

# **Parking Places (Amendment) Bill**

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**Bill No. 18/2018.**

*Read the first time on 5 March 2018.*

A BILL

*intituled*

An Act to amend the Parking Places Act (Chapter 214 of the 2014 Revised Edition) and to make related amendments to certain other Acts.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act is the Parking Places (Amendment) Act 2018 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of long title

2. The long title to the Parking Places Act (called in this Act the principal Act) is amended by inserting, immediately after the words “relating to parking places”, the words “and to address indiscriminate vehicle parking in public places because of vehicle sharing”.

### 10 Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by inserting, immediately before the definition of “driver”, the following definition:

15 “ “design of parking facilities”, for any parking place, means the design of the physical features, plant or like equipment necessary for the parking or manoeuvring of vehicles in the parking place or both, and includes circulation aisles and access ramps;”;

20 (b) by inserting, immediately after the definition of “driver”, the following definition:

25 “ “enforcement officer”, in relation to any provision in this Act or any regulations made under Part 3, means an officer or employee of the Authority who is appointed under section 3(4) as an enforcement officer for the purposes of that provision;”;

(c) by inserting, immediately after the definition of “park”, the following definition:

30 “ “parking lot” means an area within a parking place which is marked out for parking of a single vehicle in that area;”;

(d) by inserting, immediately after the definition of “parking place”, the following definition:

““private footway” has the meaning given by the Street Works Act (Cap. 320A);”;

(e) by inserting, immediately after the definition of “private parking place”, the following definitions: 5

““public street” has the meaning given by the Street Works Act;

“statutory body” means a body corporate established or constituted by or under a public Act to perform or discharge a public function;” and 10

(f) by inserting, immediately after the definition of “Superintendent”, the following definition:

““traffic sign” has the meaning given by section 119 of the Road Traffic Act (Cap. 276);”. 15

### **Amendment of section 3**

4. Section 3 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection: 20

“(4) The Authority may —

(a) in relation to any provision in this Act or any regulations made under Part 3, appoint any of its officers or employees to be an enforcement officer for the purposes of that provision, either generally or in a particular case; and 25

(b) delegate to any enforcement officer the exercise of all or any of the powers conferred or duties imposed upon the Authority by any provision in this Act or any regulations made under Part 3 (except the power of delegation conferred by this subsection), subject to such conditions or limitations as the Authority may specify; and any reference in that provision to the 30

Authority includes a reference to such an enforcement officer.”.

### **New sections 6A and 6B**

5 **5.** The principal Act is amended by inserting, immediately after section 6, the following sections:

#### **“Layout, etc., of parking lots in private parking places**

**6A.—(1)** The owner or occupier of —

10 (a) any land or premises on which any private parking place is, on or after the date of commencement of section 5 of the Parking Places (Amendment) Act 2018, provided; or

(b) any land or premises on which any development (within the meaning of the Planning Act (Cap. 232)) is or is to be carried out and in respect of which —

15 (i) written permission is granted on or after the date of commencement of section 5 of the Parking Places (Amendment) Act 2018; or

20 (ii) an application for approval of a proposal or plan for the provision of parking lots is pending on that date,

must provide and maintain the private parking place provided or to be provided on the land or premises only in accordance with the applicable requirements for parking places.

25 (2) In subsection (1) and section 6B, “applicable requirement for parking places”, for any land or premises mentioned in that subsection, means any of the requirements as to layout, arrangement, dimensions, area and number of parking lots, or to the design of parking facilities for a private parking place on the land or premises, which —

30 (a) are specified in the proposal or plan for the provision of parking lots in the private parking place last approved (or deemed approved) by the Authority; or

(b) are specified in the last waiver granted (or deemed granted) under section 6B in relation to the private parking place.

(3) The Authority may, in respect of a proposal or plan for the provision of parking lots in a private parking place, approve the proposal or plan in accordance with rules made (or deemed made) under section 22 or, subject to those rules, after having regard to, and giving such weight as the Authority considers appropriate to, all of the following matters:

(a) the proximity and accessibility of the land or premises to other forms of public passenger transport facilities;

(b) the availability of other parking places in the vicinity of the land or premises;

(c) traffic flow around the land or premises and the road capacity;

(d) access to roads, public streets, private footways and public paths;

(e) such other matters and evidence as may be relevant.

(4) The Authority may, by an infringement notice, require the owner or occupier of the land or premises mentioned in subsection (1) to carry out such works to the land or premises or any part of it, and to take such other measures specified in the notice, as the Authority thinks fit to rectify any contravention of that subsection.

(5) A person who contravenes or fails to comply with an infringement notice under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 and, in the case of a continuing offence, to a further fine of \$500 for every day or part of a day during which the offence continues after conviction.

(6) In this section, a reference to a proposal or plan for the provision of parking lots in a private parking place includes a reference to a proposal or plan to change —

- (a) the number of parking lots in the private parking place;
- (b) the layout, arrangement, dimensions or area of any parking lot in the private parking place; or
- (c) the design of parking facilities in that private parking place,

and change includes the making of a material change in the use as a parking lot.

### **Deficiency charge**

**6B.**—(1) Despite section 6A(1), the owner or occupier of any land or premises which is the subject of a development mentioned in section 6A(1)(b) may provide parking lots in a private parking place or proposed private parking place on the land or premises otherwise than in accordance with the applicable requirement for parking places for that private parking place if —

- (a) the Authority waives the applicable requirement for parking places because, in the opinion of the Authority, it would be unduly onerous or unreasonable for the owner or occupier to comply with that requirement; and
- (b) where the waiver affects the applicable number of parking lots, the owner or occupier pays to the Authority a deficiency charge.

(2) In determining whether to grant a waiver in relation to any private parking place or proposed private parking place on any land or premises, the Authority must have regard to, and give such weight as the Authority considers appropriate to, all of the following matters:

- (a) the proximity and accessibility of the land or premises to other forms of public passenger transport facilities;
- (b) the availability of other parking places in the vicinity of the land or premises;

- (c) traffic flow around the land or premises and the road capacity;
- (d) access to roads, public streets, private footways and public paths;
- (e) the physical topography and location of the land or premises; 5
- (f) other regulatory requirements which the owner of the land or premises must also comply with in relation to the private parking place;
- (g) the safety of pedestrians, drivers, riders and other road and public path users; 10
- (h) such other matters and evidence as may be relevant.

(3) The deficiency charge is an amount calculated in the manner prescribed, and must be paid into the Consolidated Fund.

(4) Despite anything in this section, no deficiency charge is payable in respect of a private parking place or class of private parking places which, or any person who, is exempt from section 6A because of an exemption under section 21. 15

(5) In subsection (1), “applicable number of parking lots”, for any land or premises which is the subject of a development mentioned in section 6A(1)(b), means the applicable requirement for parking places relating to the number of parking lots which is prescribed in rules made (or deemed made) under section 22.”. 20

### **Repeal of section 8 and new Part 3**

6. Section 8 of the principal Act is repealed and the following Part substituted therefor: 25

“PART 3  
VEHICLE SHARING  
*Division 1 — General*

**Interpretation of this Part**

- 5       **8.—(1)** In this Part, unless the context otherwise requires —
- “chief executive officer”, in relation to a licensee, means an individual (by whatever name described) who —
- (a) is in the direct employment of, or acting for or by arrangement with, the licensee; or
- 10           (b) is principally responsible for the management and conduct of the business of the licensee in carrying on any licensable activity authorised by the licence,
- and includes an individual for the time being performing all or any of the functions or duties of a chief executive officer;
- 15       “company” has the meaning given by section 4(1) of the Companies Act (Cap. 50);
- “director” has the meaning given by section 4(1) of the Companies Act;
- 20       “hire”, for a vehicle, does not include hiring the vehicle under a hire-purchase agreement but includes —
- (a) the hire of a vehicle for use on a single occasion, or the hire of a vehicle or different vehicles on multiple occasions within a fixed period;
- 25           (b) the hire of the vehicle as a free gift, or with the supply of any other goods or services as a free gift;
- (c) the hire of the vehicle as a prize in any lottery, raffle, draw, game or competition held in Singapore; and
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(d) the hire of the vehicle to the public or any section of the public as a free example or demonstration of a licensable service by a licensee;

“licence” means a licence granted (on renewal or otherwise) under this Part to provide a licensable service using a class of vehicles specified in the licence; 5

“licensee” means a person to whom a licence is granted (on renewal or otherwise) under this Part;

“limited liability partnership” has the meaning given by the Limited Liability Partnerships Act (Cap. 163A); 10

“modification” and “modify”, in relation to the conditions of a licence, includes deleting or varying and substituting a condition, and adding a condition;

“premises” means a building or structure (whether permanent or temporary) or part of such a building or structure, and includes any immediately adjoining space or land necessary for access to, or the enjoyment of occupants of, the building or structure; 15

“public path” has the meaning given by the Active Mobility Act 2017 (Act 3 of 2017); 20

“public place” means any land or premises in Singapore —

(a) which is, or is on —

(i) any State land;

(ii) any land under the control or management of a statutory body; or 25

(iii) any land which is under lease from a statutory body to another person other than another statutory body or the Government, and is prescribed by the Minister, by order in the *Gazette*, as a public place for the purposes of this Part; and 30

(b) to which members of the public have access as of right or by virtue of express or implied permission and without payment of a fee,

and includes part of a public place;

5 “regulations” means regulations made under section 8S;

“regulatory action” means any action in section 8P that may be taken by the Authority against a licensee;

“ride”, in relation to a vehicle, means to travel in or on the vehicle, and includes driving the vehicle;

10 “road” has the meaning given by the Road Traffic Act (Cap. 276);

“standard of performance” means a standard of performance issued or approved by the Authority under section 8N, and includes any such standard of performance as amended from time to time under that section;

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“use”, in relation to a vehicle and a licensee, means use by the licensee of the vehicle in providing the licensable service authorised by the licensee’s licence;

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“vehicle” means a bicycle, power-assisted bicycle, personal mobility device or other means of transport used on land (whether mechanically propelled or otherwise) except —

(a) a motor car or motor cycle;

(b) a heavy or light locomotive;

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(c) a motor tractor;

(d) a public service vehicle which is a bus, private hire car or taxi;

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“vehicle location device” means a device that is capable of transmitting signals about the approximate location of a vehicle for reception by another device.

(2) In this Part, a person provides a licensable service if the person carries on a licensable activity in Singapore in the course

of business, whether or not carried on for profit and whether or not its primary function is connected with offering or exposing vehicles for hire by the general public to ride.

