
First published in the Government *Gazette*, Electronic Edition, on 30th June 2011 at 5:00 pm.

No. S 371

EMPLOYMENT OF FOREIGN MANPOWER ACT
(CHAPTER 91A)

EMPLOYMENT OF FOREIGN MANPOWER
(LEVY) ORDER 2011

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In exercise of the powers conferred by section 11(1) of the Employment of Foreign Manpower Act, the Minister for Manpower hereby makes the following Order:

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Employment of Foreign Manpower (Levy) Order 2011 and shall come into operation on 1st July 2011.

Definitions

2. In this Order, unless the context otherwise requires —

“basic skilled construction worker” means a construction worker, not being a higher skilled construction worker, who has passed a test in a construction-related skill conducted or recognised by the Building and Construction Authority or such institution as the Controller may determine;

“Building and Construction Authority” means the Building and Construction Authority established by the Building and Construction Authority Act (Cap. 30A);

“commercial property” and “common property” have the same meanings as in the Town Councils Act (Cap. 329A);

“conservancy worker” means a work permit holder who is employed by a contractor of a Town Council in, or in connection with, the collection of refuse from, or the cleaning of, the common property of residential and commercial property in the housing estates of the Housing and Development Board within the Town of the Town Council;

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- “construction worker” means a work permit holder who is engaged in any occupation in the construction sector;
- “counting day” means any one or more days in a month appointed by the Controller for the calculation of the total workforce of any employer in respect of any particular sector;
- “domestic worker” means a work permit holder employed in or in connection with the domestic services of any private premises;
- “general work permit holder” means a work permit holder other than a domestic worker, construction worker, marine worker, manufacturing worker, harbour craft worker, process construction worker, process maintenance worker or trainee specifically referred to in Part III;
- “harbour craft” has the same meaning as in the Maritime and Port Authority of Singapore Act (Cap. 170A);
- “harbour craft worker” means a work permit holder who is engaged in any capacity on board any harbour craft;
- “higher skilled construction worker” means a construction worker who has obtained the requisite trades certification for construction-related skills conducted or recognised by the Building and Construction Authority or such institution as the Controller may determine;
- “holder”, in relation to any S pass or work permit, means the person to whom and in whose name the S pass or work permit is issued;
- “Housing and Development Board” means the Housing and Development Board established by the Housing and Development Act (Cap. 129);
- “Institute of Technical Education, Singapore” means the Institute of Technical Education, Singapore established by the Institute of Technical Education Act (Cap. 141A);
- “manufacturing worker” means a work permit holder who is engaged in any occupation in the manufacturing sector;

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- “marine worker” means a work permit holder who is engaged in any occupation in the marine sector;
- “Maritime and Port Authority of Singapore” means the Maritime and Port Authority of Singapore established by the Maritime and Port Authority of Singapore Act;
- “month” means calendar month;
- “National Council of Social Service” means the National Council of Social Service established by the National Council of Social Service Act (Cap. 195A);
- “ordering day” means any one or more days in a month appointed by the Controller for determining the ordinal position of the foreign employees of any employer under paragraph 9 or 10 in respect of any sector;
- “process construction worker” means a work permit holder who is employed in connection with the construction of plant equipment in the petroleum, petrochemicals, specialty chemicals or pharmaceutical sector, and includes a work permit holder who is employed in a managerial, secretarial, clerical or other similar capacity in connection with the construction of such plant equipment;
- “process maintenance worker” means a work permit holder who is employed in connection with the preventive, predictive and breakdown maintenance of plant equipment in the petroleum, petrochemicals, specialty chemicals or pharmaceutical sector, and includes a work permit holder who is employed in a managerial, secretarial, clerical or other similar capacity in connection with the preventive, predictive and breakdown maintenance of such plant equipment;
- “relevant date”, in relation to an S pass holder or a work permit holder, means —
- (a) the date the S pass or work permit, as the case may be, is issued to him; or
 - (b) the date he starts lawful employment with his employer,

whichever date is earlier;

“residential property” has the same meaning as in the Town Councils Act;

“S pass” means a work pass known as an S pass issued under the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2);

“skilled general work permit holder” means a general work permit holder who 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 general work permit holder as a skilled general work permit holder;

“skilled harbour craft worker” means a harbour craft worker who holds a licence issued by the Maritime and Port Authority of Singapore or possesses such other qualifications or work experience as may be recognised by that Authority;

“skilled manufacturing worker” means a manufacturing worker who 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 manufacturing worker as a skilled manufacturing worker;

“skilled marine worker” means a marine worker —

- (a) who has passed a test in a marine-related skill conducted or recognised by the Institute of Technical Education, Singapore or such institution as the Controller may determine; or
- (b) who is positioned 3G or above in welding based on internationally recognised standards from any of the following institutions:
 - (i) American Bureau of Shipping;
 - (ii) Bureau Veritas;
 - (iii) Det Norske Veritas Pte Ltd;

