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The following Act was passed by Parliament on 24th May 2002 and assented to by the President on 31st May 2002:—

NATIONAL ENVIRONMENT AGENCY ACT 2002

(No. 4 of 2002)

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REPUBLIC OF SINGAPORE

No. 4 of 2002.

I assent.



S R NATHAN,
President.
31st May 2002.

An Act to establish and incorporate the National Environment Agency, to provide for its functions and powers, and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the National Environment Agency Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

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

“accreditation, certification or inspection mark” means any accreditation, certification or inspection mark of the Agency specified under section 12(b);

“Agency” means the National Environment Agency established under section 3;

“appointed day” means the date of commencement of this Act;

“Chairman” means the Chairman of the Agency and includes a temporary Chairman of the Agency;

“chief executive” means the chief executive of the Agency appointed under section 16 and includes any person acting in that capacity;

“Deputy Chairman” means the Deputy Chairman of the Agency and includes a temporary Deputy Chairman of the Agency;

“member” means a member of the Agency and includes a temporary member of the Agency.

PART II

ESTABLISHMENT, INCORPORATION AND CONSTITUTION
OF AGENCY

Establishment and incorporation of National Environment Agency

3. There is hereby established a body to be known as the National Environment Agency which shall be a body corporate with perpetual

succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding and developing, or disposing of property, both movable and immovable; and
- (c) doing and suffering all such other acts or things as a body corporate may lawfully do and suffer.

Common seal

4.—(1) The Agency shall have a common seal and such seal may, from time to time, be broken, changed, altered or made anew as the Agency thinks fit.

(2) All deeds and other documents requiring the seal of the Agency shall be sealed with the common seal of the Agency.

(3) All instruments to which the common seal is affixed shall be signed by any 2 members generally or specially authorised by the Agency for the purpose or by one member and the chief executive.

(4) The Agency may, by resolution or otherwise in writing, appoint any officer of the Agency or any other agent either generally or in any particular case to execute or sign on behalf of the Agency any agreement or other instrument not under seal in relation to any matter coming within the powers of the Agency.

(5) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Agency affixed to any document and shall presume that it was duly affixed.

Membership of Agency

5.—(1) The Agency shall consist of —

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not less than 5 but not more than 12 other members,

all of whom shall be appointed by the Minister.

(2) The Minister may appoint the chief executive to be a member.

Chairman may delegate functions

6. The Chairman may in writing authorise any member to exercise any power or perform any function conferred on the Chairman by or under this Act.

Term of office of members

7.—(1) A member shall hold office on such conditions and for such term, not exceeding 3 years, as the Minister shall specify in his appointment.

(2) Any member may at any time by notice in writing to the Minister resign from his office.

(3) The Minister may at any time revoke the appointment of any member without assigning any reason.

(4) If a member dies or resigns or has his appointment revoked, the Minister may appoint any person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(5) The Agency shall pay to the Chairman, the Deputy Chairman and other members such salaries, fees and allowances as the Minister may, from time to time, determine.

Temporary Chairman, etc.

8. The Minister may appoint any person to be a temporary Chairman, temporary Deputy Chairman or temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman, Deputy Chairman or any member, as the case may be.

Meetings and proceedings of Agency

9.—(1) At all meetings of the Agency, 4 members shall form a quorum.

(2) The Chairman or, in his absence, the Deputy Chairman shall preside at all meetings of the Agency and, in the absence of the Chairman and the Deputy Chairman, the members present shall elect one of their number to preside.

(3) Meetings of the Agency shall be held at such times and places as the Chairman may determine.

(4) All questions arising at any meeting shall be decided by a majority of votes of the members present and voting.

(5) At any meeting of the Agency, the Chairman or, in his absence, the Deputy Chairman shall have a deliberative vote and, in the case of an equality of votes, he shall also have a casting vote.

(6) The validity of any proceedings of the Agency shall not be affected by any vacancy amongst its members or by any defect in the appointment of any member.

(7) Subject to the provisions of this Act, the Agency may regulate its own proceedings.

Disclosure of interest by members

10.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Agency shall disclose the nature of his interest at a meeting of the Agency.

(2) The disclosure by a member of his interest shall be recorded in the minutes of the Agency and that member shall not take part in any deliberation of the Agency with respect to the transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under subsection (2) he cannot vote or has withdrawn from the meeting.

PART III

FUNCTIONS, DUTIES AND POWERS OF AGENCY

Functions and duties of Agency

11.—(1) Subject to the provisions of this Act, the functions and duties of the Agency shall be —

- (a) to identify, undertake research into, and conduct investigations and surveillance of infectious diseases, their

vectors, and environmental health concerns generally, and to develop strategies for their prevention and control;

- (b) to undertake licensing, provision of consultancy services, and promotion of professionalism in relation to matters concerning food hygiene in the food retail industry, and in relation to the pest control, environmental and other related industries;
- (c) to provide for the licensing of places used for the keeping of horses, cows, oxen, sheep, goats, swine and other cattle and to control the transport and movement of such animals for the purpose of preserving public health;
- (d) to ensure high standards of food hygiene in food retail outlets through licensing and inspections, and to co-ordinate the implementation and management of upgrading programmes for hawker centres and the review of hawker policies;
- (e) to ensure cleanliness of public areas through the supervision of cleansing services and the prevention of littering;
- (f) to ensure adequate provision of cremation, columbaria and burial services and facilities;
- (g) to manage and regulate air emissions from industrial premises, trade premises and vehicles;
- (h) to monitor and assess the water quality of inland and coastal waters, and to manage and regulate the discharge of trade effluent, oil, chemicals, sewage and any other polluting matter into water courses or on land;
- (i) to construct, develop, manage and regulate refuse treatment and disposal facilities and to regulate refuse collection and disposal;
- (j) to control land contamination and regulate the remediation of contaminated land;
- (k) to regulate the fumigation of premises and articles with hydrogen cyanide or any other fumigant;
- (l) to regulate the import, export, possession, storage, transportation, sale and use of hazardous substances and

- the import, export, storage, transportation, collection, treatment and disposal of toxic industrial waste;
- (m) to manage and regulate environmental noise, and to monitor and assess ambient air and noise levels;
 - (n) to promote energy efficiency, the use of clean energy, the use of clean technologies, the use of efficient pollution control technologies and waste recycling;
 - (o) to manage on behalf of the Government any land, building or other property of the Government used in connection with waste recycling;
 - (p) to embark on educational programmes to promote and encourage public awareness of and participation in environmental matters;
 - (q) to provide advice on environmental pollution threats and disasters, and to develop and review standards and policies on environmental protection and environmental health;
 - (r) to provide meteorological services for users, including government agencies, aviation and shipping communities and the general public;
 - (s) to conduct meteorological observations, maintain reliable climatological records of Singapore and furnish advice on meteorological matters;
 - (t) to monitor and maintain records of seismological activities affecting Singapore;
 - (u) to advise and make recommendations to the Government on matters, measures and regulations related to or connected with the environment, meteorology and seismology;
 - (v) to represent the Government internationally on matters related to or connected with the environment, meteorology and seismology; and
 - (w) to carry out such other functions as are imposed upon the Agency by or under this Act or any other written law.

(2) The Agency may undertake such other functions as the Minister may assign to the Agency and in so doing, the Agency shall be deemed to be fulfilling the purposes of this Act and the provisions of this Act shall apply to the Agency in respect of such functions.

