

# Sewerage and Drainage (Amendment) Bill

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**Bill No. 37/2024.**

*Read the first time on 14 October 2024.*

A BILL

*i n t i t u l e d*

An Act to amend the Sewerage and Drainage Act 1999 and to make consequential and related amendments to the Public Utilities Act 2001 and the State Lands Protection Act 2022.

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

## Short title and commencement

1. This Act is the Sewerage and Drainage (Amendment) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. In the Sewerage and Drainage Act 1999 (called in this Act the principal Act), in section 2 —

(a) renumber the section as subsection (1) of that section;

(b) in subsection (1), after the definition of “drainage works”,  
10 insert —

““earth retaining structure” means any structure,  
structural system or other means used to  
maintain the shape of excavation to enable the  
access to, repair of or replacement of a sewerage  
15 system or part thereof;”;

(c) in subsection (1), after the definition of “fittings”, insert —

““flood protection measure” means any measure or  
system, or any specification required for any  
premises, for the purpose of —

20 (a) preventing stormwater from entering  
any premises;

(b) removing from any premises into the  
stormwater drainage system (such as  
by pumped drainage systems),  
25 stormwater that has entered the  
premises; or

(c) regulating or controlling (including  
by means of detention tanks) the entry  
of stormwater into the stormwater  
30 drainage system from any premises;”;

(d) in subsection (1), replace the definition of “qualified  
person” with —

““qualified person” means a person who is registered as —

(a) an architect under the Architects Act 1991 and has in force a practising certificate issued under that Act; or 5

(b) a professional engineer under the Professional Engineers Act 1991 and has in force a practising certificate issued under that Act;” 10

(e) in subsection (1), after the definition of “Registrar of Titles”, insert —

““reservoir” means a body of water maintained as a reservoir by the Board in any Catchment Area Park or Central Water Catchment Area (as defined in regulations made under section 72 of the Public Utilities Act 2001);” 15

(f) in subsection (1), replace the definition of “sewerage system” with —

““sewerage system” means a system of sewers, pipes, drain-lines, pumping systems, sumps, tanks, flow control systems, sensors, odour control and ventilating systems, chambers, manholes, sewage treatment systems or water reclamation facilities, or other appurtenances, for use in connection with one or both of the following purposes: 20

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

(b) the recovery and treatment of water which is supplied to the Board or by the Board, 25 30

and includes any pipes and tanks for the temporary collection of sewage that do not

connect downstream to or empty into any sewer;”;

(g) in subsection (1), in the definition of “sewerage works”, after “sewerage system”, insert “or any part thereof”; and

(h) after subsection (1), insert —

5 “(2) For the purposes of the definition of “sewerage system” in subsection (1), regulations made under section 74 may provide —

(a) for any thing to be excluded from the definition; or

10 (b) for any thing to be included in the definition.”.

#### **Amendment of section 4**

3. In the principal Act, in section 4(3), replace “An” with “Unless section 43(2) applies, an”.

#### **Amendment of section 6**

4. In the principal Act, in section 6(2) —

(a) after “sewerage system” wherever it appears, insert “or any part thereof”; and

(b) replace “public sewer” with “public sewerage system”.

#### **Amendment of section 7**

5. In the principal Act, in section 7 —

(a) in subsection (1), after “any private sewerage system”, insert “or any part thereof”;

25 (b) in subsection (2), after “a private sewerage system”, insert “or part thereof”; and

(c) in subsection (3), replace “the owner” with “any user”.

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

6. In the principal Act, in section 10 —

(a) replace subsection (1) with —

“(1) Every sewerage system at any premises (but not any public sewerage system) must be altered, repaired and kept in proper order at the cost and expense of the owner of the premises.

(1A) Without affecting subsection (1), where the sewerage system under that subsection or any part thereof —

- (a) is connected to any other premises; and
- (b) serves the sewerage needs of the other premises,

then the owner of the other premises must also at that owner’s own cost and expense alter, repair and keep in proper order the system or part thereof (as the case may be) at the premises under subsection (1).”;

(b) in subsection (2), replace “the owner of any premises mentioned in subsection (1)” with “any of the owners of any premises mentioned in subsections (1) and (1A)”;

(c) in subsection (2), replace paragraph (a) with —

“(a) to have the sewerage system or part thereof inspected and tested in such manner and at such intervals as the Board may require, to ensure that the sewerage system or part thereof is kept in proper order;”;

(d) in subsection (2)(b), replace “in good order the sewerage system” with “in proper order the sewerage system or part thereof”;

(e) in subsection (3), replace “good order and condition” with “proper order”;

(f) in subsection (3), after “premises”, insert “pursuant to section 43(2)”;

(g) replace subsections (4) and (5) with —

“(4) The Board may, as it thinks just —

(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the works under subsection (3) from any owner of the premises mentioned in subsections (1) and (1A); or

(b) apportion such costs and expenses among all or any of the owners of the premises mentioned in subsections (1) and (1A) and recover the sums apportioned from those owners.

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

(6) Nothing in this section prevents any owner of the premises mentioned in subsection (1) and any owner of any other premises in subsection (1A) from agreeing on an apportionment between them of any costs of altering, repairing or keeping in proper order the sewerage system or part thereof mentioned in subsection (1A); but the Board is not, for the purposes of subsection (4)(b), bound by any such agreement.”.

### **Amendment of section 11**

7. In the principal Act, in section 11 —

(a) in subsection (1)(a), after “sewerage system”, insert “or any part thereof or any earth retaining structure”;

(b) replace subsection (2) with —

“(2) Where any sewerage system or any part thereof or any earth retaining structure is constructed, altered, discontinued or closed up, or any sanitary works are carried out, in contravention of subsection (1) or any condition of a clearance certificate or approval granted pursuant to subsection (1), the Board may do one or both of the following:

- (a) serve on any person specified in subsection (3) a notice requiring the person to demolish or make good the sewerage system or part thereof, earth retaining structure or sanitary facilities (as the case may be) to its original condition within the time specified in the notice; 5
- (b) revoke the clearance certificate or approval given, or suspend the clearance certificate or approval for such period as the Board considers reasonable.”; 10
- (c) in subsection (3), replace “notice mentioned in subsection (2)” with “notice mentioned in subsection (2)(a)”;
- (d) in subsection (3), replace paragraph (b) with — 15
- “(b) the owner or occupier of the premises at which the sewerage system or part thereof, earth retaining structure or sanitary facilities mentioned in subsection (2) are situated; 20
- (ba) the owner or occupier of any other premises to which the sewerage system or part thereof, earth retaining structure or sanitary facilities mentioned in subsection (2) are connected and which 25
- serve the sewerage needs of the other premises;”;
- (e) in subsection (3)(c), after “sewerage system”, insert “or part thereof, earth retaining structure”;
- (f) replace subsection (4) with — 30
- “(4) Any person who —
- (a) contravenes subsection (1); or

(b) carries out any works after the clearance certificate or approval relating to those works has been revoked or during the period that the clearance certificate or approval is suspended under subsection (2)(b),

shall be guilty of an offence and shall be liable —

(c) on the first conviction to a fine not exceeding \$50,000; and

(d) on a second or subsequent conviction to a fine not exceeding \$100,000.”; and

(g) after subsection (5), insert —

“(6) Where the Board is satisfied that it is immediately necessary to demolish or make good the sewerage system or part thereof or sanitary facilities to its original condition, any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out any alterations, repairs, works, acts or things that are necessary for that purpose.

(7) The Board may, as it thinks just —

(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the works under subsection (6) from any of the persons mentioned in subsection (3); or

(b) apportion such costs and expenses among all or any of the persons mentioned in subsection (3) and recover the sums apportioned from those persons.”.