- (iv) Germanischer Lloyd;
- (v) Lloyd's Register of Shipping;
- (vi) Nippon Kaiji Kyokai;
- (vii) Singapore Test Services Pte Ltd; and
- (viii) Setsco Services Pte Ltd;

“skilled process construction worker” means a process construction worker —

- (a) who has passed a test in a process construction-related skill conducted or recognised by the Institute of Technical Education, Singapore or such institution as the Controller may determine; or
- (b) who is positioned 3G or above in welding under the Common Welder Qualification Scheme conducted by the Singapore Welding Society;

“skilled process maintenance worker” means a process maintenance worker —

- (a) who has passed a test in a process maintenance-related skill conducted or recognised by the Institute of Technical Education, Singapore or such institution as the Controller may determine; or
- (b) who is positioned 3G or above in welding under the Common Welder Qualification Scheme conducted by the Singapore Welding Society;

“skilled work permit holder” means a work permit holder who is a skilled general work permit holder, a skilled marine worker, a skilled manufacturing worker, a skilled harbour craft worker, a skilled process construction worker or a skilled process maintenance worker;

“Tier”, in relation to an S pass holder or a work permit holder, means a tier specified in the Fourth, Fifth, Sixth or Ninth Schedule in which he stands as determined under Part III;

“total workforce”, in relation to an employer in respect of a particular sector, means the total number of employees of the

employer within that sector determined according to such criteria and conditions as the Minister may determine, but shall not include employees within the excepted classes set out in the First Schedule;

“Town” and “Town Council” have the same meanings as in the Town Councils Act;

“trainee” means a foreign employee who is issued with a training work permit under the Employment of Foreign Manpower (Work Passes) Regulations;

“unskilled construction worker” means a construction worker who is not a basic skilled construction worker or a higher skilled construction worker;

“unskilled general work permit holder” means a general work permit holder who is not a skilled general work permit holder;

“unskilled harbour craft worker” means a harbour craft worker who is not a skilled harbour craft worker;

“unskilled manufacturing worker” means a manufacturing worker who is not a skilled manufacturing worker;

“unskilled marine worker” means a marine worker who is not a skilled marine worker;

“unskilled process construction worker” means a process construction worker who is not a skilled process construction worker;

“unskilled process maintenance worker” means a process maintenance worker who is not a skilled process maintenance worker;

“unskilled work permit holder” means a work permit holder who is not a skilled work permit holder;

“work permit” means a work pass known as a work permit issued under the Employment of Foreign Manpower (Work Passes) Regulations, and includes a training work permit issued under those Regulations.

PART II

PAYMENT OF LEVY AND REFUNDS

Levy on employer of foreign employee

3.—(1) There shall be imposed on every employer a levy at the appropriate rate specified in this Order in respect of each of his foreign employees who are either S pass holders or work permit holders.

(2) The Minister may remit, in whole or in part in the circumstances of any particular case, any levy specified in this Order.

Levy payable in respect of every month

4. Unless otherwise provided in this Order, the levy payable by an employer in respect of any foreign employee of his shall start to be payable from and in respect of the first month in which —

- (a) the date the S pass or work permit is issued to that foreign employee falls; or
- (b) the date the foreign employee starts lawful employment with that employer falls,

whichever date is earlier, and the levy shall continue to be payable in respect of every subsequent month until his foreign employee's S pass or work permit expires, is cancelled or revoked or ceases to be valid.

Time for payment of levy

5.—(1) The levy payable by an employer in respect of any month or part thereof shall be due and payable on the first day of the following month and shall be paid no later than the 14th day of that following month, during which no penalty under section 11(4) of the Act shall be imposed.

(2) Notwithstanding sub-paragraph (1), the Controller may allow the time for payment by any employer to be extended by not more than 7 days.

Permanent resident

6.—(1) Where a foreign employee in respect of whom levy is payable becomes a permanent resident of Singapore, the levy shall cease to be payable from the day he becomes a permanent resident.

(2) Where a foreign employee who is a permanent resident of Singapore ceases to be a permanent resident of Singapore, the levy payable shall be charged from the day he is issued an S pass or a work permit.

(3) In this paragraph, “permanent resident” includes the holder of a Singapore blue identity card and a person who holds an entry permit issued by the Controller of Immigration under the Immigration Regulations (Cap. 133, Rg 1).

Refund

7.—(1) It shall be lawful for the Controller, if it is proved to his satisfaction that any money has been overpaid or erroneously paid by an employer as levy or penalty —

(a) to set-off the amount so overpaid or erroneously paid against any other amount of levy or penalty due and payable by the same employer under this Order in respect of any foreign employee; or

(b) to order the refund of the money so overpaid or erroneously paid.

(2) Unless the Controller otherwise determines, a refund shall only be allowed if a claim in respect thereof is made —

(a) by or on behalf of the employer in question in writing; and

(b) within one year after the overpayment or erroneous payment was made.

