (d) in relation to a waste collector licensee for failing to comply with any condition mentioned in subsection (2)(b) unless the Director-General has first consulted the Commissioner for Labour.

[Act 5 of 2023 wef 01/07/2023]

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.

[15/2014]

- (2) The grounds mentioned 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.

[15/2014]

(3) The Agency must immediately give notice of any application under subsection (1) to such persons and in such manner as the Agency may determine.

[15/2014]

(4) Any order made by the Minister under subsection (1) must be published in a manner that will secure adequate publicity.

[15/2014]

(5) Any decision of the Minister under subsection (1) is final.

[15/2014]

(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 125(2) of the Insolvency, Restructuring and Dissolution Act 2018.

[15/2014; 40/2018]

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 must 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.

[15/2014]

- (2) The purposes mentioned 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.

[15/2014]

(3) The Minister may, by rules in the *Gazette*, give effect to this section and section 31A, including making provision for applying, omitting or modifying provisions of Parts 7 and 9 of the Insolvency, Restructuring and Dissolution Act 2018 where a special administration order is made.

[15/2014; 40/2018]

[Act 31 of 2022 wef 01/11/2022]

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.

[15/2014]

(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.

[15/2014]

Restrictions on voluntary winding up, etc.

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

- (a) a public waste collector licensee must not be wound up voluntarily without the consent of the Agency;
- (b) no judicial manager may be appointed under Part 7 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a public waste collector licensee;
- (c) no step may 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;
- (d) no step may be taken by any person to 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; and

[Act 25 of 2021 wef 01/04/2022]

- (e) no application under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 may be made by any person in relation to a public waste collector licensee, unless that person has served 14 days’ written notice of that person’s intention to make the application on the Agency.

[15/2014; 40/2018]

(2) The Agency must be a party to —

- (a) any proceedings under the Insolvency, Restructuring and Dissolution Act 2018 relating to the winding up of the affairs of a public waste collector licensee; or
- (b) any proceedings relating to the making of an order under section 210 of the Companies Act 1967 or section 71 of the Insolvency, Restructuring and Dissolution Act 2018 in relation to a public waste collector licensee.

[40/2018]

*Provisions applicable in respect of
waste disposal licences and waste collector licences*

[Act 5 of 2023 wef 01/07/2023]

Amounts specified by Commissioner for Labour for waste management industry

31DA.—(1) For the purposes of the prescribed conditions referred to in sections 23A(2)(b) and 31AA(2)(b), the Commissioner for Labour must, by order, specify the following that must be paid to every waste management worker who is a citizen or permanent resident of Singapore:

- (a) the minimum amount of baseline wage and the date that minimum amount takes effect;
- (b) the minimum amount of overtime payment, or the manner of calculating that minimum amount, and the date that minimum amount or manner of calculation (as the case may be) takes effect;
- (c) the minimum amount of progressive wage model bonus and the frequency at which the progressive wage model bonus is to be paid, and the date that minimum amount and frequency take effect.

(2) An order under subsection (1) may specify —

- (a) different minimum amounts mentioned in subsection (1)(a);
- (b) different minimum amounts or different manner of calculating the minimum amount mentioned in subsection (1)(b); and
- (c) different minimum amounts and different frequency of payments mentioned in subsection (1)(c),

for different classes of waste management workers, and may be varied from time to time.

(3) In making an order under subsection (1), the Commissioner for Labour must consider the recommendations by the Tripartite Cluster

for Waste Management on remuneration for waste management workers, if any.

(4) The Commissioner for Labour must publish every order he or she makes under subsection (1) in any way he or she thinks appropriate to bring the order to the notice of persons who, in his or her opinion, ought to have notice of the order, except that failure to comply with this subsection in respect of any order does not invalidate the order.

(5) The amount specified under subsection (1)(a) takes effect for the purposes of the prescribed conditions referred to in sections 23A(2)(b) and 31AA(2)(b) even though the baseline wage that would have been payable to a waste management worker under any collective agreement, as defined in section 2 of the Industrial Relations Act 1960, is lower than that amount.

(6) The amount specified under subsection (1)(b) takes effect for the purposes of the prescribed conditions referred to in sections 23A(2)(b) and 31AA(2)(b) even though the overtime payment as provided for under the Employment Act 1968 that would have been payable to a waste management worker is lower than that amount.

(7) The Director-General may, by written notice to waste disposal licensees or waste collector licensees (as the case may be), postpone the effective date specified by an order under subsection (1)(a), (b) or (c) —

- (a) in relation to waste management workers employed (whether or not exclusively) to carry out waste collection work or waste disposal work before that effective date; and
- (b) where the Commissioner for Labour varies the order — in relation to waste management workers employed (whether or not exclusively) to carry out waste collection work or waste disposal work before the variation otherwise takes effect.

(8) In this section, “Tripartite Cluster for Waste Management” 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 waste management workers.

[Act 5 of 2023 wef 01/07/2023]

Monitoring powers

31DB.—(1) Subject to subsection (2), the Director-General or any authorised officer appointed under section 3(2) may, for the purpose of monitoring a licensee’s compliance with any provision of this Part or any condition of a waste collector licence or waste disposal licence, by written notice —

(a) require the licensee to produce any records, accounts and documents kept by the licensee in relation to —

(i) the business that the licensee is authorised to carry on under the waste collector licence or waste disposal licence; or

(ii) the payment of remuneration to the licensee’s waste management workers,

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 any inquiry that may be necessary to ascertain whether any provision of this Part or any condition of the waste collector licence or waste disposal licence, is 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 waste collector licence or waste disposal licence has occurred, or is occurring or about to occur, the Director-General or authorised officer may exercise all or any of the powers mentioned in subsection (1) without having to issue any written notice.

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

- (a) the power of the Director-General or authorised officer under 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) applies accordingly 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 the licensee or the person who produced the records, accounts or documents on behalf of the licensee or (where the records, accounts or documents are kept at any premises) any person on those premises to give the Director-General or authorised officer any assistance that the Director-General or authorised officer may reasonably require to enable him or her 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.

(5) In this section, “licensee” means a waste collector licensee or waste disposal licensee.

[Act 5 of 2023 wef 01/07/2023]

PART 3B

DISTRICT PNEUMATIC WASTE CONVEYANCE SYSTEM

[Act 23 of 2023 wef 18/12/2023]

[Act 5 of 2023 wef 01/07/2023]

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 (including screw tanks that are used for the temporary storage of refuse or waste), 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.

[48/2018]

[Act 5 of 2023 wef 01/07/2023]

[Act 23 of 2023 wef 18/12/2023]

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 1988.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

- (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.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(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 (being at least 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.

[48/2018]

(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.

[48/2018]

(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).

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(2) Without limiting section 99 —

- (a) a DPWCS licence may be granted following a public tender or in any other manner that 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 any specifications that the Director-General may specify;
 - (ii) a condition requiring the DPWCS licensee to comply with any code of practice, standard of service and level of performance that 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 any terms and conditions that 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.

[48/2018]

(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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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 any activities that 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 any other action that may be necessary to render any valve, cable, pipe, regulator, apparatus, equipment, plant or station safe and efficient.

[48/2018]

(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 between the DPWCS licensee and the person by way of compensation.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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 persons that the Director-General may approve to construct, reconstruct, connect, maintain the connection of, maintain or operate any related internal assets.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

(4) Where the premises mentioned in subsection (1) are comprised in a strata title plan under the Land Titles (Strata) Act 1967, 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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

(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.

[48/2018]

(5) Where the premises mentioned in subsection (1) are comprised in a strata title plan under the Land Titles (Strata) Act 1967, 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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(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.

[48/2018]

(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 any 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 any works that 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.

[48/2018]

(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 any works that 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.

[48/2018]

(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 any manner that 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.

[48/2018]

(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 the person under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[48/2018]

(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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

(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 the relocation is reasonable; and

(b) the owner or occupier complies with any terms and conditions that 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.

[48/2018]

(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.

[48/2018]

(4) In this section —

“owner” includes any person having a leasehold interest with an unexpired term of at least 7 years;

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

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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, or under or pursuant to any enforcement order, without the prior written approval of the Minister.

[48/2018]

[Act 25 of 2021 wef 01/04/2022]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

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.

[48/2018]

[Act 23 of 2023 wef 18/12/2023]

PART 4

FOOD ESTABLISHMENTS, MARKETS AND HAWKERS

Administration of this Part and Part 9

31W.—(1) The Director-General, Food Administration is responsible for the administration of this Part and Part 9, subject to the general or special directions of the Minister charged with the responsibility for food safety.

[11/2019]

(2) The Director-General, Food Administration may, subject to the directions of the Minister charged with the responsibility for food safety, appoint any of the following individuals to be an authorised officer for the purpose of assisting the Director-General, Food Administration in administering and carrying out the provisions of this Part and Part 9:

- (a) an employee of the Singapore Food Agency;
- (b) an employee of another statutory authority;
- (c) a public officer;
- (d) an auxiliary police officer appointed under the Police Force Act 2004.

[11/2019]

(3) The Director-General, Food Administration may delegate the exercise of all or any of the powers conferred or duties imposed upon

the Director-General, Food Administration by any provision of this Act (except the power of delegation conferred by this subsection) to an authorised officer appointed under subsection (2); and any reference in any provision of this Act to the Director-General, Food Administration includes a reference to such an authorised officer.

[11/2019]

(4) Any delegation under subsection (3) may be general or in a particular case and may be subject to such conditions or limitations as set out in this Act or as the Minister charged with the responsibility for food safety may specify.

[11/2019]

(5) The Director-General, Food Administration may, for any reason that appears to him or her to be sufficient, at any time revoke a person's appointment under subsection (2) as an authorised officer.

[11/2019]

(6) An individual mentioned in subsection (2)(d) who is appointed as an authorised officer does not, by virtue only of the appointment, become an employee or agent of the Singapore Food Agency.

[11/2019]

Food establishments to be licensed

32.—(1) A person must not 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, Food Administration.

[11/2019]

(2) Upon any conviction for contravening subsection (1), the Director-General, Food Administration may, by written order addressed to the convicted person, require that the place or premises or any part of the place or premises where the offence took place must no longer be operated or used as a food establishment as from such date as the Director-General, Food Administration must specify in the order.

[11/2019]

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

- (a) may take any steps or measures that are necessary to ensure that the order is complied with; and
- (b) is entitled to recover from that person the costs and expenses incurred by the Director-General, Food Administration in doing so.

[11/2019]

Licensing of hawkers operating from stalls, etc.

33. A person must not —

- (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 of the street or in any premises or public place without first obtaining a licence from the Director-General, Food Administration.

[11/2019]

Licensing of itinerant hawkers

34.—(1) A person must not act as an itinerant hawker without first obtaining a licence from the Director-General, Food Administration.

[11/2019]

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

[11/2019]

(3) The Director-General, Food Administration may prohibit itinerant hawkers from hawking in any place or places that he or she may think fit.

[11/2019]

Director-General, Food Administration may issue temporary permits

35. A person must not promote, organise or stage any temporary fair or other such function or activity without first obtaining a permit from the Director-General, Food Administration.

[11/2019]

Licences for private markets

36. A person must not use any building, situation or place as a private market without first obtaining a licence from the Director-General, Food Administration.

[11/2019]

Persons with infectious diseases not to carry on business

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

[11/2019]

(2) If the 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 of the infectious disease, the Director-General, Food Administration may require him or her to undergo treatment.

[11/2019]

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

[11/2019]

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

[11/2019]

(5) Every licensee must ensure that the licensee's assistant or any person employed by the licensee is immunised against any infectious disease as required by the Director-General, Food Administration.

[11/2019]

(6) The Director-General, Food Administration 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 or the licensee's assistant or employee refuses to comply with any requisition made by the Director-General, Food Administration under subsection (1), (2) or (3); and
- (d) the licensee does not comply with subsection (5).

[11/2019]

Unauthorised structures

38.—(1) A licensee, stall-holder or other person must not 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, Food Administration or cause any obstruction in any of the passageways or other places therein.

[11/2019]

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

[11/2019]

Cleanliness of markets and stalls

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

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

(3) Where, in the opinion of the Director-General, Food Administration, 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, Food Administration may, by written notice, require the licensee, within the period that may be specified in the

notice, to take any steps that the Director-General, Food Administration may think fit for the purpose of complying with those subsections.

[11/2019]

Articles of food unfit for human consumption

40.—(1) A person must not, without lawful excuse, have in the person's possession for sale by retail any article of food intended for human consumption which is unsound or unfit for human consumption.

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

- (a) enter into and inspect any place which is used, or which he or she 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 or she has reasonable grounds for believing to contain for sale by retail articles of food intended for human consumption and may examine any such articles therein.

[11/2019]

(3) If it appears to the Director-General, Food Administration 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, Food Administration or authorised officer.

[11/2019]

(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, Food Administration 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.

[11/2019]

(5) A certificate signed by the Director-General, Food Administration is to 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.

[11/2019]

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

(7) The 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 any amount that the Court considers will compensate the owner for any loss or depreciation resulting from the seizure.

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

[11/2019]

(9) A person must not obstruct the Director-General, Food Administration or an authorised officer in the exercise of his or her powers under this section or tamper with any article of food kept or stored in any place or premises under subsection (4).

[11/2019]

Cleanliness of vehicles, equipment, etc.

41.—(1) Any person who uses a vehicle for the transportation of food must 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, Food Administration may, by written notice, 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 or she thinks fit to ensure that the food carried in or on the vehicle will not be contaminated.

[11/2019]

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.

[15/2014]

(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 (called 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 1 April 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.

[15/2014]

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.

[15/2014]

(2) Despite 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 that person before a Magistrate’s Court or to a police station serve upon that person a notice in any form that may be prescribed under section 108 requiring that person to attend at the Court described at the hour and on the date specified in the notice.

