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# Resource Sustainability Bill

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**Bill No. 20/2019.**

*Read the first time on 5 August 2019.*

## RESOURCE SUSTAINABILITY ACT 2019

(No. of 2019)

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A BILL

*intituled*

An Act to impose obligations relating to the collection and treatment of electrical and electronic waste and food waste, to require reporting of packaging imported into or used in Singapore, to regulate persons operating producer responsibility schemes, and to promote resource sustainability.

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

PART 1  
PRELIMINARY

**Short title and commencement**

5     **1.** This Act is the Resource Sustainability Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

**Interpretation**

**2.—(1)** In this Act, unless the context otherwise requires —

10     “Agency” means the National Environment Agency established under the National Environment Agency Act (Cap. 195);

“authorised officer” means an authorised officer appointed under section 5(2);

15     “consumer”, in relation to any regulated goods or regulated product, means an individual who purchases or intends to purchase the regulated goods or regulated product for household use or private consumption;

“dispose”, in relation to any thing, means to dispose of the thing as waste;

20     “import” does not include the bringing into Singapore of any regulated goods or regulated product which are to be taken out of Singapore on the same conveyance on which they were brought into Singapore without any landing or transhipment within Singapore;

25     “licensed e-waste recycler” means a person who is licensed under section 23(1) of the Environmental Public Health Act (Cap. 95) to operate a disposal facility that receives, stores, sorts, processes or treats electrical and electronic waste;

“licensed scheme” means a producer responsibility scheme operated by a person who is licensed under section 29;

30     “licensed waste collector” means a person who is licensed under section 31 of the Environmental Public Health Act;



“occupier”, in relation to any premises, means a person —

(a) in occupation of the premises or part of the premises;  
or

(b) having the charge, management or control of the premises or part of the premises, either on the person’s own account or as agent of another person,

but does not include a lodger;

“producer responsibility scheme” means a scheme in which —

(a) the operator of the scheme collects, or organises the collection of, any specified waste from the public and causes such waste collected to be treated and recycled; and

(b) members of the scheme finance the costs of operating the scheme, including the costs of the collection, treatment and recycling of the waste collected;

“retailer” means a person who carries on a trade or business of supplying any regulated goods or regulated product to consumers;

“Singapore-connected person” means any person who is —

(a) a citizen or a permanent resident of Singapore;

(b) a company or other body corporate incorporated in, or having its central management and control in, Singapore; or

(c) an unincorporated body established in Singapore;

“specified waste” means any waste specified in the Schedule;

“waste” includes any discarded, rejected, unwanted, surplus or abandoned substance, and a substance is not precluded from being waste for the purposes of this Act merely because it is or may be processed, recycled or recovered.

(2) In this Act, a reference to the collection of any waste regulated under this Act means the collection, receipt, removal, transportation or storage of the waste for the disposal of the waste.

## **Purposes of Act**

3. The purposes of this Act are —

- (a) to implement a framework where persons who profit from the supply of products bear the cost of collecting and treating these products when they become waste;
- (b) to encourage producers of packaging to reduce, re-use or recycle packaging; and
- (c) to enable proper segregation and treatment of food waste.

## **PART 2**

### **APPLICATION AND ADMINISTRATION**

#### **Application of Act to Government**

4.—(1) Except as provided in subsection (2), this Act binds the Government.

(2) Nothing in this Act renders the Government liable to prosecution for an offence.

(3) To avoid doubt, a person is not immune from prosecution for any offence under this Act by reason only that the person is engaged to provide services to or on behalf of the Government.

#### **Administration of Act**

5.—(1) The Agency is responsible for the administration and enforcement of this Act, subject to the general or special directions of the Minister.

(2) The Agency may appoint, by name or office, any officer or employee of the Agency to be an authorised officer to carry out any function or duty, or exercise any power, conferred on an authorised officer under this Act, as the Agency may specify.

## PART 3

## ELECTRICAL AND ELECTRONIC WASTE

*Division 1 — Application and interpretation***Application to regulated products**

6. This Part applies only to a class or type of electrical or electronic product (including an electrical or electronic product supplied as a component of another product) that is prescribed to be a regulated product. 5

**Interpretation of this Part**

7.—(1) In this Part, unless the context otherwise requires — 10

“e-waste” means any regulated product that is intended for disposal and not for re-use;

“registered” means registered under section 9(2);

“regulated consumer product” means any regulated product prescribed as such under section 12(2); 15

“regulated non-consumer product” means any regulated product that is not a regulated consumer product;

“regulated product” means any class or type of electrical or electronic product prescribed as such under section 6;

“supply”, in relation to any regulated product, includes — 20

(a) the supply of the regulated product by way of sale (including by barter or exchange) or hire-purchase;

(b) the supply of the regulated product by retail or by wholesale;

(c) the supply of the regulated product in connection with any agreement; and 25

(d) the offer to supply the regulated product or exposure of the regulated product for supply.

(2) Subject to subsection (3), a person is the producer of a regulated product if the person — 30

(a) carries on a business of supplying the regulated product in Singapore; and

(b) in furtherance of that business —

(i) imports the regulated product into Singapore;

5 (ii) manufactures the regulated product in Singapore; or

(iii) engages another person to manufacture the regulated product in Singapore or otherwise causes such manufacture.

10 (3) A manufacturer of a regulated product is not the producer of the regulated product if the manufacturer manufactures the regulated product for or on behalf of a Singapore-connected person.

### *Division 2 — Registration of producers*

#### **Unauthorised supply of regulated products**

15 **8.**—(1) A producer of a regulated product must not supply the regulated product or any other regulated product in Singapore if the producer is not registered under section 9(2).

(2) A producer of a regulated product who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to  
20 imprisonment for a term not exceeding 3 months or to both.

#### **Registration of producers**

**9.**—(1) A producer of a regulated product in Singapore may apply to the Agency to be registered under subsection (2).

25 (2) The Agency may register, subject to such conditions as the Agency thinks fit to impose, or refuse to register, any applicant under subsection (1).

(3) Any registration under subsection (2) is transferable only with the written approval of the Agency.

30 (4) A producer of a regulated product who is aggrieved by the Agency's decision to impose a condition on a registration or to refuse

to register the producer under subsection (2) may, within 14 days after receiving notice of the Agency's decision, appeal to the Minister.

### **Duration, cancellation and revocation of registration**

**10.—(1)** A registration of a producer of a regulated product under section 9(2) remains valid unless cancelled or revoked under this section. 5

(2) The Agency may cancel a registration under section 9(2) of a producer of a regulated product if —

(a) the producer of the regulated product applies to the Agency to cancel the registration; or 10

(b) the producer of the regulated product winds up, goes into liquidation or is otherwise dissolved.