### **Amendment of section 13**

**8.** In the principal Act, in section 13(1), after “section 44”, insert “or section 43(2) (as the case may be)”.



### Amendment of section 13A

9. In the principal Act, in section 13A(1), replace paragraphs (a) and (b) with —

- “(a) obtaining from the Board the relevant drainage plan or sewerage plan or other plans or records to ascertain — 5
- (i) the location of any public sewerage system or part thereof, in the vicinity of the place at which the person proposes to do those works;
  - (ii) the location of any proposed public sewerage system or part thereof which has been or is being constructed, in the vicinity of the place at which the person proposes to do those works; or 10
  - (iii) the proposed location for the construction of any proposed public sewerage system or part thereof, in the vicinity of the place at which the person proposes to do those works; 15
- (aa) in relation to any proposed public sewerage system or part thereof, ascertaining from the Board the extent of the construction of the system or part thereof, and — 20
- (i) the location of the system or any part thereof that has been or is being constructed; or
  - (ii) the proposed location at which the system or any part thereof is to be constructed,
- as the case may be; 25
- (b) in relation to any public sewerage system or proposed public sewerage system, or part thereof, that has been or is being constructed — physically ascertaining the location of such system or part thereof that may be interfered with by those works, by carrying out trial trenches or by using any other method approved by the Board; and”. 30

## Amendment of section 14

10. In the principal Act, in section 14 —

(a) replace subsection (1) with —

“(1) A person must not —

5 (a) erect, construct or lay, or cause or permit to be erected, constructed or laid, any object, manhole, pipe, cable, mains, building or structure over, across or adjacent to —

(i) any sewer or sewerage system; or

10 (ii) any or any part of a proposed public sewerage system that has been or is being constructed; or

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

(i) any sewer or sewerage system; or

20 (ii) any or any part of a proposed public sewerage system that has been or is being constructed by the Board,

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

(1A) A person must not —

25 (a) erect, construct or lay, or cause or permit to be erected, constructed or laid, any object, manhole, pipe, cable, mains, building or structure at any place at which a public sewerage system or any part thereof is proposed to be constructed by the Board; or

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(b) carry out or cause to be carried out any other works at that place,

without first giving written notification to the Board of the works.”;

(b) replace subsection (2) with —

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“(2) Where any object, manhole, pipe, cable, mains, building or structure is erected, constructed or laid or any other works are carried out in contravention of subsection (1) or any condition of a clearance certificate or approval granted pursuant to subsection (1), the Board may do all or any of the following:

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(a) by written notice, require any person specified in subsection (3) to do one or more of the following:

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(i) to immediately cease the carrying out of those works, either indefinitely or for such period as the Board may specify;

(ii) to carry out any works that the Board thinks necessary to protect the sewer or sewerage system within the time specified in the notice;

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(iii) to demolish and remove the object, manhole, pipe, cable, mains, building or structure within the time specified in the notice;

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(b) revoke the clearance certificate or approval given, or suspend the clearance certificate or approval for such period as the Board considers reasonable.”;

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(c) in subsection (3), replace “subsection (2)” with “subsection (2)(a)”;

(d) in subsection (3)(b) and (d), after “object,”, insert “manhole, pipe, cable, mains,”;

(e) replace subsection (4) with —

“(4) Any person who —

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(a) contravenes subsection (1); or

(b) carries out any works after the clearance certificate or approval relating to those works has been revoked or during the period that the clearance certificate or approval is suspended under subsection (2)(b),

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shall be guilty of an offence and shall be liable —

(c) on the first conviction to a fine not exceeding \$50,000; and

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(d) on a second or subsequent conviction to a fine not exceeding \$100,000.

(4A) Any person who contravenes subsection (1A) shall be guilty of an offence.

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(4B) Where the Board is satisfied that it is immediately necessary to do any work mentioned in subsection (2)(a)(ii) or to demolish and remove the object, manhole, pipe, cable, mains, building or structure, any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out those works, or the demolition and removal, as the case may be.

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(4C) The Board may, as it thinks just —

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(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the works or demolition and removal under subsection (4B) from any of the persons mentioned in subsection (3); or

(b) apportion such costs and expenses among all or any of the persons mentioned in subsection (3) and recover the sums apportioned from those persons.”; and

(f) in subsection (5), replace “section 2” with “section 2(1)”. 5

### **Amendment of section 15**

11. In the principal Act, in section 15 —

(a) in the section heading, delete “**and trade effluent**”; and

(b) in subsection (2), delete “and trade effluent”.

### **Amendment of section 16**

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12. In the principal Act, in section 16 —

(a) in subsections (1) and (3), replace “communicating with” with “connected to”; and

(b) replace subsection (5) with —

“(5) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable — 15

(a) on the first conviction, to a fine of at least \$4,000 and not more than \$20,000 or to imprisonment for a term not exceeding 3 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 of a day during which the offence continues after conviction; and 20

(b) on a second or subsequent conviction, to a fine of at least \$10,000 and not more than \$50,000 or to imprisonment for a term not exceeding 3 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 of a day during which the offence continues after conviction.”. 25 30

### **Amendment of section 16A**

**13.** In the principal Act, in section 16A —

(a) in subsections (1), (2) and (8), replace “communicating with” with “connected to”;

5 (b) in subsection (5)(a), replace “a fine not exceeding” with “a fine of at least \$10,000 and not more than”;

(c) in subsection (5)(b), replace “a fine not exceeding” with “a fine of at least \$20,000 and not more than”;

(d) replace subsection (6) with —

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

(a) injury or death to any person;

(b) damage to any public sewerage system which renders the sewerage system inoperable; or

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(c) severe disruption to the process of treating sewage or the process of water reclamation,

shall be guilty of an offence and shall be liable —

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(d) on the first conviction, to a fine of at least \$40,000 and not more than \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and

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(e) on a second or subsequent conviction, to a fine of at least \$80,000 and not more than \$400,000 or to imprisonment for a term not exceeding 2 years or to both.”;

(e) in subsection (7)(b), delete “or trade effluent”; and

(f) in subsection (9)(a)(iv)(B), delete “trade effluent”.

### **Amendment of section 17**

14. In the principal Act, in section 17 —

- (a) in subsection (1), replace “communicating with” wherever it appears with “connected to”;
- (b) in subsection (4), replace “not exceeding \$40,000” with “of at least \$20,000 and not more than \$100,000”; and
- (c) in subsection (4), replace “\$1,000” with “\$2,000”.

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### **Amendment of section 18**

15. In the principal Act, in section 18(1), replace “communicating with” with “connected to”.

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### **Amendment of section 19**

16. In the principal Act, in section 19(1), replace “communicating with” with “connected to”.

### **Amendment of section 20**

17. In the principal Act, in section 20 —

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- (a) in the section heading, replace “**public sewer**” with “**public sewerage system**”;

(b) replace subsections (1) and (2) with —

“(1) Any person who —

(a) causes any damage to —

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(i) any public sewerage system or any part thereof;

(ii) any drain-line or sewer connected to a public sewerage system; or

(iii) any earth retaining structure; or

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(b) renders any public sewerage system or any part thereof or any private sewer a nuisance,

shall be guilty of an offence and shall be liable —

5 (c) on the first conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 months or to both; and

10 (d) on a second or subsequent conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both.

(2) Any person who —

15 (a) does any act which renders any public sewerage system or any part thereof or any private sewer dangerous or injurious to health;

20 (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

25 (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 —

30 (d) on the first conviction to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 2 years or to both; and

(e) on a second or subsequent conviction to a fine not exceeding \$400,000 or to imprisonment for a term not exceeding 2 years or to both.”; and



(c) replace subsection (4) with —

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

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(5) Where the Board is satisfied that it is immediately necessary to carry out any works that may be necessary to restore the public sewerage system to its original condition, any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out those works.

