

Sewerage and Drainage (Amendment) Bill

Bill No. 9/2012.

Read the first time on 8th March 2012.

A BILL

intituled

An Act to amend the Sewerage and Drainage Act (Chapter 294 of the 2001 Revised Edition) and to make a consequential amendment to the Statutes (Miscellaneous Amendments) Act 2008 (Act 4 of 2008).

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 Sewerage and Drainage (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Sewerage and Drainage Act (referred to in this Act as the principal Act) is amended by deleting the words “and improvement” and substituting the words “, improvement, operation and use”.

10 Amendment of section 2

3. Section 2 of the principal Act is amended —

(a) by deleting the definition of “Board” and substituting the following definition:

15 “ “Board” means the Public Utilities Board continued under section 3 of the Public Utilities Act (Cap. 261);”;

(b) by deleting the word “and” at the end of paragraph (c) of the definition of “public sewerage system”;

(c) by inserting, at the end of paragraph (d) of the definition of “public sewerage system”, the word “and”, and by inserting immediately thereafter the following paragraph:

20 “(e) sewerage systems owned or managed by the Board;”;

(d) by deleting the words “section 6(3) or 9(1)(b)” in the definition of “qualified person” and substituting the words “section 8 or 11”;

(e) by inserting, immediately after the definition of “qualified person”, the following definition:

25 “ “reclaimed water” means treated water which has been recovered from a public sewerage system;”;

(f) by deleting the words “and other appliances which connect, directly or otherwise, to a private sewage treatment plant or a public sewerage system” in the definition of “sanitary

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appliances” and substituting the words “, bidets and other similar fixtures”; and

- (g) by deleting the definition of “sewerage system” and substituting the following definition:

5 ““sewerage system” means a system of sewers, pumping stations, sewage treatment plants, sewage treatment works and water reclamation facilities for one or both of the following purposes:

(a) the collection, treatment and disposal of sewage;

10 (b) the recovery and treatment of water which is supplied to the Board or by the Board,

and includes any main or pipe carrying reclaimed water or sewage, outfall pipe, sanitary pipe, drain-line, grease trap, cesspit, holding tank for the temporary holding of sewage, septic tank, privy, and any part thereof;”.

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Amendment of section 3

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

20 “(5) The Board may, from time to time, appoint and authorise in writing any person to perform any particular function or duty or to exercise any particular power under this Act, subject to such conditions or limitations as the Board may specify.”.

Amendment of section 4

25 5. Section 4 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) In carrying out any works under this section, the Board shall cause as little damage as possible, and shall make reasonable compensation for any damage done to any premises, street or building affected by those works.”.

Amendment of section 10

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6. Section 10 of the principal Act is amended —

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

“(2) The Board may, by notice in writing, require the owner of any premises referred to in subsection (1) to do one or both of the following at his own cost and expense:

5 (a) to have the sewerage system inspected and tested in such manner and at such intervals as the Board may require, to ensure that the sewerage system is kept in good order;

 (b) to alter, repair or put in good order the sewerage system in such manner as the Board may require.”;
10 and

(b) by inserting, immediately after subsection (4), the following subsection:

 “(5) If the owner of any premises to which a sewerage system belongs or for the use of which it is maintained, fails to keep the sewerage system in proper order in contravention of
15 subsection (1), he shall be guilty of an offence.”.

Amendment of section 11

7. Section 11 of the principal Act is amended —

20 (a) by deleting the word “No” in subsection (1) and substituting the words “Subject to subsection (5), no”; and

(b) by deleting subsection (5) and substituting the following subsection:

 “(5) This section shall not apply to —

25 (a) the repair, replacement or removal of any existing sanitary facility in a building; or

(b) the addition of any sanitary appliance within the existing sanitary facilities in a building.”.

Amendment of section 13

30 8. Section 13 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

 “(2) In carrying out any inspection under this section, the authorised officer shall cause as little damage as possible, and the Board shall make reasonable compensation for any damage done to

any premises, sewerage system or sanitary facilities affected by the inspection.”.

New section 13A

5 **9.** The principal Act is amended by inserting, immediately after section 13, the following section:

“Duty to enquire before excavation

13A.—(1) Any person who digs, bores, trenches, grades, excavates, tunnels or breaks any ground with any mechanical equipment, tool or explosive, or allows his employee or agent to do so, without first —

- 10 (a) obtaining from the Board the relevant drainage plan or sewerage plan or other plans or records to ascertain the location of any public sewerage system or part thereof that may be interfered with by such works;
- 15 (b) carrying out trial trenches to physically ascertain the location of any such public sewerage system or part thereof that may be interfered with by such works; and
- (c) complying with such other requirements as the Board may specify to protect any such public sewerage system or part thereof within the vicinity of such works,

20 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

25 (2) For the purposes of subsection (1)(a), any person may, upon payment of the prescribed fee, be permitted to inspect and take copies of the relevant plans or records maintained by or on behalf of the Board.”.

