

# **Environmental Protection and Management (Amendment) Bill**

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**Bill No. 5/2011.**

*Read the first time on 14th February 2011.*

A BILL

*intituled*

An Act to amend the Environmental Protection and Management Act  
(Chapter 94A of the 2002 Revised Edition).

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 may be cited as the Environmental Protection and Management (Amendment) Act 2011 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of section 2

2. Section 2 of the Environmental Protection and Management Act (referred to in this Act as the principal Act) is amended —

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

10 ““motor vehicle” shall have the same meaning as in the Road Traffic Act (Cap. 276);” and

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

15 ““qualified person”, in relation to any industrial plant works referred to in section 33, means an appropriate qualified person appointed under section 8 or 11 of the Building Control Act (Cap. 29) in respect of building works which include industrial plant works;”.

### Amendment of section 3

20 3. Section 3(2) of the principal Act is amended by inserting, immediately after the words “Town Council”, the words “or any auxiliary police officer appointed as such under the Police Force Act (Cap. 235)”.

### Amendment of section 5

4. Section 5 of the principal Act is amended —

25 (a) by deleting the words “the Agency or” in subsection (1); and

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

30 “(3) No matter or thing done by the Director-General or by any authorised officer shall, if it were done with reasonable care and in good faith for the purpose of carrying out the provisions of this Act, subject him or such person personally to any liability whatsoever.”.

**Amendment of section 6**

5. Section 6 of the principal Act is amended —

- (a) by deleting the word “licence” in subsections (1) and (3) and substituting in each case the words “written permission”; and
- 5 (b) by deleting the word “Licence” in the section heading and substituting the words “Written permission”.

**Amendment of section 7**

6. Section 7 of the principal Act is amended —

- 10 (a) by deleting the word “licence” wherever it appears and substituting in each case the words “written permission”;
- (b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:
  - 15 “(2) An owner or occupier of scheduled premises to whom any written permission is granted shall comply with every condition imposed under subsection (1).
  - “(3) Any person who fails to comply with subsection (2) shall be guilty of an offence.”; and
- (c) by deleting the word “licence” in the section heading and substituting the words “written permission”.

**Amendment of section 8**

7. Section 8 of the principal Act is amended —

- 20 (a) by deleting the words “the written permission of” in subsection (1) and substituting the words “a permit granted by”; and
- 25 (b) by inserting, immediately after subsection (2), the following subsection:
  - “(3) Any person who contravenes subsection (1) shall be guilty of an offence.”.

**Amendment of section 9**

- 30 8. Section 9 of the principal Act is amended by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Any person who fails to comply with subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.”.

### **Amendment of section 13**

5 **9.** Section 13(1) of the principal Act is amended by deleting paragraph (d) and substituting the following paragraph:

“(d) to alter or cease the method of operation or process used in or on the premises to prevent, cease or reduce air pollution;”.

### 10 **Amendment of section 15**

**10.** Section 15 of the principal Act is amended —

(a) by deleting the word “licence” in subsections (1) and (3) and substituting in each case the words “written permission”; and

15 (b) by deleting the word “Licence” in the section heading and substituting the words “Written permission”.

### **Amendment of section 16**

**11.** Section 16(1) of the principal Act is amended by deleting the word “licence” and substituting the words “written permission”.

### **Amendment of section 22**

20 **12.** Section 22 of the principal Act is amended —

(a) by inserting, immediately after the word “import,” in subsections (1) and (2), the word “manufacture,”;

(b) by deleting the words “or (2)” in subsection (3); and

25 (c) by inserting, immediately after the word “importation” in the section heading, the word “, manufacture”.

### **Amendment of section 23**

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

(a) by inserting, immediately after the word “import,” in subsection (1), the word “manufacture,”;

- (b) by inserting, immediately after the word “importation,” in subsection (1)(a), the word “manufacture,”; and
- (c) by inserting, immediately after the words “with respect to” in the section heading, the words “importation, manufacture and”.

