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No. S 372

EMPLOYMENT OF FOREIGN MANPOWER ACT
(CHAPTER 91A)

EMPLOYMENT OF FOREIGN MANPOWER (LEVY)
(AMENDMENT NO. 2)
ORDER 2013

In exercise of the powers conferred by section 11(1) of the Employment of Foreign Manpower Act, Mr Tan Chuan-Jin, Senior Minister of State, charged with the responsibility of the Minister for Manpower, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Employment of Foreign Manpower (Levy) (Amendment No. 2) Order 2013 and shall come into operation on 1st July 2013.

Amendment of paragraph 2

2. Paragraph 2 of the Employment of Foreign Manpower (Levy) Order 2011 (G.N. No. S 371/2011) (referred to in this Order as the principal Order) is amended —

(a) by inserting, immediately before the definition of “basic skilled construction worker”, the following definition:

“ “Agency for Integrated Care Pte. Ltd.” means the Agency for Integrated Care Pte. Ltd., a private limited company incorporated under the Companies Act (Cap. 50);”;

(b) by deleting the definition of “National Council of Social Service”; and

(c) by deleting the definition of “skilled harbour craft worker” and substituting the following definition:

“ “skilled harbour craft worker” means a harbour craft worker who —

(a) holds a manning licence issued by the Maritime and Port Authority of Singapore

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- under the Maritime and Port Authority of Singapore (Harbour Craft Manning Licence Examination) Regulations (Cap. 170A, Rg 4);
- (b) possesses such other qualifications or work experience as may be recognised by that Authority; or
- (c) has such academic qualifications, work experience, remuneration or any combination thereof, or who satisfies such other criteria, as the Minister determines suitable to regard the harbour craft worker as a skilled harbour craft worker;”.

Deletion and substitution of paragraph 5A

3. The principal Order is amended by deleting paragraph 5A and substituting the following paragraph:

“Levy penalty

5A.—(1) Subject to sub-paragraph (2), the penalty under section 11(4) of the Act for any unpaid levy for any particular month shall be calculated as follows:

$$1/50 \times 1/A \times B \times C$$

where A is the number of days constituting that month;

B is the amount of unpaid levy; and

C is the number of days in that month during which the unpaid levy remains outstanding.

(2) Where the amount determined in accordance with sub-paragraph (1) is not more than the sum of \$20, the penalty shall be the lower of the following:

(a) \$20; or

(b) 30% of the amount of unpaid levy.”.

Amendment of paragraph 15

4. Paragraph 15 of the principal Order is amended by deleting sub-paragraph (5) and substituting the following sub-paragraph:

“(5) The levy payable at the rate specified under sub-paragraph (3) or (4) shall apply from such of the following dates as may be applicable:

- (a) the date the work permit is issued to the work permit holder or the date the work permit holder starts lawful employment with his employer, whichever date is earlier;
- (b) the first day of the month following the month in which the work permit of the work permit holder is renewed;
- (c) the first day of the month following the month in which the Controller is satisfied that a general work permit holder is a skilled general work permit holder by reason of him having such academic qualifications, work experience, remuneration or any combination thereof, or satisfying such other criteria, as the Minister determines suitable to regard the general work permit holder as a skilled general work permit holder; or
- (d) the first day of the month following the month in which the Controller is satisfied that a general work permit holder is an unskilled general work permit holder by reason of him ceasing to have such academic qualifications, work experience, remuneration or any combination thereof, or satisfy such other criteria, as the Minister determines suitable to regard the general work permit holder as a skilled general work permit holder.”.

Amendment of paragraph 16

5. Paragraph 16(2) of the principal Order is amended by deleting the words “the National Council of Social Service, Centre for Enabled Living” in sub-paragraphs (e)(i) and (f)(i) and substituting in each case the words “Agency for Integrated Care Pte. Ltd.”.

Deletion and substitution of paragraph 26

6. The principal Order is amended by deleting paragraph 26 and substituting the following paragraph:

“Change in skill level of harbour craft worker

26.—(1) Where an unskilled harbour craft worker becomes a skilled harbour craft worker on passing the relevant test, the Maritime and Port Authority of Singapore or the institution which conducted the test may notify the Controller of the change in the skill level of the harbour craft worker.

(2) The levy at the rate specified under paragraph 25 for skilled harbour craft worker shall be payable from the first day of the month following the month in which —

- (a) the harbour craft worker passes the test referred to in sub-paragraph (1); or
- (b) the Controller is satisfied that the harbour craft worker is a skilled harbour craft worker by reason of him —
 - (i) holding a manning licence issued by the Maritime and Port Authority of Singapore under the Maritime and Port Authority of Singapore (Harbour Craft Manning Licence Examination) Regulations (Cap. 170A, Rg 4);
 - (ii) possessing such other qualifications or work experience as may be recognised by that Authority; or
 - (iii) having such academic qualifications, work experience, remuneration or any combination thereof, or satisfying such other criteria, as the Minister determines suitable to regard the harbour craft worker as a skilled harbour craft worker.

(3) The levy at the rate specified under paragraph 25 for unskilled harbour craft worker shall be payable from such of the following dates as may be applicable:

- (a) the date the work permit is issued to the unskilled harbour craft worker or the date the unskilled harbour craft worker starts lawful employment with his employer, whichever date is earlier;

- (b) the first day of the month following the month in which the work permit of the unskilled harbour craft worker is renewed; or
- (c) the first day of the month following the month in which the Controller is satisfied that a harbour craft worker is an unskilled harbour craft worker by reason of him ceasing to —
- (i) hold a manning licence issued by the Maritime and Port Authority of Singapore under the Maritime and Port Authority of Singapore (Harbour Craft Manning Licence Examination) Regulations;
 - (ii) possess such other qualifications or work experience as may be recognised by that Authority; or
 - (iii) have such academic qualifications, work experience, remuneration or any combination thereof, or satisfy such other criteria, as the Minister determines suitable to regard the harbour craft worker as a skilled harbour craft worker.”.