(3) For the purpose of subsection (2), a “licensable activity” means carrying on any of the following: 5

(a) offering or exposing undocked vehicles for hire by the general public to ride, and —

(i) allowing the hiring of any of these vehicles to end in or at a public place undocked; or

(ii) taking bookings for the hire of any of these vehicles, the hiring of which may end in or at a public place undocked; 10

(b) providing to individuals interested in hiring undocked vehicles used in a licensable activity in paragraph (a) a service of booking such a vehicle for hire, and communicating the booking to the individual or the person carrying on that licensable activity. 15

(4) For the purpose of subsection (3), it does not matter whether the booking is obtained or communicated remotely by means of an electronic device or other means not directly provided by the person who provides a booking service. 20

(5) However, the regulations may provide that the provision of prescribed services is not a licensable service.

(6) In this Part, a vehicle is treated as undocked if the vehicle is permitted to remain at rest without a rider in or at a public place — 25

(a) which is outdoors or in an unenclosed shelter; and

(b) other than in or at a vehicle docking station or installation attached to the ground which is installed or provided by a person for the exclusive use of that person’s customers. 30

(7) In this Part, “improperly parking in a public place”, for a vehicle of a class, means parking, or permitting to remain at rest without a rider, the vehicle undocked outside an area that is —

- (a) demarcated (by a marking or traffic sign or other signboard) for parking of vehicles of that same class; and
- (b) provided by any licensee, the Government or a statutory body for the parking of vehicles of that class.

### **Purpose of this Part**

**8A.**—(1) The purpose of this Part is to regulate the provision of licensable services so as to address indiscriminate parking of vehicles in public places arising from the provision of licensable services.

(2) To avoid doubt, this Part does not limit the application of any other requirement or restriction to, or in relation to, the conduct of business in, or the parking of vehicles on, any public place by or under any other written law.

### **Classes of vehicles**

**8B.**—(1) For the purposes of this Part, vehicles may be classified into the classes prescribed by regulations.

(2) Each class of vehicles prescribed may be subdivided into one or more subdivisions according to weight, construction, use or otherwise as described in the regulations, and any reference in this Part or the regulations to a class of vehicles includes a reference to any subdivision of such class.

## *Division 2 — Licences*

### **Unauthorised licensable service**

**8C.**—(1) A person must not provide, or hold out as providing, any licensable service using a class of vehicles unless the person —

- (a) is authorised to do so by a licence; or
- (b) is exempt from this section under section 21 in relation to that activity.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction. 5

(3) For the purposes of this section, a licensee is not authorised by its licence to provide a licensable service during the period the licence is suspended.

### **Application for or to renew licence** 10

**8D.**—(1) An application for or to renew a licence must be made to the Authority in accordance with this section.

(2) An application for or to renew a licence must —

(a) be in such form and manner as the Authority may determine; 15

(b) be accompanied by an application fee, if prescribed; and

(c) be accompanied by such information that the Authority requires to decide on the application.

(3) In addition, an application to renew a licence must be made no later than a prescribed period before the date of expiry of the licence, unless otherwise allowed by the Authority in any particular case which is to be treated as a late renewal application. 20

(4) A late renewal application must be accompanied by a late renewal application fee (if prescribed), in addition to the fee in subsection (2)(b), if prescribed. 25

(5) Upon receiving an application for or to renew a licence to provide any licensable service, the Authority may carry out, or arrange to be carried out by any of its officers, an inspection of — 30

(a) the land or premises on or at which the applicant intends to provide the licensable service in the application or to place any vehicle or carry out any

activity in connection with the provision of such licensable service; and

(b) any vehicle, equipment or other thing which the applicant intends to use to provide the licensable service in the application.

(6) The Authority may refuse to consider an application for or to renew a licence made by or on behalf of an applicant where —

(a) the application is incomplete or not made in accordance with this section;

(b) an inspection mentioned in subsection (5) in relation to the application is refused; or

(c) a safety directive under section 8Q is in force.

### **Grant, etc., of licence**

**8E.**—(1) After considering any application for or to renew a licence, the Authority may do either of the following:

(a) on payment of —

(i) a licence fee (if prescribed), grant the applicant a licence authorising the provision of a licensable service using a class of vehicles specified in the licence; or

(ii) a renewal fee and, where applicable, late renewal fee (if prescribed), renew the licence authorising the provision of a licensable service using a class of vehicles specified in the licence;

(b) refuse to grant or renew the licence.

(2) In deciding whether an applicant should be granted a licence, or the applicant's licence should be renewed, and the conditions to impose or modify, the Authority must have regard to, and give such weight as the Authority considers appropriate to, all of the following matters:

(a) the demand for the licensable service proposed in the application to be provided;

- (b) the existence of other licensees providing licensable services using the same class of vehicles proposed in the application;
- (c) the existence of other licensees providing licensable services using other classes of vehicles; 5
- (d) the adequacy of parking places for the class of vehicles proposed in the application;
- (e) the design, safety and roadworthiness of the vehicles to be used by the applicant in providing the licensable service proposed in the application; 10
- (f) the applicant's capacity to provide the licensable service proposed in the application according to the standards of performance applicable to licensees using the class of vehicles proposed in the application;
- (g) the applicant's capacity to comply with the requirements for financial viability in providing the licensable service proposed in the application; 15
- (h) whether the applicant and where necessary, whether —
  - (i) every member of the board of directors or committee or board of trustees or other governing body of an applicant which is a company, limited liability partnership or other body corporate; or 20
  - (ii) every partner of an applicant that is a partnership, 25  
is a suitable person to be involved in the management or operation of providing the licensable service proposed in the application;
  - (i) whether it is otherwise contrary to the public interest for the licence to be granted to the applicant. 30

(3) For the purpose of determining whether or not an individual mentioned in subsection (2)(h) is a suitable person to be involved in the management or operation of providing a licensable service,

the Authority must, having regard to the degree and nature of the individual's proposed involvement, consider and give such weight as the Authority considers appropriate to all of the following matters:

- 5           (a) the individual's relevant knowledge, competency and experience;
- (b) any evidence of regulatory action taken against the individual under this Part, or for contravening any notice or direction given under this Part;
- 10           (c) any prior conviction of the individual for committing —
- (i) an offence under section 32A of the Street Works Act (Cap. 320A), under section 28 of the Active Mobility Act 2017 (Act 3 of 2017) or under this Part or the regulations, whether or not the offence was committed before the date of commencement of section 6 of the Parking Places (Amendment) Act 2018; or
- 15           (ii) any other offence, whether or not the conviction was in a Singapore court and whether or not the offence was committed before the date of commencement of section 6 of the Parking Places (Amendment) Act 2018;
- 20           (d) any previous occasion where the individual accepted any composition sum offered under section 12 for an offence mentioned in paragraph (c) or for an offence under this Part or the regulations.
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30           (4) To avoid doubt, the Authority is not confined to consideration of the matters specified in subsection (2) or (3) and may take into account such other matters and evidence as may be relevant.

             (5) Without limiting subsection (1), the Authority may grant a renewal of a licence with or without modifying the conditions of the licence, but section 8H does not apply to or in relation to



granting a renewal of a licence with modifications to the conditions of the licence.

### **Validity of licence**

**8F.**—(1) Every licence granted or renewed under this Part is to continue in force for such period (not exceeding 2 years) as may be specified in the licence unless it is earlier cancelled or suspended under section 8P. 5

(2) Regulations may be made to vary the maximum period of 2 years in subsection (1), by prescribing a longer or shorter period for licences granted or renewed after those regulations are in force. 10

### **Conditions of licence**

**8G.**—(1) In granting a licence to any person, the Authority may impose such conditions as the Authority considers requisite or expedient having regard to the purposes of this Part. 15

(2) In particular, in granting or renewing a licence to a person to provide a licensable service, the Authority may impose conditions —

(a) prohibiting or restricting the use of a certain type of vehicle specified in the licence in providing the licensable service; 20

(b) fixing the maximum or minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period —

(i) may offer or expose for hiring undocked; or 25

(ii) may allow the hiring of which to end undocked, or both;

(c) requiring a serial number to be engraved on or affixed to every vehicle used or to be used by the licensee to provide the licensable service authorised by the licence; 30

(d) requiring the licensee to provide parking spaces for the class of vehicles used or to be used by the licensee in providing the licensable service authorised by the licence;

5 (e) requiring the provision of a performance bond, guarantee or any other form of security of such amount, and on such terms and conditions as the Authority may determine, for all or any of the following purposes:

10 (i) to secure compliance by the licensee with any standards of performance applicable to the licensee and any condition attached to the licence;

15 (ii) to meet any financial penalty arising out of any proceedings under section 8P with a view to the regulatory action started or likely to start against the licensee;

20 (iii) to meet any cost or expenses which the Authority may reasonably incur in moving and disposing of vehicles that were used by the former licensee in providing licensable services and are abandoned in public places; or

25 (f) requiring the licensee to undergo (at the licensee's own cost) such audit as the Authority may require to ascertain the licensee's compliance with —

(i) the provisions of this Part or a standard of performance applicable to the licensee;

(ii) the conditions of the licence granted to that licensee; or

30 (iii) a direction given under section 8O.

(3) An audit mentioned in subsection (2)(f) must be carried out by enforcement officers or other qualified individuals approved by the Authority for the purpose.

### **Modifying conditions of licence: by Authority**

**8H.**—(1) Subject to this section, it is lawful for the Authority to modify the conditions of a licence without compensating the licensee concerned.

(2) Before modifying any conditions of a licence, the Authority must give notice to the licensee holding that licence — 5

(a) stating that the Authority proposes to make the modification in the manner as specified in the notice; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which the licensee may make written representations to the Authority with respect to the proposed modification. 10

(3) Upon receiving any written representation mentioned in subsection (2)(b), the Authority must consider that representation and may — 15

(a) reject the representation;

(b) amend the proposed modification in such manner as the Authority thinks fit having regard to the representation; or 20

(c) withdraw the proposed modification.

(4) Where —

(a) the Authority rejects any written representation under subsection (3)(a); 25

(b) the Authority amends any proposed modification to the conditions of the licence under subsection (3)(b); or

(c) no written representation is received by the Authority within the time specified under subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn, and the licensee has not given immediate effect to the modification,

the Authority must issue a direction in writing to the licensee in question requiring the licensee, within the time specified by the Authority, to give effect to the modification as specified in the notice under subsection (2) or as amended by the Authority, as the case may be.

### **Modifying conditions of licence: by licensee**

**8I.**—(1) A licensee may apply to the Authority to modify the conditions of the licensee’s licence mentioned in section 8G(2)(b), and no other condition.

(2) An application under subsection (1) must —

(a) be in such form and manner as the Authority may determine;

(b) be accompanied by an application fee, if prescribed; and

(c) be accompanied by such prescribed information and any other additional information that the Authority requires to decide on the application.