PART III
LEVY RATES APPLICABLE

Division 1 — General

Calculation of monthly and daily rates of levy

8. The levy payable by an employer in respect of any S pass holder or work permit holder of his shall be —

- (a) where the S pass holder or work permit holder has completed a full month of employment, the levy payable under this Part for that worker for that month; or
- (b) where the S pass holder or work permit holder is employed for less than a full month, an amount calculated in accordance with the following formula:

$$\frac{\text{the amount of levy referred to in sub-paragraph (a)}}{365} \times 12,$$

rounded up to the nearest cent.

Tier for month for S pass holders

9.—(1) For any month beginning on or after 1st July 2011, the Tier within which an S pass holder of an employer in any particular sector stands under paragraph 14 shall be determined as follows:

- (a) the number of spaces within each Tier for the employees of an employer in that sector shall be calculated in accordance with paragraph 12;
- (b) each S pass holder shall be allocated to the spaces in each Tier according to his ordinal position for that month assigned under sub-paragraph (2); and
- (c) if an S pass holder of the employer in that sector has not been assigned an ordinal position under sub-paragraph (2), the Tier within which he stands for that month shall be determined under sub-paragraph (3).

(2) For the purposes of sub-paragraph (1)(b), an ordinal position for a month shall be assigned to each S pass holder of the employer in that sector on an ordering day immediately preceding the beginning of the month, in ascending order according to the date of issue of the S pass of each S pass holder, from the earliest to the latest.

(3) For the purposes of sub-paragraph (1)(c), the S pass holder referred to in that sub-paragraph shall be allocated to any space available on the relevant date in the lowest possible Tier.

(4) For the purposes of sub-paragraph (3), the spaces available in a Tier on the relevant date shall be determined in accordance with paragraph 12, except that TWF in the formula specified in paragraph 12(1) shall be the total workforce of the employer in that sector on the counting day immediately preceding the relevant date.

(5) Sub-paragraph (1)(b) and (c) shall not apply to the classes of foreign employees listed in the Second and Third Schedules.

Tier for month for general work permit holders

10.—(1) For any month beginning on or after 1st July 2011, the Tier within which a general work permit holder of an employer in any particular sector stands under paragraph 15 shall be determined as follows:

- (a) the number of spaces within each Tier for the employees of an employer in that sector shall be calculated in accordance with paragraph 12;
- (b) each S pass holder (if any) and each work permit holder of the employer in that sector shall be allocated to the spaces in each Tier according to his ordinal position for that month assigned under sub-paragraph (2); and
- (c) if an S pass holder or a work permit holder of the employer in that sector has not been assigned an ordinal position under sub-paragraph (2), the Tier within which he stands for that month shall be determined under sub-paragraph (3).

(2) For the purposes of sub-paragraph (1)(b), an ordinal position for a month shall be assigned to each S pass holder and each work permit

holder of the employer in that sector on an ordering day immediately preceding the beginning of the month, in ascending order as follows:

- (a) first, to each S pass holder (if any) of his in that sector, according to the date of issue of the S pass of each S pass holder, from the earliest to the latest;
 - (b) second, to each skilled work permit holder (if any) of his in that sector, according to the date of issue of the work permit of each skilled work permit holder, from the earliest to the latest; and
 - (c) third, to each unskilled work permit holder (if any) of his in that sector, according to the date of issue of the work permit of each unskilled work permit holder, from the earliest to the latest.
- (3) For the purposes of sub-paragraph (1)(c) —
- (a) the S pass holder referred to in that sub-paragraph shall be allocated to any space available on the relevant date in Tier 1 and, if there is no such space available in Tier 1, the S pass holder shall be disregarded for the purposes of sub-paragraph (1); and
 - (b) the work permit holder referred to in that sub-paragraph shall be allocated to any space available on the relevant date in the lowest possible Tier.
- (4) For the purposes of sub-paragraph (3), the spaces available in a Tier on the relevant date shall be determined in accordance with paragraph 12, except that TWF in the formulae specified in paragraph 12(2) shall be the total workforce of the employer in that sector on the counting day immediately preceding the relevant date.
- (5) Sub-paragraph (1)(b) and (c) shall not apply to the classes of foreign employees listed in the Second and Third Schedules.

Tier for month for manufacturing workers

11. For any month beginning on or after 1st July 2011, the Tier within which a manufacturing worker of an employer in any particular sector stands under paragraph 24 shall be determined in accordance

with paragraphs 10 and 12 as they apply to a general work permit holder, unless otherwise provided.

Calculation of number of spaces in each Tier

12.—(1) For the purposes of paragraph 9 —

- (a) the number of spaces in Tier 1 for the S pass holders of an employer in that sector shall be calculated in accordance with the following formula and rounded down to the nearest whole number:

$$\text{TWF} \times \frac{\text{P}}{100},$$

where TWF is the total workforce of the employer in that sector on the counting day immediately preceding the beginning of the month; and

P is the number appearing in the third column of the relevant Schedule corresponding to Tier 1; and

- (b) there shall be no limit on the number of spaces in Tier 2 for the S pass holders of an employer in that sector.