Amendment of paragraph 31A

7. Paragraph 31A(1) of the principal Order is amended by deleting “\$370” in sub-paragraph (a) and substituting “\$400”.

Deletion and substitution of Fourth to Twelfth Schedules

8. The principal Order is amended by deleting the Fourth to Twelfth Schedules and substituting the following Schedules:

“FOURTH SCHEDULE

Paragraphs 2, 12, 13 and 14

LEVY PAYABLE FOR S PASS HOLDERS

	<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>
	<i>Tier</i>	<i>Percentage range of total workforce</i>	<i>Cumulative percentage range (P)</i>	<i>Levy payable</i>
1.	Tier 1	Not more than 10%	10	\$300
2.	Tier 2	More than 10%	—	\$450.

FIFTH SCHEDULE

Paragraphs 2, 12, 13 and 15

LEVY PAYABLE FOR GENERAL WORK PERMIT HOLDERS

	<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	<i>Fifth column</i>
	<i>Tier</i>	<i>Percentage range of total workforce</i>	<i>Cumulative percentage range (P)</i>	<i>Levy payable (unskilled)</i>	<i>Levy payable (skilled)</i>
1.	Tier 1	Not more than 10%	10	\$400	\$300
2.	Tier 2	More than 10% and not more than 25%	25	\$500	\$400
3.	Tier 3	More than 25%	—	\$600	\$600.

SIXTH SCHEDULE

Paragraphs 2 and 15

LEVY PAYABLE FOR CERTAIN CONSERVANCY WORKERS

	<i>First column</i>	<i>Second column</i>
	<i>Tier</i>	<i>Levy payable</i>
1.	Tier 1	\$400
2.	Tier 2	\$500
3.	Tier 3	\$600.

SEVENTH SCHEDULE

Paragraphs 20 and 21

LEVY PAYABLE FOR CONSTRUCTION WORKERS

	<i>First column</i>	<i>Second column</i>
	<i>Category</i>	<i>Levy payable</i>
1.	Higher skilled construction worker	\$300
2.	Basic skilled construction worker	\$450
3.	Unskilled construction worker	\$750
4.	Higher skilled construction worker excluded from the requirement for prior authorisation before applying for a work permit	\$600
5.	Basic skilled construction worker excluded from the requirement for prior authorisation before applying for a work permit	\$750.

EIGHTH SCHEDULE

Paragraphs 22 and 23

LEVY PAYABLE FOR MARINE WORKERS

	<i>First column</i>	<i>Second column</i>
	<i>Category</i>	<i>Levy payable</i>
1.	Skilled marine worker	\$250
2.	Unskilled marine worker	\$350.

NINTH SCHEDULE

Paragraphs 2, 12 and 24

LEVY PAYABLE FOR MANUFACTURING WORKERS

	<i>First column</i>	<i>Second column</i>	<i>Third column</i>	<i>Fourth column</i>	<i>Fifth column</i>
	<i>Tier</i>	<i>Percentage range of total workforce</i>	<i>Cumulative percentage range (P)</i>	<i>Levy payable (unskilled)</i>	<i>Levy payable (skilled)</i>
1.	Tier 1	Not more than 25%	25	\$350	\$250
2.	Tier 2	More than 25% and not more than 50%	50	\$450	\$350
3.	Tier 3	More than 50%	—	\$550	\$550.

TENTH SCHEDULE

Paragraphs 25 and 26

LEVY PAYABLE FOR HARBOUR CRAFT WORKERS

	<i>First column</i>	<i>Second column</i>
	<i>Category</i>	<i>Levy payable</i>
1.	Skilled harbour craft worker	\$300
2.	Unskilled harbour craft worker	\$400.

ELEVENTH SCHEDULE

Paragraphs 27 and 28

LEVY PAYABLE FOR PROCESS CONSTRUCTION WORKERS

<i>First column</i>	<i>Second column</i>
<i>Category</i>	<i>Levy payable</i>
1. Skilled process construction worker	\$250
2. Unskilled process construction worker	\$350
3. Process construction worker excluded from the requirement for prior authorisation before applying for a work permit	\$550.

TWELFTH SCHEDULE

Paragraphs 29 and 30

LEVY PAYABLE FOR PROCESS MAINTENANCE WORKERS

<i>First column</i>	<i>Second column</i>
<i>Category</i>	<i>Levy payable</i>
1. Skilled process maintenance worker	\$250
2. Unskilled process maintenance worker	\$350
3. Process maintenance worker excluded from the requirement for prior authorisation before applying for a work permit	\$550.”.

Transitional and savings provisions

9.—(1) For the avoidance of doubt, this Order applies to the levy payable in respect of the month of July 2013 or any month thereafter, or part thereof, by every employer in respect of the following persons:

- (a) any S pass holder whose S pass is issued, or who starts lawful employment with that employer, whether before, on or after 1st July 2013; and
- (b) any work permit holder whose work permit is issued, or who starts lawful employment with that employer, whether before, on or after 1st July 2013.

(2) The principal Order in force immediately before 1st July 2013 shall continue to apply with respect to a levy payable by any employer for any month or part thereof before that date under that Order.

[G.N. Nos. S 701/2011; S 297/2012; S 666/2012; S 111/2013]

Made this 27th day of June 2013.

LOH KHUM YEAN
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

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