

Environmental Public Health (Amendment) Bill

Bill No. 3/2014.

Read the first time on 20th January 2014.

A BILL

i n t i t u l e d

An Act to amend the Environmental Public Health Act (Chapter 95 of the 2002 Revised Edition) and to make a related amendment to the National Environment Agency Act (Chapter 195 of the 2003 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 Public Health (Amendment) Act 2014 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 Public Health Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “authorised officer”, the following definitions:

10 ““basic rate of pay” means the total amount of money (including wage adjustments and increments) to which an employee is entitled under his contract of service for working for one month, but does not include —

15 (a) additional payments by way of overtime payments;

(b) additional payments by way of bonus payments or annual wage supplements;

20 (c) any sum paid to the employee to reimburse him for special expenses incurred by him in the course of his employment;

(d) productivity incentive payments; and

(e) any allowance however described;

25 “basic wage” means wage calculated at the basic rate of pay for one month;”;

(b) by inserting, immediately after the definition of “building”, the following definitions:

30 ““cleaner” means an individual who is engaged, whether as a full-time employee, part-time employee or casual employee and whether or not at piece rates —

(a) to perform cleaning work for a person other than his employer; or

(b) to supervise other individuals performing cleaning work for a person other than his employer, whether or not the individual is known as a supervisor or leader or by any other title,

5

and includes any individual who is declared by the Minister, by notification in the *Gazette*, to be a cleaner;

10

“cleaning business” means a business, whether or not the business is carried on for profit, in which a person provides cleaning work to other persons through the services of cleaners engaged or employed by that person;

15

“cleaning business licence” means a licence granted under section 80G(1);

“cleaning contract”, in relation to a person, means a contract for the provision of cleaning work to other persons by cleaners who are engaged or employed by the person;

20

“cleaning work” means work carried out in Singapore that has, as its main or only component, the bringing of premises or any public place into, or keeping of premises or any public place in, a clean condition, and includes supervising the carrying out of such work but excludes any work that the Minister declares, by notification in the *Gazette*, not to be cleaning work;

25

30

“Commissioner for Labour” means the Commissioner for Labour appointed under section 3(1) of the Employment Act (Cap. 91);”;

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

35

““public park” has the same meaning as in section 2 of the Parks and Trees Act (Cap. 216);”;

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

5 ““specified amount” means the amount that is specified in an order made by the Commissioner for Labour under section 80H(2);” and

10 (e) by inserting, immediately after the definition of “waste disposal licensee”, the following definition:

““waterway” means a navigable river, conduit or drain;”.

Amendment of sub-heading to Part III

15 **3.** The principal Act is amended by inserting, immediately after the words “*Cleaning of Streets*” in the sub-heading above section 5, the word “, etc.”.

Amendment of section 5

4. Section 5 of the principal Act is amended —

20 (a) by inserting, immediately after the words “the footways thereof,”, the words “and public parks, beaches, foreshores, canals, waterways and unoccupied State land,”;

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

25 “(2) Nothing in subsection (1) shall derogate from the effect of any other written law.”; and

(c) by inserting, immediately after the words “public streets” in the section heading, the word “, etc.”.

Amendment of section 17

30 **5.** Section 17 of the principal Act is amended by inserting, immediately after subsection (3), the following subsections:

“(4) Where the driver or a passenger of a motor vehicle is alleged or suspected to be guilty of an offence under this section —

(a) the owner of the motor vehicle shall give such information as he may be required to give by a police officer or an authorised officer as to the identity and address of the person who, at or about the time of the alleged offence, was the driver or a passenger of the motor vehicle; and

(b) any other person who was or should have been in charge or in control of the motor vehicle at or about the time of the alleged offence shall, if so required, give any information which it is in his power to give and which may lead to the identification of the driver and passengers.

(5) Where an offence under this section is alleged or suspected to be in connection with throwing, dropping or scattering of refuse or any other matter or thing from a flat used for residential purpose (including a flat which is leased for residential purpose) —

(a) any owner of that flat shall give such information as he may be required to give by a police officer or an authorised officer as to the identity of every person who, at or about the time of the alleged offence, was an occupier of that flat; and

(b) any occupier of that flat at or about the time of the alleged offence, or any owner of that flat in the case where that flat was unoccupied at or about that time, shall, if so required, give any information which it is in his power to give and which may lead to the identification of the alleged offender.

(6) Any person who, without reasonable excuse, fails to comply with subsection (4) or (5) within 14 days after the date on which the information was required from him shall be guilty of an offence.

(7) A person is not excused from giving any information required of him by subsection (4) or (5) on the ground that the disclosure of the information might tend to incriminate the person.”.

5 **Amendment of section 19**

6. Section 19 of the principal Act is amended —

- (a) by deleting the words “the person who was driving the motor vehicle at or about the time of the alleged offence” in subsection (3)(b)(i) and substituting the words “the person who, at or about the time of the alleged offence, was the driver of the motor vehicle”;
- (b) by inserting, immediately after the words “in charge or in control of the motor vehicle” in subsection (3)(b)(ii), the words “at or about the time of the alleged offence”; and
- 15 (c) by deleting subsection (4) and substituting the following subsections:

“ (4) Any person who, without reasonable excuse, fails to comply with subsection (3)(b) within 14 days after the date on which the information was required from him shall be guilty of an offence.

(5) A person is not excused from giving any information required of him by subsection (3)(b) on the ground that the disclosure of the information might tend to incriminate the person.”.

25 **Amendment of section 20**

7. Section 20 of the principal Act is amended by inserting, immediately after subsection (1), the following subsections:

“ (1A) Where the driver or a passenger of a motor vehicle is alleged or suspected to be guilty of an offence under this section —

- (a) the owner of the motor vehicle shall give such information as he may be required to give by a police officer or an authorised officer as to the identity and

address of the person who, at or about the time of the alleged offence, was the driver or a passenger of the motor vehicle; and

- (b) any other person who was or should have been in charge or in control of the motor vehicle at or about the time of the alleged offence shall, if so required, give any information which it is in his power to give and which may lead to the identification of the driver and passengers.

(1B) Any person who, without reasonable excuse, fails to comply with subsection (1A) within 14 days after the date on which the information was required from him shall be guilty of an offence.

(1C) A person is not excused from giving any information required of him by subsection (1A) on the ground that the disclosure of the information might tend to incriminate the person.”.

Amendment of section 21

8. Section 21(1) of the principal Act is amended —

- (a) by deleting “\$1,000” in paragraph (c)(i) and substituting “\$2,000”;
- (b) by deleting “\$2,000” in paragraph (c)(ii) and substituting “\$4,000”; and
- (c) by deleting “\$5,000” in paragraph (c)(iii) and substituting “\$10,000”.