(2) For the purposes of paragraphs 10 and 11 —

- (a) the number of spaces in Tier 1 for the S pass holders and work permit holders of an employer in that sector shall be calculated in accordance with the following formula and rounded down to the nearest whole number:

$$\text{TWF} \times \frac{\text{P}}{100},$$

where TWF is the total workforce of the employer in that sector on the counting day immediately preceding the beginning of the month; and

P is the number appearing in the third column of the relevant Schedule corresponding to Tier 1;

- (b) the number of spaces in Tier 2 for the S pass holders and work permit holders of an employer in that sector shall be calculated in accordance with the following formula and rounded down to the nearest whole number:

$$\left[\text{TWF} \times \frac{\text{P}}{100} \right] - \text{T1},$$

where TWF is the total workforce of the employer in that sector on the counting day immediately preceding the beginning of the month;

P is the number appearing in the third column of the relevant Schedule corresponding to Tier 2; and

T1 is the number of spaces in Tier 1 calculated under sub-paragraph (a); and

- (c) there shall be no limit on the number of spaces in Tier 3 for the S pass holders and work permit holders of an employer in that sector.

(3) In this paragraph, unless the context otherwise requires, “relevant Schedule” means —

- (a) in relation to an S pass holder, the Fourth Schedule;
- (b) in relation to a general work permit holder, the Fifth Schedule; and
- (c) in relation to a manufacturing worker, the Ninth Schedule.

(4) If the total number of S pass holders and work permit holders of the employer in that sector on the relevant counting day exceeds the number of spaces in that Tier determined under sub-paragraph (1)(a)

or (2)(a) or (b) (as the case may be), it shall be deemed that there are no spaces available in that Tier.

Discretion to apply lowest rate

13. Notwithstanding paragraphs 14 and 15, the Controller may, in his discretion, allow an employer —

- (a) to pay the levy in respect of an S pass holder of his at the rate specified in the Fourth Schedule for an S pass holder who stands in Tier 1, notwithstanding that the S pass holder stands in Tier 2;
- (b) to pay the levy in respect of a skilled general work permit holder of his at the rate specified in the fifth column of the Fifth Schedule for a skilled general work permit holder who stands in Tier 1, notwithstanding that the skilled general work permit holder stands in Tier 2 or 3; and
- (c) to pay the levy in respect of an unskilled general work permit holder of his at the rate specified in the fifth column of the Fifth Schedule for a skilled general work permit holder who stands in the same tier as the unskilled general work permit holder.

Division 2 — S pass holders

Levy payable by employer of S pass holder

14.—(1) The levy payable by the employer for a month in respect of each S pass holder of his shall be the amount of levy specified in the fourth column of the Fourth Schedule corresponding to the Tier in which that S pass holder stands.

(2) Notwithstanding sub-paragraph (1), the levy payable by the employer for a month in respect of an S pass holder of his who is within a class specified in the Third Schedule shall be the amount of levy specified in the fourth column of the Fourth Schedule corresponding to Tier 1.

Division 3 — General work permit holders

General work permit holders

15.—(1) The levy payable by the employer for a month in respect of an unskilled general work permit holder of his, other than an unskilled general work permit holder referred to in sub-paragraph (2), shall be the amount of levy specified in the fourth column of the Fifth Schedule corresponding to the Tier in which that work permit holder stands.

(2) The levy payable by the employer for a month in respect of an unskilled general work permit holder of his who is a conservancy worker from a non-traditional source shall be the amount of levy specified in the second column of the Sixth Schedule corresponding to the Tier in which that work permit holder stands.

(3) The levy payable by the employer for a month in respect of a skilled general work permit holder of his shall be the amount of levy specified in the fifth column of the Fifth Schedule corresponding to the Tier in which that work permit holder stands.

(4) Notwithstanding sub-paragraphs (1), (2) and (3), the levy payable by the employer for a month in respect of a general work permit holder of his who is within a class specified in the Third Schedule shall —

- (a) in the case of an unskilled general work permit holder referred to in sub-paragraph (1), be the amount of levy specified in the fourth column of the Fifth Schedule corresponding to Tier 1;
- (b) in the case of an unskilled general work permit holder referred to in sub-paragraph (2), be the amount of levy specified in the second column of the Sixth Schedule corresponding to Tier 1; and
- (c) in the case of a skilled general work permit holder, be the amount of levy specified in the fifth column of the Fifth Schedule corresponding to Tier 1.

(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 specified by the Controller:

- (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 approves an application by the employer to pay a different rate of levy in respect of the work permit holder; or
- (d) the first day of the month following the month in which the Controller receives a notification of the change in the skill level of the work permit holder by the Institute of Technical Education, Singapore or the institution which conducted the relevant test.

(6) Where any question arises as to whether the levy payable in respect of any work permit holder is at the rate specified under sub-paragraph (3) or (4), the question shall be determined by the Controller.

(7) The rates specified in sub-paragraphs (3) and (4) shall not apply for the purposes of section 5(8)(a) of the Act.

(8) In this paragraph, “non-traditional source” means such place as the Minister may determine to be a non-traditional source of foreign workers.