(3) However, an application under subsection (1) must be made no later than 9 months (or such longer or shorter period as may be prescribed in substitution) before the date of expiry of the licence concerned.

(4) The Authority may refuse to consider an application under subsection (1) to modify the conditions of the licensee’s licence where the application is incomplete or not made in accordance with this section.

(5) After considering any application under subsection (1) and whether a safety directive under section 8Q is in effect, the Authority may do either of the following:

(a) on payment of a fee (if prescribed) to modify a licence condition in subsection (1) —

(i) modify other relevant conditions of the licence; and

(ii) grant the licensee the modification applied for; 5

(b) refuse to modify the licence condition in the application.

(6) Sections 8E(2) to (5) and 8G(2)(e) apply, with the necessary modifications, to every application under subsection (1) as if the application is an application for or to renew a licence. 10

### **Restrictions on transfer of licence**

**8J.—**(1) A licence, and any rights, benefits or privileges under the licence, is not transferable or assignable to any other person unless — 15

(a) the licence contains a condition authorising the transfer or assignment; and

(b) the Authority consents in writing to the transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the Authority thinks fit to impose, which may, subject to section 8H, include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence. 20

(3) A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect — 25

(a) if the licence is not capable of transfer or assignment;

(b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; 30

or

- (c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

5 (4) Every licence is not capable of being surrendered without the consent in writing of the Authority, and any surrender or purported surrender of a licence is void if it is without such consent.

*Division 3 — Duties of licensees*

10 **Accounts and records**

**8K.—(1)** A licensee must —

- 15 (a) in respect of the whole or part, as the case may be, of every financial year, prepare such accounts and statements as are specified in, or ascertained in accordance with, the regulations;
- (b) retain the accounts and statements prepared in accordance with paragraph (a) for 5 years (or such longer or shorter period as may be prescribed in substitution) after the end of the period to which they relate;
- 20 (c) within the prescribed period after the financial year, give the Authority those accounts and statements duly audited by an auditor approved by the Authority; and
- (d) keep and retain records, where the records are relevant to the preparation of, the accounts and statements of the licensee mentioned in paragraph (a), for such period and in such manner as prescribed in the regulations.

(2) A licensee must —

- 30 (a) keep and retain, for such period as may be prescribed, records, where the records are relevant —

- (i) to monitoring or evaluating, under this Part, the quality of an aspect of licensable services prescribed in the regulations;
  - (ii) to the hiring of vehicles from the licensee, their period of hire, the place from which the hire started and ended, and any other prescribed information relating to hirers and hiring of vehicles used to provide licensable services; or 5
  - (iii) to the instances of improper parking in public places by hirers of vehicles at the end of hiring; 10
- (b) give to the Authority, within the period and in the manner prescribed in the regulations, specified information that is relevant —
- (i) to monitoring or evaluating, under this Part, the quality of an aspect of licensable services prescribed in the regulations; or 15
  - (ii) to the hiring of vehicles from the licensee, their period of hire, the place from which the hire started and ended, and any other prescribed information relating to hirers and hiring; and 20
- (c) give to the Authority, within the period and in the manner prescribed in the regulations, specified information that is relevant to the instances of improper parking in public places by hirers of vehicles at the end of hiring, including the personal data of the hirers. 25

(3) A licensee —

- (a) must not prepare any such accounts or statements in such a way that they do not correctly record and explain the matters or things to which they relate; and 30
- (b) must not make a record of any matter or thing in such a way that it does not correctly record the matter or thing.

(4) A person —

(a) who is subject to any requirement under subsection (1), (2) or (3); and

(b) who contravenes any such requirement,

5 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Monitoring improper parking by hirers**

10 **8L.**—(1) A licensee providing a licensable service using a class of vehicles may enter into an information sharing arrangement with another licensee providing a licensable service using the same or different class of vehicles to share or exchange information held by the licensees for the purpose of subsection (4).

15 (2) Under an information sharing arrangement mentioned in subsection (1), each party to the arrangement, despite any other Act, is authorised to request and receive information held by the other party to the arrangement, and to disclose information to the other party, but only to the extent that the information is reasonably necessary to assist in the exercise of any power under  
20 subsection (4).

(3) However, the information to which an information sharing arrangement mentioned in subsection (1) may relate is limited to the following:

25 (a) information concerning possible improper parking in public places by hirers of vehicles which were hired from licensees party to the arrangement;

(b) information about hirers in respect of whom a power under subsection (4) has been exercised by any licensee which is party to the arrangement;

30 (c) information prescribed.

(4) Every licensee —

(a) is entitled to refuse to hire or further hire for a period not exceeding a prescribed period; and



(b) must refuse to hire or further hire where directed by the Authority under section 8O,

to any individual any undocked vehicle used by the licensee to provide a licensable service where the licensee has reasonable grounds to believe that the individual persistently improperly parks vehicles (whether or not hired from the same licensee) in public places. 5

(5) For the purpose of subsection (4), an individual seeking at any time in a year to hire to ride an undocked vehicle (called vehicle *A*) from a licensee may be treated by the licensee as an individual who persistently improperly parks vehicles in public places if, pursuant to an information sharing arrangement mentioned in subsection (1), the licensee reasonably believes the individual to have, upon ending any hiring of a vehicle from the licensee or another licensee, improperly parked in any public place a vehicle on at least 3 earlier occasions (or such higher number as may be prescribed in substitution) within the year — 10

(a) where any vehicle involved in the earlier occasions is of the same class as vehicle *A* or is of a prescribed class within which vehicle *A* falls; and 15

(b) after disregarding all other occasions of improper parking in public places before that year. 20

(6) Despite subsection (5), if an individual is refused by a licensee under subsection (4) the hire or further hire of a vehicle, all occasions which counted towards that refusal must be disregarded for the purposes of subsequent determinations by any licensee as to whether that individual is or is not an individual who persistently improperly parks vehicles in public places. 25

#### *Division 4 — Compliance measures* 30

#### **Power to obtain information, etc.**

**8M.**—(1) The Authority or an enforcement officer may, by written notice, require any licensee to furnish, within a

reasonable period and in the form and manner specified in the notice, all documents and information which —

- (a) relate to any matter which the Authority or enforcement officer considers necessary for an enforcement purpose concerning that licensee; and
- (b) are within the knowledge of that licensee, or in the licensee's custody or under the licensee's control.

(2) The power to require a licensee to furnish any document or information under subsection (1) includes the power —

- (a) to require that licensee, or any individual who is or was an officer or employee of the licensee, to provide an explanation of the document or information;
- (b) if the document or information is not furnished, to require that licensee or individual to state, to the best of the licensee's or individual's knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the Authority in legible form.

(3) The Authority is entitled without payment to keep any document or information, or any copy or extract thereof, furnished to the Authority or an enforcement officer under subsection (1).

(4) For an enforcement purpose concerning a licensee, the Authority or an enforcement officer is entitled, at all reasonable times —

- (a) to full and free access to any place on or at which the licensee provides the licensable service authorised by the licence or to carry out any activity in connection with the provision of the licensable service;
- (b) to examine or observe any activity conducted in or on the place;
- (c) to inspect and examine any thing in or on the place;

- (d) to make any still or moving image or any recording of the place or any thing in or on the place;
  - (e) to inspect any document in the place and make copies of, or take extracts from, any such document;
  - (f) to take into or onto the place such equipment and materials as the enforcement officer requires for the purpose of exercising powers in this subsection in relation to the place; 5
  - (g) to operate electronic equipment in or on the place; and
  - (h) to require any individual found in or on the place to answer, or to attend before the enforcement officer to answer, any question (to the best of that individual's knowledge, information and belief) and to furnish any document or information. 10
- (5) The power under subsection (4)(g) to operate electronic equipment in or on any place includes — 15
- (a) the power to use a disc, tape or other storage device that is in or on the place and can be used with the equipment or in association with the equipment;
  - (b) the power to operate electronic equipment in or on the place to put the relevant data in documentary form and remove the documents so produced from the place; and 20
  - (c) the power to operate electronic equipment in or on the place to transfer the relevant data to a disc, tape or other storage device that — 25
    - (i) is brought to the place for the exercise of the power; or
    - (ii) is in or on the place and the use of which for that purpose has been agreed in writing by the licensee concerned, 30
- and remove the disc, tape or other storage device from that place.

(6) Any statement made by any individual in answer to a question under subsection (4)(h) must —

- (a) be reduced to writing;
- (b) be read over to the individual;
- 5 (c) if the individual does not understand English, be interpreted for the person in a language that the individual understands; and
- (d) after correction, if necessary, be signed by that individual.

10 (7) A person —

- (a) who intentionally alters, suppresses or destroys any document or information which the person has been required by a notice under subsection (1) or (4)(h) to furnish; or
- 15 (b) who, in furnishing any document or information required under subsection (1) or (4)(h) makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular,

20 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

25 (8) A person who, without reasonable excuse, fails to do anything required of the person by notice under subsection (1) or (4)(h) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(9) However, an individual or person is not subject to a requirement under subsection (1) if —

- 30 (a) the individual or person does not possess the information or document required; or
- (b) the individual or person has taken all reasonable steps available to the individual or person to obtain the

information or document required and has been unable to obtain it.

(10) To avoid doubt, for the purposes of subsection (8), it is a reasonable excuse for a person to refuse or fail to furnish any information, produce any document or answer any question if doing so might tend to incriminate that person.

(11) In this section, “enforcement purpose”, in relation to a licensee, means —

(a) determining whether any of the following are being complied with:

(i) the provisions of this Part or the regulations in relation to that licensee;

(ii) the provisions of any standard of performance applicable to that licensee; and

(iii) the conditions imposed on the licensee’s licence or any other consent, approval or authorisation granted under this Part or the regulations with respect to that licensee;

(b) investigating any offence under the provisions of this Part or the regulations in relation to that licensee; or

(c) determining whether information furnished to the Authority or an enforcement officer under a provision of this Part or the regulations in relation to that licensee is correct.

## **Standards of performance**

**8N.—**(1) The Authority may, from time to time —

(a) issue one or more standards of performance applicable to licensees or a specified type of licensee;

(b) approve as a standard of performance applicable to licensees or a specified type of licensee any document prepared by a person other than the Authority if the Authority considers the document as suitable for this purpose; and

(c) amend or revoke any standard of performance issued under paragraph (a) or approved under paragraph (b), with respect to all or any of the aspects of the provision of licensable services mentioned in subsection (2).