5 **Amendment of section 25**

**14.** Section 25 of the principal Act is amended —

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

10 “(1) If, in the opinion of the Director-General, any of the following items used, stored or kept in any premises is likely to threaten the health or safety of any person or to cause pollution of the environment, he may, by notice in writing, require the owner or occupier of any premises to remove the item to a disposal facility:

- 15 (a) any hazardous substance;
- (b) any material contaminated with a hazardous substance; or
- (c) any equipment, device or pipeline contaminated with a hazardous substance.”; and

- 20 (b) by deleting the words “hazardous substance stored or kept in the premises” in subsection (2) and substituting the words “item referred to in the notice”.

**Amendment of section 33**

25 **15.** Section 33 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) Any person who contravenes subsection (1) shall be guilty of an offence.”.

**Amendment of section 40C**

30 **16.** Section 40C of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) No person shall, in the course of any trade or business, supply any registrable goods in Singapore on or after the effective date unless the registrable goods —

- (a) are registered under section 40D(3);
- 5 (b) are labelled in the prescribed manner; and
- (c) meet such minimum energy efficiency standards as may be prescribed.”.

### **Amendment of section 40G**

17. Section 40G of the principal Act is amended —

- 10 (a) by deleting the word “or” at the end of subsection (2)(b);
- (b) by deleting paragraph (c) of subsection (2) and substituting the following paragraphs:
  - 15 “(c) if the registered supplier has been convicted of an offence under section 40C(2) for supplying registrable goods that do not meet the prescribed minimum energy efficiency standards; or
  - (d) in the event of such other occurrence or in such other circumstances as may be prescribed.”; and
- 20 (c) by inserting, immediately after paragraph (a) of subsection (3), the following paragraph:
  - “(aa) that the registered goods do not meet the prescribed minimum energy efficiency standards;”.

### **Amendment of section 40K**

25 18. Section 40K of the principal Act is amended by inserting, immediately after the words “section 40D(1)” in paragraph (a), the words “or renewal of the registration made under section 40F(5)”.

### **New section 44A**

19. The principal Act is amended by inserting, immediately after section 44, the following section:

**“Power to obtain information**

5       **44A.**—(1) The Director-General or an authorised officer may by notice in writing require any licensee or other person to furnish, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all documents and information relating to any matter which the Agency considers necessary to carry out the functions or duties of or assigned to the Agency by or under any provision of this Act, which are within the knowledge of that person or in his custody or under his control.

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

      (a) to require that person, or any person who is or was an officer or employee of his, to provide an explanation of the document or information;

15       (b) if the document or information is not furnished, to require that person to state, to the best of his 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 Agency in legible form.

20       (3) Any person who, without reasonable excuse, fails to do anything required of him by notice under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

25       (4) Any person who —

      (a) intentionally alters, suppresses or destroys any document or information which he has been required by a notice under subsection (1) to furnish; or

30       (b) in furnishing any document or information required under subsection (1), makes any statement which he knows to be false in a material particular or recklessly makes such a statement,

35       shall be guilty of an offence and 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.

(5) If any person fails to comply with a notice under subsection (1), the court may, on the application of the Agency, make such order as the court thinks fit to secure compliance with such notice and any such order may provide that all the costs or expenses of and incidental to the application shall be borne by such person or by any officer of a company or other association who is responsible for the failure.

(6) Where a notice under subsection (1) is issued in connection with investigations into a suspected offence under this Act, the Agency through an authorised officer may, at any time after the expiry of the period specified therein, enter any building or place where the Agency has reason to believe that any document or information, in respect of which it has given the notice, may be found, and seize or take extracts or copies of any such document or information.

(7) The Agency shall be entitled without payment to keep any document or information, or any copy or extract thereof, furnished to it under subsection (1) or obtained under subsection (6).”.

#### **Amendment of section 46**

**20.** Section 46 of the principal Act is amended by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Any expenses reasonably incurred by the Director-General under subsection (1) may be recovered from the person whose act or omission resulted in the emergency or the owner of the premises where the emergency originated, and section 51 and, if that person is the owner of the premises, section 53 shall apply in respect of those expenses.”.

