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**Notification No. B 10** — The Building Control (Amendment) Bill is published for general information. It was introduced in Parliament on 4 February 2020.



# **Building Control (Amendment) Bill**

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**Bill No. 10/2020.**

*Read the first time on 4 February 2020.*

A BILL

*intituled*

An Act to amend the Building Control Act (Chapter 29 of the 1999 Revised Edition) and to make consequential and related amendments to certain other Acts.

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

## Short title and commencement

1. This Act is the Building Control (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. Section 2 of the Building Control Act (called in this Act the principal Act) is amended —

(a) by deleting the words “(referred to in this definition as A), but does not include any person who contracts with a builder for the execution by that person of the whole or any part of any building works undertaken by the builder for or on behalf of A under a contract entered into by the builder with A” in the definition of “builder” in subsection (1) and substituting the words “but does not include a sub-contractor in relation to those building works”;

(b) by inserting, immediately after paragraph (d) of the definition of “building” in subsection (1), the following paragraph:

“(da) a fixed installation;”;

(c) by inserting, immediately after the words “and includes” in the definition of “building works” in subsection (1), the words “any fixed installation works, and any”;

(d) by deleting the definition of “common property” in subsection (1) and substituting the following definition:

““common property” has the meaning given by —

(a) the Town Councils Act (Cap. 329A) where the common property is comprised in a housing estate of the Housing and Development Board; or

(b) the Building (Strata Management) Act (Cap. 30C) in any other case;”;

(e) by deleting the definition of “exterior feature” in subsection (1) and substituting the following definitions:

““escalator” means a machine-powered installation comprising —

(a) a stairway with continuously moving steps and handrails carrying people between different floors of a building; or

(b) a continuously moving walkway for conveying people between different parts of a building or between 2 buildings,

and includes a passenger conveyor, and any supporting structure, machinery, equipment, apparatus and enclosure used or designed for use for operating the escalator;

“exterior feature”, in relation to any building, means any permanent feature of a building that —

(a) is installed on, forms part of or projects outwards from the roof or exterior of the building; and

(b) is prescribed by building regulations;

“fixed installation” means any of the following machine-powered installations:

(a) an escalator;

(b) a lift;

(c) a mechanised car parking system,

and includes any supporting structure, machinery, equipment, apparatus and enclosure used or designed for use for operating a fixed installation;

“fixed installation owner”, for a fixed installation, means —

5 (a) where the fixed installation is part of any common property of a housing estate of the Housing and Development Board —

10 (i) the Town Council established under the Town Councils Act with the duty to maintain that common property in that housing estate; or

(ii) where there is no such Town Council — the Board;

15 (b) where the fixed installation is part of any common property or limited common property comprised in a strata title plan — the management corporation or subsidiary management corporation having control of the common property or limited common property (as the case may be) or the person receiving any rent or charge for the maintenance and management of that common property or limited common property, as the case may be;

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30 (c) where the fixed installation is part of any common property not comprised in a strata title plan and is not described in paragraph (a) or (b) — the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as the owner of the common property or a mortgagee in possession;

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(*d*) where the fixed installation is comprised in a lot of a subdivided building (whether or not in a strata title plan) and is not part of any common property — any person who is the registered proprietor or registered subsidiary proprietor (as the case may be) in the land-register under the Land Titles Act (Cap. 157) of the fee simple, estate in perpetuity or leasehold estate of that lot; 5 10

(*e*) where the fixed installation is not in a subdivided building and is not part of any common property but is installed or operated in, or in connection with, a building — the owner of that building; or 15

(*f*) in any other case — a person with a legal or beneficial interest in the fixed installation and who is prescribed in building regulations for that fixed installation or class of fixed installations to which that installation belongs, 20

but excludes a supplier (or an agent of a supplier) of a fixed installation who, by reason only of a contract for the sale or installation of the fixed installation, retains the ownership of the fixed installation pending any payment of the price or other consideration for that sale or installation; 25 30

“fixed installation works” means —

(*a*) the installation of any fixed installation;

(*b*) the carrying out of such major alteration or replacement works as 35

may be prescribed in respect of any fixed installation; or

(c) the testing and commissioning, following the completion of any works mentioned in paragraph (a) or (b), of any fixed installation;”;

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(f) by inserting, immediately after the definition of “flat” in subsection (1), the following definition:

““general builder’s licence” means a licence granted under Part VA authorising the person granted the licence to carry on the business of a general builder, but excludes such a licence when it is not in force;”;

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(g) by inserting, immediately after the definition of “geotechnical engineer” in subsection (1), the following definition:

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““grant” or “granted”, in relation to a general builder’s licence or a specialist builder’s licence, includes grant or granted on renewal of the licence;”;

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(h) by inserting, immediately after the definition of “large building works” in subsection (1), the following definitions:

““licensed general builder” means a person to whom a general builder’s licence is granted but excludes the person when the general builder’s licence is not in force;

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“licensed specialist builder”, for any specialist building works, means a person to whom a specialist builder’s licence is granted in respect of those specialist building works but excludes the person when that specialist builder’s licence is not in force;

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“lift” means a machine-powered installation that —

(a) is, or is intended to be, installed in or attached to a building or part of a building or without being attached to any building; 5

(b) is designed for raising or lowering people, or people and things in combination; and

(c) has a car, cage or platform, the direction or movement of which is substantially vertical and restricted by a guide or guides, 10

and includes any supporting structure, machinery, equipment, apparatus and enclosure used or designed for use for operating a lift, but does not include a mechanised car parking system;” 15

(i) by deleting the words “Building Maintenance and Strata Management Act 2004” in the definition of “limited common property” in subsection (1) and substituting the words “Building (Strata Management) Act”; 20

(j) by inserting, immediately after the definition of “major building works” in subsection (1), the following definition:

““mechanised car parking system” means a machine-powered installation that — 25

(a) is, or is intended to be, installed independently of, or installed in or attached to, a building or part of a building; and 30

(*b*) is designed solely for the automated vertical or lateral movement of vehicles connected with parking and retrieval of those vehicles,

5 and includes any supporting structure, machinery, equipment, apparatus and enclosure used or designed for use for operating the mechanised car parking system;”;

10 (*k*) by inserting, immediately after the definition of “minor building works” in subsection (1), the following definition:

““notice to maintain” means a notice under section 25E(1);”;

15 (*l*) by deleting the words “under the Land Titles (Strata) Act (Cap. 158)” in paragraph (*a*) of the definition of “owner” in subsection (1);

20 (*m*) by deleting the words “Building Maintenance and Strata Management Act (Cap. 30C)” in paragraph (*a*)(iii) of the definition of “owner” in subsection (1) and substituting the words “Building (Strata Management) Act”;

(*n*) by inserting the word “and” at the end of paragraph (*b*)(i) of the definition of “owner” in subsection (1);

(*o*) by deleting the word “and” at the end of paragraph (*b*)(ii) of the definition of “owner” in subsection (1);

25 (*p*) by deleting sub-paragraph (iii) of paragraph (*b*) of the definition of “owner” in subsection (1);

(*q*) by deleting paragraphs (*a*), (*b*) and (*c*) of the definition of “person responsible” in subsection (1) and substituting the following paragraphs:

30 “(*a*) the owner of the premises or building which the exterior feature is installed on, forms part of or projects outwards from, or a person who has charge and control of the management and maintenance of the

exterior feature, unless otherwise provided by paragraph (b), (c) or (d);

(b) subject to paragraph (c), where the exterior feature is part of any common property or limited common property — 5

(i) in the case of common property of any housing estate of the Housing and Development Board — the Town Council established under the Town Councils Act for that housing estate or the contractor (if any) engaged by the Town Council and who has charge and control of the management and maintenance of the common property; or 10 15

(ii) in the case of common property or limited common property of any other land (whether or not comprised in a strata title plan) — the owner of the common property or limited common property (as the case may be) or the managing agent (if any) appointed by the owner and who has charge and control of the management and maintenance of the common property or limited common property, unless otherwise provided by paragraph (d); 20 25

(c) where the exterior feature is a window, grille or shutter that is part of a flat — the owner of that flat or other person who ordinarily has daily charge and control over the maintenance and use of such window, grille or shutter; or”; 30

(r) by deleting the definition of “retrofit” in subsection (1) and substituting the following definitions: 35

““retrofit” includes all or any of the following:

- (a) to modify;
- (b) to install;
- (c) to reinstall as if installing for the first time;

“safety incident” has the meaning given by section 22G(1);”;

(s) by deleting the definitions of “specialist builder” and “specialist building works” in subsection (1) and substituting the following definitions:

““specialist builder’s licence” means a licence granted under Part VA authorising the person granted the licence to carry on the business of a specialist builder but excludes such a licence when it is not in force;

“specialist building works” means any of the following types of building works:

- (a) piling works consisting of the installation and testing of any of the following:
  - (i) pre-cast reinforced concrete or pre-stressed concrete piles;
  - (ii) steel piles;
  - (iii) bored cast-in-place reinforced concrete piles;
  - (iv) caissons;
  - (v) special pile types like micro-piles, barrettes piles and composite piles;
  - (vi) embedded retaining wall piles like diaphragm walls,

contiguous bored piles and secant piles;

- (b) ground support and stabilisation works, including installation and testing of ground anchors, soil nails, rock bolts, ground treatment like chemical grouting and jet-grouting, reinforced-earth, shotcreting and tunnel supports; 5
- (c) instrumentation and monitoring works comprising the installation and monitoring of instruments measuring forces, deformation, displacements, tilt, convergence, pore and earth pressures or ground-water levels; 10  
15
- (d) structural steelwork consisting of any of the following:
  - (i) fabrication of structural steel elements; 20
  - (ii) site erection of structural steel elements involving the cutting, welding or tightening of high-friction grip bolts;
  - (iii) installation or removal of steel supports for geotechnical building works; 25
- (e) pre-cast concrete work comprising fabrication of pre-cast structural elements; 30
- (f) in-situ post-tensioning work consisting of any of the following:
  - (i) setting out of tendon profiles;

(ii) laying of conduits, anchorages or bursting reinforcement;

(iii) pulling or stressing of strands or bars;

5 (iv) pressure grouting of conduits;

(g) such other building works as the Minister may, by order in the *Gazette*, declare;

10 “strata title plan” has the meaning given by the Land Titles (Strata) Act (Cap. 158);”;

(t) by inserting, immediately after the definition of “structural works” in subsection (1), the following definitions:

15 ““sub-contractor”, in relation to any general building works or specialist building works, means a person engaged (otherwise than under a contract of service) by —

20 (a) in the case of general building works — any licensed general builder to supply any labour for or to do any part of those general building works which the licensed general builder has been engaged to do under another contract;

25 (b) in the case of a type of specialist building works — any licensed specialist builder for that type of specialist building works to supply any labour for or to do any part of those specialist building works which the licensed specialist builder has been engaged to do under another contract with —

30 (i) a developer; or

(ii) a licensed general builder; or

(c) another person who is a sub-contractor by virtue of paragraph (a) or (b) or this paragraph to supply any labour for or to do any part of the building works which that other person has been engaged to do under another contract; 5

“subsidiary management corporation”, in relation to any limited common property, means the subsidiary management corporation constituted for that limited common property under the Land Titles (Strata) Act;” 10

(u) by deleting the words “a developer or builder of building works” in subsection (4) and substituting the words “another person (P)”;

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(v) by deleting the words “the developer or builder” wherever they appear in subsection (4) and substituting in each case “P”;

(w) by inserting, immediately after the words “particular time” in subsection (5)(a), the words “, or such extended period or time as the Commissioner of Building Control may allow under subsection (6)”;

 20 and

(x) by inserting, immediately after subsection (5), the following subsection: 25

“(6) The Commissioner of Building Control may, upon an application, grant an extension of time within which the person is required by or under this Act or any subsidiary legislation made under this Act to do or not to do any thing (whether for the same or less than the period of extension applied for), upon being satisfied that there are good reasons to do so.”. 30

### **Amendment of section 4**

3. Section 4 of the principal Act is amended —

(a) by deleting paragraph (b); and

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Except as provided in subsection (1), the provisions in this Part and the building regulations made for the purposes of this Part (so far as relevant) apply to and in relation to fixed installation works as if the fixed installation works are building works with the prescribed exceptions, modifications and adaptations in the building regulations as the differences between fixed installation works and other building works require.”.

### **Amendment of section 5**

4. Section 5 of the principal Act is amended —

(a) by deleting the words “or builder of” in subsection (2)(b)(i) and (ii) and substituting in each case the words “of or the builder (being either a licensed general builder or licensed specialist builder) undertaking”;

(b) by inserting, immediately after the words “in accordance with” in subsection (2)(c), the words “this Act and”; and

(c) by deleting the words “or such further period as may be extended by the Commissioner of Building Control,” in subsection (4).

### **Amendment of section 6**

5. Section 6 of the principal Act is amended —

(a) by inserting, immediately after the words “the builder” in subsection (1)(b), the words “(who is either a licensed general builder or licensed specialist builder)”;

- (b) by inserting, immediately after the words “or builder” in subsections (1)(c), (3)(c) and (5)(c), the words “in paragraph (b)”;
- (c) by inserting, immediately after the words “the builder” in subsection (2)(c), the words “undertaking those building works, who is either a licensed general builder or licensed specialist builder”;
- (d) by inserting, immediately after the words “those building works” in subsection (3)(b), the words “if the builder is a licensed general builder or licensed specialist builder, as the case may be”; and
- (e) by inserting, immediately after subsection (5), the following subsection:
- “(6) In addition to subsection (5)(b), a permit to carry out structural works in any building works that is granted to a builder who is a licensed general builder or a licensed specialist builder automatically lapses if —
- (a) any of the following licences of the builder ceases to be in force:
- (i) the general builder’s licence;
- (ii) the specialist builder’s licence relating to those structural works; and
- (b) the Commissioner of Building Control does not waive the application of this subsection in the particular case.”.

### **Amendment of section 7A**

6. Section 7A(5) of the principal Act is amended by inserting, immediately after the words “(if any) of the building works”, the words “(being licensed under Part VA)”.

**Amendment of section 8**

7. Section 8 of the principal Act is amended —

- (a) by inserting, immediately after the words “a builder” in subsection (1)(c), the words “who is licensed under Part VA”;
- (b) by deleting the words “specialist builder” wherever they appear in subsections (1)(f)(ii) and (2) and substituting in each case the words “licensed specialist builder”;
- (c) by inserting, immediately after subsection (1), the following subsection:
  - “(1A) The developer of any building works must notify the Commissioner of Building Control of every appointment it makes under subsection (1)(c) and (f)(ii) (if any) within 14 days after making that appointment.”; and
- (d) by deleting the words “subsection (2)(b)” in subsection (4) and substituting the words “subsection (1A) or (2)(b)”.

**Amendment of section 11**

8. Section 11 of the principal Act is amended —

- (a) by deleting the words “specialist builder” wherever they appear in subsections (1)(c), (2), (3), (4), (5), (7), (8), (9) and (10) and substituting in each case the words “licensed specialist builder”;
- (b) by deleting paragraph (g) of subsection (1) and substituting the following paragraphs:
  - “(fa) at all times before the completion of the building works the builder is undertaking, hold a licence under Part VA authorising the builder to carry out those building works;

- (g) no later than the 14th day after the appointment or termination of any licensed specialist builder (including the builder undertaking the building works) in respect of any specialist building works comprised in those building works, notify the Commissioner of Building Control of that appointment or termination, as the case may be; and”;
- (c) by inserting, immediately after paragraph (a) of subsection (2), the following paragraph:
- “(aa) no later than the 7th day after the completion of the specialist building works —
- (i) certify that the specialist building works have been carried out in accordance with paragraph (a); and
- (ii) submit the certificate in respect of the matters in sub-paragraph (i) to the Commissioner of Building Control;”;
- (d) by deleting the words “Any builder or specialist builder who contravenes subsection (1)(a), (2)(a) or (3)” in subsection (6) and substituting the words “A builder who contravenes subsection (1)(a), or a licensed specialist builder who contravenes subsection (2)(a) or (3)”;
- (e) by deleting the words “subsection (2)(c)” in subsection (9)(b) and substituting the words “subsection (2)(aa) or (c)”;
- (f) by inserting, immediately after subsection (10), the following subsection:
- “(11) To avoid doubt —
- (a) a builder undertaking any building works is responsible for complying with subsection (1)(a); and

(b) a licensed specialist builder undertaking any specialist building works is responsible for complying with subsection (2)(a),

5 despite the builder or licensed specialist builder (as the case may be) entering into a contract or an arrangement with a sub-contractor to execute the whole or any part of those building works or specialist building works, as the case may be.”.

### **Amendment of section 19**

10 **9.** Section 19(2) of the principal Act is amended by inserting, immediately after the words “the Commissioner of Building Control” in paragraph (d), the words “, and at the cost of the person on whom the order is served under subsection (3)”.

### **Amendment of section 20**

15 **10.** Section 20 of the principal Act is amended —

(a) by deleting the words “developer of any building works and any qualified person, site supervisor or builder” in subsection (3) and substituting the word “person”; and

20 (b) by inserting, immediately after subsection (3), the following subsection:

“(4) In proceedings for an offence under subsection (3) —

25 (a) it is not necessary for the prosecution to prove that an accused knew that the building works concerned deviate in any material way from any plans of the building works approved by the Commissioner of Building Control under this Part; 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 the plans of those building works approved by the Commissioner of Building Control under this Part.”. 5

### **Amendment of section 21**

11. Section 21 of the principal Act is amended by inserting, immediately after subsection (4), the following subsection: 10

“(4A) All sums collected under this section must be paid into the Consolidated Fund.”.