Division 4 — Domestic workers

Domestic workers

16.—(1) Subject to the provisions of this paragraph, the levy payable in respect of any domestic worker shall be —

- (a) in the case where the conditions set out in sub-paragraph (2)(a), (b), (c), (d), (e) or (f) are satisfied, \$170 for every month; and

(b) in any other case, \$265 for every month.

(2) The conditions referred to in sub-paragraph (1) are —

(a) in relation to an employer of a domestic worker —

(i) the employer is aged 65 years or above;

(ii) the employer is a citizen of Singapore; and

(iii) the employer resides at his registered residential address;

(b) in relation to a spouse of an employer of a domestic worker —

(i) the spouse is aged 65 years or above;

(ii) the spouse is a citizen of Singapore;

(iii) the registered residential address of the spouse is the same as the registered residential address of the employer; and

(iv) both the spouse and the employer reside at that same registered residential address;

(c) in relation to a child of an employer of a domestic worker or a child of a spouse of that employer —

(i) the child is below the age of 12 years;

(ii) the child is a citizen of Singapore; and

(iii) both the child and the employer reside at the registered residential address of the employer;

(d) in relation to a parent, parent-in-law, grandparent or grandparent-in-law of an employer of a domestic worker —

(i) the parent, parent-in-law, grandparent or grandparent-in-law is aged 65 years or above;

(ii) the parent, parent-in-law, grandparent or grandparent-in-law is a citizen of Singapore;

(iii) the registered residential address of the parent, parent-in-law, grandparent or grandparent-in-law is the same

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- as the registered residential address of the employer;
and
- (iv) both the parent, parent-in-law, grandparent or grandparent-in-law and the employer reside at that same registered residential address;
- (e) in relation to an employer of a domestic worker —
- (i) the employer has a disability and is certified by an assessor approved by the National Council of Social Service, Centre for Enabled Living or such institution as the Controller may determine to require full-time caregiver assistance in performing activities of daily living;
- (ii) the employer is a citizen of Singapore; and
- (iii) the employer resides at his registered residential address; or
- (f) in relation to a spouse, child, parent, parent-in-law, grandparent, grandparent-in-law, grandchild, sibling or sibling-in-law of an employer of a domestic worker —
- (i) the spouse, child, parent, parent-in-law, grandparent, grandparent-in-law, grandchild, sibling or sibling-in-law has a disability and is certified by an assessor approved by the National Council of Social Service, Centre for Enabled Living or such institution as the Controller may determine to require full-time caregiver assistance in performing activities of daily living;
- (ii) the spouse, child, parent, parent-in-law, grandparent, grandparent-in-law, grandchild, sibling or sibling-in-law is a citizen of Singapore; and
- (iii) both the spouse, child, parent, parent-in-law, grandparent, grandparent-in-law, grandchild, sibling or sibling-in-law and the employer reside at that same registered residential address.

(3) The levy specified in sub-paragraph (1)(a) shall apply to a maximum of 2 domestic workers employed by the employer.

(4) For the purpose of sub-paragraph (3), spouses who have, and reside at, the same registered residential address shall be treated as one employer.

Illustration

E and F are spouses, and they have 4 children who satisfy the conditions of sub-paragraph (2)(c) in relation to both E and F. E employs 2 domestic workers, and F employs 2 domestic workers. E and F qualify for the levy specified in sub-paragraph (1)(a) only in respect of 2 of the 4 domestic workers employed by them, because the 2 domestic workers employed by E will be treated as being employed by F and vice versa.

(5) Where the conditions referred to in sub-paragraph (2)(a), (b), (c), (d), (e) or (f) are satisfied by any person in relation to an employer of a domestic worker, that employer shall not qualify for the levy specified in sub-paragraph (1)(a) in respect of a second domestic worker employed by him on account of that same person.

Illustration

X employs 2 domestic workers. X has a child who satisfies the conditions of sub-paragraph (2)(c). X qualifies for the levy specified in sub-paragraph (1)(a) only in respect of one of the domestic workers employed by him on account of his child.

(6) Where the conditions referred to in sub-paragraph (2)(a), (b), (c), (d), (e) or (f) are satisfied by any person in relation to more than one employer of a domestic worker (whether the same or different conditions are satisfied by the person in relation to each of such employers), only one such employer shall qualify for the levy specified in sub-paragraph (1)(a) on account of that person.

Illustration

- (a) *Y is the father of A and B. Y, A and B have the same registered residential address. Y satisfies the conditions of sub-paragraph (2)(d) in relation to both A and B. A and B each employ a domestic worker. Either A or B can qualify for the levy specified in sub-paragraph (1)(a) in respect of their respective domestic workers, on account of Y, but not both A and B.*
- (b) *C is the son of Z. C and Z have the same registered residential address. Z employs a domestic worker, and Z satisfies the conditions of sub-paragraph (2)(a). C also employs a domestic worker, and Z*

satisfies the conditions of sub-paragraph (2)(d) in relation to C. Either Z or C can qualify for the levy specified in sub-paragraph (1)(a) in respect of their respective domestic workers, on account of Z, but not both C and Z.

