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**BUILDING CONTROL ACT
(CHAPTER 29)**

**BUILDING CONTROL
(ENVIRONMENTAL SUSTAINABILITY MEASURES FOR
EXISTING BUILDINGS) REGULATIONS 2013**

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

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Building Control (Environmental Sustainability Measures for Existing Buildings) Regulations 2013 and shall come into operation on 1st July 2013.

Definitions

2. In these Regulations, unless the context otherwise requires —

“airport services and facilities” has the same meaning as in section 2(1) of the Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009);

“Code” means the Code on Environmental Sustainability Measures for Existing Buildings issued by the Building and Construction Authority;

“electronic service” means the electronic service specified by the Commissioner of Building Control for the purpose of submitting any form or other document required to be submitted to the Commissioner under these Regulations;

“Energy Audit Code” means the Code on Periodic Energy Audit of Building Cooling System issued by the Building and Construction Authority;

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- “gross floor area” has the same meaning as “floor area” in rule 2(1) of the Planning (Development Charges) Rules (Cap. 232, R 5);
- “hotel” has the same meaning as in section 2 of the Hotels Act (Cap. 127);
- “industrial building” has the same meaning as in rule 2 of the Planning (Use Classes) Rules (Cap. 232, R 2);
- “industrial retail building” has the same meaning as in rule 2 of the Planning (Use Classes) Rules;
- “light industrial building” has the same meaning as in rule 2 of the Planning (Use Classes) Rules;
- “office building” has the same meaning as “office” in rule 2 of the Planning (Use Classes) Rules;
- “port services and facilities” has the same meaning as in section 2 of the Maritime and Port Authority of Singapore Act (Cap. 170A);
- “railway premises” has the same meaning as in section 2 of the Rapid Transit Systems Act (Cap. 263A);
- “retail building” means a building used for the carrying on of any trade or business where the primary purpose of such trade or business is the sale of goods or foodstuff by retail or the provision of services;
- “special industrial building” has the same meaning as in rule 2 of the Planning (Use Classes) Rules.

PART II

MINIMUM ENVIRONMENTAL SUSTAINABILITY STANDARD FOR PRESCRIBED BUILDINGS

Prescribed buildings

3.—(1) Each of the following buildings shall be a prescribed building for the purposes of Part IIIB of the Act:

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- (a) a hotel with a gross floor area of 15,000 square metres or more;
 - (b) a retail building with a gross floor area of 15,000 square metres or more;
 - (c) an office building with a gross floor area of 15,000 square metres or more;
 - (d) subject to paragraph (2), any hotel, retail building or office building, or any combination thereof, with a gross floor area of 15,000 square metres or more, in a mixed-use development.

(2) Paragraph (1)(d) shall not apply to a mixed-use development which includes any industrial building, industrial retail building, light industrial building, special industrial building, railway premises, port services and facilities or airport services and facilities.

Prescribed cooling systems

4. Each of the following shall be a prescribed cooling system for the purposes of the definition of “major energy-use change” in section 22FA of the Act:

- (a) water-cooled chiller;
- (b) air-cooled chiller.

Minimum environmental sustainability standard

5. The minimum environmental sustainability standard for a prescribed building shall be —

- (a) a Green Mark score of not less than 50 points, calculated using the scoring methodology specified in the Code; and
- (b) such other requirements as may be specified in the Code.

Design score for major energy-use change to prescribed building

6.—(1) A mechanical engineer appointed by the owner of a prescribed building under section 22FB(1)(a) of the Act shall assess

the design score for any major energy-use change to the building in the manner specified in the Code.

(2) The owner of the prescribed building shall submit to the Commissioner of Building Control (for approval) the design score assessed by the mechanical engineer —

(a) in the form set out at the Internet website of the Building and Construction Authority at <http://www.bca.gov.sg>; and

(b) by hand or using the electronic service.

(3) The submission under paragraph (2) shall be accompanied by —

(a) the declaration provided by the mechanical engineer to the owner under section 22FB(7)(c)(ii) of the Act;

(b) such other documents as may be specified in the Code; and

(c) the appropriate fee specified in the Schedule.

Lapsing of approval of design score

7. Any approval of a design score for a major energy-use change to a prescribed building granted by the Commissioner of Building Control under section 22FB of the Act shall lapse if no works in respect of that major energy-use change have commenced within one year after the date of the approval.

