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## No. S 774

### EMPLOYMENT OF FOREIGN MANPOWER ACT 1990

#### EMPLOYMENT OF FOREIGN MANPOWER (WORK PASSES) (AMENDMENT NO. 3) REGULATIONS 2022

In exercise of the powers conferred by section 29 of the Employment of Foreign Manpower Act 1990, the Minister for Manpower makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Employment of Foreign Manpower (Work Passes) (Amendment No. 3) Regulations 2022 and come into operation on 1 October 2022.

#### **Amendment of regulation 1A**

2. In regulation 1A of the Employment of Foreign Manpower (Work Passes) Regulations 2012 (G.N. No. S 569/2012) (called in these Regulations the principal Regulations) —

(a) after the definition of “applicable measure”, insert —

““boarding premises” has the meaning given by section 2(1) of the Foreign Employee Dormitories Act 2015;”;

(b) after the definitions of “cleared status (general)” and “cleared status (special)”, insert —

““defined sector” means the construction, marine shipyard or process sector;

“licensed dormitory” means any boarding premises that is the subject of a licence under the Foreign Employee Dormitories Act 2015;”;

(c) after the definition of “place of accommodation”, insert —

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““resident”, in relation to an unregulated dormitory or a licensed dormitory, means any individual, who occupies or enjoys a right to occupy one or more beds or rooms, or spaces within a room, in the dormitory as the individual’s main or only residence in Singapore;”;

(d) in the definition of “testing requirement”, in paragraph (b), replace the full-stop at the end with a semi-colon; and

(e) after the definition of “testing requirement”, insert —

““unregulated dormitory” means boarding premises providing accommodation to 7 or more foreign employees and includes any place converted (temporarily or otherwise) for use as accommodation for 7 or more foreign employees, but excludes —

(a) any boarding premises to which the Foreign Employee Dormitories Act 2015 applies; and

(b) an isolation area within the meaning of section 17 of the Infectious Diseases Act 1976;

“workers’ dormitory” means —

(a) a licensed dormitory; or

(b) an unregulated dormitory.”.

### **Amendment of regulation 4**

3. In regulation 4 of the principal Regulations, after paragraph (7), insert —

“(8) No work permit is to be issued on or after 1 October 2022 in respect of a foreign employee who, at the time of issue, does not have a cleared status (general) or cleared status (special) unless the issue is upon a renewal of a work permit not covered by paragraph (9).

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(9) Where the work permit for renewal is in respect of a foreign employee —

- (a) whose work permit to be renewed states that he or she is or is to be employed in the defined sector; or
- (b) who is a resident of or is provided accommodation in a workers' dormitory, regardless if his or her work permit states that he or she is or is to be employed in the defined sector,

the work permit must not be issued upon renewal on or after 1 October 2022 in respect of the foreign employee if, at the time of issue upon renewal, that foreign employee does not have a cleared status (general) or cleared status (special).”.

#### **Amendment of regulation 5**

4. In regulation 5 of the principal Regulations, after paragraph (3), insert —

“(4) No S pass is to be issued on or after 1 October 2022 in respect of a foreign employee who, at the time of issue, does not have a cleared status (general) or cleared status (special) unless the issue is upon a renewal of an S pass not covered by paragraph (5).

(5) Where the S pass for renewal is in respect of a foreign employee —

- (a) whose S pass to be renewed states that he or she is or is to be employed in the defined sector; or
- (b) who is a resident of or is provided accommodation in a workers' dormitory, regardless if his or her S pass states that he or she is or is to be employed in the defined sector,

the S pass must not be issued upon renewal on or after 1 October 2022 in respect of the foreign employee if, at the time of issue upon renewal, that foreign employee does not have a cleared status (general) or cleared status (special).”.

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**Amendment of regulation 6**

5. In regulation 6 of the principal Regulations, after paragraph (4), insert —

“(5) No employment pass is to be issued on or after 1 October 2022 in respect of a foreign employee who, at the time of issue, does not have a cleared status (general) or cleared status (special) unless the issue is upon a renewal of an employment pass.”.