(3) Nothing in this section shall be construed as imposing on the Agency, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

Powers of Agency

12. The Agency shall have power to do anything for the purpose of discharging its functions under this Act, or which is incidental or conducive to the discharge of those functions and, in particular, may —

- (a) prescribe and implement regulatory policies, strategies, measures, standards or any other requirements on any matter related to or connected with environmental health, environmental protection, resource conservation, waste minimisation, waste recycling, waste collection and disposal and such other subject matter as may be necessary for the performance of the functions of the Agency;
- (b) specify, by notification in the *Gazette*, all the accreditation, certification or inspection marks of the Agency for use in relation to any function of the Agency, and control the use of such marks;
- (c) regulate, accredit or certify any person to carry out any test, study, activity or service related to or connected with environmental pollution control, resource conservation, waste minimisation, waste recycling and waste collection and disposal;
- (d) request information from and collaborate or co-operate with any person, whether in Singapore or elsewhere, on matters related to or connected with weather, climate, environmental health, environmental protection, resource conservation, waste minimisation, waste recycling, waste collection and

disposal and such other subject matter as may be necessary for the performance of the functions of the Agency;

- (e) collect, analyse, compile, publish or disseminate information of a statistical nature related to or connected with weather, climate, environmental health, environmental protection, resource conservation, waste minimisation, waste recycling, waste collection and disposal and such other subject matter as may be necessary for the performance of the functions of the Agency;
- (f) prescribe training requirements for matters related to or connected with environmental health, environmental protection, resource conservation, waste minimisation, waste recycling and waste collection and disposal, and provide training, conduct tests or award certificates of proficiency;
- (g) establish meteorological offices and observation stations, arrange with any agency, authority or person to take and record meteorological observations and transmit meteorological reports and information;
- (h) with the approval of the Minister, form or participate in the formation of any company, partnership or joint venture as a shareholder or partner or in any other capacity;
- (i) enter into such contracts as may be necessary or expedient for the purpose of discharging its functions or duties;
- (j) become a member or affiliate of any international body the functions or duties of which are similar to those of the Agency;
- (k) receive grants, donations or contributions from any source, or raise funds by all lawful means and apply such funds for any of its functions or duties;
- (l) charge fees for the issuance of any licence or approval, and fees, charges or commissions for services rendered by the Agency or for the use of any facilities of the Agency; and

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- (m) do anything incidental or necessary to any of its functions or powers.

Directions by Minister

13. The Minister may give such directions, not inconsistent with the provisions of this Act, as to the performance of the functions and the exercise of its powers by the Agency and the Agency shall give effect to any such directions.

Committees

14.—(1) The Agency may, from time to time, appoint, alter or discharge committees, consisting of one or more persons (whether members or not), and define or vary the terms of reference of those committees.

(2) Subject to this Act and to the control of the Agency, each committee appointed under this section may regulate its procedure in such manner as the committee thinks fit.

Delegation of powers

15.—(1) The Agency may, from time to time, in respect of a specified matter or class of matters, by writing, delegate to a member, officer or committee of the Agency any of its powers under this Act or under any other written law, except —

- (a) the power of delegation conferred by this section; and
- (b) the power to make any subsidiary legislation.

(2) Every member, officer or committee purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(3) A delegation under this section shall be revocable at will, and no delegated person shall prevent the exercise of any power, function or duty by the Agency.

PART IV

PROVISIONS RELATING TO STAFF

Appointment of chief executive and other staff

16.—(1) The Agency shall, with the approval of the Minister, appoint a chief executive on such terms and conditions as the Agency may determine.

(2) The chief executive shall —

- (a) be known by such designation as the Agency may determine;
- (b) be responsible to the Agency for the proper administration and management of its functions and affairs in accordance with all policies laid down by the Agency; and
- (c) not be removed from office without the consent of the Minister.

(3) If the chief executive is temporarily absent from Singapore, or is temporarily unable to perform his duties by reason of illness or otherwise, another person may be appointed by the Agency, with the approval of the Minister, to act in the place of the chief executive during any such period of absence from duty.

(4) The Agency may, from time to time, appoint such other officers, employees, consultants or agents as it thinks fit for the effective performance of its functions.

Protection from personal liability

17.—(1) No suit or other legal proceedings shall lie personally against any member, officer or employee of the Agency or other person acting under the direction of the Agency for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other written law.

(2) A claim against the Agency or Government shall not arise solely on the ground that —

- (a) a product or process conforms to or is alleged to conform to a standard accepted by the Agency; or

(b) a certificate, brand, marking or any other thing is issued for use or is used by the Agency in connection with, in respect of or in relation to, a product or process.

(3) Where the Agency provides a service to the public whereby information is supplied to the public, neither the Agency nor any of its employees involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and in the ordinary course of the discharge of the duties of such employees.

Public servants

18. All members, officers and employees of the Agency shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

PART V

FINANCIAL PROVISIONS

Financial year

19. The financial year of the Agency shall begin on 1st April of each year and end on 31st March of the succeeding year except that the first financial year of the Agency shall begin on the appointed day and end on 31st March of the succeeding year.

Estimates

20.—(1) The Agency shall, in every financial year, prepare and adopt annual estimates of income and expenditure of the Agency for the ensuing financial year.

(2) Supplementary estimates of expenditure may be adopted by the Agency.

(3) A copy of all annual and supplementary estimates shall, upon their adoption by the Agency, be sent to the Minister who may approve or disallow any item or portion of any item shown in the estimates, and shall return the estimates as amended by him to the Agency, and the Agency shall be bound thereby.

(4) Notwithstanding any provision of this section, the Agency may transfer all or any part of moneys assigned to one item of expenditure to any item under the same head of expenditure in any estimates approved by the Minister.

All moneys recovered to be paid to Agency

21. All moneys recovered or charges or composition fines collected under this Act shall be paid into and form part of the moneys of the Agency.

Grants

22. For the purpose of enabling the Agency to carry out its functions under this Act, the Minister may, from time to time, make grants to the Agency of such sums of money, as the Minister may determine, out of moneys to be provided by Parliament.

Power to borrow

23. For the discharge of its functions or duties under this Act or any other written law, the Agency may, from time to time, raise loans from the Government or, with the approval of the Minister for Finance, raise loans from banks or other financial institutions (whether in Singapore or elsewhere) by —

- (a) mortgage, overdraft or otherwise;
- (b) charge, whether legal or equitable, on any property vested in the Agency or on any other revenue receivable by the Agency under this Act or any other written law; or
- (c) the creation and issue of debentures or bonds.

Issue of shares, etc.

24. As a consequence of the vesting of any property, rights or liabilities of the Government in the Agency under this Act, or of any capital injection or other investment by the Government in the Agency in accordance with any written law, the Agency shall issue such shares or other securities to the Minister for Finance as that Minister may, from time to time, direct.

Bank accounts

25.—(1) The Agency shall open and maintain an account with such bank or banks as the Agency thinks fit.

(2) Every such account shall be operated by such person as may, from time to time, be authorised in that behalf by the Agency.

Application of moneys

26. The moneys of the Agency shall be applied only in payment or discharge of the expenses, obligations and liabilities of the Agency and in making any payment that the Agency is authorised or required to make.

Investment

27. Moneys belonging to the Agency may, from time to time, with the approval of the Minister, be invested in —

- (a) the shares of any private or public company; or
- (b) any of the securities in which trust funds may, by any written law for the time being in force relating to trustees, be invested.

Accounts

28. The Agency shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that —

- (a) all payments out of its moneys are correctly made and properly authorised; and
- (b) adequate control is maintained over the assets of, or in the custody of, the Agency and over the expenditure incurred by the Agency.

Audit of accounts

29.—(1) The accounts of the Agency shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General (referred to in this Act as the auditor).

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

(3) The Agency shall, as soon as practicable after the close of each financial year, prepare and submit financial statements in respect of that financial year to the auditor who shall audit and report on them.

(4) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Agency;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Agency whether purchased, donated or otherwise;
- (c) whether the receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Agency during the financial year were in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(5) The auditor shall, as soon as practicable after the accounts have been submitted for audit, send a report of his audit to the Agency.

(6) The auditor shall submit such periodical and special reports to the Minister and to the Agency as may appear to him to be necessary or as the Minister or the Agency may require.

Powers of auditor

30.—(1) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Agency.

(2) The auditor or any person authorised by him may make copies of, or extracts from, any such accounting or other records.