5 (2) For the purposes of subsection (1), the aspects of licensable services to which standards of performance may relate to are —

(a) hirer handling-related facilities, systems and services;

10 (b) facilities, systems and services for locating, distributing and collecting vehicles parked or apparently abandoned in public places;

15 (c) facilities, systems and services for the installation, maintenance and keeping in a state of good and serviceable repair vehicle location devices affixed to each vehicle used or to be used to provide licensable services;

20 (d) facilities, systems and services to discourage indiscriminate parking by hirers of vehicles in public places at the end of hiring, which may include prices and the use of geo-fencing technology; and

(e) the maintenance and keeping of safe and roadworthy vehicles used or to be used in the provision of licensable services.

25 (3) If any provision in any standard of performance is inconsistent with any provision of this Act, such provision, to the extent of the inconsistency —

(a) is to have effect subject to this Act; and

(b) having regard to this Act, is not to have effect.

30 (4) Where a standard of performance is issued, approved, amended or revoked by the Authority under subsection (1), the Authority must —

(a) give notice of the issue, approval, amendment or revocation, as the case may be, of the standard of

performance to every licensee to which the standard of performance applies;

(b) specify in the notice mentioned in paragraph (a) the date of issue, approval, amendment or revocation, as the case may be; and

(c) ensure that, so long as the standard of performance remains in force, copies of that standard of performance, and of all amendments to that standard of performance, are available for inspection, free of charge, by the licensees to whom the standard of performance applies.

(5) No standard of performance, no amendment to an approved standard of performance, and no revocation of any such approved standard of performance, has any force or effect as an approved standard of performance until the notice relating thereto is given in accordance with subsection (4).

(6) A standard of performance issued or approved under this section does not have legislative effect.

(7) Subject to subsection (8), every licensee must comply with the relevant standards of performance applicable to the licensee.

(8) The Authority may, either generally or for such time as it may specify, waive the application of any standard of performance or part thereof, issued or approved under this section to any licensee.

(9) Any contravention or failure to comply by a licensee with a standard of performance that applies to the licensee does not of itself render the licensee liable to criminal proceedings, but any such contravention or failure may, in any proceedings (criminal or otherwise under this Act) in connection with an offence under this Act may be relied on by any party to those proceedings as tending to establish or negative any liability which is in question in those proceedings.

## Directions

**8O.**—(1) The Authority may give a direction to a licensee for or in respect of —

5 (a) the extent, hours and general level of service by the licensee to hirers;

(b) locating, distributing or collecting from public places of vehicles used by the licensee to provide licensable services authorised by the licensee’s licence;

10 (c) the safety or roadworthiness of the vehicle used in connection with the provision of licensable services authorised by the licensee’s licence; or

(d) any matter affecting the interests of the public,

with respect to all or any of the aspects of the licensable service.

(2) A direction given under subsection (1) —

15 (a) may require the licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction, including refusing to hire or further hire vehicles to any particular hirer for the prescribed period mentioned in section 8L(4)(a);

20 (b) takes effect at such time, being the earliest practicable time, as is fixed by or under that direction; and

(c) may be revoked at any time by the Authority.

25 (3) Before exercising any powers under subsection (1), the Authority must give written notice to the licensee concerned —

(a) stating that the Authority intends to give a direction to the licensee under this section and the nature of the direction; and

30 (b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which written representations may be made to the Authority with respect to the proposed direction.



(4) However, subsection (3) does not apply where —

- (a) a safety directive under section 8Q is in effect and the proposed direction is occasioned by the directive; or
- (b) the Authority, in respect of any particular direction, considers that it is not practicable or desirable to comply with subsection (3).

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(5) The Authority may, after considering any written representation under subsection (3)(b), decide to give or not give the direction as the Authority considers appropriate.

(6) The Authority must serve on the licensee concerned a notice of the Authority's decision under subsection (5).

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(7) Subject to section 8R, a direction takes effect from the date on which the notice under subsection (6) is given, or on such other date as may be specified in the notice.

(8) Every licensee must comply with every direction given under this section to the licensee as soon as the direction takes effect.

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### **Regulatory action against licensee**

**8P.**—(1) Subject to subsection (3), if the Authority is satisfied that —

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- (a) a licensee is contravening or not complying with, or has contravened or failed to comply with —
  - (i) any of the conditions of the licensee's licence;
  - (ii) any provision of this Act applicable to the licensee, contravention of or non-compliance with which is not an offence;
  - (iii) any provision of a standard of performance applicable to the licensee; or
  - (iv) any direction given to the licensee under subsection (2)(b), (d) or (f) or section 8O;

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30

- (b) the licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- 5 (c) the licensee has made any assignment to, or composition with, its creditors, or if a company is unable to pay its debts; and
- (d) the licensee, or any of the following individuals, is convicted of any offence under this Part or the regulations committed during the term of the licence:
- 10 (i) any member of the board of directors or committee or board of trustees or other governing body, or the chief executive officer, of a licensee that is a company, limited liability partnership or other body corporate;
- 15 (ii) any partner of a licensee that is a partnership or limited liability partnership; or
- (e) the public interest or national security of Singapore requires,

20 the Authority may cancel (without any compensation) the licensee's licence, and forfeit the whole or part of any performance bond, guarantee or other form of security furnished under subsection (2)(g) or section 8G(2)(e).

25 (2) However, the Authority may, in lieu of cancelling a licensee's licence under subsection (1), do any one or more of the following:

- (a) censure the licensee in writing;
- (b) order the reduction of the maximum or an increase of the minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period —
- 30 (i) may offer or expose undocked for hiring on public land; or

- (ii) may allow the hiring of which to end in or at a public place undocked,
  - or both;
  - (c) modify any condition of the licence;
  - (d) direct the licensee — 5
    - (i) to do, or to refrain from doing, such things as are specified in a direction to rectify contravention or non-compliance; or
    - (ii) to remove, within a period specified in the direction, from all public places vehicles used by the licensee or former licensee in providing licensable services when the licence is not in force; 10
  - (e) suspend (for not more than 6 months) the licence without any compensation; 15
  - (f) direct the licensee to pay, within a period specified in a direction, a financial penalty of such amount as the Authority thinks fit, being not more than \$100,000 for each instance of the contravention or non-compliance which is the subject of the regulatory action; 20
  - (g) require the licensee to furnish any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, for the purposes mentioned in section 8G(2)(e). 25
- (3) Before exercising any powers under subsection (1) or (2), the Authority must give written notice to the licensee concerned —
- (a) stating that the Authority intends to take regulatory action against the licensee under this section; 30
  - (b) specifying the type of regulatory action in subsection (1) or (2) the Authority proposes to take, and each instance of non-compliance that is the subject of the action; and

(c) specifying the time (being not less than 14 days after the date of service of the notice on the licensee) within which written representations may be made to the Authority with respect to the proposed regulatory action.

(4) The Authority may, after considering any written representation under subsection (3)(c), decide to take such regulatory action in subsection (1) or (2) as the Authority considers appropriate.

(5) Where the Authority has made any decision under subsection (4) against any licensee, the Authority must serve on the licensee concerned a notice of its decision.

(6) Subject to section 8R, a decision to cancel a licence, or to impose any other regulatory action in subsection (2), which is specified in the notice given under subsection (5) takes effect from the date on which that notice is given, or on such other date as may be specified in the notice.

(7) The cancellation or suspension of any licence, or any direction issued under this section does not prejudice the enforcement by any person of any right or claim against the licensee or former licensee, or by the licensee or former licensee of any right or claim against any person.

(8) Where any financial penalty is imposed on a licensee under subsection (2) for contravening or not complying with any condition in its licence or any provision of a standard of performance applicable to the licensee, any performance bond, guarantee or other form of security given by the licensee to secure compliance by the licensee must not be forfeited by the Authority for that contravention or non-compliance except to the extent to pay the financial penalty.

(9) In any proceedings under this section in relation to the conviction of a licensee or any person for a criminal offence, the Authority is to accept the licensee's or person's conviction as final and conclusive.

(10) For the purposes of subsection (1)(c), a company is unable to pay its debts if it is a company which is deemed to be so unable under section 254(2) of the Companies Act (Cap. 50).

(11) All financial penalties imposed under this Part must be paid into the Consolidated Fund. 5

### **Safety directive**

**8Q.**—(1) The Minister may from time to time and in accordance with subsections (2), (3) and (4), make such safety directives of general application as may be necessary to alleviate or minimise any risk of the death of, or a serious injury to, any individual or of damage to any property relating to the use of any vehicle or class of vehicles in the provision of licensable services. 10

(2) Once a safety directive of general application is made, the Minister must cause to be published in the *Gazette* the safety directive except that where for reasons of safety or security it is impracticable to notify the safety directive in the *Gazette*, the Minister must notify such person or persons as the Minister thinks appropriate or necessary in the circumstances. 15

(3) Every safety directive of general application comes into force immediately upon its being published in the *Gazette* or, where notified by service on any person under subsection (3), immediately upon service of the notification upon that person and in respect of that person only. 20

(4) A safety directive of general application made under this section may be in force for a period not exceeding 6 months unless earlier revoked, and may be renewed by the Minister once only for a further period not exceeding 6 months. 25

### **Appeal to Minister**

**8R.**—(1) A licensee who is aggrieved by — 30

(a) a decision by the Authority —

(i) imposing any condition on a licence under section 8G;

- (ii) modifying any condition of a licence under section 8H;
- (iii) refusing to modify a condition of a licence under section 8I(5)(b);
- 5 (iv) requiring the provision of a performance bond, guarantee or any other form of security of such amount, or an additional performance bond, guarantee or any other form of security upon granting under section 8I(5)(a) a modification of a condition of a licence; or
- 10 (v) refusing consent to a transfer of a licence under section 8J;
- (b) any direction of the Authority under section 8O not occasioned by a safety directive under section 8Q; or
- 15 (c) any regulatory action of the Authority under section 8P,

may appeal to the Minister.

(2) An applicant for or to renew a licence who is aggrieved by a decision by the Authority refusing to grant or renew a licence under section 8E(1) may appeal to the Minister unless a safety directive under section 8Q is in effect.

(3) An appeal under this section must —

- (a) be in writing;
- (b) specify the grounds on which it is made; and
- 25 (c) be made within a prescribed period after the date the appellant is given the decision that is appealed against.

(4) The Minister may reject an appeal of an appellant who fails to comply with subsection (3).

(5) After considering an appeal under this section, the Minister may —

- (a) reject the appeal and confirm the Authority's decision;
- or

(b) allow the appeal and substitute or vary the Authority's decision.

(6) The Minister's decision on appeal is final.

(7) Every appellant must be notified of the Minister's decision under subsection (5). 5

(8) An appeal against the Authority's decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision and, unless otherwise directed by the Minister, the decision appealed against must be complied with until the determination of the appeal. 10

(9) The Minister may designate any of the following persons to hear and determine, in the Minister's place, any appeal or a specific appeal under this section:

(a) the Second Minister, if any, for his Ministry;

(b) any Minister of State, including a Senior Minister of State, for his Ministry; 15

(c) any Parliamentary Secretary, including a Senior Parliamentary Secretary, to his Ministry.