(3) The Agency may revoke the registration of a producer of a regulated product after giving notice to the producer concerned and after such inquiry as the Agency thinks fit, on any of the following grounds: 15

(a) the producer procured the registration by providing any information or document to the Agency that is false or misleading in any material particular;

(b) the Agency is satisfied that the producer has contravened any provision of this Part or any condition of the registration. 20

(4) The Agency must, before revoking a registration under subsection (3), give the producer of a regulated product concerned a written notice of its intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the registration should not be revoked. 25

(5) The Agency must, within 14 days after revoking any registration under subsection (3), inform the producer of a regulated product whose registration is revoked in writing of the grounds for the revocation. 30

(6) A producer of a regulated product who is aggrieved by the Agency's decision under subsection (3) to revoke the producer's

registration may, within 14 days after receiving the grounds for the revocation under subsection (5), appeal to the Minister.

### **Register of registered producers**

5 **11.**—(1) The Agency must maintain a register in which is entered such particulars of every registered producer of a regulated product as the Agency determines.

(2) Where the registration of a producer of a regulated product has been cancelled or revoked (as the case may be), the Agency may —

(a) remove the particulars of the producer from the register; or

10 (b) indicate the fact of the cancellation or revocation of registration against the particulars of the producer in the register.

(3) The Agency may, upon an application by any person accompanied by such fee as may be prescribed, provide to that person a certified copy of an entry in the register maintained under this section.

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### *Division 3 — Obligations of producers*

#### **Certain registered producers must join licensed scheme**

20 **12.**—(1) A registered producer of a regulated product must not supply any regulated consumer product in any compliance year if the registered producer —

(a) has, on average for each year in the relevant period immediately preceding the compliance year, supplied more than the threshold prescribed for that regulated consumer product; and

25

(b) is not a member of a licensed scheme for the regulated consumer product.

(2) For the purposes of subsection (1), the Minister may prescribe —

30 (a) any regulated product as a regulated consumer product; and

(b) a threshold that applies to —

- (i) one class or type of regulated consumer product; or
- (ii) 2 or more classes or types of regulated consumer products collectively.

(3) A registered producer of a regulated product who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both. 5

(4) In this section — 10

“compliance year” means the period starting 1 July in any year and ending 30 June in the following year (both dates inclusive);

“relevant period” means —

- (a) in relation to the compliance year from 1 July 2021 to 30 June 2022 (both dates inclusive) — the year 2020; 15
- (b) in relation to the compliance year from 1 July 2022 to 30 June 2023 (both dates inclusive) — the years 2020 and 2021; and
- (c) in relation to any compliance year after 30 June 2023 — 3 calendar years. 20

### **Collection and disposal of unwanted regulated non-consumer products**

**13.**—(1) Where a person, on or after the date of commencement of this section, presents a regulated non-consumer product to the producer of the regulated non-consumer product (whether or not registered) for the purposes of disposal, or requests that producer to dispose of the regulated non-consumer product, the producer — 25

- (a) must, within a reasonable time after being presented or receiving the request, collect the regulated non-consumer product from any premises specified by the person; and 30

(b) must not demand or require the person to pay any consideration for the collection and disposal of the regulated non-consumer product (such as the cost of any labour or transport).

5 (2) Where the producer of a regulated non-consumer product contravenes subsection (1)(a), the Agency may, by written notice served on the producer, direct the producer to collect the regulated non-consumer product from any premises (whether or not specified by the person mentioned in subsection (1)) and within the time,  
10 specified in the written notice.

(3) A producer of a regulated non-consumer product who is aggrieved by any direction of the Agency under subsection (2) may, within 14 days after being notified of the direction, appeal to the Minister.

15 (4) A producer of a regulated non-consumer product who, without reasonable excuse —

(a) contravenes subsection (1)(b); or

(b) refuses or fails to comply with the Agency's direction under subsection (2),

20 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(5) It is a defence to a prosecution for an offence under subsection (4)(a) or (b) if it is proved, on a balance of probabilities, that the accused reasonably believed that the accused  
25 is not the producer of the regulated non-consumer product.

(6) A producer of a regulated non-consumer product commits an offence if the producer disposes of any regulated non-consumer product collected under this section other than by presenting it to, or by depositing it at a place directed or designated by, any of the  
30 following persons:

(a) a licensed waste collector;

(b) a licensed e-waste recycler.

(7) In a prosecution for an offence under subsection (6), it is not necessary for the prosecution to prove that the accused knew that —



- (a) the thing disposed of is a regulated non-consumer product collected under this section;
- (b) the person to whom the thing was presented is not a licensed waste collector or licensed e-waste recycler; or
- (c) the place at which the thing was deposited was not directed or designated by a licensed waste collector or licensed e-waste recycler.

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(8) A producer of a regulated non-consumer product who is guilty of an offence under subsection (6) shall be liable on conviction to a fine not exceeding \$10,000.

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*Division 4 — Retailers of regulated consumer products*

**Retailers must collect and dispose of unwanted products**

**14.—(1)** Where a retailer —

- (a) supplies a regulated consumer product (called in this section the supplied product) to a consumer; and
- (b) in the course of such supply, delivers, or causes the delivery of, the supplied product to any premises specified by the consumer,

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the consumer may require the retailer to collect from the premises, and dispose of, another regulated consumer product (called in this section the unwanted product) that is of the same class or type as the supplied product according to the classification in section 12(2)(a).

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(2) If a person requires a retailer to collect and dispose of an unwanted product under subsection (1), the retailer —

- (a) must, at the time of the delivery or such other time as may be agreed between the person and the retailer, collect the unwanted product from the premises mentioned in subsection (1); and
- (b) must not demand or require the person to pay any consideration for the collection and disposal of the unwanted product (such as the cost of any labour or transport).

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(3) A retailer who, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

5 (4) A retailer commits an offence if the retailer disposes of any unwanted product collected under this section other than by presenting it to, or by depositing it at a place directed or designated by, a person operating a licensed scheme.

(5) In a prosecution for an offence under subsection (4), it is not necessary for the prosecution to prove that the accused knew that —

- 10 (a) the thing disposed of is an unwanted product collected under this section;
- (b) the person to whom the thing was presented is not a person operating a licensed scheme; or
- 15 (c) the place at which the thing was deposited was not directed or designated by a person operating a licensed scheme.

(6) A retailer who is guilty of an offence under subsection (4) shall be liable on conviction to a fine not exceeding \$10,000.