### **Amendment of heading to Part III**

12. Part III of the principal Act is amended by inserting, immediately after the words “EXTERIOR FEATURES” in the Part heading, the words “AND FIXED INSTALLATIONS”. 15

### **Amendment of section 22A**

13. Section 22A of the principal Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) This Part also applies in relation to all fixed installations whenever installed. 20

(3) In this Part —

“applicable date” means —

(a) in relation to an exterior feature — the date prescribed under section 22C to be the applicable date for the class of exterior features to which that exterior feature belongs; and 25

(b) in relation to a fixed installation — the date prescribed under section 22C for the class of fixed installations to which that fixed installation belongs; 30

“grace period” means —

5           (a) in relation to an exterior feature — the grace period prescribed under section 22C for the class of exterior features to which that exterior feature belongs, being a period starting on the applicable date for that exterior feature; and

10           (b) in relation to a fixed installation — the grace period prescribed under section 22C for the class of fixed installations to which that fixed installation belongs, being a period starting on the applicable date for that fixed installation;

15           “person responsible”, in relation to an exterior feature that is part of the common property of any housing estate of the Housing and Development Board, includes (in addition to that defined in section 2(1)) the Board if the Board is designated by the Minister to be a person responsible with respect to that exterior feature;

“prescribed age” means —

20           (a) in relation to an exterior feature — the age prescribed under section 22C to be the prescribed age for a class of exterior features to which the exterior feature belongs; and

25           (b) in relation to a fixed installation — the age prescribed under section 22C to be the prescribed age for a class of fixed installations to which the fixed installation belongs.

(4) For the purposes of this Part —

30           (a) the age of an exterior feature of a building must be counted from the date of its first installation on that building as determined in accordance with such date as is prescribed under section 22C for that exterior feature; and

          (b) the age of a fixed installation must be counted from the date prescribed under section 22C for a class of

fixed installations to which the fixed installation belongs.

(5) Nothing in this Part —

(a) prohibits or prevents the Commissioner of Building Control from exercising any of his powers under any other provision of this Act or the building regulations; or

(b) limits the effect of any other provision of this Act or the building regulations or any other written law for the time being in force.”.

### **New section 22AA**

**14.** The principal Act is amended by inserting, immediately after section 22A, the following section:

#### **“Duty to retrofit fixed installation**

**22AA.**—(1) Every fixed installation owner of a fixed installation must carry out, or cause to be carried out, retrofitting of the fixed installation, whether or not of a prescribed age, in accordance with this section.

(2) The retrofitting mentioned in subsection (1) must be —

(a) completed within the time required by subsection (3); and

(b) carried out by a person and in the manner prescribed under section 22C for the fixed installation concerned.

(3) The time by which retrofitting of a fixed installation must be completed is —

(a) the grace period prescribed for the fixed installation where —

(i) there is no prescribed age for the fixed installation; or

(ii) the fixed installation is, on the applicable date for that fixed installation, of the prescribed age or older; or

(b) the longer of the following periods, where the fixed installation is, on the applicable date for that fixed installation, below the prescribed age:

(i) the grace period prescribed for that fixed installation;

(ii) the period starting on the applicable date for that fixed installation and ending immediately before the fixed installation attains the prescribed age.

(4) A fixed installation owner who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) 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.

(5) In any proceedings for an offence under subsection (4), it is a defence for an accused to prove, on a balance of probabilities, that the accused was not the fixed installation owner of the fixed installation —

(a) at any time during the grace period prescribed for that fixed installation; or

(b) before the fixed installation attained the prescribed age.”.

### **Amendment of section 22B**

**15.** Section 22B of the principal Act is amended —

(a) by deleting the words “\$5,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500” in

subsection (2) and substituting the words “\$20,000 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”; and

(b) by deleting subsections (4) and (5).

5

### **Amendment of section 22C**

16. Section 22C(2) of the principal Act is amended —

(a) by inserting, immediately after the words “an exterior feature” in paragraph (a), the words “or a fixed installation”;

10

(b) by inserting, immediately after paragraph (b), the following paragraph:

“(ba) different applicable dates, prescribed ages and grace periods in relation to different fixed installations;”;

15

(c) by inserting, immediately after the words “different exterior features” in paragraph (c), the words “or different fixed installations, as the case may be”.

### **New section 22DA**

17. The principal Act is amended by inserting, immediately after section 22D, the following section:

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#### **“Requiring works to be done upon trigger application**

**22DA.**—(1) Where the Commissioner of Building Control receives, on or after the date of commencement of section 17 of the Building Control (Amendment) Act 2020, a trigger application relating to a relevant building, the Commissioner of Building Control may, by written notice, require the owner of the relevant building (who may or may not be the applicant of a trigger application relating to the same relevant building) to do the following:

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(a) to prepare and submit for approval the plans of relevant building works specified by the

Commissioner of Building Control in the notice in relation to that relevant building;

(b) where the plans of the relevant building works mentioned in paragraph (a) are approved, to complete those relevant building works in relation to the relevant building within the time specified in the notice.

(2) An owner of a relevant building given a notice under subsection (1) who, without reasonable excuse, fails to comply with the notice —

(a) shall be guilty of an offence and shall be liable on conviction —

(i) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both; and

(ii) to a further fine not exceeding \$250 for each day or part of a day the owner fails to comply with the notice; and

(b) in the case of a continuing failure to comply with the notice after conviction, shall be guilty of a further offence and shall be liable on conviction to a further fine not exceeding \$500 for each day or part of a day during which the failure to comply continues after conviction.

(3) In this section —

“factory” means any building that is used or allowed to be used —

(a) for handling, sorting, packing, storing, altering, repairing, constructing, processing or manufacturing any goods;

(b) for the repair, construction or manufacturing of any vessel or vehicle; or

(c) for any building operation or work of engineering construction,

and includes any building associated with a building used or allowed to be used for a purpose in paragraph (a), (b) or (c);

5

“relevant building” means a building —

(a) the gross floor area of which is more than 500 square metres, or such other smaller minimum area prescribed in substitution;

(b) to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee, and whether or not access to the building may be restricted at particular times or for particular purposes; and

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(c) that is not comprised in any development which is used or allowed to be used solely for residential purposes or as a factory;

“relevant building works”, in relation to a relevant building, means building works to erect any physical feature —

20

(a) in any corridor, lobby, washroom or other common area in the relevant building to which occupiers of the relevant building have general access; and

25

(b) towards satisfying the relevant performance requirement for the purposes of this Part;

“trigger application” means an application for approval of the plans of any building works under section 5(1) for the alteration, addition or repair of a relevant building.”.

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## **New Division heading of Part IV**

18. Part IV of the principal Act is amended by inserting, immediately above section 22G, the following Division heading:

*“Division 1 — Dangerous buildings”.*

## 5 **Repeal and re-enactment of section 22G**

19. Section 22G of the principal Act is repealed and the following section substituted therefor:

### **“Interpretation of this Part**

**22G.—(1)** In this Part —

10 “building” includes a building or any part of a building in respect of which building works are being carried out;

15 “building product” means any product, material, assembly of components, software or other thing that is, or could be, used in a building and is prescribed by building regulations to be a building product for the purposes of Division 2;

“reportable matter” means —

(a) any safety incident that —

20 (i) occurs on or after the date of commencement of section 19 of the Building Control (Amendment) Act 2020;

(ii) involves an exterior feature or a fixed installation; and

25 (iii) is prescribed by building regulations to be a reportable safety incident for the purposes of this Part; or

(b) any safety risk that —

30 (i) involves the use of a building product (even if the building product was used in a building before the date of commencement of section 19 of the

Building Control (Amendment)  
Act 2020); and

- (ii) is prescribed by building regulations to be a reportable safety risk for the purposes of this Part;

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“safety incident”, in relation to an exterior feature of a building or a fixed installation, means —

(a) any situation where an individual dies, or is injured as a result of, an incident associated with the condition of the exterior feature or the operation of the fixed installation;

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(b) any situation where any property (other than the exterior feature or fixed installation itself) is damaged as a result of an incident associated with the condition of the exterior feature or the operation of the fixed installation; or

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(c) any situation or condition involving the exterior feature or fixed installation which endangers or which, if not corrected or if left unattended, would —

20

(i) endanger the occupants of the building or any other person; and

(ii) induce a situation described in paragraph (a) or (b);

“safety risk”, in relation to a building product, means a feature of the design or construction of —

25

(a) the building product; or

(b) a component, accessory or other part of a building product,

such that the use of the building product in a building poses to any occupant of the building, or any member of the public in or in the vicinity of the building, risk of death or serious injury arising from the use of the building product in the building.

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(2) For the purpose of the definition of “safety risk” in subsection (1) and this Part —

- (a) a risk can be considered to arise from the use of a building product in a building even if the risk will only arise in certain circumstances or if some other event occurs, such as fire;
- (b) a building product is used in a building if it is or is to be incorporated into, connected to, or otherwise installed in a building by means of building works; and
- (c) use of a building product in a building includes a misuse of a building product in a building.”.

#### **Amendment of section 24**

**20.** Section 24 of the principal Act is amended —

- (a) by deleting the words “order the owner” in subsection (1) and substituting the words “order an owner”;
- (b) by deleting the word “qualified” in subsection (1)(a);
- (c) by deleting the full-stop at the end of paragraph (d) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraph:
  - “(e) to suspend the operation or use of any part of the building by any occupier or other person until after the Commissioner of Building Control otherwise approves.”;
- (d) by inserting, immediately after subsection (1), the following subsections:

“(1A) In addition, the Commissioner of Building Control may give an order under subsection (1) to do any thing under subsection (1)(a), (b), (c), (d) or (e) in respect of an exterior feature of a building or a fixed installation, or any building product used in a building, that the Commissioner of Building

Control reasonably believes is necessary for either or both the following purposes:

- (a) to prevent safety incidents involving the exterior feature or fixed installation in the future; 5
- (b) to eliminate or minimise a safety risk posed by the use in the building of the building product.

(1B) Where an order under subsection (1) is given to the owner or owners of 2 or more adjoining or connected buildings, a power to order the doing of anything under subsection (1)(a), (b), (c), (d) or (e) includes — 10

- (a) a power to order the respective owners of the buildings to jointly appoint the same qualified person or persons to carry out (at the owners' cost) an inspection of each of the buildings, where subsection (1)(a) is concerned; and 15
- (b) a power to order the respective owners of the buildings to jointly do that thing under subsection (1)(b), (c), (d) or (e) in relation to each of those buildings. 20

(1C) In the case of an order under subsection (1) in respect of a building with 2 or more owners, each of those owners is jointly and severally responsible — 25

- (a) to take such steps as are necessary to comply with the order; and
- (b) to bear all costs incurred to comply with the order.”; and 30

(e) by inserting, immediately after subsection (7), the following subsections:

“(8) For the purposes of subsection (1A), it does not matter that the building product was used in a building

before the building product became the subject of a reportable safety risk.

(9) Where a building in respect of which the Commissioner of Building Control is to exercise his powers under this section is a fixed installation, any reference in this section to the owner of a building is a reference to the fixed installation owner of that fixed installation.”.

### **New Division 2 of Part IV and new Part IVA**

**21.** The principal Act is amended by inserting, immediately after section 25A, the following Division and Part:

*“Division 2 — Reporting of safety incidents and safety risks*

#### **Duty to notify reportable matters**

**25B.—**(1) A person mentioned in subsection (2) must notify the Commissioner of Building Control, within the time and by the means prescribed in the building regulations, of —

- (a) that reportable matter; and
- (b) the prescribed particulars about the reportable matter that are known to the person.

(2) The persons required by subsection (1) to notify any reportable matter are as follows:

- (a) where the reportable matter is a reportable safety incident involving an exterior feature of a building —
  - (i) a person responsible for the exterior feature who is aware of the reportable safety incident;
  - (ii) a person who is authorised to carry out any retrofitting of that exterior feature for the purposes of Part III and who becomes aware of the reportable safety incident while performing the retrofitting;

- (iii) a builder or supervisor (including a consultant) of building works related to the building who becomes aware of the reportable safety incident while carrying out or supervising the building works; or 5
  - (iv) a person appointed to carry out an inspection of the building for the purpose of Part V who becomes aware of the reportable safety incident while carrying out the inspection;
- (b) where the reportable matter is a reportable safety incident involving a fixed installation — 10
  - (i) a fixed installation owner of that fixed installation who is aware of the reportable safety incident; or
  - (ii) a person who last carried out maintenance works on the fixed installation (whether before, on or after the date of commencement of section 21 of the Building Control (Amendment) Act 2020) before the happening of the reportable safety incident, and who becomes aware of the reportable safety incident; 15 20
- (c) where the reportable matter is a reportable safety risk involving a building product used in a building —
  - (i) a person who manufactures or assembles the building product in Singapore; 25
  - (ii) a person who imports the building product for sale or use in a building in Singapore;
  - (iii) a builder or supervisor (including a consultant) of building works using the building product for that building, who becomes aware of the reportable safety risk while carrying out or supervising those building works; 30

- 5 (iv) a person appointed to carry out an inspection of the building for the purpose of Part V who becomes aware while carrying out the inspection that the building product has been used in the building;
- 10 (v) a person who carries out maintenance works on the building product (on or after the date of commencement of section 21 of the Building Control (Amendment) Act 2020) who becomes aware of the reportable safety risk while carrying out those works;
- 15 (vi) if the building affected by the building product is a fixed installation, any of the following:
- (A) a fixed installation owner of the fixed installation;
- 20 (B) a person who carries out fixed installation works or maintenance works on the fixed installation (on or after the date of commencement of section 21 of the Building Control (Amendment) Act 2020) who becomes aware of the reportable safety risk posed while carrying out those works;
- 25 (C) a person appointed to carry out an inspection of the fixed installation required by the building regulations, who becomes aware of the reportable safety risk posed while carrying out the inspection; or
- 30 (vii) an owner or occupier of the building who is aware that the building product has been used in the building and of the reportable safety risk posed.

(3) For the purposes of subsection (2)(c), it does not matter that the building product was used in a building before the building product became the subject of a reportable safety risk.

(4) However, subsection (1) does not apply if a person required to notify a reportable matter under that subsection knows that another person similarly required has, or other such persons have, already notified that reportable matter to the Commissioner of Building Control with all the particulars required by that subsection.

### **Offence of failing to notify reportable matters**

**25C.**—(1) A person mentioned in section 25B(2) who is required under section 25B(1) to notify a reportable matter commits an offence if the person, without reasonable excuse, fails to comply with section 25B(1).

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) A person is not excused from giving any information required by section 25B(1) on the ground that the disclosure of the information might tend to incriminate the person or expose the person to a penalty.

(4) Where a person claims, before giving any information that the person is required by section 25B(1) to give, that the disclosure of the information might tend to incriminate the person —

- (a) that information;
- (b) the giving of the information; and
- (c) any information, document or thing obtained as a direct or indirect consequence of the giving of the information,

is not admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under section 43A.

## PART IVA

## MAINTENANCE OF BUILDINGS

**Application of this Part**

**25D.** This Part applies only to —

- 5           (a) any building (subdivided or otherwise), and any  
               common property or limited common property  
               (which may include fixed installations) that are a  
               building; and
- (b) all exterior features on any building, except —
- 10           (i) exterior features on any detached house,  
               semi-detached house, terrace house or linked  
               house, none of which are comprised in any  
               strata title plan; and
- (ii) exterior features located on the lowest level of
- 15           any building.

**Notices to maintain**

**25E.—**(1) The Commissioner of Building Control may issue a  
 notice (called in this Act a notice to maintain) in respect of any  
 building, any exterior feature of a building (whether or not  
 20 common property or limited common property) or any common  
 property or limited common property (whether or not a fixed  
 installation) where, in the opinion of the Commissioner of  
 Building Control —

- 25           (a) the building or the common property or limited  
               common property has not been kept or maintained in a  
               state of good and serviceable repair or in a proper and  
               clean condition; or
- (b) in the case of an exterior feature of a building, the  
               exterior feature has not been kept or maintained in  
 30           such manner as to be securely fixed to the building  
               and as will prevent any collapse (wholly or partly) of  
               the exterior feature or its support.

(2) A notice to maintain may require a person mentioned in subsection (4) who is served the notice to do all or any of the following:

- (a) to suspend the operation or use of the building, exterior feature of a building or the common property or limited common property (as the case may be) by any occupier or other person until after the Commissioner of Building Control otherwise approves; 5
  - (b) to appoint an appropriate person to carry out (at the person's cost) an inspection described in the notice, of the building, exterior feature of a building, or the common property or limited common property (as the case may be) and make recommendations on any measures or other building works reasonably necessary — 10
    - (i) to ensure the proper maintenance in a state of good and serviceable repair or in a proper and clean condition of the building, or common property or limited common property; or 20
    - (ii) to prevent the occurrence or potential occurrence of collapse (wholly or partly) of the exterior feature or its support;
  - (c) to repair or carry out work on or alter the building, exterior feature of a building, or the common property or limited common property (as the case may be) in the manner specified in the notice. 25
- (3) A notice to maintain must specify —
- (a) the time within which anything required to be done in subsection (2) must be completed; and 30
  - (b) that anything required to be done in subsection (2) must be carried out with due diligence to the satisfaction of the Commissioner of Building Control.