(3) For the purpose of satisfying himself or herself 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 the officer may consider necessary.

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

(5) On an accused person appearing before a Magistrate’s Court pursuant to the notice, the Court is to take cognizance of the offence alleged and is to proceed as though he or she 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 is to thereupon issue a warrant for the arrest of that person.

(7) Upon a person arrested pursuant to a warrant issued under subsection (6) being produced before it, a Magistrate’s Court is to proceed as though the person were produced before it under subsection (1).

[Act 31 of 2022 wef 01/11/2022]

(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 any other place that may be approved by the Director-General, Food Administration at the risk of the owner, to abide the directions of a Magistrate's Court.

[11/2019]

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

(10) Any money seized under subsection (9) if it is claimed within 48 hours after the seizure by the owner of the money must be returned to the owner whether or not the owner 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), the abandoned articles or goods must be returned to the owner.

(13) Every seizure must, 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 is, 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, to order the property seized under subsection (8) to be forfeited and to be disposed of in any manner that the Court may think fit.

[15/2014]

(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 any manner that the Court thinks fit.

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

[11/2019]

(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 the person if the person satisfies the Court that the person is the owner of the money.

[15/2014]

(18) The Magistrate's Court —

(a) on convicting any person for an offence under section 41A(1) and where the person does not satisfy the Court that the person is the owner of any money seized under subsection (9); or

(b) on receiving a report in respect of any abandoned money, is to order that money to be forfeited and paid to the Singapore Food Agency.

[15/2014; 11/2019]

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

Regulations for this Part

42A.—(1) The Minister charged with the responsibility for food safety may make regulations for or in respect of every purpose which the Minister considers necessary or expedient for carrying out the provisions of this Part, and in particular —

(a) the control, regulation and supervision of markets (and anything in a market and places in the vicinity of a market) and of persons engaged or employed in a market;

- (b) the seizure and disposal of unwholesome meat, fish, fruit, vegetables or other food or drink exposed or intended for sale;
- (c) 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;
- (d) specifying of streets, places and areas (or parts thereof) at which hawkers are prohibited;
- (e) prescribing the articles, or types or classes of articles, that 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;
- (f) the form and manner in which, and the time within which, an application for a licence or permit or an application to renew a licence or permit may be made, and the information and evidence required to be provided in connection with the application; and
- (g) the fees to be paid to the Singapore Food Agency in respect of applications for and the grant and renewal or late renewal of any licence or permit, and otherwise in connection with the administration of this Part, and the waiver, reduction or refund of fees charged.

[11/2019]

- (2) In addition, the regulations made under subsection (1) may —
 - (a) prescribe the offences under this Part that may be compounded, designate the officers of the Singapore Food Agency who may compound those offences and the maximum sum for which any such offence may be compoundable, which must not exceed one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is lower;
 - (b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not

exceeding \$20,000 and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction; and

- (c) provide for any transitional, saving and other consequential, incidental and supplemental provisions that are necessary or expedient.

[11/2019]

(3) All regulations made under this section must be published in the *Gazette* and be presented to Parliament as soon as possible after publication.

[11/2019]

PART 5

PUBLIC NUISANCES

Public nuisances to be abated

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

Nuisances liable to be dealt with summarily

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

- (a) any premises or part of the premises 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 carcase in such place or manner or in such numbers as to be a nuisance or injurious or dangerous to health;

- (d) any dust, effluvia, 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, fireplace 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 brickfield, 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 with respect to 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.

(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 even though 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 must, if the Director-General thinks it desirable, specify the works to be executed by any person under subsection (2).

(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.

(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.

(6) Where a nuisance order prohibiting a dwelling house from being used for human habitation has not been cancelled, the

Director-General may make a complaint to a Magistrate's Court if he or she 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.

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

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

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

(10) Within the period specified in the order being at least 7 days (except in case of immediate danger) after the service of the order under subsection (9), the order must be obeyed by the occupier and the occupier and his or her family must cease to inhabit the dwelling house, and in default the occupier shall be guilty of an offence and the Magistrate's Court is, upon application by the Director-General, to make a summary order for the ejection of the occupier and the order may be carried into effect by any police officer.

(11) Any person who fails to comply with a nuisance order served on the person 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 of a day 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 of a day during which the offence continues after conviction.

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 of the dwelling house must, 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 mentioned in the order, destroy the materials thereof.

(2) If the owner fails to comply with subsection (1), the Director-General or any authorised officer must 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.

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

PART 5A

ENVIRONMENTAL PUBLIC HEALTH REQUIREMENTS FOR CONTROLLED WORKS

[Act 23 of 2023 wef 18/12/2023]

Interpretation of this Part

46A. In this Part —

“amended plans” means plans showing any deviation from, or any amendment or addition to, any plans of controlled works certified by the Director-General in a clearance certificate;

“building” has the meaning given by section 2(1) of the Building Control Act 1989;

“building works” has the meaning given by section 2(1) of the Building Control Act 1989;

“clearance certificate” means a certificate described in section 46C(1) and issued under section 46E(2)(a), and includes such certificate issued under section 46E(2)(a) as applied by section 46G;

“compliance certificate” means a certificate described in section 46I(1) and issued under section 46I(3)(a);

“controlled facility” means any of the following:

- (a) an aerosol generating system;
- (b) an aquatic facility;
- (c) a disposal facility;
- (d) a pneumatic waste conveyance system as defined in section 31E;
- (e) a toilet within any publicly accessible premises;
- (f) any other equipment or facility prescribed in regulations made under section 111;

“controlled works” means any building works, or works involving the provision, extension or alteration of any controlled facility;

“design certificate” means a certificate described in section 46F(1) and issued under section 46F(3)(a);

“developer”, in relation to any controlled works, means the person for whom or on whose behalf the controlled works are carried out;

“environmental public health requirements” means the requirements set out in regulations made under section 111 and any prescribed codes of practice relating to the prevention, reduction or control of the spread of any infectious disease in or from, or the reduction or removal of any risk of conditions injurious or dangerous to public health being created in, any completed buildings or controlled facilities;

“foundation” means that part of a building which is below or in direct contact with the ground, and through which the weight

of the building and the loads acting on the building are transmitted to the ground, and includes any footing, raft or pile of the building;

“plans”, in relation to any controlled works —

- (a) includes drawings, details, diagrams, digital representations generated from building information modelling, structural details and calculations showing or relating to the works; and
- (b) if prepared in electronic form, includes the medium in which the plans of the works have been stored;

“registered inspector” means a person whose name is registered under section 46O(1);

“site formation works” means any kind of site formation and includes earthworks for site stabilisation, the construction of foundations, basements, sub-structures, piling, underpinning, ground anchors, trenches or any other kind of ground works;

“temporary compliance certificate” means a certificate issued under section 46J(1).

[Act 23 of 2023 wef 18/12/2023]

Purpose of this Part

46B.—(1) The purpose of this Part is to establish a regulatory framework to prevent, reduce or control the spread of any infectious disease in or from, and to reduce or remove the risk of any conditions injurious or dangerous to public health being created in, any completed buildings and controlled facilities.

(2) This Part does not limit the operation of any other written law relating to the regulation of controlled works.

[Act 23 of 2023 wef 18/12/2023]

No controlled works without clearance certificate

46C.—(1) Subject to sections 46D and 46F, a person must not commence or carry out, or permit or authorise the commencement or carrying out of any controlled works without a certificate (called in

this Part a clearance certificate) issued by the Director-General under section 46E(2)(a) in respect of those controlled works.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable —

- (a) on the first 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; and
- (b) on a second or subsequent conviction, to a fine not exceeding \$50,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

[Act 23 of 2023 wef 18/12/2023]

Controlled works exempt from section 46C

46D.—(1) Regulations made under section 111 may exempt from section 46C any class of controlled works for any buildings or controlled facilities that have been assessed by the Agency to pose a low risk of giving rise to the spread of any infectious disease or of harbouring conditions injurious or dangerous to public health, subject to such conditions as may be prescribed.

(2) The conditions mentioned in subsection (1) may include (but are not limited to) the following:

- (a) that the plans of the controlled works must be lodged with the Director-General, in the form and manner and within the time specified by the Director-General, together with any other information or documents specified by the Director-General;
- (b) that the person who prepared the plans of the controlled works must provide to the Director-General, in the form and manner and within the time specified by the Director-General, a declaration of the matters specified by the Director-General.

[Act 23 of 2023 wef 18/12/2023]

Application for clearance certificate

46E.—(1) An application for a clearance certificate for any controlled works must be made to the Director-General by the developer of the controlled works, in the form and manner specified by the Director-General, and must be accompanied by the documents and information specified by the Director-General.

(2) The Director-General may —

(a) if the plans of the controlled works comply with the environmental public health requirements (except any requirements that have been waived in the particular case by the Director-General), approve the application and issue a clearance certificate, with or without conditions;

(b) give a written direction to the developer to comply with any requirement that the Director-General may specify for the purpose of ensuring that all or any of the plans submitted to him or her comply with specified environmental public health requirements; or

(c) disapprove the application.

(3) If a direction given by the Director-General under subsection (2)(b) is not complied with within the period specified in that direction, or such further period as may be allowed by the Director-General, the application is, at the end of that period, deemed to be disapproved by the Director-General.

[Act 23 of 2023 wef 18/12/2023]

Preliminary certification of building designs

46F.—(1) A developer of any controlled works to which section 46C applies who intends to carry out any part of those works (being site formation works or other prescribed works) before the issue of a clearance certificate, may apply to the Director-General for a preliminary certificate (called in this Part a design certificate).

(2) An application for a design certificate must be made to the Director-General, in the form and manner specified by the Director-General, and must be accompanied by —

- (a) information on the key design parameters of the controlled works specified by the Director-General; and
 - (b) any other documents and information specified by the Director-General.
- (3) The Director-General may —
- (a) if the key design parameters of the controlled works comply with the environmental public health requirements (except any requirements that have been waived in the particular case by the Director-General), approve the application and issue a design certificate, with or without conditions;
 - (b) give a written direction to the developer to comply with any requirement that the Director-General may specify for the purpose of ensuring that the key design parameters of the controlled works comply with specified environmental public health requirements; or
 - (c) disapprove the application.
- (4) If a direction given by the Director-General under subsection (3)(b) is not complied with within the period specified in that direction, or such further period as may be allowed by the Director-General, the application is, at the end of that period, deemed to be disapproved by the Director-General.
- (5) A design certificate —
- (a) is valid for such period as the Director-General may specify, which may be extended for such further period or periods as the Director-General may specify; and
 - (b) authorises the developer to carry out, during the period of its validity, such site formation works or other prescribed works as the Director-General may specify, without the need for a clearance certificate.
- (6) Regulations made under section 111 may prescribe what are key design parameters of any controlled works for the purposes of this section.

[Act 23 of 2023 wef 18/12/2023]

New clearance certificate required for amended plans of controlled works

46G.—(1) A developer of controlled works who intends to depart or deviate from any plans of those works for which a clearance certificate has been issued, must apply to the Director-General for another clearance certificate (called in this section a new certificate) for the amended plans showing the departure or deviation.

(2) Section 46E(2) and (3) applies (with the necessary modifications) to applications made under subsection (1) as it applies to applications made under section 46E(1).

(3) Where the Director-General has issued a new certificate pursuant to an application under subsection (1), the previous clearance certificate for the same controlled works is treated as cancelled.

[Act 23 of 2023 wef 18/12/2023]

Offence to deviate from plans certified in clearance certificate

46H.—(1) A person who, in carrying out any controlled works deviates, or permits or authorises the controlled works to deviate, in any material way from any plans of the controlled works for which a clearance certificate has been issued shall be guilty of an offence and shall be liable —

- (a) on the first conviction to a fine not exceeding \$20,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$50,000.

(2) In proceedings for an offence under subsection (1) —

- (a) it is not necessary for the prosecution to prove that the accused knew that the controlled works deviate in any material way from the plans as so certified; but
- (b) it is a defence to the charge for the accused to prove, on a balance of probabilities, that the accused did not know and could not reasonably have known of the plans.

[Act 23 of 2023 wef 18/12/2023]

Compliance certificate required upon completion of controlled works

46I.—(1) Upon the completion of any controlled works the plans (including any amended plans) of which have been certified in a clearance certificate, the developer of the controlled works must apply to the Director-General for a further certificate (called in this Part a compliance certificate) that the controlled works have been completed in accordance with —

(a) the plans as so certified; and

(b) the conditions (if any) in the clearance certificate.

(2) The Director-General may, on an application under subsection (1), require the developer or a registered inspector appointed by the developer to inspect the completed controlled works and submit a report stating whether the controlled works have been completed in accordance with subsection (1)(a) and (b).

(3) The Director-General may, after considering the application under subsection (1) and any report submitted under subsection (2) —

(a) issue (subject to any conditions that he or she thinks fit) a compliance certificate if the controlled works have been completed in accordance with subsection (1)(a) and (b) (except for any non-compliance that has been waived in a particular case by the Director-General);

(b) give a written direction to the developer to comply within a specified period with any requirement that the Director-General may specify for the purpose of ensuring that the controlled works have been completed in accordance with subsection (1)(a) and (b); or

(c) disapprove the application.

(4) Without limiting subsection (3)(b), a direction may require specified work or alteration to be carried out at the expense of the developer, within a specified period and to the satisfaction of the Director-General.

(5) If a direction is not complied with within the period specified in that direction, or such further period as may be extended by the

Director-General, the application under subsection (1) is, at the end of that period, deemed to be disapproved by the Director-General.

[Act 23 of 2023 wef 18/12/2023]

Temporary compliance certificate

46J.—(1) Where an application has been made under section 46I for a compliance certificate for any controlled works, the Director-General may, before issuing the compliance certificate, issue a temporary compliance certificate in the first instance.

