

# **Environmental Public Health (Amendment) Bill**

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**Bill No. 1/2023.**

*Read the first time on 9 January 2023.*

A BILL

*intituled*

An Act to amend the Environmental Public Health Act 1987.

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 Environmental Public Health (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 2

2. Section 2 of the Environmental Public Health Act 1987 (called in this Act the principal Act) is amended —

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

10 ““baseline wage”, in relation to a waste management worker —

(a) means the total amount of money (including wage adjustments and increments) to which the waste management worker is entitled under his or her contract of service —

15 (i) for working for a period of time, that is, for one hour, one day, one week, one month or for any other period that may be stated or implied in his or her contract of service; or

20 (ii) for each completed piece or task of work;

25 (b) includes any payment that is prescribed as being part of the baseline wage; and

(c) excludes all of the following:

30 (i) additional payments by way of overtime payments;

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

- (iii) any sum paid to the waste management worker to reimburse him or her for special expenses incurred by him or her in the course of his or her employment; 5
  - (iv) any payment that may be prescribed as not being part of the baseline wage;”;
- (b) by deleting the words “one month” in the definition of “basic rate of pay” and substituting the words “a period of time, that is, for one hour, one day, one week, one month or for any other period that may be stated or implied in his or her contract of service, or for each completed piece or task of work”; 10 15
- (c) by deleting the definition of “basic wage” and substituting the following definition:
  - ““basic wage”, in relation to a cleaner, means wage calculated at the cleaner’s basic rate of pay —
    - (a) for one hour, one day, one week, one month or for any other period that may be stated or implied in his or her contract of service; or 20
    - (b) for each completed piece or task of work;”;
- (d) by deleting the definition of “cleaning business” and substituting the following definition:
  - ““cleaning business” means a business, whether or not the business is carried on for profit —
    - (a) in which a person carries out cleaning work for other persons through the services of cleaners engaged or employed by that person; or 30

(b) of supplying cleaners to other persons;”;

(e) by inserting, immediately after the words “by cleaners” in the definition of “cleaning contract”, the words “, or for the supply to other persons of cleaners,”;

(f) by deleting the definition of “progressive wage model bonus” and substituting the following definitions:

““progressive wage model bonus”, for a cleaner or waste management worker —

(a) means a discretionary amount of money payable to a cleaner or waste management worker (as the case may be) that is in addition to all of the following paid to the cleaner or waste management worker:

(i) any basic wage (for a cleaner) or baseline wage (for a waste management worker);

(ii) any overtime payment;

(iii) any sum to reimburse the cleaner or waste management worker for special expenses incurred during his or her employment;

(iv) any allowance however described;

(b) includes any component that is prescribed as being part of the progressive wage model bonus for a cleaner or waste management worker, as the case may be; and

(c) excludes any component that is prescribed as not being part of the progressive wage model bonus for a

cleaner or waste management worker,  
as the case may be;

“progressive wage plan” means —

- (a) in relation to an applicant for a cleaning business licence — a plan that relates to the basic wage and progressive wage model bonus that the applicant pays or intends to pay to the cleaners who are the applicant’s employees; or
- (b) in relation to an applicant for a waste collector licence or waste disposal licence — a plan that relates to the baseline wage, overtime payment and progressive wage model bonus that the applicant pays or intends to pay to the waste management workers who are the applicant’s employees;”;
- (g) by deleting the definition of “specified amount”; and
- (h) by deleting the definitions of “waste collector licensee” and “waste disposal licensee” and substituting the following definitions:

““waste collection work” —

- (a) means work carried out in Singapore that has, as its main or only component, the collection, removal, transport, storage or import of refuse or waste;
- (b) includes supervising the carrying out of that work; and
- (c) excludes any work that the Minister declares, by notification in the *Gazette*, not to be waste collection work;

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

5 (a) to perform waste collection work; or

(b) to supervise other individuals performing waste collection work, whether or not the individual is known as a supervisor or leader or by any other title,

10 and includes any individual who is declared by the Minister, by notification in the *Gazette*, to be a waste collection worker;

“waste collector licence” means a licence granted under section 31(2);

“waste disposal licence” means a licence granted under section 23(2);

“waste disposal work” —

20 (a) means work carried out in Singapore that has, as its main or only component, the construction, establishment, maintenance or operation of a disposal facility;

25 (b) includes supervising the carrying out of that work; and

(c) excludes any work that the Minister declares, by notification in the *Gazette*, not to be waste disposal work;

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

(a) to perform waste disposal work; or

(b) to supervise other individuals performing waste disposal work, whether or not the individual is known as a supervisor or leader or by any other title, 5