(4) A notice to maintain may be served on any of the following persons:

(a) where the notice to maintain is made in respect of an exterior feature (whether or not common property or limited common property) —

(i) on the person responsible for the exterior feature; or

(ii) on every occupier of the building on which the exterior feature is installed or forms part of, if the person in sub-paragraph (i) cannot be found by reasonable inquiry;

(b) for a notice to maintain made in respect of a fixed installation (whether or not common property or limited common property) —

(i) on the fixed installation owner for that fixed installation; or

(ii) on the occupier of the building connected with that fixed installation if the person in sub-paragraph (i) cannot be found by reasonable inquiry;

(c) for a notice to maintain made in respect of a building that comprises 2 or more flats but is not subdivided, and where there are subsisting leases for those flats registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act —

(i) on the registered lessee or registered proprietor (as the case may be) of every such flat; or

(ii) on the occupier of the flat if the persons in sub-paragraph (i) cannot be found by reasonable inquiry;

(d) for a notice to maintain made in respect of common property or limited common property (but not exterior features and fixed installations) erected on land comprised in a strata title plan —

- (i) on the management corporation having control of the common property, or the person receiving any rent or charge for the maintenance and management of that common property;
  - (ii) the subsidiary management corporation having control of the limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property; or
  - (iii) on the persons on whose behalf the common property is managed or on whose exclusive benefit the limited common property is designated, if the persons in sub-paragraph (i) or (ii) cannot be found by reasonable inquiry;
- (e) for a notice to maintain made in respect of common property (but not exterior features and fixed installations) on land not comprised in a strata title plan —
- (i) on the person receiving any rent or charge for the maintenance of that common property, who may be every person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act as owner of that common property; or
  - (ii) on the persons on whose behalf the common property is managed if the person in sub-paragraph (i) cannot be found by reasonable inquiry;
- (f) where the notice to maintain is made in respect of any other building (but not exterior features and fixed installations) —
- (i) on the owner of the building; or
  - (ii) on every occupier of that building if the person in sub-paragraph (i) cannot be found by reasonable inquiry.

(5) Subject to subsection (6), a person on whom a notice to maintain is served under subsection (4) must take, so far as is reasonably practicable and at the person's cost, such steps as are necessary to comply with the notice to maintain served.

5 (6) Where an exterior feature or a fixed installation is installed on or forms part of a common boundary —

- (a) between 2 or more buildings;
- (b) between 2 or more common properties; or
- 10 (c) between a common property and a limited common property,

and a notice to maintain is served under subsection (4) on the owners of the respective buildings or common properties, or of the common property and limited common property (as the case may be), each of the owners is jointly and severally responsible —

- 15 (d) to take such steps as are necessary to comply with the notice to maintain served on the owner; and
- (e) to bear all costs incurred to comply with the notice.

20 (7) Without limiting section 25G, a person who is required by subsection (5) or (6) to comply with a notice to maintain commits an offence if the person, without reasonable excuse, fails to comply with the notice.

(8) A person who is guilty of an offence under subsection (7) shall be liable on conviction —

- 25 (a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in the case of a continuing failure to comply, to a further fine not exceeding \$250 for every day or part of a day during which the failure to comply continues after conviction.
- 30

### **Appeal against notice to maintain**

**25F.**—(1) A person on whom a notice to maintain is served under section 25E(4) may, not later than the 21st day after the date the notice is served, appeal in the prescribed manner to the Minister against the notice. 5

(2) Despite an appeal being lodged under subsection (1), the notice to maintain being appealed against has effect and must be complied with unless the Minister orders otherwise.

(3) The Minister may determine an appeal under this section by confirming, varying or cancelling the notice to maintain. 10

(4) The Minister’s decision on any appeal under this section is final.

### **Recovery of Commissioner’s expenses, etc.**

**25G.**—(1) Where a person who is required by section 25E(5) or (6) to comply with a notice to maintain fails to do so, the Commissioner of Building Control may do all or any of the following: 15

(a) direct the person to deposit (within such period as the Commissioner of Building Control may specify, being at least 7 days after the direction is served) such amount with the Commissioner of Building Control as the Commissioner of Building Control considers necessary for the purpose of paragraph (b); 20

(b) carry out, or cause to be carried out, all or any of the repairs, work or alteration specified in the notice to maintain. 25

(2) All expenses reasonably incurred by the Commissioner of Building Control in relation to the execution of any repairs, work or alteration under subsection (1)(b) in respect of a building, any exterior feature of a building (whether or not common property or limited common property) or any common property or limited common property (whether or not a fixed installation) — 30

(a) are recoverable from the person in default starting the date on which those repairs, work or alteration are completed; and

(b) without affecting any other rights of the Building and Construction Authority, shall be a first charge on that building, despite any change in the ownership or occupation of the building or common property (as the case may be) after that date, when in arrears.

(3) The Commissioner of Building Control —

(a) may certify the expenses due under this section and the names of the persons liable for the expenses; and

(b) may apportion the expenses among the persons named in the certificate.

(4) Subject to subsection (5), a copy of the certificate mentioned in subsection (3) must be served on every person named in the certificate.

(5) Where any person named in the certificate mentioned in subsection (3) cannot be found by reasonable inquiry, the certificate is deemed to have been duly served on that person if —

(a) a copy of the certificate is posted at the office of the Commissioner of Building Control; and

(b) another copy of the certificate is affixed to a conspicuous part of the building in respect of which the expenses had been incurred.

(6) Interest at the rate of 9% per annum from the expiry of one month after the date of service of a certificate under subsection (4) is recoverable as part of the expenses incurred by the Commissioner of Building Control.

(7) If any sum or any part of the sum due to the Commissioner of Building Control under this section remains unpaid at the end of one month starting from the date the certificate under subsection (4) is served, or such further period as the Commissioner of Building Control may allow, it is deemed to be arrears. 5

(8) A certificate purporting to be made under subsection (3) by the Commissioner of Building Control is prima facie evidence of the facts certified in the certificate and that the Commissioner of Building Control had made the certificate. 10

(9) The Commissioner of Building Control must refund the deposit or any part of the deposit, after deducting any costs and expenses reasonably incurred by the Commissioner of Building Control, if the repairs, work or alteration required to be executed by the notice to maintain have been executed to the satisfaction of the Commissioner of Building Control. 15

### **Unsafe exterior feature**

**25H.**—(1) A person responsible for an exterior feature of a building who, without reasonable excuse, fails to keep or maintain the exterior feature in such manner as to be securely fixed to the building and as will prevent any collapse (wholly or partly) of the exterior feature or its support 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 12 months or to both. 20 25

(2) In any proceedings for an offence under subsection (1), it is presumed, in the absence of proof to the contrary, that the person responsible for an exterior feature of a building has failed to keep or maintain the exterior feature in such manner as to ensure that it is securely fixed to the building and as will prevent any collapse (wholly or partly) of the exterior feature or its support, if it is proved that — 30

- (a) the exterior feature or part of the exterior feature has collapsed or fallen; and

(b) there is damage to, deterioration or other disrepair of the exterior feature or its support that is not caused by accident or acts of nature, including but not limited to fire, explosion, windstorm, hail, lightning, falling trees, aircraft, vehicles, flood, earthquake or landslide.

(3) It is a defence for a person charged with an offence under subsection (1) to prove to the satisfaction of the court that there is a defect in the whole or any part of the exterior feature or its support that is caused by materials or work supplied by any person other than the person responsible for the exterior feature.

(4) Without limiting subsection (3), a person responsible for an exterior feature shall not be guilty of an offence under subsection (1) if the person responsible —

(a) provides, not later than the 7th day after a notice alleging that the person responsible is guilty of an offence under subsection (1) is served on the person responsible, by statutory declaration to the Commissioner of Building Control, the name of the contractor, managing agent or other person appointed by the person responsible to manage and maintain the exterior feature at all relevant times relating to the offence concerned; and

(b) satisfies the court that the person responsible relied, in good faith and after making proper inquiry (if the circumstances indicated the need for inquiry of the advice or services), on professional or expert advice or other services given or rendered by the contractor, managing agent or other person in relation to the exterior feature concerned.

(5) In any proceedings against a person named in a statutory declaration made under subsection (4) in respect of an offence under subsection (1), the statutory declaration is prima facie evidence that the person concerned had charge and control of the management and maintenance of the exterior feature at all relevant times relating to the offence.

(6) In subsection (4), “managing agent” means a managing agent appointed under the Building (Strata Management) Act.”.

### **Amendment of heading to Part V**

**22.** Part V of the principal Act is amended by inserting, immediately after the word “BUILDINGS” in the Part heading, the words “AND BUILDING FAÇADES”.

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### **Amendment of section 26**

**23.** Section 26 of the principal Act is amended —

(a) by inserting, immediately before the definition of “owner” in subsection (1), the following definitions:

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““competent person”, in relation to a façade inspection, means a qualified person who satisfies such requirements as may be prescribed for the purposes of this Part;

“façade”, in relation to a building, means —

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(a) the exterior of the building;

(b) any exterior feature attached to the building, including any bracket or similar installation attaching the exterior feature to the building; and

20

(c) any other part of the building as may be prescribed;

“façade inspection” means an inspection mentioned in section 28(1)(b);

“façade inspector”, in relation to a façade inspection, means an individual who —

25

(a) is appointed to assist a competent person in carrying out a façade inspection, or to carry out a façade inspection under the direct supervision and control of a competent person;

30

(b) has the prescribed qualifications and experience; and

(c) is accredited with the Building and Construction Authority or a prescribed organisation;

“inspect” includes examine and test, with or without the aid of equipment;”;

(b) by deleting the words “under the Land Titles (Strata) Act” in paragraphs (a) and (b) of the definition of “owner” in subsection (1);

(c) by deleting the words “Building Maintenance and Strata Management Act” in paragraph (a)(ii) of the definition of “owner” in subsection (1) and substituting the words “Building (Strata Management) Act”;

(d) by deleting the full-stop at the end of the definition of “structural engineer” in subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““structural inspection” means an inspection mentioned in section 28(1)(a).”; and

(e) by inserting, immediately after subsection (1), the following subsection:

“(1A) Despite subsection (1), in relation to the common property of any residential or commercial property (within the meaning of the Town Councils Act) in a public housing estate of the Housing and Development Board, a reference to the owner of a building in this Part for the purposes of any façade inspection of the façade of a building which is such common property, is a reference to —

(a) the Town Council of the Town within which the public housing estate is comprised; or

(b) in any other case, the Board.”.

## Amendment of section 27

24. Section 27 of the principal Act is amended —

- (a) by deleting the word “This” and substituting the words “Subject to subsection (2), this”; and
- (b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

“(2) The requirements of this Part for the inspection of a building to ensure its structural stability or integrity apply to and in relation to fixed installations (whether or not associated with another building) as if the fixed installation is a building, with the prescribed exceptions, modifications and adaptations in the building regulations as the differences between a fixed installation and a building require.

(3) However, the requirements under this Part for the inspection of the façade of any building do not apply to —

- (a) a building mentioned in subsection (1); and
- (b) a building the highest point of which (whether or not a roof) is 13 metres or lower when measured from the ground.

(4) For the purposes of this Part, the age of a building in respect of which a temporary occupation permit or certificate of statutory completion is granted is counted —

- (a) from the date the last temporary occupation permit was granted in respect of the whole building; or
- (b) where no such temporary occupation permit was granted, the date the last certificate of statutory completion was issued for the whole building.”.

**Amendment of section 28**

**25.** Section 28 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

5                   “(1) Subject to subsections (2), (2A) and (2B), the  
Commissioner of Building Control may, by written  
notice, require either or both of the following  
inspections to be carried out in accordance with this  
section:

10                   (a) an inspection of a building to ensure its  
structural stability or integrity;

(b) an inspection of the façade of a building to  
identify —

15                   (i) any part of the façade that may be  
subject to excessive erosion,  
corrosion, wear, fatigue, stress or  
strain; or

20                   (ii) any other situation or circumstance,  
that may give rise to a probability of the  
occurrence or potential occurrence of the  
collapse (wholly or partly) of the façade  
and death or injury to individuals, or  
damage to other property, within or  
outside the building.”;

25                   (b) by deleting the words “In relation to any building to which  
this Part applies, a notice under subsection (1) may be  
made” in subsection (2) and substituting the words  
“A notice under subsection (1) may be given”;

30                   (c) by deleting the words “In relation to any building to which  
this Part applies and in respect of which no temporary  
occupation permit or certificate of statutory completion has  
been issued, a notice under subsection (1) may be served”  
in subsection (2A) and substituting the words “Subject to  
subsection (2B), where a notice requiring a structural

inspection under subsection (1) is made in relation to a building in respect of which no temporary occupation permit or certificate of statutory completion has been issued, the notice may be given”;

- (d) by deleting subsection (3) and substituting the following subsections: 5

“(2B) A notice under subsection (1) requiring a façade inspection to be carried out may be given —

(a) if the building is more than 20 years of age on the relevant date — at any time after that date; 10

(b) if the building first attains more than 20 years of age at any time after the relevant date — at any time after the building first attains more than 20 years of age; 15

(c) for a building in respect of which no temporary occupation permit or certificate of statutory completion has been issued for the whole building — at any time after the relevant date; or 20

(d) at any time during the 7th or later year after the year during which the last notice requiring a façade inspection to be carried out was given. 25

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

(a) be given to the owner of the building, or the building the façade of which is (as the case may be) required to be inspected under the notice; and 30

(b) specify the building or the façade of the building (as the case may be) which is required to be inspected, and the period

within which the inspection must be completed.

(3) Where a notice is given under subsection (1), the owner mentioned in subsection (2C)(a) —

5

(a) must appoint —

(i) for the purpose of a structural inspection, a structural engineer; or

(ii) for the purpose of a façade inspection, a competent person,

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to carry out the inspection in accordance with subsection (6)(a); and

15

(b) must submit to the Commissioner of Building Control, within the period specified in the notice under subsection (2C)(b), a copy of the report of the inspection by the structural engineer or competent person (as the case may be) prepared under subsection (6)(b).”;

20

(e) by deleting the words “structural engineer to inspect the building” in subsection (4) and substituting the words “structural engineer to carry out a structural inspection, or a competent person to carry out a façade inspection (as the case may be)”;

25

(f) by deleting subsection (5) and substituting the following subsection:

“(5) Each of the following persons has a right of access at any reasonable time in the day to any part of the building in order for that person to carry out an inspection under this section:

30

(a) a structural engineer who is appointed to carry out a structural inspection;

(b) a competent person who is appointed to carry out a façade inspection and any façade inspector assisting the competent

person in carrying out the façade inspection.”;

- (g) by deleting subsection (5A) and substituting the following subsection:

“(5A) A person who hinders, obstructs or delays a structural engineer, competent person or façade inspector in the performance of that person’s duty under subsection (5) shall be guilty of an offence and shall be liable on conviction — 5

(a) to a fine not exceeding \$5,000; and 10

(b) in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.”;

- (h) by deleting subsections (6) and (7) and substituting the following subsections: 15

“(6) A structural engineer appointed to carry out a structural inspection, or a competent person appointed to carry out a façade inspection (as the case may be), must — 20

(a) carry out the structural inspection or façade inspection (as the case may be) in the prescribed manner;

(b) prepare, in such form as the Commissioner of Building Control may specify, a report on the results of the inspection mentioned in paragraph (a) and the assessment of the condition of the building or façade, as the case may be; 25

(c) give a copy of the report mentioned in paragraph (b) to the owner of the building mentioned in subsection (2C)(a) without delay, and in any case, to enable the owner to comply with subsection (3)(b); and 30

(d) comply with any written directions by the Commissioner of Building Control in respect of the report mentioned in paragraph (b).

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(6A) Without limiting subsection (6)(d), the Commissioner of Building Control may direct the structural engineer or competent person (as the case may be) to —

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(a) carry out, within the period specified in the direction, such further steps as the Commissioner of Building Control considers necessary to ensure that the structural inspection or façade inspection (as the case may be), and the assessment of the condition of the building or façade (as the case may be), is complete; and

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(b) supplement the report mentioned in subsection (6)(b) to include the results of the further steps mentioned in paragraph (a), and such further information or documents as the Commissioner of Building Control may require to clarify those results.

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(7) Where a report mentioned in subsection (6)(b) also contains a recommendation on any measures or other building works necessary —

(a) to ensure the structural stability or integrity of the building; or

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(b) to prevent the occurrence or potential occurrence of collapse (wholly or partly) of the façade of the building,

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the owner of the building must carry out, or cause to be carried out, such of the measures or building works within such period, and subject to such conditions, as the Commissioner of Building Control may specify.”;

- (i) by deleting the words “fails to comply with subsection (3), (4) or (7) within the period specified in the notice under subsection (1) or within the period specified under subsection (7), as the case may be,” in subsection (9) and substituting the words “, without reasonable excuse, fails to comply with subsection (3), (4) or (7)”;
- (j) by deleting subsection (10) and substituting the following subsection:
- “(10) A person who fails to comply with subsection (6) or (6A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.”;
- (k) by inserting, immediately after subsection (11), the following subsection:
- “(12) In this section, “relevant date” means the date of commencement of section 25 of the Building Control (Amendment) Act 2020.”; and
- (l) by inserting, immediately after the word “buildings” in the section heading, the words “and building façades”.