(2) A temporary compliance certificate is valid for such period as the Director-General may specify, and may be issued subject to conditions including (but not limited to) a condition that the developer of the controlled works comply with any written direction mentioned in section 46I(3)(b).

(3) For the purposes of subsection (2), section 46I(3)(b) and (4) applies (with the necessary modifications) to that subsection.

(4) A temporary compliance certificate is only prima facie evidence that the building that is the subject of the controlled works or in relation to which those works are done, has met the minimum environmental public health requirements that the Director-General considers necessary for occupation, and is not evidence that the controlled works have been completed in accordance with section 46I(1)(a) and (b).

(5) The Director-General may amend, suspend or, in the event of a failure to comply with any condition imposed under subsection (2), revoke any temporary compliance certificate.

[Act 23 of 2023 wef 18/12/2023]

Consequences of providing false or misleading information, etc.

46K.—(1) Any person who, for the purpose of obtaining any certificate under this Part, provides to the Director-General any plan, declaration, document or other information that is false or misleading in a material particular, shall be guilty of an offence and shall be liable —

(a) on the first conviction to a fine not exceeding \$20,000; and

(b) on a second or subsequent conviction to a fine not exceeding \$50,000.

(2) The Director-General may at any time revoke any certificate issued under this Part (including, to avoid doubt, a temporary compliance certificate), if the Director-General is satisfied that any plan, declaration, document or other information provided to him or her for the purpose of obtaining the certificate is false or misleading in a material particular.

(3) Where a clearance certificate has been revoked under subsection (2), any compliance certificate or temporary compliance certificate issued in respect of the same controlled works is also treated as revoked.

[Act 23 of 2023 wef 18/12/2023]

Appeals under this Part

46L.—(1) Any person who is aggrieved by a decision of the Director-General (called in this section a relevant decision) —

- (a) to disapprove an application under section 46E(2)(c), 46F(3)(c) or 46I(3)(c) (except, to avoid doubt, any such application that is deemed to be disapproved);
- (b) to impose conditions under section 46E(2)(a), 46F(3)(a), 46I(3)(a) or 46J(2) on the grant of a certificate; or
- (c) to revoke any certificate under section 46J(5) or 46K(2),

may, within 14 days after the person receives the relevant decision, apply to the Director-General to reconsider the relevant decision.

(2) The application must be made by giving a written notice to the Director-General for reconsideration that states precisely the grounds of the person's objections to the relevant decision.

(3) After considering the written notice for reconsideration, the Director-General may do any of the following (called in this section the reconsidered decision):

- (a) confirm or rescind the relevant decision;
- (b) substitute or vary the relevant decision, and make any decision that the Director-General is competent to make

under the provisions mentioned in subsection (1)(a), (b) and (c).

(4) The Director-General's reconsidered decision must be given in writing to the person that requested the reconsideration.

(5) If the person remains aggrieved by the reconsidered decision, the person may, within 14 days after the person receives the reconsidered decision, appeal in writing to the Minister.

(6) After considering the appeal, the Minister may —

(a) confirm or rescind the reconsidered decision; or

(b) substitute or vary the reconsidered decision, and make any decision that the Director-General is competent to make under the provisions mentioned in subsection (1)(a), (b) and (c).

(7) The Minister's decision on the appeal is final.

(8) The Minister's decision on the appeal must be given to the appellant in writing.

(9) A relevant decision takes effect despite any request for a reconsideration of the relevant decision, unless the Director-General otherwise directs; and a reconsidered decision takes effect despite any appeal against the reconsidered decision under subsection (5), unless the Minister otherwise directs.

[Act 23 of 2023 wef 18/12/2023]

Designation of persons to hear appeals

46M.—(1) The Minister may designate —

(a) any Minister of State, Senior Minister of State, Parliamentary Secretary or Senior Parliamentary Secretary, for his or her Ministry; or

(b) any public officer in his or her Ministry,

to hear and determine (in the Minister's place) any appeal under section 46L.

(2) Any reference in section 46L to the Minister includes a reference to the Minister of State, Senior Minister of State,

Parliamentary Secretary, Senior Parliamentary Secretary or public officer so designated under subsection (1).

[Act 23 of 2023 wef 18/12/2023]

Use of electronic service for making applications, etc.

46N.—(1) The Director-General may permit —

- (a) an application to him or her under this Part; or
- (b) a lodgment of any document or information with him or her for the purposes of this Part,

to be made through the electronic service described in section 42AA of the Building Control Act 1989.

(2) Where a person uses the electronic service mentioned in subsection (1) to make an application to or a lodgment with the Director-General, the Director-General may serve on the person any acknowledgment, approval, certificate, direction, notice, permit or other document in connection with the application or lodgment, by sending it to the person’s account with the electronic service.

(3) Service of a document on a person under subsection (2) takes effect at the time when an electronic record of the document reaches the person’s account with the electronic service.

(4) This section applies despite anything to the contrary in this Act.

(5) In this section, “electronic record” has the meaning given by section 2(1) of the Electronic Transactions Act 2010.

[Act 23 of 2023 wef 18/12/2023]

Registration, appointment and duties of registered inspectors

46O.—(1) The Director-General must keep and maintain a register in which must be entered the names and prescribed particulars of all persons registered under this section as registered inspectors.

(2) Regulations made under section 111 may provide for —

- (a) the manner and form in which the register is to be kept and open for inspection;
- (b) the manner of making applications by persons to be registered inspectors;

- (c) the qualifications of registered inspectors and their appointment;
- (d) the duties and responsibilities of registered inspectors; and
- (e) the circumstances in which the registration may be cancelled.

[Act 23 of 2023 wef 18/12/2023]

PART 6

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 tenantable or otherwise, or any part of the premises are in an unclean, grimy, neglected, unkempt or insanitary condition, he or she may by a written order direct the owner or occupier of the premises 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 of those premises, 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 of the premises internally or externally, or both internally and externally, and if necessary disinfect it.

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 of those premises may be stung by them, or if any of those persons has been stung by them,

the Director-General may, by written notice, require the owner or occupier of the premises at the owner's or occupier's own expense to take any measures that 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.

(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 those persons have been stung by them, the Director-General may enter upon the premises and take any measures that he or she considers necessary for their destruction, for the removal of their breeding places and for preventing their reappearance.

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

Closing and demolition, etc., of insanitary dwellings

49.—(1) Where the Director-General is of the opinion that any building or part of the building 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, outhouse or other structure or erection or without the execution of any alterations or structural operations that he or she may specify, the Director-General may, by written notice, 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 any operations or structural alterations that are necessary to render the premises fit for human habitation and to guard against danger of disease.

(2) The notice must give at least 24 hours in advance for the commencement of the operation enjoined and must specify the period within which the operation must be completed.

(3) A person must not, without the express written permission 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 the partition, erection or obstruction.

(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.

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

(6) At the expiry 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.

Overcrowding of houses

50. A person must not 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 of the house.

Sanitary conveniences, drains, sewers and wells

Public toilets

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

Insufficient and defective sanitary conveniences

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

- (a) any building or part of the building is without sufficient sanitary conveniences; or
- (b) any sanitary conveniences provided for or in connection with a building or part of the building 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 must, by written notice to the owner of the building, require the owner to provide the building or any part of the building with any sanitary conveniences that may be necessary for the use of persons using the building.

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

Repairs

53. If it appears to the Director-General that any sanitary conveniences provided for or in connection with a building or part of the building 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 must, by written notice, 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.

Sanitary conveniences in work premises or work place

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

- (a) with adequate sanitary conveniences sited at any locations that 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 those separate sanitary conveniences is unnecessary.

(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 or she must, by written notice, 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.

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 must 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) must maintain the 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 of the building is without any bathroom or without adequate facilities for bathing, he or she may, by written notice to the owner of the building, require the owner to provide the building with one or more bathrooms or with such facilities for bathing as the Director-General may consider adequate.

Construction and maintenance of private drains

57.—(1) The Director-General may, by written notice, 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 the Director-General 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.

(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 written notice in that behalf to the owner of the land, doing as little damage as may be and making full compensation for any damage done.

(3) If any dispute arises concerning the amount or apportionment of compensation, it must 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 must 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 written notice, 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 the Director-General.

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

(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 applies 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.

Restriction on construction of wells, etc.

59.—(1) A person other than the owner or occupier of an agricultural or horticultural holding must not, 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.

(2) For the purposes of subsection (1), any well within the curtilage of any dwelling house is 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, the owner or occupier must 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) 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 must comply with the terms of the notice.

General health requirements for buildings

Publicly accessible premises to be kept clean, etc.

60.—(1) The manager of any publicly accessible premises must —

- (a) regularly clean, and keep clean and in good repair, the premises;
- (b) keep the premises free of conditions that may endanger the lives or health of the manager’s employees or other users of the premises; and
- (c) where the premises are specified premises, comply with the additional requirements relating to specified premises under this Act.

[33/2020]

(2) Where, in the opinion of the Director-General, the manager of any publicly accessible premises fails to comply with subsection (1)(a), (b) or (c), the Director-General may, by written notice, require the manager within such period as may be specified in the notice to take any steps that the Director-General may think fit.

[33/2020]

(3) In the case of any publicly accessible premises that are air-conditioned, the Director-General may, by written notice —

- (a) prescribe temperature and humidity controls for the air-conditioned premises; and
- (b) require the manager of the premises —
 - (i) to install automatic devices for recording the temperature and humidity level in the premises; and
 - (ii) to keep such records and charts of the temperature and humidity level in such premises as the Director-General may direct for the inspection of the Director-General.

[33/2020]

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

61. The Director-General may, in his or her discretion, by written notice, require any employer to provide for the employer's employees, if in the opinion of the Director-General the conditions or circumstances under which the 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.

Environmental Control Coordinators and Environmental Control Officers

61A.—(1) An individual must not act as an Environmental Control Coordinator or an Environmental Control Officer unless the individual is registered as such, and the registration is not suspended, under this Act.

[33/2020]

(2) The Director-General may —

(a) subject to any condition that the Director-General thinks fit to impose, register any individual as an Environmental Control Coordinator or an Environmental Control Officer;
or

(b) refuse such registration.

[33/2020]

(3) The Director-General may, by written notice, suspend or cancel the registration of an Environmental Control Coordinator or an Environmental Control Officer (called in this section a registered person) if —

(a) the registered person procured the registration by providing any particulars, document or information, or by making any statement or representation, to the Director-General which is false or misleading in any material particular; or

(b) the Director-General is satisfied that the registered person has contravened any of the following:

- (i) any provision of this Act;
- (ii) any regulations made under section 111;
- (iii) any applicable code of practice or standard of performance;
- (iv) any condition of the registration.

[33/2020]

(4) The Director-General must, before suspending or cancelling the registration of a registered person under subsection (3), give the registered person a written notice of the Director-General's intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the registration should not be suspended or cancelled.

[33/2020]

(5) Any individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$5,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$10,000.

[33/2020]

Appeal against decisions made under section 61A

61B.—(1) Any individual who is aggrieved by the Director-General's decision to —

- (a) impose any condition on the individual's registration as an Environmental Control Coordinator or an Environmental Control Officer under section 61A(2)(a);
- (b) refuse the registration of the individual under section 61A(2)(b); or
- (c) suspend or cancel the individual's registration under section 61A(3),

may, within 14 days after the individual receives the decision, appeal in writing to the Minister.

[33/2020]

- (2) After considering the appeal, the Minister may —
- (a) confirm the Director-General’s decision;
 - (b) rescind the Director-General’s decision; or
 - (c) substitute or vary the Director-General’s decision and make any decision which the Director-General is competent to make under section 61A(2) or (3), as the case may be.

[33/2020]

- (3) The Minister’s decision on the appeal is final.

[33/2020]

- (4) The Minister’s decision on the appeal must be given to the appellant.

[33/2020]

- (5) Where an appeal is made under subsection (1) against any decision of the Director-General under section 61A(3), the execution of that decision must be stayed until the outcome of the appeal.

[33/2020]

Appointment of Environmental Control Officer in construction site

62.—(1) This section applies to any class or description of construction sites that the Agency may, with the approval of the Minister by order in the *Gazette*, specify.

- (2) The occupier of any construction site to which this section applies must appoint a registered Environmental Control Officer for the construction site.

[33/2020]

- (3) Despite subsection (2), where a construction site has more than one occupier, the Director-General may, by written notice, require the developer of that construction site to appoint a registered Environmental Control Officer for that construction site, and the developer must ensure that a registered Environmental Control Officer is appointed for the construction site until the completion of the works in that construction site.

[15/2014; 33/2020]

(4) A registered Environmental Control Officer appointed for a construction site under this section must be so appointed 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 1998, the Environmental Protection and Management Act 1999 and the Sewerage and Drainage Act 1999, and any regulations made under those Acts.

[26/2007; 33/2020]

Appointment of Environmental Control Coordinator or Environmental Control Officer for specified premises

62A.—(1) This section applies to premises for which an environmental sanitation programme is required (called specified premises).

[33/2020]

(2) The Agency may, with the approval of the Minister, by order in the *Gazette* —

- (a) designate as specified premises any publicly accessible premises (or class of publicly accessible premises);
- (b) designate as specified premises any of the following premises (or class of premises) that are not publicly accessible:
 - (i) any premises (or class of premises) owned, managed or occupied by the Government or a statutory body;
 - (ii) any premises (or class of premises) used, or intended to be used, for a commercial or an industrial purpose, or for mixed purposes the predominant purpose of which is either a commercial or an industrial purpose;
 - (iii) any recreational facility or class of recreational facilities;
 - (iv) any common property (or class of common property) of any residential premises (or class of residential

premises), or of any premises (or class of premises) mentioned in sub-paragraph (ii);

(v) any premises (or class of premises) for which an environmental sanitation programme is assessed to be necessary to minimise or alleviate the risk of, or to prevent or manage, an outbreak or a spread of any infectious disease;

(c) designate any class, description or type of specified premises for which an Environmental Control Coordinator must be appointed; and

(d) designate any class, description or type of specified premises for which an Environmental Control Officer must be appointed.