Repeal and re-enactment of section 14

10. Section 14 of the principal Act is repealed and the following section substituted therefor:

“Works likely to affect sewer or sewerage system not to be carried out without Board’s certificate or approval

30 **14.**—(1) No person shall —

(a) erect or cause or permit to be erected any object, building or structure over, across or adjacent to any sewer or sewerage system; or

5 (b) carry out or cause to be carried out any other works which adversely affect or are likely to adversely affect any sewer or sewerage system, directly or indirectly,

without obtaining, in respect of those works, a clearance certificate or the approval of the Board under section 33.

10 (2) Where any object, building or structure is erected or any other works are carried out in contravention of subsection (1), the Board may, by notice in writing, require any person specified in subsection (3) to do one or more of the following:

15 (a) cease immediately the carrying on of those works, either indefinitely or for such period as may be specified by the Board;

(b) carry out such works as the Board may think necessary to protect the sewer or sewerage system within such time as may be specified in the notice;

20 (c) demolish and remove the object, building or structure within such time as may be specified in the notice.

(3) The notice referred to in subsection (2) may be served on all or any of the following persons:

25 (a) the person who does or causes or permits to be done any of the acts referred to in subsection (1);

(b) the owner or occupier of the premises where the object, building or structure referred to in subsection (1)(a) is erected;

(c) the owner or occupier of the premises where the works referred to in subsection (1)(b) are being carried out;

30 (d) any person having power to demolish the object, building or structure referred to in subsection (1)(a).

(4) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(5) In this section, “works”, in addition to its meaning in section 2, includes —

(a) any act of excavating earth, rock or other material (by whatever means) in connection with —

5 (i) any work for or relating to the construction, reconstruction, extension, renovation, alteration, demolition or repair of any building, structure, road, railway, bridge, viaduct, flyover, drain or sewer;

10 (ii) any work for or relating to the laying, inspecting, repairing or renewing of any main, pipe, cable, fittings or other apparatus; or

(iii) any soil investigation work;

15 (b) any act of boring, dredging, jacking, levelling, piling or tunnelling on or under any premises or street by any mechanical means;

(c) the driving or sinking of any earth rod, casing or tube into the ground; and

20 (d) any storage or placement of large construction equipment, construction materials and stockpiling of earth or heavy objects.”.

Amendment of section 16

11. Section 16 of the principal Act is amended —

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

25 “(1) No person shall discharge, or cause or permit to be discharged, any trade effluent into any public sewerage system or any drain-line or sewer communicating with a public sewerage system, except —

(a) with the prior written approval of the Board; and

30 (b) in accordance with the conditions of that approval, if any, and any regulations under this Act providing for the control of such discharge.

(1A) Subsection (1) shall not apply to the discharge of any dangerous or hazardous substance or any trade effluent

containing any dangerous or hazardous substance under section 16A.”;

(b) by deleting the words “public sewer” wherever they appear in subsection (2) and substituting in each case the words “public sewerage system”;

(c) by deleting the words “exercised due diligence to prevent the commission of the offence under subsection (1)” in subsection (3) and substituting the words “taken all reasonable precautions and exercised due diligence to prevent the contravention of subsection (1)”;

(d) by deleting subsection (4) and substituting the following subsection:

“(4) Any person who contravenes subsection (1) 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.”;

(e) by inserting, immediately after subsection (5), the following subsection:

“(6) The court may order any person who is convicted of an offence under this section to pay the cost incurred by the Board, or by the owner or occupier of any premises, in carrying out any work to restore the public sewerage system to its original condition, or to clear the public sewerage system of the trade effluent so discharged.”; and

(f) by deleting the words “public sewers” in the section heading and substituting the words “public sewerage system”.

New section 16A

12. The principal Act is amended by inserting, immediately after section 16, the following section:

“Prohibition on discharge of dangerous or hazardous substance or trade effluent containing dangerous or hazardous substance

16A.—(1) No person shall discharge, or cause or permit to be discharged, any dangerous or hazardous substance or any trade

effluent containing any dangerous or hazardous substance into any public sewerage system or any drain-line or sewer communicating with a public sewerage system, except —

(a) with the prior written approval of the Board; and

5 (b) in accordance with the conditions of that approval, if any, and any regulations under this Act providing for the control of such discharge.

10 (2) Where any dangerous or hazardous substance or any trade effluent containing any dangerous or hazardous substance has been discharged from any premises into any public sewerage system or any drain-line or sewer communicating with a public sewerage system in contravention of subsection (1), it shall be presumed, until the contrary is proved, that the occupier of the premises has discharged, or caused or permitted to be discharged, the substance or trade
15 effluent.

(3) The presumption under subsection (2) shall not be rebutted unless the occupier of the premises proves that he had taken all reasonable precautions and exercised due diligence to prevent the contravention of subsection (1).