## **Amendment of section 29**

**26.** Section 29 of the principal Act is amended —

- (a) by deleting the words “an inspection of a building under section 28” in subsection (1) and substituting the words “a structural inspection”;
- (b) by inserting, immediately after subsection (1), the following subsection:
- “(1A) A competent person must not be appointed by an owner of a building the façade of which is required to be inspected, for the purpose of carrying out a façade inspection if the competent person has any professional or financial interest in the building or its façade.”;

- (c) by inserting, immediately after the words “structural engineer” in subsection (2), the words “or competent person”;
- (d) by inserting, immediately after subsection (2), the following subsection:
- “(2A) A competent person has a professional or financial interest in the façade of a building if the competent person is or has been responsible for the design or construction of the façade of the building.”;
- (e) by deleting the words “the inspection of a building under section 28” in subsection (4)(a) and substituting the words “any structural inspection or façade inspection”;
- (f) by deleting the words “any inspection under section 28” in subsection (4)(b) and substituting the words “any structural inspection or façade inspection”; and
- (g) by inserting, immediately after the words “structural engineers” in the section heading, the words “and competent persons”.

### **Amendment of section 29A**

**27.** Section 29A of the principal Act is amended —

- (a) by deleting the definitions of “builder” and “Commissioner” in subsection (1);
- (b) by deleting the definition of “building works” in subsection (1) and substituting the following definition:

““building works” does not include —

- (a) any building works in respect of or for the occupation of a temporary building;
- (b) any insignificant building works;
- (c) any fixed installation works; or

- (d) any building works that are in respect of a building which is exempted under section 30 from this Part;”;
- (c) by deleting the definition of “minor specialist building works” in subsection (1) and substituting the following definitions: 5
- ““licensee” means a licensed general builder or a licensed specialist builder;
- “minor specialist building works” means any of the following specialist building works: 10
- (a) any specialist building works associated with minor building works;
- (b) any structural steelwork which comprises fabrication or erection work for structures with a cantilever length of not more than 6 metres, a clear span of not more than 15 metres and a plan area not exceeding 150 square metres; 15 20
- (c) any pre-cast concrete work comprising casting of pre-cast reinforced concrete slabs or planks on site;
- (d) any other specialist building works declared by the Minister by notification in the *Gazette* to be minor specialist building works;” 25
- (d) by deleting the words “, but not if the person carries out, or undertakes to carry out, general building works only as a sub-contractor” in subsection (2)(a); 30
- (e) by inserting, immediately after subsection (2), the following subsection:

“(2A) However, for the purposes of this Part a person (*A*) is not regarded —

(a) as carrying on the business of a general builder if *A* is always doing so as a sub-contractor of another person with respect to all or any part of the general building works that is to be carried out by the other person under another contract; and

(b) as carrying on the business of a specialist builder if *A* is always doing so as a sub-contractor of another person who carries on the business of a specialist builder, by entering into a contract with respect to all or part of the same type of specialist building works that is to be carried out by the other person under another contract.”; and

(f) by deleting paragraph (a) of subsection (3).

#### **Amendment of section 29B**

**28.** Section 29B of the principal Act is amended by deleting the words “in possession of” in subsections (1) and (2)(a), (b) and (c) and substituting in each case the word “granted”.

#### **Amendment of section 29C**

**29.** Section 29C(1) of the principal Act is amended by deleting the words “a builder authorising the builder” and substituting the words “a person authorising the person”.

#### **Amendment of section 29D**

**30.** Section 29D of the principal Act is amended —

(a) by deleting the words “of builders” in subsections (1) and (2)(a) and substituting in each case the words “of licensees”;

- (b) by deleting the words “persons licensed under this Part as general builders or specialist builders” in subsection (1) and substituting the words “licensed general builders and licensed specialist builders”; and
- (c) by deleting the words “licensed builders” in the section heading and substituting the words “licensed general builders and licensed specialist builders”. 5

### **Amendment of section 29F**

**31.** Section 29F of the principal Act is amended —

- (a) by deleting subsections (1), (2) and (3) and substituting the following subsections: 10

“(1) Subject to subsections (4) and (5), an individual carrying on business as a sole proprietor (*P*) who applies for a general builder’s licence is eligible to be granted such a licence if, and only if, *P* — 15

- (a) has paid the prescribed fees for a general builder’s licence;
- (b) satisfies the Commissioner of Building Control that *P* is of good character, and intends to carry on business on *P*’s own account; 20
- (c) satisfies either of the following requirements:
- (i) *P* has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a general builder or as a supervisor of general building works; 25 30
- (ii) *P* otherwise satisfies the Commissioner of Building Control that *P* has had such practical

experience in the work of a general builder or as a supervisor of general building works as to render *P* competent to carry on the business of a general builder in Singapore; and

(d) satisfies the Commissioner of Building Control that the execution and performance of any general building works in Singapore that *P* undertakes is under the personal supervision of —

(i) *P*, where *P* has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed; or

(ii) one or more employees of *P*, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed.

(1A) Subject to subsections (4) and (5), a corporation carrying on business as a sole proprietor (called in this subsection the applicant) which applies for a general builder's licence is eligible to be granted such a licence if, and only if, the applicant —

(a) has paid the prescribed fees for a general builder's licence;

(b) satisfies the Commissioner of Building Control that the management of the applicant's business, insofar as it relates to general building works in Singapore, is at all times under the charge and direction of a director or member of the board of management of the applicant who —

(i) has completed the prescribed course of training and has the prescribed

practical experience (whether in Singapore or elsewhere) in the work of a general builder or as a supervisor of general building works; or

- (ii) otherwise satisfies the Commissioner of Building Control that the director or member has had such practical experience in the work of a general builder or as a supervisor of general building works as to render the director or member competent to manage the business of a general builder in Singapore; and 5
- (c) satisfies the Commissioner of Building Control that the execution and performance of any general building works in Singapore that the applicant undertakes is under the personal supervision of — 15
- (i) the director or member of the board of management mentioned in paragraph (b), who has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed; or 20
  - (ii) one or more employees of the applicant, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed. 25
- (2) Subject to subsections (4) and (5), a partnership which applies for a general builder's licence is eligible to be granted such a licence if, and only if, the partnership — 30
- (a) has paid the prescribed fees for a general builder's licence; 35

(b) satisfies the Commissioner of Building Control that the partnership includes one or more individuals who satisfy subsection (2A) (called in this section an approved person);

(c) satisfies the Commissioner of Building Control that the management of the partnership's business, insofar as it relates to general building works in Singapore, is at all times under the charge and direction of an approved person who —

(i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a general builder or as a supervisor of general building works; or

(ii) otherwise satisfies the Commissioner of Building Control that the approved person has had such practical experience in the work of a general builder or as a supervisor of general building works as to render the approved person competent to manage the business of a general builder in Singapore; and

(d) satisfies the Commissioner of Building Control that the execution and performance of any general building works in Singapore that the partnership undertakes is under the personal supervision of —

(i) an approved person who has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed; or

- (ii) one or more employees of the partnership, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed. 5

(2A) For the purposes of subsection (2), an approved person is —

- (a) where the partnership comprises 2 or more individuals, a partner who satisfies the Commissioner of Building Control that the partner is a person of good character; 10
- (b) where the partnership comprises 2 or more corporations, a director or member of the board of management of any such corporation who satisfies the requirements in subsection (1A)(b); 15
- (c) where the partnership comprises both individuals and corporations, any individual mentioned in paragraph (a) or (b); and 20
- (d) where the partnership is a limited liability partnership, the manager mentioned in section 23(1) of the Limited Liability Partnerships Act who has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed. 25

(3) Subject to subsection (4), a corporation which applies for a general builder's licence is eligible to be granted such a licence if, and only if, the corporation — 30

- (a) has paid the prescribed fees for a general builder's licence;
- (b) is not a company limited by guarantee or a corporation sole; 35

- (c) has a paid-up capital of —
- (i) not less than \$25,000 (or its equivalent in a foreign currency), where it is applying for a Class 2 general builder's licence; or
  - (ii) not less than \$300,000 (or its equivalent in a foreign currency), where it is applying for a Class 1 general builder's licence;
- (d) satisfies the Commissioner of Building Control that it is duly authorised to carry on the business of a general builder;
- (e) is accredited or registered with a prescribed professional or technical body or organisation;
- (f) satisfies the Commissioner of Building Control that the management of the corporation's business, insofar as it relates to general building works in Singapore, is at all times under the charge and direction of a director or member of the board of management of the corporation who —
- (i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a general builder or as a supervisor of general building works; or
  - (ii) otherwise satisfies the Commissioner of Building Control that the director or member of the board of management (as the case may be) has had such practical experience in the work of a general builder or as a

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supervisor of general building works as to render the director or member of the board of management (as the case may be) competent to manage the business of a general builder in Singapore; and

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(g) satisfies the Commissioner of Building Control that the execution and performance of any general building works in Singapore that the corporation undertakes is under the personal supervision of —

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(i) a director or member of the board of management of the corporation who has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed; or

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(ii) one or more employees of the corporation, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed.”;

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(b) by deleting the words “Notwithstanding subsection (1), (2) or (3), the Commissioner” in subsection (4) and substituting the words “Despite subsection (1), (1A), (2) or (3), the Commissioner of Building Control”; and

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(c) by deleting the words “natural person” in subsection (5) and substituting the words “sole proprietor”.

### **Amendment of section 29G**

**32.** Section 29G of the principal Act is amended —

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(a) by deleting subsections (1), (2) and (3) and substituting the following subsections:

“(1) Subject to subsection (4), an individual carrying on business as a sole proprietor who

applies for a specialist builder's licence for any type of specialist building works is eligible to be granted such a licence if, and only if, the individual —

5 (a) has paid the prescribed fee for the specialist builder's licence;

(b) satisfies the Commissioner of Building Control that the individual is of good character, and intends to carry on business on the individual's own account;

10 (c) satisfies either of the following:

15 (i) the individual has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a licensed specialist builder for that type of specialist building works or as a supervisor of those specialist building works;

20 (ii) the individual otherwise satisfies the Commissioner of Building Control that he has had such practical experience in the work of a licensed specialist builder for that type of specialist building works or as a supervisor of those specialist building works as to render the individual competent to carry on the business of a specialist builder in Singapore for that type of specialist building works; and

25 (d) satisfies the Commissioner of Building Control that the execution and performance of specialist building works of that type in Singapore that the individual

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undertakes is under the personal supervision of —

- (i) the individual, where he has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works; or 5
- (ii) one or more employees of the individual, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works. 10

(1A) Subject to subsection (4), a corporation carrying on business as a sole proprietor (called in this subsection the applicant) who applies for a specialist builder's licence for any type of specialist building works is eligible to be granted such a licence if, and only if, the applicant — 15 20

- (a) has paid the prescribed fees for a specialist builder's licence;
- (b) satisfies the Commissioner of Building Control that the management of the applicant's business, insofar as it relates to specialist building works of that type in Singapore, is at all times under the charge and direction of a director or member of the board of management of the applicant who — 25 30
  - (i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a specialist builder for that type of specialist building works; or 35

(ii) otherwise satisfies the Commissioner of Building Control that the director or member of the board of management has had such practical experience in the work of a licensed specialist builder for that type of specialist building works or as a supervisor of those specialist building works as to render the director or member of the board of management competent to manage the business of a specialist builder in Singapore for that type of specialist building works; and

(c) satisfies the Commissioner of Building Control that the execution and performance of that type of specialist building works in Singapore that the applicant undertakes is under the personal supervision of —

(i) the director or member of the board of management mentioned in paragraph (b), who has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works; or

(ii) one or more employees of the applicant, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works.

(2) Subject to subsection (4), a partnership that applies for a specialist builder's licence for any type

of specialist building works is eligible to be granted such a licence if, and only if, the partnership —

- (a) has paid the prescribed fees for a specialist builder's licence;
- (b) satisfies the Commissioner of Building Control that the partnership includes one or more individuals who satisfy subsection (2A) (called in this section an approved person); 5
- (c) satisfies the Commissioner of Building Control that the management of the partnership's business, insofar as it relates to specialist building works of that type in Singapore, is at all times under the charge and direction of an approved person who — 10
  - (i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a specialist builder for that type of specialist building works; or 20
  - (ii) otherwise satisfies the Commissioner of Building Control that the approved person has had such practical experience in the work of a specialist builder for that type of specialist building works or as a supervisor of those specialist building works as to render the approved person competent to manage the business of a specialist builder in Singapore for that type of specialist building works; and 30
- (d) satisfies the Commissioner of Building Control that the execution and 35

performance of that type of specialist building works in Singapore that the partnership undertakes is under the personal supervision of —

- 5 (i) an approved person who has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works;
- 10 or
- (ii) one or more employees of the partnership, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works.
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(2A) For the purposes of subsection (2)(b), an approved person is —

- 20 (a) where the partnership comprises 2 or more individuals, a partner who satisfies the Commissioner of Building Control that the partner is a person of good character;
- (b) where the partnership comprises 2 or more corporations, a director or member of the board of management of any such corporation who satisfies the requirements in subsection (1A)(b);
- 25 (c) where the partnership comprises both individuals and corporations, any individual mentioned in paragraph (a) or (b); and
- 30 (d) where the partnership is a limited liability partnership, the manager mentioned in section 23(1) of the Limited Liability Partnerships Act who has such
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qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed.

(3) Subject to subsection (4), a corporation which applies for a specialist builder's licence for any type of specialist building works is eligible to be granted such a licence if, and only if, the corporation — 5

(a) has paid the prescribed fees for a specialist builder's licence;

(b) is not a company limited by guarantee or a corporation sole; 10

(c) has a paid-up capital of not less than \$25,000 (or its equivalent in a foreign currency);

(d) satisfies the Commissioner of Building Control that it is duly authorised to carry on the business of a specialist builder; 15

(e) is accredited or registered with a prescribed professional or technical body or organisation; 20

(f) satisfies the Commissioner of Building Control that the management of the corporation's business, insofar as it relates to specialist building works of that type in Singapore, is at all times under the charge and direction of a director or member of the board of management of the corporation who — 25

(i) has completed the prescribed course of training and has the prescribed practical experience (whether in Singapore or elsewhere) in the work of a specialist builder for that type of specialist building works; or 30

5 (ii) otherwise satisfies the Commissioner of Building Control that the director or member of the board of management (as the case may be) has had such practical experience for that type of specialist building works as to render the director or member of the board of management (as the case may be) competent to manage the business of a specialist builder in Singapore for that type of specialist building works; and

10 (g) satisfies the Commissioner of Building Control that the execution and performance of that type of specialist building works in Singapore that the corporation undertakes is under the personal supervision of —

15 (i) a director or member of the board of management of the corporation who has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works; or

20 (ii) one or more employees of the corporation, each of whom has such qualifications and practical experience (whether in Singapore or elsewhere) as may be prescribed for that type of specialist building works.”; and

25 (b) by deleting the words “Notwithstanding subsection (1), (2) or (3), the Commissioner” in subsection (4) and substituting the words “Despite subsection (1), (1A), (2) or (3), the Commissioner of Building Control”.

### **Amendment of section 29I**

**33.** Section 29I of the principal Act is amended —

(a) by deleting the words “licensed builder” wherever they appear in subsections (1), (7) and (8) and substituting in each case the word “licensee”;

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(b) by deleting subsections (2), (3), (4) and (5) and substituting the following subsections:

“(2) A licensed general builder or licensed specialist builder who is a sole proprietor must ensure that —

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(a) the execution and performance of any general building works or specialist building works that the licensed general builder or licensed specialist builder is carrying out is personally supervised by —

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(i) an individual mentioned in section 29F(1)(d) or 29G(1)(d), as the case may be; or

(ii) an individual mentioned in section 29F(1A)(c) or 29G(1A)(c), as the case may be; and

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(b) the name of the licensed general builder or licensed specialist builder (as the case may be) appears in any sign affixed or erected at the site where the general building works or specialist building works are carried out.

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(3) A licensed general builder or licensed specialist builder which is a partnership or a corporation must ensure that the execution and performance of the general building works or specialist building works that licensed general builder or licensed specialist builder is carrying out is personally supervised by —

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(a) an individual mentioned in section 29F(2)(d) or 29G(2)(d), as the case may be; or

5 (b) an individual mentioned in section 29F(3)(g) or 29G(3)(g), as the case may be.

10 (4) It is a condition of every general builder's licence that the management of the business of the licensed general builder holding that licence, insofar as the business relates to general building works, must at all times be under the charge and direction of an individual mentioned in —

(a) section 29F(1A)(b), if the licensed general builder is a sole proprietor;

15 (b) section 29F(2)(c), if the licensed general builder is a partnership; or

(c) section 29F(3)(f), if the licensed general builder is a corporation.

20 (5) It is a condition of every specialist builder's licence for a type of specialist building works that the management of the business of the licensed specialist builder holding that licence, insofar as it relates to that type of specialist building works, must at all times be under the charge and direction of an individual mentioned in —

(a) section 29G(1A)(b), if the licensed specialist builder is a sole proprietor;

(b) section 29G(2)(c), if the licensed specialist builder is a partnership; or

30 (c) section 29G(3)(f), if the licensed specialist builder is a corporation.”; and

(c) by deleting the words “builder's licence” in subsections (6) and (7) and substituting in each case the word “licence”.

