

# **Energy Conservation (Amendment) Bill**

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**Bill No. 17/2017.**

*Read the first time on 9 March 2017.*

A BILL

*intituled*

An Act to amend the Energy Conservation Act (Chapter 92C 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 Energy Conservation (Amendment) Act 2017 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

## 5 Deletion and substitution of heading of Division 1 of Part III

2. Part III of the Energy Conservation Act (called in this Act the principal Act) is amended by deleting the heading of Division 1 and substituting the following Division heading and Subdivision heading:

*“Division 1 — Measures for goods*

*Subdivision (1) — Interpretation”.*

## Amendment of section 10

3. Section 10 of the principal Act is amended —

(a) by deleting the words “registrable goods” in the definition of “effective date” and substituting the words “regulated goods”;

(b) by deleting the definition of “goods” and substituting the following definition:

“ “goods” means any device, appliance, equipment, article or thing that requires electricity or fuel for its use or operation, and —

(a) includes 2 or more such devices, appliances, equipment, articles or things that are interconnected, and interdependent or interacting, so as to form a system carrying out one or more functions; but

(b) does not include any motor vehicle;”;

(c) by deleting the words “registrable goods” wherever they appear in the definition of “label” and substituting in each case the words “regulated goods”; and

(d) by deleting the definitions of “registered goods”, “registered supplier” and “registrable goods” and substituting the following definitions:

““registered goods” means any regulated goods registered under section 13(2) as such; 5

“registered supplier” means any importer or manufacturer registered under section 13(2) as such;

“regulated goods” means any goods prescribed under section 11 to be such;” 10

### **Repeal and re-enactment of sections 11, 12 and 13 and new section 12A**

4. Sections 11, 12 and 13 of the principal Act are repealed and the following Subdivision headings and sections substituted therefor:

*“Subdivision (2) — Restrictions on supplies of regulated goods through registration, energy labelling, minimum performance standards, etc.* 15

#### **Regulated goods**

11. The Minister may, after consulting the Agency, by order in the *Gazette*, prescribe any class, description or type of goods to be regulated goods for the purposes of this Part from the date specified in the order. 20

#### **Restriction on supply of regulated goods**

12.—(1) Subject to this section, a person must not make a prohibited supply of regulated goods in Singapore. 25

(2) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(3) For the purposes of subsection (1), a prohibited supply of regulated goods is a supply of regulated goods where —

5 (a) the goods do not comply, on or after the effective date for those goods, with any one or more of the requirements mentioned in subsection (4) which is prescribed as being applicable to those regulated goods and not waived under section 31B(1); and

(b) the supply is made by the person to another person —

10 (i) in the course or furtherance of the firstmentioned person's trade or business; or

(ii) in furtherance of the second-mentioned person's trade or business.

(4) The following are the requirements for the purpose of subsection (3):

15 (a) the goods must be registered;

(b) the goods must conform to either or both of the following:

(i) the minimum energy efficiency standard prescribed for the goods;

20 (ii) any other requirement prescribed for the goods affecting or relating to the energy efficiency standard;

25 (c) the goods must be labelled with the information prescribed for the goods, in the manner prescribed or allowed by the Director-General in any particular case;

30 (d) the goods must be accompanied by the information prescribed for the goods relating to energy efficiency, in the manner prescribed or allowed by the Director-General in any particular case;

(e) information prescribed for the goods relating to energy efficiency must be disseminated in the

manner prescribed or allowed by the Director-General in any particular case.

(5) Without affecting section 77, subsection (1) does not apply to a supply of regulated goods in any of the following circumstances:

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(a) the goods are supplied as part of any premises by the developer of the premises, if —

(i) the developer did not import or manufacture the goods; and

(ii) the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods to the developer was entered into;

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(b) the goods are supplied by a participant in the supply chain for the supply of the goods by the developer mentioned in paragraph (a), if the goods comply with the requirements under subsection (4) applicable to the goods at the time the agreement for the supply of the goods was entered into.

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(6) Without affecting subsection (5) or section 77, subsection (1) does not apply to a supply of regulated goods prescribed for the purposes of this subsection if —

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(a) the supply is by a participant in the supply chain for the supply of such regulated goods to a person (other than a person acting in the capacity of a developer) who is intending to construct or is constructing, or is causing to be constructed, any premises;

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(b) the goods are to be used in the premises;

(c) the premises are to be occupied by the person;

(d) the person did not import or manufacture the goods; and

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(e) the goods comply with the requirements under subsection (4) applicable to the goods at the time

the agreement for the supply of the goods was entered into.

(7) In this section, “developer” means a person who carries on the business of constructing or causing to be constructed any premises for sale or lease.

### **Restriction on supply by importers and manufacturers**

**12A.**—(1) Without affecting section 12, an importer or a manufacturer must not, in the course of any trade or business, supply any regulated goods in Singapore on or after the effective date for those goods, unless the importer or manufacturer is a registered supplier of those goods.

(2) Any importer or manufacturer that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### *Subdivision (3) — Registration of suppliers and goods*

### **Registration of suppliers and regulated goods**

**13.**—(1) Any importer or manufacturer that intends to supply any regulated goods in Singapore may apply to the Director-General —

- (a) to be registered as a registered supplier; and
- (b) where the importer or manufacturer intends to supply any regulated goods that are required to be registered under section 12, to register those goods.

(2) The Director-General may register, subject to such conditions as the Director-General thinks fit to impose, or refuse to register —

- (a) any applicant as a registered supplier; or
- (b) any regulated goods that the applicant intends to supply in Singapore as registered goods.

(3) The registration of any registered supplier or any registered goods is not transferable without the approval in writing of the Director-General.”

### **Amendment of section 15**

5. Section 15 of the principal Act is amended —

- (a) by deleting the words “, and in such form and manner as may be prescribed” in subsection (3); and
- (b) by deleting subsection (4).