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(6) The Board may, as it thinks just —

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(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the works under subsection (5) from any person mentioned in subsection (4) on whom the Board could have served a written notice to restore the public sewerage system to its original condition; or

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(b) apportion such costs and expenses among all or any of the persons mentioned in subsection (4) and recover the sums apportioned from those persons.”.

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## Amendment of section 21

18. In the principal Act, in section 21 —

(a) replace subsections (1) and (2) with —

“(1) The Board may —

5 (a) cause to be made, constructed and maintained any stormwater drainage system or drain; and

(b) enlarge and alter or otherwise improve any stormwater drainage system or drain.

10 (2) For the purposes of subsection (1), the Board may —

(a) carry the drainage system across, through, along or under any premises or any cellar, basement or vault of any building; and

15 (b) carry out any works requisite for, or incidental to, the purposes of subsection (1).”; and

(b) in subsection (3), replace “An” with “Unless section 43(2) applies, an”.

## 20 New section 21A

19. In the principal Act, after section 21, insert —

### “Board may take over control, etc., of stormwater drainage systems and drains

25 **21A.**—(1) The Board may take over the control, supervision, maintenance and repair of any stormwater drainage system or drain not already under its control or supervision or maintained by it, to such extent as the Board thinks fit and may charge fees therefor.

30 (2) The Board may, at any time, vary or rescind any decision to control, supervise, maintain and repair a stormwater drainage system or drain.

(3) Fees charged by the Board for the control, supervision, maintenance and repair of a stormwater drainage system or drain under subsection (1) are payable by any user thereof.”.

### **New sections 22A and 22B**

**20.** In the principal Act, after section 22, insert —

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#### **“Drains, etc., to be kept in proper order at cost of owners**

**22A.**—(1) Every stormwater drainage system or drain at any premises (but not any such system or drain under the control or supervision of the Board or maintained by the Board) must be altered, repaired and kept in proper order at the cost and expense of the owner of the premises.

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(2) Without affecting subsection (1), where the stormwater drainage system or drain under that subsection or any part thereof —

(a) is connected to any other premises; and

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(b) serves the drainage needs of the other premises,

then the owner of the other premises must also at that owner’s own cost and expense alter, repair and keep in proper order the system or drain or part thereof (as the case may be) at the premises under subsection (1).

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(3) The Board may, by written notice, require any of the owners mentioned in subsections (1) and (2) to do one or both of the following at the owner’s own cost and expense:

(a) to have the stormwater drainage system or drain or part thereof inspected and tested in such manner and at such intervals as the Board may require, to ensure that the system or drain or part thereof is kept in proper order;

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(b) to alter, repair or put in proper order the stormwater drainage system or drain or part thereof in such manner as the Board may require.

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(4) Where the Board is satisfied that it is immediately necessary to alter, repair or put in proper order any or any part of a stormwater drainage system or drain under subsection (1) or (2), any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out any alterations, repairs, works, acts or things that are necessary for any of those purposes.

(5) The Board may, as it thinks just —

(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the works under subsection (4) from any owner of the premises mentioned in subsections (1) and (2); or

(b) apportion such costs and expenses among all or any of the owners of the premises mentioned in subsections (1) and (2) and recover the sums apportioned from those owners.

(6) Any person who contravenes subsection (1) or (2) shall be guilty of an offence.

(7) Nothing in this section prevents any owner of the premises mentioned in subsection (1) and any owner of any other premises in subsection (2) from agreeing on an apportionment between them of any costs of altering, repairing or keeping in proper order the stormwater drainage system or drain or part thereof mentioned in subsection (2); but the Board is not, for the purposes of subsection (5)(b), bound by any such agreement.

**Flood protection measures to be kept in proper order at cost of owners**

**22B.—**(1) The owner of any premises must alter, repair and keep in proper order every flood protection measure at the premises.

(2) The Board may, by written notice, require the owner mentioned in subsection (1) to do one or both of the following at the owner’s own cost and expense:

(a) to have the flood protection measure inspected and tested in such manner and at such intervals as the Board may require, to ensure that the flood protection measure is kept in proper order;

(b) to alter, repair or put in proper order the flood protection measure in such manner as the Board may require. 5

(3) Where the Board is satisfied that it is immediately necessary to alter, repair or put in proper order any flood protection measure, any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out any alterations, repairs, works, acts or things that are necessary for any of those purposes. 10

(4) Any expenses reasonably and necessarily incurred in carrying out the works referred to in subsection (3) may be recovered from the owner mentioned in subsection (1). 15

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

**Amendment of section 23**

**21.** In the principal Act, in section 23 — 20

(a) replace subsection (2) with —

“(2) Where any stormwater drainage system or drain has been constructed, altered, discontinued or closed up in contravention of subsection (1) or any condition of a clearance certificate or approval granted pursuant to subsection (1), the Board may do one or both of the following: 25

(a) serve on any person specified in subsection (3) a notice requiring the person to demolish or make good the stormwater drainage system or drain to its original condition within the time specified in the notice; 30

(b) revoke the clearance certificate or approval given, or suspend the clearance certificate or approval for such period as the Board considers reasonable.”;

5 (b) in subsection (3), replace “notice mentioned in subsection (2)” with “notice mentioned in subsection (2)(a)”;

(c) in subsection (3), replace paragraph (b) with —

10 “(b) the owner or occupier of the premises at which the stormwater drainage system or drain mentioned in subsection (2) are situated;

15 (ba) the owner or occupier of any other premises to which the stormwater drainage system or drain mentioned in subsection (2) or any part thereof are connected and which serve the drainage needs of the other premises;”;

(d) replace subsection (4) with —

20 “(4) Any person who —

(a) contravenes subsection (1); or

25 (b) carries out any works after the clearance certificate or approval relating to those works has been revoked or during the period that the clearance certificate or approval is suspended under subsection (2)(b),

shall be guilty of an offence and shall be liable —

30 (c) on the first conviction to a fine not exceeding \$50,000; and

(d) on a second or subsequent conviction to a fine not exceeding \$100,000.

(5) Where the Board is satisfied that it is immediately necessary to demolish or make good the stormwater drainage system or drain to its original condition, any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out any alterations, repairs, works, acts or things that are necessary for that purpose. 5

(6) The Board may, as it thinks just —

(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the works under subsection (5) from any of the persons mentioned in subsection (3); or 10

(b) apportion such costs and expenses among all or any of the persons mentioned in subsection (3) and recover the sums apportioned from those persons.”. 15

## **Amendment of section 24**

22. In the principal Act, in section 24 —

(a) in the section heading, replace “**and drainage reserves**” with “**, drainage reserves and reservoirs**”; 20

(b) in subsection (1), replace paragraph (a) with —

“(a) erect or place any fence, partition, structure or object in, above or across, or enclosing, the whole or any part of, any drain or reservoir;”;

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(c) in subsection (1)(c), after “cable”, insert a comma;

(d) in subsection (1A)(a) and (c) (as inserted by section 42(c) of the State Lands Protection Act 2022), replace “drainage reserve that is State land” with “drain or drainage reserve”;

(e) in subsection (1A)(b) (as inserted by section 42(c) of the State Lands Protection Act 2022), delete “that is State land”; 30

(f) in subsection (2)(a)(i) (as inserted by section 42(c) of the State Lands Protection Act 2022), replace “enclosing, the drain” with “enclosing, the whole or any part of, the drain or reservoir”;