### **Large retailers must offer in-store collection of certain e-waste**

**15.—**(1) This section applies only in relation to —

- 20 (a) regulated consumer products that are prescribed as designated regulated consumer products for the purposes of this section; and
- (b) a retailer who owns or occupies any premises with a floor area of or more than 300 sqm (or such other area prescribed in substitution), from which any designated regulated consumer product is supplied.
- 25

(2) Where —

- (a) a designated regulated consumer product is brought to a retailer's premises for disposal; and

(b) the designated regulated consumer product is of the same class or type of consumer product as that supplied at those premises according to the classification in section 12(2)(a), the retailer must accept the designated regulated consumer product for disposal. 5

(3) A retailer who, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(4) A retailer commits an offence if the retailer disposes of any designated regulated consumer product collected under this section other than by presenting it to, or by depositing it at a place directed or designated by, a person operating a licensed scheme. 10

(5) In a prosecution for an offence under subsection (4), it is not necessary for the prosecution to prove that the accused knew that —

(a) the thing disposed of is a designated regulated consumer product collected under this section; 15

(b) the person to whom the thing was presented is not a person operating a licensed scheme; or

(c) the place at which the thing was deposited was not directed or designated by a person operating a licensed scheme. 20

(6) A retailer who is guilty of an offence under subsection (4) shall be liable on conviction to a fine not exceeding \$10,000.

#### *Division 5 — Miscellaneous*

#### **Restriction of public collection of e-waste**

**16.—**(1) Except where otherwise authorised by this Act and despite section 31 of the Environmental Public Health Act, a person, other than an individual, must not, whether or not for reward, provide a receptacle in a public place, or a service to the public, for the collection of any regulated product for disposal unless the person is doing so — 25

(a) in the course of operating a licensed scheme; or

(b) in accordance with the written approval of the Agency. 30

(2) The Agency may impose conditions (including conditions subsequent) in its written approval mentioned in subsection (1)(b).

(3) Subsection (1) does not apply in relation to —

5 (a) the placement by a person of a receptacle in a public place for the collection of any regulated product for disposal where the person does so for or on behalf of a person referred to in subsection (1)(a) or (b); or

10 (b) the collection of any regulated product for disposal as waste by a licensed waste collector where the collection of the regulated product is —

(i) incidental to the licensed waste collector's collection of general waste; or

(ii) carried out for or on behalf of a person mentioned in subsection (1)(a) or (b).

15 (4) A person who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Proper disposal of regulated products**

20 17.—(1) Except where section 13, 14 or 15 applies, a person, other than an individual, commits an offence if the person disposes of a regulated product other than by presenting it to, or by depositing it at a place directed or designated by, an approved person.

(2) In a prosecution for an offence under subsection (1), it is not necessary for the prosecution to prove that the accused knew that —

25 (a) the thing disposed of is a regulated product;

(b) the person to whom the thing was presented is not an approved person; or

(c) the place at which the thing was deposited was not directed or designated by an approved person.

30 (3) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000.

(4) In this section, “approved person” means any of the following persons:

- (a) a person operating a licensed scheme;
- (b) a licensed waste collector or licensed e-waste recycler;
- (c) a person referred to in section 16(1)(b).

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### **Keeping of records**

**18.—**(1) A registered producer of any regulated product must keep and maintain complete and accurate records of —

- (a) the weight and number of all regulated products the producer has supplied in Singapore; and
- (b) if the registered producer supplies regulated non-consumer products, the weight and number of all regulated non-consumer products the producer has collected under section 13 and how the regulated non-consumer products are handled or disposed of (as waste or otherwise).

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(2) A registered producer mentioned in subsection (1) must —

- (a) retain the records mentioned in subsection (1) for the prescribed period or longer;
- (b) during the prescribed period, make available for inspection by any authorised officer, the records mentioned in subsection (1) when so requested by any authorised officer; and
- (c) give to the Agency the records mentioned in subsection (1), and such other record, document or information relevant to monitoring or evaluating compliance with this Act as the Agency may require, in the time specified by the Agency.

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(3) A registered producer who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

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(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 (4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

## PART 4

### REPORTING IN RELATION TO PACKAGING

#### 10 **Interpretation of this Part**

19.—(1) In this Part, unless the context otherwise requires —

“franchise” means a written agreement or arrangement between 2 or more persons by which —

15 (a) a party (called in this definition the franchisor) to the agreement or arrangement authorises or permits another party (called in this definition the franchisee), or a person associated with the franchisee, to exercise the right to engage in the business of offering, selling or distributing goods or services in Singapore under a plan or system controlled by the franchisor or a person associated with the franchisor;

25 (b) the business carried on by the franchisee or the person associated with the franchisee (as the case may be) is capable of being identified by the public as being substantially associated with a trade or service mark, logo, symbol or name identifying, commonly connected with or controlled by the franchisor or a person associated with the franchisor; and

30 (c) the franchisor exerts, or has authority to exert, a significant degree of control over the method or manner of operation of the franchisee’s business;

- “franchisee” is the person described in the definition of “franchise” as the franchisee;
- “franchisor” is the person described in the definition of “franchise” as the franchisor;
- “goods” includes raw or processed products or goods; 5
- “packaging” means any material or combination of materials used for the containment, protection, handling, delivery or presentation of any goods, but does not include any material that remains in the possession of a producer of specified packaging to be re-used for the containment, protection, handling, delivery or presentation of any goods; 10
- “prescribed threshold criteria”, in relation to a producer, means all or any of the following criteria, as may be prescribed:
- (a) the annual turnover of the producer;
  - (b) the quantity of specified packaging imported or used by the producer; 15
- “regulated goods” means any goods other than goods prescribed as excluded from this definition;
- “specified packaging” means any packaging other than any type of packaging prescribed as excluded from this definition; 20
- “supply”, in relation to any regulated goods, includes —
- (a) the supply of the regulated goods by way of sale (including by barter or exchange), lease, loan, hire or hire-purchase;
  - (b) the supply of the regulated goods by retail or by wholesale; 25
  - (c) the supply of the regulated goods in connection with any agreement; and
  - (d) the offer to supply the regulated goods or exposure of the regulated goods for supply. 30

(2) In this Part, “producer”, in relation to any specified packaging, means a person (*A*) who carries on a business of supplying regulated goods in Singapore and in furtherance of that business —

(a) imports specified packaging by importing regulated goods that have been packed into or with, or wrapped with, specified packaging; or

(b) uses specified packaging —

(i) by packing the regulated goods into or with specified packaging or wrapping the regulated goods with specified packaging;

(ii) by engaging another person to do anything mentioned in sub-paragraph (i) for or on behalf of *A* or otherwise causing anything mentioned in sub-paragraph (i);

(iii) where *A* supplies the regulated goods to a retailer, by providing specified packaging to the retailer that *A* requires the retailer to use in connection with the retailer’s supply of the regulated goods; or

(iv) where *A* is a retailer, by providing the specified packaging to a consumer who purchases regulated goods from *A*, to enable the consumer to put the regulated goods into the specified packaging,

but does not include a person who does anything mentioned in paragraph (b)(i) for or on behalf of a Singapore-connected person, or the retailer mentioned in paragraph (b)(iii).