(10) A reference to the Minister in this section includes a reference to a person designated under subsection (9). 20

## **Regulations**

**8S.—**(1) The Authority may, with the approval of the Minister, make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Part.

(2) Without limiting subsection (1), the Authority may make regulations for any of the following: 25

(a) the duties of licensees, including —

(i) labelling or marking vehicles used by the licensee to provide licensable services authorised by the licensee's licence; and 30

(ii) locating, distributing or collecting from public places the relevant vehicles used by the licensee

in providing licensable services authorised by the licensee's licence;

(b) the records that must be kept by a licensee and the provision of returns and other information with respect to the provision of licensable services by the licensee;

(c) the fees to be paid in respect of applications for, and the grant and renewal or late renewal of, any licence, and any other thing done by the Authority or enforcement officer in connection with the administration of this Part, and the waiver, reduction or refund of fees charged.

(3) Regulations made under this section may —

(a) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$5,000; and

(b) provide for such transitional and saving provisions as is necessary or expedient.

(4) All regulations made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.

### **Service of documents**

**8T.**—(1) Despite section 18, a document that is permitted or required by or under this Part or the regulations to be served on a person may be served as described in this section.

(2) A document may be served on an individual —

(a) by giving it to the individual personally;

(b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;

(c) by leaving it at the individual's residential address with an adult person apparently residing there, or at



the individual's business address with an adult person apparently employed there;

(*d*) by affixing a copy of the document in a conspicuous place at the individual's residential or business address;

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(*e*) by sending it by fax to the fax number given by the individual as the fax number for the service of documents under this Act; or

(*f*) by sending it by email to the individual's email address.

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(3) A document may be served on a partnership (other than a limited liability partnership) —

(*a*) by giving it to any partner or other like officer of the partnership;

(*b*) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address;

15

(*c*) by sending it by fax to the fax number used at the partnership's business address; or

(*d*) by sending it by email to the partnership's email address.

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(4) A document may be served on a body corporate (including a limited liability partnership) or an unincorporated association —

(*a*) by giving it to the secretary or other like officer of the body corporate or unincorporated association, or the limited liability partnership's manager;

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(*b*) by leaving it at, or by sending it by prepaid registered post to, the body corporate's or unincorporated association's registered office or principal office in Singapore;

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(*c*) by sending it by fax to the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore; or

(d) by sending it by email to the body corporate's or unincorporated association's email address.

(5) Service of a document on a person under this section takes effect —

5 (a) if the document is sent by fax and a notification of successful transmission is received, on the day of the transmission;

10 (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person; and

(c) if the document is sent by prepaid registered post, on the second day after the day the document was posted (even if it is returned undelivered).

15 (6) A document may be served on a person under this Part or the regulations by email only with that person's prior written consent.

(7) This section does not apply to documents to be served in proceedings in court for an offence or other matter under this Part or the regulations.

20 (8) In this section —

“business address” means —

(a) in the case of an individual, the individual's usual or last known place of business in Singapore; and

25 (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

30 “email address” means the last email address given by the addressee concerned as the email address for the service of documents under this Part or the regulations;

“residential address” means an individual's usual or last known place of residence in Singapore.”.

## Repeal of section 9 and new Part 4

7. Section 9 of the principal Act is repealed and the following Part and Part heading substituted therefor:

### “PART 4

#### PARKING CHARGES

5

#### **Parking charges for parking place provided under section 4**

9.—(1) The Superintendent may, from time to time —

(a) fix the parking charge for parking of a vehicle in any parking place provided under section 4;

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(b) change any parking charge fixed under paragraph (a) in accordance with this section;

(c) waive in any particular case the payment of the whole or part of any parking charge; and

(d) refund the whole or part of any parking charge paid in error or overpaid.

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(2) The Superintendent may fix different parking charges —

(a) for different parking places;

(b) for different types of vehicles;

(c) for parking at different times; and

(d) for different payment methods.

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(3) Where a parking charge is fixed or changed by the Superintendent under subsection (1), the Superintendent must —

(a) give public notice of the fixing or change (as the case may be) of the parking charge;

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(b) specify in the public notice mentioned in paragraph (a) the parking charge or changed parking charge (as the case may be) and the parking place, vehicle or time (as the case may be) to which it applies, and the date which the parking charge or the changed parking charge takes effect; and

30

(c) except for season parking charges, ensure that, so long as the parking charge or changed parking charge is in effect, the parking charge or changed parking charge (as the case may be), and the following information (where applicable), are displayed on one or more traffic signs erected at every entrance to the parking place, or in a conspicuous location within the parking place so that the traffic signs may be easily seen and read:

- (i) information indicating the period of time for which parking is permitted in that parking place;
- (ii) information indicating the times when a vehicle may be parked in accordance with the sign;
- (iii) information indicating that parking is reserved for vehicles belonging to the class of vehicles referred to in the sign.

(4) The public notice required by subsection (3)(a) must be given in all or any of the following ways:

- (a) by causing it to be published in the daily newspapers circulating in Singapore in all the official languages;
- (b) by making accessible the information mentioned in subsection (3)(b) —
  - (i) in the case of any parking place maintained or operated by a statutory body except the Authority, on the statutory body's website; and
  - (ii) in all other cases, on the Authority's website;
- (c) by causing it to be published in such other manner as the Superintendent considers will secure adequate publicity for the parking charge fixed or changed.

(5) No parking charge and no change to any parking charge has any effect until the notice relating to it is published in accordance with subsection (4)(a).

(6) An instrument setting out any parking charge fixed or changed under this section does not have legislative effect.

(7) In any proceedings relating to the recovery or non-payment of any parking charge, a certificate purporting to be issued by the Superintendent certifying the amount of the parking charge due and payable by a person is prima facie evidence that the amount of parking charge so stated is due and payable by the person so named in the certificate as at the date of the certificate. 5

(8) In this section —

(a) a reference to a parking charge includes a reference to a season parking charge, and a surcharge which is payable if a parking charge is not paid within a specified time; and 10

(b) a reference to the Superintendent in relation to a parking place provided under section 4 maintained or operated by a statutory body includes a reference to a Deputy Superintendent or an Assistant Superintendent who is an officer employed by the statutory body. 15

### **Collection of parking charges**

**9A.** All charges paid in connection with the use of any parking place maintained or operated by a statutory body under the provisions of this Act must be paid to that statutory body unless — 20

(a) otherwise agreed between the Minister and that statutory body; or

(b) otherwise directed by the Minister.”.

### **Repeal and re-enactment of section 12**

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**8.** Section 12 of the principal Act is repealed and the following section substituted therefor:

#### **“Composition of offences**

**12.—(1)** The relevant officer may, in his discretion, compound any offence under this Act or any subsidiary legislation made under this Act that is prescribed as being an offence which may be compounded by doing one or both of the following: 30

(a) by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following amounts:

(i) one half of the amount of the maximum fine that is prescribed for the offence;

(ii) \$5,000;

(b) by requiring the person reasonably suspected of having committed the offence to do, or to refrain from doing, such things as are specified in an offer of composition (called conditions of composition) by the relevant officer, with the concurrence (general or specific) of the Public Prosecutor.

(2) On payment of such sum of money or meeting such requirement in subsection (1)(a) or (b) or both, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

(4) In this section, “relevant officer”, for an offence that is prescribed as being an offence which may be compounded, means —

(a) the Authority or an enforcement officer where the offence is an offence under Part 3 or any regulations under that Part; or

(b) the Superintendent where the offence is an offence under any other provision of this Act or any other subsidiary legislation made under this Act.”.

### **Amendment of section 13**

**9.** Section 13(2) of the principal Act is amended by deleting the words “7 days of” and substituting the words “14 days after”.

## Amendment of section 14

10. Section 14 of the principal Act is amended —

- (a) by deleting the words “7 days” in subsection (3)(a) and substituting the words “14 days”;
- (b) by deleting the definition of “owner” in subsection (6) and substituting the following definition: 5

“owner”, in relation to a motor vehicle, means —

- (a) for a motor vehicle which is registered under the Road Traffic Act (Cap. 276) — 10

- (i) each person in whose name the vehicle is registered under the Road Traffic Act unless the person has sold or ceased to have possession of the vehicle and has complied with the provisions of the rules applicable in regard to the sale or disposal; 15

- (ii) each person, although not a registered owner of the vehicle, who is a sole or joint owner of the vehicle unless that person has sold or ceased to have possession of that vehicle; 20  
or 25

- (iii) if any such registered owner has sold or ceased to have possession of the vehicle, any person who solely or jointly or in common with any other person is entitled to the immediate possession of the vehicle; 30

(b) for a motor vehicle that is unregistered, the person who solely or jointly or in common with any other person is entitled to the immediate possession of the vehicle;

(c) for a motor vehicle in respect of which a general licence is issued under section 28 of the Road Traffic Act, the person to whom the general licence is issued; or

(d) for a motor vehicle which is the subject of a hiring agreement or hire-purchase agreement, the person in possession or entitled to possession of the vehicle under that agreement;”;  
and

(c) by inserting, immediately after subsection (6), the following subsection:

“(7) For the purposes of the definition of “owner” in subsection (6), a person is taken not to have ceased to have possession or, as the case may be, not to have acquired possession of a vehicle where a change of possession occurs by way of —

(a) any hiring (not being a hiring under a hire-purchase agreement) or lending of the vehicle; or

(b) the passing of the possession of the vehicle to a bailee for the purpose of sale or disposal or for the purpose of alteration, repair, renovation, storing or other like purpose involving the use or operation of the vehicle for the benefit of the bailee.”.



