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## **No. S 819**

### **BUILDING CONTROL ACT (CHAPTER 29)**

#### **BUILDING CONTROL (BUILDABILITY AND PRODUCTIVITY) (AMENDMENT NO. 4) REGULATIONS 2019**

In exercise of the powers conferred by section 49 of the Building Control Act, the Minister for National Development makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Building Control (Buildability and Productivity) (Amendment No. 4) Regulations 2019 and come into operation on 15 December 2019.

#### **Amendment of regulation 2**

2. Regulation 2 of the Building Control (Buildability and Productivity) Regulations 2011 (G.N. No. S 199/2011) (called in these Regulations the principal Regulations) is amended —

(a) by inserting, immediately after the definition of “accredited”, the following definition:

““alternative solution”, in relation to any relevant building works, means an outcome-based solution to facilitate innovation at the design and construction stages and achieve productivity outcomes, being —

(a) one of the deemed acceptable solutions for those relevant building works that meets the high prefabrication requirements set out in the Code of Practice; or

(b) an open solution for those relevant building works adopting innovative design and construction techniques that meets productivity improvement requirements set out in the Code of Practice;”;

(b) by inserting, immediately after the definition of “Construction Productivity Data”, the following definition:

““Deemed Acceptable Proposal” means a proposal for the use of prefabrication technologies in any relevant building works that satisfies a deemed acceptable solution mentioned in paragraph (a) of the definition of “alternative solution”;”;

(c) by inserting, immediately after the definition of “productivity concept implementation plan”, the following definition:

““Project Productivity Improvement Plan” means a plan for the use of innovative designs and construction techniques in any relevant building works that satisfies an open solution mentioned in paragraph (b) of the definition of “alternative solution”;”.

### **Amendment of regulation 3**

3. Regulation 3 of the principal Regulations is amended —

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

“(1) Subject to paragraphs (2) and (5) —

(a) regulations 4, 6, 7, 11 and 13 (except insofar as they relate to an alternative solution) apply to any building works in respect of which an application for planning permission is submitted to the

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competent authority under the Planning Act (Cap. 232) on or after 15 July 2011 but before 15 December 2019 and which involve a gross floor area of 2,000 square metres or more; and

(b) regulations 4, 6, 7, 11 and 13 apply to any building works in respect of which an application for planning permission is submitted to the competent authority under the Planning Act on or after 15 December 2019 and which involve a gross floor area of 5,000 square metres or more.”;

(b) by deleting paragraph (2) and substituting the following paragraph:

“(2) Regulations 4(3)(b), 6, 7, 11 and 13 do not apply to building works consisting of repairs, alterations or additions to an existing building (whether carried out within or outside the existing building) unless —

- (a) the gross floor area of the existing floor to be reconstructed;
- (b) the increase in the gross floor area of the existing building that will result from the building works; or
- (c) the sum of the gross floor areas mentioned in sub-paragraphs (a) and (b),

is —

- (d) 2,000 square metres or more for building works in respect of which an application for planning permission is submitted on or after 15 July 2011 but before 15 December 2019; or

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- (e) 5,000 square metres or more for building works in respect of which an application for planning permission is submitted on or after 15 December 2019.”;
- (c) by deleting the words “paragraphs (4) and (5)” in paragraph (3) and substituting the words “paragraphs (4), (5) and (6)”;
- (d) by deleting the words “paragraph (5)” in paragraph (4A) and substituting the words “paragraphs (5) and (6)”;
- (e) by inserting, immediately after paragraph (5), the following paragraph:
- “(6) Regulations 4A, 5, 5A, 7, 8, 12 and 14 do not apply where the plans of the relevant building works contain any alternative solution.”.

#### **Amendment of regulation 4**

#### **4. Regulation 4 of the principal Regulations is amended —**

- (a) by deleting paragraph (1) and substituting the following paragraph:
- “(1) Every qualified person appointed under section 8(1)(a) or 11(1)(d)(i) of the Act and every developer, in respect of any relevant building works, must ensure that the building works are designed and carried out such that —
- (a) where the plans of the relevant building works do not contain any alternative solution — the buildable design score of the building works is not less than the minimum buildable design score referred to in paragraph (2) or (3), as the case may be; or
- (b) where the plans of the relevant building works contain any alternative solution — either the requirements of the deemed

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acceptable solution or the requirements of the open solution are met.”; and

- (b) by inserting, immediately after the word “score” in the regulation heading, the words “or alternative solution”.

### **Amendment of regulation 6**

5. Regulation 6 of the principal Regulations is amended —

- (a) by inserting, immediately before the words “a document” in paragraph (a), the words “where the plans of the building works do not contain any alternative solution —”;
- (b) by inserting, immediately after paragraph (a), the following paragraph:

“(aa) where the plans of the building works contain any alternative solution — a Deemed Acceptable Proposal or Project Productivity Improvement Plan that —

- (i) complies with the requirements specified in the Code of Practice; and
- (ii) bears an endorsement, by all qualified persons appointed under section 8(1)(a) or 11(1)(d)(i) of the Act in respect of the building works, that the building works meet either the requirements of the deemed acceptable solution or the requirements of the open solution, as the case may be;”;
- (c) by inserting, immediately after the word “score” in the regulation heading, the words “or alternative solution”.