### Amendment of section 29J

34. Section 29J of the principal Act is amended —

- (a) by deleting the words “licensed builder” wherever they appear in subsections (1)(a), (b), (c)(i) and (ii), (e), (f), (g), (h) and (j) and (3) and substituting in each case the word “licensee”; 5
- (b) by inserting, immediately after the word “under” in subsection (1)(b), the words “subsection (2)(e) or”;
- (c) by deleting paragraph (c) of subsection (1) and substituting the following paragraphs: 10
  - “(ba) the licensee has contravened a direction under subsection (2)(d);
  - (c) for a period exceeding 28 days, the licensee ceases to, or ceases to have the individual required under section 29I(2) or (3), personally supervise the execution and performance of any general building works or specialist building works in Singapore undertaken by the licensee;” 15
- (d) by deleting the word “builder” in subsections (2)(b) and (c), (5) and (6) and substituting in each case the word “licensee”; 20
- (e) by inserting, immediately after the words “not exceeding \$20,000” in subsection (2)(b), the words “where the ground for doing so is subsection (1)(a), (b), (c), (d), (e), (f), (h) or (j)”;
- (f) by deleting the word “or” at the end of subsection (2)(c);
- (g) by deleting paragraph (d) of subsection (2) and substituting the following paragraphs: 25
  - “(d) direct that, for a period specified by the Commissioner of Building Control, the licensee — 30

(i) must not enter into or undertake any contract or engagement to carry out all or any general building works or specialist building works; or

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(ii) may enter into or undertake any further contract or engagement to carry out any general building works or specialist building works, provided that the value of the further contracts or engagements must not exceed an amount specified in the order; or

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(e) modify the conditions of the licence, immediately or upon renewal of the licence in question.”;

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(h) by deleting the words “builder’s licence under this section, he shall serve on the builder” in subsection (4) and substituting the words “licence under this section, he must serve on the former licensee”;

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(i) by deleting the words “the builder” in subsection (7)(b) and substituting the words “the former licensee”;

(j) by deleting the words “licensed builder” in subsection (9) and substituting the words “a licensee”;

(k) by deleting the word “builder’s” in subsection (9); and

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(l) by inserting, immediately after subsection (9), the following subsections:

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“(10) A licensed general builder or licensed specialist builder that enters into or undertakes any contract or engagement to carry out any building works in contravention of a direction made under subsection (2)(d) is not entitled to recover any charge, fee or remuneration under such a contract or engagement.

(11) A direction made under subsection (2)(d) continues to have effect despite the renewal of the licence held by the licensee under section 29E(6).”.

### **Miscellaneous amendments to Part VA**

**35.**—(1) Part VA of the principal Act is amended by deleting the words “builder’s licence” wherever they appear in the following provisions and substituting in each case the words “licence”: 5

Sections 29B(5), 29E(1), (2) and (6) and 29K(1) and (2).

(2) Part VA of the principal Act is amended by deleting the word “Commissioner” wherever it appears in the following provisions and substituting in each case the words “Commissioner of Building Control”: 10

Sections 29C(2)(b), 29D, 29E(1), (2), (3) and (5), 29H(1)(a) and (3), 29I(6), (7) and (8), 29J and 29K.

(3) Section 29E of the principal Act is amended — 15

(a) by deleting the words “a builder’s licence” in subsection (3) and substituting the words “a licence”; and

(b) by deleting the words “the Commissioner may” in subsection (4) and substituting the words “the Commissioner of Building Control may”. 20

(4) Part VA of the principal Act is amended by deleting the words “the builder” wherever they appear in the following provisions and substituting in each case the words “the licensee”:

Sections 29H(1) and 29K(2).

(5) Section 29K(4) of the principal Act is amended by deleting the words “licensed builder” and substituting the word “licensee”. 25

(6) Section 29K(4) of the principal Act is amended by deleting the word “builder’s”.

(7) Section 29L of the principal Act is amended by deleting the words “builder’s licences” in paragraph (a) and substituting the word “licences”. 30

## Repeal of section 29M and new Part VB

36. Section 29M of the principal Act is repealed and the following Part substituted therefor:

### “PART VB

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### REGULATING FIXED INSTALLATION CONTRACTORS

#### Interpretation of this Part

**29M.** In this Part —

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“applicant” means an applicant for or to renew a registration;

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

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(a) additional payments by way of overtime payments;

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

(c) any sum to reimburse the employee for special expenses incurred during his employment;

(d) productivity incentive payments; and

(e) any allowance however described;

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

“prescribed date” means a date prescribed by building regulations made in relation to all registrable activity or a class of registrable activity;

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

(a) any basic wage;

(b) any overtime payment;

(c) any sum to reimburse the employee for special expenses incurred during his employment;

(d) any allowance however described;

“registered” or “registration” means registered or registration under this Part authorising the person registered to carry on any registrable activity or a class of registrable activity specified in the registration; 5

“registrable activity” means providing in the course of business a service of carrying out — 10

(a) fixed installation works in Singapore; or

(b) maintenance, inspection or testing of fixed installations in Singapore;

“registrant” means a person who is registered.

### **Unauthorised undertaking of registrable activity** 15

**29N.**—(1) A person commits an offence if the person carries on any registrable activity when the person —

(a) is not authorised to do so by a registration under this Part; and

(b) is not exempt from this section under subsection (6) or section 30 or 30A in relation to that activity. 20

(2) The offence under subsection (1) is a strict liability offence.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction — 25

(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) 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. 30

(4) Subject to the provisions of this Act, a person who commits an offence under subsection (1) is not entitled to recover in any court any charge, fee or remuneration for any service provided by the person in the course of committing that offence.

(5) For the purpose of subsection (1), a person is not regarded as registered during any period the person's registration is suspended under section 29R.

(6) To avoid doubt, nothing in this section requires any of the following individuals to be registered in order to carry out a registrable activity:

(a) a qualified person carrying out any registrable activity in the course of engaging in professional engineering work in Singapore;

(b) an individual who carries out any registrable activity under the direction or supervision of an individual mentioned in paragraph (a).

### **Application for registration**

**29O.**—(1) An application for or to renew a registration under this Part must be made to the Building and Construction Authority in accordance with this section.

(2) An application for or to renew a registration must —

(a) be in the form and manner the Building and Construction Authority specifies;

(b) be accompanied by an application fee, if prescribed; and

(c) be accompanied by the prescribed information and any other additional information that the Building and Construction Authority requires to decide on the application.

(3) In addition to subsection (1) —

(a) an application for or to renew a registration that is made on or after the prescribed date for the registrable

activity to which the application relates, must be accompanied by a progressive wage plan in respect of the applicant's business undertaking that registrable activity; and

- (b) an application to renew a registration must be made no later than a prescribed period before the date of expiry of the registration, unless otherwise allowed by the Building and Construction Authority in any particular case which must then be treated as a late renewal application.

(4) The Building and Construction Authority may refuse to consider an application for or to renew a registration that is incomplete or not made in accordance with this section.

### **Registration**

**29P.**—(1) Registration and renewal of registration of persons to carry on a registrable activity may be granted or refused by the Building and Construction Authority —

- (a) in accordance with the procedure in this Part and the building regulations made for the purposes of this Part; and
- (b) subject to such conditions as prescribed in the building regulations made for the purposes of this Part and, in the absence of anything prescribed, any conditions the Building and Construction Authority thinks fit.

(2) An applicant who is aggrieved by the decision of the Building and Construction Authority refusing to register or renew the registration of the person may, within 14 days after the person is notified of that decision, appeal to the Minister whose decision is final.

(3) The Building and Construction Authority may subdivide registration under this Part into classes of registrable activity, according (and not limited) to any of the following:

- (a) the type of registrable activity;

(b) the type of fixed installation with respect to which the registrable activity may involve.

(4) Every registration under this Part is valid for a period specified in the registration, unless earlier cancelled or suspended under section 29R.

### **Progressive wages as condition of registration**

**29Q.**—(1) Without limiting section 29P, the registration of a person for any class of registrable activity is subject to the following conditions:

(a) on or after the prescribed date for that class of registrable activity, for every citizen or permanent resident of Singapore who is employed or is to be employed by the person to carry out the registrable activity in the course of the person's business (called an employee), there must be a contract of service in writing that —

(i) contains terms not inconsistent with the requirements in subsection (2) for the progressive wage plan in respect of that person's business of carrying out registrable activity in the course of business;

(ii) provides for the payment to that employee a basic wage that is not less than the minimum amount specified under subsection (3) for the class of employees to which that employee belongs; and

(iii) provides for the payment to that employee a progressive wage model bonus that is not less than the minimum amount, and at the frequency, specified under subsection (3) if the employee belongs to the eligible class of employees who carry out that registrable activity specified under that subsection;

(b) the person registered must issue to each employee mentioned in paragraph (a) that the person registered employs a pay slip containing such particulars of that employee's basic wage and such other payment received by that employee from the person, and at such frequency, as may be prescribed. 5

(2) Every progressive wage plan in respect of any class of registrable activity carried out in the course of business by a person registered or an applicant for registration in relation to that registrable activity must — 10

(a) relate to every citizen or permanent resident of Singapore the person registered or applicant employs or proposes to employ to carry out that registrable activity in the course of business (called employees); 15

(b) specify the basic wage payable to every employee in paragraph (a) that is on an increasing scale depending on seniority, responsibilities, work experience and training received in carrying out that class of registrable activities; 20

(c) specify an amount as the basic wage for each class of employees in paragraph (a) that is not less than the amount specified under subsection (3)(a) for that class; and

(d) specify that where the employee in paragraph (a) belongs to a class of employees specified as eligible for a progressive wage model bonus under subsection (3)(b), the employee will be paid a progressive wage model bonus. 25

(3) The Commissioner of Building Control must, by order, specify — 30

(a) the amount of the basic wage mentioned in subsection (1)(a)(ii) and when that amount takes effect; and

(b) the minimum amount of the progressive wage model bonus, the frequency of payment, and the eligible class of employees for the purposes of subsection (1)(a)(iii).

5 (4) An order under subsection (3) may specify different basic wages or minimum amounts (as the case may be) for different classes of employees, and may be varied from time to time.

10 (5) In making an order under subsection (3), the Commissioner of Building Control must consider the recommendations by the Tripartite Cluster for Lift and Escalator Industry, if any.

(6) In respect of an order made under subsection (3) —

15 (a) the Commissioner of Building Control must publish every such order made in any way which the Commissioner of Building Control thinks appropriate to bring the order to the notice of persons who, in his opinion, ought to have notice of the order; but

20 (b) a failure to publish any order in compliance with paragraph (a) does not invalidate that order.

25 (7) A specified amount takes effect for the purposes of this Part, even though the basic wage that would have been payable to an employee under any collective agreement as defined in section 2 of the Industrial Relations Act (Cap. 136) is lower than the specified amount.

30 (8) Where, immediately before the prescribed date for a class of registrable activity, a person is registered to carry out that registrable activity in the course of business, the Commissioner of Building Control may require the person to submit a progressive wage plan in respect of the person's business that is in conformity with subsection (2) within a time specified by the Commissioner of Building Control.

35 (9) In this section, "Tripartite Cluster for Lift and Escalator Industry" means the body, comprising the representatives from employers, service buyers, the trade unions of employees and

the Government, which is responsible for making recommendations on progressive wages for lift and escalator maintenance personnel.

### **Regulatory action**

**29R.**—(1) Subject to subsections (3), (4) and (5), the Building and Construction Authority may by order (without compensation), cancel the registration of a person if the Building and Construction Authority is satisfied that — 5

- (a) the person obtained the registration by fraud or misrepresentation; 10
- (b) the person is contravening or not complying with, or has contravened or failed to comply with —
  - (i) any condition of the person’s registration;
  - (ii) any provision of this Act or the building regulations applicable to the person as a registrant, contravention of or non-compliance with which is not an offence under this Act or any subsidiary legislation made under this Act; or 15
  - (iii) a direction given under subsection (2)(c), (d) or (e); 20
- (c) the person is convicted of an offence involving fraud or dishonesty, or an offence under this Act or any subsidiary legislation made under this Act, committed during the term of the registration; 25
- (d) the person is likely to go or has gone into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (e) the person is not carrying out registrable activity in a safe and effective manner; or 30
- (f) the cancellation of registration is in the public interest.

(2) However, the Building and Construction Authority may, in lieu of cancelling a person's registration under subsection (1), do (without compensation) any one or more of the following:

5 (a) suspend the registration of the person for not more than 6 months;

(b) modify any condition of the person's registration except those in section 29Q;

10 (c) direct the person to pay, within a period specified in a direction, a financial penalty of an amount the Building and Construction Authority thinks fit, being not more than \$20,000, where the ground for regulatory action is subsection (1)(a), (b), (d) or (e);

(d) direct that, for a period specified in the order, the person —

15 (i) must not enter into or undertake any contract or engagement to carry out all or any registrable activity; or

20 (ii) may enter into or undertake any further contract or engagement to carry out any registrable activity, provided that the number of fixed installations (of the same type or different types) in relation to which registrable activity may be undertaken under the further contracts or engagements must not exceed the number specified in the order;

25 (e) direct that the person —

30 (i) do, or refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in subsection (1)(b); or

(ii) ensure that any employee of the person who carries out registrable activities undergoes the training or retraining specified in the order;

(f) censure the person concerned.

(3) Before taking any regulatory action under subsection (1) or (2), the Building and Construction Authority must give written notice to the registrant concerned —

(a) stating that the Building and Construction Authority intends to take regulatory action against the registrant; 5

(b) specifying the type of regulatory action in subsection (1) or (2) the Building and Construction Authority proposes to take, and each instance of contravention or non-compliance (where applicable) that is the subject of the action; and 10

(c) specifying the time (being not less than 14 days from the date of service of notice on the registrant) within which written representations may be made to the Building and Construction Authority with respect to the proposed regulatory action. 15

(4) The Building and Construction Authority may, after considering any written representation under subsection (3)(c), decide to take such regulatory action in subsection (1) or (2) as it considers appropriate.

(5) Where the Building and Construction Authority has made any decision under subsection (4) against any registrant, the Building and Construction Authority must serve on the registrant concerned a notice of its decision. 20

(6) Subject to subsection (7), a decision to cancel a registration under subsection (1), or to take a regulatory action in subsection (2), which is specified in the notice given under subsection (5), takes effect from the date on which that notice is given, or on such other date as may be specified in the notice. 25

(7) A person given a notice under subsection (5) who is aggrieved by the decision in the notice may appeal to the Minister against the decision, within the time and in the manner prescribed by building regulations; and the Minister's decision on appeal is final. 30

(8) A registrant who enters into or undertakes any contract or engagement to carry out any registrable activity in contravention 35

of a direction made under subsection (2)(d) is not entitled to recover any charge, fee or remuneration under such a contract or engagement.

(9) All financial penalties imposed under subsection (2) must be paid into the Consolidated Fund.”.

### **Repeal and re-enactment of section 30 and new section 30A**

37. Section 30 of the principal Act is repealed and the following sections substituted therefor:

#### **“Class exemption from Act**

30. The Minister may, by order in the *Gazette*, exempt any class of persons, premises or buildings or building works from the operation of all or any of the provisions of this Act, the building regulations or other subsidiary legislation made under this Act.

#### **Administrative exemption from Act**

30A.—(1) The Commissioner of Building Control may exempt, for a period specified in the exemption, a particular person from the operation of all or any of the provisions of this Act or the building regulations where the Commissioner of Building Control is personally satisfied that all of the following apply:

- (a) the risk to public safety in providing the exemption is negligible;
- (b) there are other sufficient safeguards under this Act or any other written law, or by other means, to minimise any risk to public safety in providing the exemption;
- (c) there are requirements in other written law or there are other means that deal with the matter to be exempted besides the applicable requirements of this Act.

(2) An exemption under this section —

- (a) must be in writing and given to the particular person concerned; and

(b) need not be published in the *Gazette*.”.

### **Amendment of section 32**

**38.** Section 32 of the principal Act is amended —

- (a) by inserting, immediately after the words “this Act” wherever they appear in subsections (1) and (2), the words “and any subsidiary legislation made under this Act”; and 5
- (b) by deleting subsection (3) and substituting the following subsection:
- “(3) No liability lies personally against the Commissioner of Building Control or any person authorised under section 3(2) for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in the execution or purported execution of this Act and any subsidiary legislation made under this Act.”. 10 15

### **Amendment of section 33**

**39.** Section 33 of the principal Act is amended —

- (a) by deleting the words “or any person appointed by him for this purpose” in subsection (1) and substituting the words “, or any person authorised by the Commissioner of Building Control under section 3(2) for the purposes of this section (called in this section the authorised officer)”; 20
- (b) by deleting the words “a qualified person or builder under section 9(4) or 11(1)(c), respectively” in subsection (1)(d) and substituting the words “any person under this Act or any subsidiary legislation made under this Act”; 25
- (c) by deleting subsection (1A) and substituting the following subsections:
- “(1A) The Commissioner of Building Control or an authorised officer may do all or any of the following for any purpose in subsection (1) in or on any premises entered under that subsection: 30

- (a) make such openings as may be necessary;
- (b) inspect, test, examine, remove and detain (without compensation) reasonable samples of any building materials found in the premises;
- (c) analyse, or cause to be analysed, any sample of building materials mentioned in paragraph (b);
- (d) make copies of or take extracts from, or require the person having the management or control of the premises to provide copies of or extracts from, any document, book or record;
- (e) make any still or moving image or any recording of the premises or any thing in the premises;
- (f) subject to subsection (4B), seize any document, book, record, equipment, instrument or other article which the Commissioner of Building Control or authorised officer reasonably believes to be the subject matter of, or to be connected with the commission of, an offence under this Act or any subsidiary legislation made under this Act;
- (g) take onto the premises such equipment and materials as the Commissioner of Building Control or authorised officer requires for the purpose of exercising powers in relation to the premises;
- (h) operate a fixed installation or any electronic equipment in or on the premises, or require a person on the premises to operate any fixed installation

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or electronic equipment, in order to access evidential material;

- (i) seize and detain any machinery, equipment or plant which the Commissioner of Building Control or authorised officer reasonably believes to be connected or used in connection with a contravention of this Act or any subsidiary legislation made under this Act; 5
- (j) place a cordon around the premises or fixed installation concerned or otherwise secure the premises or fixed installation against unauthorised entry or use. 10

(1B) Where any document, book, record, equipment, instrument or other article has been seized under subsection (1A) — 15

- (a) the Commissioner of Building Control or authorised officer who seized the document, book, record, equipment, instrument or other article must give written notice of the seizure to the person from whom it was seized, if the name and address of that person are known; 20
- (b) the document, book, record, equipment, instrument or other article may be kept or stored in the premises where it was seized or may, at the direction of the Commissioner of Building Control or authorised officer, be removed to any other place — 30
  - (i) to be kept or stored; or
  - (ii) for testing or examination; and
- (c) in any case under paragraph (b), the Commissioner of Building Control or authorised officer may — 35

(i) mark, seal or label the document, book, record, equipment, instrument or other article in such manner as the Commissioner of Building Control or authorised officer thinks fit for the purpose of indicating that it is under detention; and

(ii) lock or seal the whole or part of the premises in which the document, book, record, equipment, instrument or other article is being detained.