**Amendment of regulation 7**

6. In regulation 7 of the principal Regulations —

(a) replace paragraphs (1A) and (1AA) with —

“(1A) No personalised employment pass is to be issued on or after 1 October 2022 in respect of a foreign employee who, at the time of issue of the personalised employment pass, does not have a cleared status (general) or cleared status (special).”;

(b) in paragraph (1B), replace “has been issued with a dependant’s pass under the Immigration Regulations (Rg 1) —” with “is to be issued, on or after 1 October 2022, with a dependant’s pass under the Immigration Regulations (Rg 1), ensure that the dependant has a cleared status (general) or cleared status (special) when the dependant’s pass is issued.”; and

(c) in paragraph (1B), delete sub-paragraphs (a) and (b).

**Amendment of regulation 8**

7. In regulation 8 of the principal Regulations —

(a) replace paragraphs (2A) and (2AA) with —

“(2A) No EntrePass is to be issued on or after 1 October 2022 in respect of a foreigner who, at the time of issue of the EntrePass, does not have a cleared status (general) or cleared status (special).”;

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(b) in paragraph (2B), replace “has been issued with a dependant’s pass under the Immigration Regulations —” with “is to be issued, on or after 1 October 2022, with a dependant’s pass under the Immigration Regulations other than upon renewal, ensure that the dependant has a cleared status (general) or cleared status (special) when the dependant’s pass is so issued.”; and

(c) in paragraph (2B), delete sub-paragraphs (a) and (b).

### **Amendment of regulation 9**

8. In regulation 9 of the principal Regulations, replace paragraph (1A) with —

“(1A) No work holiday pass is to be issued on or after 1 October 2022 in respect of a foreigner who, at the time of issue, does not have a cleared status (general) or cleared status (special).”.

### **Amendment of regulation 10**

9. In regulation 10 of the principal Regulations, replace paragraph (1A) with —

“(1A) No miscellaneous work pass is to be issued on or after 1 October 2022 in respect of a foreigner who, at the time of issue, does not have a cleared status (general) or cleared status (special).”.

### **Amendment of regulation 11**

10. In regulation 11 of the principal Regulations, replace paragraphs (1A) and (1B) with —

“(1A) No letter of consent is to be issued on or after 1 October 2022 in relation to a foreigner who, at the time of issue, does not have a cleared status (general) or cleared status (special) unless the issue is upon renewal.”.

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## **Amendment of First Schedule**

### **11. In the First Schedule to the principal Regulations —**

*(a)* in Part I, replace paragraph 2A with —

“2A. Where an in-principle approval is issued by the Controller on or after 1 October 2022 in respect of a foreign employee (other than upon renewal), the employer must ensure that the foreign employee obtains a cleared status (general) or cleared status (special) before the issue of the work permit in respect of that foreign employee.”; and

*(b)* in Part III, replace paragraph 1A with —

“1A.—(1) Where an in-principle approval is issued by the Controller on or after 1 October 2022 in respect of a foreign employee (other than upon renewal), the employer must ensure that the foreign employee obtains a cleared status (general) or cleared status (special) before the issue of the work permit in respect of that foreign employee.

(2) Where an in-principle approval is issued by the Controller on or after 1 October 2022 upon renewal in respect of a foreign employee, the employer must ensure that the foreign employee obtains a cleared status (general) or cleared status (special) before the issue of the work permit in respect of that foreign employee if —

- (a)* the foreign employee’s work permit to be renewed states that he or she is or is to be employed in the defined sector; or
- (b)* the foreign employee is a resident of or is provided accommodation in a workers’ dormitory, regardless if his or her work permit states that he or she is or is to be employed in the defined sector.”.

## **Amendment of Second Schedule**

### **12. In the Second Schedule to the principal Regulations, in Part I, replace paragraph 1A with —**

“1A.—(1) Where an in-principle approval is issued by the Controller on or after 1 October 2022 for an S pass in respect of a foreign employee (other than upon renewal), the employer must ensure that the foreign employee obtains a cleared status (general) or cleared status (special) before the issue of the S pass in respect of that foreign employee.

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(2) Where an in-principle approval is issued by the Controller on or after 1 October 2022 upon renewal of an S pass in respect of a foreign employee, the employer must ensure that the foreign employee obtains a cleared status (general) or cleared status (special) before the issue of the S pass in respect of that foreign employee if —

- (a) the foreign employee’s S pass to be renewed states that he or she is or is to be employed in the defined sector; or
- (b) the foreign employee is a resident of or is provided accommodation in a workers’ dormitory, regardless if his or her S pass states that he or she is or is to be employed in the defined sector.”.