### **Reporting of specified packaging imported or used**

**20.**—(1) A producer of any specified packaging who fulfils the prescribed threshold criteria in any year (*T*) must, in year *T* + 2, submit to the Agency a report relating to the specified packaging that is imported or used in year *T* + 1.

(2) Where a producer is the franchisor of a franchise —

(a) the annual turnover of, or the quantity of specified packaging imported or used by, all franchisees of the



franchise is to be included for the purposes of determining whether the franchisor fulfils the prescribed threshold criteria; and

- (b) any reference in this Part to specified packaging imported or used by the franchisor includes a reference to specified packaging imported or used by all the franchisees of the franchise.

(3) Where (but for this subsection) a producer is required to submit a report under subsection (1), and —

- (a) the producer is a franchisee of a franchise; and  
 (b) the franchisor of the franchise is a Singapore-connected person,

then subsection (1) does not apply to the franchisee.

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

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

(5) In a prosecution for an offence under subsection (4), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(6) The offence under subsection (4) is a strict liability offence.

### **Submission of 3R plan**

**21.—**(1) A producer required by section 20 to submit a report under that section must also submit to the Agency a plan to reduce, re-use or recycle packaging in Singapore (whether or not the packaging is imported or used by the producer).

(2) Without affecting section 52, a plan to reduce, re-use or recycle packaging under subsection (1) must include information on the implementation of any part of the plan.

(3) A producer who contravenes subsection (1) shall be guilty of an offence and shall be liable —

(a) on the first conviction to a fine not exceeding \$5,000; and

(b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, 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 that second or subsequent conviction.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

### **Requirements for reports and plans**

**22.—**(1) A requirement to submit a report or a plan under this Part to the Agency is a requirement to do so in accordance with any requirements prescribed under section 52 for the report or plan, including its preparation and submission.

(2) The Agency may, in respect of any incomplete or inaccurate report or plan submitted by a person, in writing direct the person to do the following within the time period specified in the direction (or such longer time as the Agency may allow in any particular case):

(a) to rectify or re-compute any matter in the report or plan as the Agency may require;

(b) to resubmit the report or plan to the Agency,  
and the person must comply with the direction.

(3) A person who fails to comply with a direction under subsection (2) shall be guilty of an offence and shall be liable —

(a) on the first conviction to a fine not exceeding \$5,000; and

(b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, 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 that second or subsequent conviction. 5

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence. 10

### **Keeping of records**

**23.—**(1) A producer of specified packaging who is required under this Part to submit any report or plan to the Agency must keep and maintain complete and accurate records containing such information, and in accordance with such other requirements, as may be prescribed under section 52, relating to — 15

(a) those reports and plans, including the preparation and submission of the reports and plans; and

(b) monitoring and evaluation undertaken by the person to ensure compliance with this Act. 20

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

(a) retain the records mentioned in subsection (1) for the prescribed period or longer;

(b) during the prescribed period mentioned in paragraph (a), make available for inspection by any authorised officer, the records mentioned in subsection (1) when so requested by the authorised officer; and 25

(c) submit to the Agency the records mentioned in subsection (1) in the time specified by the Agency.

(3) A producer who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable — 30

(a) on the first conviction to a fine not exceeding \$5,000; and

(b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, 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 that second or subsequent conviction.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

## PART 5

### FOOD WASTE

#### **Interpretation of this Part**

**24.**—(1) In this Part, unless the context otherwise requires —

“building manager”, in relation to a prescribed building, means —

(a) where the prescribed building is occupied by only one person — the owner or occupier of the building; or

(b) where the prescribed building is occupied by more than one person —

(i) where the prescribed building is a subdivided building — the management corporation of the building; or

(ii) where the prescribed building is not a subdivided building — the owner of the building or an agent of the owner who is responsible for maintaining the building;

“licensed waste disposal facility” means a disposal facility in respect of which there is a waste disposal licence under section 23 of the Environmental Public Health Act for the treatment of food waste;

“management corporation” has the meaning given by section 3(1) of the Land Titles (Strata) Act (Cap. 158);

“new building” means a prescribed building in respect of which —

- (a) an application for written permission for development under the Planning Act (Cap. 232) is made on or after 1 January 2021; 5
- (b) written permission is granted pursuant to the application;
- (c) the development for which written permission is granted is for the erection of a new building; and 10
- (d) the temporary occupation permit or certificate of statutory completion for the building has been issued under the Building Control Act (Cap. 29);

“prescribed building” means any class of buildings prescribed to be subject to this Part; 15

“subdivided building” has the meaning given by section 3(1) of the Land Titles (Strata) Act.

(2) In this Part, food waste has been treated if —

- (a) it has undergone a prescribed food waste treatment process; or 20
- (b) it has been treated using a prescribed food waste treatment system.

### **Occupiers of prescribed building to segregate food waste**

**25.—**(1) An occupier of a prescribed building or part of a prescribed building must not do any of the following within the prescribed building: 25

- (a) dispose of any food waste generated in the prescribed building in any place other than a facility mentioned in section 26(1); 30
- (b) dispose of any food waste together with any other type of waste.

(2) An occupier who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

### **Provision of food waste segregation facilities**

5     **26.**—(1) The building manager of a prescribed building must provide, within the premises on which the prescribed building is situated, one or more facilities to enable occupiers of the prescribed building to dispose of food waste separately from any other type of waste.

10    (2) A building manager who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

    (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

15    (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.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

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

### **Treatment of food waste**

**27.**—(1) The building manager of a new building must cause all food waste disposed of in a facility mentioned in section 26(1) to be treated in the building.

25    (2) The building manager of any prescribed building other than a new building must, in relation to all food waste disposed of within the building —

    (a) cause the food waste to be treated in the building or within the premises on which the building is situated; or

30    (b) engage a licensed waste collector to send the food waste for treatment at a licensed waste disposal facility.

(3) A building manager who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) in the case of 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.