(3) The auditor or any person authorised by him may require any person to furnish him with such information which such person possesses or has access to as the auditor or that person authorised by

him considers necessary for the purpose of the functions of the auditor under this Act.

(4) Any officer of the Agency who —

- (a) refuses or fails without any reasonable cause to allow the auditor or any person authorised by the auditor access to any accounting and other records of the Agency in his custody or power;
- (b) refuses or fails without any reasonable cause to give any information possessed by him as and when required by the auditor or person authorised by the auditor; or
- (c) hinders, obstructs or delays the auditor or any person authorised by the auditor in the performance of his duties or the exercise of his powers,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

31.—(1) The Agency shall, as soon as its accounts and financial statements have been audited in accordance with the provisions of this Act, send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of the auditor's report.

(2) Where the Auditor-General is not the auditor of the Agency, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Agency.

(3) The Minister shall, as soon as practicable, cause a copy of the audited financial statements and of the auditor's report referred to in subsection (1) to be presented to Parliament.

PART VI

TRANSFER OF PROPERTY, LIABILITIES AND EMPLOYEES

Transfer to Agency of property, assets and liabilities

32.—(1) As from the appointed day, such movable and immovable property vested in the Government as may be determined by the Minister for Finance and used or managed by any of the departments specified in the First Schedule and all assets, interests, rights, privileges, liabilities and obligations of the Government relating to any such department shall be transferred to and shall vest in the Agency without further assurance, act or deed.

(2) If any question arises as to whether any particular property, or whether any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in the Agency under subsection (1), a certificate under the hand of the Minister for Finance shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

(3) Any immovable property to be transferred to and vested in the Agency under subsection (1) shall be held by the Agency upon such tenure and subject to such terms and conditions as the President may determine.

(4) All proceedings in respect of the transferred properties by or against the Government which are pending on the appointed day may be continued, completed and enforced by or against the Agency.

(5) Every agreement relating to any of the transferred properties to which the Government was a party immediately before the appointed day, whether or not of such nature that the rights and liabilities thereunder could be assigned, shall have effect as from that day as if —

- (a) the Agency had been a party to such an agreement; and
- (b) for any reference to the Government there was substituted in respect of anything to be done on or after the appointed day a reference to the Agency.

Transfer of employees

33.—(1) As from the appointed day, such persons or categories of persons as the Minister may determine who, immediately before that day, were employed by the Government and posted to any of the departments specified in the First Schedule shall be transferred to the service of the Agency on terms no less favourable than those enjoyed by them immediately prior to their transfer.

(2) If any question arises as to whether any person or category of persons has been transferred to the service of the Agency under subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the person or category of persons was or was not so transferred.

(3) Until such time as terms and conditions of service are drawn up by the Agency, the scheme and terms and conditions of the Government shall continue to apply to every person transferred to the service of the Agency under subsection (1) as if he were still in the employment of the Government.

Pension rights, etc., of Government employees to be preserved

34.—(1) The terms and conditions to be drawn up by the Agency shall take into account the terms and conditions of service (including salaries and accrued rights to leave) enjoyed by the persons transferred to the service of the Agency under section 33 while in the employment of the Government.

(2) Any term or condition relating to the length of service with the Agency shall recognise the length of service of the persons so transferred while in the employment of the Government to be service with the Agency.

(3) Nothing in the terms and conditions to be drawn up by the Agency shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Agency as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) Where a person has been transferred to the service of the Agency under section 33, the Government shall be liable to pay to the Agency

such portion of any pension, gratuity or allowance payable to the person on his retirement as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Agency.

(5) Where any person in the service of the Agency, whose case does not fall within the scope of any pension or other schemes established under this section, retires or dies in the service of the Agency or is discharged from such service, the Agency may grant to him or to such other person wholly or partly dependent on him, as the Agency thinks fit, such allowance or gratuity as the Agency may determine.

No benefits in respect of abolition or reorganisation of office

35. Notwithstanding the provisions of the Pensions Act, no person who is transferred to the service of the Agency under section 33 shall be entitled to claim any benefit under that Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Agency.

Existing contracts

36. All deeds, contracts, schemes, bonds, agreements, instruments and arrangements, subsisting immediately before the appointed day to which the Government is a party and relating to any of the departments specified in the First Schedule or to any person transferred to the service of the Agency under section 33 shall continue in force on and after that day and shall be enforceable by or against the Agency as if the Agency had been named therein or had been a party thereto instead of the Government.

Continuation and completion of disciplinary proceedings and other legal proceedings

37.—(1) Where, on the appointed day, any disciplinary proceedings were pending against any employee of the Government transferred to the service of the Agency, the proceedings shall be carried on and completed by the Agency.

(2) Where, on the appointed day, any matter was in the course of being heard or investigated or had been heard or investigated by a committee acting under due authority but no order, ruling or direction had been rendered thereon, the committee shall complete the hearing or investigation and make such order, ruling or direction as it could have made under the authority vested in it before that day.

(3) Any order, ruling or direction made or given by a committee under this section shall be treated as an order, ruling or direction of the Agency and have the same force or effect as if it had been made or given by the Agency pursuant to the authority vested in the Agency under this Act.

(4) All proceedings or causes of action pending or existing immediately before the appointed day by or against the Government in respect of any of the departments specified in the First Schedule may be continued, completed and enforced by or against the Agency.

Misconduct or neglect of duty by employee before transfer

38. The Agency may reprimand, reduce in rank, retire, dismiss or punish in some other manner any person who had, whilst he was in the employment of the Government, been guilty of any misconduct or neglect of duty which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner if he had continued to be in the employment of the Government and if this Act had not been enacted.

PART VII

MISCELLANEOUS

Annual report

39.—(1) The Agency shall, as soon as practicable after the end of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Agency during the preceding financial year and containing such information relating to the proceedings and policy of the Agency as the Minister may, from time to time, direct.

(2) The Minister shall, as soon as practicable, cause a copy of every such report to be presented to Parliament.

Symbol or representation of Agency

40.—(1) The Agency shall have the exclusive right to the use of such symbol or representation as it may select or devise and thereafter display or exhibit in connection with its activities or affairs.

(2) Any person who uses a symbol or representation identical with that of the Agency, or which so resembles the Agency's symbol or representation as to deceive or cause confusion, or to be likely to deceive or to cause confusion, 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 6 months or to both.

Power to enter land to set up meteorological observation station

41.—(1) Where, in any emergency, the chief executive is of the opinion that the public health or the safety of the public may be adversely affected, the chief executive may direct any officer or employee of the Agency to enter upon any land, after giving reasonable notice, to set up a meteorological observation station and to operate the station in such manner as may be reasonably necessary.

(2) The Agency shall pay compensation to the owner of the land for any permanent damage caused to the land in the exercise of the powers conferred by subsection (1).

(3) If any dispute arises as to the amount of compensation payable to the owner of such land, the dispute may be summarily determined by a Magistrate's Court or a District Court.

(4) Except as provided in subsection (2), no action shall be brought against the Agency for any compensation in respect of any damage caused arising out of the exercise of the powers conferred by subsection (1).

Powers of enforcement, etc.

42.—(1) In addition to the powers conferred on him by this Act or any other written law, an officer or employee of the Agency may, on

declaration of his office and production to the person against whom he is acting such identification card as the chief executive may direct to be carried by officers or employees of the Agency, in relation to any offence under this Act or such other written law —

- (a) require any person whom he reasonably believes to have committed an offence under this Act or such other written law to furnish evidence of the person's identity;
 - (b) require any person, for the purposes of this Act or such other written law, to furnish any information or produce any book, document or copy thereof in the possession of that person, and may, without fee or reward, inspect, copy or make extracts from such book or document; or
 - (c) when conducting any investigation under this Act or such other written law, require, by order in writing, the attendance before the officer or employee of the Agency of any person within the limits of Singapore who, from any information given or otherwise obtained by the officer or employee, appears to be acquainted with the circumstances of the case, and the person so ordered shall attend as so required.
- (2) Any person who —
- (a) refuses to give access to, or assaults, obstructs, hinders or delays, an officer or employee of the Agency in the discharge of the duties by such officer or employee under this Act or any other written law;
 - (b) wilfully mis-states or without lawful excuse refuses to give any information or produce any book, document or copy thereof required of him by an officer or employee of the Agency under subsection (1); or
 - (c) fails to comply with a lawful demand of an officer or employee of the Agency in the discharge of the duties by such officer or employee under this Act or any other written law,

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 6 months or to both.

