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ENVIRONMENTAL PUBLIC HEALTH ACT 1987

ENVIRONMENTAL PUBLIC HEALTH (GENERAL WASTE DISPOSAL FACILITY) (AMENDMENT) REGULATIONS 2023

In exercise of the powers conferred by section 111 of the Environmental Public Health Act 1987, the National Environment Agency, with the approval of the Minister for Sustainability and the Environment, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations are the Environmental Public Health (General Waste Disposal Facility) (Amendment) Regulations 2023 and, except for regulation 6, come into operation on 1 July 2023.

(2) Regulation 6 is deemed to have come into operation on 31 December 2021.

Amendment of regulation 2

2. In the Environmental Public Health (General Waste Disposal Facility) Regulations 2017 (G.N. No. S 380/2017) (called in these Regulations the principal Regulations), in regulation 2 —

(a) after the definition of “air pollution”, insert —

““Central Provident Fund” means the fund that is established under section 6 of the Central Provident Fund Act 1953;” and

(b) after the definition of “licence”, insert —

““resident waste disposal worker” means a waste disposal worker who is a citizen or permanent resident of Singapore;

“salary period”, in relation to a waste disposal worker, means a period of time, that is, one

hour, one day, one week, one month or any other period, that may be stated or implied in the contract of service between the waste disposal worker and a licensee, in respect of which the waste disposal worker is entitled to be paid for working;

“section 31DA Order (waste disposal workers)” means an order made by the Commissioner for Labour under section 31DA(1) of the Act in respect of waste disposal workers;”.

New regulations 2A and 2B

3. In the principal Regulations, after regulation 2, insert —

“Components of “baseline wage”

2A. For the purposes of paragraphs (b) and (c)(iv) of the definition of “baseline wage” (as defined in section 2 of the Act), a baseline wage in relation to a waste disposal worker —

(a) includes —

- (i) any commission, allowance and any other cash payment that is payable to the waste disposal worker and is attributable to his or her work for a salary period, or a completed piece or task of work; and
- (ii) any amount that is payable by a licensee into the Central Provident Fund as a contribution under section 7(1) of the Central Provident Fund Act 1953 in respect of the waste disposal worker, which is recoverable by the licensee under section 7(2) of that Act; and

(b) excludes —

- (i) any payment in kind (including the grant of stock options) or lump sum payment that is payable to the waste disposal worker, but is not attributable to the waste disposal worker’s work

for a salary period, or a completed piece or task of work; and

- (ii) any amount that is payable by a licensee into the Central Provident Fund as a contribution under section 7(1) of the Central Provident Fund Act 1953 in respect of the waste disposal worker, which is not recoverable by the licensee under section 7(2) of that Act.

Components of “progressive wage model bonus”

2B. For the purposes of paragraph (b) of the definition of “progressive wage model bonus” (as defined in section 2 of the Act), a progressive wage model bonus in relation to a waste disposal worker includes any additional payment by a licensee to the waste disposal worker by way of bonus payments or annual wage supplements.”.

Replacement of regulation 3 and new regulations 3A and 3B

4. In the principal Regulations, replace regulation 3 with —

“Licence application

3.—(1) An application for the grant or renewal of a licence in respect of a general waste disposal facility must, where the applicant employs any resident waste disposal worker, be accompanied by a progressive wage plan that complies with the requirements in paragraph (2).

(2) For the purposes of paragraph (1), the progressive wage plan must contain and be accompanied by all of the following information and documents in respect of every resident waste disposal worker that the applicant employs who belongs to the class or a class of waste disposal workers specified in the section 31DA Order (waste disposal workers):

- (a) full name;
- (b) sex;
- (c) job title;

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- (d) nationality;
 - (e) whether the resident waste disposal worker is a citizen or permanent resident of Singapore;
 - (f) identification number;
 - (g) the date on which the employment of the resident waste disposal worker by the applicant commenced;
 - (h) whether the resident waste disposal worker is engaged as a full-time employee, part-time employee or casual employee;
 - (i) the aggregate number of hours that the resident waste disposal worker is required to work per week under his or her contract of service with the applicant;
 - (j) the baseline wage payable to the resident waste disposal worker under his or her contract of service with the applicant;
 - (k) the manner of calculating the overtime payment payable to the resident waste disposal worker;
 - (l) the amount of progressive wage model bonus that is payable to the resident waste disposal worker, and the frequency at which the progressive wage model bonus is to be paid;
 - (m) the training records of the resident waste disposal worker, that set out the training courses that the resident waste disposal worker has attended, and the frequency of such attendance;
 - (n) a copy of every Workforce Skills Qualification certificate that is issued to the resident waste disposal worker;
 - (o) where the application is for a renewal of a licence —
 - (i) the amount of every progressive wage model bonus that was paid to the resident waste disposal worker in the calendar year preceding

the date on which the application is made and the date of such payment;

- (ii) the number of hours that the resident waste disposal worker has worked overtime in the month preceding the date on which the application is made, the total amount paid to the resident waste disposal worker as overtime pay for work done in those hours and the rate at which the overtime pay is calculated; and
- (iii) the amount of the baseline wage that was paid to the resident waste disposal worker for the month preceding the date on which the application is made.