5 (g) in subsection (2)(b) (as inserted by section 42(c) of the State Lands Protection Act 2022), replace “drainage reserve” with “drain, drainage reserve or reservoir”;

10 (h) in subsection (2)(c)(i) and (ii) (as inserted by section 42(c) of the State Lands Protection Act 2022), replace “or drainage reserve” with “, drainage reserve or reservoir”;

(i) after subsection (2) (as inserted by section 42(c) of the State Lands Protection Act 2022), insert —

15 “(2A) Without affecting subsection (2), if any condition of a clearance certificate or approval granted pursuant to subsection (1) or (1A) is contravened, the Board may revoke the clearance certificate or approval given, or suspend the clearance certificate or approval for such period as the Board considers reasonable.”;

20 (j) replace subsection (4) with —

“(4) Any person who —

(a) contravenes subsection (1) or (1A); or

25 (b) carries out any works after the clearance certificate or approval relating to those works has been revoked or during the period that the clearance certificate or approval is suspended under subsection (2A),

shall be guilty of an offence and shall be liable —

30 (c) on the first conviction to a fine not exceeding \$50,000; and

(d) on a second or subsequent conviction to a fine not exceeding \$100,000.”;



- (k) after subsection (6) (as inserted by section 42(g) of the State Lands Protection Act 2022), insert —

“(6A) Where the Board is satisfied that it is immediately necessary to remove the structure, object or obstruction and make good the drain, drainage reserve or reservoir to its original condition, any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out any alterations, repairs, works, acts or things that are necessary for that purpose.

(6B) The Board may, as it thinks just —

(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the works under subsection (6A) from any of the persons mentioned in subsection (3); or

(b) apportion such costs and expenses among all or any of the persons mentioned in subsection (3) and recover the sums apportioned from those persons.”; and

- (l) in subsections (7), (8), (9)(b) and (11)(b) (as inserted by section 42(g) of the State Lands Protection Act 2022), after “subsection (5)”, insert “or (6A)”.

## Amendment of section 26

23. In the principal Act, in section 26 —

(a) in the section heading, after “**stormwater drainage system**”, insert “, etc.”;

(b) in subsections (1)(a) and (b), (3) and (4)(a)(ii), replace “or drainage reserve” wherever it appears with “, drainage reserve or reservoir”;

(c) after subsection (1), insert —

“(1A) A person must not carry out or cause to be carried out —

(a) any activity (not being works) which affects or is likely to affect any stormwater drainage system, drain or drainage reserve, directly or indirectly; or

5 (b) any activity (not being works) that could lead to the discharge of silt directly or indirectly into any stormwater drainage system, drain, drainage reserve or reservoir.”;

10 (d) after subsection (4), insert —

“(4A) Where any activity is or has been carried out in contravention of subsection (1A), or as a result of which silt is discharged which exceeds the standards or limits prescribed under subsection (3), the Board may by written notice require the person who carried out or caused to be carried out the activity, or the owner or occupier of any premises where the activity was carried out, to do one or more of the following:

20 (a) to immediately cease the carrying out of the activity, either indefinitely or for such period as the Board may specify;

(b) to carry out any works that the Board thinks necessary to restore the stormwater drainage system, drain, drainage reserve or reservoir to its original condition or to protect the stormwater drainage system, drain, drainage reserve or reservoir, within the time specified in the notice;

25 (c) to take any measures that the Board thinks necessary to adhere to the standards or limits prescribed under subsection (3).”;

30 (e) replace subsection (5) with —

“(5) Any person who —

(a) contravenes subsection (1), (1A) or (2);

(b) without reasonable excuse, fails to comply with a notice of the Board under subsection (4)(a) or (4A); or

(c) carries out any works after the clearance certificate or approval relating to those works has been revoked or during the period that the clearance certificate or approval is suspended under subsection (4)(b),

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shall be guilty of an offence and shall be liable —

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(d) on the first conviction to a fine not exceeding \$50,000; and

(e) on a second or subsequent conviction to a fine not exceeding \$100,000.”;

(f) in subsections (6), (7) and (8), after “subsection (4)(a)”, insert “or (4A)”;

15

(g) after subsection (7), insert —

“(7A) Where the Board is satisfied that it is immediately necessary to take any measure or carry out any works —

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(a) to stop the works or activity carried out in contravention of subsection (1), (1A) or (2);

(b) to restore the stormwater drainage system, drain, drainage reserve or reservoir to its original condition or to protect the stormwater drainage system, drain, drainage reserve or reservoir; or

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(c) without affecting paragraph (a) or (b), to prevent any silt resulting from any works or activity mentioned in subsection (1) or (1A) from discharging directly or indirectly into any stormwater drainage system, drain, drainage reserve or reservoir,

any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out the measures or works.

(7B) The Board may, as it thinks just —

(a) recover the costs and expenses reasonably and necessarily incurred in carrying out the measures or works under subsection (7A) from any of the persons mentioned in subsection (4)(a) or (4A), as the case may be; or

(b) apportion such costs and expenses among all or any of the persons mentioned in subsection (4)(a) or (4A) (as the case may be) and recover the sums apportioned from those persons.”.

### Replacement of section 30

24. In the principal Act, replace section 30 with —

**“Damage caused to stormwater drainage system, etc.**

30.—(1) A person must not cause any damage to any stormwater drainage system or drain.

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

(a) on the first conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 months or to both; and

(b) on a second or subsequent conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 months or to both.

(3) Where a person has caused any damage to any stormwater drainage system or drain in contravention of subsection (1), the Board may, by written notice, require the person to carry out any works to restore the stormwater drainage system or drain to its original condition within the time specified in the notice. 5

(4) Where the Board is satisfied that it is immediately necessary to restore the stormwater drainage system or drain to its original condition, any authorised officer may enter upon any premises pursuant to section 43(2) and carry out or cause to be carried out any alterations, repairs, works, acts or things that are necessary for that purpose. 10

(5) Any expenses reasonably and necessarily incurred in carrying out the works under subsection (4) may be recovered from the person who contravened subsection (1).” 15

**Amendment of section 32**

25. In the principal Act, in section 32 —

(a) in subsection (1), replace paragraph (a) with — 20

“(a) specifications for sewerage works, sewerage systems, earth retaining structures, sanitary facilities, sanitary appliances, drains, drainage works, silt control measures, stormwater drainage systems, flood protection measures, and works which are likely to affect any sewerage system, earth retaining structure, stormwater drainage system or flood protection measure; and”; and 25 30

(b) delete subsection (3).

**New sections 32A and 32B**

26. In the principal Act, after section 32, insert —

**“Incorporation by reference**

**32A.**—(1) The regulations made under section 74 may apply, adopt or incorporate by reference —

(a) wholly or partially;

5 (b) with or without any addition, omission or substitution; or

(c) specifically or by reference,

10 any code of practice, standard, requirement, specification or other document that relates to any subject matter of any regulations made under section 74 (called in this section the material), as in force or published at a particular time or as in force or published from time to time.

15 (2) The material mentioned in subsection (1) may be material issued by the Board, or material issued by any standards setting organisation, or other organisation or person.

(3) Any material applied, adopted or incorporated in the regulations by reference under subsection (1) is to be treated for all purposes as forming part of the regulations.

20 (4) Unless otherwise provided in the regulations, where the material is applied, adopted or incorporated by reference as in force or published from time to time, every amendment to the material that is made by the organisation or person originating the material is to be treated as being a part of those regulations.