Corporate offenders and unincorporated associations

43.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the body corporate, the officer as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of the body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, the partner as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of the association or a member of its governing body, the officer or member as well as the association shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

“officer” —

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body or 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 and members of the committee of the association and includes persons holding positions analogous to those of president, secretary or member of a committee;

“partner” includes a person purporting to act as a partner.

Jurisdiction of court

44. Notwithstanding anything to the contrary in the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate’s Court shall have jurisdiction to try any offence under this Act and shall have powers to impose the full penalty or punishment in respect of any such offence.

Evidence

45.—(1) Subject to subsection (3), a document or certificate, purporting to be a report under the hand of the chief executive or any officer authorised by him upon any matter or thing in connection with the administration or enforcement of this Act or with an investigation carried out under this Act shall be admissible as evidence in any proceedings under this Act and shall be *prima facie* evidence of the facts stated therein.

(2) For the purposes of this section, a document purporting to be a certificate referred to in subsection (1) on its production by the prosecution shall, until the contrary is proved, be deemed to be such a certificate.

(3) A certificate referred to in subsection (1) shall not be received in evidence under that subsection unless the person charged has been given —

- (a) a copy of the certificate; and
- (b) notice of the intention of the prosecution to produce the certificate as evidence in the proceedings,

not less than 10 clear days before the commencement of the proceedings.

(4) Where a certificate of the chief executive or any officer authorised by him is admitted in evidence under subsection (1), the person charged may require the chief executive or such officer to be called as a witness for the prosecution and be cross-examined as if he had given evidence of the matters stated in the certificate.

Composition of offences

46.—(1) The chief executive or any officer authorised by him may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum of money not exceeding \$1,000.

(2) On payment of such sum of money, no further proceedings shall be taken against such person in respect of the offence.

(3) The Agency may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded and the method and procedure by which those offences may be compounded under this section.

Preservation of secrecy

47.—(1) Except for the purpose of the performance of his duties or the exercise of his functions or when lawfully required to do so by any court or under the provisions of any written law, no person who is or has been —

(a) a member, an officer, an employee or an agent of the Agency;
or

(b) a member of a committee of the Agency,

shall disclose any information relating to the affairs of the Agency or of any other person which has been obtained by him in the performance of his duties or the exercise of his functions.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Regulations

48.—(1) The Agency may, with the approval of the Minister, make regulations for all or any of the following purposes:

(a) regulating the proceedings of the Agency or of the committees of the Agency;

-
-
- (b) prescribing the form and duration of certificates and accreditation, certification and inspection marks for use in relation to any function of the Agency, the terms and conditions upon which and the circumstances in which —
- (i) the certificates may be granted, suspended or cancelled; or
 - (ii) the accreditation, certification and inspection marks may be affixed, used or removed,
- and the fees payable in respect thereof; and
- (c) prescribing any matter which is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.

(2) Such regulations may provide that a contravention thereof shall be punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

References in other written laws and documents

49. Insofar as is necessary for preserving the effect of any written law or document on or after the appointed day —

- (a) a reference therein to the Commissioner of Public Health shall be read as a reference to the Director-General of Public Health appointed under the Environmental Public Health Act (Cap. 95);
- (b) a reference therein to the Director of Environmental Pollution Control shall be read as a reference to the Director-General of Environmental Protection; and
- (c) a reference therein to the Director of Meteorological Service shall be read as a reference to the Director-General of Meteorological Service.

Consequential and related amendments to other written laws

50. The provisions of the Acts specified in the first column of the Second Schedule are amended in the manner set out in the second column thereof.

FIRST SCHEDULE

Sections 32(1), 33(1), 36 and 37(4)

DEPARTMENTS

| <i>Department</i> | <i>Ministry</i> |
|--|-----------------------------|
| 1. Departments within — | Ministry of the Environment |
| (a) Environmental Public Health Division | |
| (b) Environmental Policy and Management Division | |
| 2. Meteorological Service Department | Ministry of Transport. |

SECOND SCHEDULE

Section 50

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER WRITTEN LAWS

First column

Second column

(1) Cattle Act
(Chapter 34, 1985 Ed.)

(a) Section 2

(i) Insert, immediately above the definition of “authorised officer”, the following definition:

““Agency” means the National Environment Agency established under the National Environment Agency Act 2002;”.

(ii) Delete the definitions of “Commissioner” and “public health auxiliary” and substitute the following definition:

SECOND SCHEDULE — *continued*

““Director-General” means the Director-General of Public Health appointed under section 3(1) of the Environmental Public Health Act (Cap. 95);”.

- (b) Sections 2 (definition of “authorised officer”), 3 (2) (penultimate line) and (3), 4 (1) (1st, 4th and penultimate lines), (2), (4) (penultimate and last lines) and (5), 5 (1) (last line) and (3) (last line) and 6 (1st, 5th and last lines) Delete the word “Commissioner” wherever it appears and substitute in each case the word “Director-General”.
- (c) Section 3 (1) (1st and 2nd lines) Delete the words “The Minister may, if he considers it necessary for the purpose of preserving public health,” and substitute the words “Where the Agency considers it necessary for the purpose of preserving public health, the Agency may, with the approval of the Minister,”.
- (d) Sections 3 (2) (3rd and 4th lines), 4 (4) (2nd and 3rd lines) and 5 (3) (3rd line) Delete the words “Commissioner, a public health auxiliary” and substitute in each case the word “Director-General”.
- (e) Sections 3 (2) (5th line), 4 (4) (4th line) and 5 (3) (4th and penultimate lines) Delete the words “Government slaughterhouse” and substitute the words “slaughterhouse specified by the Director-General”.
- (f) Section 5 (1) (1st and 2nd lines) Delete the words “The Minister may, if he considers it necessary to preserve public health,” and substitute the words “Where the Agency considers it necessary for the purpose of preserving public health, the Agency may, with the approval of the Minister,”.

SECOND SCHEDULE — *continued*

(g) New section 6A Insert, immediately after section 6, the following section:

“Fees, etc., payable to Agency

6A. All fees, charges, composition fines and moneys collected under this Act or any regulations made thereunder shall be paid to the Agency.”.

(h) Section 7 (i) Delete the words “Minister may” in the 1st line of subsection (1) and substitute the words “Agency may, with the approval of the Minister,”.

(ii) Delete the words “the forms for licences and other purposes and” in subsection (2).

(iii) Delete subsection (3) and substitute the following subsection:

“(3) The Director-General may design and utilise such forms as he may think fit for any of the purposes of this Act and any regulations made thereunder, and may require any person to complete any of the forms for any such purpose.”.

(i) New section 8 Insert, immediately after section 7, the following section:

“Transitional provision

8. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before the date of commencement of the National Environment Agency Act 2002 shall be deemed to have been issued, made, given

SECOND SCHEDULE — *continued*

or approved under the same provision by the Director-General.”.

(2) Control of Vectors and
Pesticides Act
(Chapter 59, 1999 Ed.)

(a) Section 2

(i) Delete the definitions of “authorised officer”, “Commissioner”, “Deputy Commissioner of Public Health” and “Assistant Commissioner of Public Health” and substitute the following definitions:

““Agency” means the National Environment Agency established under the National Environment Agency Act 2002;

“authorised officer” means any person appointed by the Director-General of Public Health under section 4(2);”.