20 (4) Where, in any proceedings for an offence under subsection (5) or (6), it is proved that the accused had committed any act referred to in subsection (1), it shall be presumed, unless the contrary is proved, that the accused knew that the substance discharged was a dangerous or hazardous substance or that the trade effluent discharged contained
25 a dangerous or hazardous substance, as the case may be.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable —

30 (a) on the first conviction, to a fine not exceeding \$50,000 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 \$2,000 for every day or part thereof during which the offence continues after conviction; and

35 (b) on a second or subsequent conviction, to a fine not exceeding \$100,000 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 \$2,000

for every day or part thereof during which the offence continues after conviction.

(6) Any person who contravenes subsection (1) and thereby causes —

- 5 (a) injury or death to any person;
- (b) damage to any public sewerage system which renders the sewerage system inoperable; or
- (c) severe disruption to the process of treating sewage or trade effluent or the process of water reclamation,

10 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

(7) The court may order any person who is convicted of an offence under this section to pay the cost incurred by the Board, or by the owner or occupier of any premises, in carrying out any work —

- 15 (a) to restore the public sewerage system to its original condition;
- (b) to resume the process of treating sewage or trade effluent or the process of water reclamation; or
- 20 (c) to clear the public sewerage system of the dangerous or hazardous substance or the trade effluent containing the dangerous or hazardous substance so discharged.

(8) The Board may, with the approval of the Minister, by regulations provide for the control or prohibition of the discharge of dangerous or hazardous substances or trade effluent containing dangerous or hazardous substances into any public sewerage system or any drain-line or sewer communicating with a public sewerage system.

(9) For the purposes of this section and section 17, a substance is a dangerous or hazardous substance if —

- 30 (a) it is of a nature that is likely, either alone or in combination with or by interaction with another substance —

- (i) to pose a health hazard to or cause danger to the safety and health of any person at work at, on or in any part of any public sewerage system;
 - (ii) to cause a fire or an explosion in any public sewerage system;
 - (iii) to damage any public sewerage system to the extent that would render the sewerage system inoperable; or
 - (iv) to severely disrupt —
 - (A) the proper working of any public sewerage system, or any facility, machinery or equipment related or connected to the sewerage system;
 - (B) any process of treating trade effluent, sewage or other waste for reuse;
 - (C) any process of water reclamation; or
 - (D) the proper working of any facility, machinery or equipment used for any process referred to in sub-paragraph (B) or (C); or
- (b) it is prescribed as a dangerous or hazardous substance.”.

Amendment of section 17

13. Section 17 of the principal Act is amended —
- (a) by deleting subsections (1) and (2) and substituting the following subsections:
 - “(1) Where it appears to the Board that any dangerous or hazardous substance or any trade effluent containing any dangerous or hazardous substance is being or has been discharged into any public sewerage system or any drain-line or sewer communicating with a public sewerage system, the Board may, by order, direct the occupier of any premises from which the substance or trade effluent is being or has been discharged or any other person who, in the opinion of the Board, has caused or permitted the discharge —
 - (a) to immediately cease the discharge of such substance or trade effluent into the public sewerage system or

the drain-line or sewer communicating with a public sewerage system;

(b) to take such steps as may be specified in the order to treat the substance or trade effluent which is complained of; and

(c) to immediately cease the carrying on of any process or work which produces the substance or trade effluent, either indefinitely or until such steps as are specified in the order have been taken to treat the substance or trade effluent before it is discharged into the public sewerage system or the drain-line or sewer communicating with a public sewerage system.

(2) Any person who is aggrieved by an order made by the Board under subsection (1) may, within 14 days from the date of service of the order, appeal in writing to the Minister, who may confirm, vary or rescind the order.”;

(b) by deleting the words “High Court” in subsection (3) and substituting the word “Minister”;

(c) by deleting the words “The occupier of any premises who fails to comply with an order under subsection (1)” in subsection (4) and substituting the words “If any person to whom an order under subsection (1) is directed fails to comply with the order (referred to in this section as the person in default), he”;

(d) by deleting subsection (5) and substituting the following subsection:

“(5) Where the person in default fails to comply with the order made under subsection (1), an authorised officer may, at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the premises to which the order relates, enter the premises and take such measures and execute such work as may be necessary to secure compliance with the order but without prejudice to any proceedings that may be taken against the person in default under subsection (4).”; and

- (e) by deleting the section heading and substituting the following section heading:

“Order to stop discharge of dangerous or hazardous substance or trade effluent containing dangerous or hazardous substance”.

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Amendment of section 18

14. Section 18 of the principal Act is amended —

- (a) by deleting the words “public sewer” wherever they appear in subsection (1) and substituting in each case the words “public sewerage system”; and
- (b) by inserting, immediately after the words “public sewer” in subsection (2), the words “or public sewerage system”.