(1C) The power under subsection (1A)(h) to operate electronic equipment in or on the premises includes the power —

(a) to use a disk, tape or other storage device that is in or on the premises and can be used with the equipment or in association with the equipment;

(b) to operate electronic equipment in or on the place to put the relevant data in documentary form and remove the documents so produced from the premises; and

(c) to operate electronic equipment in or on the premises to transfer the relevant data to a disk, tape or other storage device that —

(i) is brought to the premises for the exercise of the power; or

(ii) is in or on the premises and the use of which for that purpose has been agreed in writing by the occupier of the premises,

and to remove the disk, tape or other storage device from that premises.

(1D) A person who, without the permission of the Commissioner of Building Control or authorised officer —

(a) interferes, tampers with, removes or otherwise disposes of any article or document seized under subsection (1A); 5

(b) alters, counterfeits, defaces, destroys, erases or removes any mark, seal or label placed by the Commissioner of Building Control or authorised officer under subsection (1B)(c)(i); or 10

(c) opens, breaks or otherwise tampers with the lock or seal placed by the Commissioner of Building Control or authorised officer on the whole or part of any premises under subsection (1B)(c)(ii), 15

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 12 months or to both.”; 20

(d) by deleting the words “subsection (1A)” in subsections (2) and (3) and substituting in each case the words “subsection (1A)(c)”;

(e) by deleting subsection (4) and substituting the following subsection: 25

“(4) For the purposes of any inspection under subsection (1)(d), the person concerned must —

(a) allow the Commissioner of Building Control or authorised officer to access, and must produce on request, the documents, books or records; and 30

(b) give such information and facilities as the Commissioner of Building Control or authorised officer may require.”;

(f) by deleting the words “qualified person or builder, as the case may be,” in subsection (4A) and substituting the word “person”;

(g) by inserting, immediately after subsection (4A), the following subsection:

“(4B) The documents, books, records, equipment, instrument or other article mentioned in subsection (1A)(f) must not be seized at such times or at such places as could pose to any person risk of death or serious injury.”;

(h) by deleting the words “a person appointed under subsection (1)” in subsection (6) and substituting the words “an authorised officer”; and

(i) by deleting the section heading and substituting the following section heading:

**“Powers of entry, etc.”.**

#### **Amendment of section 41**

**40.** Section 41(1) of the principal Act is amended by deleting the words “this Act” and substituting the words “section 19(6) or 25(6)(c)”.

#### **Repeal and re-enactment of section 43**

**41.** Section 43 of the principal Act is repealed and the following section substituted therefor:

##### **“Providing of information**

**43.—**(1) The Commissioner of Building Control, or any person authorised by the Commissioner of Building Control under section 3(2) for the purpose of this section (called in this section the authorised officer), may exercise the powers in this section for the purpose of —

(a) ascertaining whether there is, or has been, a contravention of this Act or any subsidiary legislation made under this Act;

(b) ascertaining whether circumstances exist that would authorise the Commissioner of Building Control or authorised officer to take any action or execute any work under this Act or any subsidiary legislation made under this Act; or 5

(c) taking any action or carrying out any work authorised or required by this Act or any subsidiary legislation made under this Act.

(2) For the purposes of subsection (1), the Commissioner of Building Control or authorised officer may — 10

(a) require any person —

(i) to answer any question (to the best of that person's knowledge, information and belief) and provide any information; and

(ii) to produce, for inspection by the Commissioner of Building Control or authorised officer, any book, document, record, still or moving image, recording, article or thing within the person's possession, or to provide the Commissioner of Building Control or authorised officer with copies of such book, document, still or moving image, recording or other record; and 15  
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(b) require any person in Singapore whom the Commissioner of Building Control or authorised officer has reason to believe to be acquainted with any facts or circumstances relevant to such purposes to attend before the Commissioner of Building Control or authorised officer to answer any question (to the best of that person's knowledge, information and belief) and to provide any document or information. 25  
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(3) Any statement made by an individual in answer to a question under subsection (2)(a)(i) or (b) must —

(a) be reduced to writing;

- (b) be read over to the individual;
- (c) if the individual does not understand English, be interpreted in a language that the individual understands; and
- (d) after correction (if necessary) be signed by that individual.

(4) If —

- (a) a person provides a document or gives a statement or information (whether orally or in writing) to the Commissioner of Building Control or an authorised officer for the purposes of this section;
- (b) the document, statement or information is false or misleading, or the statement or information omits any matter or thing without which the statement or information (as the case may be) is misleading; and
- (c) the person knows, or ought reasonably to know, that the document is false or misleading, or that the statement or information is as described in paragraph (b),

the person 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 12 months or to both.

(5) Subsection (4) does not apply if the document, statement or information is not false or misleading in a material particular, or if the statement or information does not omit any matter or thing without which the statement or information (as the case may be) is misleading in a material particular.

(6) A person —

- (a) who intentionally alters, suppresses or destroys any document or information which the person has been required by or under subsection (2) to produce or provide; or

(b) who, in providing any document or information required by or under subsection (2), makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular, 5

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 12 months or to both.

(7) A person who, without reasonable excuse, fails to do anything required of the person under subsection (2) 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. 10

(8) A person is not excused from giving any information required under this section on the ground that the giving of the information might tend to incriminate the person or expose the person to a punishment. 15

(9) However, where a person claims, before giving any information that the person is required under this section to give, that the giving of the information might tend to incriminate the person — 20

(a) that information;

(b) the giving of the information; and

(c) any information, document or thing obtained as a direct or indirect consequence of the giving of the information, 25

is not admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under subsection (4) or (6)(b) or section 43A.”. 30

### **Amendment of section 43A**

**42.** Section 43A of the principal Act is amended by inserting, immediately after the words “any licence, permit,” the word “registration,”.

### **New section 47A**

**43.** The principal Act is amended by inserting, immediately after section 47, the following section:

**“Disposal of articles, documents, etc.**

5       **47A.—**(1) Any article or document detained or seized under this Act —

10           (a) where the article or document is produced in any criminal trial, must be dealt with in accordance with section 364(1) of the Criminal Procedure Code (Cap. 68);

          (b) where the owner of the article or document consents to its disposal, is deemed to be forfeited; or

          (c) in any other case, must be returned to the owner or reported to a Magistrate’s Court.

15       (2) Where the report of any article or document is made to a Magistrate’s Court under subsection (1)(c), the Magistrate’s Court may order the article or document —

          (a) to be forfeited; or

20           (b) to be disposed of in such manner as the Magistrate’s Court thinks fit.

25       (3) Subject to any order to the contrary by the Magistrate’s Court, any article or document forfeited or deemed to be forfeited under this section must be delivered to the Commissioner of Building Control and may be disposed of in such manner as the Commissioner of Building Control thinks fit.

          (4) This section does not affect any right to retain or dispose of property which may exist in law apart from this section.

30       (5) To avoid doubt, this section applies to an article or a document whenever produced, detained or seized under this Act, whether before, on or after the date of commencement of section 43 of the Building Control (Amendment) Act 2020.”.

### **Amendment of section 48**

**44.** Section 48(4) of the principal Act is amended by deleting the words “to the Building and Construction Authority” and substituting the words “into the Consolidated Fund”.

### **Amendment of section 49**

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**45.** Section 49 of the principal Act is amended —

(a) by inserting, immediately after sub-paragraph (ii) of subsection (2)(e), the following sub-paragraph:

“(iii) the design and installation of any fixed installation;”;

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(b) by deleting the words “or retrofitting” wherever they appear in subsection (2)(k);

(c) by deleting paragraph (l) of subsection (2) and substituting the following paragraphs:

“(l) the regulation of the carrying out of any registrable activity within the meaning of Part VB with the aim of ensuring that such activity is carried out safely and competently, including —

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(i) requiring persons performing specified functions in relation to fixed installation works to be the holders of certain qualifications, and providing for the grant, issue, cancellation, suspension or variation of such licences, permits, certificates, authorisations or approvals; and

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(ii) applying the provisions of Parts II and V and the building regulations to fixed installation works and persons who carry out these works with such prescribed exceptions, modifications and adaptations as the differences

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between fixed installation works and other building works require;

(*la*) the regulation of the operation and maintenance of any fixed installation, with the aim of ensuring that the fixed installation is operated safely and competently, including —

(i) requiring periodic maintenance, inspection and testing of the fixed installation; and

(ii) prohibiting or restricting, pending investigation, continued operation or access to or interference with any premises where any safety incident associated with a fixed installation has occurred;

(*lb*) the maintenance of buildings, exterior features and façades of buildings (whether or not common property or limited common property) with the aim of ensuring that the building, exterior feature or façade is safe;” and

(*d*) by inserting, immediately after subsection (2A), the following subsection:

“(2B) The building regulations may make different provisions for different types of buildings, exterior features of buildings, façades of buildings, common property and limited common property, and fixed installations.”.

### **Other miscellaneous amendments**

**46.**—(1) Section 22FB(4) of the principal Act is amended by deleting the words “or such further period as may be extended by the Commissioner of Building Control,”.

(2) Section 22FF(3) of the principal Act is amended by deleting the words “or such longer period as the Commissioner of Building Control may allow in any particular case”.

**Consequential and related amendment to Building Control (Amendment) Act 2012**

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47. Section 15 of the Building Control (Amendment) Act 2012 (Act 22 of 2012) is amended by deleting paragraphs (c), (d) and (e).

**Consequential amendments to Building Maintenance and Strata Management Act**

48. The Building Maintenance and Strata Management Act (Cap. 30C, 2008 Ed.) is amended —

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(a) by inserting, immediately after the words “proper maintenance and management of buildings” in the long title, the words “in strata developments”;

(b) by deleting the words “Building Maintenance and Strata Management” in section 1 and substituting the words “Building (Strata Management)”;

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(c) by deleting the definitions of “exterior feature” and “person responsible” in section 2(1);

(d) by repealing Part III;

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(e) by inserting, immediately after the words “and maintenance in respect of” in section 136(2)(a), the word “subdivided”; and

(f) by deleting paragraph (aa) of section 136(2).

**Consequential amendments to Land Titles (Strata) Act**

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49. The Land Titles (Strata) Act (Cap. 158, 2009 Ed.) is amended by deleting the words “Building Maintenance and Strata Management Act” wherever they appear in the following provisions and substituting in each case the words “Building (Strata Management) Act”:

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(a) the definitions of “Board”, “Commissioner”, “council”, “immediate family member”, “ordinary resolution”,

“proposed lot”, “schedule of strata units”, “share value”, “special resolution”, “strata roll”, “structural element”, “subsidiary management corporation” and “unanimous resolution” in section 3(1);

- 5 (b) sections 10A(2), 11(1), 22(1), 23(1), 25(1), 26(1), 27(1), 30(1A), 81(1) and (13), 83A, 84G (including the section heading), 119(2)(a), 123(2), 124(2), 125(2)(a) and (11), 126(2) and (10), 126A(6), 126B(1)(c), (e), (f), (g) and (h) and 127(8);
- 10 (c) paragraph 4(7) of the Second Schedule;
- (d) paragraph 1(5)(b) of the Third Schedule.

### **Consequential amendments to other Acts**

15 **50.**—(1) The following provisions are amended by deleting the words “Building Maintenance and Strata Management Act 2004” and substituting in each case the words “Building (Strata Management) Act (Cap. 30C)”:

- (a) paragraph (c) of the definition of “owner” in section 2 of the Control of Vectors and Pesticides Act (Cap. 59, 2002 Ed.);
- 20 (b) paragraph (c) of the definition of “owner” in section 2 of the Environmental Protection and Management Act (Cap. 94A, 2002 Ed.);
- (c) paragraph (c) of the definition of “owner” in section 2 of the Environmental Public Health Act (Cap. 95, 2002 Ed.);
- 25 (d) the definition of “Commissioner” in section 2(1) of the HUDC Housing Estates Act (Cap. 131, 1985 Ed.);
- (e) paragraph (b) of the definition of “owner” in section 2 of the Sewerage and Drainage Act (Cap. 294, 2001 Ed.);
- 30 (f) section 23(1)(b) of the Town Councils Act (Cap. 329A, 2000 Ed.).

(2) The following provisions are amended by deleting the words “Building Maintenance and Strata Management Act 2004” and

substituting in each case the words “Building (Strata Management) Act”:

- (a) paragraph (ca) of the definition of “owner” in section 2 of the Control of Vectors and Pesticides Act;
- (b) paragraph (d) of the definition of “owner” in section 2 of the Environmental Protection and Management Act; 5
- (c) paragraph (d) of the definition of “owner” in section 2 of the Environmental Public Health Act;
- (d) section 17(5) of the HUDC Housing Estates Act;
- (e) paragraph (c) of the definition of “owner” in section 2 of the Sewerage and Drainage Act. 10

(3) The following provisions are amended by deleting the words “Building Maintenance and Strata Management Act 2004 (Act 47 of 2004)” and substituting in each case the words “Building (Strata Management) Act (Cap. 30C)”:

- (a) section 65O(3)(b) of the Housing and Development Act (Cap. 129, 2004 Ed.);
- (b) the definitions of “common property”, “limited common property” and “owner” in section 16(9) of the Postal Services Act (Cap. 237A, 2000 Ed.). 20

(4) The following provisions are amended by deleting the words “Building Maintenance and Strata Management Act” wherever they appear and substituting in each case the words “Building (Strata Management) Act”:

- (a) paragraph (a)(iii) of the definition of “owner” in section 103A(1) of the Civil Defence Act (Cap. 42, 2001 Ed.); 25
- (b) sections 2(3), 9(1), 10(1B) and 40(1A)(b) of the Land Acquisition Act (Cap. 152, 1985 Ed.);
- (c) section 30(9)(b) of the Public Order Act (Cap. 257A, 2012 Ed.); 30
- (d) paragraph 1(d) and (e) of the Schedule to the Small Claims Tribunals Act (Cap. 308, 1998 Ed.);

- (e) the definition of “common property” in section 2 of the Smoking (Prohibition in Certain Places) Act (Cap. 310, 2002 Ed.);
- 5 (f) the definition of “Strata Titles Board” in section 22(9) of the Stamp Duties Act (Cap. 312, 2006 Ed.);
- (g) the definition of “common property” and paragraph (a)(iii) of the definition of “owner” in section 2 of the Telecommunications Act (Cap. 323, 2000 Ed.);
- 10 (h) the definitions of “common property” and “limited common property” in section 19(3) of the Workplace Safety and Health Act (Cap. 354A, 2009 Ed.);
- (i) section 83(8)(b) of the Work Injury Compensation Act 2019 (Act 27 of 2019).

### **Saving and transitional provisions**

15 **51.**—(1) Section 3(a) does not apply to or in relation to any retrofitting works under Part III of the principal Act started before the date of commencement of that section.

20 (2) Section 4(a) and (b) applies to and in relation to an application under section 5 of the principal Act that is made on or after the date of commencement of section 4(a) and (b).

(3) Section 5(e) applies only in relation to a permit to carry out structural works granted on or after the date of commencement of that section.

25 (4) Section 9 does not apply to or in relation to an order under section 19 of the principal Act that is made before the date of commencement of section 9.

30 (5) Sections 30, 31 and 32 do not apply in relation to a person who, immediately before the date of commencement of section 30, 31 or 32 (as the case may be) holds a general builder’s licence or a specialist builder’s licence; and Part VA of the principal Act as in force immediately before that date continues to apply to that person as if this Act were not enacted so long as the general builder’s licence or a specialist builder’s licence does not expire and is not renewed.

(6) Section 34(c) and (f) does not apply to or in relation to any act or omission mentioned in section 29J(1) of the principal Act by a licensed general builder or licensed specialist builder (as the case may be) that occurs before the date of commencement of section 34(c) and (f); and the principal Act as in force immediately before that date continues to apply to or in relation to licensed general builder or licensed specialist builder with respect to such an act or omission as if this Act were not enacted.

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(7) Every notice issued by the Commissioner of Buildings under Part III of the Building Maintenance and Strata Management Act (Cap. 30C) that is in force immediately before the date of commencement of section 48(d) —

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(a) is deemed from that date to be a notice issued by the Commissioner of Building Control under or for the purposes of Part IVA of the principal Act as amended by this Act subject to the same conditions (if applicable) of the permit or notice under the Building Maintenance and Strata Management Act; and

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(b) continues in force as if this Act had not been enacted until the date of expiry of the notice under Part III of the Building Maintenance and Strata Management Act.