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

“waste management worker” means a waste collection worker or waste disposal worker;” 10

### **Repeal and re-enactment of section 11**

3. Section 11 of the principal Act is repealed and the following section substituted therefor:

#### **“Maintenance of refuse equipment or facility in buildings**

**11.**—(1) The owner of a building or part of a building served by any refuse equipment or facility is responsible for the maintenance, repair or replacement of the refuse equipment or facility. 15

(2) The Director-General may, by written notice, require the owner of a building or part of a building served by any refuse equipment or facility to — 20

(a) maintain, repair or replace the refuse equipment or facility; or

(b) make any modification to the refuse equipment or facility that the Director-General considers necessary for the protection of the environment or environmental public health. 25

(3) In this section —

“refuse equipment or facility” means any of the following:

(a) a refuse or waste chute; 30

(b) a refuse or waste chute chamber;

(c) a refuse or waste chute hopper;

(*d*) a refuse or waste lift that is wholly or partly used for the conveyance of refuse or waste;

(*e*) a standalone pneumatic waste conveyance system;

5 “standalone pneumatic waste conveyance system” —

(*a*) means an automated waste collection system that —

10 (i) conveys or transports refuse or waste by air suction through a network of pipes to the refuse bin centre;

(ii) consists of the following that are used for, or for purposes connected with, conveying or transporting refuse or waste by air suction to the refuse bin centre:

15 (A) all air and ventilation networks;

(B) all valves, cables, pipes, regulators, apparatus, equipment, plants, stations, sensors and receptacles for the temporary storage of refuse or waste; and

20 (iii) is not located in a DPWCS area declared under section 31G(1); and

(*b*) excludes any disposal facility.”.

### **Amendment of section 16**

25 **4.** Section 16(2) of the principal Act is amended by deleting the words “Part 3A” and substituting the words “Part 3B”.

### **New section 17A**

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



**“Presumptions in respect of littering, etc., from residential flats**

**17A.**—(1) Where in any proceedings for a contravention of section 17(1)(a), (d) or (f), it is proved that any refuse or any other article, matter or thing that is the subject of the charge, had been deposited, dropped, placed, thrown, scattered or spilled in or into any public place from a residential flat, it is presumed, until the contrary is proved, that the refuse, article, matter or thing was deposited, dropped, placed, thrown, scattered or spilled in or into the public place from the residential flat, as the case may be —

- (a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or
- (b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(2) Where in any proceedings for a contravention of section 17(1)(b), it is proved that an article or a thing, or particles from an article or a thing, that is the subject of the charge, had passed into any public place from a residential flat, it is presumed, until the contrary is proved, that the article or thing was kept or left in the residential flat —

- (a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or
- (b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(3) Where in any proceedings for a contravention of section 17(1)(e), it is proved that any ash, hair, feathers, lime, sand, waste paper or other substance that is the subject of the charge, had been carried by the wind to any public place due to the beating, cleaning, shaking, sieving or agitating thereof by a person in a residential flat, it is presumed, until the contrary is proved, that the act was done —

(a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or

(b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(4) Where in any proceedings for a contravention of section 17(1)(g), it is proved that any substance or mucus that is the subject of the charge, had been spat by, or expelled from the nose of, a person in a residential flat upon or onto any street or public place, it is presumed, until the contrary is proved, that the substance or mucus was spat or expelled —

(a) where at the time of the contravention the whole residential flat was leased — by the tenant of the residential flat or (if there are 2 or more tenants) by every tenant of the residential flat; or

(b) in any other case — by the owner of that residential flat or (where that residential flat is owned by more than one owner) by every owner of that residential flat.

(5) The presumption in subsection (1), (2), (3) or (4) against a person (called in this subsection the presumed offender) is rebutted if it is proved that —

(a) the contravention mentioned in subsection (1), (2), (3) or (4) (as the case may be) was committed by a person other than the presumed offender;

(b) the presumed offender was not present in the residential flat at the time the contravention was committed; or

(c) the presumed offender provided the identity of the person whom the presumed offender reasonably believes to have committed the contravention, to a police officer or an authorised officer within 14 days after being required to do so by the police officer or authorised officer.

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(6) The presumptions in subsections (1), (2), (3) and (4), respectively, only apply in respect of an alleged contravention committed on or after the date of commencement of section 5 of the Environmental Public Health (Amendment) Act 2023.

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(7) For the purposes of this section, the whole residential flat may be leased to 2 or more tenants by —

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(a) a single agreement with those tenants; or

(b) separate agreements with one or more of those tenants.