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### **Amendment of section 16**

6. Section 16 of the principal Act is amended —

- (a) by deleting paragraph (c) of subsection (2) and substituting the following paragraph:

“(c) if the registered supplier has been convicted of —

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- (i) an offence under section 12(2) as in force before the date of commencement of section 6 of the Energy Conservation (Amendment) Act 2017 of supplying registrable goods that do not meet the minimum energy efficiency standards prescribed for those goods; or

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- (ii) an offence under section 12(2) of making a prohibited supply of regulated goods, being goods that do not meet any requirement under section 12(4)(b) applicable to the regulated goods; or”;

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(b) by deleting paragraph (b) of subsection (3) and substituting the following paragraph:

“(b) that the regulated goods do not meet any requirement under section 12(4) applicable to the regulated goods and not waived under section 31B(1);”;

(c) by inserting the word “or” at the end of subsection (3)(e); and

(d) by deleting paragraph (f) of subsection (3).

### Amendment of section 17

7. Section 17 of the principal Act is amended —

(a) by deleting the words “registrable goods” in subsection (1)(a) and substituting the words “regulated goods”; and

(b) by deleting the words “section 13(4)” in subsections (1)(a) and (c) and (4)(a) and substituting in each case the words “section 13(2)”.

### Repeal and re-enactment of section 18

8. Section 18 of the principal Act is repealed and the following section substituted therefor:

#### “Maintenance of records

**18.—**(1) A registered supplier must keep and maintain complete and accurate records containing such information and in accordance with such requirements, as may be prescribed under section 78.

(2) The registered supplier mentioned in subsection (1) must —

(a) retain the records mentioned in that subsection for at least the prescribed period;

(b) during the prescribed period mentioned in paragraph (a), make available for inspection by the Director-General or any authorised officer, the records



mentioned in that subsection when so requested by the Director-General or any authorised officer; and

- (c) submit to the Director-General the records mentioned in subsection (1), and such other record, document or information, as the Director-General may require, in the time specified by the Director-General.

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(3) Any registered supplier that contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.”.

### **Amendment of section 19**

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9. Section 19 of the principal Act is amended —

- (a) by deleting the words “registrable goods” wherever they appear in subsection (1) and in the section heading and substituting in each case the words “regulated goods”; and
- (b) by deleting “\$2,000” in subsection (2) and substituting “\$5,000”.

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### **Amendment of section 20**

10. Section 20 of the principal Act is amended —

- (a) by deleting the words “section 13(2)” in paragraph (a) and substituting the words “section 13(1)”;
- (b) by deleting the words “section 15(5)” in paragraph (a) and substituting the words “section 15(3)”;
- (c) by deleting “\$2,000” and substituting “\$5,000”.

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### **Deletion and substitution of heading of Division 2 of Part III**

11. Part III of the principal Act is amended by deleting the heading of Division 2 and substituting the following Division heading and Subdivision heading:

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*“Division 2 — Measures for business activities and premises*

*Subdivision (1) — Interpretation”.*

### **New Subdivision heading**

12. The principal Act is amended by inserting, immediately above section 22, the following Subdivision heading:

*“Subdivision (2) — Registration of corporations”.*

### 5 **Amendment of section 23**

13. Section 23 of the principal Act is amended —

(a) by deleting the words “in such form and manner as may be prescribed,” in subsection (1); and

(b) by deleting subsection (2).

### 10 **Amendment of section 24**

14. Section 24(2) of the principal Act is amended by inserting, immediately after the words “cancelled under section 25,” the words “or the Director-General is satisfied that any registered corporation has been wound up or dissolved,”.

### 15 **New Subdivision heading to Division 2 of Part III and new sections 26A, 26B and 26C**

15. Part III of the principal Act is amended by inserting, immediately after section 26, the following Subdivision heading and sections:

20 *“Subdivision (3) — Energy management practices*

#### **Energy efficiency opportunities assessments for new ventures**

25 **26A.**—(1) Where a new venture of any person (whether or not a registered corporation) will have an energy use (determined in accordance with the prescribed method or a method that satisfies the prescribed criteria) that equals or exceeds the prescribed threshold, the person must, before applying for a clearance certificate for the new venture under section 33 of the Environmental Protection and Management Act (Cap. 94A) —

30 (a) ensure that the design of the new venture facility is energy efficient, by conducting an energy efficiency

opportunities assessment that satisfies the prescribed requirements; and

(b) submit a report of the assessment to the Director-General for the approval of the Director-General.

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(2) The report mentioned in subsection (1)(b) must —

(a) be submitted through the qualified person appointed under section 8 or 11 of the Building Control Act (Cap. 29) in respect of the building works for the facility mentioned in subsection (1)(a), or any person who satisfies the prescribed criteria; and

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(b) without affecting section 78(2)(d), include information on the proposed implementation by the person mentioned in subsection (1) of any part of the energy efficiency opportunities assessment.

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(3) Any person that contravenes subsection (1) shall be guilty of an offence.

(4) In this section —

“energy efficiency opportunities assessment” has the same meaning as in section 27B(3);

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“new venture”, in relation to any person, means —

(a) any new business activity or any premises of the person; or

(b) any expansion of any existing business activity or any premises of the person,

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where the new business activity or premises or expansion of the business activity or premises will be a prescribed business activity or premises, and in respect of which the person has not, as at the date of commencement of section 15 of the Energy Conservation (Amendment) Act 2017, applied to the competent authority for planning permission under the Planning Act (Cap. 232);

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“new venture facility” means the facility at which a new venture is to be carried out.

**Minimum energy efficiency standards for energy-consuming systems**

5       **26B.**—(1) This section applies only to a person (whether or not a registered corporation) prescribed (called in this section a relevant person).