(4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

## PART 6

### PRODUCER RESPONSIBILITY SCHEMES

#### **Licence required to operate producer responsibility scheme**

**28.**—(1) A person must not operate, or advertise or otherwise hold out that the person is operating, a producer responsibility scheme unless the person is authorised to do so by a licence under this Part.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

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

#### **Producer responsibility scheme licence**

**29.**—(1) An application for a licence to operate a producer responsibility scheme must be made to the Agency in the form and manner the Agency requires.

(2) After considering an application for the grant of a licence, the Agency may —

(a) grant the licence for such duration as the Agency may specify in the licence; or

(b) refuse the application.

5 (3) The Minister may from time to time, by notification in the *Gazette*, prescribe a limit on the number of licences to be granted by the Agency under subsection (2) for a type of specified waste.

10 (4) A person who is to be granted a licence may be selected by the Agency from among those who submit tenders in response to an invitation to tender for the right to operate a producer responsibility scheme under that licence.

15 (5) Any invitation to tender under this section must specify that an applicant who tenders for a licence must state the amount (by reference to quantity or method or otherwise) that the applicant will charge members of the producer responsibility scheme if the applicant is granted a licence.

### **Licence conditions**

**30.**—(1) A licence is subject to such conditions as the Agency may specify.

(2) The conditions may include the following:

20 (a) requirements relating to the fees payable by members of the producer responsibility scheme;

(b) requirements relating to the waste collection operations of the licensee, to ensure comprehensive and regular collection, removal and transport of waste;

25 (c) minimum specified waste collection amounts;

(d) requirements to conduct programmes or events to educate the public on waste management and resource sustainability.

30 (3) The Agency may, at any time, modify the conditions of a licence in accordance with this section.

(4) Before modifying any conditions of a licence, the Agency must give notice to the licensee concerned —



- (a) stating that the Agency proposes to make the modification in the manner as specified in the notice; and
- (b) specifying the time within which the licensee may make written representations to the Agency with respect to the proposed modification.

5

(5) The time specified by the Agency in the notice given under subsection (4) must not be less than 14 days after the date of the notice.

(6) A licensee who is aggrieved by the Agency's decision to modify a licence condition may, within 14 days after receiving notice of the Agency's decision, appeal to the Minister.

10

(7) In this section, "modification" and "modify", in relation to the conditions of a licence, include deleting or varying and substituting a condition, and adding a condition.

### **Revocation of licence**

15

**31.—**(1) The Agency may, at any time, revoke a licence if the licensee —

- (a) provides or causes to be provided to the Agency any information (including information in connection with the application for a licence) that is false or misleading in any material particular;
- (b) contravenes any provision of this Part;
- (c) contravenes any condition of the licence; or
- (d) ceases to be, in the opinion of the Agency, a fit and proper person to hold a licence.

20

25

(2) The Agency must, before revoking a licence under subsection (1), give the licensee a written notice of its intention to do so and an opportunity to submit reasons, within such period as the Agency may specify in that notice, as to why the licence should not be revoked.

30

(3) A licensee who is aggrieved by the Agency's decision to revoke the licence may, within 14 days after receiving notice of the Agency's decision, appeal to the Minister.

(4) Any decision of the Agency to revoke a licence does not take effect until —

- (a) the expiry of the period allowed under subsection (3) for the licensee to appeal to the Minister against the decision; or
- (b) the determination or rejection of the appeal by the Minister or his or her designate under section 45,

whichever is the later.

(5) The Agency may cancel a licence at the request of the licensee.

### **Financial penalty**

**32.—**(1) This section applies where a licensee —

- (a) contravenes a provision of this Part, which contravention is not an offence under this Act; or
- (b) fails to comply with any condition imposed by the Agency on the licence.

(2) On the occurrence of a contravention or failure to comply mentioned in subsection (1), the Agency may, in addition to or instead of taking any action under section 31(1), order the licensee to pay a financial penalty of an amount not exceeding \$10,000 for each contravention or failure to comply, but not exceeding in the aggregate \$50,000, by the date specified in the order.

(3) The Agency must, before making an order under subsection (2), give the licensee a written notice of its intention to do so and an opportunity to submit reasons, within such period as the Agency may specify in that notice, as to why the order should not be revoked.

(4) A licensee who is aggrieved by the Agency's decision to make an order under subsection (2) may, within 14 days after receiving notice of the Agency's decision, appeal to the Minister.

(5) Where an appeal is made to the Minister within the period mentioned in subsection (4), the order mentioned in subsection (2) does not take effect unless —

- (a) the appeal is for any reason dismissed by the Minister; or

(b) the appellant withdraws the appeal.

### **Recovery of financial penalties**

**33.—**(1) Any person who fails to pay a financial penalty by the date the person is required to do so under this Act is liable to pay, after that date, interest on the amount unpaid at the same rate as for a judgment debt. 5

(2) Any financial penalty and any interest on the financial penalty payable by any person under this Act must be paid to the Agency and is recoverable by the Agency as a debt due to the Agency from that person; and the person's liability to pay is not affected by the person's licence ceasing, for any reason, to be in force. 10

(3) The Agency may, in any case it thinks fit, waive, remit or refund, wholly or in part, any financial penalty or any interest on the financial penalty payable under this Act.

(4) All financial penalties and interest on the financial penalties collected by the Agency under this Act must be paid into the Consolidated Fund. 15

### **Keeping of records**

**34.—**(1) A licensee must keep and maintain complete and accurate records of the following, in accordance with such requirements as may be prescribed under section 52: 20

(a) details of the licensee's collection activities;

(b) the quantity of specified waste the licensee has sent for treatment or recycling;

(c) the fees charged to members of the producer responsibility scheme that the licensee operates. 25

(2) A licensee must —

(a) retain the records mentioned in subsection (1) for the prescribed period or longer;

(b) during the prescribed period mentioned in paragraph (a), make available for inspection by any authorised officer, the 30

records mentioned in that subsection when so requested by any authorised officer; and

5 (c) submit to the Agency the records mentioned in subsection (1), and such other record, document or information relevant to monitoring or evaluating compliance with this Act as the Agency may require, in the time or at such frequency, specified by the Agency.

(3) A licensee who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction —

10 (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

15 (4) In a prosecution for an offence under subsection (3), it is not necessary for the prosecution to prove that the defendant intended to commit the offence.

(5) The offence under subsection (3) is a strict liability offence.

### **Submission of annual report**

20 **35.** A licensee must submit an audited annual report on such matters as may be prescribed relating to the operation of the producer responsibility scheme in respect of which the licensee is licensed.

### **Disclosure of information**

**36.—**(1) A licensee or former licensee —

25 (a) must not disclose any information received from the Agency under section 43(4)(c); and

(b) must make reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification or disposal, of any information received from the Agency under section 43(4)(c).