25 (5) Where any material is applied, adopted or incorporated by reference in any provision of any regulations, the Board must give notice in the *Gazette* stating —

(a) that the material is incorporated in the regulations, and the date on which the relevant provision in the regulations was made;

30 (b) that the material is available for inspection, free of charge, and the place at which the material may be inspected;

- (c) that copies of the material can be purchased, and the place where the copies can be purchased; and
- (d) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

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(6) In addition, the Board must cause a copy of every material applied, adopted or incorporated in the regulations by reference under subsection (1), to be made available for inspection by members of the public without charge at any of its offices during normal office hours.

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(7) To avoid doubt, any part of the material that is not applied, adopted or incorporated by reference under subsection (1) has no legislative effect.

### **Advisory guidelines**

**32B.**—(1) The Board may issue advisory guidelines for the purposes of providing practical guidance or certainty in respect of any one or more requirements imposed by or under this Act.

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(2) The advisory guidelines may —

- (a) be of general or specific application; or
- (b) specify that different provisions of the advisory guidelines apply to different circumstances, or are applicable to different persons or classes of persons.

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(3) The Board may amend or revoke the whole or part of any advisory guidelines issued under subsection (1).

(4) Advisory guidelines issued or amended under this section do not have any legislative effect.”

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### **Amendment of section 33**

**27.** In the principal Act, in section 33 —

(a) in subsection (4)(a), replace sub-paragraph (i) with —

“(i) a qualified person prescribed in regulations made under section 74 for the purposes of this section;” and

30

(b) replace subsections (7) and (8) with —

“(7) In issuing a clearance certificate or granting its approval under subsection (5), the Board may impose any conditions that it thinks fit, including —

5 (a) a condition that only sanitary appliances, pipes and fittings of a type approved by the Board must be used;

10 (b) the transfer of ownership to the Government, or the transfer of control, supervision or maintenance to the Board, of any drain or sewer constructed or installed under the clearance certificate or approval, and any other structure, appurtenance or apparatus that is constructed or installed in  
15 connection with the drain or sewer; and

(c) the provision to the Board, whether by assignment or otherwise —

20 (i) of any warranty against defects that become apparent within the period specified in the condition, in the drain or sewer; and

(ii) of any undertaking to make good any such defects at the costs and expenses of the person providing the warranty.

25 (7A) A condition mentioned in subsection (7) may impose an obligation on or otherwise apply to a person other than the applicant, but the Board must serve a written notice of the condition on the person.

30 (7B) Where a person contravenes a condition mentioned in subsection (7), the Board may —

(a) serve on the person a written notice to take any measures that the Board thinks necessary to comply with the condition or otherwise rectify the contravention; or



(b) without affecting paragraph (a), serve on any of the following persons a written notice directing the person to make good any defects in the drain or sewer that would have been covered by any warranty or undertaking mentioned in subsection (7)(c): 5

(i) any person who constructed the drain or sewer;

(ii) any person who caused the construction of the drain or sewer. 10

(7C) All costs and expenses incurred by a person in complying with a written notice mentioned in subsection (7B) must be borne by the person.

(7D) Any person who, without reasonable excuse, fails to comply with a written notice served on the person under subsection (7B) shall be guilty of an offence. 15

(7E) Where a person on whom a written notice mentioned in subsection (7B) has been served fails to comply with the notice, an authorised officer may, at all reasonable hours in the day or night, or at any other time that may be agreed with the owner or occupier of the premises at which the drain or sewer is located, enter the premises and execute any works and take any measures needed to secure compliance with the written notice but without affecting any proceedings that may be taken against that person under subsection (7D). 20 25

(7F) Any expenses reasonably incurred by the Board under subsection (7E) may be recovered from the person who failed to comply with the notice served on the person under subsection (7B), and section 48 and, if that person is the owner of the premises, section 50 applies in respect of those expenses. 30 35

5 (7G) Nothing in this section prohibits the Board from making good any defects in the drain or sewer that would have been covered by any warranty or undertaking mentioned in subsection (7)(c), at the request of the person on whom the written notice was served, upon the person's undertaking to pay the Board's costs and expenses of making good the defects.

10 (7H) Nothing in subsection (7G) imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to make good the defects mentioned in that subsection.

15 (8) Where any works in respect of which a clearance certificate has been issued under subsection (5), have been carried out, the Board may by written notice —

20 (a) require the qualified person that made the plans for the works to apply to the Board for a compliance certificate within the period and in the form and manner specified in the notice; and

25 (b) if the qualified person fails to do so, require the person for whom the works were carried out to apply to the Board for the compliance certificate within the period and in the form and manner specified in the notice.

30 (8A) To avoid doubt, the Board may serve more than one written notice under subsection (8) on the same person, so long as the compliance certificate has not been obtained in accordance with any written notice previously served on any person under that subsection.

(8B) Any person who fails to comply with a written notice issued to the person under subsection (8) shall be guilty of an offence.”.

#### **Amendment of section 34**

28. In the principal Act, in section 34(1), replace “whose qualifications are appropriate to the nature of those works” with “prescribed in regulations made under section 74 for those works”.

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#### **Amendment of section 36**

29. In the principal Act, in section 36(2) —

(a) replace paragraph (c) with —

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“(c) where the contravention or likely contravention relates to any stormwater drainage system, drain, flood protection measure, sewerage system or sanitary facilities at any premises — the owner or occupier of the premises;

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(ca) where the contravention or likely contravention relates to any stormwater drainage system, drain, sewerage system or sanitary facilities or any part thereof at any premises that —

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(i) is connected to any other premises;  
and

(ii) serves the drainage or sewerage needs of the other premises,

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the owner or occupier of the other premises;

(cb) where the contravention or likely contravention relates to any drainage reserve — the owner or occupier of the premises of which the drainage reserve forms a part; or”; and

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(b) in paragraph (d), replace “sewerage system or sanitary facilities” with “stormwater drainage system, drain, sewerage system or sanitary facilities, or authorised to carry out works in the drainage reserve or at the reservoir”.

5 **Amendment of section 39**

**30.** In the principal Act, in section 39(1)(b) —

(a) after “any document”, insert “or footage recorded by any video surveillance system”; and

(b) replace “such document” with “the document or footage”.

10 **Amendment of section 41**

**31.** In the principal Act, in section 41(1), after “20,”, insert “22A, 22B,”.

**Amendment of section 42**

**32.** In the principal Act, in section 42(1) —

15 (a) after “section 26(4)(a)”, insert “, 33(7B)”; and

(b) in paragraph (b)(i), replace “section 26(5)” with “section 26(5)(b), 33(7D)”.

**Amendment of section 43**

**33.** In the principal Act, in section 43 —

20 (a) renumber the section as subsection (1) of that section; and

(b) after subsection (1), insert —

25 “(2) Despite anything in section 44, where the Board has reason to believe that any public sewerage system or stormwater drainage system, or any part thereof, is damaged or obstructed, the Board may immediately and without notice enter any premises and carry out, or direct the immediate execution of, any work or the doing of any act to repair the public sewerage system or stormwater drainage system, or the part thereof, or remove the

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obstruction, which is in the opinion of the Board necessary for the service or safety of the public.”.

### **Amendment of section 44A**

**34.** In the principal Act, in section 44A —

(a) in paragraph (b), replace “and documents” with “, documents and footage recorded by any video surveillance system,”; and

(b) in paragraph (d), after “photographs”, insert “or video recordings”.

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### **Amendment of section 47**

**35.** In the principal Act, in section 47(4) —

(a) in paragraph (a), replace “or 22” with “, 22 or 52(1)(b)”;

(b) in paragraph (c), after “17”, insert “or 39(1)(c)”;

(c) in paragraph (d), replace “44 or 45” with “33(7B), 44, 45 or 50(3)”.