10       (2) Where a person commences or causes to be commenced the conduct, on or after the day the person becomes a relevant person under subsection (1), of installation and retrofitting works on any prescribed energy-consuming system in any business activity or premises, or any part of any business activity or premises, under the operational control of the person, the relevant person must —

15           (a) within the prescribed period after installation and retrofitting works on the system are completed, assess in the prescribed manner the as-built energy efficiency of the system using the prescribed permanent measuring instruments; and

20           (b) submit a report of the assessment to the Director-General.

25       (3) If the as-built energy efficiency of the prescribed energy-consuming system does not meet the prescribed minimum energy efficiency standards, the Director-General may in writing direct the relevant person concerned to, within the time period specified in the direction (or such longer time as the Director-General may allow in the particular case) —

30           (a) carry out such maintenance work or take such other measures in relation to the system to ensure that it meets the prescribed minimum energy efficiency standards, and carry out again an assessment described in subsection (1)(a); and

          (b) submit a report of the assessment to the Director-General,

and the person must comply with the direction.

(4) Any person that contravenes subsection (2) or (3) shall be guilty of an offence.

(5) In this section —

“as-built energy efficiency”, in relation to a prescribed energy-consuming system, means the energy efficiency of the system upon the completion of the installation and retrofitting works conducted on the system;

“installation and retrofitting works”, in relation to a prescribed energy-consuming system, means —

(a) the installation, substantial alteration or replacement of the system; or

(b) such other change to the energy requirements of the system as may be prescribed.

### **Monitoring plans of registered corporations**

**26C.**—(1) This section applies to a registered corporation where the greenhouse gas emissions of any business activity or premises, or any part of any business activity or premises, under the operational control of the registered corporation exceeds the threshold prescribed for the purposes of this section.

(2) Section 26 applies for the purpose of ascertaining whether a registered corporation is a registered corporation mentioned in subsection (1), as it applies for the purpose of determining whether a corporation qualifies as a registrable corporation.

(3) The registered corporation must submit to the Director-General, for the Director-General’s approval, a monitoring plan for each business activity or premises or part mentioned in subsection (1), setting out the basis on which the registered corporation ensures the quality of the data required for the computations necessary for its enhanced emissions report under section 27(2).

(4) The registered corporation must, in the prescribed circumstances, revise the monitoring plan and submit the revised monitoring plan to the Director-General, for the Director-General’s approval.

(5) For the purpose of ascertaining the accuracy of a monitoring plan (including a revised monitoring plan) and compliance with this section, the Director-General may in writing direct the registered corporation to, within the time period specified in the direction (or such longer time as the Director-General may allow in the particular case) —

(a) have the plan assessed by an independent third party; and

(b) submit a report on the assessment of the independent third party to the Director-General, in the form and manner specified in the direction,

and the registered corporation must comply with the direction.

(6) Any registered corporation that contravenes subsection (3), (4) or (5) shall be guilty of an offence.”.

**Repeal and re-enactment of sections 27, 28 and 29 and new sections 27A and 27B**

16. Sections 27, 28 and 29 of the principal Act are repealed and the following sections substituted therefor:

**“Periodic reporting of energy use, greenhouse gas emissions, etc., by registered corporations**

27.—(1) A registered corporation must submit to the Director-General a report for each prescribed period specifying —

(a) the energy consumption;

(b) the energy production; and

(c) the greenhouse gas emissions,

in that period from the operation of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation.

(2) Without affecting subsection (1), where the greenhouse gas emissions of any business activity or premises, or any part of the business activity or premises, under the operational control of a registered corporation exceeds the threshold prescribed under section 26C(1), the registered corporation must submit to the Director-General, for the Director-General's approval, an enhanced emissions report for each prescribed period specifying its greenhouse gas emissions in that period for each such business activity or premises or part. 5

(3) The enhanced emissions report of a registered corporation for any prescribed period mentioned in subsection (2) must be prepared based on a monitoring plan (as may be revised) approved under section 26C applicable to that period. 10

(4) Any registered corporation that contravenes subsection (1), (2) or (3) shall be guilty of an offence. 15

### **Energy management systems of registered corporations**

**27A.**—(1) A registered corporation must —

(a) implement an energy management system in respect of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation; 20

(b) ensure that every energy management system mentioned in paragraph (a) satisfies the prescribed requirements; and 25

(c) submit a report on every such energy management system to the Director-General.

(2) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

(3) In this section, “energy management system” means a set of interrelated or interacting elements of the registered corporation to establish an energy policy, energy objectives, energy targets, action plans and processes to achieve the energy objectives and energy targets. 30

## **Energy efficiency opportunities assessments by registered corporations**

**27B.**—(1) A registered corporation must —

5           (a) conduct an energy efficiency opportunities assessment on each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation;

10           (b) ensure that the energy efficiency opportunities assessment in paragraph (a) —

                  (i) is conducted at the prescribed times; and

                  (ii) satisfies the prescribed requirements; and

          (c) submit a report of every such energy efficiency opportunities assessment to the Director-General.

15           (2) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

20           (3) In this section, “energy efficiency opportunities assessment” means a systematic procedure by which adequate knowledge of the energy consumption profile of any business activities or premises, and cost-effective energy efficiency opportunities are identified and quantified.

## **Energy efficiency improvement plans of registered corporations**

25           **28.**—(1) A registered corporation must submit to the Director-General an energy efficiency improvement plan for each prescribed period in respect of each prescribed business activity or premises, or any part of each prescribed business activity or premises, under the operational control of the registered corporation.

30           (2) Without affecting section 78(2)(d), an energy efficiency improvement plan under subsection (1) must include information on the implementation of any part of the plan.



(3) Any registered corporation that contravenes subsection (1) shall be guilty of an offence.