[33/2020]

(3) The manager of any specified premises must —

(a) where the specified premises are of a class, description or type for which an Environmental Control Coordinator must be appointed — appoint a registered Environmental Control Coordinator as the Environmental Control Coordinator for that specified premises; or

(b) where the specified premises are of a class, description or type for which an Environmental Control Officer must be appointed — appoint a registered Environmental Control Officer as the Environmental Control Officer for that specified premises.

[33/2020]

(4) For the purposes of subsection (3), the manager of the specified premises may appoint himself, herself or itself as the Environmental Control Coordinator or Environmental Control Officer (as the case may be) for the specified premises in accordance with that subsection if the manager is registered as such under this Act.

[33/2020]

(5) Any person that contravenes subsection (3)(a) or (b) shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$5,000; and

- (b) for a second or subsequent offence, to a fine not exceeding \$10,000.

[33/2020]

Environmental sanitation programme for specified premises

62B.—(1) The Environmental Control Coordinator or Environmental Control Officer for any specified premises must, in accordance with the applicable codes of practice and standards of performance and any regulations made under section 111 —

- (a) develop an environmental sanitation programme for the specified premises;
- (b) where the Director-General requires the environmental sanitation programme to be amended, amend that environmental sanitation programme in the manner directed by the Director-General in writing;
- (c) review and update the environmental sanitation programme in the manner required by the applicable codes of practice or standards of performance;
- (d) submit the developed, amended or updated (as the case may be) environmental sanitation programme to the manager of the specified premises;
- (e) monitor the implementation of the developed, amended or updated (as the case may be) environmental sanitation programme;
- (f) identify and notify the manager of any default in the implementation of the environmental sanitation programme; and
- (g) recommend remedial measures to address any default in the implementation of the environmental sanitation programme.

[33/2020]

(2) The manager of the specified premises must, in accordance with any regulations made under section 111 —

- (a) endorse and submit to the Director-General the environmental sanitation programme mentioned in

subsection (1)(d) (or, where section 62A(4) applies, the environmental sanitation programme developed, amended or updated (as the case may be) by the manager in the manager's capacity as the Environmental Control Coordinator or Environmental Control Officer for the specified premises);

- (b) implement that environmental sanitation programme upon endorsing it; and
- (c) implement any remedial measures recommended under subsection (1)(g).

[33/2020]

(3) Any manager that contravenes subsection (2)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$5,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$10,000.

[33/2020]

(4) In this section, “implement”, in relation to an environmental sanitation programme or remedial measures, includes the carrying out of activities and measures specified in the environmental sanitation programme or remedial measures (as the case may be), and “implementation” is to be construed accordingly.

[33/2020]

Power to give directives

62C.—(1) The Director-General may, with the approval of the Minister, give a directive in such form and manner as the Director-General thinks fit, in respect of any premises or class of premises (called in this section the relevant premises), or any public service vehicle or class of public service vehicles (called in this section the relevant vehicle) if it appears to the Director-General that —

- (a) the use of the relevant premises or the operation of the relevant vehicle is likely to endanger the health of any person and the directive is necessary to prevent or manage that risk; or

- (b) the directive is necessary to prevent or manage the outbreak or spread of any infectious disease.

[33/2020]

(2) A directive given under subsection (1) must be complied with by the following persons (called in this section the responsible person):

- (a) where the directive applies to any relevant premises — the manager of those premises;
- (b) where the directive applies to any relevant vehicle — the operator of that vehicle.

[33/2020]

(3) Without limiting subsection (1), a directive given under that subsection may require the responsible person to do all or any of the following:

- (a) close the relevant premises, or any part of the relevant premises, for a period not exceeding 14 days for the purpose of cleaning or disinfecting the relevant premises, or any part of the relevant premises;
- (b) clean or disinfect the relevant premises or the relevant vehicle in the manner and within the time specified in the directive;
- (c) provide every individual who is to carry out the cleaning or disinfecting of the relevant premises or relevant vehicle with appropriate personal protective equipment, and ensure that the individual wears the personal protective equipment when carrying out the cleaning or disinfecting work.

[33/2020]

(4) The Director-General may, with the approval of the Minister, by written notice, renew any directive mentioned in subsection (3)(a) for any period (not exceeding 14 days each time) specified in the notice.

[33/2020]

(5) Where a directive under subsection (1) or a notice of renewal under subsection (4) applies to or affects a class of responsible persons, it may be published in any manner that the Director-General

thinks necessary for bringing it to the notice of those responsible persons.

[33/2020]

(6) Any responsible person that fails to comply with a directive given under subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$5,000; and

(b) for a second or subsequent offence, to a fine not exceeding \$10,000.

[33/2020]

(7) Without affecting any proceedings under subsection (6), if a responsible person fails to comply with any directive given under subsection (1) —

(a) the Director-General may without warrant and with such force as may be necessary, enter the relevant premises or the relevant vehicle and take or cause to be taken any steps which the Director-General considers to be necessary to secure compliance with the directive; and

(b) the responsible person is liable for any costs and expenses incurred by the Director-General in exercise of the powers conferred under paragraph (a).

[33/2020]

(8) A reference in this section to a directive given under subsection (1) includes, where subsection (4) applies, a reference to the renewed directive under subsection (4).

[33/2020]

Monitoring powers for purposes of sections 62A, 62B and 62C

62D.—(1) The Director-General or an authorised officer appointed under section 3(2) may, by written notice —

(a) inspect any specified premises, for the purposes of administering or enforcing section 62A or 62B or ascertaining whether that section has been complied with; or

(b) inspect any premises or public service vehicle in respect of which a directive is given under section 62C(1), for the

purpose of ascertaining whether the directive has been complied with.

[33/2020]

(2) The Director-General or an authorised officer appointed under section 3(2) may also, by written notice, require the Environmental Control Coordinator or Environmental Control Officer for any specified premises to provide, within a reasonable period, and in the form and manner specified in the notice, all documents and information which —

(a) relate to any matter which the Director-General or authorised officer considers necessary for the purposes of administering or enforcing section 62A or 62B or ascertaining whether that section has been complied with; and

(b) are —

(i) within the knowledge of the Environmental Control Coordinator or Environmental Control Officer; or

(ii) in the custody or under the control of the Environmental Control Coordinator or Environmental Control Officer.

[33/2020]

(3) The power to require an Environmental Control Coordinator or an Environmental Control Officer to provide any document or information under subsection (2) includes the power —

(a) to require the Environmental Control Coordinator or Environmental Control Officer to provide an explanation of the document or information;

(b) if the information is recorded otherwise than in legible form, to require the information to be made available in legible form to the Director-General or an authorised officer appointed under section 3(2); and

(c) if the document or information is not provided, to require the Environmental Control Coordinator or Environmental

Control Officer to state, to the best of his or her knowledge and belief, where it is and how it may be obtained.

[33/2020]

(4) The Director-General or an authorised officer appointed under section 3(2) is entitled without payment to make and retain copies of any document or information provided to the Director-General or authorised officer under subsection (2).

[33/2020]

(5) Any individual who, without reasonable excuse, fails to do anything required of the individual by a notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[33/2020]

(6) For the purposes of subsection (5), it is a reasonable excuse for an individual to refuse or fail to provide any document or information which the individual is required by a notice under subsection (2) to provide if doing so might tend to incriminate that individual.

[33/2020]

Application to Government

62E. Sections 60 to 62D apply to any premises owned, managed or occupied by the Government and any public service vehicle owned or operated by the Government.

[33/2020]

PART 7

AQUATIC FACILITIES

Licensable aquatic facilities

63.—(1) The owner or occupier of any premises in or on which a licensable aquatic facility is located, must not use or operate, or allow the use or operation of, the licensable aquatic facility unless that owner or occupier holds a valid aquatic facility licence for that purpose.

[33/2020]

(2) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$5,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

[33/2020]

Prohibition of use or operation of aquatic facility

64.—(1) The Director-General may, by written notice (called in this section the cessation notice), require the cessation (immediately or within the time specified in the cessation notice) of the use or operation of any aquatic facility or class of aquatic facilities (called in this section the relevant aquatic facility) for all or any of the purposes specified in subsection (2) if —

- (a) it appears to the Director-General that —
 - (i) the use or operation of the relevant aquatic facility is likely to endanger the health of any person and the cessation is necessary to prevent or manage that risk; or
 - (ii) the cessation is necessary to prevent or manage the outbreak or spread of any infectious disease; or
- (b) in the case where the relevant aquatic facility is a licensable aquatic facility, the Director-General is satisfied that any of the following (called in this section the applicable requirement) has been contravened in respect of the relevant aquatic facility:
 - (i) any provision of this Part;
 - (ii) any regulations made under section 111 in relation to licensable aquatic facilities;
 - (iii) any condition of the aquatic facility licence for the relevant aquatic facility.

[33/2020]

(2) The purposes mentioned in subsection (1) are —

- (a) the taking and analysis of any materials (whether solid, liquid, gaseous or vapour) found in or on the relevant aquatic facility;
- (b) the cleaning or disinfecting of the relevant aquatic facility;
- (c) the conducting of investigations relating to the relevant aquatic facility or any outbreak, suspected outbreak or spread of any infectious disease; and
- (d) the implementation of remedial measures in relation to the relevant aquatic facility.

[33/2020]

(3) The cessation notice must be complied with by the owner or occupier of the premises in or on which the relevant aquatic facility is located (called in this section the responsible person).

[33/2020]

(4) The Director-General must, by written notice (called in this section the resumption notice), permit the resumption of the use or operation of the relevant aquatic facility when the Director-General is satisfied that —

- (a) where the cessation notice is issued under subsection (1)(a)(i) — the use or operation of the relevant aquatic facility is no longer likely to endanger the health of any person;
- (b) where the cessation notice is issued under subsection (1)(a)(ii) — the cessation of the use or operation of the relevant aquatic facility is no longer necessary to prevent or manage the outbreak or spread of any infectious disease; or
- (c) where the cessation notice is issued under subsection (1)(b) — the Director-General is satisfied that the responsible person is no longer in contravention of the applicable requirement.

[33/2020]

(5) Where the cessation notice or resumption notice applies to or affects a class of responsible persons, it may be published in any

manner that the Director-General thinks necessary for bringing it to the notice of those responsible persons.

[33/2020]

(6) Any person that contravenes any notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[33/2020]

Monitoring powers for purposes of this Part

65.—(1) The Director-General or an authorised officer appointed under section 3(2) may, by written notice —

- (a) inspect any aquatic facility for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and
- (b) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found in or on the aquatic facility for analysis.

[33/2020]

(2) The Director-General or an authorised officer appointed under section 3(2) may also, by written notice, require the owner or occupier of any premises in or on which any aquatic facility is located to provide, within a reasonable period, and in the form and manner specified in the notice, all documents and information which —

- (a) relate to any matter which the Director-General or authorised officer considers necessary for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and
- (b) are —
 - (i) within the knowledge of the owner or occupier; or
 - (ii) in the custody or under the control of the owner or occupier.

[33/2020]

(3) The power to require an owner or occupier to provide any document or information under subsection (2) includes the power —

- (a) to require the owner or occupier to provide an explanation of the document or information;
- (b) if the information is recorded otherwise than in legible form, to require the information to be made available in legible form to the Director-General or an authorised officer appointed under section 3(2); and
- (c) if the document or information is not provided, to require the owner or occupier to state, to the best of the knowledge and belief of the owner or occupier, where it is and how it may be obtained.

[33/2020]

(4) The Director-General or an authorised officer appointed under section 3(2) is entitled without payment to make and retain copies of any document or information provided to the Director-General or authorised officer under subsection (2).

[33/2020]

(5) Any person that, without reasonable excuse, fails to do anything required of the person by a notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[33/2020]

(6) For the purposes of subsection (5), it is a reasonable excuse for a person to refuse or fail to provide any document or information which the person is required by a notice under subsection (2) to provide if doing so might tend to incriminate that person.

[33/2020]

Application to Government

66. This Part applies to any aquatic facility owned, managed or operated by the Government.

[33/2020]

PART 7A

AEROSOL-GENERATING SYSTEMS

Registrable aerosol-generating systems

66A.—(1) The owner or occupier of any premises in or on which a registrable aerosol-generating system is installed, must not use or operate, or allow the use or operation of, the registrable aerosol-generating system unless the aerosol-generating system is registered by that owner or occupier under this Act and the registration is not suspended.

[33/2020]

(2) The Director-General may —

- (a) subject to any condition that the Director-General thinks fit to impose, register the registrable aerosol-generating system; or
- (b) refuse such registration.

[33/2020]

(3) The registration of the registered aerosol-generating system by the owner or occupier (called in this section the registered owner or occupier) under subsection (2)(a) is not transferable to any other person.

[33/2020]

(4) The Director-General may, by written notice, suspend or cancel the registration of an aerosol-generating system if —

- (a) the registered owner or occupier procured the registration by providing any particulars, document or information, or by making any statement or representation, to the Director-General which is false or misleading in any material particular; or
- (b) the Director-General is satisfied that the registered owner or occupier has contravened any of the following:
 - (i) any provision of this Part;
 - (ii) any regulations made under section 111 in relation to registrable aerosol-generating systems;

(iii) any condition of the registration.

[33/2020]

(5) The Director-General must, before suspending or cancelling the registration of the aerosol-generating system under subsection (4), give the registered owner or occupier a written notice of the Director-General's intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the registration should not be suspended or cancelled.