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### **New section 47AA**

**36.** In the principal Act, before section 47A, insert —

#### **“Application of this Part**

**47AA.** This Part does not apply if the temporary possession of premises taken under section 44 is necessitated on account of the failure of an owner or occupier to comply with a notice mentioned in section 26, 33 or 41.”.

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### **Amendment of section 48**

**37.** In the principal Act, in section 48(2)(c), after “section 26(6)”, insert “, 33(7E)”.

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### **New section 60A**

**38.** In the principal Act, before section 61, insert —

**“Certain sewers and drains not fixtures and not subject to distress**

**60A.**—(1) This section applies to —

(a) any public sewerage system which is situated at premises that are not in the possession of the Government or the Board; and

(b) any stormwater drainage system or drain that —

(i) is vested in the Government and which is situated in or upon premises not being in the possession of the Government; or

(ii) is constructed, owned or managed by the Board and which is situated at premises that are not in the possession of the Board.

(2) The public sewerage system, stormwater drainage system or drain —

(a) is deemed not to be a fixture, and does not vest in the owner of the premises; and

(b) is not to be subject to distress or be liable to be taken under or pursuant to an enforcement order of any court or any proceedings in bankruptcy against the person in whose possession it is.”.

**Amendment of section 65**

**39.** In the principal Act, in section 65(2), delete “or any regulations made under this Act”.

**Amendment of section 70**

**40.** In the principal Act, in section 70, after subsection (2), insert —

“(2A) All sums collected under this section must be paid into the Consolidated Fund.”.

**New section 73A**

**41.** In the principal Act, after section 73, insert —

**“Administrative exemption**

**73A.**—(1) The Board may, upon the application of a particular person, exempt the particular person from the operation of any of the provisions of —

- (a) this Act (including any material incorporated by reference under section 32A); or 5
- (b) any specifications or codes of practice mentioned in section 32,

if the Board is satisfied that all of the following apply:

- (c) the particular person has undertaken safeguards to mitigate flooding, health and safety risks; 10
- (d) the exemption does not detrimentally affect the public sewerage system, stormwater drainage system or drain in question, as the case may be;
- (e) the particular person has undertaken safeguards to mitigate risks to the Board’s operations and maintenance of the public sewerage system, stormwater drainage system or drain in question, as the case may be. 15

(2) The Board may grant an exemption under subsection (1) generally or for a period specified in the exemption, and subject to any conditions that the Board thinks necessary. 20

(3) The Board may at any time add any condition to, or modify or remove any condition of, an exemption under subsection (1).

(4) An exemption under subsection (1) — 25

- (a) must be in writing and given to the particular person concerned; and
- (b) need not be published in the *Gazette*.

(5) The Board may at any time revoke any exemption under subsection (1).” 30

## Amendment of section 74

42. In the principal Act, in section 74 —

5 (a) in subsection (1)(a), replace “public sewers), public sewers” with “the public sewerage system), the public sewerage system”;

(b) in subsection (1)(a), replace “and stormwater drainage systems” with “, stormwater drainage systems and flood protection measures”;

(c) in subsection (1), after paragraph (a), insert —

10 “(aa) require owners or occupiers of premises to implement and maintain any flood protection measures at the premises that may be prescribed;”;

(d) in subsection (1), after paragraph (c), insert —

15 “(ca) require —

(i) any conveyance transporting used water, sewage, waste matter or effluent to be fitted with any tracking device or locking device approved by the Board; and

20 (ii) the information or data collected by the device to be kept, and provided to the Board, for or in such time (including as and when the Board requires) and in such manner as may be prescribed;

(cb) require —

25 (i) any mechanical equipment or tool used in the course of any works mentioned in section 14 to be fitted with any tracking device that is approved by the Board; and



- (ii) the information or data collected by the device to be kept, and provided to the Board, for or in such time (including as and when the Board requires) and in such manner as may be prescribed;”;
- (e) in subsection (1)(d), after “stormwater drainage systems”, insert “and reservoirs”;
- (f) in subsection (1)(e), after “public sewerage system”, insert “and any proposed public sewerage system that has been or is being constructed”;
- (g) in subsection (1), after paragraph (e), insert —
- “*(ea)* provide for the issue of an order by the Board to stop any works or other activity (including discharging or causing the discharge of any used water, sewage, waste matter or effluent) that has caused damage, or is likely to cause damage, to any or any part of the public sewerage system or a proposed public sewerage system that has been or is being constructed, or which may disrupt any process of treating the used water, sewage, waste matter or effluent or any process of water reclamation;”;
- and
- (h) replace subsection (2) with —
- “(2) The Board may, in making any regulations, provide that any contravention of the regulations shall be an offence —
- (a) 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 of a day during which the offence continues after conviction; or

(b) punishable —

(i) on the first conviction, 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 of a day during which the offence continues after conviction; and

(ii) on a second or subsequent conviction, with a fine not exceeding \$30,000 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 \$1,000 for every day or part of a day during which the offence continues after conviction.”.

### **Consequential and related amendments to Public Utilities Act 2001**

**43.** In the Public Utilities Act 2001 —

(a) in section 2, in the definitions of “drain-line” and “sanitary appliances” and “sanitary facilities”, replace “section 2” with “section 2(1)”;

(b) in section 2, replace the definitions of “sewage” and “sewerage system” with —

““sewage” has the meaning given by section 2(1) of the Sewerage and Drainage Act 1999;

“sewerage system” has the meaning given by section 2(1) of the Sewerage and Drainage Act 1999 (as may be modified pursuant to section 2(2) of that Act);”;

- (c) in section 2, in the definition of “water installation”, after “water-retaining structure,”, insert “chamber,”; 5
- (d) in section 55A(1)(c), after “any document”, insert “or footage recorded by any video surveillance system”;
- (e) in section 55A(1)(c), after “that document”, insert “or footage”; 10
- (f) in section 55B(1)(b), replace “and documents” with “, documents and footage recorded by any video surveillance system”;
- (g) in section 57(1), replace paragraphs (a) and (b) with —
  - “(a) obtaining from the Board the relevant plans 15  
or records to ascertain —
  - (i) the location of any main or pipe  
belonging to or under the  
management or control of the  
Board, in the vicinity of the place at 20  
which the person proposes to do  
those works;
  - (ii) the location of any main or pipe  
which has been or is being  
constructed and is to belong to or 25  
come under the management or  
control of the Board, in the vicinity  
of the place at which the person  
proposes to do those works; or
  - (iii) the proposed location for the 30  
construction of any main or pipe  
that is to belong to or come under  
the management or control of the  
Board, in the vicinity of the place at

which the person proposes to do those works;

(aa) in relation to any proposed main or pipe that is to belong to or come under the management or control of the Board, ascertaining from the Board the extent of the construction of the main or pipe, and —

(i) the location of the main or pipe that has been or is being constructed; or

(ii) the proposed location at which the main or pipe is to be constructed,

as the case may be;

(b) in relation to any main or pipe —

(i) belonging to or under the management or control of the Board; or

(ii) that has been or is being constructed and is to belong to or come under the management or control of the Board,

physically ascertaining the location of such main or pipe that may be interfered with by those works, by carrying out trial trenches or by using any other method approved by the Board; and”;

(h) in section 59(1)(b), delete “or regulations made under this Act”;

(i) after section 69, insert —

**“Administrative exemption**

**69A.—**(1) The Board may, upon the application of a particular person, exempt the particular person from the operation of any of the provisions of —

(a) this Act (including any material incorporated by reference under section 72A); or

(b) any standards or codes of practice mentioned in paragraph 11 of the Second Schedule,

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if the Board is satisfied that all of the following apply:

(c) the exemption does not detrimentally affect the quality, pressure or efficient supply of water by the Board;

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(d) the exemption does not cause or permit waste, undue consumption, misuse, erroneous measurement or contamination of water supplied by the Board;

(e) the exemption does not interfere with, interrupt or obstruct the operation of any meter supplied by the Board;

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(f) the particular person has undertaken safeguards to mitigate risks to the Board's operations and maintenance of the water installations belonging to or under the management or control of the Board, as the case may be.