30 (2) A person who contravenes subsection (1)(a) 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 3 months or to both.

(3) In a prosecution for an offence under subsection (2), it is not necessary for the prosecution to prove that the defendant intended to commit the offence. 5

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

## PART 7

### ENFORCEMENT

#### **Entering non-residential premises, etc., to monitor compliance**

37. For the purposes of administering or enforcing this Act or determining whether this Act has been complied with, an authorised officer may, upon declaring his or her office and producing to an occupier of any premises (other than any residential premises) such identification card as the Agency may direct to be carried by authorised officers, do all or any of the following: 10 15

(a) enter the premises —

(i) during normal business hours without notice; or

(ii) at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice); 20

(b) exercise any of the powers set out in sections 38, 39 and 40.

#### **Powers of authorised officers in monitoring compliance**

38.—(1) An authorised officer may exercise all or any of the following powers in relation to premises under section 37: 25

(a) search the premises for any thing that may relate to compliance with this Act;

(b) examine any activity conducted on the premises that may relate to information provided for the purposes of this Act;

- (c) examine any thing on the premises that may relate to information provided for the purposes of this Act;
- (d) take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
- 5 (e) affix or bring onto the premises, with such assistants and workmen as may be necessary, any meter or instrument and take readings from the meter or instrument, or take readings from any meter or instrument on the premises;
- 10 (f) inspect any document on the premises that may relate to information provided for the purposes of this Act;
- (g) take extracts from, or make copies of, any such document;
- (h) take onto the premises such equipment and materials as the authorised officer requires for the purpose of exercising powers in relation to the premises;
- 15 (i) seize any thing found during the exercise of monitoring powers on the premises which the authorised officer believes on reasonable grounds affords evidence of a contravention of this Act.

20 (2) An authorised officer may, in addition to the powers in subsection (1) —

- (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Act; and
- 25 (b) if such information is found in exercise of the power in paragraph (a) —
  - 30 (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
  - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

## **Authorised officer may require persons to provide information and produce documents**

**39.**—(1) For the purposes of administering or enforcing this Act or determining whether this Act has been complied with, an authorised officer may (in connection with section 38 or otherwise) — 5

(a) require any person to provide the authorised officer any information within the knowledge of that person; and

(b) require any person to produce to the authorised officer any document in the person's custody or under the person's control in connection with the matter. 10

(2) The authorised officer may —

(a) specify a time and place at which a person must provide the information or produce the document under subsection (1); and

(b) without payment — 15

(i) inspect, keep, copy or take extracts from a document produced or made available to the authorised officer under this section; and

(ii) in relation to a document kept in electronic form, inspect, copy or take extracts from the document in legible form. 20

(3) Where a document is kept in electronic form, the power of the authorised officer to require the document to be produced includes the power to require the document to be made available to the authorised officer in legible form. 25

(4) A person who, without reasonable excuse, refuses or fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable —

(a) on the first conviction to a fine not exceeding \$5,000; and

(b) on a second or subsequent conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 30

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

**Power to demand names and addresses**

5 **40.**—(1) An authorised officer may require any person found on the premises under section 37 to —

(a) give the person’s name and address and such other proof of identity; and

(b) provide such other particulars,

as the authorised officer may require for the purposes of this Act.

10 (2) A person commits an offence if the person, upon being required by the authorised officer to give his or her name and address or other proof of identity or to provide any particulars under subsection (1) —

(a) refuses to do so;

15 (b) wilfully misstates his or her name and address or proof of identity; or

(c) provides false particulars.

(3) A person who is guilty of an offence under subsection (2) shall be liable on conviction to a fine not exceeding \$5,000.

**Penalty for obstructing authorised officer in his or her duty**

20 **41.** A person who at any time hinders or obstructs an authorised officer in the performance or execution of his or her duty or of any thing which the authorised officer is empowered or required to do under this Act shall be guilty of an offence and shall be liable on conviction —

25 (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.



## PART 8

## MISCELLANEOUS

**Giving false information**

**42.**—(1) A person commits an offence if the person makes a statement or gives any information or document required to be made or given under this Act that the person knows or ought reasonably to know to be —

- (a) false in a material particular; or
- (b) misleading by reason of the omission of a material particular.

(2) A person who is guilty of an offence under subsection (1) shall be liable —

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

**Restriction on disclosure of confidential information**

**43.**—(1) This section applies if —

- (a) any information or document is given by a person to the Agency under this Act; and
- (b) at the time the information or document is given, the person giving it notifies the Agency in writing that it is of a confidential or commercially sensitive nature.

(2) The Agency must not disclose to any person the information or the contents of a document to which this section applies unless —

- (a) the Agency is of the opinion that —
  - (i) the disclosure of the information or the contents of the document would not cause detriment to the person supplying it or to any other person who is aware of the information or the contents of the document; or

(ii) although the disclosure of the information or the contents of the document would cause detriment to the person supplying it or to any other person who is aware of the information or the contents of the document, the public benefit in disclosing outweighs that detriment;

(b) the Agency gives written notice to —

(i) the person who supplied the information or document; and

(ii) any other person whom the Agency is aware has supplied the information or document to the person mentioned in sub-paragraph (i), where the identity of such other person is known to the Agency,

stating that the Agency wishes to disclose the information or contents of the document, specifying the nature of the intended disclosure and detailed reasons why the Agency wishes to make the disclosure and setting out a copy of this section; and

(c) no appeal is made to the Minister under subsection (3) within 14 days after the date of the giving of the notice.

(3) A person who is aggrieved by a notice under subsection (2)(b) may appeal to the Minister within 14 days after the date of the giving of the notice.

(4) Subsection (2) does not prevent the Agency from disclosing any information or the contents of any document —

(a) to any member, officer or employee of the Agency or any agent, consultant, committee or panel acting for or under the direction of the Agency;

(b) to the Minister or any agent, consultant, committee or panel acting for or under the direction of the Minister;

(c) to the operator of a licensed scheme for the determination of the fees payable by members of the licensed scheme;

(d) when required to do so by any court or under this Act or any other written law; or

(e) for the purposes of any criminal proceedings.

(5) For the purposes of this section, the disclosure of any information or the contents of a document already in the public domain at the time the Agency wishes to disclose it cannot cause detriment to any person mentioned in subsection (2)(a). 5

### **Appeal to Minister**

**44.**—(1) Every appeal to the Minister under this Act must be made in such form and manner as the Minister may require.

(2) Despite any appeal made under this Act, the decision appealed against takes effect and must be complied with unless otherwise provided in this Act or ordered by the Minister. 10

(3) The Minister may, after considering the appeal, dismiss or allow the appeal, unconditionally or subject to such conditions as the Minister thinks fit.