Repeal of section 27

9. Section 27 of the principal Act is repealed.

New sub-heading to Part III and section 30A

10. The principal Act is amended by inserting, immediately after section 30, the following sub-heading and section:

5

10

15

20

25

30

*“General***Furnishing of information and keeping, etc., of records on waste and submission of waste reduction plan**

5 **30A.**—(1) The Director-General may, by notice in writing from time to time, require any owner, occupier or lessee of a work place to do all or any of the following:

10 (a) to furnish the Director-General with any information on the amount, type and nature of any waste produced in that work place and such other particulars as may be specified in the notice;

 (b) to keep and maintain records containing such information on any waste produced in that work place as may be specified in the notice and retain those records for such period as may be specified in the notice;

15 (c) to submit to the Director-General any waste reduction plan for such period and containing information on the targets for waste reduction, measures to reduce waste and the progress of any waste reduction measure contained in any waste reduction plan previously submitted to the Director-General, and such other
20 particulars relating to waste reduction, as may be specified in the notice.

 (2) Any person who fails to comply with any notice under subsection (1) shall be guilty of an offence and shall be liable on
25 conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.”.

New sections 31A to 31D

30 **11.** The principal Act is amended by inserting, immediately after section 31, the following sections:

“Special administration order, etc., made on application by Agency

31A.—(1) If, on an application made to the Minister by the Agency, the Minister is satisfied, in relation to any public waste collector licensee, that any one or more of the grounds specified in subsection (2) is satisfied, the Minister may make any one or more of the following orders:

- (a) a special administration order in relation to that public waste collector licensee;
- (b) an order requiring the public waste collector licensee immediately to take action or to do or not to do any act or thing in relation to that part of its business or undertaking to which its licence relates as the Minister may consider necessary;
- (c) an order appointing a person to advise the public waste collector licensee on the proper conduct of that part of its business or undertaking to which its licence relates.

(2) The grounds referred to in subsection (1) are —

- (a) there has been, is or is likely to be, a contravention by the public waste collector licensee of the conditions of its licence that is serious enough to make it inappropriate for the public waste collector licensee to continue to be designated a public waste collector licensee;
- (b) the public waste collector licensee is or is likely to be unable to pay its debts;
- (c) a public emergency has occurred;
- (d) the Minister considers it in the interest of the security and reliability of waste collection and removal services to the public; or
- (e) the Minister otherwise considers it in the public interest.

(3) Notice of any application under subsection (1) shall be given immediately by the Agency to such persons and in such manner as may be determined by the Agency.

(4) Any order made by the Minister under subsection (1) must be published in such manner as will secure adequate publicity.

(5) Any decision of the Minister under subsection (1) shall be final.

(6) For the purposes of this section, in the case of a public waste collector licensee which is a company, the public waste collector licensee is unable to pay its debts if it is deemed to be unable to pay its debts under section 254(2) of the Companies Act (Cap. 50).

Meaning and effect of special administration orders

31B.—(1) A special administration order is an order of the Minister made in accordance with section 31A directing that, during the period for which the order is in force, the affairs, business and property of the public waste collector licensee shall be managed directly or indirectly by the Agency —

(a) for securing one or more of the purposes of such an order set out in subsection (2); and

(b) in a manner which protects the respective interests of the members, creditors and customers of that public waste collector licensee.

(2) The purposes referred to in subsection (1)(a) are —

(a) the security and reliability of the supply of waste collection and removal services in any specified area to the public;

(b) the survival of the public waste collector licensee, or the whole or part of its business for which it is authorised by its licence to carry on, as a going concern;

(c) the transfer to another person, or (as respects different parts of its undertaking) to 2 or more different persons, as a going concern, of so much of the public waste collector licensee's undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the public waste collector licensee by virtue of its licence may be properly carried out; or

- (d) the carrying out of those functions and duties which have been vested in the public waste collector licensee pending the making of the transfer and the vesting of those functions and duties in other person or persons.

(3) The Minister may, by rules published in the *Gazette*, give effect to this section and section 31A, including making provision for applying, omitting or modifying provisions of Part VIIIA of the Companies Act where a special administration order is made.

Remuneration and expenses of Agency and others

31C.—(1) Where a special administration order has been made under section 31A(1)(a), the Agency may, at any time, whether or not the order is still in force, fix the remuneration and expenses to be paid by the public waste collector licensee to the Agency.

(2) The Agency may, at any time, fix the remuneration and expenses to be paid by a public waste collector licensee to any person appointed by the Minister under section 31A(1)(c), whether or not the appointment of the person has terminated.

Restrictions on voluntary winding up, etc.

31D.—(1) Notwithstanding the provisions of any other written law —

- (a) a public waste collector licensee shall not be wound up voluntarily without the consent of the Agency;
- (b) no judicial management order under Part VIIIA of the Companies Act shall be made in relation to a public waste collector licensee;
- (c) no step shall be taken by any person to enforce any security over a public waste collector licensee's property, except where that person has served on the Agency 14 days' notice of the person's intention to take that step; and
- (d) no step shall be taken by any person to execute or enforce a judgment or an order of court obtained against

a public waste collector licensee, except where that person has served on the Agency 14 days' notice of the person's intention to take that step.

(2) The Agency shall be a party to any proceedings under the Companies Act relating to the winding up of the affairs of a public waste collector licensee.”.

New section 41A

12. The principal Act is amended by inserting, immediately after section 41, the following section:

“Penalties for offences under this Part

41A.—(1) Any person who contravenes section 32(1), 33, 34(1), 35, 36, 37(5), 38(1), 39(1) or (2), 40(1) or (9) or 41(1) shall be guilty of an offence and —

(a) in the case of any contravention of section 33, 34(1), 37(5), 39(2) or 41(1) —

(i) the person shall be liable on conviction to a fine not exceeding \$5,000; and

(ii) where the person is a repeat offender, the person shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) in the case of any contravention of section 32(1), 35, 36, 38(1), 39(1) or 40(1) or (9) —

(i) the person shall be liable on conviction to a fine not exceeding \$10,000; and

(ii) where the person is a repeat offender, the person shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) For the purposes of subsection (1), a person is a repeat offender in relation to an offence under subsection (1) if the person who is convicted, or found guilty, of an offence under that subsection (referred to as the current offence) for contravening

section 32(1), 33, 34(1), 35, 36, 37(5), 38(1), 39(1) or (2), 40(1) or (9) or 41(1) —

- (a) has been convicted or found guilty on at least one other earlier occasion of an offence under that subsection for contravening the same provision as the current offence; 5
or
- (b) has (whether before, on or after the date of commencement of section 12 of the Environmental Public Health (Amendment) Act 2014) been convicted or found guilty on at least one other earlier occasion of 10
an offence under section 42(1) in force immediately before that date for contravening the same provision as the current offence.”.