### **Records to be kept**

**29.**—(1) A person that is required under this Division to submit any report or plan to the Director-General must keep and maintain complete and accurate records containing such information, and in accordance with such other requirements, as may be prescribed under section 78, relating to —

- (a) those reports and plans, including the preparation and submission of the reports and plans; and
- (b) monitoring and evaluation undertaken by the person to ensure compliance with this Act (except Part IV).

(2) The person mentioned in subsection (1) must —

- (a) retain the records mentioned in that subsection for at least the prescribed period;
- (b) during the prescribed period mentioned in paragraph (a), make available for inspection by the Director-General or any authorised officer, the records mentioned in subsection (1) when so requested by the Director-General or any authorised officer; and
- (c) submit to the Director-General the records mentioned in subsection (1), and such other record, document or information, as the Director-General may require, in the time specified by the Director-General.

(3) Any person that contravenes subsection (1) or (2) shall be guilty of an offence.”.

### **Amendment of section 30**

**17.** Section 30 of the principal Act is amended —

- (a) by deleting the words “subsection (5)” in subsection (1) and substituting the words “section 31B”;
- (b) by deleting the words “section 27” in subsection (1)(a)(i) and substituting the words “section 27(1)”;

- (c) by deleting the words “section 28” in subsection (1)(a)(ii) and substituting the words “section 29”;
- (d) by deleting the words “section 29” in subsection (1)(a)(iii) and substituting the words “section 28”; and
- 5 (e) by deleting subsection (5).

**Repeal and re-enactment of sections 31, 32 and 33 and new sections 31A and 31B**

10 **18.** Sections 31, 32 and 33 (including the Division 3 heading) of the principal Act are repealed and the following Division and sections substituted therefor:

**“Data not to be falsified, etc.**

**31.** Any person that —

- 15 (a) makes any statement in any report or plan required for submission to the Director-General under this Act, knowing it to be false or misleading;
- (b) provides any statement, information or document in connection with a report or plan mentioned in paragraph (a) to the Director-General, knowing it to be false or misleading;
- 20 (c) falsifies any data required for a report or plan mentioned in paragraph (a) or otherwise required to be submitted to the Director-General under this Act; or
- (d) makes any entry or omission in any record required to be kept under this Act, knowing it to be false or misleading, or makes any record containing a statement knowing it to be false or misleading,

25 shall be guilty of an offence.

*Division 3 — General provisions for this Part*

*Subdivision (1) — Reports, waivers, penalties, etc.*

**Reports and plans**

**31A.**—(1) A requirement to submit a report or a plan under this Part to the Director-General is a requirement to do so in accordance with any requirements prescribed under section 78 for the report or plan, including its preparation and submission.

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(2) The Director-General may, in respect of any incomplete or inaccurate report or plan submitted, in writing direct the person required to submit the report or plan to, within the time period specified in the direction (or such longer time as the Director-General may allow in the particular case) —

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(a) carry out such rectification or re-computation as the Director-General may require; and

(b) resubmit the report or plan,

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and the person must comply with the direction.

(3) Any person that contravenes subsection (2) shall be guilty of an offence.

**Power of Director-General to waive requirements**

**31B.**—(1) A person that, in any particular case, is unable to comply with any requirement under section 12 for any regulated goods that the person intends to supply, may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the requirement for any of those goods.

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(2) A person who, in any particular case, is unable to comply with section 26A, 26B, 27A, 27B or 28 may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the application of that provision —

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(a) generally or for a specified period of time; and

(b) for any specified business activity or premises, or a part of any specified business activity or premises.

(3) Without affecting subsection (2), a person that, in any particular case, is unable to comply with a prescribed minimum energy efficiency standard under section 26B for a prescribed energy-consuming system, may apply in writing to the Director-General for a modification of the standard and the Director-General may, upon being satisfied that there are good reasons to do so, modify the standard, subject to such conditions as the Director-General may impose; and the modified standard applies to the person in lieu of the prescribed standard accordingly.

(4) A person that, in any particular case, is unable to comply with section 26C, 27 or 30 may apply in writing to the Director-General for a waiver and the Director-General may, upon being satisfied that there are good reasons to do so, waive the application of that provision for a specified period of time.

### **Penalties for non-compliance**

**32.**—(1) Any person guilty of an offence under section 26A(3) (in relation to a contravention of section 26A(1)(b)), 26B(4) (in relation to a contravention of section 26B(2)(b) or (3)(b)), 26C(6), 27(4), 27A(2), 27B(2), 28(3), 29(3), 30(6) or 31A(3) shall be liable —

(a) on the first conviction of that offence, to a fine not exceeding \$10,000; and

(b) on a second or subsequent conviction of an offence under the same provision (and the same contravention where applicable) or if the person was previously convicted of an offence under a related provision, to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after that second or subsequent conviction.

(2) The following apply for the purpose of subsection (1)(b):

(a) for an offence under section 27(4) (in relation to a contravention of section 27(1)), a related provision is section 27(1) as in force immediately before the date of commencement of section 16 of the Energy Conservation (Amendment) Act 2017; 5

(b) for an offence under section 28(3), a related provision is section 29(1) as in force immediately before the date of commencement of section 16 of the Energy Conservation (Amendment) Act 2017; 10

(c) for an offence under section 29(3), a related provision is section 28(1), (2) or (3) as in force immediately before the date of commencement of section 16 of the Energy Conservation (Amendment) Act 2017;

(d) for an offence under section 31A(3), a related provision is section 27(4)(a) (in relation to a resubmission of a report) or (b) or 29(4), as the case may be, as in force immediately before the date of commencement of section 18 of the Energy Conservation (Amendment) Act 2017. 15 20

(3) Any person guilty of an offence under section 26A(3) (in relation to a contravention of section 26A(1)(a)) shall be liable on conviction to a fine not exceeding \$100,000.