[33/2020]

(6) The Director-General may also, on the application of the registered owner or occupier, cancel the registration of any registered aerosol-generating system.

[33/2020]

(7) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$5,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

[33/2020]

Prohibition of use or operation of aerosol-generating system

66B.—(1) The Director-General may, by written notice (called in this section the cessation notice) require the cessation (immediately or within the time specified in the cessation notice) of the use or operation of any aerosol-generating system or class of aerosol-generating systems (called in this section the relevant aerosol-generating system) for all or any of the purposes specified in subsection (2) if —

- (a) it appears to the Director-General that —
 - (i) the use or operation of the relevant aerosol-generating system is likely to endanger the health of any person and the cessation is necessary to prevent or manage that risk; or
 - (ii) the cessation is necessary to prevent or manage the outbreak or spread of any infectious disease; or

(b) in the case where the relevant aerosol-generating system is a registrable aerosol-generating system, the Director-General is satisfied that any of the following (called in this section the applicable requirement) has been contravened in respect of the relevant aerosol-generating system:

- (i) any provision of this Part;
- (ii) any regulations made under section 111 in relation to registrable aerosol-generating systems;
- (iii) any condition of the registration of the relevant aerosol-generating system.

[33/2020]

(2) The purposes mentioned in subsection (1) are —

- (a) the taking and analysis of any materials (whether solid, liquid, gaseous or vapour) found in or on the relevant aerosol-generating system;
- (b) the cleaning or disinfecting of the relevant aerosol-generating system;
- (c) the conducting of investigations relating to the relevant aerosol-generating system or any outbreak, suspected outbreak or spread of any infectious disease; and
- (d) the implementation of remedial measures in relation to the relevant aerosol-generating system.

[33/2020]

(3) The cessation notice must be complied with by the owner or occupier of the premises in or on which the relevant aerosol-generating system is located (called in this section the responsible person).

[33/2020]

(4) The Director-General must, by written notice (called in this section the resumption notice), permit the resumption of use or operation of the relevant aerosol-generating system when the Director-General is satisfied that —

- (a) where the cessation notice is issued under subsection (1)(a)(i) — the use or operation of the

relevant aerosol-generating system is no longer likely to endanger the health of any person;

- (b) where the cessation notice is issued under subsection (1)(a)(ii) — the cessation of the use or operation of the relevant aerosol-generating system is no longer necessary to prevent or manage the outbreak or spread of any infectious disease; or
- (c) where the cessation notice is issued under subsection (1)(b) — the Director-General is satisfied that the responsible person is no longer in contravention of the applicable requirement.

[33/2020]

(5) Where the cessation notice or resumption notice applies to or affects a class of responsible persons, it may be published in any manner that the Director-General thinks necessary for bringing it to the notice of those responsible persons.

[33/2020]

(6) Any person that contravenes any notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[33/2020]

Monitoring powers for purposes of this Part

66C.—(1) The Director-General or an authorised officer appointed under section 3(2) may, by written notice —

- (a) inspect any aerosol-generating system for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and
- (b) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found in or on the aerosol-generating system for analysis.

[33/2020]

(2) The Director-General or an authorised officer appointed under section 3(2) may also, by written notice, require the owner or occupier of any premises in or on which any aerosol-generating system is installed to provide, within a reasonable period, and in the

form and manner specified in the notice, all documents and information which —

- (a) relate to any matter which the Director-General or authorised officer considers necessary for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and
- (b) are —
 - (i) within the knowledge of the owner or occupier; or
 - (ii) in the custody or under the control of the owner or occupier.

[33/2020]

(3) The power to require an owner or occupier to provide any document or information under subsection (2) includes the power —

- (a) to require the owner or occupier to provide an explanation of the document or information;
- (b) if the information is recorded otherwise than in legible form, to require the information to be made available in legible form to the Director-General or an authorised officer appointed under section 3(2); and
- (c) if the document or information is not provided, to require the owner or occupier to state, to the best of the knowledge and belief of the owner or occupier, where it is and how it may be obtained.

[33/2020]

(4) The Director-General or an authorised officer appointed under section 3(2) is entitled without payment to make and retain copies of any document or information provided to the Director-General or authorised officer under subsection (2).

[33/2020]

(5) Any person that, without reasonable excuse, fails to do anything required of the person by a notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[33/2020]

(6) For the purposes of subsection (5), it is a reasonable excuse for a person to refuse or fail to provide any document or information which the person is required by a notice under subsection (2) to provide if doing so might tend to incriminate that person.

[33/2020]

Application to Government

66D. This Part applies to any aerosol-generating system owned, managed or operated by the Government.

[33/2020]

PART 8

FUNERAL PARLOURS, CEMETERIES AND CREMATORIA

Licensing of funeral parlours, cemeteries and crematoria

67. A person must not establish, use, manage, operate or run any premises as a funeral parlour, cemetery or crematoria without first obtaining a licence from the Director-General.

68. [*Repealed by Act 48 of 2018*]

Corpse not to be retained beyond 48 hours unless encoffined

69.—(1) No corpse may 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 the 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 written permission of the Director-General must be obtained.

Decomposed corpse

70. No corpse in an advanced stage of decomposition may 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 must make proper provisions for maintaining them.

Places which may be used for burials, etc.

72.—(1) No place may 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.

(2) Despite 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) A person must not bury or cremate or cause or procure or allow 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 written notice, 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 the person 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 the place.

(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) Any person who refuses or neglects to comply with the 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 the expense in the manner provided by law for the levy of fines imposed by a court.

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 is not 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.

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

Unauthorised structure

75.—(1) A person must not construct or erect any unauthorised structure in any cemetery or crematorium.

(2) The Director-General must, by written notice, 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 the Director-General 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.

Exhumation

76.—(1) No corpse may 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.

(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]

PART 9

PROVISION OF WATER SUITABLE FOR DRINKING

Interpretation of this Part

78. In this Part —

“authorised officer” means an individual appointed under section 31W(2) by the Director-General, Food Administration to be an authorised officer;

“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 —

- (c) any sale of water suitable for drinking that is regulated under the Sale of Food Act 1973;
- (d) any supply to a vessel of water suitable for drinking that is regulated under the Maritime and Port Authority of Singapore Act 1996;
- (e) any provision to a Singapore ship of water suitable for drinking that is regulated under the Merchant Shipping Act 1995;
- (f) any provision of water suitable for drinking solely to the Public Utilities Board; and
- (g) any other provision of water prescribed by the Minister charged with the responsibility for food safety 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 2001;

“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.

[11/2018; 11/2019]

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.

[11/2018]

(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.

[11/2018]

(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, Food Administration to specify any other methodology or assessment.

[11/2018; 11/2019]

(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, Food Administration any information that the Director-General, Food Administration may require relating to the water provided or to be provided;
- (f) carry out any remedial measures that the Director-General, Food Administration may require; and
- (g) comply with any other requirement (as may be prescribed) for the purposes of keeping the water unpolluted and wholesome.

[11/2018; 11/2019]

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

[11/2018; 11/2019]

(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.

[11/2018]

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 anything 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 any photographs or video recordings that 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.

[11/2018]

(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.

[11/2018]

Regulations for this Part

80A.—(1) The Minister charged with the responsibility for food safety may make regulations for or in respect of every purpose which the Minister considers necessary or expedient for carrying out the provisions of this Part.

[11/2019]

(2) In particular, the regulations made under subsection (1) may —

- (a) prescribe the offences under this Part that may be compounded, designate the officers of the Singapore

Food Agency who may compound those offences and the maximum sum for which any such offence may be compoundable, which must not exceed one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is lower;

- (b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$20,000 and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction;
- (c) prescribe the fees to be paid to the Singapore Food Agency in connection with the administration of this Part, and the waiver, reduction or refund of fees charged; and
- (d) provide for any transitional, saving and other consequential, incidental and supplemental provisions that are necessary or expedient.

[11/2019]

(3) All regulations made under this section must be published in the *Gazette* and be presented to Parliament as soon as possible after publication.

[11/2019]

PART 9A

GENERAL CLEANING INDUSTRY

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.

[15/2014]

Non-application of sections 99 and 103

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

[15/2014]

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

[15/2014]

Carrying on cleaning business without cleaning business licence prohibited

80D.—(1) A person must not carry on a cleaning business in Singapore, except under and in accordance with a cleaning business licence that is in force.

[15/2014]

(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 of a day during which the offence continues after conviction.

[15/2014]

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

[15/2014]

Offence to engage unlicensed persons

80E.—(1) Where —

- (a) a person (*A*) enters into or renews any contract (other than a contract of service) with another person (*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 of a day during which the offence continues after conviction.

[15/2014]

(2) In any proceedings for an offence under subsection (1), it is a defence for *A* to prove, on a balance of probabilities, that *A* 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.

[15/2014]

Application for cleaning business licence

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

- (a) be made to the Director-General in any form and manner that 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 complies with the prescribed requirements; and

[Act 5 of 2023 wef 01/07/2023]

- (iii) any other particulars, information and documents that the Director-General may require.

[15/2014]

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

[15/2014]

(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.

[15/2014]

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 or she must notify the applicant in writing of his or her decision.

[15/2014]

(2) There must be charged for the grant of any cleaning business licence any fee that may be prescribed.

[15/2014]

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

[15/2014]

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

- (a) the applicant is a company registered under the Companies Act 1967, a limited liability partnership registered under

the Limited Liability Partnerships Act 2005, a sole proprietorship or firm registered under the Business Names Registration Act 2014, a society registered under the Societies Act 1966 or an entity having a business or corporate structure that may be prescribed;

(b) *[Deleted by Act 5 of 2023 wef 01/07/2023]*

(c) the progressive wage plan in respect of its cleaning business submitted by the applicant complies with the prescribed requirements;

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(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 such proportion of the cleaners that the applicant employs, have attended such training, and at such frequency, as the Director-General may specify;

[Act 5 of 2023 wef 01/07/2023]

(e) the applicant satisfies any other requirements that may be prescribed.

[15/2014; 29/2014]

(5) *[Deleted by Act 5 of 2023 wef 01/07/2023]*

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

[15/2014]

(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 is final.

[15/2014]

(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.

[15/2014]

Conditions of cleaning business licence

80H.—(1) Every cleaning business licence is subject to conditions that may be prescribed by regulations made under section 111, which may include —

- (a) conditions requiring the cleaning business licensee to enter into a contract of service in writing with each cleaner employed by the cleaning business licensee;
- (b) conditions requiring every contract of service entered into between the cleaning business licensee and every cleaner who is a citizen or permanent resident of Singapore (called in this section a resident cleaner) to provide for the payment of a basic wage or a progressive wage model bonus to the resident cleaner, that —
 - (i) is not less than the amount; and
 - (ii) in the case of a progressive wage model bonus, is to be paid at the frequency,
specified by order under subsection (2) for the class of cleaners that the resident cleaner belongs to;
- (c) conditions requiring the cleaning business licensee to ensure that every cleaner employed by the cleaning business licensee satisfies the training requirements as may be specified by the Director-General for the class of cleaners that the cleaner belongs to;
- (d) conditions prohibiting the cleaning business licensee from deploying any individual who is not employed by the cleaning business licensee to carry out any cleaning work, unless the individual is a cleaner employed by another cleaning business licensee; and

(e) conditions requiring the cleaning business licensee to keep such records, accounts or documents relating to the business or activities that the cleaning business licensee is authorised to carry out under the cleaning business licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

(2) For the purposes of the prescribed conditions referred to in subsection (1)(b), the Commissioner for Labour must, by order, specify the following that must be paid to every resident cleaner:

(a) the minimum amount of basic wage and the date that minimum amount takes effect;

(b) the minimum amount of progressive wage model bonus and the frequency at which the progressive wage model bonus is to be paid, and the date that minimum amount and frequency take effect.

(3) An order under subsection (2) may specify —

(a) different minimum amounts mentioned in subsection (2)(a); and

(b) different minimum amounts and different frequency of payments mentioned in subsection (2)(b),

for different classes of cleaners, and may be varied from time to time.

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

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

(6) The amount specified under subsection (2)(a) takes effect for the purposes of the prescribed conditions referred to in subsection (1)(b) even though 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 1960, is lower than that amount.

(7) The Director-General may, by written notice to cleaning business licensees, postpone the effective date specified by an order under subsection (2)(a) or (b) —

- (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 cleaning business licensees before that effective date; and
- (b) in any case where the Commissioner for Labour varies the order — 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 cleaning business licensees before the variation otherwise takes effect.

(8) Subject to subsection (10), the Director-General may impose any other conditions on a cleaning business licence that he or she thinks fit, being conditions which are not inconsistent with the prescribed conditions referred to 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 the prescribed conditions referred to 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 must give notice to the cleaning business licensee concerned —

- (a) of the terms of the proposed condition or modification; and
- (b) specifying the time (being at least 14 days after the date of service of the notice on the cleaning business licensee concerned) within which written representations with respect to the proposed condition or modification may be made.

(11) Upon receipt of any written representation mentioned in subsection (10)(b), the Director-General must 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 must then issue a written direction to the cleaning business 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 the condition or modification as subsequently amended by the Director-General.