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Amendment of section 19

15. Section 19 of the principal Act is amended —

- (a) by deleting the words “public sewer” wherever they appear in subsection (1) and substituting in each case the words “public sewerage system”;
- (b) by inserting, immediately after the words “likely to injure the”, in subsection (1)(a), the words “public sewerage system,”; and
- (c) by deleting the words “public sewers” in the section heading and substituting the words “public sewerage system”.

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Repeal and re-enactment of section 20

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

“Damage caused to public sewer, etc.

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20.—(1) Any person who —

- (a) causes any damage to any public sewer or any drain-line or sewer communicating with a public sewer; or
- (b) renders any public sewer or private sewer a nuisance,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) Any person who —

- 5 (a) does any act which renders any public sewer or private sewer dangerous or injurious to health;
- (b) causes any damage to a pipe of 0.9 metres or greater in diameter that is part of or connected to the public sewerage system; or
- 10 (c) does any act which disrupts the operation of or causes damage to any sewage treatment plant, sewage treatment works or water reclamation facility,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both.

(3) In any proceedings for an offence under subsection (1) or (2), it shall be a defence for the person charged under either of those subsections to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, but this defence shall not be available to a person who may be liable by virtue of section 67A.

(4) If it appears to the Board that there has been a contravention of subsection (1) or (2), the Board may, by notice in writing, require any person who has caused the damage or done any of the acts referred to in subsection (1) or (2), or such other person who may be liable under either of those subsections by virtue of section 67A, to carry out such works as may be necessary to restore the sewerage system to its original condition within such time as may be specified in the notice.”.

30 **Amendment of section 21**

17. Section 21 of the principal Act is amended by deleting subsection (4) and substituting the following subsection:

“(4) In carrying out any works under this section, the Board shall cause as little damage as possible, and shall make reasonable

compensation for any damage done to any affected premises or building.”.

Repeal and re-enactment of section 26

5 **18.** Section 26 of the principal Act is repealed and the following section substituted therefor:

“Works affecting storm water drainage system

26.—(1) No person shall carry out or cause to be carried out —

- 10 (a) any works which affect or are likely to affect any storm water drainage system, drain or drainage reserve, directly or indirectly; or
- (b) any works that could lead to the discharge of silt directly or indirectly into any storm water drainage system, drain or drainage reserve,

15 without obtaining, in respect of those works, a clearance certificate or the approval of the Board under section 33.

(2) Every person given a clearance certificate or approval by the Board to carry out any works under subsection (1) shall —

- 20 (a) notify the Board in writing before the commencement of the works;
- (b) provide adequate silt control measures in accordance with any standards or guidelines issued by the Board before the commencement and for the duration of the works; and
- (c) comply with the conditions of the clearance certificate or approval, if any.

25 (3) The Board may prescribe standards and limits in respect of any discharge of silt into any storm water drainage system, drain or drainage reserve.

30 (4) Where any works are or have been carried out in contravention of subsection (1) or (2), or as a result of which silt is discharged which exceeds the standards or limits prescribed under subsection (3), the Board may do all or any of the following:

- (a) by notice in writing require the person who carried out, or caused to be carried out, the works, or the owner or occupier

of any premises in respect of which the works were carried out, to do one or more of the following:

- 5 (i) to cease immediately the carrying out of those works, either indefinitely or for such period as may be specified by the Board;
- 10 (ii) to carry out such works as the Board may think necessary to restore the storm water drainage system, drain or drainage reserve to its original condition or to protect the storm water drainage system, drain or drainage reserve, within such time as may be specified in the notice;
- 15 (iii) to take such measures as the Board may think necessary to comply with subsection (2)(b) or (c) or adhere to the standards or limits prescribed under subsection (3);
- (b) revoke the clearance certificate or approval given, or suspend the clearance certificate or approval for such period as the Board considers reasonable.

(5) Any person who —

- 20 (a) contravenes subsection (1) or (2);
- (b) without reasonable excuse, fails to comply with a notice of the Board under subsection (4)(a); or
- 25 (c) carries out any works after the clearance certificate or approval relating to those works has been revoked or during such period as the clearance certificate or approval is suspended under subsection (4)(b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

30 (6) Where the person on whom the notice is served under subsection (4)(a) fails to comply with the notice, an authorised officer may, at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the premises to which the notice relates, enter the premises and take such measures and execute such work as may be necessary to secure compliance with the notice but without prejudice to any proceedings that may be taken
35 against that person under subsection (5).

(7) Any expenses reasonably incurred by the Board under subsection (6) may be recovered from the person who failed to comply with the notice served on him under subsection (4)(a), and section 48 and, if that person is the owner of the premises, section 50 shall apply in respect of those expenses.

(8) Nothing in this section shall be construed as prohibiting the Board from carrying out any works specified in any notice under subsection (4)(a) at the request of a person who has been served with the notice upon an undertaking by that person to pay the costs and expenses in executing the works.”.