Amendment of section 42

13. Section 42 of the principal Act is amended — 15

- (a) by deleting the words “shall be guilty of an offence and” in subsection (1);
- (b) by deleting the words “and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$4,000 or to imprisonment for a term not exceeding 3 months or to both” 20
in subsection (1); and
- (c) by deleting the words “under subsection (1)” in subsections (14), (17) and (18) and substituting in each case the words “under section 41A(1)”. 25

Amendment of section 62

14. Section 62 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(2A) Notwithstanding subsection (2), where a construction site has more than one occupier, the Director-General may, by 30
notice in writing, require the developer of that construction site to employ a competent person to act as an Environmental Control Officer in that construction site, and the developer shall ensure

that an Environmental Control Officer is so employed until the completion of the works in that construction site.”.

New section 80A and new Part IXA

15 **15.** The principal Act is amended by inserting, immediately after
5 section 80, the following section and Part:

“Penalty for offence under this Part

10 **80A.** Any person who contravenes any of the provisions of this Part shall be guilty of an offence and 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 \$1,000 for every day or part thereof during which the offence continues after conviction.

PART IXA

GENERAL CLEANING INDUSTRY

Purpose of this Part

15 **80B.** The purpose of this Part is to regulate and upgrade cleaning standards and productivity in the cleaning industry in Singapore by licensing cleaning businesses with requirements for the training of cleaners and the payment of progressive wages to cleaners that ensure a more engaged cleaning workforce and
20 the retention of a core of resident cleaners.

Non-application of sections 99 and 103

80C.—(1) Section 99 shall not apply to or in relation to any cleaning business licence.

25 (2) Section 103 shall not apply to the contravention of any provision of this Part.

Carrying on cleaning business without cleaning business licence prohibited

30 **80D.**—(1) No person shall carry on a cleaning business in Singapore, except under and in accordance with a cleaning business licence that is in force.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction. 5

(3) In this section, a person is presumed, until the contrary is proved, to be carrying on a cleaning business if the person, directly or indirectly, charges or receives any fee or reward for providing cleaning work to other persons, or undertakes for a fee or reward to provide cleaning work to other persons, as follows: 10

(a) by contract of service, the person employs 2 or more individuals as cleaners to perform the cleaning work;

(b) the person, having —

(i) to achieve a stated result or outcome; and 15

(ii) to supply all or substantially all of the plant or equipment or the tools of trade needed to perform the cleaning work,

by contract (whether or not a contract of service) engages 2 or more individuals to perform the cleaning work; or 20

(c) being a principal contractor, the person engages by contract (other than a contract of service) any person referred to in paragraph (a) or (b) to provide cleaning work to other persons. 25

Offence to engage unlicensed persons

80E.—(1) Where —

(a) a person (referred to in this section as A) enters into or renews any contract (other than a contract of service) with another person (referred to in this section as B) for cleaning work to be performed by cleaners engaged or employed by B on premises or any public place owned, occupied or managed by A; and 30

(b) B does not hold a valid cleaning business licence as required by section 80D,

then, whether or not any criminal proceedings are instituted against B, A shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(2) In any proceedings for an offence under subsection (1), it shall be a defence for A to prove, on a balance of probabilities, that he did not know and could not reasonably have been expected to know that B did not hold a valid cleaning business licence as required by section 80D.

Application for cleaning business licence

80F.—(1) Every application for a cleaning business licence shall —

(a) be made to the Director-General in such form and manner as the Director-General may require; and

(b) be accompanied by —

(i) the prescribed application fee (if any);

(ii) a progressive wage plan in respect of the applicant's cleaning business that is in conformity with section 80G(5); and

(iii) such other particulars, information and documents as the Director-General may require.

(2) The applicant shall, at the request of the Director-General, provide any further information or evidence that the Director-General may require to decide the application.

(3) Any person who, in relation to any application for the grant or renewal of a cleaning business licence, submits a false document or makes a statement which is false or misleading in any material particular shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the

case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Grant or refusal of cleaning business licence

80G.—(1) The Director-General may grant or refuse to grant a cleaning business licence in accordance with this Part, and in every case he must notify the applicant in writing of his decision.

(2) There shall be charged for the grant of any cleaning business licence such fee, if any, as may be prescribed.

(3) No applicant for, or holder of, a cleaning business licence shall be entitled to any refund of any fee paid in respect of any application for or grant of a cleaning business licence.

(4) Subject to the provisions of this Part, an applicant shall be eligible for a cleaning business licence if —

(a) the applicant is a company registered under the Companies Act, a limited liability partnership registered under the Limited Liability Partnerships Act (Cap. 163A), a sole proprietorship or firm registered under the Business Registration Act (Cap. 32), a society registered under the Societies Act (Cap. 311) or an entity having such business or corporate structure as may be prescribed;

(b) the applicant satisfies the Director-General that —

(i) the applicant has, during the prescribed period before the date of the applicant's application, performed or started performing no fewer than the prescribed minimum number of cleaning contracts; or

(ii) in the case where the applicant does not satisfy the requirement in sub-paragraph (i) in relation to the cleaning contracts, the applicant has at least one officer or employee who has not less than the prescribed minimum number of years of practical experience in supervising cleaning work or who

has been conferred such qualification or certificate relating to cleaning work as may be prescribed;

(c) the progressive wage plan in respect of its cleaning business submitted by the applicant is in conformity with subsection (5);

(d) in the case of an applicant who has one or more cleaners in the applicant's employ at the time of the application, the applicant satisfies the Director-General that the prescribed proportion of the cleaners the applicant employs have attended the prescribed training and at the prescribed frequency; and

(e) the applicant satisfies such other requirements as may be prescribed.

(5) Every progressive wage plan in respect of a cleaning business of a licensee or an applicant for a cleaning business licence must —

(a) relate to every citizen or permanent resident of Singapore the licensee or applicant employs or proposes to employ as a cleaner in its cleaning business;

(b) specify the basic wage payable to every cleaner in paragraph (a) that is on an increasing scale depending on seniority, responsibilities, cleaning work experience and training received; and

(c) specify an amount as the basic wage for each class of cleaners in paragraph (a) that is not less than the amount specified under section 80H(2) for that class.

(6) The Director-General may, if he thinks fit, in any particular case waive any (but not all) of the requirements of subsection (4).

(7) Any person who is aggrieved by the decision of the Director-General refusing to grant the person a cleaning business licence may, within 14 days after the person is notified of that decision, appeal to the Minister whose decision shall be final.