(7) In this paragraph, “registered residential address” means —

- (a) in relation to any person who is a citizen of Singapore, the residential address provided by him for the purpose of his registration under the National Registration Act (Cap. 201); and
- (b) in relation to an employer of a domestic worker who is not a citizen of Singapore, the residential address provided by him in applying for a work permit for the domestic worker.

Change in household composition resulting in employer being subject to levy under paragraph 16(1)(b)

17.—(1) This paragraph shall apply where an employer of a domestic worker who originally qualified for the levy specified in paragraph 16(1)(a) in respect of that domestic worker, ceases to so qualify.

(2) Unless the Controller otherwise allows, where an employer of a domestic worker ceases to qualify for the levy specified in paragraph 16(1)(a) as a result of any of the conditions referred to in paragraph 16(2)(a) to (f) no longer being satisfied (including through the death of a person referred to in paragraph 16(2)), the levy specified in paragraph 16(1)(b) shall be payable by the employer from the first day of the month following the month in which any of the conditions are no longer satisfied.

(3) Where an employer of a domestic worker ceases to qualify for the levy specified in paragraph 16(1)(a) because his spouse, his child or the child of his spouse, or his parent, parent-in-law, grandparent, grandparent-in-law, grandchild, sibling or sibling-in-law, ceases to reside at the registered residential address of the employer (as defined in paragraph 16), the employer shall notify the Controller of that fact within 28 days of the person ceasing to so reside.

Change in household composition resulting in employer qualifying for levy under paragraph 16(1)(a)

18.—(1) This paragraph shall apply where an employer of a domestic worker who was originally required to pay the levy specified in paragraph 16(1)(b) in respect of that domestic worker, qualifies for the levy specified in paragraph 16(1)(a).

(2) Where an employer of a domestic worker qualifies for the levy specified in paragraph 16(1)(a) as a result of the conditions referred to in paragraph 16(2)(a), (b) or (c) being satisfied, the levy specified in paragraph 16(1)(a) shall be payable by the employer from the first day of the month following the month in which the conditions are satisfied.

(3) Where an employer of a domestic worker qualifies for the levy specified in paragraph 16(1)(a) as a result of the conditions referred to in paragraph 16(2)(d) being satisfied, the employer shall —

(a) notify the Controller of the change in household composition; and

(b) apply to the Controller for the levy specified in paragraph 16(1)(a) to be payable by him, and that levy shall be payable from the first day of the month following the month in which the application to the Controller is approved.

(4) Where an employer of a domestic worker qualifies for the levy specified in paragraph 16(1)(a) as a result of the conditions referred to in paragraph 16(2)(e) or (f) being satisfied, the employer shall apply to the Controller for the levy specified in paragraph 16(1)(a) to be payable by him, and that levy shall be payable from the first day of the month following the month in which the application to the Controller is approved.

Domestic workers meeting special criteria

19.—(1) Notwithstanding paragraphs 16, 17 and 18, the levy payable in respect of any domestic worker who has such academic qualifications, skills, capabilities, work experience, remuneration or any combination thereof, or who satisfies such other criteria, as the

Minister determines suitable to regard the domestic worker as a skilled domestic worker, shall be \$150 for every month.

(2) The levy payable at the rate specified in sub-paragraph (1) shall apply from such of the following dates as may be specified by the Controller:

- (a) the date the work permit is issued to the domestic worker or the date the domestic 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 domestic worker is renewed;
- (c) the first day of the month following the month in which the Controller approves an application by the employer to pay a different rate of levy in respect of the domestic worker; or
- (d) the first day of the month following the month in which the Controller receives a notification of the change in the skill level of the domestic worker by the institution which conducted the relevant test.

(3) Where any question arises as to whether the levy payable in respect of any domestic worker is at the rate specified in sub-paragraph (1), the question shall be determined by the Controller.

(4) The rate specified in sub-paragraph (1) shall not apply for the purposes of section 5(8)(a) of the Act.

Division 5 — Construction workers

Levy payable for construction workers

20.—(1) The levy payable by the employer for a month in respect of a construction worker of his shall be the amount of levy specified in the second column of the Seventh Schedule corresponding to the category of construction worker in the first column of that Schedule.

(2) The Controller may, in his discretion, allow an employer to pay the levy at the rate specified in item 1 or 2 of the Seventh Schedule corresponding to the skill level of the construction worker even if the construction worker has been excluded from the requirement for prior authorisation by the Controller before applying for a work permit.

Change in skill level of construction worker

21.—(1) Where an unskilled construction worker becomes a basic skilled construction worker on passing the relevant test, the Building and Construction Authority or the institution which conducted the test shall notify the Controller of the change in the skill level of the construction worker.

(2) Where an unskilled construction worker or a basic skilled construction worker becomes a higher skilled construction worker upon obtaining the requisite trades certification, the Building and Construction Authority or the institution which conducted the test shall notify the Controller of the change in the skill level of the construction worker.