(4) The Minister may, in considering an appeal under this section, give the appellant an opportunity to make representations in writing. 15

(5) The Minister's decision on any appeal is final.

### **Minister may designate others to hear appeals**

**45.**—(1) The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal under this Act: 20

(a) the Second Minister (if any) for his or her Ministry;

(b) a Minister of State (which includes a Senior Minister of State) for his or her Ministry;

(c) a Parliamentary Secretary (which includes a Senior Parliamentary Secretary) assisting the Minister under this Part. 25

(2) A reference to the Minister in section 44 includes a reference to a person designated under subsection (1).

## Offences by corporations

46.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

5           (a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

              (b) the officer, employee or agent had that state of mind,  
is evidence that the corporation had that state of mind.

10       (2) Where a corporation commits an offence under this Act, a person —

              (a) who is —

                  (i) an officer of the corporation; or

15           (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

              (b) who —

20           (i) consented or connived, or conspired with others, to effect the commission of the offence;

              (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

25           (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

30 shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the

offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

### **Offences by unincorporated associations or partnerships**

47.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

- (a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,  
is evidence that the unincorporated association or partnership had that  
state of mind.

5 (2) Where an unincorporated association or a partnership commits  
an offence under this Act, a person —

(a) who is —

(i) an officer of the unincorporated association or a  
member of its governing body;

(ii) a partner in the partnership; or

10 (iii) an individual involved in the management of the  
unincorporated association or partnership and in a  
position to influence the conduct of the  
unincorporated association or partnership (as the  
case may be) in relation to the commission of the  
15 offence; and

(b) who —

(i) consented or connived, or conspired with others, to  
effect the commission of the offence;

20 (ii) is in any other way, whether by act or omission,  
knowingly concerned in, or is party to, the  
commission of the offence by the unincorporated  
association or partnership; or

25 (iii) knew or ought reasonably to have known that the  
offence by the unincorporated association or  
partnership (or an offence of the same type) would  
be or is being committed, and failed to take all  
reasonable steps to prevent or stop the commission of  
that offence,

30 shall be guilty of the same offence as is the unincorporated  
association or partnership (as the case may be), and shall be liable  
on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that  
would be available to the unincorporated association or partnership if

it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or 5

(b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence. 10

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes — 15

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity; 20

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

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose. 25

### **Service of documents, etc.**

**48.**—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served — 30

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;
- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) may be served —

- (a) by giving it to the body corporate's secretary or other similar officer, or the limited liability partnership's manager;



(b) by leaving it at, or by sending it by prepaid registered post to, the body corporate's registered office or principal office in Singapore;

(c) by sending it by fax to the fax number used at the body corporate's registered office or principal office in Singapore; or

(d) by sending it by email to the body corporate's last email address.

(5) Service of a document under subsection (1) takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; and

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(6) However, service of any document under this Act on a person by email may be effected only with the person's prior consent to service in that way.

(7) This section does not apply to documents to be served in proceedings in court.

(8) In this section —

“business address” means —

(a) in the case of an individual, the individual's usual or last known place of business in Singapore; or

(b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means —

- (a) the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; or
- (b) the last email address of the addressee concerned known to the person giving or serving the document;

“residential address” means an individual’s usual or last known place of residence in Singapore.

### Composition of offences

49.—(1) An authorised officer may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

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

(3) All sums collected under this section must be paid into the Consolidated Fund.

### Exemption

50. The Minister may, by order in the *Gazette*, exempt any person or any class of persons from all or any of the provisions of this Act, subject to the conditions as may be specified in the order.

### Amendment of Schedule

51.—(1) The Minister may, by order in the *Gazette*, amend the Schedule.

(2) The Minister may, in an order under subsection (1), make such provisions of a saving or transitional nature consequent on the

enactment of the order as the Minister may consider necessary or expedient.

(3) All orders made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

## **Regulations**

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**52.—**(1) The Minister may make regulations prescribing matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), the Minister may make regulations for or with respect to all or any of the following:

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(a) the fees to be paid in respect of any matter or thing required for the purposes of this Act, and the refund or remission of the whole or any part of any such fees;

(b) the manner of determining the quantity of waste collected by the operator of a licensed scheme;

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(c) the duties of an operator of a licensed scheme, including the duty —

(i) to collect specified waste from a person without fee or at a prescribed fee;

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(ii) to provide collection points for specified waste and the manner and places where such collection points may be placed;

(iii) to submit collection plans and contingency plans to the Agency; and

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(iv) to dispose of specified waste collected in a prescribed manner or only with prescribed persons;

(d) the duties of a licensed e-waste recycler, including the duty —

(i) to meet recycling and material recovery standards; and

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(ii) to ensure secure data destruction when treating e-waste;

(e) the receptacles that may be provided by a retailer for the collection of designated regulated consumer products under section 15.

(3) The regulations made under this section may —

(a) prescribe the offences under this Act that may be compounded; and

(b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 3 months or with both.

## THE SCHEDULE

Section 2

### SPECIFIED WASTE

1. Any electrical or electronic product prescribed as a regulated product under section 7 that is intended for disposal as waste and not for re-use.

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## EXPLANATORY STATEMENT

This Bill seeks to —

(a) require producers of certain electrical and electronic products to join a producer responsibility scheme, through which the producers finance the collection and recycling of such products when they are disposed of as waste;

(b) require large retailers to offer in-store collection of electrical and electronic waste and, upon delivery of an electrical or electronic product, offer 1-for-1 collection of an equivalent product;

(c) require producers who supply regulated goods to report on the amount of specified packaging imported or used in relation to the regulated goods;

(d) require producers who supply regulated goods to submit plans to reduce, re-use or recycle packaging;

- (e) require occupiers of certain buildings to dispose of food waste separately from other types of waste;
- (f) require building managers of certain buildings to provide on-site food waste segregation and food waste treatment facilities; and
- (g) regulate persons who operate producer responsibility schemes.

## PART 1

### PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill.

Clause 3 describes the purposes of the Bill.

## PART 2

### APPLICATION AND ADMINISTRATION

Clause 4 provides for the application of the Bill to the Government.

Clause 5 provides that the National Environment Agency (the Agency) is responsible for the administration and enforcement of the Bill, and for the appointment of officers and employees of the Agency as authorised officers.

## PART 3

### ELECTRICAL AND ELECTRONIC WASTE

Clause 6 provides that Part 3 only applies to a class or type of electrical or electronic product that is prescribed as a regulated product.