(4) Any person guilty of an offence under section 26B(4) (in relation to a contravention of section 26B(2)(a) or (3)(a)) shall be liable on conviction to a fine not exceeding \$20,000 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. 25

(5) Any person guilty of an offence under section 31 shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both. 30

*Subdivision (2) — Powers of enforcement***Entering premises, etc., to monitor compliance**

5       **33.** For the purposes of administering or enforcing this Part or determining whether this Part has been complied with, an authorised officer may, upon declaring his office and producing to an occupier of premises such identification card as the Director-General may direct to be carried by authorised officers, do all or any of the following:

      (a) enter any premises —

10               (i) during normal business hours without notice; or

              (ii) at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice);

15       (b) exercise any of the powers set out in sections 34, 35 and 36.”.

**Amendment of section 35**

**19.** Section 35 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

20       “(1) For the purposes of administering or enforcing this Part or determining whether this Part has been complied with, an authorised officer may (in connection with section 33 or otherwise) —

25               (a) require any person to furnish to the authorised officer any information within the knowledge of that person; and

              (b) require any person to produce to the authorised officer any document in the person's custody or under the person's control in connection with the matter.

(1A) The authorised officer may —

(a) specify a time and place at which a person must furnish the information or produce the document under subsection (1); and

(b) without payment —

(i) inspect, keep, copy, or make extracts from, a document produced or made available to the authorised officer under this section; and

(ii) in relation to a document kept in electronic form, inspect, copy, or make extracts from, the document in legible form.

(1B) Where a document is kept in electronic form, the power of the authorised officer to require the document to be produced includes the power to require the document to be made available to the authorised officer in legible form.

(1C) To avoid doubt and without affecting the generality of subsection (1), that subsection applies to a person who supplies any energy-consuming system prescribed under section 26B, or any equipment relating to such system, or both, in respect of information and documents relating to such supplies.”

### **Repeal and re-enactment of section 37**

**20.** Section 37 of the principal Act is repealed and the following section substituted therefor:

**“Authorised officers to be provided with all facilities and assistance**

**37.** Where the Director-General or any authorised officer exercises a power under this Part, the person against whom the power is exercised or sought to be exercised must provide the Director-General, authorised officer or any person assisting the Director-General or authorised officer, as the case may be, with all reasonable facilities and assistance for the effective exercise of the power.”

### **Amendment of section 39**

**21.** Section 39 of the principal Act is amended —

(a) by deleting the words “or “fuel economy labelling effective date” ” in the definition of “FEL effective date” and substituting the words “or “fuel economy and vehicular emissions labelling effective date” ”; and

(b) by deleting the full-stop at the end of the definition of “sale” and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““vehicular emission”, in relation to a motor vehicle, means any vehicular emission that is a prescribed vehicular emission under section 11AA of the Road Traffic Act (Cap. 276).”.

### **Amendment of section 40**

**22.** Section 40 of the principal Act is amended —

(a) by deleting the words “fuel economy requirements” and substituting the words “requirements on fuel economy and vehicular emissions”; and

(b) by deleting the words “fuel economy requirements” in the section heading and substituting the words “requirements on fuel economy and vehicular emissions”.

### **Amendment of section 41**

**23.** Section 41 of the principal Act is amended —

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

“(ii) data on fuel consumption and vehicular emissions (including vehicular emissions levels) measured or determined in accordance with such method or any method which meets such criteria as



may be provided for in regulations made under section 62;”;

(b) by inserting, immediately after the words “fuel economy” in paragraph (a)(iii), the words “and vehicular emissions”;

(c) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

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“(2) The data required under subsection (1)(a)(ii) may be issued by a vehicle emission testing laboratory recognised by the Registrar.

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(3) The Registrar may publish, in such form and manner as the Registrar deems appropriate, the data submitted to the Registrar under subsection (1)(a)(ii).”;

(d) by inserting, immediately after the words “Fuel economy” in the section heading, the words “and vehicular emissions”.

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**Amendment of section 42**

**24.** Section 42 of the principal Act is amended —

(a) by deleting the words “fuel economy label” in subsection (1)(a) and substituting the words “label on fuel economy and vehicular emissions.”;

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(b) by deleting the words “contains the prescribed information relating to the fuel economy of the motor vehicle in such form and manner as may be prescribed” in subsection (1)(b) and substituting the words “contains such information on fuel economy and vehicular emissions of the motor vehicle, in such form and manner, as may be prescribed for the type of material or advertisement being distributed”; and

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(c) by deleting the section heading and substituting the following section heading:

**“Labelling of fuel economy and vehicular emissions”.**

5 **Amendment of section 43**

**25.** Section 43 of the principal Act is amended by deleting the words “fuel economy label” in paragraph (c) and substituting the words “label on fuel economy and vehicular emissions mentioned in section 42”.

10 **Amendment of section 62**

**26.** Section 62(2) of the principal Act is amended by deleting the words “prescribing additional fuel economy testing” in paragraph (a) and substituting the words “providing for additional fuel economy and vehicular emissions testing”.

15 **Amendment of section 74**

**27.** Section 74(3) of the principal Act is amended by inserting, immediately after the word “compounded”, the words “, including offences under the provisions of this Act which have been repealed”.