(12) In this section, “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 5 of 2023 wef 01/07/2023]

Form and validity of cleaning business licence

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

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

[15/2014]

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

[15/2014]

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 or she is satisfied that —

- (a) the cleaning business licensee has ceased to carry on a cleaning business in Singapore;
[Act 5 of 2023 wef 01/07/2023]
- (b) the cleaning business licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
[Act 5 of 2023 wef 01/07/2023]
- (c) the cleaning business licensee no longer satisfies the requirements for a cleaning business licence referred to in section 80G(4)(a);
[Act 5 of 2023 wef 01/07/2023]
- (d) the cleaning business 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;
[Act 5 of 2023 wef 01/07/2023]
- (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 cleaning business licensee's cleaning business licence, had the Director-General been aware of the circumstance immediately before granting or renewing the cleaning business licence;
[Act 5 of 2023 wef 01/07/2023]
- (f) any part of the progressive wage plan in respect of the cleaning business licensee's cleaning business does not comply with the prescribed requirements;
[Act 5 of 2023 wef 01/07/2023]
- (g) the cleaning business licensee has contravened any requirement or other provision of this Part or has been convicted of an offence under this Part;
[Act 5 of 2023 wef 01/07/2023]
- (h) the cleaning business licensee has, on or after 1 April 2014, contravened any requirement or provision of Part 3 of the Employment Act 1968 relating to the payment of salary, or has been convicted of an offence under Part 3 of the

Employment Act 1968 relating to the payment of salary, of any of its employees, whether or not cleaners;

[Act 5 of 2023 wef 01/07/2023]

(i) the cleaning business licensee has failed to comply with any notice, direction or order issued under this Part by the Director-General or any authorised officer;

[Act 5 of 2023 wef 01/07/2023]

(j) the cleaning business 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;

[Act 5 of 2023 wef 01/07/2023]

(k) the cleaning business licensee has failed to comply with any condition of its cleaning business licence; or

[Act 5 of 2023 wef 01/07/2023]

(l) it is in the public interest to revoke the cleaning business licence.

[15/2014]

(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 any period of time (not exceeding 6 months) that the Director-General thinks fit; or

(b) impose any other directions or restrictions that the Director-General considers appropriate on the cleaning business licensee's cleaning business in Singapore.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(3) The Director-General must not exercise his or her powers under subsection (1) or (2) unless an opportunity of being heard (whether in writing or otherwise) had been given to the cleaning business licensee against whom the Director-General intends to exercise his or her powers, being a period of not less than 3 days but not more than

14 days, after the Director-General informs the cleaning business licensee of such intention.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

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

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(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 or she must, without delay, serve on the cleaning business licensee concerned a notice of the order.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(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 cleaning business licensee's cleaning business does not take effect until the expiry of 14 days after the notice under subsection (5) has been served on the cleaning business licensee.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(7) Any cleaning business licensee or former cleaning business 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 cleaning business licensee or former cleaning business licensee, appeal to the Minister whose decision is final.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(8) Where the cleaning business licensee or former cleaning business licensee concerned has appealed under subsection (7) to

the Minister against any order of the Director-General under subsection (1) or (2), the order does not take effect until it is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or withdrawn.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

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

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

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

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

Financial penalty

80K.—(1) Without prejudice to section 80J, where a cleaning business 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(10), the Director-General may, in lieu of or in addition to the revocation or suspension of its cleaning business licence or imposition of directions or restrictions on the cleaning business licensee's cleaning business under section 80J, impose a financial penalty of an amount, not exceeding \$5,000, that the Director-General thinks fit.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(2) The Director-General must not exercise his or her powers under subsection (1) in relation to a cleaning business licensee for failing to comply with the licence condition mentioned in section 80H(1)(b)

unless the Director-General has first consulted the Commissioner for Labour.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(3) Any cleaning business licensee or former cleaning business 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 the imposition has been served on the cleaning business licensee or former cleaning business licensee, appeal to the Minister whose decision is final.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

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

- (a) must be collected, and may be sued for and recovered, by the Agency;
- (b) is deemed to be a debt due to the Government for the purposes of section 397 of the Insolvency, Restructuring and Dissolution Act 2018 and section 10 of the Government Proceedings Act 1956; and
- (c) must be paid into the Consolidated Fund upon collection or recovery,

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

[15/2014; 40/2018]

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

[15/2014]

(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 is prima facie evidence of the facts stated therein.

[15/2014]

Changes to information submitted

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

- (a) information contained in the cleaning business licensee’s application for the grant or renewal of its cleaning business licence or any document accompanying the cleaning business licensee’s application;

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- (b) particulars of any progressive wage plan submitted by the cleaning business licensee under section 80F; or

[Act 5 of 2023 wef 01/07/2023]

- (c) information the cleaning business licensee submitted to the Director-General for the purposes of the cleaning business licensee’s application for the grant or renewal of its cleaning business licence,

[Act 5 of 2023 wef 01/07/2023]

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

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

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 written notice —

- (a) require a cleaning business licensee to produce such records, accounts and documents kept by the cleaning business licensee in relation to —

- (i) the cleaning business licensee’s cleaning business; or
 - (ii) the payment of remuneration to the cleaning business licensee’s cleaners,

within such reasonable time as may be specified in the notice;

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- (b) inspect, examine and make copies of any such records, accounts and documents so produced; and

- (c) make any inquiry that may be necessary to ascertain whether the provisions of this Part are complied with.

[15/2014]

(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.

[15/2014]

(3) Where the records, accounts and documents 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) applies accordingly 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 the cleaning business licensee or the person who produced the records, accounts or documents on behalf of the cleaning business licensee or (where the records, accounts or documents are kept at any premises) any person on those premises to give the Director-General or authorised officer any assistance that the Director-General or authorised officer may reasonably require to enable him or her to inspect and make copies of the records, accounts or documents in legible form or to make records of information contained in them.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

(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.

[15/2014]

Register of cleaning business licensees

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

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

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

(a) remove the particulars of the cleaning business licensee from the register; or

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(b) indicate against the particulars of the cleaning business licensee in the register the fact of the suspension, revocation or expiry of the licence, as the case may be.

[15/2014]

[Act 5 of 2023 wef 01/07/2023]

[Act 5 of 2023 wef 01/07/2023]

PART 10

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 that entry or of anything done in any part of those premises.

(2) A person must not, except with the consent of the occupier of the house, enter any house by virtue of the powers conferred by subsection (1) without at least 3 hours previous notice being given to the occupier of the house, if any.

(3) Despite 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.

Penalty for obstruction

82.—(1) A person must not at any time —

- (a) hinder, obstruct or delay the Director-General, any authorised officer or other person in the performance and execution of his or her duty or of anything which he or she is respectively empowered, employed or required to do by virtue or in consequence of or under this Act; or
- (b) remove any mark, line, sign or other direction drawn or set up for the purpose of this Act.

[48/2018; 11/2019]

(2) However, it is not an offence under subsection (1) for any person to refuse to comply with any request, demand or order made or given by any authorised officer (including an authorised officer within the meaning of section 31W) who fails to declare his or her office and refuses to produce his or her identification card on demand being made by that person.

[11/2019]

(3) In subsection (2), “identification card”, for an authorised officer (including an authorised officer within the meaning of section 31W), means such identification card as the Director-General or the Director-General, Food Administration may require the authorised officer to carry at all times when exercising powers under this Act.

[11/2019]

Director-General or Director-General, Food Administration may act in cases of emergency

83.—(1) In cases of emergency, the Director-General or Director-General, Food Administration 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 or Director-General, Food Administration (as the case may be) necessary for public health or for the safety of the public.

[11/2019]

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

[15/2014; 11/2019]

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 must be stayed.

(2) The Minister may confirm, vary or rescind the notice or order or direct that the thing must 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 is final.

Appeal against decisions under Part 4 or 9

84A.—(1) Any person who is aggrieved by any notice, order or decision of the Director-General, Food Administration made under Part 4 or 9 may, within 7 days after the person receives the notice, order or decision, appeal in writing to the Minister charged with the responsibility for food safety.

[11/2019]

(2) After considering an appeal made under this section, the Minister charged with the responsibility for food safety may —

- (a) reject the appeal and confirm the notice, order or decision (as the case may be) of the Director-General, Food Administration;
- (b) allow the appeal and rescind the notice, order or decision (as the case may be) of the Director-General, Food Administration; or

- (c) substitute or vary the notice, order or decision appealed against and make any notice, order or decision which the Director-General, Food Administration is competent to make under Part 4 or 9, as the case may be.

[11/2019]

- (3) The Minister's decision on an appeal is final.

[11/2019]

- (4) Every appellant must be notified of the Minister's decision under subsection (2).

[11/2019]

- (5) Where an appeal is lodged by a person under this section against any notice, order or decision of the Director-General, Food Administration made under Part 4 or 9, the execution of the notice, order or decision appealed against must be stayed until the outcome of the appeal.

[11/2019]

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 the default, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(2) When the notice or order requires any act to be done or work to be executed for which no time is fixed by this Act, it must 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 affecting any proceedings under subsection (1), at the expiry 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) Nothing in this section is deemed to prohibit the Director-General from carrying out any works specified in the

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.

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 must on demand give his or her name and address and other proof of identity to the police officer or authorised officer, if so required.

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

(3) Any person who contravenes this section or wilfully misstates his or her 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.

[48/2018]

Power of investigating offences

87.—(1) For the purpose of investigating any offence under this Act, the Director-General or the Director-General, Food Administration (as the case may be) or any authorised officer (including an authorised officer within the meaning of section 31W) 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 written order the attendance before himself or herself of any person who, from information given or otherwise, appears to be acquainted with the facts and circumstances concerning the case and that person must attend as so required.

[11/2019]

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

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

(4) If any person fails to attend as required by an order under subsection (1)(b), the Director-General, the Director-General, Food Administration or the authorised officer (including an authorised officer within the meaning of section 31W) may report the failure to a Magistrate who may then issue a warrant to secure the attendance of that person as required by the order.

[11/2019]

(5) The Director-General, the Director-General, Food Administration (as the case may be) or any authorised officer (including an authorised officer within the meaning of section 31W) may photograph (which includes making a digital image or a moving visual record) or otherwise record —

- (a) any place or vehicle where an offence under this Act was committed, is reasonably suspected to have been committed, or is about to be committed;
- (b) any place or vehicle associated with, or relevant to, the commission or suspected commission of the offence under this Act; or
- (c) any thing or individual in a place or vehicle mentioned in paragraph (a) or (b).

[11/2019]

Powers of arrest

88.—(1) Any police officer or authorised officer may arrest any person committing in his or her view or who he or she 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 or her;
- (b) the person declines to give the person's name and address; or
- (c) there is reason to doubt the accuracy of the name and address, if given.

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

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

False or misleading information

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

- (a) the person provides information to a police officer, the Director-General, the Director-General, Food Administration or any authorised officer (including an authorised officer within the meaning of section 31W) in connection with any of his or her functions or duties 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.

[15/2014; 11/2019]

PART 11

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 is, in case of dispute or

failure to pay, to 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 lies to the General Division of 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 2010 apply, with the necessary modifications, to the appeal.

[40/2019]

Damage to property of Agency and Singapore Food 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 or property of the Singapore Food Agency (as the case may be) is committed by that person, that person shall be liable to make good the damage as well as to pay the penalty.

[11/2019]

(2) The amount of the damage is, in case of dispute, to be determined by the court by which the person incurring the penalty was convicted.

(3) The amount of the damage is to be recovered as if it were a fine imposed by the court.

Payment of fees, etc.

91.—(1) Subject to subsection (2), section 31N and regulations made under section 42A or 80A, all fees, charges and moneys collected under this Act are payable to the Agency.

[16/2016; 48/2018; 11/2019]

(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.

[16/2016]

(3) This section does not apply to composition sums in section 104 or financial penalties imposed under section 80K or 99.

[16/2016]

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.

(2) The person liable to pay any sum under subsection (1) is 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 misstates the name of the owner shall, unless he or she shows cause to the satisfaction of the Magistrate’s Court or the District Court for his or her refusal or misstatement, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

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 or she thinks fit, obtain an undertaking from the owner or occupier for the payment by any instalments that will be

sufficient to defray the whole amount of the costs and expenses.

(2) Upon default in payment of any instalment upon the date appointed for payment of the instalment by the undertaking, the whole of the balance then outstanding of the amount immediately becomes due and payable and, despite 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.

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 of that property, that person continues 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.

(2) Nothing in this section affects 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.

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 3 years after the date of the commission of such offence.

[Act 5 of 2023 wef 01/07/2023]

PART 12

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.

(2) Any expense incurred by those persons acting in accordance with subsection (1) must be borne by the Agency.

Exemption of agent who has no funds in hand

97.—(1) No person (*A*) receiving the rent of premises as receiver or agent for another person is liable to do anything by this Act required to be done by the owner of the premises if, after *A* or the actual owner has been required to do any work, *A* gives notice to the Director-General within 7 days after the requisition has been made, that *A* does not have sufficient funds of the person on whose behalf *A* is receiving the rents to pay for the work.

(2) In that case, the Director-General may himself or herself execute the work and the expenses incurred thereby must be charged and recoverable as provided in section 92.

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 the person's last known place of residence to some adult member or employee of the person's family;
- (b) leaving it at the person's usual or last known place of residence or business in a cover addressed to the person; or

- (c) forwarding it by post in a prepaid letter addressed to the person at the person's 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
- (b) sending it by registered post addressed to the company or body at its registered or principal office.

[48/2018]

(3) 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.

[48/2018]

(4) 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.

(5) Any summons, notice, order or document required or authorised by this Act to be served on the owner or occupier of any premises is deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

(6) 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.

[48/2018]

(7) 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.

[48/2018]

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 given therefor; and
- (c) granted or renewed subject to any restrictions and conditions that the Director-General may think fit.

(2) The Director-General may require any applicant for a licence to furnish any information and evidence that he or she 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 must refuse to grant or renew the licence.

(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.

(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.

(6) Any sum deposited or bond entered into under this section is liable to forfeiture in whole or in part at the discretion of the Director-General on cancellation of the licence.

(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 is 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.

(9) There must be charged for the grant or renewal of any licence any fee that may be prescribed by the Agency with the approval of the Minister.

(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 the proportionate fee, any part of a month is reckoned as one month.

(11) No licensee is entitled to any refund of any fee paid by the licensee in respect of any licence.

(12) A person must not 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.