(3) In this regulation, “identification number” means —

- (a) in the case of an individual who is a citizen or permanent resident of Singapore and who has been issued with an identity card under the National Registration Act 1965, his or her Singapore identity card number (including the letters that form the prefix and suffix to the identity card number); or
- (b) in the case of any other individual, the country that issued his or her passport followed by his or her passport number.

Changes to information submitted

3A.—(1) Subject to paragraphs (2) and (3), every licensee must, at 6-monthly intervals starting on the date on which the licensee’s application for the grant or renewal of a licence is granted, notify the Director-General by written notice of all the changes to the following that had occurred in the 6-month period immediately preceding the date of the written notice, if any:

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

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- (b) particulars of the progressive wage plan that was provided by the licensee with the licensee's application for the grant or renewal of the licensee's licence;
 - (c) any other information the licensee provided to the Director-General for the purposes of the licensee's application for the grant or renewal of the licensee's licence.

(2) Where there is any change in the particulars of the progressive wage plan that was provided by the licensee with the licensee's application for the grant or renewal of the licensee's licence, the written notice mentioned in paragraph (1) in respect of such change must be accompanied by a progressive wage plan that complies with regulation 3(2) and reflects the change.

(3) Where a licensee intends to change the address of the licensee's disposal facility, the licensee must give prior notice of the change to the Director-General, at least 14 days before the change.

Conditions of licence

3B.—(1) For the purposes of section 23A(1) of the Act, the following conditions are imposed on every licensee:

- (a) the licensee must enter into a contract of service in writing with each waste disposal worker employed by the licensee;
- (b) every contract of service entered into between the licensee and every resident waste disposal worker must provide for the payment of a baseline wage, a progressive wage model bonus and an overtime payment to the resident waste disposal worker, that —
 - (i) is not less than the minimum amount of baseline wage, minimum amount of progressive wage model bonus and minimum amount of overtime payment, respectively; and

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- (ii) in the case of a progressive wage model bonus, is at the frequency,
specified by the section 31DA Order (waste disposal workers) for the class of waste disposal workers to which the resident waste disposal worker belongs;
 - (c) the licensee must ensure that every waste disposal worker employed by the licensee satisfies the training requirements as may be specified by the Director-General for the class of waste disposal workers to which the waste disposal worker belongs;
 - (d) the licensee must not deploy any individual who is not employed by the licensee to carry out any waste disposal work, unless the individual is a waste disposal worker employed by another licensee;
 - (e) the licensee must keep the records, accounts or documents specified in paragraph (2) for the period of retention specified in paragraph (3).
- (2) For the purposes of paragraph (1)(e), the records, accounts or documents are —
- (a) the accounts of the licensee’s business or activities that the licensee is authorised to carry out under the licensee’s licence;
 - (b) a copy of the contract of service between the licensee and every waste disposal worker —
 - (i) who is in the licensee’s employ as at the date of the licensee’s application for the grant or renewal of the licensee’s licence; or
 - (ii) who is employed by the licensee after that date, including any amendment, variation or addition to the contract of service;
 - (c) the detailed job description of every waste disposal worker;

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- (d) the pay records of every waste disposal worker the licensee employs in respect of payments to the waste disposal worker on or after 1 July 2023, including a breakdown of the baseline wage, progressive wage model bonus and overtime payment paid to the waste disposal worker;
 - (e) the records of every amount that is paid by the licensee into the Central Provident Fund in respect of every waste disposal worker under section 7(1) of the Central Provident Fund Act 1953, which is recoverable by the licensee under section 7(2) of that Act; and
 - (f) the records of the training that every waste disposal worker has attended on or after 1 July 2023.
- (3) The period of retention mentioned in paragraph (1)(e) is —
- (a) in the case of the accounts specified in paragraph (2)(a) — 4 years after the end of the period to which the accounts relate;
 - (b) in the case of the contract of service specified in paragraph (2)(b), the detailed job description specified in paragraph (2)(c) and the records specified in paragraph (2)(f) — 4 years after the end of the employment of the waste disposal worker to whom that contract of service, job description and records relate; and
 - (c) in the case of the records specified in paragraph (2)(d) and (e) — 4 years after the date on which the payment concerned was made.”.

Amendment of regulation 14

5. In the principal Regulations, in regulation 14, replace “regulation 5(1)” with “regulation 3A(1), (2) or (3), 5(1)”.

Miscellaneous amendments**6. In the principal Regulations —**

- (a) in regulation 2, in the definition of “air pollution”, replace “(Cap. 94A)” with “1999”;
- (b) in regulation 2, in the definition of “vector”, replace “(Cap. 59)” with “1998”; and
- (c) in regulation 5(1), replace “section 99(13)” with “section 99(15)”.

Made on 27 June 2023.

LEE CHUAN SENG
Chairperson,
National Environment Agency,
Singapore.

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(To be presented to Parliament under section 111(4) of the Environmental Public Health Act 1987).