**Amendment of section 78**

20 **28.** Section 78 of the principal Act is amended by deleting subsection (2) and substituting the following subsections:

“(2) Without affecting the generality of subsection (1), the Minister may make regulations for or with respect to, or to otherwise make provision for, all or any of the following matters:

- 25 (a) the registration requirements in relation to —
- (i) regulated goods;
  - (ii) suppliers of regulated goods; and
  - (iii) registrable corporations;

- (b) the form of any application, report (including a report under section 26C(5)(b)), plan or other document mentioned in this Act (except Part IV);
- (c) the preparation of any application, report (including a report under section 26C(5)(b)), plan or other document mentioned in this Act (except Part IV), including the person that should prepare the same and any criteria that the person must satisfy; 5
- (d) the information and documents to be included in or to accompany any application, report (including a report under section 26C(5)(b)), plan or other document mentioned in this Act (except Part IV); 10
- (e) without affecting paragraph (d), in relation to any report or plan mentioned in this Act (except Part IV), the methods, or criteria for the methods, by which the amounts of emissions, reductions, removals, offsets, energy production, energy consumption or any other matters are to be measured or determined, including any one or more of the following: 15
- (i) conditions relating to the use of different methods or criteria; 20
  - (ii) rating systems for those methods;
  - (iii) the particular rating given to each of those methods;
- (f) the period within which any application, report (including a report under section 26C(5)(b)), plan or other document mentioned in this Act (except Part IV) is to be submitted (including at prescribed intervals); 25
- (g) the manner in which any application, report (including a report under section 26C(5)(b)), plan or other document mentioned in this Act (except Part IV) is to be submitted, including the person that should submit the same and any criteria that the person must satisfy; 30

- (h) the implementation of energy efficiency measures proposed in any energy efficiency improvement plan under section 28;
- 5 (i) the criteria which any person (including an independent third party under section 26C(5)(a)) carrying out any assessment required under this Act (except Part IV) must satisfy;
- (j) in relation to an energy manager under Part III —
- 10 (i) the appointment, training and qualification of an energy manager;
- (ii) the functions and duties of an energy manager; and
- (iii) the powers of an energy manager, being necessary powers for the discharge of the energy manager's functions and duties;
- 15 (k) any fees and charges payable for an application under, or for any purpose of, this Act (except Part IV);
- (l) any other matter that is required or permitted to be prescribed to give effect to this Act (except Part IV).

20 (2A) Regulations made under this section may make different provision —

- (a) for different classes, descriptions or types of goods, persons or industry sectors; and
- 25 (b) for different circumstances (including, in relation to subsection (2)(e), the circumstances in which the emissions, reductions, removals, offsets, energy production, energy consumption or other matters occur).”.

## **Related amendment to Environmental Protection and Management Act**

**29.** Section 33 of the Environmental Protection and Management Act (Cap. 94A, 2002 Ed.) is amended by inserting, immediately after subsection (4), the following subsections: 5

“(4A) Where any industrial plant works constitute a new venture under section 26A of the Energy Conservation Act (Cap. 92C), an applicant must not be issued with a clearance certificate under subsection (1) for the new venture if the applicant has not submitted to the Director-General for the Director-General’s approval a report for the new venture (if such approval is required) under that section of the Energy Conservation Act. 10

(4B) Despite subsection (4A) and without affecting subsection (5) or (6), the Director-General may issue the applicant with a clearance certificate subject to the condition that the applicant must submit the report mentioned in subsection (4A) to the Director-General for the Director-General’s approval within such period as the Director-General may specify.”. 15 20

## **Related amendments to Road Traffic Act**

**30.** Section 11AA of the Road Traffic Act (Cap. 276, 2004 Ed.) is amended —

(a) by deleting subsection (1) and substituting the following subsection: 25

“(1) In addition to the taxes under section 11, a tax (called in this Act the vehicular emissions tax) is to be charged in respect of the first registration, on or after 1 January 2018, of any taxable vehicle, being a vehicle — 30

(a) that is within a prescribed class or category, or of a prescribed description; and

(b) that has an emission level for any prescribed vehicular emission (including a deemed emission level) that exceeds the maximum level of the neutral emission band prescribed for the vehicle.”;

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(b) by deleting the words “carbon emissions tax” wherever they appear in subsections (2) and (8) and substituting in each case the words “vehicular emissions tax”;

(c) by deleting subsection (3) and substituting the following subsection:

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“(3) Where a person who is registered as the owner of a vehicle (called in this section the replaced vehicle) replaces that vehicle with another vehicle (called in this section the replacement vehicle) that is a taxable vehicle, the person must pay a tax —

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(a) of an amount by which the vehicular emissions tax chargeable on the replacement vehicle (calculated for the purposes of this subsection as if the replacement vehicle was first registered on the same date as the replaced vehicle), exceeds the vehicular emissions tax chargeable on the replaced vehicle; or

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(b) if any carbon emissions tax was chargeable on the replaced vehicle, of an amount by which the carbon emissions tax chargeable on the replacement vehicle (calculated for the purposes of this subsection as if the replacement vehicle was first registered on the same date as the replaced vehicle), exceeds the carbon emissions tax chargeable on the replaced vehicle.”;

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30

(d) by deleting subsections (5) and (6) and substituting the following subsections:

“(5) The Minister may, subject to such conditions as he thinks fit to impose, prescribe —

(a) a rebate on all or any part of the tax payable under section 11(1)(a) for any taxable vehicle that has an emission level for any one or more prescribed vehicular emissions, that is below the minimum level of the neutral emission band prescribed for that emission in relation to a vehicle of that class, category or description, or used for a particular purpose; and 5 10

(b) different amounts of rebate or different methods for determining the amount of the rebate for taxable vehicles of different classes, categories or descriptions or used for different purposes. 15

(6) The Minister may make rules for carrying out or giving effect to this section and for prescribing anything which may be prescribed under this section and, in particular, the rules may — 20

(a) prescribe different amounts of vehicular emissions tax chargeable for taxable vehicles of different classes, categories or descriptions or used for different purposes; 25

(b) prescribe different neutral emission bands for different prescribed vehicular emissions; 30

(c) prescribe different neutral emission bands for vehicles of different classes, categories or descriptions or used for different purposes; and

(d) provide for the method or criteria for the method of determining or deeming the emission level of any prescribed vehicular emission of any taxable vehicle, and provide different methods or criteria for taxable vehicles of different classes, categories or descriptions or used for different purposes.”;

(e) by deleting subsections (9) and (10) and substituting the following subsections:

“(9) The Registrar may, in his discretion —

(a) compound any offence punishable under subsection (8) by collecting from the person reasonably suspected of having committed the offence —

(i) a sum not exceeding \$1,000; and

(ii) the amount of the vehicular emissions tax, or the tax payable under section 11(1)(a), which has been undercharged; and

(b) compound any offence punishable under subsection (8) as in force immediately before the appointed date, by collecting from the person reasonably suspected of having committed the offence —

(i) a sum not exceeding \$1,000; and

(ii) the amount of the carbon emissions tax, or the tax payable under section 11(1)(a), which has been undercharged,

and may before judgment stay or compound any proceedings thereunder.