(8) In this section, “residential flat” means a flat used for residential purposes, including a flat that is leased for residential purposes.”.

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## **Amendment of section 20**

6. Section 20 of the principal Act is amended —

(a) by inserting, immediately after the words “dumps or disposes” in subsection (1)(a), the words “, or causes or permits the dumping or disposal,”;

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(b) by inserting, immediately after the word “uses” in subsection (1)(b), the words “, or permits the use of,”; and

(c) by deleting the words “a licence granted by the Director-General under section 23(1)” in subsection (5) and substituting the words “a waste disposal licence granted by the Director-General under section 23(2)”.

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### **New Part 3A heading**

7. The principal Act is amended by inserting, immediately below section 21E, the following Part heading:

“PART 3A  
WASTE MANAGEMENT”.

### **Amendment of section 23**

8. Section 23 of the principal Act is amended —

(a) by inserting, immediately after subsection (1), the following subsections:

“(1A) Without limiting section 99(2), an application for the grant or renewal of a waste disposal licence must —

(a) be in the form and manner specified by the Director-General;

(b) be accompanied by an application fee, if prescribed; and

(c) be accompanied by any prescribed information that the Director-General requires to decide on the application, including but not limited to the following:

(i) a progressive wage plan for the waste disposal workers that the applicant employs who are citizens or permanent residents of Singapore, that complies with the prescribed requirements;

(ii) evidence that such proportion of the waste disposal workers that the applicant employs, have attended such training and at such frequency, as the Director-General may specify.

(1B) The Director-General may refuse to consider an application that is incomplete or not made in accordance with subsection (1A).”;

(b) by deleting the word “licence” wherever it appears in subsections (2), (3), (4) and (5) and in the section heading and substituting in each case the words “waste disposal licence”;

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

“(3A) The Director-General may subdivide waste disposal licences into classes, such as according to the type of waste that may be received, stored, sorted, treated or processed at the disposal facility maintained or operated by the waste disposal licensee, and may grant or renew a waste disposal licence accordingly for one or more such classes.”;

(d) by deleting the word “licensee” in subsection (5)(a), (c) and (d) and substituting in each case the words “waste disposal licensee”;

(e) by deleting paragraph (b) of subsection (5); and

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

“(5A) The Director-General may —

(a) under section 99(1)(c), impose different conditions for different classes of waste disposal licences or waste disposal licensees under different circumstances; and

(b) despite section 99(13), modify any condition or add any new condition during the period to which a waste disposal licence relates, if the Director-General is satisfied that it is in the public interest to do so,

except that any such condition or modification must not be inconsistent with any prescribed condition referred to in section 23A(1) or (2).”.

### **New section 23A**

9. The principal Act is amended by inserting, immediately after section 23, the following section:

#### **“Prescribed conditions relating to progressive wage model for waste disposal industry**

**23A.**—(1) For the purpose of regulating and upgrading the standards and productivity in the waste disposal industry in Singapore, regulations may be made under section 111 to impose conditions on waste disposal licensees for the training of waste disposal workers and the payment of progressive wages to waste disposal workers that ensure a more engaged waste disposal workforce and the retention of a core of waste disposal workers who are citizens or permanent residents of Singapore (called in this section resident waste disposal workers).

(2) Without limiting subsection (1), the prescribed conditions referred to in that subsection may include —

(a) conditions requiring the waste disposal licensee to enter into a contract of service in writing with each waste disposal worker employed by the waste disposal licensee;

(b) conditions requiring every contract of service entered into between the waste disposal licensee and every resident waste disposal worker to provide for the payment of a baseline wage, a progressive wage

model bonus or an overtime payment to the resident waste disposal worker, that —

- (i) is not less than the amount; and
- (ii) in the case of a progressive wage model bonus, is to be paid at the frequency,

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specified by order under section 31DA(1) for the class of waste disposal workers that the resident waste disposal worker belongs to;

- (c) conditions requiring the waste disposal licensee to ensure that every waste disposal worker employed by the waste disposal licensee satisfies the training requirements as may be specified by the Director-General for the class of waste disposal workers that the waste disposal worker belongs to;

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- (d) conditions prohibiting the waste disposal licensee from deploying any individual who is not employed by the waste disposal licensee to carry out any waste disposal work, unless the individual is a waste disposal worker employed by another waste disposal licensee; and

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- (e) conditions requiring the waste disposal licensee to keep such records, accounts or documents relating to the business or activities that the waste disposal licensee is authorised to carry out under the waste disposal licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

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(3) The Director-General must not exercise his or her powers under section 99(15)(c) or (d) in relation to a waste disposal licensee for failing to comply with any condition mentioned in subsection (2)(b) unless the Director-General has first consulted the Commissioner for Labour.”.