(13) Subject to subsection (14), it is lawful for the Director-General to modify the conditions of a licence without compensating the licensee concerned, except that any such modification must not be inconsistent with —

(a) where the licensee is a waste disposal licensee — any prescribed condition referred to in section 23A(1) or (2); or

- (b) where the licensee is a waste collector licensee — any prescribed condition referred to in section 31AA(1) or (2).

[Act 5 of 2023 wef 01/07/2023]

(14) Before modifying any conditions of a licence, the Director-General must give notice to the licensee holding that licence —

- (a) stating that the Director-General proposes to make the modification in the manner specified in the notice; and
- (b) specifying the time (being not less than a prescribed period after the date of service of notice on the licensee) within which the licensee may make written representations to the Director-General with respect to the proposed modification.

[11/2019]

(15) Subject to sections 23A(3) and 31AA(3), 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 —

- (c) suspend or cancel the licence; and
- (d) in the case of paragraph (a), in lieu of or in addition to paragraph (c), impose a financial penalty of any amount, not exceeding \$5,000, unless the breach in paragraph (a) is an offence under this Act.

[11/2019]

[Act 5 of 2023 wef 01/07/2023]

(16) 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 decision of the Director-General to modify the conditions of a licence under subsection (13);
- (c) the suspension or cancellation by the Director-General of any licence;

- (d) the imposition of any financial penalty by the Director-General; or
- (e) the forfeiture of any sum deposited or bond entered into under this section,

may, within 14 days of the refusal, suspension, cancellation, imposition of financial penalty or forfeiture, appeal to the Minister whose decision is final.

[11/2019]

(17) Any financial penalty imposed on any person under this section is to be paid into the Consolidated Fund.

[16/2016]

(18) The provisions of this section affecting any licence or permit apply (so far as relevant) to any licence or permit granted or renewed under Parts 4 and 9 by the Director-General, Food Administration —

- (a) as if the licence or permit were granted or renewed under any other Parts of this Act pursuant to an application to the Director-General;
- (b) as if the reference to the Director-General in this section were a reference to the Director-General, Food Administration;
- (c) as if the reference to the Agency in this section were a reference to the Singapore Food Agency;
- (d) as if the reference to the Minister in this section were a reference to the Minister charged with the responsibility for food safety; and
- (e) with any other exceptions, modifications and adaptations that the differences between Parts 4 and 9 and other Parts require.

[11/2019]

(19) In this section, “licence” includes any approval, permit, permission, authority, authorisation or licence which may be granted or renewed under this Act, but does not include a

certificate issued by the Director-General under Part 5A or a cleaning business licence granted or renewed under Part 9A.

[15/2014; 11/2019]

[Act 23 of 2023 wef 18/12/2023]

Codes of practice and standards of performance

99A.—(1) The Director-General may issue, approve, amend or revoke one or more codes of practice or standards of performance with respect to —

- (a) programmes and measures relating to environmental sanitation;
- (b) activities and conduct of licensees and registered persons under this Act;
- (c) activities that relate to or concern environmental public health;
- (d) the cleaning, disinfection and operation of any class of premises, facilities or systems under this Act;
- (e) the operation of any provision of this Act; or
- (f) generally for carrying out the purposes of this Act.

[33/2020]

(2) If any provision in any code of practice or standard of performance is inconsistent with this Act, such provision (to the extent of the inconsistency) does not have effect.

[33/2020]

(3) Where a code of practice or standard of performance is issued, approved, amended or revoked by the Director-General under subsection (1), the Director-General must —

- (a) publish a notice of the issue, approval, amendment or revocation (as the case may be) in such manner as will secure adequate publicity for such issue, approval, amendment or revocation;
- (b) specify in the notice the date of the issue, approval, amendment or revocation, as the case may be; and

- (c) ensure that, so long as the code of practice or standard of performance remains in force, copies of that code or standard, and of all amendments to that code or standard, are available free of charge to any person to which that code or standard applies.

[33/2020]

(4) None of the following has any effect until the notice relating to it is published in accordance with subsection (3):

- (a) a code of practice or standard of performance;
- (b) an amendment to a code of practice or standard of performance;
- (c) the revocation of a code of practice or standard of performance.

[33/2020]

(5) A code of practice or standard of performance has no legislative effect.

[33/2020]

(6) Subject to subsections (4) and (7), a person must comply with any code of practice or standard of performance that is applicable to that person.

[33/2020]

(7) The Director-General may, either generally or for such time as the Director-General may specify, waive the application to any person of any code of practice or standard of performance, or of any part of any code of practice or standard of performance.

[33/2020]

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.

(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 is sufficient authentication.

Furnishing of information required by Director-General

101. The Director-General may, by written notice, require the owner or occupier of any work place or work premises to furnish the Director-General within 14 days or a longer period that may be specified in the notice any information required by the Director-General for the purposes of this Act.

Saving of prosecutions under other laws

102. Nothing in this Act prevents 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 may be punished twice for the same offence.

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.

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 the officer's 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.

[15/2014]

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of

a member in connection with his or her functions of management as if he or she were a director of the body corporate.

[15/2014]

(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 the partner's 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.

[15/2014]

(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.

[15/2014]

(5) In this section —

“body corporate” includes a limited liability partnership which has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;

“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.

[15/2014]

(6) The Minister may make regulations to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.

[15/2014]

Composition of offences

104.—(1) The Director-General may 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.

[15/2014]

(2) On payment of the sum of money, no further proceedings may 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) All sums collected under this section must be paid into the Consolidated Fund.

[15/2014]

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 affects in any way 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 are invalid for want of form.

Jurisdiction of court

106. Despite any provision to the contrary in the Criminal Procedure Code 2010, a District Court and a Magistrate's Court have jurisdiction to try any offence under this Act and have power to impose the full penalty or punishment in respect of any offence under this Act.

Evidence

107.—(1) The contents of any document prepared, issued or served under or for the purposes of this Act are, until the contrary is proved, 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 are 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 the officer with his or her name and his or her official title are admissible in evidence as proof of the contents of the documents or extracts therefrom.

Forms

108. The Director-General may design and utilise any forms that he or she 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.

Modification of provisions

108A. Sections 82, 85(3) and (4), 93(1), 94(1) and (2), 96, 97, 100, 101, 107 and 108 apply (so far as relevant) to anything done or required to be done under Parts 4 and 9 by the Director-General, Food Administration —

- (a) as if the reference in those provisions to the Director-General includes a reference to the Director-General, Food Administration;
- (b) as if the reference in those provisions to the Agency were a reference to the Singapore Food Agency;
- (c) as if the reference in those provisions to an authorised officer includes a reference to an authorised officer within the meaning of section 31W; and
- (d) with any other exceptions, modifications and adaptations that the differences between Parts 4 and 9 and other Parts require.

[11/2019]

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.

Exemption

110.—(1) 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, facility, system, premises or works, or any class of persons, facilities, systems, premises or works from any of the provisions of this Act, except Parts 4 and 9.

[11/2019; 33/2020]

(2) The Singapore Food Agency may, subject to the general or special directions of the Minister charged with the responsibility for food safety, either permanently or for such period as the Singapore Food Agency thinks fit, exempt any person or premises or any class of persons or premises from any of the provisions of Part 4 or 9.

[11/2019]

Regulations

111.—(1) The Agency may, with the approval of the Minister, make regulations for or in respect of every purpose which the Minister considers necessary for carrying out the provisions of this Act, and in particular, without limiting the foregoing, for or in respect of all or any of the matters specified in the Third Schedule.

(1A) Regulations made under this section may make different provision for different classes, descriptions or types of persons, facilities, systems, premises or works.

[33/2020]

(1B) Regulations made under this section may provide for —

(a) different prescribed components referred to in paragraphs (b) and (c) of the definition of “progressive wage model bonus” in section 2, in respect of cleaners, waste collection workers and waste disposal workers, respectively; and

(b) different prescribed conditions referred to in sections 23A(1) and (2), 31AA(1) and (2) and 80H(1) for different classes of waste disposal licences, waste collector licences and cleaning business licences, respectively.

[Act 5 of 2023 wef 01/07/2023]

(2) The Agency may, with the approval of the Minister, in making any regulations, prescribe the circumstances in which it is presumed that an offence under the provisions of any such regulations was committed.

(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 of a day during which the offence continues after conviction.

[15/2014]

(4) All regulations made under this Act (except sections 42A and 80A) must be published in the *Gazette* and must be presented to Parliament as soon as possible after publication.

[11/2019]

FIRST SCHEDULE

Sections 32 and 109

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 1973.

2. As a catering establishment providing a catering service whereby —

- (a) food is prepared, packed and thereafter delivered to a consumer for his or her consumption or use; or
- (b) food is prepared at premises appointed by a consumer for his or her 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 1973.

[48/2017]

SECOND SCHEDULE

[Repealed by Act 48 of 2018]

THIRD SCHEDULE

Sections 109 and 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, 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.

1B. The duties of owners and occupiers of premises in connection with the use, operation and maintenance of a DPWCS.

1C. The specifications, dimensions and other standards to which the related internal assets must conform.

1D. The control, regulation and restriction of the types of refuse and waste that may be disposed of through a DPWCS.

1E. The conditions under which refuse and waste may be disposed of through a DPWCS.

2. *[Deleted by Act 11 of 2019]*

3. The control, regulation and supervision of places used for the reception of sick or dying persons.

4. The prevention and abatement of nuisances.

4A. The prescribing of matters relating to the plans of controlled works to be lodged or certified under Part 5A, including a requirement for the plans to be prepared by persons with prescribed qualifications and expertise.

[Act 23 of 2023 wef 18/12/2023]

4B. The prescribing of standards and codes of practice for the purposes of Part 5A, including by applying, adopting or incorporating by reference —

(a) either wholly or partially;

(b) with or without modification; or

(c) either specifically or by reference,

any matter contained in any standards or codes of practice, as in force or published at a particular time or as in force or published from time to time, relating to the prevention, reduction or control of the spread of any infectious disease in or from,

THIRD SCHEDULE — *continued*

or the reduction or removal of any risk of conditions injurious or dangerous to public health being created in, completed buildings or controlled facilities.

[Act 23 of 2023 wef 18/12/2023]

4C. The prescribing of matters necessary for the carrying out of section 46D, including requiring controlled works exempt from section 46C under regulations made under section 46D to be carried out in accordance with prescribed requirements.

[Act 23 of 2023 wef 18/12/2023]

4D. The prescribing of fees and charges for applications, lodgments and submission of documents for the purposes of Part 5A.

[Act 23 of 2023 wef 18/12/2023]

5. The keeping down or destruction of rats, mice, insects and other vermin, and the proofing of premises against the same.

6. *[Deleted by Act 11 of 2019]*

7. *[Deleted by Act 11 of 2019]*

8. *[Deleted by Act 11 of 2019]*

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.

16. The prescribing of matters relating to or for the purposes of cleaning business licences and the regulation of cleaning businesses.

THIRD SCHEDULE — *continued*

17. The registration and regulation of Environmental Control Coordinators and Environmental Control Officers, including their duties and matters relating to their appointment, training and qualifications.

18. The requirements relating to environmental sanitation programmes for specified premises.

19. The duties of managers of specified premises in connection with environmental sanitation, including the periodic cleaning of the specified premises.

20. The regulation of licensable aquatic facilities, including the duties of owners or occupiers of premises in or on which licensable aquatic facilities are located.

21. The regulation of registrable aerosol-generating systems, including the duties of owners or occupiers of premises in or on which registrable aerosol-generating systems are installed.

[15/2014; 48/2018; 11/2019; 33/2020]

FOURTH SCHEDULE

Sections 4(2) and 109

PRIVATE PERSONS WHO CAN BE AUTHORISED TO EXERCISE POWERS UNDER THIS ACT OR ITS REGULATIONS AND POWERS IN RESPECT OF WHICH PERSONS MAY ACT

First column

Second column

Private persons who may be authorised to exercise powers under this Act and regulations made under this Act

Powers under this Act and its regulations which the person may be authorised to exercise

- (1) Any member or employee of a)
Town Council established)
under the Town Councils)
Act 1988)
)
- (2) Any member of any committee)
of a Town Council)
)
- (3) Any employee of an agent of a)
Town Council)
)

Powers of an authorised officer under —
(a) section 21; and
(b) sections 86 and 88 in relation to any offence under section 17 and regulation 30 of the Environmental Public Health (Public Cleansing) Regulations for contravening

FOURTH SCHEDULE — *continued*

First column

Second column

Private persons who may be authorised to exercise powers under this Act and regulations made under this Act

Powers under this Act and its regulations which the person may be authorised to exercise

- | | |
|---|--|
| <p>(4) Any operator of a public service vehicle)</p> | <p>) regulation 15(1) of those Regulations</p> |
| <p>(5) Any —)</p> <p style="padding-left: 20px;">(a) member or employee of a society registered under the Societies Act 1966;)</p> <p style="padding-left: 20px;">(b) member, director or employee of a public company limited by guarantee registered under the Companies Act 1967; or)</p> <p style="padding-left: 20px;">(c) member of a council established by the Ministry of Sustainability and the Environment,)</p> <p style="padding-left: 20px;">whose objects or activities relate to environmental public health, environmental protection, living environment improvement or matters connected therewith)</p> | <p>) Powers of an authorised officer under —</p> <p style="padding-left: 20px;">(a) section 21; and</p> <p style="padding-left: 20px;">(b) sections 86 and 88 in relation to any offence under section 17.</p> |
| <p>(6) Any employee of PSA Corporation Limited)</p> | <p>— Powers of an authorised officer under —</p> <p style="padding-left: 20px;">(a) sections 21 and 42;</p> |

FOURTH SCHEDULE — *continued*

First column

Private persons who may be authorised to exercise powers under this Act and regulations made under this Act

Second column

Powers under this Act and its regulations which the person may be authorised to exercise

(b) section 86 in relation to any offence under section 17, 18 or 19, Part 4 or to any offence under regulation 30 of the Environmental Public Health (Public Cleansing) Regulations for contravening regulations 4, 8(2), 9, 14, 15(1) or (3), 25 and 26(1)(a) and (b) of those Regulations; and

(c) section 88 in relation to any offence under regulation 30 of the Environmental Public Health (Public Cleansing) Regulations for contravening regulations 4, 8(2), 9, 14, 15(1) or (3), 25 and 26(1)(a) and (b) of those Regulations.