## Amendment of section 15

11. Section 15 of the principal Act is amended —

- (a) by inserting, immediately after the words “the Superintendent” in subsections (1)(a) and (4), the words “or an authorised officer”; 5
- (b) by deleting the words “may, in his discretion and by himself or any person authorised by him in that behalf” in subsection (1) and substituting the words “or authorised officer may”;
- (c) by inserting, immediately after subsection (1), the following subsection: 10
- “(1A) Where a vehicle (within the meaning given by Part 3) has been permitted to remain at rest in a public place (also within the meaning given by that Part) —
- (a) in such a position or in such condition or circumstances as to appear to the Authority or an enforcement officer to have been abandoned; 15
- (b) is evidence of the commission of an offence under section 8C or any regulations made under section 8S; or 20
- (c) is parked in contravention of any provision of this Act or any subsidiary legislation made under this Act, or any other written law, 25
- an enforcement officer may remove the vehicle to a place of safety or any other place and detain it thereat.”;
- (d) by inserting, immediately after the words “Where the Superintendent” in subsection (2), the words “or an authorised officer or enforcement officer”; 30
- (e) by inserting, immediately after the words “subsection (1)(i)” in subsection (2), the words “or (1A)”;

(f) by deleting the words “the Superintendent shall” in subsection (2) and substituting the words “the Superintendent, authorised officer or enforcement officer, as the case may be, must”;

5 (g) by inserting, immediately after the words “the Superintendent” in subsection (2)(a), the words “or an authorised officer or enforcement officer”;

10 (h) by inserting, immediately after the words “the Superintendent” in subsection (2)(b), the words “or authorised officer”;

(i) by deleting the words “by the Superintendent” where they first appear in subsections (3) and (6);

15 (j) by deleting the words “or an officer authorised by him” in subsection (3)(a) and substituting the words “or an authorised officer or enforcement officer”;

(k) by deleting the words “in that behalf” in subsection (3)(b) and substituting the words “or enforcement officer”;

20 (l) by inserting, immediately after the words “the Superintendent” where they first appear in subsection (3A), the words “or an authorised officer”;

(m) by deleting the words “the Superintendent may” in subsection (3A) and substituting the words “the Superintendent or authorised officer may”;

25 (n) by inserting, immediately after the words “immobilisation, the Superintendent” in subsection (6), the words “or an authorised officer or enforcement officer”;

(o) by deleting subsection (8) and substituting the following subsection:

30 “(8) The Superintendent may waive, in whole or in part, any expense or charge payable under subsection (3).”; and

(p) by inserting, immediately before the definition of “immobilisation device” in subsection (9), the following definition:

““authorised officer” means an officer of a statutory body authorised by the Superintendent for the purpose of this section and, in relation to a vehicle moved under subsection (1A);”.

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### **New section 15C**

**12.** The principal Act is amended by inserting, immediately after section 15B, the following section:

**“False information in applications, etc.**

**15C.—**(1) If a person —

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(a) in relation to an application for any licence, permit, approval or certificate by the person himself or any other person under this Act or any subsidiary legislation made under this Act; or

(b) in relation to any modification of a condition of any licence, permit, approval or certificate (whether or not procuring for the benefit of the person or any other person) under this Act or any subsidiary legislation made under this Act,

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furnishes or causes to be furnished any document or information which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular, shall be guilty of an offence.

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(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

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### **Repeal and re-enactment of section 17 and new section 17A**

**13.** Section 17 of the principal Act is repealed and the following sections substituted therefor:

**“Offences by corporations**

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**17.—**(1) Where, in a proceeding for an offence under this Act or any of its subsidiary legislation, it is necessary to prove the

state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his actual or apparent authority; and

(b) the officer, employee or agent had that state of mind, is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act or any of its subsidiary legislation, a person —

(a) who is —

(i) an officer of the corporation; or

(ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or

(iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the

person bears the same burden of proof that the corporation would bear.

(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or
- (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership within the meaning of section 2(1) of the Limited Liability Partnerships Act (Cap. 163A);

“officer”, in relation to a corporation, means any director, partner, chief executive officer, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

(7) This section does not apply to or in relation to an offence under this Act or any of its subsidiary legislation committed by a corporation before the date of commencement of section 13 of the Parking Places (Amendment) Act 2018.

## **Offences by unincorporated associations or partnerships**

5 **17A.**—(1) Where, in a proceeding for an offence under this Act or any of its subsidiary legislation, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or the partnership engaged in that conduct within the scope of his actual or apparent authority; and

10 (b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act or any of its subsidiary legislation, a person —

15 (a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

20 (iii) an individual involved in the management of the unincorporated association or the partnership and in a position to influence the conduct of that unincorporated association or that partnership in relation to the commission of the offence; and

25 (b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

30 (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or the partnership; or

- (iii) knew or ought reasonably to have known that the offence by the unincorporated association or the partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

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shall be guilty of that same offence as is the unincorporated association or the partnership, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or the partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof as that unincorporated association or that partnership would bear.

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(4) To avoid doubt, this section does not affect the application of —

- (a) Chapters V and VA of the Penal Code (Cap. 224); or  
 (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

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(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act or any of its subsidiary legislation, and applies whether or not that unincorporated association or that partnership is convicted of the offence.

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(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

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- (a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“state of mind” of a person includes —

5 (a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.

10 (7) This section does not apply to or in relation to an offence under this Act or any of its subsidiary legislation committed by an unincorporated association or a partnership before the date of commencement of section 13 of the Parking Places (Amendment) Act 2018.”.

### **Amendment of section 19**

15 **14.** Section 19 of the principal Act is amended —

(a) by inserting, immediately after the words “the Superintendent”, the words “, any enforcement officer”; and

20 (b) by inserting, immediately after the words “or any rules”, the words “or regulations”.

### **Repeal and re-enactment of section 20**

**15.** Section 20 of the principal Act is repealed and the following section substituted therefor:

#### **“Protection from personal liability**

25 **20.** No liability shall lie personally against the Superintendent of Car Parks, any Deputy Superintendents and Assistant Superintendents of Car Parks and any enforcement officers for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in the execution or  
30 purported execution of this Act and any rules or regulations made under this Act.”.



## **Amendment of section 21**

**16.** Section 21 of the principal Act is amended by inserting, immediately after the words “The Minister may”, the words “, by order in the *Gazette*,”.

## **New section 22**

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**17.** The principal Act is amended by inserting, immediately after section 21, the following section:

### **“Rules**

**22.—(1)** The Authority may, with the approval of the Minister, make rules necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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(2) Without limiting subsection (1), the Authority may, with the approval of the Minister, make rules —

(a) regulating the use of parking places and private parking places, including —

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(i) controlling the type or class of vehicles which may park in different parking places or private parking places;

(ii) prohibiting or restricting the activities which may take place in parking places and private parking places; and

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(iii) prescribing the conditions upon and the times during which parking of vehicles or other activities are permitted to take place in parking places and private parking places;

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(b) requiring private parking places to be provided for any land or building and its layout, including prescribing —

(i) the layout, arrangement, dimensions or area of each parking lot in the private parking place and the design of parking facilities in the private parking place;

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- (ii) the maximum or minimum dimensions or area of each parking lot in the private parking place;
- 5 (iii) the maximum or minimum number or a number range, or a maximum rate of increase or decrease or a minimum rate of increase or decrease, in the number of parking lots for the private parking place;
- 10 (iv) different layout, arrangement, dimensions or area of parking lots and different designs of parking facilities, in the private parking place for different types of vehicles which may park in the private parking place and in different circumstances or for different classes of land or premises; or
- 15 (v) different maximum or minimum numbers or different number ranges, or different maximum rates of increase or decrease or different minimum rates of increase or decrease, in the number of parking lots for different types of vehicles, different circumstances or different classes of land or premises;
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- (c) regulating the operation of private parking places, garages and places kept or used for the housing or parking of vehicles, except garages or places used in connection with private dwelling houses for housing or parking vehicles kept for private use only;
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- (d) regulating the parking of heavy vehicles in any parking place, by the issue of vehicle parking certificates or such other documents entitling the holder to park a heavy vehicle in a parking lot in such a parking place;
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- (e) providing for the calculation of the deficiency charge mentioned in section 6B, including —
- 35 (i) prescribing different rates and methods of calculation of the charge;

- (ii) prescribing circumstances for the deferment of liability to pay the charge;
- (iii) prescribing the procedure to apply to the Authority to determine the amount of a deficiency charge; or 5
- (iv) providing for the remission or the refund, wholly or in part, of the charge payable or paid by any person; and
- (f) prescribing the fees to be paid for the Superintendent or Authority for doing anything under this Act or the rules. 10

(3) All rules made under this section must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

### **Division of Act into Parts**

**18.** The principal Act is amended — 15

- (a) by inserting, immediately above section 1, the following Part heading:

“PART 1  
PRELIMINARY”;

- (b) by inserting, immediately above section 4, the following Part heading: 20

“PART 2  
PARKING PLACES”; and

- (c) by inserting, immediately above section 10, the following Part heading: 25

“PART 5  
ADMINISTRATION AND ENFORCEMENT”.

## **Amendment of Land Transport Authority of Singapore Act**

**19.** The Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended —

(a) by deleting sub-paragraph (iii) of section 6(1)(r) and substituting the following sub-paragraph:

“(iii) the deficiency charge imposed under the Parking Places Act (Cap. 214) for the waiver of requirements under that Act in relation to private parking places;”;

(b) by deleting paragraph 1 of the Second Schedule and substituting the following paragraph:

“1. All fees imposed under the Parking Places Act (Cap. 214) for —

(a) the application for the grant or renewal of a licence or vehicle parking certificate under that Act; or

(b) the grant or renewal of a licence or vehicle parking certificate under that Act.”;

(c) by deleting paragraph 16 of the Second Schedule and substituting the following paragraph:

“16. All performance bonds, guarantees or security deposits furnished and forfeited in connection with any of the following:

(a) a general licence issued under the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (Cap. 276, R 5);

(b) a licence under Part 3 of the Parking Places Act.”; and

(d) by inserting, immediately after item 3 of Part II of the Fifth Schedule, the following items:

“4. All provisions of the Active Mobility Act 2017 and its subsidiary legislation.

5. All provisions of the Parking Places Act (Cap. 214) and any subsidiary legislation made under that Act.”.

### **Amendment of Parking Places (Surcharge) Act**

**20.** Section 8(1) of the Parking Places (Surcharge) Act (Cap. 215, 2014 Ed.) is amended by deleting the words “and of the Parking Places Act (Cap. 214)”.

### **Amendment of Active Mobility Act 2017**

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**21.** Section 69 of the Active Mobility Act 2017 (Act 3 of 2017) is amended by deleting subsection (3).

### **Amendment of Statutes (Miscellaneous Amendments) Act 2008**

**22.** Section 9 of the Statutes (Miscellaneous Amendments) Act 2008 (Act 4 of 2008) is repealed.

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### **Saving and transitional provisions**

**23.—**(1) Every waiver by the Superintendent that is granted, before the date of commencement of section 6, under the Parking Places (Provision of Parking Places and Parking Spaces) Rules (R 5) and is in force on that date, is, so far as it is not inconsistent with the provisions of the principal Act as amended by section 6, to continue as if, and is deemed to be, a waiver granted by the Authority under the principal Act as so amended.

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(2) Where —

(a) an application or other document is lodged for application for approval or waiver under the Parking Places (Provision of Parking Places and Parking Spaces) Rules before the date of commencement of section 5; and

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(b) the application or other document was not approved by the Superintendent before that date,

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the application or other document is, where applicable, to be treated as an application or a document lodged for approval with the Authority under the principal Act as amended by section 5, and anything that has been started by the Superintendent in connection with such an application or a document may be carried on and completed by the Authority under the principal Act as amended by section 5.