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### **Amendment of section 24**

10. Section 24(1) of the principal Act is amended by deleting the words “a licence granted by the Director-General under section 23(1)” and substituting the words “a waste disposal licence  
5 granted by the Director-General under section 23(2)”.

### **Deletion of sub-heading above section 30A**

11. The principal Act is amended by deleting the sub-heading immediately above section 30A.

### **Insertion of new sub-heading above section 31**

10 12. The principal Act is amended by inserting, immediately above section 31, the following sub-heading:

*“Collection, removal, etc., of waste”.*

### **Amendment of section 31**

13. Section 31 of the principal Act is amended —

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

“(1A) Without limiting section 99(2), an application for the grant or renewal of a waste collector licence must —

- 20 (a) be in the form and manner specified by the Director-General;
- (b) be accompanied by an application fee, if prescribed; and
- 25 (c) be accompanied by any prescribed information that the Director-General requires to decide on the application, including but not limited to the following:
- 30 (i) a progressive wage plan for the waste collection workers that the applicant employs who are citizens or permanent residents of Singapore,



that complies with the prescribed requirements;

- (ii) evidence that such proportion of the waste collection workers that the applicant employs, have attended such training and at such frequency, as the Director-General may specify.

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(1B) The Director-General may refuse to consider an application that is incomplete or not made in accordance with subsection (1A).”;

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- (b) by deleting the word “licence” wherever it appears in subsections (2), (3), (4), (5) and (6) and substituting in each case the words “waste collector licence”;

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

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“(4A) The Director-General may subdivide waste collector licences, whether granted or renewed before, on or after the date of commencement of section 13(c) of the Environmental Public Health (Amendment) Act 2023, into classes, such as according to the type of refuse or waste that may be collected, removed, transported, stored or imported by the waste collector licensee, and may grant or renew a waste collector licence accordingly for one or more such classes.”;

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- (d) by deleting the word “licensee” in subsections (5) and (6)(a), (b) and (d) and substituting in each case the words “waste collector licensee”;

- (e) by inserting the word “and” at the end of subsection (6)(b);

- (f) by deleting paragraph (c) of subsection (6); and

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- (g) by inserting, immediately after subsection (6), the following subsection:

“(6A) The Director-General may —

(a) under section 99(1)(c), impose different conditions for different classes of waste collector licences or waste collector licensees under different circumstances; and

(b) despite section 99(13), modify any condition or add any new condition during the period to which a waste collector licence relates, if the Director-General is satisfied that it is in the public interest to do so,

except that any such condition or modification must not be inconsistent with any prescribed condition referred to in section 31AA(1) or (2).”.

### **New section 31AA**

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

**“Prescribed conditions relating to progressive wage model for waste collection industry**

**31AA.**—(1) For the purpose of regulating and upgrading the standards and productivity in the waste collection industry in Singapore, regulations may be made under section 111 to impose conditions on waste collector licensees for the training of waste collection workers and the payment of progressive wages to waste collection workers that ensure a more engaged waste collection workforce and the retention of a core of waste collection workers who are citizens or permanent residents of Singapore (called in this section resident waste collection workers).

(2) Without limiting subsection (1), the prescribed conditions referred to in that subsection may include —

(a) conditions requiring the waste collector licensee to enter into a contract of service in writing with each

waste collection worker employed by the waste collector licensee;

(b) conditions requiring every contract of service entered into between the waste collector licensee and every resident waste collection worker to provide for the payment of a baseline wage, a progressive wage model bonus or an overtime payment to the resident waste collection worker, that — 5

(i) is not less than the amount; and

(ii) in the case of a progressive wage model bonus, is to be paid at the frequency, 10

specified by order under section 31DA(1) for the class of waste collection workers that the resident waste collection worker belongs to;

(c) conditions requiring the waste collector licensee to ensure that every waste collection worker employed by the waste collector licensee satisfies the training requirements as may be specified by the Director-General for the class of waste collection workers that the waste collection worker belongs to; 15 20

(d) conditions prohibiting the waste collector licensee from deploying any individual who is not employed by the waste collector licensee to carry out any waste collection work, unless the individual is a waste collection worker employed by another waste collector licensee; and 25

(e) conditions requiring the waste collector licensee to keep such records, accounts or documents relating to the business or activities that the waste collector licensee is authorised to carry out under the waste collector licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period. 30

(3) The Director-General must not exercise his or her powers under section 99(15)(c) or (d) in relation to a waste collector 35

licensee for failing to comply with any condition mentioned in subsection (2)(b) unless the Director-General has first consulted the Commissioner for Labour.”.