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(8) Every permit to operate issued by the Commissioner of Buildings under regulations made for the purposes of section 136(2)(aa) of the Building Maintenance and Strata Management Act that is in force immediately before the date of commencement of section 48(f) —

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(a) is deemed from that date to be a permit to operate issued under building regulations made for the purposes of section 49(2)(la) of the principal Act as amended by this Act subject to the same conditions (if applicable) of the permit or notice under the Building Maintenance and Strata Management Act; and

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(b) continues in force as if this Act had not been enacted until the date of expiry of the permit to operate.

5 (9) Every application that is made before the date of commencement of section 48(f) for a permit to operate a fixed installation under regulations made for the purposes of section 136(2)(aa) of the Building Maintenance and Strata Management Act, but that has not been decided immediately before that date is, with effect from that date, deemed to be an application for a permit to operate under the building regulations made for the purposes of section 49(2)(la) of the principal Act as amended by this Act.

10 (10) Where an appeal has been made to the Minister under section 8 of the Building Maintenance and Strata Management Act, and the appeal has not been dealt with or disposed of immediately before the date of commencement of section 48(d), the appeal may be dealt with under that section as if this Act had not been enacted.

15 (11) A statutory declaration furnished to the Commissioner of Buildings under section 9(4)(a) of the Building Maintenance and Strata Management Act before the date of commencement of section 48(d) is deemed to be a statutory declaration provided to the Commissioner of Building Control under section 25H(4) of the principal Act as amended by this Act.

20 (12) For a period of 2 years after the date of commencement of this section, the Minister may, by regulations in the *Gazette*, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of this section as the Minister may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Building Control Act (Cap. 29) mainly for the following purposes, and to make consequential and related amendments to certain other Acts:

- (a) to transfer the scheme for ensuring proper maintenance of buildings and exterior features presently in the Building Maintenance and Strata Management Act (Cap. 30C) to the Act;

- (b) to enhance the regulation of works for lifts, escalators and mechanised car parking systems (called fixed installations) and the maintenance of fixed installations;
- (c) to provide for the retrofitting of fixed installations;
- (d) to regulate persons who carry out installation, major alterations, inspection, testing or maintenance of fixed installations;
- (e) to require mandatory reporting of safety incidents and safety risks due to the use of certain building products in buildings;
- (f) to clarify the expression “builder” used in the Act;
- (g) to provide for the periodic inspection of building façades.

Clause 1 relates to the short title and commencement.

Clause 2 first amends the definitions of “building” and “building works” in section 2(1) of the Act to explicitly include fixed installations and fixed installation works, respectively, unless the context requires otherwise.

“Fixed installations” are defined to mean lifts (except those designed for carrying goods only), escalators and mechanised car parking systems.

“Fixed installation works” is defined to mean the installation or carrying out of certain major alteration or replacement works relating to any fixed installation, and the testing and commissioning, following the completion of any fixed installation or major alteration or replacement works.

Finally, there is also a definition of “fixed installation owner”, which is relevant for the purposes of retrofitting requirements and the duty to notify about safety incidents and safety risks connected with fixed installations (see clauses 14 and 21).

The definition of “fixed installation owner” for a fixed installation covers various fixed installations, depending on where they are located. For example, where the fixed installation is part of any common property of a housing estate of the Housing and Development Board (HDB), the fixed installation owner is the Town Council established under the Town Councils Act (Cap. 329A) with the duty to maintain that common property in that housing estate, or the HDB if there is no such Town Council. On the other hand, where the fixed installation is part of any common property or limited common property comprised in a strata title plan, the fixed installation owner for that fixed installation is the management corporation or subsidiary management corporation having control of the common property or limited common property (as the case may be) or the person receiving any rent or charge for the maintenance and management of that common property or limited common property, as the case may be.

However, a supplier (or an agent of a supplier) of a fixed installation who, by reason only of a contract for the sale or installation of the fixed installation, retains the ownership of the fixed installation pending any payment of the price or other consideration for that sale or installation, is not a fixed installation owner.

Clause 2 also introduces the definitions of “licensed general builder” and “licensed specialist builder”, which refer to a person to whom a general builder’s licence or specialist builder’s licence is granted, but excludes the person when the relevant licence is not in force. The definition does not depend on whether the person is a main contractor or a sub-contractor.

Definitions for “general builder’s licence” and “specialist builder’s licence” are also introduced in section 2(1) to support the amendments to Part II and keep these more concise. These terms are drawn from Part VA (as is today) and defined to mean a licence granted under Part VA authorising the person granted the licence to carry on the business of a general builder or a specialist builder, as the case may be.

The definition of “builder” is also amended to make clear that it applies on a transactional basis, that is, in relation to particular building works, and the definition (like the present) excludes any sub-contractor of those particular building works.

A sub-contractor is also defined in relation to any particular building works. This refers to a person engaged (otherwise than under a contract of service like employment) by, in the case of general building works, any licensed general builder to supply any labour for or to do any part of those general building works which the licensed general builder has been engaged to do under another contract.

However, in the case of a type of specialist building works, a sub-contractor is whoever is engaged (otherwise than under a contract of service like employment) by any licensed specialist builder for that type of specialist building works to supply any labour for or to do any part of those specialist building works which the licensed specialist builder has been engaged to do under another contract with a developer or a licensed general builder who is not a sub-contractor.

A person who contracts to do the work of a sub-contractor will also be treated as a sub-contractor.

Clause 2 also changes the definition of “common property” to mean the same as in the Town Councils Act where the common property is comprised in an HDB housing estate, and in the Building (Strata Management) Act (Cap. 30C) in any other case.

The definition of responsible person of an exterior feature, which is relevant for the purpose of retrofitting orders, is also amended to adopt the definition presently found in the Building Maintenance and Strata Management Act. Hence, the person responsible is the owner of the premises or building which the exterior feature is

installed on, forms part of or projects outwards from, or a person who has charge and control of the management and maintenance of the exterior feature.

However, where the exterior feature is part of any common property of any HDB housing estate, the person responsible is the Town Council established under the Town Councils Act for that housing estate or the contractor (if any) engaged by the Town Council and who has charge and control of the management and maintenance of the common property. If the exterior feature is common property or limited common property of any other land (whether or not comprised in a strata title plan), the responsible person is the owner of the common property or limited common property (as the case may be) or the managing agent (if any) appointed by the owner and who has charge and control of the management and maintenance of the common property or limited common property, unless the building regulations provide otherwise.

A new definition of “retrofit” is introduced to make clear that this activity encompasses modifying something existing, installing a new thing or re-installing a thing. Retrofitting requirements are in Part III.

Finally, clause 2(x) introduces a new section 2(6), which confers on the Commissioner of Building Control a general power to grant an extension of time within which a person may be required by or under the Act or any subsidiary legislation made under the Act to do or not to do any thing. The extension of time may be granted on application.

Clause 3 amends section 4 on the application of Part II. The first amendment abolishes the disapplication of Part II to retrofitting of exterior features of buildings. Hence, any retrofitting required under Part III of an exterior feature of a building or a fixed installation will require building plans approval, a permit to carry out structural works if these are of the nature covered by Part II, and persons involved in these retrofitting works will also be subject to the requirements in Part II.

Section 4 is also amended to enable the application of Part II and the building regulations made for the purposes of that Part to and in relation to fixed installation works as if the fixed installation works are building works. The building regulations will set out the exceptions, modifications and adaptations in the regulations as the differences between fixed installation works and other building works require.

Clause 4 amends section 5 first, to make clear that the names and particulars of the appropriate qualified person that must accompany an application for building plans approval must be that of a qualified person appointed by a licensed general builder or licensed specialist builder undertaking the building works that is the subject of those plans.

The second amendment is to make clear that the building plans must be prepared in accordance with the Act, and not just the building regulations. Finally,

section 5(4) is amended by removing a reference to extension of time, which is made redundant by the amendment in clause 2(x).

Clause 5 amends section 6 to reflect the current practice concerning applications for a permit to carry out structural works. Today, 3 parties must make the application jointly, namely, the developer of those building works, the builder whom the developer has appointed in respect of those building works, and the qualified person whom the developer or builder has appointed to supervise those building works. The amendments in clause 5 make it clear that the builder has to be either a licensed general builder or licensed specialist builder, depending on the nature of the building works, and that a permit may be granted only if the builder is so licensed.

Section 6 is also amended to provide that where a holder of a permit to carry out structural works is a licensed general builder or a licensed specialist builder, the permit to carry out those structural works automatically lapses if the general builder's licence or the specialist builder's licence relating to those structural works (as the case may be) ceases to be in force, and the Commissioner of Building Control does not waive the application of section 6(6) in the particular case. The waiver is necessary in cases where licences are suspended or to enable projects to be completed despite a revocation of the licence.

Clause 6 amends section 7A as a consequence of the amendments in clauses 5 and 6.

Clause 7 amends section 8 on the duties of a developer of building works. In conformity with the present practice the amendments make explicit that a builder that the developer must appoint must be a licensed general builder if the works are general building works or a licensed specialist builder if the works are specialist building works. The duty applies to the appointment of the main contractor if the building works concerned are general building works. Where the building works involve any specialist building works, the duty to appoint a licensed person applies to the specialist builder who is a sub-contractor of the main contractor or, where the entire building works consist of specialist building works (like piling), the principal specialist builder and not any sub-contractor thereof.

Section 8 is also amended to require the developer of any building works to notify the Commissioner of Building Control of every appointment of a builder made under section 8(1)(c) or (f)(ii) within 14 days after making that appointment.

Clause 8 amends section 11 relating to the duties of a builder to reflect the current practice, which is to require the builder to hold a licence under Part VA at all times during the building works it is undertaking, and to notify the Commissioner of Building Control whenever of an appointment or whenever there is a termination of appointment as builder.

Section 11 is also amended to make it clear that the duties of the builder for building works under section 11 are non-transferable or delegable, despite there being sub-contractors for those building works.

Clause 9 amends section 19(2)(d) (which provides for the demolition or alteration of unauthorised building works) to enable the Commissioner of Building Control to order the demolition, work or alteration to be carried out at the cost of the person on whom the order is served.

Clause 10 amends section 20(3) to extend the offence of deviating, or permitting or authorising building works to deviate, in any material way from any plans of the building works approved by the Commissioner of Building Control under Part II, to apply to any person directly connected with the building works. It is not necessary for the prosecution to prove that an accused knew that the building works concerned deviate in any material way from any approved plans. However, it is a defence for the accused to prove, on a balance of probabilities, that the accused did not know and could not reasonably have known the approved plans.

Clause 11 amends section 21 to provide that pecuniary penalties imposed under that section regarding any building works (including geotechnical building works) the plans of which have not been approved by the Commissioner of Building Control under section 5 or 5A, to be paid into the Consolidated Fund, instead of being retained by the Building and Construction Authority (BCA).

Clause 12 amends the heading to Part III (on retrofitting) by extending it to cover fixed installations due to the amendments in clauses 13 and 14.

Clause 13 amends section 22A first, to extend the duties in Part III on retrofitting to cover fixed installations, in addition to the present coverage of exterior features. Part III applies to all sorts of fixed installations, regardless when these were installed.

Section 22A is also amended to introduce new definitions to support amendments in clauses 14 and 16.

Clause 14 introduces a new section 22AA which requires every fixed installation owner of a fixed installation to carry out, or cause to be carried out, retrofitting of the fixed installation. This is regardless of the age of the fixed installation and the retrofitting must be done in accordance with the section. That is, the retrofitting must be completed within a certain time required by section 22AA(3), and be carried out in the manner prescribed for the fixed installation concerned.

A date will be specified by an order made by the Minister under section 22C from which the grace period to complete retrofitting will start.

Non-compliance by a fixed installation owner with any of these requirements, without reasonable excuse, is an offence punishable on conviction with a fine not exceeding \$20,000 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 of a day during which the offence continues after conviction.

Clause 15 amends section 22B(2) to raise the penalty for the offence of a person responsible for an exterior feature failing to carry out or causing to be carried out retrofitting of that exterior feature.

The present penalty on conviction is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both and, in the case of a continuing offence, a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction. The new penalty is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 12 months or both and, in the case of a continuing offence, a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

Clause 16 amends section 22C to expand the power of the Minister to make orders for retrofitting to cover fixed installations.

Clause 17 introduces a new section 22DA which introduces a new power for the Commissioner of Building Control to require, by written notice, an owner of certain types of buildings to carry out building works to erect any physical feature in any corridor, lobby, washroom or other common area in the building to which occupiers of the relevant building have general access, being a feature directed towards satisfying the relevant performance requirement to facilitate the access to, and use of, a building and its facilities by persons with disabilities.

The buildings to which this requirement may be imposed are buildings the gross floor area of which is more than 500 square metres (or such other smaller minimum area prescribed by building regulations in substitution), and to which members of the public have access as of right or by virtue of express or implied permission, whether or not on payment of a fee, and whether or not access to the building may be restricted at particular times or for particular purposes. Excluded are buildings comprised in a development used or allowed to be used solely for residential purposes or as a factory.

The Commissioner of Building Control may make such a requirement of a building owner only where the Commissioner of Building Control receives, on or after the date of commencement of clause 17, a trigger application relating to such a building.

A trigger application is defined to mean an application for approval of the plans of any building works under section 5(1) for the alteration, addition or repair of a relevant building.

An owner of a relevant building given a notice from the Commissioner of Building Control who, without reasonable excuse, fails to comply with the notice commits an offence.

Clause 18 amends Part IV by inserting a Division heading. This is because Part IV, which relates to dangerous buildings, is being expanded by clauses 19, 20 and 21 to cover reporting of safety incidents and safety risks posed by building products used in a building.

Clause 19 repeals and re-enacts section 22G to set out definitions to support the amendments to Part IV.

A “building product” is defined to mean any product, material, assembly of components, software or other thing that is, or could be, used in a building and is prescribed by building regulations to be a building product for the purposes of Division 2 of Part IV.

A reportable matter is defined to mean —

- (a) any safety incident that occurs on or after the date of commencement of clause 19, involves an exterior feature or a fixed installation, and is prescribed by building regulations to be a reportable safety incident; or
- (b) any safety risk that involves the use of a building product (even if the building product was used in a building before the date of commencement of clause 19) and is prescribed by building regulations to be a reportable safety risk.

A “safety incident” has to relate either to an exterior feature of a building or a fixed installation. This is defined to mean any situation where an individual dies, or is injured as a result of, an incident associated with the condition of the exterior feature or the operation of the fixed installation, any situation where any property (other than the exterior feature or fixed installation itself) is damaged as a result of an incident associated with the condition of the exterior feature or the operation of the fixed installation, or any situation or condition involving the exterior feature or fixed installation which endangers or which, if not corrected or if left unattended, would endanger the occupants of the building or any other person and induce a situation as described.

An example of a safety incident is a situation involving fallen building façade from the exterior of a building resulting in injury to a person, or involving the failure of the brakes of a lift resulting in passengers in the lift being injured.

As for “safety risk”, this relates only to a building product, and refers to a feature of the design or construction of the building product, or a component, accessory or other part of a building product, such that the use of the building product in a building poses to any occupant of the building, or any member of the public in or in the vicinity of the building, risk of death or serious injury arising from the use of the building product in the building.

A building product is used in a building if it is or is to be incorporated into, connected to, or otherwise installed in a building by means of building works. For

example, this refers to how a lift component may be installed and not how a lift is used or misused.

Clause 20 amends section 24 (which is about an order by the Commissioner of Building Control where he or she is of the opinion that a building is in such a condition, or is used to carry such loads, as to be or likely to be dangerous) to expand the activities that the Commissioner of Building Control may order for the purpose of obviating any danger, order the owner of the building to do or not do, especially with express inclusion of fixed installations as part of a building and fixed installation works as building works.

First, the amendment will allow the Commissioner of Building Control to require the building owner to appoint an appropriate person to carry out (at the owner's cost) such inspection of the building as the Commissioner of Building Control may specify. The order is no longer limited to a qualified person, which by definition refers only to an architect or a professional engineer.

Second, the amendment will allow the Commissioner of Building Control to require the building owner to suspend the operation or use of any part of the building by any occupier or other person until after the Commissioner of Building Control otherwise approves. For example, the building owner may be required to stop the operation of certain lifts.

Third, the amendments provide that an order may be given to a fixed installation owner if the part of the building concerned is a fixed installation.

The next amendment is to enable the Commissioner of Building Control to make an order under section 24 in respect of an exterior feature of a building or a fixed installation, or any building product used in a building, that the Commissioner of Building Control reasonably believes is necessary to prevent safety incidents involving the exterior feature or fixed installation in the future or to eliminate or minimise a safety risk posed by the use in the building of the building product. It does not matter that the building product was used in a building before the building product became the subject of a reportable safety risk.

Finally, section 24 is amended to deal with a situation where an order under section 24 is given to the owner or owners of 2 or more adjoining or connected buildings. The order can require the respective owners of the buildings to jointly appoint the same qualified person or persons to carry out (at the owners' cost) an inspection of each of the buildings, and to order the respective owners of the buildings to jointly do any thing that is described in section 24(1) in relation to each of those buildings.

Clause 21 inserts a new Division 2 of Part IV on reporting of safety incidents and safety risks, and a new Part IVA which consists mainly of provisions presently found in Part III of the Building Maintenance and Strata Management Act.

The new Division 2 of Part IV consists of new sections 25B and 25C.

The new section 25B provides that certain persons have to notify the Commissioner of Building Control, within the time and by the means prescribed in the building regulations, of a reportable matter and the prescribed particulars about the reportable matter that are known to the person.