(3) The levy at the rates specified under paragraph 20 for the category of construction worker corresponding to the new skill level of the construction worker shall be payable from the first day of the month following the month in which the worker passed the test or obtained the requisite trades certification, as the case may be.

*Division 6 — Marine workers***Marine workers**

22. The levy payable by the employer for a month in respect of a marine worker of his shall be the amount of levy specified in the second column of the Eighth Schedule corresponding to the category of marine worker in the first column of that Schedule.

Change in skill level of marine worker

23.—(1) Where an unskilled marine worker becomes a skilled marine worker on passing the relevant test, the Institute of Technical Education, Singapore or the institution which conducted the test shall notify the Controller of the change in the skill level of the marine worker.

(2) The levy at the rates specified under paragraph 22 for the category of marine worker corresponding to the new skill level of the marine worker shall be payable from the first day of the month following the month in which the worker passed the test.

*Division 7 — Manufacturing workers***Manufacturing workers**

24.—(1) The levy payable by the employer for a month in respect of an unskilled manufacturing worker of his shall be the amount of levy specified in the fourth column of the Ninth Schedule corresponding to the Tier in which that manufacturing worker stands.

(2) The levy payable by the employer for a month in respect of a skilled manufacturing worker of his shall be the amount of levy specified in the fifth column of the Ninth Schedule corresponding to the Tier in which that work permit holder stands.

(3) Notwithstanding sub-paragraphs (1) and (2), the levy payable by the employer for a month in respect of a manufacturing worker within a class specified in the Third Schedule shall —

- (a) in the case of a skilled manufacturing worker, be the amount of levy specified in the fifth column of the Ninth Schedule corresponding to Tier 1; and
- (b) in the case of an unskilled manufacturing worker, be the amount of levy specified in the fourth column of the Ninth Schedule corresponding to Tier 1.

(4) The levy payable at the rate specified under sub-paragraph (2) or (3) shall apply from such of the following dates as may be specified by the Controller:

- (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 approves an application by the employer to pay a different rate of levy in respect of the work permit holder; or
- (d) the first day of the month following the month in which the Controller receives a notification of the change in the skill level of the work permit holder by the Institute of Technical

Education, Singapore or the institution which conducted the relevant test.

(5) Where any question arises as to whether the levy payable in respect of any work permit holder is at the rate specified under sub-paragraph (2) or (3), the question shall be determined by the Controller.

(6) The rates specified under sub-paragraphs (2) and (3) shall not apply for the purposes of section 5(8)(a) of the Act.

Division 8 — Harbour craft workers

Harbour craft workers

25. The levy payable by the employer for a month in respect of a harbour craft worker of his shall be the amount of levy specified in the second column of the Tenth Schedule corresponding to the category of harbour craft worker in the first column of that Schedule.

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 Institute of Technical Education, Singapore or the institution which conducted the test shall 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 the category of harbour craft worker corresponding to the new skill level of the harbour craft worker shall be payable from the first day of the month following the month in which the worker passed the test.

*Division 9 — Process construction workers and
process maintenance workers*

Process construction workers

27. The levy payable by the employer for a month in respect of a process construction worker of his shall be the amount of levy specified in the second column of the Eleventh Schedule corresponding to the category of process construction worker in the first column of that Schedule.

Change in skill level of process construction worker

28.—(1) Where an unskilled process construction worker becomes a skilled process construction worker on passing the relevant test, the Institute of Technical Education, Singapore, the Singapore Welding Society or the institution which conducted the test shall notify the Controller of the change in the skill level of the process construction worker.

(2) The levy at the rate specified under paragraph 27 for the category of process construction worker corresponding to the new skill level of the process construction worker shall be payable from the first day of the month following the month in which the worker passed the test.

(3) The Controller may, in his discretion, allow an employer to pay the levy at the rate specified in item 1 of the Eleventh Schedule for a skilled process construction worker even if the process construction worker has been excluded from the requirement for prior authorisation by the Controller before applying for a work permit.

Process maintenance workers

29. The levy payable by the employer for a month in respect of a process maintenance worker of his shall be the amount of levy specified in the second column of the Twelfth Schedule corresponding to the category of process maintenance worker in the first column of that Schedule.

Change in skill level of process maintenance worker

30.—(1) Where an unskilled process maintenance worker becomes a skilled process maintenance worker on passing the relevant test, the Institute of Technical Education, Singapore, the Singapore Welding Society or the institution which conducted the test shall notify the Controller of the change in the skill level of the process maintenance worker.

(2) The levy at the rate specified under paragraph 29 for the category of process maintenance worker corresponding to the new skill level of the process maintenance worker shall be payable from the first day of the month following the month in which the worker passed the test.

(3) The Controller may, in his discretion, allow an employer to pay the levy at the rate specified in item 1 of the Twelfth Schedule for a skilled process maintenance worker even if the process maintenance worker has been excluded from the requirement for prior authorisation by the Controller before applying for a work permit.