### **New sections 31DA and 31DB**

- 5     **15.** The principal Act is amended by inserting, immediately after section 31D, the following sub-heading and sections:

*“Provisions applicable in respect of  
waste disposal licences and waste collector licences*

#### **Amounts specified by Commissioner for Labour for waste management industry**

10     **31DA.**—(1) For the purposes of the prescribed conditions referred to in sections 23A(2)(b) and 31AA(2)(b), the Commissioner for Labour must, by order, specify the following that must be paid to every waste management  
15     worker who is a citizen or permanent resident of Singapore:

- (a) the minimum amount of baseline wage and the date that minimum amount takes effect;
- (b) the minimum amount of overtime payment, or the manner of calculating that minimum amount, and the date that minimum amount or manner of calculation  
20     (as the case may be) takes effect;
- (c) the minimum amount of progressive wage model bonus and the frequency at which the progressive wage model bonus is to be paid, and the date that minimum amount and frequency take effect.

(2) An order under subsection (1) may specify —

- (a) different minimum amounts mentioned in subsection (1)(a);
- (b) different minimum amounts or different manner of calculating the minimum amount mentioned in  
30     subsection (1)(b); and

(c) different minimum amounts and different frequency of payments mentioned in subsection (1)(c),

for different classes of waste management workers, and may be varied from time to time.

(3) In making an order under subsection (1), the Commissioner for Labour must consider the recommendations by the Tripartite Cluster for Waste Management on remuneration for waste management workers, if any.

(4) The Commissioner for Labour must publish every order he or she makes under subsection (1) in any way he or she thinks appropriate to bring the order to the notice of persons who, in his or her opinion, ought to have notice of the order, except that failure to comply with this subsection in respect of any order does not invalidate the order.

(5) The amount specified under subsection (1)(a) takes effect for the purposes of the prescribed conditions referred to in sections 23A(2)(b) and 31AA(2)(b) even though the baseline wage that would have been payable to a waste management worker under any collective agreement, as defined in section 2 of the Industrial Relations Act 1960, is lower than that amount.

(6) The amount specified under subsection (1)(b) takes effect for the purposes of the prescribed conditions referred to in sections 23A(2)(b) and 31AA(2)(b) even though the overtime payment as provided for under the Employment Act 1968 that would have been payable to a waste management worker is lower than that amount.

(7) The Director-General may, by written notice to waste disposal licensees or waste collector licensees (as the case may be), postpone the effective date specified by an order under subsection (1)(a), (b) or (c) —

(a) in relation to waste management workers employed (whether or not exclusively) to carry out waste collection work or waste disposal work before that effective date; and

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(b) where the Commissioner for Labour varies the order — in relation to waste management workers employed (whether or not exclusively) to carry out waste collection work or waste disposal work before the variation otherwise takes effect.

(8) In this section, “Tripartite Cluster for Waste Management” means the body, comprising the representatives from employers, the trade unions of employees, and the Government, which is responsible for making recommendations on progressive wages for waste management workers.

### **Monitoring powers**

**31DB.**—(1) Subject to subsection (2), the Director-General or any authorised officer appointed under section 3(2) may, for the purpose of monitoring a licensee’s compliance with any provision of this Part or any condition of a waste collector licence or waste disposal licence, by written notice —

(a) require the licensee to produce any records, accounts and documents kept by the licensee in relation to —

(i) the business that the licensee is authorised to carry on under the waste collector licence or waste disposal licence; or

(ii) the payment of remuneration to the licensee’s waste management workers,

within such reasonable time as may be specified in the notice;

(b) inspect, examine and make copies of any such records, accounts and documents so produced; and

(c) make any inquiry that may be necessary to ascertain whether any provision of this Part or any condition of the waste collector licence or waste disposal licence, is complied with.