(8) In subsection (4)(b)(ii), “officer” —

- (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate; 5
- (b) in relation to a partnership, means any partner;
- (c) in relation to a sole proprietorship, means the sole proprietor; or
- (d) in relation to a society, means any member of the committee of the society. 10

Conditions of cleaning business licence

80H.—(1) Every cleaning business licence shall be deemed to be granted subject to the following conditions:

- (a) the holder of a cleaning business licence (referred to in this Part as a licensee) shall keep such records relating to the licensee’s cleaning business, and retain the records for such period, as may be prescribed; 15
- (b) the licensee —
 - (i) shall ensure that each cleaner the licensee employs attends such training as may be specified by the Director-General whenever the Director-General requires that cleaner to attend such training; and 20
 - (ii) shall keep training records of each cleaner the licensee employs in such manner, containing such particulars and for such period as may be prescribed; 25
- (c) for each cleaner the licensee employs, the licensee shall enter into a contract of service in writing;
- (d) for every contract of service entered into between the licensee and a cleaner who is a citizen or permanent resident of Singapore, the contract must — 30

(i) provide for payment to that cleaner of a basic wage that is not less than the amount specified under subsection (2) for the class of cleaners to which that cleaner belongs; and

(ii) contain terms not inconsistent with the requirements in section 80G(5) for the progressive wage plan in respect of that licensee's cleaning business;

(e) the licensee shall issue to each cleaner the licensee employs a pay slip containing such particulars of that cleaner's basic wage and such other payment received by that cleaner from the licensee, and at such frequency, as may be prescribed; and

(f) in the case where the licensee was required to satisfy the requirement in section 80G(4)(b)(ii) in respect of the grant of the cleaning business licence, the licensee shall ensure that at all times at least one of the licensee's officers or employees has the practical experience, qualification or certificate referred to in section 80G(4)(b)(ii).

(2) The Commissioner for Labour shall, by order, specify the amount for the purposes of subsection (1)(d) and when the specified amount takes effect, and he may specify different specified amounts for or in respect of different classes of cleaners and may, from time to time, vary any amount so specified.

(3) In making an order under subsection (2), the Commissioner for Labour shall consider the recommendations by the Tripartite Cluster for Cleaners on remuneration for cleaners, if any.

(4) The Commissioner for Labour must publish every order he makes under subsection (2) in any way he thinks appropriate to bring the order to the notice of persons who in his opinion ought to have notice thereof, except that failure to comply with this subsection in respect of any order shall not invalidate the order.

(5) A specified amount shall take effect for the purposes of this Part notwithstanding that the basic wage that would have been

payable to a cleaner under any collective agreement as defined in section 2 of the Industrial Relations Act (Cap. 136) is lower than the specified amount.

(6) The Director-General may, by notice in writing to licensees, postpone the effective date of any specified amount (or any variation of that amount) —

(a) in relation to cleaners employed (whether or not exclusively) to carry out or supervise the carrying out of cleaning work under any cleaning contract entered into by licensees before the date on which the specified amount otherwise takes effect; and

(b) in any case where the Commissioner for Labour varies the specified amount, in relation to cleaners employed (whether or not exclusively) to carry out or supervise the carrying out of cleaning work under any cleaning contract entered into by licensees before the variation otherwise takes effect.

(7) The Director-General may, if he thinks fit, waive any (but not all) of the conditions specified in subsection (1) in any particular case.

(8) Subject to subsection (10), the Director-General may impose such other conditions on a cleaning business licence as he thinks fit, being conditions which are not inconsistent with those specified in subsection (1).

(9) Subject to subsection (10), the Director-General may, at any time, add to, vary or revoke any condition of a cleaning business licence imposed under subsection (8), except that any addition or variation must also not be inconsistent with any condition specified in subsection (1).

(10) Before imposing any condition under subsection (8) or making any modification to any condition of a cleaning business licence under subsection (9), the Director-General shall give notice to the licensee concerned —

(a) of the terms of the proposed condition or modification; and

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

(11) Upon receipt of any written representation referred to in subsection (10)(b), the Director-General shall consider the representation, and may reject the representation or amend the proposed condition or modification in accordance with the representation or otherwise, and in either event shall thereupon issue a direction in writing to the licensee concerned, requiring that effect be given within a reasonable time to the proposed condition or modification specified in the notice under subsection (10) or to such condition or modification as subsequently amended by the Director-General.

(12) In this section —

“officer”, in relation to a licensee referred to in subsection (1)(f), has the same meaning as in section 80G(8);

“Tripartite Cluster for Cleaners” means the body, comprising the representatives from employers, the trade unions of employees, and the Government, which is responsible for making recommendations on progressive wages for cleaners.

Form and validity of cleaning business licence

80I.—(1) Every cleaning business licence —

- (a) shall be in such form as the Director-General may determine;
- (b) shall contain the conditions subject to which it was granted;
- (c) shall be valid for the period stated therein unless it is earlier revoked under section 80J; and
- (d) may be renewed upon its expiry.

(2) Sections 80F, 80G and 80H shall apply, with the necessary modifications, to the renewal and an application for the renewal of a cleaning business licence.

Revocation and suspension of cleaning business licence

80J.—(1) Subject to subsections (3) and (4), the Director-General may by order revoke any cleaning business licence if he is satisfied that —

- (a) the licensee has ceased to carry on a cleaning business in Singapore;
- (b) the licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction;
- (c) the licensee no longer satisfies the requirements for a cleaning business licence referred to in section 80G(4)(a);
- (d) the licensee had, in connection with the application for the grant or renewal of its cleaning business licence, furnished false or misleading information in a material particular, or its cleaning business licence had been obtained by fraud or misrepresentation;
- (e) a circumstance which the Director-General becomes aware of would have required or permitted the Director-General to refuse to grant or renew the licensee's cleaning business licence, had the Director-General been aware of the circumstance immediately before granting or renewing the cleaning business licence;
- (f) any part of the progressive wage plan in respect of the licensee's cleaning business is not in conformity with section 80G(5);
- (g) the licensee has contravened any requirement or other provision of this Part or has been convicted of an offence under this Part;

(*h*) the licensee has, on or after the date of commencement of section 15 of the Environmental Public Health (Amendment) Act 2014, contravened any requirement or provision of Part III of the Employment Act (Cap. 91) relating to the payment of salary, or has been convicted of an offence under Part III of the Employment Act relating to the payment of salary, of any of its employees, whether or not cleaners;

(*i*) the licensee has failed to comply with any notice, direction or order issued under this Part by the Director-General or any authorised officer;

(*j*) the licensee has failed to pay any fine for any offence under this Part, or any financial penalty, charge or fee charged or imposed under this Part;

(*k*) the licensee has failed to comply with any condition of its cleaning business licence that is not waived under section 80H(7); or

(*l*) it is in the public interest to revoke the cleaning business licence.

(2) Subject to subsection (3), where the Director-General considers that one or more events referred to in subsection (1) have occurred, but the event or events are not of sufficient gravity to revoke a cleaning business licence, the Director-General may by order —

(*a*) suspend the cleaning business licence for such period of time (not exceeding 6 months) as the Director-General thinks fit; or

(*b*) impose such other directions or restrictions as the Director-General considers appropriate on the licensee's cleaning business in Singapore.

(3) The Director-General shall not exercise his powers under subsection (1) or (2) unless an opportunity of being heard (whether in writing or otherwise) had been given to the licensee against whom the Director-General intends to exercise his powers, being a period of not less than 3 days and not more

than 14 days, after the Director-General informs the licensee of such intention.