### **Amendment of Third Schedule**

**13.** In the Third Schedule to the principal Regulations, in Part I, replace paragraph 2 with —

“2. Where an in-principle approval is issued by the Controller on or after 1 October 2022 for an employment pass in respect of a foreign employee (other than upon renewal), the employer must ensure that the foreign employee obtains a cleared status (general) or cleared status (special) before the issue of the employment pass in respect of that foreign employee.”.

### **Amendment of Fourth Schedule**

**14.** In the Fourth Schedule to the principal Regulations —

- (a) in Part I, delete paragraphs 7E and 7F;
- (b) in Part III, in paragraph 2A, delete sub-paragraph (2);
- (c) in Part III, delete paragraphs 4E and 4F;
- (d) in Part IV, in paragraph 4A(2), delete the definitions of “licensed dormitory”, “resident” and “unregulated dormitory”;
- (e) in Part VI, delete paragraphs 3A and 3B;
- (f) in Part VI, in paragraph 9(2), replace “paragraphs 10, 11, 11A and 12” with “paragraph 12”;
- (g) in Part VI, in paragraph 9(2), delete the definitions of “boarding premises”, “licensed dormitory”, “resident” and “unregulated dormitory”; and

- (h) in Part VI, in paragraph 9(2), in the definition of “medical treatment”, replace the semi-colon at the end with a full-stop.

### **Amendment of Fifth Schedule**

**15.** In the Fifth Schedule to the principal Regulations —

- (a) in Part I, delete paragraphs 2F and 2G;
- (b) in Part I, in paragraph 10, delete sub-paragraph (2);
- (c) in Part II, in paragraph 6A(2), delete the definitions of “licensed dormitory”, “resident” and “unregulated dormitory”;
- (d) in Part III, delete paragraphs 1A and 1AA;
- (e) in Part III, replace paragraphs 1B and 1C with —
- “1B. The foreign employee with a dependant who —
- (a) is at least 13 years of age; and
- (b) is to be issued, on or after 1 October 2022, with a dependant’s pass under the Immigration Regulations, other than upon renewal,
- must ensure that the dependant has a cleared status (general) or cleared status (special) when the dependant’s pass is so issued.”;
- (f) in Part III, in paragraph 5(2), replace “paragraphs 6, 7, 7A and 8” with “paragraph 8”;
- (g) in Part III, in paragraph 5(2), delete the definitions of “boarding premises”, “licensed dormitory”, “resident” and “unregulated dormitory”; and
- (h) in Part III, in paragraph 5(2), in the definition of “medical treatment”, replace the semi-colon at the end with a full-stop.

### **Amendment of Sixth Schedule**

**16.** In the Sixth Schedule to the principal Regulations —

- (a) in Part I, delete paragraphs 5A and 5B;

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- (b) in Part I, in paragraph 6(3), delete the definitions of “boarding premises”, “licensed dormitory”, “resident” and “unregulated dormitory”;
- (c) in Part I, in paragraph 6(3), in the definition of “medical treatment”, replace the semi colon at the end with a full-stop;
- (d) in Part III, delete paragraphs 1A and 1AA;
- (e) in Part III, replace paragraphs 1B and 1C with —
- “1B. The foreign employee with a dependant who —
- (a) is at least 13 years of age; and
- (b) is to be issued, on or after 1 October 2022, with a dependant’s pass under the Immigration Regulations, other than upon renewal,
- must ensure that the dependant has a cleared status (general) or cleared status (special) when the dependant’s pass is so issued.”;
- (f) in Part III, in paragraph 2(2), replace “paragraphs 3 and 4” with “paragraph 3”;
- (g) in Part III, in paragraph 2(2), delete the definitions of “boarding premises”, “licensed dormitory”, “resident” and “unregulated dormitory”; and
- (h) in Part III, in paragraph 2(2), in the definition of “medical treatment”, replace the semi-colon at the end with a full-stop.

*[G.N. Nos. S 177/2013; S 563/2013; S 333/2015;  
S 143/2017; S 547/2017; S 902/2018; S 170/2019;  
S 865/2019; S 427/2020; S 736/2020; S 783/2020;  
S 838/2020; S 1069/2020; S 669/2021; S 864/2021;  
S 63/2022; S 275/2022]*

Made on 30 September 2022.

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