Division 10 — Trainees

Levy payable by employer of trainee

31. The levy payable by the employer for a month in respect of a trainee of his shall be at the lowest applicable monthly rate of levy in respect of the Division corresponding to the sector in which the trainee is employed.

PART IV

GENERAL

Revocation

32. The Employment of Foreign Manpower (Levy) Order 2010 (G.N. No. S 324/2010) is revoked.

Transitional and savings provisions

33.—(1) This Order applies to the levy payable in respect of July 2011 or any month thereafter, or part thereof, by every employer in respect of any S pass holder or work permit holder whose S pass or work permit is issued, or who starts lawful employment with that employer, whether before, on or after 1st July 2011.

(2) The Employment of Foreign Manpower (Levy) Order 2010 (G.N. No. S 324/2010) in force immediately before the coming into operation of this Order shall continue to apply to a levy in respect of any month or part thereof before 1st July 2011 imposed on an employer under that Order.

FIRST SCHEDULE

Paragraph 2

CLASSES EXCEPTED FROM DEFINITION OF TOTAL WORKFORCE

1. Any foreign employee who has a valid employment pass issued under the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2), or any class thereof.

2. Any foreign spouse or child of a citizen or permanent resident of Singapore who has a valid letter of consent issued under the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2), or any class thereof.

3. Any foreign employee who is employed under any of the following schemes administered by the Ministry of Manpower, or any class thereof:

- (a) Temporary Job Scheme;
- (b) Voluntary Welfare Organisations/Commercial Homes Scheme;
- (c) Religious Organisations Scheme;
- (d) Culture/Sports Organisations Scheme;
- (e) Foreign Mission Scheme;
- (f) MSSSI — Manpower Scheme for Strategic Industries;
- (g) Work Permit (Performing Artiste) Scheme.

4. Any foreign employee who is exempted from the requirement in section 5 of the Act of having a work pass to be employed under paragraph 3 of the Employment of Foreign Manpower (Work Pass Exemptions) Notification (N 2), or any class thereof.

SECOND SCHEDULE

Paragraphs 9 and 10

CLASSES EXCLUDED UNDER PARAGRAPHS 9(5) AND 10(5)

1. Any foreign employee who has a valid employment pass issued under the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2), or any class thereof.

2. Any foreign spouse or child of a citizen or permanent resident of Singapore who has a valid letter of consent issued under the Employment of Foreign Manpower (Work Passes) Regulations (Rg 2), or any class thereof.

3. Any foreign employee who is employed under any of the following schemes administered by the Ministry of Manpower, or any class thereof:

SECOND SCHEDULE — *continued*

- (a) Religious Organisations Scheme;
- (b) Foreign Mission Scheme;
- (c) Work Permit (Performing Artiste) Scheme.

4. Any foreign employee who is exempted from the requirement in section 5 of the Act of having a work pass to be employed under paragraph 3 of the Employment of Foreign Manpower (Work Pass Exemptions) Notification (N 2), or any class thereof.

THIRD SCHEDULE

Paragraphs 9, 10, 14, 15 and 24

CLASSES EXCLUDED FROM ASSIGNMENT OF
ORDINAL POSITION BUT ARE NOT LEVY EXEMPT

1. Any foreign employee who is employed under any of the following schemes administered by the Ministry of Manpower, or any class thereof:

- (a) Temporary Job Scheme;
- (b) Voluntary Welfare Organisations/Commercial Homes Scheme;
- (c) Culture/Sports Organisations Scheme.

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 15%	15	\$120
2. Tier 2	More than 15%	—	\$180.

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 20%	20	\$280	\$180
2. Tier 2	More than 20% and not more than 35%	35	\$400	\$300
3. Tier 3	More than 35%	—	\$450	\$450.

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	\$350
2. Tier 2	\$400
3. Tier 3	\$450.

SEVENTH SCHEDULE

Paragraph 20

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	\$180

SEVENTH SCHEDULE — *continued*

2. Basic skilled construction worker	\$230
3. Unskilled construction worker	\$380
4. Construction worker excluded from the requirement for prior authorisation before applying for a work permit	\$380.

EIGHTH SCHEDULE

Paragraph 22

LEVY PAYABLE FOR
MARINE WORKERS

<i>First column</i>	<i>Second column</i>
<i>Category</i>	<i>Levy payable</i>
1. Skilled marine worker	\$180
2. Unskilled marine worker	\$300.

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 30%	30	\$280	\$180
2. Tier 2	More than 30% and not more than 50%	50	\$340	\$240
3. Tier 3	More than 50%	—	\$450	\$450.

TENTH SCHEDULE

Paragraph 25

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	\$180
2. Unskilled harbour craft worker	\$280.

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	\$180
2. Unskilled process construction worker	\$300
3. Process construction worker excluded from the requirement for prior authorisation before applying for a work permit	\$380.

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	\$180
2. Unskilled process maintenance worker	\$300
3. Process maintenance worker excluded from the requirement for prior authorisation before applying for a work permit	\$380.

Made this 30th day of June 2011.

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

[WP (C) 17:03; AG/LLRD/SL/91A/2010/3 Vol. 1]