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(3) Despite section 6, the principal Act as amended by this Act does not apply to a person who, immediately before the date of commencement of section 6, provides a licensable service —

(a) until the end of a period of 2 months after the date of commencement of section 6; or

(b) if, within the period mentioned in paragraph (a), the person applies for a licence under the principal Act as amended by that section, until the earlier of the following dates:

(i) the date on which the Authority grants the licence to the person;

(ii) the date that the application for a licence is refused, or is withdrawn.

(4) All rules made under the principal Act and which are in force immediately before the date of commencement of section 6 are deemed made under the principal Act as amended by section 17.

(5) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(6) In this section, “Authority”, “licence” and “licensable service” have the meanings given by the principal Act as amended by this Act.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Parking Places Act (Cap. 214) mainly to address indiscriminate vehicle parking in public places because of vehicle sharing, to enhance the framework to require appropriate provisioning of private parking places and to otherwise improve the administration of the Act.

The Bill also makes related amendments to the Land Transport Authority of Singapore Act (Cap. 158A), the Parking Places (Surcharge) Act (Cap. 215), and repeals section 9 of the Statutes (Miscellaneous Amendments) Act 2008 (Act 4 of 2008) and section 69(3) of the Active Mobility Act 2017 (Act 3 of 2017).

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title of the Act to extend the purpose of the Act to address indiscriminate vehicle parking in public places because of vehicle sharing.

Clause 3 amends section 2 to introduce new definitions that support the changes in the other clauses.

Clause 4 amends section 3 to provide for the appointment by the Land Transport Authority of Singapore (LTA), from among its employees and officers, enforcement officers for the purpose of the administration and enforcement of the Act or regulations made under the new Part 3.

Clause 5 introduces new sections 6A and 6B, which contain matters currently set out in the Parking Places (Provision of Parking Places and Parking Spaces) Rules (Cap. 214, R 5). These amendments seek to enhance the present framework of requiring appropriate provisioning of private parking places, including the imposition of a deficiency charge to discourage deviations from these requirements.

The new section 6A requires the owner or occupier of certain land or premises to provide and maintain parking lots in the private parking place provided or to be provided on the land or premises in accordance with the applicable requirements for parking places. The new section 6A requires such owners or occupiers to ensure that the private parking place is at all times provided on the land or premises in accordance with those applicable requirements; changes in use or subsequent alterations to the private parking place must conform to those applicable requirements.

The land or premises are that on which any private parking place is, on or after the date of commencement of clause 5, provided. The new section 6A also applies to any land or premises on which any development (within the meaning of the Planning Act (Cap. 232)) is or is to be carried out and in respect of which written permission is granted on or after the date of commencement of clause 5 or an application for approval of a proposal or plan for the provision of parking lots is pending on that date.

“Applicable requirement for parking places”, for any of these land or premises, is defined to mean any of the requirements as to layout, arrangement, dimensions, area and number of parking lots, or to the design of parking facilities for a private parking place on the land or premises, which are specified in the proposal or plan for the provision of parking lots in the private parking place last approved (or deemed approved) by the LTA, or are specified in the last waiver granted (or deemed granted) under section 6B in relation to the private parking place.

The LTA may, in respect of a proposal or plan for the provision of parking lots in a private parking place, approve the proposal or plan in accordance with rules made (or deemed made) under the new section 22 or, subject to those rules, after having regard to certain criteria. These criteria include the proximity and accessibility of the land or premises to other forms of public passenger transport facilities, the

availability of other parking places in the vicinity of the land or premises, the traffic flow around the land or premises and the road capacity and access to roads, public streets, private footways and public paths.

The LTA is conferred power, by an infringement notice, to require the owner or occupier of the land or premises mentioned in subsection (1) to carry out such works to the land or premises or any part of it, and to take such other measures specified in the notice, as the LTA thinks fit to rectify any contravention of the requirements under the new section 6A. It is an offence for a person who contravenes or fails to comply with an infringement notice.

The new section 6B sets out the tax that is currently paid by developers for providing a private parking place which deviates from the applicable requirements under the new section 6A(1) where these relate to the number of parking lots in a private parking place. The tax is called the deficiency charge.

The deficiency charge is an amount calculated in the manner prescribed by rules made (or deemed made) under the new section 22, and must be paid into the Consolidated Fund.

The deficiency charge is payable when the LTA waives the applicable requirements under the new section 6A(1) where these relate to the number of parking lots. The LTA grants a waiver if, in the opinion of the LTA, it would be unduly onerous or unreasonable for the owner or occupier to comply with that requirement.

Clause 6 introduces a new Part 3 on licensing of persons who carry on a vehicle sharing business, consisting of new sections 8 to 8T.

The new section 8 defines terms used in the different provisions in the new Part 3. A key definition is that of a “public place”, which is defined to mean any land or premises in Singapore to which members of the public have access as of right or by virtue of express or implied permission and without payment of a fee, and which is, or is on any State land, any land under the control or management of a statutory body (such as a statutory board or a Town Council), or any land which is under lease from a statutory body to another person other than another statutory body or the Government, and is prescribed by the Minister, by order in the *Gazette*, as a public place for the purposes of the new Part 3.

For example, void decks in public housing estates, and public parks on State land or Sentosa would come within the first and second categories. The Istana grounds would not since these are accessible to the public only on designated days and on security screening being satisfied.

Examples of the last category of places are industrial parks which are leased by the Jurong Town Corporation to others and to which members of the public have access by virtue of express or implied permission free of charge.



Another important term is that of “vehicle”, which is defined to mean a bicycle, power-assisted bicycle, personal mobility device or other means of transport used on land (whether mechanically propelled or otherwise). However, excluded from the definition of “vehicle” for the purposes of the new Part 3 are a motor car or motor cycle, a heavy or light locomotive, a motor tractor, and a public service vehicle which is a bus, private hire car or taxi.

The term “licensable service” is used to describe the regulated activity in the new Part 3. This is defined to mean carrying on a licensable activity in Singapore in the course of business, whether or not carried on for profit and whether or not its primary function is connected with offering or exposing vehicles for hire by the general public to ride.

The expression “licensable activity” is in turn defined to mean offering or exposing undocked vehicles in any public place for hire by the general public to ride, and allowing the hiring of any of these vehicles to end in or at a public place undocked, or taking bookings for the hire of any of these vehicles which end in or at a public place undocked.

In anticipation of new business models for vehicle sharing, the term “licensable activity” is also extended to cover providing to individuals interested in hiring vehicles used in the provision of a licensable service earlier described, a service of booking such a vehicle for hire, and communicating the booking to the individual or the person providing the licensable service. It does not matter whether the booking is obtained or communicated remotely by means of an electronic device or other means not directly provided by the person who provides a booking service, such as an App.

A vehicle is treated as undocked if it is left to rest without a rider in a public place which is either outdoors (such as a grass verge) or in an unenclosed shelter (such as a covered walkway or void deck) and other than in or at an exclusive-use vehicle docking station, such as those with proprietary docking mechanisms, like Vélib in Paris.

“Hire” expressly excludes hiring a vehicle under a hire-purchase agreement. However, it does cover the hire of a vehicle for use on a single occasion, or the hire of a vehicle or different vehicles on multiple occasions within a fixed period. Hire of a vehicle as a free gift, or with the supply of any other goods or services as a free gift, or as a prize in any lottery, raffle, draw, game or competition held in Singapore, or even as a free example or demonstration of a licensable service by a licensee, will constitute hiring.

New section 8A states the purpose of the new Part 3 as to regulate the provision of licensable services so as to address indiscriminate parking of vehicles in public places arising from the provision of licensable services.

New section 8B provides that vehicles may be classified into the classes prescribed by regulations, which are to be made under the new section 8S.

New section 8C makes it an offence for a person to provide, or hold out as providing, any licensable service using a class of vehicles without a licence authorising the person to do so. It also provides that a licensee is not to be treated as authorised by its licence to provide a licensable service during the period the licence is suspended.

New section 8D is concerned with applications for or to renew a licence. There is provision for an application fee. In addition to an application fee, a late application fee (if prescribed) must accompany a late application for licence renewals.

The LTA may refuse to consider an application for or to renew a licence made by or on behalf of an applicant where the application is incomplete or not made in accordance with the new section 8D or if an inspection in relation to the application is refused by the applicant (such as an inspection of a prospective licensee's warehouse for storing vehicles or its IT infrastructure), or a safety directive under the new section 8Q is in force.

New section 8E provides for the grant or renewal of a licence authorising the provision of a licensable service using a class of vehicles specified in the licence.

New section 8F deals with the term of a licence. It provides that every licence granted or renewed under the new Part 3 is in force for such period (not exceeding 2 years) as may be specified in the licence unless it is earlier cancelled or suspended under the new section 8P. Regulations made under the new section 8S may vary the maximum licence period of 2 years by prescribing a longer or shorter period for licences granted or renewed after those regulations are in force.

New section 8G relates to conditions of a licence. In granting a licence to any person, the LTA may impose such conditions as it considers requisite or expedient having regard to the purposes of the new Part 3. Among the conditions may be a condition that prohibits or restricts the use of a certain type of vehicle specified in the licence in providing the licensable service.

Another condition is one that fixes the maximum or minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period, may offer or expose for hiring on public land, or may allow the hiring of which to end in or at a public place undocked, or both.

New section 8H empowers the LTA to modify the conditions of a licence without compensating the licensee concerned. A process must be observed before doing so.

New section 8I enables a licensee to apply to the LTA to modify the condition of the licensee's licence fixing the maximum or minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period, may offer or expose for hiring on public land, or may allow the hiring of which to end in or at a public place undocked, or both. The licensee cannot apply to modify any other licence condition.

New section 8J provides that a licence, and any rights, benefits or privileges under the licence, is not transferable or assignable to any other person unless the licence contains a condition authorising the transfer or assignment, and the LTA consents in writing to the transfer or assignment.

New section 8K imposes obligations on licensees to keep accounts and records and to provide information to the LTA.

New section 8L provides for information sharing arrangements to be established between licensees as a means to monitor and deter hirers from improperly parking in public places vehicles hired from such licensees.

Under the new section 8L, a licensee providing a licensable service using a class of vehicles is authorised to enter into an information sharing arrangement with another licensee providing a licensable service using the same or different class of vehicles to share or exchange information held by the licensees. A licensee may be required to do so under a standard of performance. The new section 8L will authorise the information sharing arrangement, and for each party to the arrangement, despite any other Act, to request and receive information held by the other party to the arrangement, and to disclose information to the other party.