(4) In addition, the Director-General shall not exercise his powers under subsection (1) or (2) in relation to a licensee for failing to comply with the licence condition referred to in section 80H(1)(d) unless the Director-General has first consulted the Commissioner for Labour.

5

(5) Where the Director-General has by order revoked a cleaning business licence under subsection (1) or made any order under subsection (2) in respect of a cleaning business licence, he must, without delay, serve on the licensee concerned a notice of his order.

10

(6) Subject to subsections (7) and (8), an order under subsection (1) or (2) by the Director-General revoking or suspending a cleaning business licence or imposing restrictions on the licensee's cleaning business shall not take effect until the expiration of 14 days after the notice under subsection (5) has been served on the licensee.

15

(7) Any licensee or former licensee who is aggrieved by any order of the Director-General revoking or suspending its cleaning business licence or imposing directions or restrictions on its cleaning business may, within 14 days after the notice under subsection (5) has been served on the licensee or former licensee, appeal to the Minister whose decision shall be final.

20

(8) Where the licensee or former licensee concerned has appealed under subsection (7) to the Minister against any order of the Director-General under subsection (1) or (2), the order shall not take effect until it is confirmed by the Minister or the appeal is for any reason dismissed by the Minister or withdrawn.

25

(9) Where an order of revocation or suspension of a cleaning business licence becomes effective, the licensee or former licensee concerned shall cease to carry on cleaning business in Singapore except to the extent allowed by the Director-General.

30

(10) Subsection (9) shall not prejudice the enforcement by any person of any right or claim against the licensee or former

35

licensee concerned or by the licensee or former licensee concerned against any person.

Financial penalty

80K.—(1) Without prejudice to section 80J, where a licensee fails to comply with any condition of its cleaning business licence including any modification to any condition made by the Director-General under section 80H(9), the Director-General may, in lieu of or in addition to revocation or suspension of its cleaning business licence or imposition of directions or restrictions on the licensee's cleaning business under section 80J, impose a financial penalty of such amount, not exceeding \$5,000, as the Director-General thinks fit.

(2) The Director-General shall not exercise his powers under subsection (1) in relation to a licensee for failing to comply with the licence condition referred to in section 80H(1)(d) unless the Director-General has first consulted the Commissioner for Labour.

(3) Any licensee or former licensee who is aggrieved by the imposition of any financial penalty by the Director-General under subsection (1) may, within 14 days after the notice of such imposition has been served on the licensee or former licensee, appeal to the Minister whose decision shall be final.

(4) Any financial penalty imposed on any person under this section —

(a) shall be collected, and may be sued for and recovered, by the Agency;

(b) shall be deemed to be a debt due to the Government for the purposes of section 127 of the Bankruptcy Act (Cap. 20) and section 10 of the Government Proceedings Act (Cap. 121); and

(c) shall be paid into the Consolidated Fund upon such collection or recovery,

and that person's liability to pay shall not be affected by its cleaning business licence ceasing, for any reason, to be in force.

(5) The Director-General may, in any case in which he thinks fit, waive, remit or refund in whole or in part any financial penalty imposed under this section.

(6) In any proceedings for the recovery of any financial penalty which any person is liable to pay, a certificate purporting to be under the hand of the Director-General certifying the amount of the financial penalty that is payable by the person shall be prima facie evidence of the facts stated therein.

Changes to information submitted

80L. Every licensee of a cleaning business licence shall notify the Director-General of any change to —

- (a) information contained in the licensee's application for the grant or renewal of its cleaning business licence or any document accompanying the licensee's application;
- (b) particulars of any progressive wage plan submitted by the licensee under section 80F; or
- (c) information the licensee submitted to the Director-General for the purposes of the licensee's application for the grant or renewal of its cleaning business licence,

no later than 14 days after the date of the change.

Monitoring powers

80M.—(1) Subject to subsection (2), the Director-General or any authorised officer appointed under section 3(2) may, for the purposes of the execution of this Part, by notice in writing —

- (a) require a licensee to produce such records, accounts and documents kept by the licensee in relation to its cleaning business within such reasonable time as may be specified in the notice;
- (b) inspect, examine and make copies of any such records, accounts and documents so produced; and

(c) make such inquiry as may be necessary to ascertain whether the provisions of this Part are complied with.

5 (2) Where the Director-General or any authorised officer appointed under section 3(2) has received information or has reasonable cause to believe that an offence under this Part or a failure to comply with any condition of a cleaning business licence has occurred, or is occurring or about to occur, the Director-General or authorised officer may exercise all or any of the powers referred to in subsection (1) without having to issue
10 any notice in writing.

(3) Where any such records, accounts and documents as are mentioned in subsection (1) are kept in electronic form —

15 (a) the power of the Director-General or authorised officer in subsection (1)(a) to require any such records, accounts or documents to be produced for inspection includes power to require a copy of the records, accounts or documents to be made available for inspection in legible form and subsection (1)(b) shall accordingly apply in relation to any copy so made available; and

20 (b) the power of the Director-General or authorised officer under subsection (1)(b) to inspect any such records, accounts or documents includes power to require any person on the premises in question to give the Director-General or authorised officer such assistance
25 as the Director-General or authorised officer may reasonably require to enable him to inspect and make copies of the records, accounts or documents in legible form or to make records of information contained in them.

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

Register of licensees

80N.—(1) The Director-General shall keep and maintain a register in which shall be entered such particulars of the licensees as the Director-General may determine.

(2) Where the cleaning business licence of any licensee has been suspended or revoked or has expired, the Director-General may —

- (a) remove the particulars of the licensee from the register;
or
- (b) indicate against the particulars of the licensee in the register the fact of such suspension, revocation or expiry of the licence, as the case may be.”.

Amendment of section 83

16. The principal Act is amended by renumbering section 83 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) The Director-General may recover, from the owner or occupier of the premises in which any work or act referred to in subsection (1) is executed, the costs and expenses reasonably incurred in the execution of such work or act.”.

New section 88A

17. The principal Act is amended by inserting, immediately after section 88, the following section:

“False or misleading information

88A. A person shall be guilty of an offence if —

- (a) the person provides information to a police officer or any authorised officer in connection with any function or duty of the police officer or authorised officer under this Act;
- (b) the information is false or misleading in a material particular; and

- (c) the person knew that that information is false or misleading in a material particular or is reckless as to whether it is so.”.

Repeal and re-enactment of section 91

- 5 **18.** Section 91 of the principal Act is repealed and the following section substituted therefor:

“Fees, etc., payable to Agency

- 10 **91.** All fees, charges and moneys collected under this Act, other than composition sums and financial penalties, shall be paid to the Agency.”.

Amendment of section 99

- 15 **19.** Section 99(15) of the principal Act is amended by inserting, immediately after the words “under this Act”, the words “, but does not include a cleaning business licence granted or renewed under Part IXA”.