(2) Where the Director-General or any authorised officer appointed under section 3(2) has received information or has reasonable cause to believe that an offence under this Part or a

failure to comply with any condition of a waste collector licence or waste disposal licence has occurred, or is occurring or about to occur, the Director-General or authorised officer may exercise all or any of the powers mentioned in subsection (1) without having to issue any written notice. 5

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

(a) the power of the Director-General or authorised officer under subsection (1)(a) to require any such records, accounts or documents to be produced for inspection includes power to require a copy of the records, accounts or documents to be made available for inspection in legible form and subsection (1)(b) applies accordingly in relation to any copy so made available; and 10 15

(b) the power of the Director-General or authorised officer under subsection (1)(b) to inspect any such records, accounts or documents includes power to require the licensee or the person who produced the records, accounts or documents on behalf of the licensee or (where the records, accounts or documents are kept at any premises) any person on those premises to give the Director-General or authorised officer any assistance that the Director-General or authorised officer may reasonably require to enable him or her to inspect and make copies of the records, accounts or documents in legible form or to make records of information contained in them. 20 25

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

(5) In this section, “licensee” means a waste collector licensee or waste disposal licensee.”.

### **Renumbering of existing Part 3A**

16. The existing Part 3A of the principal Act is renumbered as Part 3B.

### **Amendment of section 31E**

5 17. Section 31E of the principal Act is amended by inserting, immediately after the words “all receptacles” in the definition of “related internal assets”, the words “(including screw tanks that are used for the temporary storage of refuse or waste)”.

### **Amendment of section 80F**

10 18. Section 80F(1) of the principal Act is amended —

(a) by deleting the word “and” at the end of paragraph (a), and by inserting immediately thereafter the following paragraph:

15 “(aa) state the class of cleaning business licence that is being applied for; and”;

(b) by deleting the words “conforms with section 80G(5)” in paragraph (b)(ii) and substituting the words “complies with the prescribed requirements”.

### **Amendment of section 80G**

20 19.—(1) Section 80G of the principal Act is amended —

(a) by deleting paragraph (b) of subsection (4);

(b) by deleting paragraphs (c) and (d) of subsection (4) and substituting the following paragraphs:

25 “(c) the progressive wage plan in respect of its cleaning business submitted by the applicant complies with the prescribed requirements;

30 (d) in the case of an applicant who has one or more cleaners in the applicant’s employ at the time of the application — the applicant satisfies the Director-General that such



proportion of the cleaners that the applicant employs, have attended such training, and at such frequency, as the Director-General may specify;”;

(c) by deleting paragraph (e) of subsection (4) and substituting the following paragraphs: 5

“(e) the paid-up capital or (where the applicant is not a corporation) net worth of the applicant for the period specified by the Director-General, is not less than the amount specified by the Director-General for the class of the cleaning business licence that is being applied for (if specified); 10

(f) the applicant has obtained a valid certification relating to the safety, health and welfare of persons at work in the applicant’s workplace, of a type that is specified by the Director-General for the class of the cleaning business licence that is being applied for (if specified); and 15 20

(g) the applicant satisfies all other prescribed requirements for the class of the cleaning business licence that is being applied for.”;

(d) by inserting, immediately after subsection (4), the following subsection: 25

“(4A) The Director-General may subdivide cleaning business licences (whether granted or renewed before, on or after the date of commencement of section 19(1)(d) of the Environmental Public Health (Amendment) Act 2023) into classes, such as according to any of the following, and may grant or renew a cleaning business licence on or after that date accordingly for one or more such classes: 30 35

(a) the type of cleaning business that the cleaning business licensee is authorised to carry on;

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(b) the paid-up capital or net worth (as the case may be) of the cleaning business licensee;

(c) the cleaning business licensee's compliance history with —

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(i) the requirements of this Act, the Central Provident Fund Act 1953, the Employment Act 1968, the Employment of Foreign Manpower Act 1990 and the Workplace Safety and Health Act 2006; and

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(ii) any order made by an Employment Claims Tribunal under section 22 of the Employment Claims Act 2016.”;

(e) by deleting subsection (5); and

(f) by deleting subsection (8) and substituting the following subsection:

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“(8) In this section —

“corporation” has the meaning given by section 4(1) of the Companies Act 1967;

25

“Employment Claims Tribunal” means a subordinate court called an Employment Claims Tribunal constituted under section 4 of the State Courts Act 1970;

“net worth” of a person means the amount by which the person's assets exceeds the person's liabilities.”.

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(2) Section 80G(4) of the principal Act, as amended by subsection (1)(b), is further amended by inserting, immediately after the words “as the Director-General may specify” in paragraph (d), the words “for the class of the cleaning business licence that is being applied for”.