Amendment of section 32

19. Section 32 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) The Board may issue or approve and from time to time review —

(a) specifications for sewerage works, sewerage systems, sanitary facilities, sanitary appliances, drains, drainage works, silt control measures, storm water drainage systems and works which are likely to affect any sewerage system or storm water drainage system; and

(b) codes of practice for professionals engaged in the design and construction of any of the matters referred to in paragraph (a).”.

Amendment of section 38

20. Section 38 of the principal Act is amended —

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

“(1) Any police officer, authorised officer or such other person as may be authorised by the Board for the purposes of this section (referred to in this section as an authorised person) who reasonably believes that any person has committed an offence under this Act may require that person to furnish evidence of his identity, and the person shall thereupon furnish such evidence of his identity as may be required by the police

officer, authorised officer or authorised person, as the case may be.

(1A) Any police officer, authorised officer or authorised person may require any owner or occupier of any premises to furnish his name and address and such other proof of identity or particulars as the police officer, authorised officer or authorised person may require for the purposes of this Act.”;

(b) by deleting the words “any authorised officer” in subsection (2) and substituting the words “any police officer, authorised officer or authorised person”;

(c) by inserting, immediately after the words “subsection (1)” in subsection (2), the words “or (1A)”;

(d) by deleting “\$2,000” in subsection (2) and substituting “\$5,000”.

Amendment of section 39

21. Section 39 of the principal Act is amended —

(a) by deleting paragraph (a) of subsection (1) and substituting the following paragraphs:

“(a) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act —

(i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and

(ii) whether or not that person is to be called as a witness in any inquiry, trial, or other proceeding in connection with the matter;

(aa) require any person to furnish any information or produce any document in the possession of that person in connection with the matter, and may, without payment, inspect, keep, copy or make extracts from such document; and”;

(b) by deleting subsections (2) and (3) and substituting the following subsections:

“*(2)* Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances concerning matters under this Act, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section shall —

(a) be reduced to writing;

(b) be read over to him;

(c) if he does not understand English, be interpreted for him in a language that he understands; and

(d) after correction, if necessary, be signed by him.”.

Amendment of section 41

22. Section 41(1) of the principal Act is amended by deleting “, 26”.

Amendment of section 42

23. Section 42(1) of the principal Act is amended —

(a) by deleting the words “section 41(1)” and substituting the words “section 26(4)(a) or 41(1)”; and

(b) by deleting the words “section 41(1)(a)” in paragraph *(b)*(i) and substituting the words “section 26(5) or 41(1)(a), as the case may be,”.

Amendment of section 44

24. Section 44 of the principal Act is amended —

(a) by deleting the words “enter at all reasonable hours in the day time any premises” in subsection (1) and substituting the words “enter any premises at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the premises,”;

(b) by deleting the words “night inspection” in subsection (4) and substituting the words “inspection at any time of the day or night”; and

(c) by inserting, immediately after subsection (4), the following subsection:

“(5) The Board shall not be liable to pay any person any fee, charge or expense on account of such entry to any premises or of anything done in any part of the premises under this Act.”.

New section 44A

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

“Power to enter and investigate

44A. Notwithstanding section 44, if an authorised officer has reasonable grounds to suspect that an offence under this Act has been committed, he may, at any time without notice, enter any premises and do all or any of the following for the purpose of investigating the suspected offence under this Act:

- (a) search the premises and take possession of any thing found therein and reasonably believed to be or to contain dangerous or hazardous substances or to be otherwise connected to the commission of the offence;
- (b) require the production of records, certificates, notices and documents relating or reasonably believed to relate to any dealing in or with dangerous or hazardous substances or the discharge of trade effluent containing dangerous or hazardous substances or to the offence, wherever and by whomsoever kept, and take and retain extracts or copies thereof;
- (c) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found for the purpose of analysis;
- (d) take such photographs as the authorised officer thinks necessary for the purposes of the investigation;
- (e) require any person whom the authorised officer finds in the premises to produce his identity card or other identification papers for inspection for the purpose of the investigation.”.

Amendment of section 45

26. Section 45(2) of the principal Act is amended by deleting the word “compensation” and substituting the words “reasonable compensation”.

Amendment of section 46

5 27. Section 46 of the principal Act is amended by deleting the words “or any authorised officer” in paragraph (a) and substituting the words “, any authorised officer or other person authorised by the Board”.

New section 46A

10 28. The principal Act is amended by inserting, immediately after section 46, the following section:

“Making of false statements, etc.

15 46A.—(1) Any person who, when giving any information to the Board or making any application under or for the purposes of any provision of this Act, makes any statement which he knows to be false in a material particular, or who recklessly makes any statement which is false in a material particular, shall be guilty of an offence.

(2) Any person who —

20 (a) wilfully or fraudulently procures or attempts to procure for himself or for any other person any licence or approval under this Act by making or producing or causing to be made or produced any false or fraudulent representation or declaration either verbally or in writing; or

(b) knowingly aids or assists anything under paragraph (a), shall be guilty of an offence.”.