#### **New section 50A**

**21.** The principal Act is amended by inserting, immediately after section 50, the following section:

##### **“Power to examine motor vehicles**

**50A.**—(1) Where the Director-General or any authorised officer has reason to suspect that an offence under this Act or the regulations made thereunder has been committed in connection with the use of a motor vehicle, the Director-General or authorised officer may —



- (a) examine the motor vehicle;
- (b) require the owner or driver of the motor vehicle to provide his name and address and such other proof of identity; and
- (c) order the owner or driver of the motor vehicle to produce the same for an examination of vehicle emissions at such time and place as may be specified.

(2) Any person who without reasonable excuse fails to comply with any requirement under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.”.

## 10 **Repeal and re-enactment of section 66**

**22.** Section 66 of the principal Act is repealed and the following section substituted therefor:

### **“Service of documents, etc.**

**66.**—(1) Subject to subsection (3), any notice, order or other document required or authorised to be given or served under this Act may be served —

- (a) in the case of an individual —
  - (i) by delivering it to the individual personally;
  - (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
  - (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;
  - (iv) by affixing a copy of the document in a conspicuous place at the usual or last known address of residence or business of the individual; or
  - (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Agency or an authorised officer by the individual as the

facsimile transmission number for the service of documents on the individual;

(b) in the case of a partnership other than a limited liability partnership —

- 5 (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
- (ii) by leaving it at, or by sending it by pre-paid registered post to, the principal or last known place of business of the partnership in Singapore; or
- 10 (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; and

(c) in the case of any limited liability partnership or any other

15 body corporate —

- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
- 20 (ii) by leaving it at, or by sending it by pre-paid registered post to, the registered office or principal office of the limited liability partnership or body corporate in Singapore; or
- 25 (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the limited liability partnership or body corporate in Singapore.

(2) Where any notice or other document to be served by the Agency or the Director-General is —

- 30 (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other
- 35 means) of a successful transmission to the place of residence

or business or registered office or principal office, as the case may be; and

(b) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, whether or not it is returned undelivered.

(3) Any notice, order or other document required or authorised by this Act to be served on the owner or occupier of any premises may be served by delivering it or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom it can with reasonable diligence be delivered, by affixing the notice, order or document to some conspicuous part of the premises.

(4) Any notice, order or other document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the owner or occupier of the premises without further name or description.

(5) This section shall not apply to notices, summonses and other documents to be served in proceedings in court.”.

## **Repeal and re-enactment of section 71**

**23.** Section 71 of the principal Act is repealed and the following section substituted therefor:

### **“Offences by bodies corporate, etc.**

**71.**—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any act or default on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Where an offence under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner; or

5 (b) to be attributable to any act or default on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

10 (4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

15 (5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

20 (b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

25 (6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

30 (a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

(b) 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, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in any such capacity;

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

(7) Regulations may provide for the application of any provision of this section, with such modifications as the Agency considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.”.

### **Amendment of Third Schedule**

**24.** The Third Schedule to the principal Act is amended —

(a) by inserting, immediately after item 21, the following item:

“21A. The restriction or prohibition of building works either generally or in specified areas during Saturdays, Sundays and public holidays (including between the hours of 10 pm on the eve of a public holiday and 7 am on the day after the public holiday) and between the hours of 12 midnight and 7 am on Mondays for the purpose of noise control.”; and

(b) by inserting, immediately after item 23A, the following item:

“23B. The prescribing of energy efficiency standards in relation to registrable goods, and the regulation of the labelling of registrable goods, for the purpose of facilitating energy conservation.”.

### **Savings and transitional provisions**

**25.**—(1) Every licence granted under section 6(1) of the principal Act in force immediately before the date of commencement of section 5 of this Act shall be deemed to be a written permission granted under section 6(1) of the principal Act as amended by this Act.

(2) Every licence granted under section 15(1) of the principal Act in force immediately before the date of commencement of section 10 of this Act shall be deemed to be a written permission granted under section 15(1) of the principal Act as amended by this Act.