New section 103A

- 20.** The principal Act is amended by inserting, immediately after section 103, the following section:

“Offences by bodies corporate, etc.

- 20 **103A.**—(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 of the body corporate; or

(b) to be attributable to any neglect on his part,

- 25 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.

- 30 (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

(b) to be attributable to any neglect on his part, 5

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

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved — 10

(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

(b) to be attributable to any neglect on the part of such an officer or member, 15

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.

(5) In this section — 20

“body corporate” includes a limited liability partnership which has the same meaning as in section 2(1) of the Limited Liability Partnerships Act;

“officer” —

(a) in relation to a body corporate, means any director, partner, 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 25

(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 30

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

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

- 5 (6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate or unincorporated association formed or recognised under the law of a territory outside Singapore.”.

10 **Amendment of section 104**

21. Section 104 of the principal Act is amended —

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

15 “(1) The Director-General may, in his discretion, compound any offence under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- 20 (a) one half of the amount of the maximum fine that is prescribed for the offence;

(b) \$5,000.”; and

- (b) by inserting, immediately after subsection (3), the following subsection:

25 “(4) All sums collected under this section shall be paid into the Consolidated Fund.”.

Amendment of section 111

22. Section 111(3) of the principal Act is amended —

- (a) by deleting “\$10,000” and substituting “\$20,000”; and
30 (b) by deleting “\$500” and substituting “\$1,000”.

Amendment of Third Schedule

23. The Third Schedule to the principal Act is amended by inserting, immediately after paragraph 15, the following paragraph:

“16. The prescribing of matters relating to or for the purposes of cleaning business licences and the regulation of cleaning businesses.”.

5

Savings and transitional provisions

24.—(1) Notwithstanding anything in this Act, every person who immediately before the date of commencement of section 15 carries on a cleaning business shall be entitled to continue carrying on the cleaning business without a cleaning business licence for a period of 5 months after that date.

10

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

15

Related amendment to National Environment Agency Act

25. The National Environment Agency Act (Cap. 195) is amended by renumbering section 18 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

20

“(2) The members, officers and employees of the Agency shall, in relation to their administration, assessment, collection and enforcement of payment of —

(a) all fees and charges in connection with the Agency’s function referred to in section 11(1)(o);

25

(b) any composition sums imposed under any written law administered by the Agency; and

(c) the financial penalties imposed under Part IXA of the Environmental Public Health Act (Cap. 95) with respect to the cleaning business licences issued under that Part,

30

be deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act shall apply

to such persons notwithstanding that they are not or were not in the employment of the Government.”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Environmental Public Health Act (Cap. 95) for various purposes including the following:

- (a) to extend the public cleansing duty of the Director-General of Public Health (the Director-General);
- (b) to refine and expand the investigation powers of police officers and authorised officers in relation to littering offences;
- (c) to empower the Director-General to require the submission of information on any waste produced in and plans to reduce waste in work places, and the keeping of records containing information on the waste produced in work places;
- (d) to empower the Minister to make special administration orders and other orders, and impose restrictions, in relation to public waste collector licensees in certain circumstances;
- (e) to provide for the licensing of cleaning businesses and to provide for new offences relating thereto;
- (f) to enhance the penalties for certain offences; and
- (g) for better administration of the Act.

The Bill also makes a related amendment to the National Environment Agency Act (Cap. 195).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to insert the definitions of certain new terms used in the Act.

Clause 3 amends the sub-heading to Part III.

Clause 4 amends section 5 to extend the Director-General’s duty of public cleansing to public parks, beaches, foreshores, canals, waterways and unoccupied State land.

Clause 5 amends section 17 by introducing new subsections (4) to (7).

Where the driver or a passenger of a motor vehicle is alleged or suspected to be guilty of an offence under section 17, the new section 17(4) requires the owner of the motor vehicle, if required by a police officer or an authorised officer, to give

information as to the identity and address of the person who, at or about the time of the alleged offence, was the driver or a passenger of the motor vehicle. The new section 17(4) also requires any other person who was or should have been in charge or in control of the motor vehicle at or about the time of the alleged offence, if required by a police officer or an authorised officer, to give any information which it is in his power to give and which may lead to the identification of the driver and passengers.

Where an offence under section 17 is alleged or suspected to be in connection with littering from a residential flat, the new section 17(5) requires any owner of that flat, if required by a police officer or an authorised officer, to give information as to the identity of every occupier of that flat at or about the time of the alleged offence. The new section 17(5) also requires any occupier of that flat at or about the time of the alleged offence, or any owner of that flat in the case where that flat was unoccupied at or about that time, if required by a police officer or an authorised officer, to give any information which it is in his power to give and which may lead to the identification of the alleged offender.

The new section 17(6) makes the failure to comply with the new section 17(4) or (5) within the period specified in the new section 17(6) an offence, unless the person had a reasonable excuse for not giving such information. However, a person is not excused from giving any information because the information might tend to incriminate the person.

Clause 6 amends section 19(3)(b) and (4) for consistency with the language of the new section 17(4) and (6). The clause also introduces a new subsection (5) to section 19 to provide that a person is not excused from giving any information required of him by section 19(3)(b) because the information might tend to incriminate the person.

Clause 7 amends section 20 by inserting new subsections (1A), (1B) and (1C) to impose the same requirements as in the new section 17(4), (6) and (7) where the driver or a passenger of a motor vehicle is alleged or suspected to be guilty of an offence under section 20, and to make the failure to comply with the new section 20(1A) within the period specified in section 20(1B) an offence unless the person had a reasonable excuse for not giving such information. However, a person is not excused from giving any information because the information might tend to incriminate the person.

Clause 8 amends section 21(1)(c) to increase the penalties for offences under section 17, 18, 19 or 20, other than an offence under section 20(1) and an offence under section 17(1)(h).

Clause 9 repeals section 27 as a consequence of the introduction of the new section 30A.

Clause 10 introduces a new section 30A to empower the Director-General to require, by notice in writing, any owner, occupier or lessee of a work place to

furnish the Director-General with information on any waste produced in that work place, to keep and maintain records containing such information, and to submit to the Director-General any waste reduction plan. The new section 30A further makes the failure to comply with the Director-General's notice an offence. The clause also organises sections 30A, 31 and 31A to 31D into a new division under the sub-heading "General".

Clause 11 introduces new sections 31A to 31D.

The new section 31A empowers the Minister to take certain actions if there has been, is or is likely to be, such a contravention by a public waste collector licensee of the conditions of its licence which is serious enough to make it inappropriate for the public waste collector licensee to continue to be designated a public waste collector licensee, or the public waste collector licensee is or is likely to be unable to pay its debts, or a public emergency has occurred, or the Minister considers it in the interest of the security and reliability of waste collection and removal services to the public, or the Minister otherwise considers it in the public interest to do so. In such circumstances, the Minister may make a special administration order, an order requiring the public waste collector licensee immediately to take any action or to do or not to do any act or thing in relation to its business or undertaking as the Minister may consider necessary, or an order appointing a person to advise the public waste collector licensee on the proper conduct of its business or undertaking.