## Repeal and re-enactment of section 80H

20.—(1) Section 80H of the principal Act is repealed and the following section substituted therefor:

### “Conditions of cleaning business licence

80H.—(1) Every cleaning business licence is subject to conditions that may be prescribed by regulations made under section 111, which may include — 5

(a) conditions requiring the cleaning business licensee to enter into a contract of service in writing with each cleaner employed by the cleaning business licensee; 10

(b) conditions requiring every contract of service entered into between the cleaning business licensee and every cleaner who is a citizen or permanent resident of Singapore (called in this section a resident cleaner) to provide for the payment of a basic wage or a progressive wage model bonus to the resident cleaner, that — 15

(i) is not less than the amount; and

(ii) in the case of a progressive wage model bonus, is to be paid at the frequency, 20

specified by order under subsection (2) for the class of cleaners that the resident cleaner belongs to;

(c) conditions requiring the cleaning business licensee to ensure that every cleaner employed by the cleaning business licensee satisfies the training requirements as may be specified by the Director-General for the class of cleaners that the cleaner belongs to; 25

(d) conditions prohibiting the cleaning business licensee from deploying any individual who is not employed by the cleaning business licensee to carry out any cleaning work, unless the individual is a cleaner employed by another cleaning business licensee; and 30

(e) conditions requiring the cleaning business licensee to keep such records, accounts or documents relating to

the business or activities that the cleaning business licensee is authorised to carry out under the cleaning business licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

(2) For the purposes of the prescribed conditions referred to in subsection (1)(b), the Commissioner for Labour must, by order, specify the following that must be paid to every resident cleaner:

(a) the minimum amount of basic wage and the date that minimum amount takes effect;

(b) the minimum amount of progressive wage model bonus and the frequency at which the progressive wage model bonus is to be paid, and the date that minimum amount and frequency take effect.

(3) An order under subsection (2) may specify —

(a) different minimum amounts mentioned in subsection (2)(a); and

(b) different minimum amounts and different frequency of payments mentioned in subsection (2)(b),

for different classes of cleaners, and may be varied from time to time.

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

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

(6) The amount specified under subsection (2)(a) takes effect for the purposes of the prescribed conditions referred to in subsection (1)(b) even though the basic wage that would have

been payable to a cleaner under any collective agreement, as defined in section 2 of the Industrial Relations Act 1960, is lower than that amount.

(7) The Director-General may, by written notice to cleaning business licensees, postpone the effective date specified by an order under subsection (2)(a) or (b) —

(a) in relation to cleaners employed (whether or not exclusively) to carry out or supervise the carrying out of cleaning work under any cleaning contract entered into by cleaning business licensees before that effective date; and

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

(8) Subject to subsection (10), the Director-General may impose any other conditions on a cleaning business licence that he or she thinks fit, being conditions which are not inconsistent with the prescribed conditions referred to in subsection (1).

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

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

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

(b) specifying the time (being at least 14 days after the date of service of the notice on the cleaning business

licensee concerned) within which written representations with respect to the proposed condition or modification may be made.

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

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

20 (2) Section 80H of the principal Act, as repealed and re-enacted by subsection (1), is further amended by inserting, immediately after subsection (8), the following subsection:

25 “(8A) The Director-General may, under subsection (8), impose different conditions for different classes of cleaning business licences or cleaning business licensees under different circumstances.”.

### **Amendment of section 80I**

**21.** Section 80I of the principal Act is amended —

- 30 (a) by inserting the word “and” at the end of subsection (1)(b);  
 (b) by deleting the word “; and” at the end of subsection (1)(c) and substituting a full-stop;  
 (c) by deleting paragraph (d) of subsection (1); and  
 (d) by inserting, immediately after subsection (1), the following subsection:

“(1A) Every cleaning business licence (other than a prescribed class of cleaning business licence) may be renewed upon its expiry.”.

### **Amendment of section 80J**

**22.** Section 80J of the principal Act is amended —

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- (a) by deleting the word “licensee” wherever it appears in subsections (1)(a), (b), (c), (d), (g), (h), (i), (j) and (k), (3), (4), (5), (6), (7), (8), (9) and (10) and substituting in each case the words “cleaning business licensee”;
- (b) by deleting the word “licensee’s” in subsections (1)(e) and (f), (2)(b) and (6) and substituting in each case the words “cleaning business licensee’s”;
- (c) by deleting the words “conform with section 80G(5)” in subsection (1)(f) and substituting the words “comply with the prescribed requirements”;
- (d) by deleting the words “that is not waived under section 80H(8)” in subsection (1)(k); and
- (e) by deleting the words “section 80H(1)(d)” in subsection (4) and substituting the words “section 80H(1)(b)”.