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(2) The Board may grant an exemption under subsection (1) generally or for a period specified in the exemption, and subject to any conditions that the Board thinks necessary.

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(3) The Board may at any time add any condition to, or modify or remove any condition of, an exemption under subsection (1).

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(4) An exemption under subsection (1) —

(a) must be in writing and given to the particular person concerned; and

(b) need not be published in the *Gazette*.

(5) The Board may at any time revoke any exemption under subsection (1).

(6) This section does not apply to any matter to which section 20(13), 20A(7), 35(2) or 40(8) relates.”;

(j) in section 72(2)(d), after “belonging to”, insert “, or that are to belong to,”;

(k) in section 72(2), after paragraph (d), insert —

“(da) the requirement that —

(i) any mechanical equipment or tool used to dig, bore, trench, grade, excavate, tunnel or break any ground in the vicinity of any main or pipe —

(A) belonging to or under the management or control of the Board; or

(B) that is to belong to or come under the management or control of the Board,

is to be fitted with any tracking device that is approved by the Board; and

(ii) the information or data collected by the device is to be kept, and provided to the Board, for or in such time (including as and when the Board requires) and in such manner as may be prescribed;”;

(l) in section 72(2), after paragraph (e), insert —

“(ea) the prohibition or regulation of any activity in the vicinity of —

- (i) any main or pipe —
  - (A) belonging to or under the management or control of the Board; or
  - (B) that is being constructed and is to belong to or come under the management or control of the Board; or
- (ii) the proposed location for the construction of any main or pipe that is to belong to or come under the management or control of the Board;”;
- (m) in section 72(2)(na), after “belonging to”, insert “or that are to belong to”; and
- (n) in section 72A(5)(c), replace “where the material” with “where the copies”.

### **Consequential amendment to State Lands Protection Act 2022**

**44.** In the State Lands Protection Act 2022, in section 42, delete paragraphs (b) and (f).

### **Saving and transitional provision**

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

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Sewerage and Drainage Act 1999 (the Act) and to make consequential and related amendments to the Public Utilities Act 2001 and the State Lands Protection Act 2022.

Clause 2 amends section 2 (Interpretation). The clause introduces new definitions of “earth retaining structure”, “flood protection measure” and “reservoir”, and replaces existing definitions of “qualified person” and “sewerage system”.

The new definition of “qualified person” refers directly to architects and professional engineers, instead of persons appointed under section 8 or 11 of the Building Control Act 1989 with qualifications appropriate to the work. The intent is for the appropriate qualified person under the new definition required to undertake the various matters under the Act, to be prescribed.

The new definition of “sewerage system” makes clear the various components that comprise a sewerage system.

The clause further renumbers section 2 as subsection (1) of that section, and inserts a new subsection (2) which enables regulations made under section 74 to include or exclude things from the definition of “sewerage system”.

Clause 3 amends section 4 (Construction and maintenance of public sewerage systems) to provide that the requirement of notice for entry onto any premises does not apply in cases of emergency.

Clause 4 amends subsection (2) of section 6 (Premises not provided with adequate sewerage system) to replace “public sewer” with “public sewerage system”, as the latter is the more appropriate term.

Clause 5 amends section 7 (Board may take over control, etc., of private sewerage systems) to clarify that the fees charged by the Public Utilities Board (the Board) are payable by users of the private sewerage system (namely, the owners of any premises that use the private sewerage system).

Clause 6 amends section 10 (Sewerage systems to be kept in proper order at cost of owners) to split the existing section 10(1) into 2 subsections to clarify who the owners of premises “to which the sewerage system belongs or for the use of which it is maintained” are. The clause clarifies that the Board is empowered, in cases of emergency, to enter any premises without notice to carry out urgent works to alter, repair or put in proper order any or any part of the sewerage system in lieu of the responsible party, and recover its costs and expenses in doing so.

Clause 7 amends section 11 (Sewerage systems, etc., not to be constructed or altered without Board’s certificate or approval) to extend the section to earth retaining structures, and amends section 11(2) to enable the Board to revoke or suspend a clearance certificate or approval granted pursuant to section 11(1), if



any condition thereof is contravened. The clause further splits paragraph (b) of section 11(3) into 2 paragraphs to clarify who the owners or occupiers of premises “to which the sewerage system or sanitary facilities ... belong or for the use of which they are maintained” are. The clause also enhances the penalties for offences under section 11, and empowers the Board to enter any premises without notice in cases of emergency to carry out urgent rectification works, and recover its costs and expenses in doing so.

Clause 8 amends section 13 (Power to inspect sewerage systems and sanitary facilities) to enable the Board to enter any premises without notice in cases of emergency.

Clause 9 amends section 13A (Duty to enquire before excavation) to extend the section to instances in which a proposed public sewerage system has been or is being constructed, or is proposed to be constructed (that is, a planned public sewerage system for which no works have commenced). Before excavation works may be carried out, the location or proposed location of the proposed public sewerage system must be ascertained through plans and records available with the Board, and the extent of construction works for the proposed public sewerage system must also be ascertained from the Board. As for physically ascertaining the exact location of any public sewerage system or proposed public sewerage system that has been, is in the course of being or is proposed to be constructed, the clause also amends section 13A to permit methods approved by the Board to be used, in addition to trial trenches.

Clause 10 amends section 14 (Works likely to affect sewer or sewerage system not to be carried out without Board’s certificate or approval) to extend the requirement in subsection (1) to obtain a clearance certificate or approval of the Board for works around sewers and sewerage systems, to works around proposed public sewerage systems that have been or are in the course of being constructed, and includes a new obligation in the new subsection (1A) for written notification to be given to the Board before works may be commenced at any place at which a public sewerage system is proposed to be constructed. The clause also enhances the penalties for offences for contraventions of section 14(1), and empowers the Board, in cases of emergency, to enter any premises without notice to carry out urgent rectification works in lieu of the responsible party, and recover its costs and expenses in doing so.

Clause 11 amends section 15 (Sanitary facilities, sewerage system and sewage and trade effluent removal for farms) to remove references to “trade effluent”, as “sewage” used in the section (as defined in section 2 of the Act) already includes “trade effluent”.

Clause 12 amends section 16 (Trade effluent not to be discharged into public sewerage system without Board’s approval) to update the language by changing “communicating with” to “connected to”, and to enhance the penalties for

offences for contraventions of section 16(1) (including by imposing minimum fines).

Clause 13 amends section 16A (Prohibition on discharge of dangerous or hazardous substance or trade effluent containing dangerous or hazardous substance) to update the language by changing “communicating with” to “connected to”, and to enhance the penalties for offences for contraventions of section 16A(1) (including by imposing minimum fines). The clause also removes certain references to “trade effluent”, as “sewage” used in the section (as defined in section 2 of the Act) already includes “trade effluent”.

Clause 14 amends section 17 (Order to stop discharge of dangerous or hazardous substance or trade effluent containing dangerous or hazardous substance) to update the language by changing “communicating with” to “connected to”, and to enhance the penalties for offences for contraventions of section 17(4) (including by imposing minimum fines).