The new section 31B states the purposes and effect of a special administration order which the Minister may make in relation to a public waste collector licensee. The purposes are the security and reliability of the supply of waste collection and services in any specified area to the public, the survival of the public waste collector licensee (or the whole or part of its business) as a going concern, the transfer to another person, or to 2 or more different persons, as a going concern, of so much of the public waste collector licensee's undertaking as it is necessary to transfer in order to ensure that the functions which have been vested in the public waste collector licensee by virtue of its licence may be properly carried out, or the carrying out of those functions pending the making of the transfer of those functions in the other person or persons.

The new section 31C provides for the payment of the remuneration and expenses of the National Environment Agency (the Agency) and any person appointed by the Minister under the new section 31A(1)(c) by the public waste collector licensee.

The new section 31D imposes certain restrictions on the winding up of a public waste collector licensee. The public waste collector licensee cannot be wound up voluntarily without the consent of the Agency, and no judicial management order under the Companies Act (Cap. 50) may be made in relation to the public waste collector licensee. The section also provides that no step may be taken by any person to enforce any security over the public waste collector licensee's property or to execute or enforce a judgment or an order of court against the public waste

collector licensee, except where that person has served on the Agency 14 days' notice of his intention to take that step. The Agency is always to be a party to any proceedings under the Companies Act relating to the winding up of the affairs of a public waste collector licensee.

Clause 12 introduces a new section 41A that sets out the penalties for contravening the provisions of Part IV, in lieu of section 42. The penalties for offences under Part IV are also generally increased. In the case of any contravention of section 33, 34(1), 37(5), 39(2) or 41(1), the penalty is raised to a fine of up to \$5,000, and if the person is a repeat offender the person is liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both. In the case of any contravention of section 32(1), 35, 36, 38(1), 39(1) or 40(1) or (9), the penalty is raised to a fine of up to \$10,000, and if the person is a repeat offender, the person is liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

Clause 13 makes amendments to section 42 which are consequential to the amendments in clause 12.

Clause 14 introduces a new section 62(2A) to provide that, notwithstanding section 62(2), the Director-General may by notice in writing require the developer of a construction site which has more than one occupier to employ a competent person to act as an Environmental Control Officer in the construction site. The new section 62(2A) also requires the developer to ensure that an Environmental Control Officer is so employed until the completion of the works in the construction site.

Clause 15 introduces a new section 80A to increase the penalties for offences for contravening any of the provisions of Part IX.

The clause also introduces a new Part IXA and new sections 80B to 80N to provide a new licensing regime for the general cleaning industry.

The new section 80B sets out the purpose of the new Part IXA.

The new section 80C provides that section 99 will not apply to or in relation to any cleaning business licence and section 103 will not apply to the contravention of any provision of the new Part IXA.

The new section 80D makes it an offence for a person to carry on a cleaning business in Singapore, except under and in accordance with a cleaning business licence that is in force.

The new section 80E makes it an offence for a person (referred to as A) to enter into a contract (other than a contract of service) with another person (referred to as B) for the performance of cleaning work by cleaners engaged or employed by B on premises or any public place owned, occupied or managed by A, and B does not hold a valid cleaning business licence as required by section 80D. The section further provides a defence for A to prove, on a balance of probabilities, that he did

not know and could not reasonably have been expected to know that B did not hold a valid cleaning business licence as required by section 80D.

The new section 80F provides for the application for a cleaning business licence. The section also makes the submission of a false document or making of a statement which is false or misleading in any material particular in relation to any application for the grant or renewal of a cleaning business licence an offence.

The new section 80G provides for the grant or refusal of a cleaning business licence by the Director-General. The section also sets out the eligibility criteria for the grant of a cleaning business licence. In particular, an applicant is eligible to be granted a cleaning business licence if —

- (a) the applicant is a company, a limited liability partnership, a sole proprietorship, a firm, a society registered under the relevant legislation or an entity having such business or corporate structure as may be prescribed;
- (b) the applicant satisfies the Director-General that the applicant has, during the prescribed period before the date of the application, performed or started performing no fewer than the prescribed minimum number of cleaning contracts, and in the case where the applicant does not have such a track record of cleaning contracts, the applicant has at least one officer or employee who has not less than the prescribed minimum number of years of practical experience in supervising cleaning work or who has been conferred the prescribed qualification or certificate relating to cleaning work;
- (c) the progressive wage plan submitted by the applicant is in conformity with the new section 80G(5);
- (d) in the case of an applicant who has one or more cleaners in its employment at the time of the application, the applicant satisfies the Director-General that the prescribed proportion of the cleaners in its employment have attended the prescribed training and at the prescribed frequency; and
- (e) the applicant satisfies such other requirements as may be prescribed.

The new section 80G further empowers the Director-General to waive any (but not all) of the requirements of the new section 80G(4). In addition, the section provides for a right of appeal to the Minister where the Director-General refuses to grant a cleaning business licence.

The new section 80H(1) provides for the conditions of a cleaning business licence. In particular, the holder of a cleaning business licence (referred to in the new Part IXA as a licensee) must —

- (a) keep and retain such records of the licensee's cleaning business for such period as may be prescribed;

- (b) ensure that each cleaner the licensee employs attends such training as may be specified by the Director-General whenever the Director-General requires that cleaner to attend such training, and keep training records of each cleaner the licensee employs in such manner, containing such particulars and for such period as may be prescribed;
- (c) enter into a contract of service in writing for each cleaner the licensee employs;
- (d) for every contract of service entered into between the licensee and a cleaner who is a citizen or permanent resident of Singapore, provide in the contract of service for payment to that cleaner of a basic wage that is not less than the amount specified in the order made by the Commissioner for Labour under the new section 80H(2) and the contract of service must contain terms that are not inconsistent with the requirements in the new section 80G(5) for the progressive wage plan of the licensee;
- (e) issue to each cleaner the licensee employs a pay slip containing such particulars of that cleaner's basic wage and such other payment received by that cleaner from the licensee, and at such frequency, as may be prescribed; and
- (f) in the case where the licensee was required to satisfy the requirement in the new section 80G(4)(b)(ii) in respect of the grant of a cleaning business licence, ensure that at all times at least one of the licensee's officers or employees has the practical experience, qualification or certificate referred to in the new section 80G(4)(b)(ii).

The new section 80H(2) requires the Commissioner for Labour to specify, by order, the amount for the purposes of the new section 80H(1)(d) (referred to as specified amount) and when the specified amount takes effect, and he may specify different specified amounts for or in respect of different classes of cleaners. The new section 80H(2) further empowers the Commissioner for Labour to vary by order any amount so specified.

The new section 80H(3) requires the Commissioner for Labour, in making an order under the new section 80H(2), to consider the recommendations by the Tripartite Cluster for Cleaners on remuneration for cleaners, if any.