(ii) Insert, immediately after the definition of “container”, the following definition:

““Director-General” means the Director-General of Public Health appointed under section 3(1) of the Environmental Public Health Act (Cap. 95);”.

(iii) Delete the words “in the service of the Government” in the definition of “Medical Officer of Health”.

(iv) Delete the definition of “public health officer”.

 SECOND SCHEDULE — *continued*

(b) Section 4

Repeal and substitute the following section:

**“Administration of Act and
appointment of authorised officers,
etc.**

4.—(1) The Director-General shall be responsible for the administration of this Act, subject to the general or special directions of the Minister.

(2) The Director-General may in writing appoint any public officer or any officer of the Agency or of any statutory authority to be an authorised officer for the purposes of this Act and the regulations.

(3) The Director-General may, by instrument in writing under his hand, appoint any person who in his opinion is qualified to carry out any analysis, test or examination or to make any report for the purpose of this Act or the regulations.

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

(c) Section 5

Repeal.

(d) Sections 6 (2) (penultimate line), 7 (2nd and 3rd lines) and 7 (c) (last line) and (d), 8 (1) (1st and 2nd lines), (2) (1st line), (3), (4) (1st line), (5) and (6) (1st and 2nd lines), 9 (1)

Delete the word “Commissioner” wherever it appears and substitute in each case the word “Director-General”.

SECOND SCHEDULE — *continued*

(2nd line) and (2), 10 (1), 11 (1) (1st line), (2) (2nd and penultimate lines), (3) (3rd line), (4) (1st and 3rd lines) and (5) (1st and penultimate lines), 12 (a) (2nd line) and (b) (1st and penultimate lines), 13 (1) (a), (b) and (c) and (2) (3rd and penultimate lines), 17 (1), (2), (3), (4) (1st, 3rd and last lines), (5) and (6), 18 (1) (1st and 3rd lines), (2) (1st line), (3) (1st line), (4) (2nd line), (5) (1st and 2nd lines), (6) (penultimate line), (7), (8), (9), (10) and section heading, 20 (last line), 21 (1st and penultimate lines), 22 (1) (1st line) and (2) (1st line), 23 (1st and 4th lines), 30 (1) (penultimate and last lines), (2) (b), (3) (1st line) and (3) (a), (4) (1st line) and (4) (a) and (b) (2nd line), (5) (5th, 9th and last lines), (6) (1st line), (7), (8) and (9) (2nd line), 32 (1) (1st and 3rd lines), (2) (1st line) and (3) (4th and 7th lines), 33 (1) (a), (b) and (c), (2) and (3) (3rd line), 34 (1), 37 (1st and penultimate lines and section heading), 38 (1) (1st line), (2) (b) (1st line) and (3) (2nd line) and (3) (a), 39 (1) (1st and 2nd lines and 4th line) and (2) (1st line), 42 (1) (1st and 4th lines), 44 (1st line), 45 (3rd line and section heading), 52 (last line), 54

SECOND SCHEDULE — *continued*

(3rd line) and 55 (1) (2nd line) and (1) (a)

(e) Sections 14 (1) (1st line), (2) (1st line), (3), (4) (a) (1st and 2nd lines and penultimate line) and (b), (5) (1st line), (6) (penultimate line), (7) (3rd and 4th lines) and (8) (2nd and 3rd lines), 19 (3rd line) and 32 (1) (b) (iii)

Delete the words “Commissioner or a public health officer” wherever they appear and substitute in each case the words “Director-General or an authorised officer”.

(f) Section 14 (2) (4th line) and (7) (penultimate line)

Delete the words “Commissioner or public health officer” and substitute in each case the words “Director-General or authorised officer”.

(g) Sections 16 (2) and 36 (4) (2nd and 3rd lines)

Delete the words “Commissioner or any public health officer” and substitute in each case the words “Director-General or any authorised officer”.

(h) Section 17 (2) and section heading

Delete the word “Commissioner’s” and substitute in each case the word “Director-General’s”.

(i) Sections 36 (1) (1st line), 47 (1) (1st line), 48 (1) (1st and 2nd lines) and (2) (2nd line), 54 (1st and 2nd lines) and 60 (2) (g)

Delete the words “Commissioner or any public health officer” and substitute in each case the word “Director-General”.

(j) Section 36 (4) (3rd and penultimate lines)

Delete the words “Commissioner or the public health officer” and substitute the words “Director-General or the authorised officer”.

SECOND SCHEDULE — *continued*

- (k) Sections 40 (1) (penultimate line) and section heading, 43 (2nd line) and 52 (3rd line) (1) Delete the word “Government” and substitute in each case the word “Agency”.
- (l) New section 42A Insert, immediately after section 42, the following section:
“Fees, etc., payable to Agency
42A. All fees, charges, composition fines and moneys collected under this Act or the regulations shall be paid to the Agency.”.
- (m) Section 44 (last line) Delete the words “Consolidated Fund” and substitute the words “funds of the Agency”.
- (n) Sections 45 (1st and 2nd lines) and 46 (1) (1st and 2nd lines) Delete the words “Commissioner or any public health officer,” and substitute in each case the words “Director-General or any”.
- (o) Sections 46 (1) (3rd and 4th lines) and (2), 47 (1) (c), 48 (1) (penultimate and last lines) and 55 (2) (a) and (b) Delete the words “Commissioner, public health officer” and substitute in each case the word “Director-General”.
- (p) Section 53 (1) (1st and 2nd lines) Delete the words “Commissioner or any officer authorised in writing in that behalf by the Minister” and substitute the words “Director-General or any officer authorised in writing in that behalf by the Agency”.
- (q) Section 55 (1) (b) Delete the words “public health officer or”.

SECOND SCHEDULE — *continued*

- (r) Section 59 Delete the words “Commissioner may, in his discretion, either permanently or for such period as he may think fit” and substitute the words “Agency may, subject to the general or special directions of the Minister, either permanently or for such period as the Agency thinks fit”.
- (s) Section 60 (1) (1st line) and (2) (2nd line) Delete the words “Minister may” and substitute in each case the words “Agency may, with the approval of the Minister.”.
- (t) Section 60 (3) (1st line) Delete the words “Minister may,” and substitute the words “Agency may, with the approval of the Minister.”.
- (u) New section 62 Insert, immediately after section 61, the following section:
- “Transitional provision**
62. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before the date of commencement of the National Environment Agency Act 2002 shall be deemed to have been issued, made, given or approved under the same provision by the Director-General.”.
- (3) Environmental Pollution Control Act
(Chapter 94A, 2000 Ed.)
- (a) Section 2 (i) Insert, immediately before the definition of “air impurities”, the following definition:

SECOND SCHEDULE — *continued*

““Agency” means the National Environment Agency established under the National Environment Agency Act 2002;”.

(ii) Delete the definition of “authorised officer” and substitute the following definition:

““authorised officer” means any person appointed to be an authorised officer under section 3(2);”.

(iii) Delete the definition of “Director” and substitute the following definition:

““Director-General” means the Director-General of Environmental Protection appointed under section 3(1);”.

(b) Sections 2 (definition of “analyst”), 5 (1) (last line), (2) (2nd line), (3) (1st line), (4) (1st, 3rd and last lines), 6 (1), (3) (2nd line), 7 (1st line) and 7 (b) and (c) and section heading, 8 (1) (2nd line) and (1) (d), 9 (3rd line), 12 (3) and (4), 13 (1) (1st and 3rd lines) and section heading, 15 (1), (3) (penultimate and last lines) and (4), 16 (2), 17 (4) (2nd and 4th lines), 18 (1) (1st and penultimate lines) and section heading, 19 (1) (1st line) and (1) (h) and section heading, 22 (1), 23 (1) (c), 25 (1) (1st line), (2) (1st line) and section heading, 26 (1) (1st line),

Delete the word “Director” wherever it appears and substitute in each case the word “Director-General”.