Clauses 15 and 16 amend sections 18 (Discharge of sewage, etc.) and 19 (Restrictions on use of public sewerage system), respectively, to update the language in sections 18(1) and 19(1) by changing “communicating with” to “connected to”.

Clause 17 amends section 20 (Damage caused to public sewer, etc.) to replace “sewer” with “sewerage system” as the latter is the more appropriate term, and extends section 20(1) to earth retaining structures. The clause also enhances the penalties for offences for contraventions of section 20(1) or (2), and empowers the Board, in cases of emergency, to enter any premises without notice to carry out urgent rectification works in lieu of the responsible party, and recover its costs and expenses in doing so.

Clause 18 amends section 21 (Board may construct stormwater drainage systems) to align section 21(1) with section 4(1) and section 21(2) with section 4(2)(d), and to enable the Board to enter any premises without notice in cases of emergency.

Clause 19 inserts a new section 21A to parallel section 7, for stormwater drainage systems and drains. The new section 21A empowers the Board to take over the control, supervision, maintenance and repair of any stormwater drainage system or drain not already under the control, supervision or maintenance of the Board, and to charge fees for the same.

Clause 20 inserts new sections 22A and 22B, to parallel section 10 (as amended under clause 6), for stormwater drainage systems and drains, and flood protection measures. Owners of premises are required to alter, repair and keep in proper order stormwater drainage systems and drains, and flood protection measures.

Clause 21 amends section 23 (Stormwater drainage system not to be constructed or altered without Board’s certificate or approval). Section 23(2) is

amended to enable the Board to revoke or suspend a clearance certificate or approval granted pursuant to section 23(1) if any condition thereof is contravened. The clause further splits paragraph (b) of section 23(3) into 2 paragraphs to clarify who the owners or occupiers of premises “to which the stormwater drainage system or drain ... belongs or for the use of which it is maintained” are. The clause also enhances the penalties for offences under section 23(4), and empowers the Board, in cases of emergency, to enter any premises without notice to carry out urgent rectification works in lieu of the responsible party, and recover its costs and expenses in doing so.

Clause 22 amends section 24 (Drains and drainage reserves not to be interfered with), which is also being amended by section 42 of the State Lands Protection Act 2022 (the SLPA). Provision is made by clause 44 for 2 of the amendments in the SLPA to be deleted, in the event the amendments made by this clause are brought into operation before the SLPA comes into force.

The clause expands section 24 to cover reservoirs, drainage reserves (including those that are not on State land), and drains. The clause also provides for contraventions relating to section 24 (including as amended under section 42 of the SLPA) to be offences, and empowers the Board, in cases of emergency, to enter any premises without notice to carry out urgent rectification works in lieu of the responsible party, and recover its costs and expenses in doing so.

Clause 23 amends section 26 (Works affecting stormwater drainage system) to expand the section to cover reservoirs as well. A new subsection (1A) is inserted to prohibit activities that are not works (as defined in section 2) that could affect any stormwater drainage system, drain or drainage reserve, or lead to silt being discharged, directly or indirectly, into the same. The clause also enhances the penalties for offences under section 26, and empowers the Board in cases of emergency, to enter any premises without notice to carry out urgent rectification works in lieu of the responsible party, and recover its costs and expenses in doing so.

Clause 24 replaces section 30 (Damage caused to stormwater drainage system, etc.) to enhance the penalties for offences under the section, and to empower the Board, in cases of emergency, to enter any premises without notice to carry out urgent rectification works in lieu of the responsible party, and recover its expenses in doing so.

Clause 25 amends section 32 (Codes of practice and specifications) to expand the matters for which the Board may issue or approve specifications and codes of practice, to include earth retaining structures and flood protection measures. The clause also deletes subsection (3) of section 32, in light of the new section 32B (inserted by clause 26).

Clause 26 inserts new sections 32A and 32B.

The new section 32A provides for the incorporation by reference of codes of practice, standards, requirements, specifications and other documents relating to any subject matter of any regulations made under section 74, whether as in force or published at a particular time or from time to time.

The new section 32B empowers the Board to issue advisory guidelines. The guidelines do not have legislative effect.

Clause 27 amends section 33 (Certificates or approval required for works). The amendment to subsection (7) of section 33 makes provision for certain types of conditions that the Board may impose on clearance certificates and approvals granted under the section. The conditions may bind persons other than the person to whom the clearance certificate or approval is granted. Where works in respect of which a clearance certificate has been issued have been carried out, the Board is empowered to require the qualified person that made the plans for the work, or the person for whom the works were carried out, to apply to the Board for a compliance certificate for the works.

Clause 28 amends section 34 (Supervision of works by qualified person) to provide that the appropriate qualified person is to be prescribed in regulations made under section 74.

Clause 29 amends section 36 (Directions to qualified persons) to apply the section to stormwater drainage systems, drains, drainage reserves and reservoirs. The clause further splits paragraph (c) of section 36(2) into 2 paragraphs to clarify who the owners or occupiers of premises “to which the sewerage system or sanitary facilities belong or for the use of which they are maintained” are.

Clause 30 amends subsection (1) of section 39 (Powers of Board to examine and secure attendance) to enable authorised officers to require the production of footage recorded by any video surveillance system.

Clause 31 amends section 41 (Default in compliance with notice) to include new sections 22A and 22B (inserted by clause 20).

Clause 32 amends section 42 (Appeal against notice) to make clear, among other things, that the exclusion of liability to a fine should apply only to failure to comply with a notice under section 26(5)(b) and not the contravention of section 26(5)(a).

Clause 33 amends section 43 (Board may act in cases of emergency) to insert a new subsection (2) that empowers the Board to enter immediately and without notice any premises to carry out works or repairs, in cases of emergency.

Clause 34 amends section 44A (Power to enter and investigate) to expand the powers of the Board under the section to require the production of video recordings, and also to make video recordings.

Clause 35 amends section 47 (Appeal to Minister against notices, orders, directions, etc.) to exclude certain notices and orders by the Board from being appealed against to the Minister.

Clause 36 inserts a new section 47AA to clarify that an owner or occupier is not entitled to compensation for temporary occupation of premises where the Board's temporary possession is necessitated by the owner's failure to comply with a notice under section 26, 33 or 41.

Clause 37 amends section 48 (Compensation, damages, fees, costs and expenses to be determined by Magistrate's Court or District Court) to include the new section 33(7E) (inserted under clause 27) in subsection (2)(c).

Clause 38 inserts a new section 60A which clarifies that the public sewerage system, and certain stormwater drainage systems and drains, are not fixtures and do not vest in the owner of the premises on which they are situated.

Clause 39 makes a technical amendment to section 65 (Inaccuracies in document) as a reference to an Act would include a reference to subsidiary legislation made under that Act, under section 26A of the Interpretation Act 1965.

Clause 40 inserts a new subsection (2A) in section 70 (Composition of offences) to provide for sums collected in composition of offences to be paid into the Consolidated Fund.

Clause 41 inserts a new section 73A to enable the Board to grant administrative exemptions in respect of certain matters.

Clause 42 amends section 74 (Regulations) to provide for the Board's power to prescribe standards and specifications in regulations to also cover flood protection measures. The Board may also make regulations to require the use of tracking devices and locking devices in certain situations, and for the issue of stop-work orders. The penalties that may be prescribed for contraventions of regulations are also enhanced.

Clause 43 makes various consequential and related amendments to the Public Utilities Act 2001, in particular, to mirror the amendments to sections 13A, 44A(b) and 65, and new sections 73A and 74(1)(cb), of the Act.

Clause 45 empowers the Minister to make subsidiary legislation for matters of a saving or transitional nature.

## EXPENDITURE OF PUBLIC MONEY

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

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