The new section 80H(4) requires the Commissioner for Labour to publish every order he makes under the new section 80H(2) in any way he thinks appropriate to bring the order to the notice of persons who in his opinion ought to have notice thereof, except that failure to comply with section 80H(4) in respect of any order will not invalidate the order.

The new section 80H(5) provides that a specified amount will apply for the purposes of Part IXA, notwithstanding that the basic wage that would have been

payable to the cleaner under any collective agreement as defined in section 2 of the Industrial Relations Act (Cap. 136) is lower than the specified amount.

The new section 80H(6) empowers the Director-General to postpone, by notice in writing to licensees, the effective date of any specified amount (or any variation of that amount) in relation to cleaners employed (whether or not exclusively) to carry out or supervise the carrying out of cleaning work under cleaning contracts entered into by licensees before the date on which the specified amount otherwise takes effect under the order of the Commissioner for Labour, and before any variation of that amount otherwise takes effect under the order of the Commissioner for Labour.

The new section 80H(7) empowers the Director-General to waive any (but not all) of the conditions set out in the new section 80H(1) in any particular case.

The new section 80H(8) empowers the Director-General to impose such other conditions on a cleaning business licence as he thinks fit, provided that such conditions are not inconsistent with those set out in the new section 80H(1).

The new section 80H(9) empowers the Director-General to revoke or modify any condition that is imposed under the new section 80H(8).

The new section 80H(10) and (11) provides that before imposing conditions under the new section 80H(8) or making modifications to the conditions of a cleaning business licence under the new section 80H(9), the Director-General has to observe due process. The Director-General must give prior notice to the licensee concerned of the proposed condition or modification and must consider any written representations from the licensee concerned.

The new section 80H(12) defines the terms “officer” and “Tripartite Cluster for Cleaners” which are used in the new section 80H.

The new section 80I provides for the form and validity period of a cleaning business licence. The section also provides that a cleaning business licence may be renewed upon its expiry and the new sections 80F, 80G and 80H will apply, with the necessary modifications, to the renewal and an application for the renewal of a cleaning business licence.

The new section 80J empowers the Director-General to revoke a cleaning business licence if he is satisfied that any of the events set out in the new section 80J(1) has occurred. Where the Director-General considers that one or more events referred to in the new section 80J(1) have occurred, but the event or events are not of sufficient gravity to revoke a cleaning business licence, the section empowers the Director-General to suspend the cleaning business licence or impose such other directions or restrictions as the Director-General considers appropriate on the licensee’s cleaning business in Singapore. The section also provides that the Director-General has to observe due process before exercising his powers to revoke or suspend the cleaning business licence or impose directions or

restrictions on the licensee's cleaning business. The section provides that in addition, the Director-General must not exercise his powers under the new section 80J(1) or (2) in relation to a licensee for failing to comply with the licence condition referred to in the new section 80H(1)(d) unless he has first consulted the Commissioner for Labour.

The new section 80K empowers the Director-General to impose a financial penalty where a licensee fails to comply with any condition of a cleaning business licence including any modification to any condition made by the Director-General under the new section 80H(9), in lieu of or in addition to revocation or suspension of a cleaning business licence or imposition of directions or restrictions on the licensee's cleaning business. The section provides that the Director-General must not exercise his powers under the new section 80K(1) in relation to a licensee for failing to comply with the licence condition referred to in the new section 80H(1)(d) unless he has first consulted the Commissioner for Labour. The section also provides any licensee or former licensee who is aggrieved by the imposition of any financial penalty with a right to appeal to the Minister, whose decision is final. The section further provides for the collection and recovery by the Agency of any financial penalty imposed under the new section 80K and deeming the financial penalty as a debt due to the Government for the purposes of section 127 of the Bankruptcy Act (Cap. 20) and section 10 of the Government Proceedings Act (Cap. 121), and for the payment of the financial penalty into the Consolidated Fund upon such collection or recovery.

The new section 80L requires every licensee to notify the Director-General of changes to information contained in the licensee's application for the grant or renewal of a cleaning business licence or any document accompanying such application, changes to the particulars of any progressive wage plan submitted under the new section 80F and changes to information the licensee submitted to the Director-General for the purposes of such application, no later than 14 days after the date of the change.

The new section 80M provides for the monitoring powers of the Director-General and authorised officers.

The new section 80N provides for a register of licensees to be kept and maintained by the Director-General.

Clause 16 amends section 83 by renumbering that section as subsection (1) and inserting a new subsection (2) to empower the Director-General to recover from the owner or occupier of the premises in which any work or act referred to in section 83(1) is executed the costs and expenses reasonably incurred in the execution of such work or act.

Clause 17 introduces a new section 88A to make it an offence for any person to provide information to a police officer or any authorised officer in connection with any function or duty of the police officer or authorised officer under the Act which

is false or misleading in a material particular and the person knew that that information is false or misleading in a material particular or is reckless as to whether it is so.

Clause 18 repeals and re-enacts section 91 to provide for the payment to the Agency all fees, charges and moneys, other than composition sums and financial penalties, collected under the Act.

Clause 19 amends section 99(15) to exclude a cleaning business licence granted or renewed under Part IXA from the meaning of “licence” in section 99.

Clause 20 introduces a new section 103A relating to the liability of officers and partners for any offence under the Act committed by a body corporate, a partnership or an unincorporated association.

Clause 21 deletes and substitutes section 104(1) to provide for the Director-General’s power to compound any offence under the Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of one half of the amount of the maximum fine that is prescribed for the offence or \$5,000. The clause also inserts a new section 104(4) to provide for payment of all composition sums collected under section 104 into the Consolidated Fund.

Clause 22 amends section 111(3) to increase the maximum fines that may be prescribed in regulations for any contravention of, or failure or neglect to comply with, any regulations.

Clause 23 amends the Third Schedule by inserting a new paragraph 16 to provide for the regulations made under section 111(1) to prescribe matters relating to or for the purposes of cleaning business licences and the regulation of cleaning businesses.

Clause 24 provides for savings and transitional matters.

Clause 25 makes a related amendment to section 18 of the National Environment Agency Act by renumbering section 18 as subsection (1) of that section and introducing a new subsection (2) to that section to deem the members, officers and employees of the Agency to be public officers for the purposes of the Financial Procedure Act (Cap. 109), in relation to their administration, assessment, collection and enforcement of payment of the following:

- (a) all fees and charges in connection with the Agency’s function referred to in section 11(1)(o) of the National Environment Agency Act;
- (b) any composition sums imposed under any written law administered by the Agency; and
- (c) the financial penalties imposed under Part IXA of the Environmental Public Health Act with respect to the cleaning business licences issued under that Part.

The new subsection (2) also provides for the application of section 20 of the Financial Procedure Act to those persons notwithstanding that they are not or were not in the employment of the Government.

EXPENDITURE OF PUBLIC MONEY

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