SECOND SCHEDULE — *continued*

(2) (1st line) and (2) (b) (2nd line) and (c), (3) and (4) (1st line), 28 (1) (1st and penultimate lines), (3) (7th and last lines), 29 (1) (1st line), (2) (1st and 2nd lines) and (2) (d) and (e) (3rd line), (3), (4) (7th and last lines), 30 (1st line) and section heading, 31 (1) (3rd and penultimate lines) and (2) (4th line), 32 (1), (1A) (b) and (c) (3rd line), (2), (3), (4) (1st line), (6), (8), (10), (11) (2nd and 3rd lines) and (12), 33 (1) (3rd line), (2), (4) (2nd, 3rd and last lines), (5), (6), (7) (3rd and penultimate lines), (8) (1st and last lines) and (9) (1st line) and (9) (a) (last line), 34 (1), 36 (1) (1st and 3rd lines) and (1) (b) and (c), (2) and (3) (1st line), 37 (1) (1st line), (2) (c), (4) (2nd line) and (5), 39 (3) (2nd line) and (5), 41 (1) (b), (2) and (3) (2nd line), 42 (3) (penultimate line), (4) and (5) (1st line), 43 (1) (1st and penultimate lines), (2) (1st line) and (3), 44 (1) (1st line), (4) and section heading, 45 (1) (1st and 2nd lines), 46 (1st line) and section heading, 47 (1) (1st line) and (3) (3rd line), 48 (1) (1st line), (2) (1st line) and (3), 49 (a) and (c) (2nd line and penultimate lines) and section heading, 50 (1st and 5th lines) and (e), 51 (2) (c),

SECOND SCHEDULE — *continued*

52 (1), 53 (4) (3rd line), (5) and (8) (2nd line), 54 (1) (1st and 3rd lines), 55 (1) (1st line) and (1) (a) (1st line) and (b) (1st and 6th lines), (2) (1st and penultimate lines), (6) (4th and 5th lines), (7) and (8) (2nd line), 56 (1), 57 (2) (1st line), 58 (1) (penultimate line), (2) and section heading, 60, 61 (2), 63 (2) (3rd line), 65 (1) and (2), 67 (2) (2nd and last lines), 68 (1) (2nd and 3rd lines) and (2), 70 (1), 72 (1) (1st line) and (3), Part I of Second Schedule (end of 2nd item under the column Exclusions relating to the Substance “Anionic surface active agents”) and Third Schedule (paragraphs 3 and 8)

(c) Section 3

Repeal and substitute the following section:

“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 Environmental Protection who shall be responsible for the administration of this Act and any other written law, subject to the general or special directions of the Minister.

(2) The Director-General may in writing appoint any public officer or any officer of the Agency or of any statutory authority or any member or employee of any Town Council to be an

 SECOND SCHEDULE — *continued*

authorised officer for the purposes of this Act and the regulations.

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

(d) Section 4

Repeal and substitute the following section:

“Public servants

4. Any authorised officer who is generally or specially authorised under section 3(2) to perform or exercise all or any of the functions, duties or powers which are imposed or conferred by this Act or the regulations upon the Director-General shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224).”.

(e) Sections 5 (1) (1st line) and (4) (3rd line), 17 (4) (last line), 53 (1) (3rd and penultimate lines) and 63 (1) (3rd line)

Delete the word “Government” wherever it appears and substitute in each case the word “Agency”.

(f) Sections 12 (5), 20, 34 (2) (1st line), 38 (1) (1st line), 47 (3) (1st line) and 77 (1) (1st line)

Delete the words “Minister may” and substitute in each case the words “Agency may, with the approval of the Minister.”.

(g) Sections 14 (1) (1st line), 35 (5) and 77 (2) (1st line)

Delete the words “Minister may,” and substitute in each case the words “Agency may, with the approval of the Minister.”.

SECOND SCHEDULE — *continued*

- (h) Sections 17 (2) (6th line), 39 (1) (1st and 5th lines) and 40 (1) and (2) Delete the word “Minister” wherever it appears and substitute in each case the word “Agency”.
- (i) Sections 23 (2), 32 (7) and 33 (3) Delete the word “Minister” and substitute in each case the words “Agency, with the approval of the Minister”.
- (j) Sections 26 (2) (b) (1st line) and 36 (1) (b) Delete the word “Director’s” and substitute in each case the word “Director-General’s”.
- (k) Section 40 (1) Delete the word “he” and substitute the words “the Agency”.
- (l) New section 51A Insert, immediately after section 51, the following section:
“Fees, etc., payable to Agency
51A. All fees, charges, composition fines and moneys collected under this Act or the regulations shall be paid to the Agency.”.
- (m) Section 55 (5) Delete the words “public officer duly authorised in writing by the Director in that behalf” and substitute the words “authorised officer”.
- (n) New section 69A Insert, immediately after section 69, the following section:
“Evidence
69A.—(1) The contents of any document prepared, issued or served under or for the purposes of this Act

SECOND SCHEDULE — *continued*

shall, until the contrary is proved, be presumed to be correct and the production of any book purporting to contain any apportionment made under this Act shall, without any other evidence, be received as prima facie proof of the making and validity of the apportionment mentioned therein.

(2) All records, registers and other documents kept by the Agency or by any authorised officer for the purposes of this Act or the regulations shall be deemed to be public documents, and copies thereof or extracts therefrom certified by the officer or employee of the Agency responsible for the custody thereof to be true copies or extracts, as the case may be, and subscribed by such officer or employee with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.”.

(o) Section 75

Delete the words “Minister may by notification in the *Gazette*, exempt, either generally or for such period as he may specify,” and substitute the words “Agency may, subject to the general or special directions of the Minister, either permanently or for such period as the Agency thinks fit, exempt”.

(p) Section 78

Insert, immediately after subsection (4), the following subsection:

“(5) Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Director of Environmental Pollution Control under any provision of this Act immediately before the

SECOND SCHEDULE — *continued*

date of commencement of the National Environment Agency Act 2002 shall be deemed to have been issued, made, given or approved under the same provision by the Director-General.”.

(q) Paragraph 2 of the Fourth Schedule

Delete the words “Director of Environmental Pollution Control” and substitute the words “Director-General”.

(4) Environmental Public Health Act
(Chapter 95, 1999 Ed.)

(a) Section 2

(i) Insert, immediately before the definition of “building”, the following definitions:

““Agency” means the National Environment Agency established under the National Environment Agency Act 2002;

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

(ii) Delete the definition of “Commissioner”.

(iii) Insert, immediately after the definition of “dangerous substance”, the following definition:

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

 SECOND SCHEDULE — *continued*

- (iv) Delete the definitions of “public health officer” and “public officer”.
- (b) Sections 2 (paragraph (e) of definition of “dangerous substance”), 62 (1) and 113 (2) and (3) (1st line) Delete the words “Minister may,” and substitute in each case the words “Agency may, with the approval of the Minister.”.
- (c) Sections 2 (definition of “public waste collector license”), 5 and section heading, 6 (3) (1st line), 7 (1) (1st line), 8 (1), (2) (b) (1st line) and section heading, 9 (1) (1st line) and (2), 10 (1) (1st line) and (1) (a) (2nd and 4th lines) and (b) (2nd and 4th lines), (2) and section heading, 11 (2) (1st and penultimate lines), 12 (2), 13 (4), 15 (1st, 6th and penultimate lines), 16 (2), 19 (2) (1st and 3rd lines), 20 (2) (3rd and penultimate lines), (5) (b) and (6), 21 (8) (2nd, 3rd and penultimate lines), 21A (5) (c), 21C (1) (3rd line), 21D (1) (2nd and 3rd lines), 22 (1) (1st line) and (2), 23 (1), (2), (3), (4) (2nd and penultimate lines), (5) (a), (b) and (d), (6) and (7), 24 (1), 26 (1) and (2), 27 (1st line), 28, 29 (1) (last line), (2) and (3) (1st and 2nd lines), 30 (1st line), 31 (1), (2), (3), (4), (5) (2nd and last lines) and (6) (a) and (c), 32 (1), (2) (1st and last lines)