Clause 7 defines certain terms used in Part 3.

Clause 8 prohibits a producer from supplying regulated products if the producer is not registered under the Bill.

Clause 9 provides for matters relating to applications for registrations mentioned in clause 8.

Clause 10 provides for perpetual registration for registered producers, and provides the circumstances under which the registration may be cancelled or revoked. The clause also provides for an aggrieved producer to appeal to the Minister against the Agency's revocation of a registration.

Clause 11 provides for a register of registered producers to be established.

Clause 12 requires any registered producer who has on average for each year in the relevant period before a compliance year (1 July in any year to 30 June in the

following year) supplied more than the prescribed threshold for a consumer product to be a member of a producer responsibility scheme before the producer may supply any regulated consumer product.

Clause 13 requires a producer of regulated non-consumer products, upon request, to collect any regulated non-consumer product that the producer imported or manufactured (or caused to be imported or manufactured).

Clause 14 requires a retailer to offer a 1-for-1 collection of an unwanted product when the retailer delivers a regulated consumer product of the same class or type as the unwanted product to a consumer. The retailer cannot require the consumer to bear any cost for the collection and disposal of the unwanted product.

Clause 15 requires retailers that own large stores from which any designated regulated consumer product is supplied, to provide in-store collection of e-waste. The retailer may dispose of any e-waste collected only by disposing of it with a person operating a licensed producer responsibility scheme.

Clause 16 makes it an offence for any person (other than an individual) to provide a receptacle for the collection of e-waste, or to provide to the public a service to collect e-waste, whether or not for reward, unless the person is an operator of a licensed producer responsibility scheme or has obtained the Agency's approval for doing so. This prohibition does not apply in relation to the placement of receptacles or collection of e-waste that is incidental to a licensed waste collector's collection of general waste or that is carried out for or on behalf of an operator of a licensed producer responsibility scheme.

Clause 17 makes it an offence for any person (other than an individual) to dispose of a regulated product as waste other than by disposing it with a person operating a licensed producer responsibility scheme, a licensed waste collector or licensed e-waste recycler, or a person who has obtained the Agency's approval under clause 16 to collect e-waste.

Clause 18 obliges registered producers to maintain records and provide information upon request to the Agency or an authorised officer.

## PART 4

### REPORTING IN RELATION TO PACKAGING

Clause 19 defines certain terms used in Part 4.

Clause 20 requires producers of specified packaging who fulfil the prescribed threshold criteria (relating to the annual turnover or quantity of packaging produced) in any year to report on the packaging produced in the following year.

Clause 21 requires any producer who fulfils the prescribed threshold criteria to submit a plan to reduce, re-use or recycle packaging.

Clause 22 makes provision for the preparation and submission of reports and plans required under Part 4.

Clause 23 obliges any producer required to submit any report or plan to maintain records in relation to those reports and plans.

## PART 5 FOOD WASTE

Clause 24 defines certain terms used in Part 5.

Clause 25 prohibits occupiers of a prescribed building from disposing of food waste other than in a facility provided by the building manager for that purpose, and from disposing of food waste together with any other type of waste.

Clause 26 obliges the building manager of a prescribed building to provide food waste segregation facilities for the use of occupiers of the building.

Clause 27 requires the building manager of a new building (a building for which application for written permission is made on or after 1 January 2021) to provide on-site food waste treatment facilities. Building managers of prescribed buildings that are not new buildings must either provide on-site food waste treatment facilities, or send the food waste for treatment at a licensed waste disposal facility.

## PART 6 PRODUCER RESPONSIBILITY SCHEMES

Clause 28 makes it an offence to operate a producer responsibility scheme unless the operator is licensed under this Part.

Clause 29 makes provision for the application of a licence to operate a producer responsibility scheme. The Agency may grant the licence by way of public tender.

Clause 30 provides that the Agency may impose conditions on the licence and modify those conditions.

Clause 31 makes provision for the Agency to revoke a licence. A licensee who is aggrieved by the Agency's decision to revoke the licence may appeal to the Minister.

Clause 32 provides that the Agency may impose an administrative financial penalty on a licensee in addition to or instead of revoking a licence.

Clause 33 provides for the recovery of financial penalties as a debt due to the Agency, and for the imposition of late payment interest. All financial penalties and interest collected must be paid into the Consolidated Fund.

Clause 34 obliges a licensee to maintain records and provide information upon request to the Agency or an authorised officer.

Clause 35 obliges a licensee to submit an audited annual report on such prescribed matters relating to the operation of the licensee's producer responsibility scheme.

Clause 36 makes it an offence for a licensee or former licensee to disclose any confidential information received from the Agency.

## PART 7

### ENFORCEMENT

Clause 37 empowers authorised officers to enter any non-residential premises to carry out monitoring or investigations.

Clause 38 empowers authorised officers to monitor compliance with the provisions in the Bill, including the searching and seizing of documents or things.

Clause 39 empowers authorised officers to request any person to provide information and produce documents.

Clause 40 empowers authorised officers to ask for and obtain the identity of any person found on the premises when the authorised officers exercise their power of entry.

Clause 41 penalises any person who hinders or obstructs an authorised officer in the performance of his or her duties.

## PART 8

### MISCELLANEOUS

Clause 42 makes it an offence for any person to give any false or misleading information to the Minister or Agency under the Bill.

Clause 43 prohibits the Agency from disclosing any confidential information or document except in accordance with the clause.

Clause 44 makes provision for appeals to the Minister under the Bill. Despite an appeal, the decision appealed against takes effect and must be complied with unless otherwise provided in the Bill or ordered by the Minister.

Clause 45 provides that the Minister may designate other persons to hear appeals in his or her place.

Clause 46 concerns offences committed by corporations (including a limited liability partnership). The clause makes clear how the state of mind of a corporation may be evidenced when the offence in question has a mental element.



It also clarifies when the criminal liability of a corporation may be attributed to an officer or a member of a corporation, or to certain other individuals.

Clause 47 is similar to clause 46 but instead concerns offences committed by unincorporated associations and partnerships.

Clause 48 provides for the modes of service of documents and determines the time when service is effected. The clause does not apply to documents to be served in court proceedings.

Clause 49 provides for the composition of offences under the Bill by an authorised officer, that are prescribed as compoundable offences.

Clause 50 empowers the Minister to exempt any persons or any class of persons from the Bill.

Clause 51 empowers the Minister to amend the Schedule to the Bill by order in the *Gazette*.

Clause 52 empowers the Minister to make regulations for carrying out the purposes and provisions of the Bill.

The Schedule sets out the types of waste in relation to which producer responsibility schemes apply.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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