### **Amendment of regulation 9**

6. Regulation 9(1) of the principal Regulations is amended —

- (a) by deleting the words “Every builder referred to in regulation 5” and substituting the words “Every builder

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appointed under section 8(1)(c) of the Act, in respect of any relevant building works,”; and

(b) by deleting sub-paragraph (a) and substituting the following sub-paragraph:

“(a) a progress report on the types of construction techniques and processes (including photographs evidencing the adoption of the construction techniques and process) adopted for the purpose of ensuring that the building works are constructed in accordance with —

(i) where the plans of the building works do not contain any alternative solution — the minimum constructability score referred to in regulation 5; or

(ii) where the plans of the building works contain any alternative solution — the Deemed Acceptable Proposal or Project Productivity Improvement Plan submitted under regulation 6(aa);”.

### **Amendment of regulation 10**

7. Regulation 10 of the principal Regulations is amended by deleting the words “referred to in regulation 5” and substituting the words “appointed under section 8(1)(c) of the Act, in respect of any relevant building works,”.

### **Deletion and substitution of regulation 11**

8. Regulation 11 of the principal Regulations is deleted and the following regulation substituted therefor:

#### **“Departure and deviation from approved plans**

11.—(1) Despite regulation 18 of the Building Control Regulations 2003 (G.N. No. S 666/2003), a person who

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wishes to make any change to the following must apply to the Commissioner of Building Control for approval under section 5A(1) of the Act:

- (a) the approved buildability detailed design and implementation plan of any building works;
  - (b) a Deemed Acceptable Proposal or Project Productivity Improvement Plan submitted to the Commissioner of Building Control;
  - (c) the approved plan of the building works if the change affects —
    - (i) the buildable design score; or
    - (ii) if the plan contains an alternative solution, whether the requirements of the alternative solution will be met.
- (2) The application referred to in paragraph (1) must —
- (a) be accompanied by —
    - (i) the amended buildability detailed design and implementation plan;
    - (ii) the amended plan of the building works;
    - (iii) the amended Deemed Acceptable Proposal; or
    - (iv) the amended Project Productivity Improvement Plan,as the case may be, showing clearly the departures or deviations; and
  - (b) bear an endorsement, by all qualified persons appointed under section 8(1)(a) or 11(1)(d)(i) of the Act in respect of the building works, that —
    - (i) where the plans of the building works do not contain any alternative solution — the building works are designed such that the buildable design score of the building works is not less than the minimum buildable design score; and

- (ii) where the plans of the building works contain any alternative solution — the building works are designed to meet either the requirements of the deemed acceptable solution or the requirements of the open solution.”.

### **Amendment of regulation 13**

9. Regulation 13 of the principal Regulations is amended —

- (a) by deleting paragraph (1) and substituting the following paragraphs:

“(1) On completion of the building works, the developer must, at the time mentioned in paragraph (1A), submit the following to the Commissioner of Building Control:

- (a) where the plans of the building works do not contain any alternative solution — the buildable design score of the building works as completed (called in this regulation the record plans of buildable design score);
- (b) where the plans of the building works contain any alternative solution — the record plans of the Deemed Acceptable Proposal or Project Productivity Improvement Plan (as the case may be) for the building works as completed.

(1A) The time for the submission of the documents mentioned in paragraph (1) is —

- (a) at the time of application for a temporary occupation permit in respect of the building works; or
- (b) in a case where no application is made for a temporary occupation permit, at the time of application for a certificate of statutory

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completion in respect of the building works.”;

- (b) by deleting the words “paragraph (1)” in paragraph (2) and substituting the words “paragraph (1)(a)”;
- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) The submission of the record plans of the Deemed Acceptable Proposal or Project Productivity Improvement Plan referred to in paragraph (1)(b) must —

- (a) bear an endorsement by all qualified persons appointed under section 8(1)(a) or 11(1)(d)(i) of the Act in respect of the building works that the record plans of the Deemed Acceptable Proposal or Project Productivity Improvement Plan meet the requirements of the deemed acceptable solution or the requirements of the open solution, as the case may be; and
  - (b) be accompanied by such documents as the Commissioner of Building Control may determine.”; and
- (d) by deleting the words “of buildable design score” in the regulation heading.

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**Amendment of regulation 15**

**10.** Regulation 15 of the principal Regulations is amended by inserting, immediately after “5,”, “6,”.

*[G.N. Nos. S 522/2013; S 729/2014; S 252/2015;  
S 572/2015; S 729/2015; S 56/2016; S 395/2016;  
S 572/2016; S 70/2017; S 125/2017; S 431/2017;  
S 689/2017; S 288/2018; S 583/2018; S 392/2019;  
S 721/2019; S 781/2019]*

Made on 28 November 2019.

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(To be presented to Parliament under section 52 of the Building Control Act).