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and (3) (2nd and last lines), 33 (last line), 34 (1), (2) and (3), 35 and section heading, 36, 37 (1), (2), (3), (4), (5) and (6) (1st line) and (6) (c), 38 (1) (penultimate line) and (2), 39 (3) (1st, 3rd and penultimate lines), 40 (5), 41 (2), 42 (8) (penultimate line), 43, 45 (1) (3rd line), (3), (4) (penultimate line), (5), (6) (2nd and 3rd lines) and (9) (2nd and 8th lines), 47 (1st line), 48 (1) (1st, 5th, 10 and 12th lines) and (2) (3rd line), 49 (1) (1st and 8th lines), (3) (2nd line) and (4) (1st line), 50, 51, 52 (1)

(1st and 8th lines) and (2), 53 (1st and 5th lines), 54 (1) (3rd and 7th lines) and (2) (1st line), 56 (1st and penultimate lines), 57 (1) (1st line) and (1) (a) and (2) (1st and 2nd lines), 58 (2) and (5), 59 (1) (3rd line), (3) (last line) and (4) (1st line), 60 (2) (1st, 3rd and penultimate lines) and (3) (2nd line) and (3) (b) (ii), 61 (1st, 3rd and penultimate lines) and section heading, 63, 64 (1) (1st line), (2) and (3) (penultimate line), 67, 68 (penultimate line), 69 (2) (last line), 72 (1), 73 (2) (1st line), (3) and (5) (1st line), 74 (1) (1st and 11th lines), 75 (2) (1st and penultimate lines), 76 (1) (a), (c) and (d), 79 (1st line), 82 (1) (2nd line), 84

SECOND SCHEDULE — *continued*

(1st and penultimate lines) and section heading, 87 (1) and (2), 88 (3) (2nd line), and (4) (2nd line), 90 (1) (5th line) and (2), 91 (3) (2nd line), 92 (1) (1st line and 3rd and 4th lines), 93 (1) (2nd line), (2) and section heading, 94 (2) (1st line), (2A), (2B), (2C), (4), (6) and (10), 95 (1) (2nd line), 98 (1st line) and section heading, 104 (1) (1st line), 109 (2) (2nd line) and 110

(d) Section 3

Repeal and substitute the following section:

“Appointment of Director-General and authorised officers

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

(2) The Director-General may in writing appoint any public officer or any officer of the Agency or of any statutory authority to be an authorised officer for the purposes of this Act and any regulations made thereunder.

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

SECOND SCHEDULE — *continued*

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

- (e) Section 4 Repeal.
- (f) Sections 16 (1) (3rd and penultimate lines) and section heading, 40 (8) (3rd line), 48 (3), 71 and section heading, 72 (1), 82 (2), 85 (1) and section heading and 91 (1) (2nd line) Delete the word “Government” wherever it appears and substitute in each case the word “Agency”.
- (g) Section 19 (3) (b) (i) (3rd, 4th and 5th lines) Delete the words “, public health officer or by a public officer authorised in writing in that behalf by the Commissioner” and substitute the words “or an authorised officer”.
- (h) Section 19 (3) (b) (i) (penultimate and last lines) Delete the words “, public health officer or authorised public officer” and substitute the words “or authorised officer”.
- (i) Section 20 (2) (5th and 6th lines) Delete the words “public health officer authorised in writing in that behalf by the Commissioner” and substitute the words “authorised officer”.

SECOND SCHEDULE — *continued*

- (j) Section 21 (1) (2nd, 3rd and 4th lines) Delete the words “police officer, public health officer, or public officer authorised in writing in that behalf by the Commissioner” and substitute the words “police officer or authorised officer”.
- (k) Sections 21 (2) (2nd line), (3) and (4), 42 (2) (2nd and 3rd lines), (3), (4) and (8) (6th line) and 96 (1) (penultimate line) Delete the words “police officer, public health officer or authorised public officer” and substitute in each case the words “police officer or authorised officer”.
- (l) Sections 21B (4) (1st line), 62 (4), 80, 104 (3) and 113 (1) (1st line) Delete the words “Minister may” and substitute in each case the words “Agency may, with the approval of the Minister.”.
- (m) Section 21E (definition of “supervision officer”) Delete the words “a public health officer or any other person as the Minister may,” and substitute the words “an authorised officer or any other person as the Agency may, with the approval of the Minister.”.
- (n) Section 40 (1) Insert, immediately after the word “possession”, the words “for sale by retail”.
- (o) Section 40 (2) (1st line), (3), (4) (2nd and 3rd lines) and (9) Delete the words “Commissioner or a public health officer” and substitute in each case the words “Director-General or an authorised officer”.
- (p) Section 40 (2) (a) (i) Delete the words “, either wholesale or retail,” and substitute the words “by retail”.
- (q) Section 40 (2) (b) Insert, immediately after the word “contain”, the words “for sale by retail”

SECOND SCHEDULE — *continued*

- (r) Section 40 (3) Delete the words “Commissioner or public health officer” and substitute the words “Director-General or authorised officer”.
- (s) Sections 42 (1) (3rd and 4th lines), 96 (1) (1st, 2nd and 3rd lines) and (2) (1st, 2nd and 3rd lines) and 99 (1) (1st and 2nd lines) Delete the words “police officer, public health officer or public officer authorised in writing in that behalf by the Commissioner” and substitute in each case the words “police officer or authorised officer”.
- (t) Section 42 (16) and (18) (last line) Delete the words “into the Consolidated Fund” and substitute in each case the words “to the Agency”.
- (u) Section 46 (2) (1st and 2nd lines) Delete the words “Commissioner or any person authorised by him in writing in that behalf” and substitute the words “Director-General or any authorised officer”.
- (v) Section 49 (3) (3rd and penultimate lines) and (6) Delete the words “Commissioner or any person authorised by him in that behalf in writing” and substitute in each case the words “Director-General or any authorised officer”.
- (w) Section 58 (3) (1st and 2nd lines) Delete the words “a public health officer or any public officer authorised in writing by the Commissioner in that behalf” and substitute the words “an authorised officer”.
- (x) Section 58 (3) (5th and 6th lines) Delete the words “public health officer or authorised public officer” and substitute the words “authorised officer”.
- (y) Section 81 (1) (1st, 2nd and 3rd lines) Delete the words “Commissioner, any public health officer or any public officer or any person as the Commissioner may authorise in

SECOND SCHEDULE — *continued*

- writing in that behalf” and substitute the words “Director-General or any authorised officer”.
- (z) Section 81 (3) (4th and 5th lines) Delete the words “Commissioner, any public health officer or any public officer or person so authorised” and substitute the words “Director-General or any authorised officer”.
- (za) Section 82 (1) (2nd and 5th lines) Delete the word “Minister” wherever it appears and substitute in each case the word “Agency”.
- (zb) Section 82 (1) (3rd line) Delete the words “public health officer” and substitute the words “authorised officer”.
- (zc) Section 82 (1) (5th line) Delete the words “Commissioner or any public health officer” and substitute the words “Director-General or authorised officer”.
- (zd) Section 83 (2nd line) Delete the words “Commissioner, any public health officer” and substitute the words “Director-General, any authorised officer”.
- (ze) New section 89A Insert, immediately after section 89, the following section:
- “Fees, etc., payable to Agency**
- 89A. All fees, charges, composition fines and moneys collected under this Act or any regulations made thereunder shall be paid to the Agency.”.
- (zf) Section 94 (i) Delete subsection (1) and substitute the following subsection:

SECOND SCHEDULE — *continued*

“(1) The grant or renewal of any licence —

- (a) shall be in the discretion of the Director-General;
- (b) may be granted, renewed or refused without any reason for the grant, renewal or refusal being assigned therefor; and
- (c) may be granted or renewed subject to such restrictions and conditions as the Director-General may think fit.”.