However, the information sharing may be done only to the extent that the information is reasonably necessary to assist in the exercise of any power by a licensee to refuse to hire or further hire for a period not exceeding a prescribed period in the regulations, or where directed by the LTA under section 8O, to any individual any undocked vehicle where the licensee has reasonable grounds to believe that the individual persistently improperly parks in public places vehicles (whether or not hired from the same licensee).

Furthermore, the information to which an information sharing arrangement may relate is limited to information concerning possible improper parking in public places by hirers of vehicles which were hired from licensees party to the arrangement, information about hirers in respect of whom hiring has been refused by any licensee which is party to the arrangement, and information prescribed by regulations made under the new section 8S.

The expression “improperly parking in a public place”, for a vehicle of a class, is defined in the new section 8 to mean permitting to remain at rest without a rider the vehicle undocked in or at a public place which is outside an area demarcated (by a marking or signboard) and provided by any licensee, the Government or a statutory body for the parking of vehicles of the same class.

For the purposes of the new section 8L, an individual seeking at any time in a year to hire from a licensee a vehicle (called vehicle *A*) to ride may be treated by the licensee as an individual who persistently improperly parks vehicles in public places if, pursuant to an information sharing arrangement, the individual is reasonably believed by the licensee to have, upon ending any hiring of a vehicle from the licensee or another licensee, improperly parked in any public place a

vehicle on at least 3 earlier occasions within the year where any vehicle involved in the earlier occasions is of the same class as vehicle *A* or is of a prescribed class within which vehicle *A* falls. Regulations may be made to raise the number from 3 earlier occasions to a higher number.

If an individual is refused by a licensee the hire or further hire of a vehicle, all occasions which counted towards that refusal must be disregarded for the purposes of subsequent determinations by any licensee as to whether that individual is or is not an individual who persistently improperly parks vehicles in a public place.

New section 8M confers powers on the LTA or an enforcement officer to, by written notice, require any licensee to furnish within a reasonable period and in the form and manner specified in the notice, documents and information which relate to any matter which the LTA or enforcement officer considers necessary for an enforcement purpose concerning that licensee, and are within the knowledge of that licensee, or in the licensee's custody or under the licensee's control.

New section 8N empowers the LTA to issue one or more standards of performance applicable to licensees or a specified type of licensee or to approve as a standard of performance applicable to licensees or a specified type of licensee any document prepared by a person other than the LTA if the LTA considers the document as suitable for this purpose. The LTA may also amend or revoke any standard of performance so issued or approved.

The aspects of licensable services to which standards of performance may relate to are hirer handling-related facilities, systems and services, facilities, systems and services for locating, distributing and collecting vehicles parked or apparently abandoned in public places, facilities, systems and services for the installation, maintenance and keeping in a state of good and serviceable repair vehicle location devices affixed to each vehicle used or to be used to provide licensable services, facilities, systems and services to discourage indiscriminate parking by hirers of vehicles in public places at the end of hiring, which may include prices and the use of geo-fencing technology, or the maintenance and keeping safe and roadworthy vehicles used or to be used in the provision of licensable services.

Licensees must comply with standards of performance, breach of which is a ground for regulatory action.

New section 8O empowers the LTA to give a direction to a licensee with respect to all or any of the aspects of the licensable service relating to the extent, hours and general level of service by the licensee to hirers, the locating, distributing or collecting from public places of vehicles used by the licensee to provide licensable services authorised by the licensee's licence, the safety or roadworthiness of the vehicles used in connection with the provision of licensable services authorised by the licensee's licence, or any matter affecting the interests of the public.

A direction may be given for licensees to refuse to hire or further hire vehicles to hirers who persistently improperly park vehicles in public places.

A direction may be given after observing due process unless a safety directive under the new section 8Q is in effect or if the LTA, in respect of any particular direction, considers that it is not practicable or desirable to comply with the direction. A licensee must comply with the direction, failure of which is a ground for regulatory action.

New section 8P establishes the framework for the LTA, as a regulator, to impose certain regulatory actions on licensees for certain defaults, after observing due process. The first regulatory action is cancelling a licence. In lieu of cancelling a licence, the LTA may order suspending (for not more than 6 months) a licence, and directing the licensee to pay, within a period specified in the direction, a financial penalty of such amount as the LTA thinks fit, being not more than \$100,000 for each instance of the contravention or non-compliance which is the subject of the regulatory action. A suspension of a licence may also be accompanied by a direction to remove, within a period specified in the direction, from all public places vehicles used by the licensee or former licensee in providing licensable services when the licence is not in force.

The LTA may, in lieu of cancelling a licence, also order the reduction of the maximum or an increase of the minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period, may offer or expose undocked for hiring on public land or may allow the hiring of which to end in or at a public place undocked, or both.

New section 8Q empowers the Minister to make such safety directives of general application as may be necessary to alleviate or minimise any risk of the death of, or a serious injury to, any individual or of damage to any property relating to the use of any vehicle or class of vehicles in the provision of licensable services. For example, a particular model of vehicle used to provide licensable services may be defective or prone to combustion.

Once a safety directive of general application is made, the Minister must cause to be published in the *Gazette* the safety directive except that where for reasons of safety or security it is impracticable to notify the safety directive in the *Gazette*, the Minister must notify such person or persons as the Minister thinks appropriate or necessary in the circumstances.

A safety directive of general application may be in force for a period not exceeding 6 months unless earlier revoked, and may be renewed by the Minister once only for a further period not exceeding 6 months.

New section 8R provides for appeals to the Minister against certain of the LTA's decisions under the new Part 3. All decisions mentioned in the new section 8R are generally appealable except where the decision is occasioned by a safety directive under the new section 8Q.

New section 8S empowers the LTA to make regulations, with the approval of the Minister, which are necessary or convenient to be prescribed for carrying out or giving effect to the new Part 3.

New section 8T is a special provision for service of documents permitted or required by or under the new Part 3 or the regulations to be served on a person. The modes of service in the new section 8T apply for such documents even though section 18 is more restricted. However, the new section 8T cannot be used for documents to be served in proceedings in court for an offence or other matter under the new Part 3 or the regulations.

Clause 7 repeals section 9 and replaces that with a new Part 4 consisting of 2 new sections on parking charges.

The new section 9 empowers the Superintendent of Car Parks (the Superintendent) to set parking charges for parking places provided under section 4. This includes season parking charges and surcharges.

The new section 9A sets out substantially the arrangements in the present section 20 on collection of parking charges from the use of any parking place maintained or operated by a statutory body.

Clause 8 repeals and re-enacts section 12 on composition of offences. It provides that composition sums collected under the Act cease to form part of the revenues of the LTA.

Clause 9 amends section 13(2) by extending the time allowed for a vehicle owner to give information to the Superintendent about the driver of the vehicle in connection with the commission of an offence under the Act by the driver. The period is extended from 7 to 14 days.

Clause 10 amends section 14 similarly with regard to parking offences. The definition of “owner” is also amended to extend it to cover administrators or executors of deceased vehicle owners who are in possession of the vehicle, and to financiers under hire-purchase agreements who have acquired the right to re-possess the vehicle.

For example, if an individual *A* rents a vehicle from a rental company *X*, and lends it to his friend *B* to drive the vehicle, for the purposes of determining the “owner” under section 14, *X* is considered to be in possession of the vehicle under the definition, since *A* and *B* are taken not to have acquired possession of the vehicle. *A* is treated as “entitled to possession” of the vehicle under the hiring agreement.

The amended definition in section 14 applies also for the purposes of section 15.

Clause 11 amends section 15 for 3 reasons. The first is to enable the decision to detain or immobilise vehicles found abandoned or parked unlawfully to be made not only by the Superintendent but also by authorised officers. The second reason

is to expressly confer power on the Superintendent and authorised officers to waive payment of outstanding parking charges and other expenses before releasing a detained vehicle to the owner.

Section 15 is also amended to extend the power to enforcement officers to remove, seize and forfeit vehicles which are abandoned in public places or parked in public places in contravention of any written law, or which are evidence of the commission of an offence under the new section 8C or any regulations made under the new section 8S.

Clause 12 introduces a new section 15C which makes it an offence if a person, in relation to an application for any licence, permit, approval or certificate by the person himself or any other person under the Act or any subsidiary legislation made under the Act, or in relation to any modification of a condition of any licence, permit, approval or certificate (whether or not procuring for the benefit of the person or any other person) under the Act or any subsidiary legislation made under the Act, furnishes or causes to be furnished any document or information which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular.

Clause 13 replaces section 17 with new sections 17 and 17A, which provide for criminal liability of directors, managers, partners, board members and certain executives of corporations, partnerships and unincorporated associations who commit offences under the Act or its subsidiary legislation. It is a standard provision in many statutes which creates an offence on the part of these individuals where their respective corporations, partnerships and unincorporated associations commit offences.

As the Act does not presently contain such a standard provision, in adherence to the prohibition against retrospective criminal laws in Article 11 of the Constitution, the new sections 17 and 17A will apply only with respect to offences committed by corporations, partnerships and unincorporated associations on or after the date of commencement of clause 13.

Clause 14 amends section 19 to extend the offence of obstructing the performance of functions under the Act to cover enforcement officers acting under the Act and the regulations made under the new Part 3.

Clause 15 repeals section 20 as a consequence of the re-enactment of the provision as a new section 9A by clause 7. Section 20 is replaced by a new provision which confers immunity from personal liability for the Superintendent of Car Parks, any Deputy Superintendents and Assistant Superintendents of Car Parks and any enforcement officers, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in the execution or purported execution of the Act or any of its rules or regulations.

Clause 16 amends section 21 to require any exemption by the Minister to be published in the *Gazette* in order to be effective, and to specify the form of an exemption instrument.

Clause 17 introduces a new section 22, which confers powers on the LTA to make rules with the approval of the Minister. The subject matter of the rules is similar to that in section 8 which is repealed by clause 6.

Clause 18 divides the Act into different Parts with suitable headings.

Clause 19 amends the Second Schedule to the Land Transport Authority of Singapore Act to enable the LTA to collect and retain in its Land Transport Revenue Account the fees for the application for licences and the licence fees under the new Part 3, and all performance bonds forfeited under the new Part 3.

Clause 20 makes a technical amendment to the Parking Places (Surcharge) Act.

Clause 21 repeals section 69(3) of the Active Mobility Act 2017 because the amendments have been incorporated in clause 8.

Clause 22 repeals section 9 of the Statutes (Miscellaneous Amendments) Act 2008 since the provision has not come into force. The amendment in section 9 of the Statutes (Miscellaneous Amendments) Act 2008 is reproduced in this Bill by clause 5.

Clause 23 is a saving and transitional provision.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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