The new section 25C makes it an offence to fail to notify a reportable matter. It also provides that a person is not excused from giving any information required by the new section 25B(1) on the ground that the disclosure of the information might tend to incriminate the person or expose the person to a penalty. Instead, where a person claims, before giving any information that the person is so required by the new section 25B(1) to give, that the disclosure of the information might tend to incriminate the person, that information, the giving of the information and any information, document or thing obtained as a direct or indirect consequence of the giving of the information, will not be admissible in evidence against the person in any criminal proceedings other than proceedings for an offence under section 43A (which is about giving false information).

The new Part IVA consists of new sections 25D to 25H which are based on provisions presently found in Part III of the Building Maintenance and Strata Management Act.

The new section 25D sets out the scope of the application of Part IVA. The new Part IVA applies only to any building (subdivided or otherwise), and any common property or limited common property (which may include fixed installations) that are a building, and all exterior features on any building, except exterior features on any detached house, semi-detached house, terrace house or linked house, none of which are comprised in any strata title plan and exterior features located on the lowest level of any building.

The new section 25E provides that the Commissioner of Building Control may issue a notice (called a notice to maintain) in respect of any building, any exterior feature of a building (whether or not common property or limited common property) or any common property or limited common property (whether or not a fixed installation) where, in the opinion of the Commissioner of Building Control the building or the common property or limited common property has not been kept or maintained in a state of good and serviceable repair or in a proper and clean condition. Where the matter involves an exterior feature of a building, an additional ground for a notice to maintain to be issued is if the exterior feature of a building has not been kept or maintained in such manner as to be securely fixed to the building and as will prevent any collapse (wholly or partly) of the exterior feature or its support.

A notice to maintain may require a person who is served the notice to do a number of things. This includes suspending the operation or use of the building, exterior feature of a building or the common property or limited common property (as the case may be) by any occupier or other person until after the Commissioner

of Building Control otherwise approves, no different from an order under section 24.

As in the case of an order under section 24 for dangerous buildings, a notice to maintain may also require the person to appoint an appropriate person to carry out (at the person's cost) an inspection described in the notice, of the building, exterior feature of a building, or the common property or limited common property (as the case may be) and make recommendations on any measures or other building works reasonably necessary to ensure the proper maintenance in a state of good and serviceable repair or in a proper and clean condition of the building, or common property or limited common property or to prevent the occurrence or potential occurrence of collapse (wholly or partly) of the exterior feature or its support.

A notice to maintain may require the person given the notice to repair or carry out work on or alter the building, exterior feature of a building, or the common property or limited common property (as the case may be) in the manner specified in the notice.

Failure, without reasonable excuse, to comply with a notice to maintain is an offence.

The new section 25F confers on a person given a notice to maintain a right of appeal to the Minister against the notice to maintain. An appeal must be made no later than the 21st day after the date the notice is served, and must be made in the prescribed manner in the building regulations. The new section 25F also provides that the notice to maintain being appealed against has effect and must be complied with (unless the Minister orders otherwise) despite an appeal. The Minister may determine an appeal by confirming, varying or cancelling the notice to maintain. The Minister's decision on any appeal under the new section 25F is final.

The new section 25G provides for the recovery of expenses reasonably incurred by the Commissioner of Building Control where a person who is required to comply with a notice to maintain fails to do so and the Commissioner of Building Control carries out the work instead.

The new section 25H provides that a person responsible for an exterior feature of a building who, without reasonable excuse, fails to keep or maintain the exterior feature in such manner as to be securely fixed to the building and as will prevent any collapse (wholly or partly) of the exterior feature or its support commits an offence. This is the position in section 9 of the Building Maintenance and Strata Management Act.

The penalty is however raised to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

Clause 22 amends the heading to Part V to mention building façades because the amendments in clauses 23, 24, 25 and 26 expand the framework on periodic

inspection of buildings to require periodic inspection of building façades for buildings.

Clause 23 amends section 26 on definitions relevant to the amended periodic inspection framework in Part V.

The façade of a building is defined exhaustively to mean the exterior or any exterior feature of a building, and allows the Minister to extend the definition by building regulations. They may or may not be an exterior feature as defined in section 2 (for the purposes of retrofitting orders).

For example, these would be considered building façade:

- (a) tile, wall cladding (such as non-structural stone veneer facing), a curtain wall, siding, plaster, bracket, cornice or similar concrete elements;
- (b) an external wall of the building, including a block wall, glass fibre reinforced concrete wall or a pre-cast concrete wall;
- (c) a green wall which is partially or completely covered by vegetation, including any brackets that support it, the growing medium for the vegetation and any integrated water delivery system;
- (d) a sunshade, canopy or roofing sheet, or an awning or exterior false ceiling;
- (e) louvres or fins or any other similar screen;
- (f) an exterior window and its frames;
- (g) a clothes drying rack and any bracket that supports it;
- (h) a balustrade, railing, fence or wall to prevent people from falling over the edge of an outdoor balcony or terrace.

Clause 24 first amends section 27 to provide that the requirements of Part V for the inspection of a building to ensure its structural stability or integrity applies to and in relation to fixed installations (whether or not associated with another building) as if the fixed installation is a building. Building regulations may be made to set out the exceptions, modifications and adaptations as the differences between a fixed installation and a building require.

Section 27 is also amended to set out buildings excluded from the inspection regime in Part V. A building is excluded from the structural inspection regime and the façade inspection regime if it is a temporary building, a detached house, semi-detached house, terrace or linked houses which are used by the owners or occupiers solely as a residence. Also excluded from the façade inspection regime is a building the highest point of which (whether or not a roof) is 13 metres or lower when measured from the ground.

Section 27 is also amended to provide for calculating the age of a building since the inspection regime is dependent on the age.

Clause 25 amends section 28 to empower the Commissioner of Building Control to require the façade of a building to be inspected by giving notice to an owner of the building.

The purpose of the inspection is to identify any part of the building façade that may be subject to excessive erosion, corrosion, wear, fatigue, stress or strain, and any other situation or circumstance, that may give rise to a probability and consequence of the occurrence or potential occurrence of collapse (wholly or partly) of the façade and injury to individuals, or damage to other property, within or outside the building.

The notice can be given together with the present structural inspection notice or separately. The notice may relate to all of or only specified elements in the definition of façade.

The façade inspection notice may be given at any time after the operative date of clause 25, for a building that is more than 20 years of age on that date or a building in respect of which there is no temporary occupation permit or certificate of statutory completion issued. For a building that first attains more than 20 years of age at any time after the operative date of clause 25, at any time after the building first attains more than 20 years of age. Thereafter, such a notice may be given at any time during the 7th or later year after the year during which the last inspection notice of the building façade is given. This is a lower frequency than for structural inspections.

In that notice, the Commissioner of Building Control will specify the façade of the building to be inspected and the period within which the inspection must be completed. However, the Commissioner of Building Control may, on the application of the owner of a building given such a notice, grant an extension of the period for an inspection of the building façade to be completed if satisfied that reasonable grounds exist for doing so.

Where a notice is given requiring the façade of a building to be inspected, the owner of the building has 2 duties. The first is to appoint a competent person to inspect the building façade. A competent person is either an architect or a professional engineer who has completed a course approved by the Commissioner of Building Control.

The other duty is to give to the Commissioner of Building Control a copy of the report of the inspection by the competent person within the period in the notice specified or an extended period (if any) granted.

The amendments also provide that a structural engineer or a competent person (and any façade inspector assisting him or her) who is appointed to carry out an

inspection of a building or building façade has right of access at any reasonable time in the day to any part of the building in order to carry out the inspection.

As is the case today under section 28(5A), amendments are made to make it an offence for a person to hinder, obstruct or delay the competent person in carrying out a façade inspection. The punishment in section 28(5A) is unchanged; it is a fine not exceeding \$5,000 and, in the case of a continuing offence, a further fine not exceeding \$500 for every day or part of a day the offence continues after conviction.

The competent person who is appointed to carry out an inspection of building façade is under a duty to carry out the inspection in the manner prescribed by building regulations, to prepare a report on the results of the inspection in a form approved by the Commissioner of Building Control, and to give a copy of that report to the owner of the building who appointed the competent person without delay and in any case, to enable the giving to the Commissioner of Building Control the report before the expiry of the period in the notice specified or an extended period (if any) granted. The competent person may carry out the inspection personally or with the assistance of a façade inspector working directly under the competent person's control or direction.

As is the case for a structural engineer appointed for structural inspections, it is an offence for a competent person appointed to carry out a building façade inspection to, without reasonable excuse, fail to comply with any of the duties imposed. The penalty is that in section 28(10), which is a fine not exceeding \$20,000.

Finally, it is an offence if an owner of a building, without reasonable excuse, fails to comply with a notice of inspection. The punishment is that in section 28(9), which is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 12 months or both and \$500 for each day or part of a day of non-compliance, and in the case of a continuing offence, a further fine not exceeding \$2,000 for every day or part of a day the offence continues after conviction.

The amendments do not affect the duties imposed on persons responsible, and the effect of or powers conferred under Part III of the Building Maintenance and Strata Management Act or the Act.

Clause 26 amends section 29 on the appointment of a competent person to carry out a façade inspection.

Clause 27 amends section 29A on definitions relating to the licensing of builders. Section 29A is amended to clarify that the licence under Part VA is for carrying on the business of a general builder or specialist builder and what is not regarded as carrying on the business of a general builder or specialist builder. A person is not regarded as carrying on the business of a general builder if the person is always doing so as a sub-contractor of another person with respect to all or any

part of the general building works that is to be carried out by the other person under another contract.

A person is not regarded as carrying on the business of a specialist builder if the person is always doing so as a sub-contractor of another person who carries on the business of a specialist builder, by entering into a contract with respect to all or part of the same type of specialist building works that is to be carried out by the other person under another contract.

Hence, a person need not take out a general builder's licence if the person always performs general building works as a sub-contractor or another. Similarly if the specialist builder always does so as a sub-contractor of another specialist builder.

Clause 28 amends section 29B to refer to whether a person is granted a licence instead of being in possession of a licence, since a licence may be granted electronically.

Clause 29 amends section 29C(1) to replace references to "builder" with person since the definition of "builder" has a transactional context whereas the licence in Part VA is for carrying on the business.

Clause 30 amends section 29D to bring the nomenclature in line with that of the new definitions of licensed general builder and licensed specialist builder.

Clause 31 amends section 29F on the eligibility of persons to be granted a general builder's licence to deal with sole proprietorships other than those run by individuals.

Clause 32 makes a similar amendment to section 29G on the eligibility of persons to be granted a specialist builder's licence to deal with sole proprietorships other than those run by individuals.

Clause 33 amends section 29I on conditions of a general builder's licence or specialist builder's licence. The amendments are due to amendments in clauses 31 and 32, and to make clear that it is a condition of every such licence that the management of the business of the licensed general builder or licensed specialist builder, insofar as the business relates to general building works or specialist building works (as the case may be) must at all times be under the charge and direction of certain individuals whose qualifications and competencies are described in section 29F or 29G.

Clause 34 amends section 29J which deals with regulatory action against licensed general builders and licensed specialist builders.

A new regulatory action is a direction that, for a period specified by the Commissioner of Building Control, the licensee must not enter into or undertake any contract or engagement to carry out all or any general building works or specialist building works, or may enter into or undertake any further contract or

engagement to carry out any general building works or specialist building works, provided that the value of the further contracts or engagements must not exceed an amount specified in the order. This direction continues to have effect despite the renewal of the licence held by the licensee.

The Commissioner of Building Control is also empowered to modify the conditions of the licence, immediately or upon renewal of the licence in question.

Clause 35 makes miscellaneous amendments to provisions in Part VA to replace the expression “builder’s licence” with “licence”.

Clause 36 repeals section 29M and replaces that with a new Part VB on the regulation, through registration, of contractors who provide in the course of business a service of carrying out fixed installation works in Singapore or maintenance, inspection or testing of fixed installations in Singapore (called registrable activity).

Section 29M in Part VA is a spent saving and transitional provision connected with amendments made in 1998.

The new section 29M contains definitions of terms used only in the new Part VB.

The new section 29N makes it an offence for a person to carry on any registrable activity and the person is not authorised by registration to do so, or is not otherwise exempt or excluded.

The new section 29O provides for the application for registration.

The new section 29P provides that registration and renewal of registration may be refused or granted according to building regulations.

The new section 29Q provides that the registration under section 29P for a registrable activity is subject to the condition that on or after the prescribed date for that class of registrable activity, for every citizen or permanent resident of Singapore who is employed or is to be employed by the registrant to carry out the registrable activity (called an employee), there must be a contract of service in writing that contains terms not inconsistent with the requirements for a progressive wage plan in respect of that person’s business of carrying out registrable activity in the course of business, and provides for the payment to that employee a basic wage that is not less than the minimum amount specified for the class of employees to which that employee belongs. The progressive wage plan must also provide for the payment to that employee a progressive wage model bonus that is not less than the minimum amount, and at the frequency, specified if the employee belongs to the eligible class of employees who carry out that registrable activity specified under that subsection.

The new section 29Q provides that the minimum amount of basic wage and bonus must be set by the Commissioner of Building Control after considering the recommendations by the Tripartite Cluster for Lift and Escalator Industry.

The new section 29R provides for regulatory action against registrants.

Clause 37 repeals and re-enacts section 30 on the Minister's power to make legislation exempting persons, premises, buildings or building works from the Act, and introduces a new section 30A conferring power on the Commissioner of Building Control to administratively exempt a particular person from the Act, for a specified period. The latter administrative exemption is permissible only if the Commissioner of Building Control is personally satisfied that certain criteria in the new section 30A are met.

Clause 38 amends section 32 to confer immunity for the Commissioner of Building Control and any person authorised under section 3(2) of the Act from personal liability for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in the execution or purported execution of the Act and any subsidiary legislation made under the Act.

Clause 39 amends section 33 on powers of entry of the Commissioner of Building Control and any person appointed by him or her. The amendments expand what can be done upon entry into premises to include making any still or moving image or any recording of the premises or any thing in the premises, operating a fixed installation or any electronic equipment in or on the premises, or requiring a person on the premises to operate any fixed installation or electronic equipment, in order to access evidential material, and placing a cordon around the premises or fixed installation concerned or otherwise secure the premises or fixed installation against unauthorised entry or use.

Clause 40 amends section 41(1) to confine the process for handling of property or materials seized or removed by the Commissioner of Building Control to those seized or removed under section 19(6) or 25(6)(c). Other provisions have specific procedures specified for materials taken under those provisions.

Clause 41 repeals and re-enacts section 43 to confine the powers of the Commissioner of Building Control and authorised officers to require persons to provide information for certain purposes. They are the purpose of ascertaining whether there is, or has been, a contravention of the Act or any subsidiary legislation made under the Act, ascertaining whether circumstances exist that would authorise the Commissioner of Building Control or authorised officer to take any action or execute any work under the Act or any subsidiary legislation made under the Act, or taking any action or carrying out any work authorised or required by the Act or any subsidiary legislation made under the Act.

Clause 42 amends section 43A on the offence of providing false information to extend that to cover the giving of false information in connection with registration,

because of the new Part VB on registration of contractors to carry out registrable activities.

Clause 43 introduces a new section 47A providing for the disposal of articles or documents detained or seized under the Act.

Clause 44 amends section 48 to provide for the payment of composition sums collected into the Consolidated Fund instead of to the Building and Construction Authority.

Clause 45 amends the powers of the Minister to make building regulations to cover new subject matter which are dealt with in the amendments in the Bill. There is conferred express power to make regulations covering the maintenance of buildings, exterior features and façades of buildings (whether or not common property or limited common property) with the aim of ensuring that the building, exterior feature or façade is safe, and to provide for the regulation of registrable activities (which includes fixed installation works) with the aim of ensuring that these activities are carried out safely and competently, and to deal with the regulation of maintenance and operation of fixed installations.

Clause 46 makes miscellaneous amendments to sections 22FB(4) and 22FF(3) to remove redundant references to extension of time, because of the amendment in clause 2 that introduced a general provision for extension of time in the new section 2(6).

Clause 47 deletes section 15(c), (d) and (e) of the Building Control (Amendment) Act 2012 (Act 22 of 2012), which is presently not in force. The 2012 amendments are no longer required with the amendments made to Part V in clauses 19 to 22.

Clause 48 makes several consequential amendments to the Building Maintenance and Strata Management Act. The main amendment is to repeal Part III, which relates to the maintenance of buildings. The provisions in Part III of the Building Maintenance and Strata Management Act have been transferred to and enhanced by clause 21, which introduced the new Part IVA.

As a result of the repeal of Part III of the Building Maintenance and Strata Management Act, the short and long titles of that Act have to be changed so that there is no longer a reference to maintenance. The new short title is “Building (Strata Management) Act”.

Finally, clause 48 amends the Building Maintenance and Strata Management Act by removing the provision relating to the maintenance and operation of lifts and escalators, which are the subject of clauses 3, 21 and 45.

Clause 49 makes several consequential amendments to the Land Titles (Strata) Act (Cap. 158) mainly to revise the cross-references to the “Building Maintenance and Strata Management Act”. The cross-references are amended to the new short title the “Building (Strata Management) Act”.

Clause 50 makes consequential amendments to several Acts, to change the references in those Acts to the “Building Maintenance and Strata Management Act”, to cross-references using the new short title the “Building (Strata Management) Act”.

Clause 51 is a saving and transitional provision. Clause 51 also confers power on the Minister to prescribe additional provisions of a saving or transitional nature consequent on the enactment of the clause as the Minister may consider necessary or expedient. The amendment may be done by regulations in the *Gazette* but within a 2-year time limit.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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