(10) In this section —

“appointed date” means the date on which section 30 of the Energy Conservation (Amendment) Act 2017 comes into operation;

“carbon emissions tax” means the tax chargeable under section 11AA(1) as in force immediately before the appointed date;

“neutral emission band”, in respect of any vehicular emission, means the range of emissions from a minimum level to a maximum level, prescribed for a vehicle of any class, category or description or used for any purpose;

“vehicular emission” means a pollutant that is attributable to the combined driving cycle of a vehicle.”; and

(f) by deleting the section heading and substituting the following section heading:

**“Vehicular emissions tax”.**

### **Saving and transitional provisions**

**31.**—(1) Any person that is a registered supplier under section 13(4)(a) of the principal Act as in force immediately before the date on which section 4 of this Act comes into operation, is treated as a registered supplier under section 13(2)(a) of the principal Act as in force on that date, to the extent of the firstmentioned registration.

(2) Any registrable goods that are registered goods under section 13(4)(b) of the principal Act as in force immediately before the date on which section 4 of this Act comes into operation, are registered goods under section 13(2)(b) of the principal Act as in force on that date (if the goods are required to be registered under section 12(4) of the principal Act as in force on that date), to the extent of the firstmentioned registration.

(3) Any application for registration under section 13(2) of the principal Act as in force immediately before the date on which section 4 of this Act comes into operation and pending immediately before that date, is an application for the corresponding registration under section 13(1) of the principal Act as in force on that date.

(4) Any application to renew the registration of any registrable goods under section 15(3) of the principal Act as in force immediately before the date on which section 5 of this Act comes into operation and pending immediately before that date, is an application to renew the registration of the goods as regulated goods under section 15(3) of the principal Act as in force on that date, if the goods are required to be registered under section 12(4) of the principal Act as in force on that date.

(5) Any appeal under section 17 of the principal Act against a decision of the Director-General refusing to register a person as a registered supplier or imposing any condition on such registration under section 13(4) of the principal Act as in force immediately before the date on which section 4 of this Act comes into operation and that is pending immediately before that date, is an appeal against a decision of the Director-General refusing to register the person as a registered supplier or imposing any condition on such registration under section 13(2) of the principal Act as in force on that date.

(6) Any appeal under section 17 of the principal Act against a decision of the Director-General refusing to register any registrable goods as registered goods or imposing any condition on such registration under section 13(4) of the principal Act as in force immediately before the date on which section 4 of this Act comes into operation and that is pending immediately before that date, is an appeal against a decision of the Director-General refusing to register regulated goods as registered goods or imposing any condition on such registration under section 13(2) of the principal Act as in force on that date, if the goods are required to be registered under section 12(4) of the principal Act as in force on that date.

(7) Any appeal under section 17 of the principal Act against a decision of the Director-General refusing to renew the registration of any registrable goods or imposing any condition on such renewal

under section 15(5) of the principal Act as in force immediately before the date on which section 5 of this Act comes into operation and that is pending immediately before that date, is an appeal against a decision of the Director-General refusing to renew the registration of regulated goods or imposing any conditions on such renewal under section 15(5) of the principal Act as in force on that date, if the goods are required to be registered under section 12(4) of the principal Act as in force on that date. 5

(8) For a period of 2 years —

(a) after the date of commencement of section 21, 22, 23, 24, 25, 26 or 30 of this Act, the Minister charged with the responsibility for land transport may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that section as the Minister may consider necessary or expedient; and 10 15

(b) after the date of commencement of any other provision of this Act, the Minister charged with the responsibility for environmental protection 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. 20

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Energy Conservation Act (Cap. 92C), and to make related amendments to the Environmental Protection and Management Act (Cap. 94A) and the Road Traffic Act (Cap. 276).

Clause 1 relates to the short title and commencement.

Clause 2 deletes the heading of Division 1 of Part III and inserts a new Division heading and Subdivision heading.

Clause 3 amends section 10 —

(a) by extending the current definition of “goods” to include any system comprising 2 or more devices, appliances, equipment, articles or things, which requires electricity or fuel for its use or operation;

- (b) to insert a new definition of “regulated goods” to replace the definition of “registrable goods”, as not all goods regulated under the Act will need to be registered; and
- (c) to make consequential amendments necessitated by the introduction of “regulated goods”.

Clause 4 repeals sections 11, 12 and 13 and re-enacts these, along with a new section 12A and new Subdivision headings.

The new section 11 empowers the Minister for the Environment and Water Resources (the Minister), after consultation with the National Environment Agency (the Agency), to prescribe goods as regulated goods for the purposes of Part III of the Act.

The new section 12 prohibits supplies of regulated goods in Singapore that do not comply with any of the requirements prescribed for the goods, and clarifies that the prohibition applies to supplies by a person to another person —

- (a) in the course of or in furtherance of the person’s trade or business; or
- (b) to further the other person’s trade or business (including where a parent company transfers machinery to its subsidiary for the latter’s use in its trade or business, whether with or without consideration).