(3) Any application that is made before the date of commencement of section 5 or 10 of this Act for a licence under section 6(1) or 15(1), respectively, of the principal Act in force immediately before that date and that is still pending on that date shall, as from that date, be deemed to be an application for a written permission under section 6(1) or 15(1), as the case may be, of the principal Act as amended by this Act.

(4) Every written permission granted under section 8(1) of the principal Act in force immediately before the date of commencement of section 7 of this Act shall be deemed to be a permit granted under section 8(1) of the principal Act as amended by this Act.

(5) Any application that is made before the date of commencement of section 7 of this Act for a written permission under section 8(1) of the principal Act in force immediately before that date and that is still pending on that date shall, as from that date, be deemed to be an application for a permit under section 8(1) of the principal Act as amended by this Act.

(6) Section 20 shall not apply to any expenses incurred in relation to an emergency occurring before the date of commencement of the section.

(7) Section 23 of this Act shall not apply to or in relation to an offence under the principal Act committed by a body corporate before the date of commencement of section 23, and section 71 of the principal Act in force immediately before the commencement of section 23 of this Act shall continue to apply in relation to such offence as if section 23 had not been enacted.

(8) Section 23 shall apply to or in relation to an offence under the principal Act committed by a partnership, limited liability partnership or unincorporated association on or after the date of commencement of that section.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Environmental Protection and Management Act (Cap. 94A) for the following main purposes:

- (a) to give the Director-General of Environmental Protection (the Director-General) certain new pollution control powers relating to cessation of work in premises and the removal of equipment contaminated with a hazardous substance;

- (b) to give the Director-General certain new enforcement powers relating to the examination of motor vehicles and the obtaining of documents and information required to carry out the functions and duties of the National Environment Agency (the Agency);
- (c) to empower the Agency to make regulations to control noise pollution by restricting or prohibiting building works during certain hours, and to prescribe energy efficiency standards for registrable goods; and
- (d) to make the non-compliance of certain provisions an offence.

Clause 1 relates to the short title and commencement.

Clause 2(a) amends section 2 to insert a new definition for the term “motor vehicle”. The term “motor vehicle” appears in new section 50A.

Clause 2(b) amends the definition of “qualified person” in section 2 to update the references to sections of the Building Control Act (Cap. 29).

Clause 3 amends section 3(2) to empower the Director-General to appoint auxiliary police officers as authorised officers for the purposes of the Act.

Clause 4(a) amends section 5(1) to remove the immunity of the Agency for works carried out in accordance with the Act and for the inspection, approval or certification of such works or plans of such works. Clause 4(b) amends section 5(3) to provide for the immunity of the Director-General or authorised officer for acts done with reasonable care and in good faith for the purpose of carrying out the provisions of the Act.

Clause 5 amends section 6 to change the nomenclature of the “licence” granted under the section to that of “written permission”, which more accurately describes the type of approval granted. Under section 32(13), a written permission is still a licence for the purposes of section 32.

Clause 6 amends section 7 to make a consequential change (arising from the amendment of section 6) to the nomenclature of the “written permission” granted under section 6 (which is referred to in section 7), and to insert new section 7(2) and (3) to make a failure to comply with the conditions imposed under section 7 (renumbered as section 7(1)) on a written permission for use of scheduled premises an offence.

Clause 7(a) amends section 8(1) to change the nomenclature of the “written permission” granted under the subsection to that of “permit”, which more accurately describes the type of approval granted. Under section 32(13), a permit is still a licence for the purposes of section 32. Clause 7(b) inserts a new section 8(3) which makes contravention of section 8(1) an offence.

Clause 8 inserts a new section 9(2) which makes a failure to comply with section 9 (renumbered as section 9(1)) an offence.

Clause 9 amends section 13(1)(d) to empower the Director-General to require, by notice in writing, an owner or occupier of any industrial or trade premises to alter or cease the method of operation or process used in or on the premises to prevent, cease or reduce air pollution.

Clause 10 amends section 15 to change the nomenclature of the “licence” granted under the section to that of “written permission”, which more accurately describes the type of approval granted. Under section 32(13), a written permission is still a licence for the purposes of section 32.