Amendment of section 47

25 29. Section 47(4) of the principal Act is amended by deleting the word “or” at the end of paragraph (b), and by inserting immediately thereafter the following paragraph:

“(c) an order under section 17; or”.

Amendment of section 48

30. Section 48(2) of the principal Act is amended by deleting the words “section 41(1)(b)” in paragraph (c) and substituting the words “section 26(6) or 41(1)(b)”.

5 **New section 67A**

31. The principal Act is amended by inserting, immediately after section 67, the following section:

“Liability for offence committed by agent or employee

10 **67A.** Where an offence under this Act is committed by any person acting as an agent or employee of another person, or being otherwise subject to the supervision or instruction of another person for the purposes of any employment in the course of which the offence was committed, that other person shall, without prejudice to the liability of the first-mentioned person, be liable for that offence in the same
15 manner and to the same extent as if he had personally committed the offence unless he proves to the satisfaction of the court that the offence was committed without his consent or connivance and that it was not attributable to any neglect on his part.”.

Repeal of section 72

20 **32.** Section 72 of the principal Act is repealed.

Amendment of section 74

33. Section 74 of the principal Act is amended —

- 25 (a) by inserting, immediately after the words “specifications for” in subsection (1)(a), the words “, and the requirements for the use of,”;
- (b) by inserting, immediately after the words “(including drain-lines and their connections to public sewers),” in subsection (1)(a), the words “public sewers, water reclamation facilities, sanitary appliances,”;
- 30 (c) by deleting the full-stop at the end of paragraph (c) of subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(d) prescribe additional requirements for the protection of the public sewerage system;

(e) prescribe fees and charges for the purposes of this Act, including for —

5 (i) the disposal (including any treatment necessary or incidental to the disposal) of any used water, sewage, waste matter or effluent discharged from any premises that fails to meet the standards imposed by the Board under or pursuant to this Act on such used water, sewage, waste matter or effluent; and

(ii) the late payment of prescribed fees and charges;

10 (f) prescribe such service relating to sewage provided by the Board for which the Board may charge prices by way of agreement with the person to whom the service is provided in lieu of prescribing such prices; and

(g) prescribe anything required or permitted to be prescribed under this Act.”; and

15 (d) by inserting, immediately after subsection (1), the following subsection:

20 “(1A) The Board may, in making any regulations, provide that any contravention of the regulations shall be an offence punishable with a fine not exceeding \$15,000 or with imprisonment for a term not exceeding 3 months or with both and, in the case of a continuing offence, with a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.”.

30 **Consequential amendment to Statutes (Miscellaneous Amendments) Act 2008**

34. Section 12 of the Statutes (Miscellaneous Amendments) Act 2008 (Act 4 of 2008) is repealed.

Validation

35. Every sum purportedly determined by the Board before the date of commencement of section 32 of this Act as payable from any person as a fee for the late payment of any other fee or charge due from that person under the principal Act shall be, and be taken to have been, by force of this section, validly imposed on that person under the principal Act; and no legal proceedings shall be instituted on or after 8th March 2012 in any court on account of or in respect of any collection of these sums by the Board.

Savings and transitional provisions

36.—(1) Every exemption from any fee or charge imposed under the repealed section 72 of the principal Act is revoked as from the date of commencement of section 32 of this Act.

(2) The Minister may, in relation to any provision of this Act, for a period of 2 years after the date of commencement of that provision, prescribe by regulations published in the *Gazette* such provisions of a savings or transitional nature consequent on the enactment of that provision as he considers necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Sewerage and Drainage Act (Cap. 294) for the following main purposes:

- (a) to provide for the Public Utilities Board (the Board) to control and regulate the reticulation system for reclaimed water;
- (b) to enhance the protection of the public sewerage system and drainage systems against —
 - (i) works that may adversely affect the sewerage system, for instance, by overloading of sewerage tunnels, land subsistence or causing damage by excavation;
 - (ii) unauthorised discharges, e.g. of trade effluent or silt, that may obstruct the sewerage system or drainage system; and
 - (iii) discharges of dangerous or hazardous substances or trade effluent containing dangerous or hazardous substances which may cause damage to the public sewerage system or injury to the persons working within it, or may disrupt the processes for water reclamation;

- (c) to make amendments to align certain provisions, in particular, those on the appointment of authorised officers and authorised persons, compensation by the Board and powers of entry upon premises, with those in the Public Utilities Act (Cap. 261); and
- (d) to rationalise the fees imposed under the Act.

The Bill also makes a consequential amendment to the Statutes (Miscellaneous Amendments) Act 2008 (Act 4 of 2008).

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to include regulation of the operation and use of sewerage and land drainage systems.