(ii) Delete the word “Minister” in subsection (5) and substitute the words “Agency with the approval of the Minister”.

(iii) Delete subsections (8) and (9) and substitute the following subsections:

“(8) No person shall in any manner transfer any licence or permit any licence to be used by any other person without the approval in writing of the Director-General.

(9) 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 or any regulations made thereunder,

the Director-General may —

- (i) suspend or cancel the licence; and

 SECOND SCHEDULE — *continued*

- (ii) in the case of paragraph (a), in lieu of or in addition to sub-paragraph (i), impose a financial penalty of such amount, not exceeding \$5,000, as the Director-General thinks fit.

(9A) Subject to the provisions of this Act, any person who is aggrieved by —

- (a) the refusal by the Director-General to grant or renew a licence;
- (b) the suspension or cancellation by the Director-General of any licence;
- (c) the imposition of any financial penalty by the Director-General; or
- (d) the forfeiture of any sum deposited or bond entered into under this section,

may, within 14 days of such refusal, suspension, cancellation, imposition of financial penalty or forfeiture, appeal to the Minister whose decision shall be final.”.

(zg) Section 95 (1)

Delete the words “officer or employee authorised thereunto by the Commissioner” and substitute the words “authorised officer”.

(zh) Section 95 (2)

Delete the words “Commissioner or any officer or employee authorised thereunto by the Commissioner” and substitute the words “Director-General or any authorised officer”.

SECOND SCHEDULE — *continued*

- (zi) Section 97 (1) (2nd and 3rd lines) and (4) (2nd and 3rd lines) Delete the words “Commissioner or any public officer authorised in writing in that behalf by the Commissioner” and substitute in each case the words “Director-General or any authorised officer”.
- (zj) Sections 100, 105 and 106 Repeal.
- (zk) Section 112 Delete the words “Commissioner may, in his discretion, either permanently or for such period as he may think fit,” and substitute the words “Agency may, subject to the general or special directions of the Minister, either permanently or for such period as the Agency thinks fit.”.
- (zl) New section 114 Insert, immediately after section 113, the following section:
“Transitional provision
114. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before the date of commencement of the National Environment Agency Act 2002 shall be deemed to have been issued, made, given or approved under the same provision by the Director-General.”.
- (zm) Fourth Schedule Delete the words “a public health officer” in the second column of items (1), (4) and (5) and substitute in each case the words “an authorised officer”.

 SECOND SCHEDULE — *continued*

 (5) Infectious Diseases Act
 (Chapter 137, 1999 Ed.)

(a) Section 2

(i) Delete the definition of “Commissioner”.

(ii) Insert, immediately after the definition of “Director”, the following definition:

““Director-General” means the Director-General of the Public Health appointed under section 3(1) of the Environmental Public Health Act (Cap. 95);”.

(iii) Delete the definition of “public health auxiliary”.

(b) Sections 2 (definition of “Health Officer”), 3 (2), (3) and (4), 4 (1), 5 (3rd line), 27 (1), 28 (1), 29 (1) (1st line) and (2), 32 (1) and (2), 37, 40 (1) (1st line) and (1) (b), (2) (1st and 2nd lines) and section heading, 41 (1), 42 (2) (1st line), (3) and (4), 44 (1), (2) and section heading, 45 (1) (5th and 6th lines), (3), (4) (1st line) and (5), 55 (1) (1st line) and (2) (2nd line), 56 (1) (2nd and 3rd lines), 57 (1) (2nd line) and (2) (2nd and 3rd lines), 63 (1) (2nd line) and (2) (2nd, 3rd and penultimate lines) and 68

Delete the word “Commissioner” wherever it appears and substitute in each case the word “Director-General”.

(c) Section 4

Delete subsection (2).

SECOND SCHEDULE — *continued*

- (d) Section 12 (3) (3rd line) Delete the words “a public health auxiliary or”.
- (e) Section 42 (1) (1st, 2nd and 3rd lines) Delete the words “Commissioner, a Port Health Officer or any public health auxiliary authorised in that behalf by the Commissioner or a Port Health Officer” and substitute the words “Director-General or a Port Health Officer”.
- (f) Section 45 (4) Delete the word “Government” in the last line and substitute the word “Agency”.
- (g) Section 56 (1) (1st line) Delete the words “, any public health auxiliary”.
- (h) New section 68A Insert, immediately after section 68, the following section:
“Fees, etc., payable to Agency
68A. All fees, charges, composition fines and moneys collected under this Act or any regulations made thereunder shall be paid to the Agency.”.
- (i) New section 73 Insert, immediately after section 72, the following section:
“Transitional provision
73. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before the date of commencement of the National Environment Agency Act 2002 shall be deemed to have been issued, made, given

SECOND SCHEDULE — *continued*

or approved under the same provision by the Director-General.”.

(6) Smoking (Prohibition in Certain Places) Act
(Chapter 310, 1998 Ed.)

(a) Section 2

(i) Delete the definition of “Commissioner” and substitute the following definitions:

““Agency” means the National Environment Agency established under the National Environment Agency Act 2002;

“authorised officer” means any person appointed by the Director-General of Public Health under section 3(2) of the Environmental Public Health Act (Cap. 95);

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

(ii) Delete the definitions of “public health officer” and “public officer”.

(b) Section 3 (1) (1st line)

Delete the words “Minister may,” and substitute the words “Agency may, with the approval of the Minister,”.

(c) Section 3 (1) (2nd line)

Delete the word “he” and substitute the words “the Agency”.

SECOND SCHEDULE — *continued*

- (d) Sections 3 (1) (penultimate and last lines), 7 (3) and 10 (1) Delete the words “Minister may” and substitute in each case the words “Agency may, with the approval of the Minister.”.
- (e) Section 3 Delete the section heading and substitute the following section heading:
“Prohibition of smoking in specified places and vehicles”.
- (f) Section 4 (1) (3rd, 4th and 5th lines) Delete the words “public health officer or by any public officer authorised in writing in that behalf by the Commissioner (referred to in this section as the authorised public officer)” and substitute the words “authorised officer”.
- (g) Section 4 (2) (1st and 2nd lines) and (3) Delete the words “police officer, public health officer or authorised public officer” and substitute in each case the words “police officer or authorised officer”.
- (h) Section 4 (4) Delete the words “police officer, public health officer or authorised public officer, as the case may be,” and substitute the words “police officer or authorised officer”.
- (i) Section 4 (section heading) Delete the words “public health officers” and substitute the words “authorised officers”.
- (j) Sections 5 (1) (b), (2) (2nd line) and (3) (3rd line), 7 (1) (1st line) and 8 Delete the word “Commissioner” wherever it appears and substitute in each case the word “Director-General”.
- (k) Section 6 (2) (a) Delete the words “, any public health officer or any public officer authorised in writing in that behalf by the Commissioner” and substitute the words “or authorised officer”.

SECOND SCHEDULE — *continued*

- (l) New section 7A Insert, immediately after section 7, the following section:
- “Fees, etc., payable to Agency**
- 7A. All fees, charges, composition fines and moneys collected under this Act or any regulations made thereunder shall be paid to the Agency.”.
- (m) Section 9 Repeal and substitute the following section:
- “Exemption**
9. 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 specified place or specified vehicle from all or any of the provisions of this Act.”.
- (n) Section 10 (1) Delete the word “him” and substitute the words “the Agency”.
- (o) New section 11 Insert, immediately after section 10, the following section:
- “Transitional provision**
11. Any licence, permit, document, application, approval, permission, order, direction, ruling or notice issued, made, given or approved by the Commissioner of Public Health under any provision of this Act immediately before the date of commencement of the National Environment Agency Act 2002 shall be deemed to have been issued, made, given or approved under the same provision by

the Director-General.”.