Clause 11 amends section 16(1) to make a consequential change (arising from the amendment of section 15) to the nomenclature of the “written permission” granted under section 15 (which is referred to in section 16(1)).

Clause 12(a) and (c) amends section 22(1) and (2) to include the manufacture of hazardous substances as an activity that is subject to the general prohibition and licensing requirement under the section. Clause 12(b) amends section 22(3) to remove the reference to section 22(2) which does not impose any obligation or prohibition on any person such that its non-compliance could be made an offence.

Clause 13 amends section 23(1) to expand the scope of the prohibition and regulation to cover the manufacture of hazardous substances as well.

Clause 14 amends section 25 to empower the Director-General, under certain circumstances, to require by notice in writing the owner or occupier of any premises to remove to a disposal facility, any hazardous substance, any material contaminated with a hazardous substance or any equipment, device or pipeline contaminated with a hazardous substance.

Clause 15 inserts a new section 33(1A) which makes contravention of section 33(1) an offence.

Clause 16 amends section 40C(1) to make it an offence for any person to supply any registrable goods which do not meet the minimum energy efficiency standards as may be prescribed.

Clause 17(a) and (b) amends section 40G(2) to empower the Director-General to revoke the registration of any registered supplier who has been convicted under section 40C(2) for supplying registrable goods that do not meet the prescribed minimum energy efficiency standards.

Clause 17(c) amends section 40G(3) to empower the Director-General to revoke the registration of any registered goods by a registered supplier if the Director-General is satisfied that the registered goods do not meet the prescribed minimum energy efficiency standards.

Clause 18 amends section 40K to make it an offence for any person to make or cause to be made a false or misleading statement or declaration in relation to an application for renewal of the registration of registered goods.

Clause 19 inserts a new section 44A to empower the Director-General or an authorised officer to obtain all documents or information reasonably required by the Agency to carry out its functions and duties under the Act and makes it an offence to fail to comply with this requirement or to intentionally alter, suppress or destroy information or to make false statements. Where a notice under the new section 44A(1) is issued in connection with investigations into a suspected offence under the Act, the new section 44A(6) empowers the Agency through an authorised officer to enter any



building or place where any document or information specified in the notice may be found, and to seize or take extracts or copies of such document or information.

Clause 20 inserts a new section 46(2) to empower the Director-General to recover reasonable expenses incurred in the execution of any work or doing of any act under section 46 (renumbered as section 46(1)) in the case of an emergency, from the person whose act or omission resulted in the emergency or the owner of the premises where the emergency originated.

Clause 21 inserts a new section 50A to empower the Director-General or an authorised officer, where there is reason to suspect that an offence under the Act or regulations has been committed in connection with the use of a motor vehicle, to examine the motor vehicle, to order the production of the motor vehicle for an examination of vehicle emissions, and to obtain the particulars of the owner or driver of such vehicle.

Clause 22 repeals and re-enacts section 66 to update the provisions for modes of service of notices, orders or other documents given or served under the Act. The new section 66 shall not apply to notices, summonses and other documents to be served in proceedings in court.

Clause 23 repeals and re-enacts section 71 to provide for the liability of officers, partners and like persons for an offence under the Act committed by a body corporate, partnership, limited liability partnership or unincorporated association. It is not necessary for the body corporate, partnership, limited liability partnership or unincorporated association to have been first convicted before the officers, partners and like persons may be prosecuted for the same offence.

Clause 24(a) amends the Third Schedule to insert a new item 21A to empower the Agency, with the approval of the Minister, to make regulations restricting or prohibiting building works to be carried out during Saturdays, Sundays, public holidays (extending from 10 pm on the eve of a public holiday to 7 am on the day after the public holiday) and between the hours of 12 midnight and 7 am on Mondays for the purpose of noise control.

Clause 24(b) amends the Third Schedule to insert a new item 23B to empower the Agency, with the approval of the Minister, to make regulations to prescribe energy efficiency standards for registrable goods, and for the labelling of registrable goods, for the purpose of facilitating energy conservation.

Clause 25 contains savings and transitional provisions.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

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