Clause 3 amends section 2 to make a technical amendment to the definition of “Board” for accuracy and consistency with section 3 and to amend the definition of “public sewerage system” to include sewerage systems owned or managed by the Board. This will cover assets transferred from the Government to the Board, as well as State-owned assets managed by the Board. The definition of “sewerage system” is also amended to include facilities for the recovery and treatment of water and the reticulation system for the transport of reclaimed water. This amendment covers only systems and facilities for water that is either supplied by the Board to the public or supplied to the Board for onward supply; it does not apply to private water recycling systems. A new definition of “reclaimed water” is inserted, which refers to any type of water that is recovered from the public sewerage system, such as effluent, industrial water or NEWater. Water from private water recycling systems is not included in the definition of reclaimed water.

Clause 4 amends section 3 to provide for the appointment of other persons (who may not be public officers or officers of the Board or of any statutory authority) to perform specific functions or duties, or exercise specific powers, under the Act.

Clause 5 amends section 4(3) to clarify that the compensation is for physical damage done to the affected premises, street or building, and to align the compensation provision with the Public Utilities Act.

Clause 6 amends section 10 to empower the Board to issue a notice in writing requiring the owner of a private sewerage system to have his sewerage system inspected, tested and put in good order, which notice may be enforced under section 41 of the Act. The clause also provides an offence for those who fail to keep their private sewerage systems in proper order.

Clause 7 amends section 11 to clarify that the exception from having to obtain a clearance certificate or approval of the Board applies only in respect of the repair, replacement or removal of existing sanitary facilities in any building, or the addition of sanitary appliances within the existing sanitary facilities in a building.

Clause 8 amends section 13(2) to clarify that the compensation is for physical damage done to affected premises, sewerage systems or sanitary facilities and to align the compensation provision with the Public Utilities Act.

Clause 9 inserts a new section 13A to create a duty to enquire about and ascertain the location of any public sewerage system or part thereof before commencing excavation works. Copies of the drainage, sewerage and other plans and records may be obtained upon payment of a prescribed fee.

Clause 10 repeals and re-enacts section 14 to further specify certain works that may adversely affect any sewer or sewerage system and would therefore require a clearance certificate or approval of the Board. Where there are unauthorised objects, buildings or structures or unauthorised works done, the Board may require immediate cessation of the works, require protective works to be done on the sewer or sewerage system or require demolition and removal of the object, building or structure or any combination of these.

Clause 11 amends section 16 to prohibit the discharge of trade effluent into any public sewerage system or any drain-line or sewer communicating with a public sewerage system. The section also provides for the court to order any person convicted of an offence of illegally discharging trade effluent to pay the cost incurred by the Board or by any owner or occupier of affected premises to carry out restorative works or to clear the public sewerage system of the trade effluent so discharged. The section applies to ordinary trade effluent, as distinct from trade effluent which is dangerous and hazardous, which is dealt with in the new section 16A.

Clause 12 inserts a new section 16A to create a separate and more serious offence of discharging any dangerous or hazardous substance or any trade effluent containing a dangerous or hazardous substance into any part of or connection to a public sewerage system. A person who has discharged, or caused or permitted to be discharged, a dangerous or hazardous substance or any trade effluent containing a dangerous or hazardous substance is presumed, unless the contrary is proved, to know the nature of that substance or trade effluent. Enhanced penalties are provided if the illegal discharge results in injury or death to any person, severe damage to the public sewerage system or severe disruption to the water treatment or reclamation processes. The court may order any person convicted of an offence under the section to pay the cost incurred by the Board or by any owner or occupier of affected premises to carry out restorative works or to clear the public sewerage system of the dangerous or hazardous substance or trade effluent so discharged.

Clause 13 amends section 17 to allow the Board, instead of the Minister, to give orders to immediately stop the discharge of any dangerous or hazardous substance or any trade effluent containing a dangerous or hazardous substance, take steps to treat the substance or trade effluent so as to render it less dangerous and stop any process or work that is producing that substance or trade effluent. The order may be directed not only at the occupier of the premises from which the substance or trade effluent is discharged, but any other person who, in the opinion of the Board, has caused or permitted the discharge. Any person aggrieved by an order of the Board under the section may appeal to the Minister.

Clause 14 amends section 18 to extend the prohibition on discharging sewage, waste matter or effluent into public sewers or drain-lines or sewers connected therewith, to doing the same into any public sewerage system or drain-lines or sewers connected therewith.

Clause 15 amends section 19 to extend the prohibition on throwing or emptying substances and materials into public sewers or drain-lines or sewers connected therewith, to doing the same into any public sewerage system or drain-lines or sewers connected therewith.

Clause 16 repeals and re-enacts section 20 to retain the offences of causing damage to any public sewer or drain-line or sewer connected therewith, and doing any act which renders a public or private sewer dangerous or injurious to health or a nuisance, whilst creating new offences of causing damage to larger pipes connected to the public sewerage system and doing any act which damages or disrupts the operation of key facilities, that is, any sewage treatment plant, sewage treatment works or water reclamation facility. The new offences carry an enhanced penalty. The Board may require any person who has caused the damage, or the principal or employer liable for that person's acts, to carry out restorative works.