As-built score of prescribed building

8.—(1) A mechanical engineer appointed by the owner of a prescribed building under section 22FB(1)(a) or 22FE(5)(a) of the Act shall assess the as-built score of the building in the manner specified in the Code.

(2) The owner of the prescribed building shall, within 30 days after the date of completion of the major energy-use change to the building, submit to the Commissioner of Building Control —

(a) the as-built score assessed by the mechanical engineer;

(b) a declaration by the mechanical engineer certifying the correctness of the as-built score;

(c) a declaration by the mechanical engineer whether the as-built score meets the minimum environmental sustainability standard applicable to the building; and

(d) such other documents as may be specified in the Code.

(3) Each of the documents required to be submitted to the Commissioner of Building Control under this regulation shall be submitted —

(a) in the form set out at the Internet website of the Building and Construction Authority at <http://www.bca.gov.sg>; and

(b) by hand or using the electronic service.

PART III

ENERGY AUDITS OF BUILDING COOLING SYSTEMS

Energy audit in accordance with Energy Audit Code

9.—(1) The prescribed energy efficiency standard applicable to a cooling system of a building referred to in section 22FF(1) of the Act shall be the energy efficiency standard specified in the Energy Audit Code.

(2) Any person appointed under section 22FF(3)(a) of the Act to carry out an energy audit of a cooling system of a building shall carry out the energy audit in the manner specified in the Energy Audit Code.

Qualifications and experience of energy auditor

10.—(1) An individual shall be eligible to be registered, or to renew his registration, as an energy auditor under section 22FG of the Act if he holds such relevant qualifications as may be specified in the Energy Audit Code.

(2) When considering an application to be registered as, or to renew the registration of, an energy auditor under section 22FG of the Act, the Commissioner of Building Control —

(a) shall have regard to whether the applicant has acquired such relevant experience as may be specified in the Energy Audit Code; and

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- (b) may require the applicant to undertake such examination or undergo such assessment as the Commissioner of Building Control may consider necessary,

for the purpose of ascertaining whether the applicant is capable of carrying out the duties of an energy auditor.

Registration as energy auditor

11.—(1) An application to be registered as, or to renew the registration of, an energy auditor under section 22FG of the Act shall be —

- (a) made in such form as the Commissioner of Building Control may specify;
- (b) submitted to the Commissioner of Building Control by hand or using the electronic service;
- (c) accompanied by such documents as may be specified in the Energy Audit Code; and
- (d) accompanied by the appropriate fee specified in the Schedule.

(2) Subject to section 22FI of the Act, the registration of an energy auditor shall be valid for 3 years, and each renewal of the registration shall be valid for the same period.

Prescribed reason for cancellation or suspension of registration of energy auditor

12. The Commissioner of Building Control may cancel or suspend the registration of an energy auditor under section 22FI of the Act if, by reason of any breach by the energy auditor of any of the conditions of his registration, the Commissioner of Building Control is satisfied that the energy auditor is no longer suitable to be registered as such.

PART IV
MISCELLANEOUS

No refund of fees

13. Any fee paid to the Commissioner of Building Control under these Regulations in respect of any application shall not be refunded if —

- (a) the application is withdrawn, disapproved, deemed to be disapproved under section 22FB(4) of the Act or not granted;
- (b) in the case of an application for the approval of a design score under section 22FB of the Act, the approval of the application is revoked under section 22FD(2) of the Act or lapses under regulation 7; or
- (c) in the case of an application to be registered as, or to renew the registration of, an energy auditor under section 22FG of the Act, the registration is cancelled or suspended under section 22FI of the Act.

THE SCHEDULE

Regulations 6(3)(c) and 11(1)(d)

FEES

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| 1. Application for the approval of a design score for a major energy-use change to a prescribed building | \$8,900 for the first 15,000 square metres (or part thereof), and \$0.15 for every subsequent square metre (or part thereof), of the gross floor area of the prescribed building |
| 2. Application to be registered as an energy auditor | \$150 |
| 3. Application to renew registration of an energy auditor | \$150. |

Made this 27th day of June 2013.

BENNY LIM
*Permanent Secretary,
Ministry of National Development,
Singapore.*

[ND202/1-19 V13; AG/LLRD/SL/29/2011/5 Vol. 1]

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