The maximum fine for an offence under the new section 12 is also increased, as the section now covers regulated goods used in industries as well.

The requirements which may be prescribed are listed in the new section 12(4), with new requirements in addition to the ones currently applicable. In addition, the requirement of registration no longer applies to all goods regulated under the Act, but only those in respect of which registration is a prescribed requirement.

The new section 12(5) and (6) provides for exceptions to the prohibition against prohibited supplies of regulated goods.

The new section 12A re-enacts the prohibition in the current section 13(1), except that the prohibition now relates to regulated goods. The maximum fine for an offence under the new section 12A is also increased, as the section now covers regulated goods used in industries as well.

The new section 13 provides for matters relating to the registration of suppliers, and regulated goods required to be registered under the new section 12(4), similar to the current section 13(2), (4) and (5). The power to prescribe for matters such as the form and manner of the application for registration, and the information, documents and fees to accompany the application, will now be covered under section 78 (see clause 28).

Clause 5 amends section 15 to remove references to the form and manner of an application for the renewal of the registration of supplies and registered goods, and

the information, documents and fees to accompany the application, as the power to prescribe these matters will now be covered under section 78 (see clause 28).

Clause 6 amends section 16 to take into account the new requirements for regulated goods under the new section 12 (see clause 4).

Clause 7 makes various consequential amendments to section 17 following the introduction of “regulated goods” and the changes to section 13 *vide* clause 4.

Clause 8 repeals and re-enacts section 18 to remove references to the form and manner of keeping records, as the power to prescribe these matters (and the information to be contained in the records) will now be covered under section 78 (see clause 28), and to make other technical changes.

Clause 9 makes consequential amendments to section 19 following the introduction of the concept of “regulated goods”, and increases the maximum fine for an offence under the section, as the section now covers regulated goods used in industries as well.

Clause 10 —

- (a) makes a consequential amendment to section 20(a) following the changes to section 13 *vide* clause 4;
- (b) makes a technical amendment to the same provision to correct an incorrect cross-reference; and
- (c) increases the maximum fine for an offence under the section, as the section now covers regulated goods used in industries as well.

Clause 11 deletes the heading of Division 2 of Part III, and inserts a new Division heading and Subdivision heading.

Clause 12 amends the Act by inserting a new Subdivision heading above section 22.

Clause 13 amends section 23 to remove references to the prescription of the form and manner of making applications for the registration of registrable corporations, and the information, documents and fees to accompany the applications, as the power to prescribe these matters will now be covered under section 78 (see clause 28).

Clause 14 amends section 24(2) to empower the Director-General of Environmental Protection (the Director-General) to update the register of registered corporations, following the winding up or dissolution of a registered corporation.

Clauses 15 and 16 repeal sections 27, 28 and 29, and insert a new Division heading followed by new sections 26A, 26B, 26C, 27, 27A, 27B, 28 and 29, which provide for new energy management practices to be adopted by various persons in

addition to the ones currently required, and the keeping of records in connection with the practices.

Clause 17 makes consequential amendments to section 30 following the changes *vide* clauses 16 and 18.

Clause 18 repeals sections 31, 32 and 33 and inserts new sections 31, 31A, 31B, 32 and 33, a new Division heading and 2 new Subdivision headings.

The new section 31 extends the offence of making false statements, etc., to cover persons other than energy managers and includes further instances of falsification, required as a consequence of the new energy management practices introduced *vide* clauses 15 and 16.

The new section 31A makes provision for the preparation and submission of reports and plans required in connection with the energy management practices set out in the new sections 26A to 28.

The new section 31B empowers the Director-General to grant waivers from various obligations under section 12 and the new sections 26A to 30.

The new section 32 provides for the penalties for contraventions of various provisions in Divisions 2 and 3 of Part III.

The new section 33 extends the scope of the current powers of authorised officers to enter premises and exercise powers under sections 34, 35 and 36, as a consequence of the new energy management practices introduced *vide* clauses 15 and 16.

Clause 19 amends section 35 to extend the scope of the current powers of authorised officers to require information to be furnished and documents to be produced, as a consequence of the new energy management practices introduced *vide* clauses 15 and 16. The clause further makes provision for documents kept in electronic form.

Clause 20 repeals and re-enacts section 37 to extend the scope of persons required to provide reasonable facilities and assistance to the Director-General, any authorised officer and any person assisting the Director-General or authorised officer, as a consequence of the new energy management practices introduced *vide* clauses 15 and 16.

Clauses 21 to 26 amend sections 39 to 43 and 62 to provide for the change from the current Carbon Emissions-Based Vehicle Scheme (CEVS) to a Vehicular Emissions Scheme (VES). Currently, under the CEVS, only carbon dioxide is taken into consideration in determining the emissions level of a vehicle. The VES will take into consideration harmful pollutant emissions as well. Further, under the VES, labels on motor vehicles displayed for sale, and promotional materials and advertisements on motor vehicles for sale, must include information on the

vehicular emissions of the motor vehicle, in addition to information on the fuel economy of the motor vehicle.

Clause 27 amends section 74(3) to make it clear that the Minister may prescribe offences under provisions of the Act that have been repealed, as compoundable offences.

Clause 28 amends section 78(2) and inserts a new subsection (2A) to provide more comprehensively (but still without affecting the generality of section 78(1)) for the matters which regulations may provide for.

Clause 29 makes a related amendment to section 33 of the Environmental Protection and Management Act to insert new subsections (4A) and (4B) that provide that an applicant's failure to submit a report for a new venture as may be required under section 26A of the Act, for the approval of the Director-General, can affect the issuance to the applicant of a clearance certificate for the new venture under that section of the Environmental Protection and Management Act.

Clause 30 makes related amendments to section 11AA of the Road Traffic Act to provide for the change from the current CEVS to the VES.

Clause 31 provides for saving and transitional provisions.

## 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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