Clause 17 amends section 21(4) to clarify that the compensation is for physical damage done to any affected premises or building, and to align the compensation provision with the Public Utilities Act.

Clause 18 repeals and re-enacts section 26 to require a clearance certificate or approval of the Board to be obtained not only for any works likely to affect any storm water drainage system, drain or drainage reserve but also for any works that could directly or indirectly lead to the discharge of silt. The section also allows the Board to require silt control measures to be provided and to regulate the levels of silt discharged into any storm water drainage system, drain or drainage reserve. Where there are unauthorised works or if silt control measures are inadequate in authorised works, the Board may by notice require the immediate cessation of the works, the carrying out of restorative works or the taking of measures to regulate or control the silt discharge, or a combination of these, and may also revoke or suspend any clearance certificate or approval given. Contravention of any requirement in the section or the failure to comply with a notice of the Board is an offence, and the Board may exercise step-in rights to carry out restorative works and recover the costs incurred.

Clause 19 amends section 32(1) to allow the Board to issue, approve and review specifications for silt control measures and works that may affect any sewerage system or storm water drainage system, in addition to the specifications for sewerage works, sewerage systems, sanitary facilities, etc., in the current provision.

Clause 20 amends section 38 to empower a police officer, an authorised officer or a person authorised by the Board, such as an auxiliary police officer, to obtain the particulars of any person who is reasonably believed to have committed an offence under the Act or an owner or occupier of premises referred to in the Act, and to raise the maximum fine for refusal to do so or giving false particulars.

Clause 21 makes amendments to section 39 on the powers of the Board to examine any person acquainted with the facts and circumstances of any matter under the Act and the requirements of any statement so recorded, so as to be aligned with the equivalent provisions (sections 21 and 22) of the Criminal Procedure Code 2010 (Act 15 of 2010).

Clauses 22 and 23 make consequential amendments to sections 41(1) and 42(1), respectively, as a result of providing in section 26 itself for the consequences of

non-compliance with a notice under that section, thus removing notices under section 26 from the ambit of section 41.

Clause 24 amends section 44 to allow authorised officers of the Board greater flexibility as to the time when they may enter premises to carry out surveys, inspections or works and, consistent with the Public Utilities Act, to declare that the Board is not liable to pay any fee, charge or expense on account of that entry.

Clause 25 inserts a new section 44A to empower authorised officers to exercise certain powers of investigation, such as entering and searching premises, taking documents, samples and photographs, etc.

Clause 26 amends section 45 to align the compensation provision with the Public Utilities Act.

Clause 27 amends section 46 to extend the offence of obstructing the Board or any authorised officer to obstructing any other person authorised by the Board.

Clause 28 inserts a new section 46A to penalise the making of false statements to the Board, similar to section 52 of the Public Utilities Act.

Clause 29 amends section 47(4) to exclude from the general provision an order made under section 17, in respect of which an appeal to the Minister is already provided within that section.

Clause 30 amends section 48(2) as a consequence of removing notices under section 26 from the ambit of section 41.

Clause 31 inserts a new section 67A to make a principal or an employer liable for an offence committed by his agent or employee, unless the principal or employer proves to the satisfaction of the court that the offence was committed without his consent or connivance and was not attributable to any neglect on his part.

Clause 32 repeals section 72 which relates to the power of the Board to prescribe fees and charges. The fees referred to in section 72(1)(a) and (b) will be subsumed under the waterborne tax under the Public Utilities Act, and the fees referred to in section 72(1)(c) will be reflected in section 74 as amended *vide* clause 33.

Clause 33 amends section 74 to expand the regulation-making powers of the Board, with the approval of the Minister, to include prescribing requirements for the use of private sewers and private sewerage systems, prescribing standards and specifications for public sewers, water reclamation facilities and sanitary appliances, prescribing additional measures for the protection of the public sewerage system, prescribing fees and charges, and prescribing the services relating to sewage for which the Board may impose charges by way of contract. The clause also includes a maximum punishment provision for offences under the regulations.

Clause 34 repeals section 12 of the Statutes (Miscellaneous Amendments) Act 2008 (not yet brought into operation) which amends section 72 of the Act to insert a validation provision as subsection (5). As section 72 of the Act is being repealed *vide* clause 32, section 12 of the Statutes (Miscellaneous Amendments) Act 2008 will be of no effect should it be brought into operation. The validation provision in section 12 of

the Statutes (Miscellaneous Amendments) Act 2008 is in effect reproduced as clause 35.

Clause 35 provides for the validation of late payment fees.

Clause 36 provides —

- (a) for the consequential revocation of all exemptions relating to fees and charges prescribed under the repealed section 72; and
- (b) for savings or transitional provisions to be prescribed by the Minister.

EXPENDITURE OF PUBLIC MONEY

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