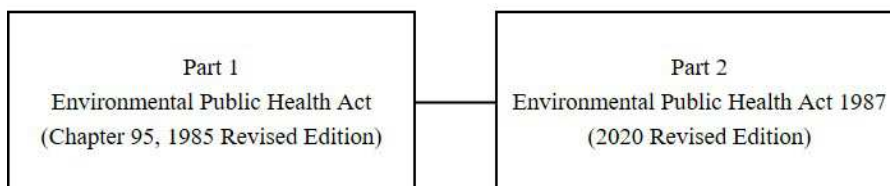
[S 442/2013; S 747/2020]

LEGISLATIVE HISTORY

ENVIRONMENTAL PUBLIC HEALTH ACT 1987

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

PICTORIAL OVERVIEW OF PREDECESSOR ACTS



LEGISLATIVE HISTORY DETAILS

PART 1 ENVIRONMENTAL PUBLIC HEALTH ACT (CHAPTER 95, 1985 REVISED EDITION)

1. Act 32 of 1968 — Environmental Public Health Act, 1968

Bill	:	36/1968
First Reading	:	3 December 1968
Second and Third Readings	:	16 December 1968
Commencement	:	2 January 1969 (except sections 88 to 100) 1 September 1972 (sections 88 to 94, renumbered as sections 93 to 99 when the Act was revised in the 1970 Revised Edition)

Note: This Act repealed sections 65 to 119, the First Schedule and paragraph 3 of the Third Schedule of the Local Government Integration Ordinance 1963 (Ordinance 18 of 1963).

2. Act 38 of 1970 — Environmental Public Health (Amendment) Act, 1970

Bill	:	34/1970
First Reading	:	22 July 1970
Second and Third Readings	:	2 September 1970
Commencement	:	30 October 1970

3. 1970 Revised Edition — Environmental Public Health Act (Chapter 155)

Operation : 31 May 1971

4. G.N. No. S 222/1972 — Metrication (Environmental Public Health Act) Order, 1972

Commencement : 1 September 1972

5. Act 32 of 1972 — Environmental Public Health (Amendment) Act, 1972

Bill : 30/1972

First Reading : 24 October 1972

Second and Third Readings : 3 November 1972

Commencement : 8 December 1972

6. Act 7 of 1974 — Environmental Public Health (Amendment) Act, 1974

Bill : 1/1974

First Reading : 4 March 1974

Second and Third Readings : 27 March 1974

Commencement : 10 May 1974

7. Act 29 of 1975 — Water Pollution Control and Drainage Act, 1975
(Amendments made by section 69 read with the Second Schedule to the above Act)

Bill : 27/1975

First Reading : 26 March 1975

Second Reading : 29 July 1975

Notice of Amendments : 29 July 1975

Third Reading : 29 July 1975

Commencement : 1 September 1975 (section 69 read with the Second Schedule)

8. 1985 Revised Edition — Environmental Public Health Act (Chapter 95)

Operation : 30 March 1987

PART 2
ENVIRONMENTAL PUBLIC HEALTH ACT 1987
(2020 REVISED EDITION)

9. Act 14 of 1987 — Environmental Public Health Act 1987

Bill	:	2/1987
First Reading	:	26 January 1987
Second Reading	:	20 May 1987
Notice of Amendments	:	20 May 1987
Third Reading	:	20 May 1987
Commencement	:	1 July 1987

10. 1988 Revised Edition — Environmental Public Health Act (Chapter 95)

Operation	:	30 April 1988
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11. Act 37 of 1989 — Environmental Public Health (Amendment) Act 1989

Bill	:	38/1989
First Reading	:	6 October 1989
Second and Third Readings	:	30 November 1989
Commencement	:	15 January 1990

12. Act 32 of 1992 — Environmental Public Health (Amendment) Act 1992

Bill	:	31/1992
First Reading	:	31 July 1992
Second and Third Readings	:	14 September 1992
Commencement	:	1 November 1992

13. Act 2 of 1996 — Environmental Public Health (Amendment) Act 1995

Bill	:	41/1995
First Reading	:	1 November 1995
Second and Third Readings	:	5 December 1995
Commencement	:	2 February 1996

14. G.N. No. S 77/1998 — Environmental Public Health Act (Amendment of Fourth Schedule) Notification 1998

Commencement	:	1 March 1998
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- 15. Act 9 of 1999 — Environmental Pollution Control Act 1999**
(Amendments made by section 78(4) read with paragraph 3 of the Fourth Schedule to the above Act)
- Bill : 2/1999
- First Reading : 20 January 1999
- Second and Third Readings : 11 February 1999
- Commencement : 1 April 1999 (section 78(4) read with paragraph 3 of the Fourth Schedule)
- 16. Act 22 of 1999 — Environmental Public Health (Amendment) Act 1999**
- Bill : 11/1999
- First Reading : 8 March 1999
- Second and Third Readings : 4 May 1999
- Commencement : 1 June 1999
- 17. 1999 Revised Edition — Environmental Public Health Act (Chapter 95)**
- Operation : 1 August 1999
- 18. Act 4 of 2002 — National Environment Agency Act 2002**
(Amendments made by section 50 read with item (4) of the Second Schedule to the above Act)
- Bill : 13/2002
- First Reading : 3 May 2002
- Second and Third Readings : 24 May 2002
- Commencement : 1 July 2002 (section 50 read with item (4) of the Second Schedule)
- 19. Act 7 of 2002 — Sale of Food (Amendment) Act 2002**
(Amendments made by section 22 of the above Act)
- Bill : 10/2002
- First Reading : 3 May 2002
- Second and Third Readings : 24 May 2002
- Commencement : 1 July 2002 (section 22)
- 20. 2002 Revised Edition — Environmental Public Health Act (Chapter 95)**
- Operation : 31 December 2002
- 21. Act 47 of 2004 — Building Maintenance and Strata Management Act 2004**

(Amendments made by section 140 read with item (5) of the Fifth Schedule to the above Act)

Bill	:	6/2004
First Reading	:	6 February 2004
Second Reading	:	19 April 2004
Select Committee Report	:	Parl. 5 of 2004
Third Reading	:	19 October 2004
Commencement	:	1 April 2005 (section 140 read with item (5) of the Fifth Schedule)

22. Act 27 of 2007 — Radiation Protection Act 2007

(Amendments made by section 46 read with item (1) of the Second Schedule to the above Act)

Bill	:	14/2007
First Reading	:	9 April 2007
Second and Third Readings	:	21 May 2007
Commencement	:	1 July 2007 (section 46 read with item (1) of the Second Schedule)

23. Act 26 of 2007 — Environmental Pollution Control (Amendment) Act 2007

(Amendments made by section 7 read with item (3) of the Schedule to the above Act)

Bill	:	13/2007
First Reading	:	9 April 2007
Second and Third Readings	:	21 May 2007
Commencement	:	1 January 2008 (section 7 read with item (3) of the Schedule)

24. Act 26 of 2008 — Environmental Public Health (Amendment) Act 2008

Bill	:	18/2008
First Reading	:	25 August 2008
Second and Third Readings	:	16 September 2008
Commencement	:	1 November 2008

25. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 38 of the Sixth Schedule to the above Act)

Bill	:	11/2010
First Reading	:	26 April 2010
Second Reading	:	18 May 2010
Third Reading	:	19 May 2010
Commencement	:	2 January 2011 (section 430 read with item 38 of the Sixth Schedule)

26. G.N. No. S 442/2013 — Environmental Public Health Act (Amendment of Fourth Schedule) Notification 2013

Commencement	:	18 July 2013
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27. Act 15 of 2014 — Environmental Public Health (Amendment) Act 2014

Bill	:	3/2014
First Reading	:	20 January 2014
Second and Third Readings	:	17 February 2014
Commencement	:	1 April 2014

28. Act 29 of 2014 — Business Names Registration Act 2014

(Amendments made by section 47 read with item 6 of the Schedule to the above Act)

Bill	:	26/2014
First Reading	:	8 September 2014
Second and Third Readings	:	8 October 2014
Commencement	:	3 January 2016 (section 47 read with item 6 of the Schedule)

29. Act 4 of 2016 — National Environment Agency (Miscellaneous Amendments) Act 2016

(Amendments made by section 4 of the above Act)

Bill	:	7/2016
First Reading	:	28 January 2016
Second and Third Readings	:	1 March 2016
Commencement	:	1 May 2016 (section 4)

- 30. Act 16 of 2016 — Statutes (Miscellaneous Amendments) Act 2016**
(Amendments made by section 5 of the above Act)
- Bill : 15/2016
- First Reading : 14 April 2016
- Second and Third Readings : 9 May 2016
- Commencement : 10 June 2016 (section 5)
- 31. Act 48 of 2017 — Sale of Food (Amendment) Act 2017**
(Amendments made by section 24 of the above Act)
- Bill : 42/2017
- First Reading : 2 October 2017
- Second and Third Readings : 7 November 2017
- Commencement : 1 February 2018 (section 24)
- 32. Act 48 of 2018 — Environmental Public Health (Amendment) Act 2018**
- Bill : 39/2018
- First Reading : 10 September 2018
- Second and Third Readings : 2 October 2018
- Commencement : 1 February 2019
- 33. Act 11 of 2018 — Public Utilities (Amendment) Act 2018**
(Amendments made by section 19 of the above Act)
- Bill : 4/2018
- First Reading : 8 January 2018
- Second and Third Readings : 6 February 2018
- Commencement : 25 March 2019 (section 19)
- 34. Act 11 of 2019 — Singapore Food Agency Act 2019**
(Amendments made by section 57 of the above Act)
- Bill : 5/2019
- First Reading : 15 January 2019
- Second and Third Readings : 12 February 2019
- Commencement : 1 April 2019 (section 57)
- 35. G.N. No. S 747/2020 — Environmental Public Health Act (Amendment of Fourth Schedule) Notifications 2020**
- Commencement : 27 July 2020

36. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018
(Amendments made by section 475 of the above Act)

Bill	:	32/2018
First Reading	:	10 September 2018
Second and Third Readings	:	1 October 2018
Commencement	:	30 July 2020 (section 475)

37. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 50 of the Schedule to the above Act)

Bill	:	32/2019
First Reading	:	7 October 2019
Second Reading	:	5 November 2019
Notice of Amendments	:	5 November 2019
Third Reading	:	5 November 2019
Commencement	:	2 January 2021 (section 28(1) read with item 50 of the Schedule)

38. Act 4 of 2021 — Statute Law Reform Act 2021
(Amendments made by section 22(5) of the above Act)

Bill	:	45/2020
First Reading	:	3 November 2020
Second and Third Readings	:	5 January 2021
Commencement	:	1 March 2021 (section 22(5))

39. Act 33 of 2020 — Environmental Public Health (Amendment) Act 2020

Bill	:	31/2020
First Reading	:	3 September 2020
Second and Third Readings	:	5 October 2020
Commencement	:	20 July 2021 (except section 7) 31 August 2021 (section 7)

40. 2020 Revised Edition — Environmental Public Health Act 1987

Operation	:	31 December 2021
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41. Act 24 of 2021 — Environmental Protection and Management (Amendment) Act 2021

Date of First Reading	:	2 August 2021 (Bill No. 21/2021)
Date of Second and Third Readings	:	13 September 2021
Date of commencement	:	1 April 2022

42. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021

Bill	:	18/2021
First Reading	:	26 July 2021
Second and Third Readings	:	14 September 2021
Commencement	:	1 April 2022

43. Act 31 of 2022 — Statutes (Miscellaneous Amendments) Act 2022

Bill	:	24/2022
First Reading	:	12 September 2022
Second and Third Readings	:	3 October 2022
Commencement	:	1 November 2022 (sections 20(6) and 21(4))

44. Act 5 of 2023 — Environmental Public Health (Amendment) Act 2023
(Amendments made by the above Act)

Bill	:	1/2023
First Reading	:	9 January 2023
Second and Third Readings	:	6 February 2023
Commencement	:	1 July 2023

45. Act 23 of 2023 — Building and Related Works (Miscellaneous Amendments) Act 2023

(Amendments made by the above Act)

Bill	:	19/2023
First Reading	:	9 May 2023
Second and Third Readings	:	4 July 2023
Commencement	:	18 December 2023

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
ENVIRONMENTAL PUBLIC HEALTH
ACT 1987

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers to locate the corresponding provisions in the last Revised Edition.

2020 Ed.	2002 Ed.
16—(2)	16—(1A)
(3)	(2)
20—(2)	20—(1A)
(3)	(1B)
(4)	(1C)
(5)	(2)
(6)	(3)
(7)	(4)
(8)	(5)
(9)	(6)
(10)	(7)
(11)	(8)
62—(3)	62—(2A)
(4)	(3)
—	(4) [<i>Deleted by Act 33 of 2020</i>]
80H—(3)	80H—(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)

2020 Ed.	2002 Ed.
(11)	(10)
(12)	(11)
(13)	(12)
98—(3)	98—(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
99—(13)	99—(12A)
(14)	(12B)
(15)	(13)
(16)	(14)
(17)	(14A)
(18)	(14B)
(19)	(15)
[<i>Omitted as spent</i>]	112