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### **Amendment of section 80K**

**23.** Section 80K of the principal Act is amended —

- (a) by deleting the word “licensee” wherever it appears in subsections (1), (2) and (3) and substituting in each case the words “cleaning business licensee”;
- (b) by deleting the word “licensee’s” in subsection (1) and substituting the words “cleaning business licensee’s”; and
- (c) by deleting the words “section 80H(1)(d)” in subsection (2) and substituting the words “section 80H(1)(b)”.

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### **Amendment of section 80L**

**24.** Section 80L of the principal Act is amended —

- 5 (a) by deleting the words “licensee of a cleaning business licence” and substituting the words “cleaning business licensee”;
- (b) by deleting the word “licensee’s” wherever it appears in paragraphs (a) and (c) and substituting in each case the words “cleaning business licensee’s”; and
- 10 (c) by deleting the word “licensee” in paragraphs (b) and (c) and substituting in each case the words “cleaning business licensee”.

### **Amendment of section 80M**

**25.** Section 80M of the principal Act is amended —

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

“(a) require a cleaning business licensee to produce such records, accounts and documents kept by the cleaning business licensee in relation to —

20 (i) the cleaning business licensee’s cleaning business; or

(ii) the payment of remuneration to the cleaning business licensee’s cleaners,

25 within such reasonable time as may be specified in the notice;”;

- 30 (b) by deleting the words “any person on the premises in question” in subsection (3)(b) and substituting the words “the cleaning business licensee or the person who produced the records, accounts or documents on behalf of the cleaning business licensee or (where the records, accounts or documents are kept at any premises) any person on those premises”.



### **Amendment of section 80N**

**26.** Section 80N of the principal Act is amended —

- (a) by deleting the word “licensees” in subsection (1) and in the section heading and substituting in each case the words “cleaning business licensees”; and
- (b) by deleting the word “licensee” wherever it appears in subsection (2) and substituting in each case the words “cleaning business licensee”.

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### **Amendment of section 95**

**27.** Section 95 of the principal Act is amended by deleting the words “one year” and substituting the words “3 years”.

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### **Amendment of section 99**

**28.** Section 99 of the principal Act is amended —

- (a) by deleting subsection (13) and substituting the following subsection:

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“(13) Subject to subsection (14), it is lawful for the Director-General to modify the conditions of a licence without compensating the licensee concerned, except that any such modification must not be inconsistent with —

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- (a) where the licensee is a waste disposal licensee — any prescribed condition referred to in section 23A(1) or (2); or

- (b) where the licensee is a waste collector licensee — any prescribed condition referred to in section 31AA(1) or (2).”;

25

- (b) by deleting the word “Where” in subsection (15) and substituting the words “Subject to sections 23A(3) and 31AA(3), where”.

## **Amendment of section 111**

**29.** Section 111 of the principal Act is amended by inserting, immediately after subsection (1A), the following subsection:

“(1B) Regulations made under this section may provide for —

- 5           (a) different prescribed components referred to in paragraphs (b) and (c) of the definition of “progressive wage model bonus” in section 2, in respect of cleaners, waste collection workers and waste disposal workers, respectively; and
- 10           (b) different prescribed conditions referred to in sections 23A(1) and (2), 31AA(1) and (2) and 80H(1) for different classes of waste disposal licences, waste collector licences and cleaning business licences, respectively.”.

## **15 Saving and transitional provisions**

**30.—**(1) Despite sections 2(b), (c), (f) and (g) and 20(1), sections 2 and 80H of the principal Act as in force immediately before the date of commencement of sections 2(b), (c), (f) and (g) and 20(1) continue to apply in respect of every cleaning business licence that was granted or renewed before that date and is valid on that date, until the expiry or revocation of that cleaning business licence.

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(2) Despite section 18(a), an application for a cleaning business licence that is made under section 80F of the principal Act as in force immediately before the date of commencement of section 18(a) and is pending on that date, is treated as an application for a prescribed class of cleaning business licence under section 80F of the principal Act as in force on or after that date.

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(3) Despite section 27, section 95 of the principal Act as in force immediately before the date of commencement of section 27 continues to apply in respect of any offence under the principal Act committed before that date.

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(4) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on

the enactment of that provision as the Minister may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Environmental Public Health Act 1987 for the following main purposes:

- (a) to require persons who carry on a business of supplying cleaners to other persons to be licensed as cleaning business licensees;
- (b) to enable the Director-General of Public Health (the Director-General) to issue different classes of cleaning business licences;
- (c) to enable regulations to be made to require waste collector licensees and waste disposal licensees to implement the progressive wage model for their waste collection workers and waste disposal workers, respectively, who are citizens or permanent residents of Singapore;
- (d) to expand the scope of section 11 to require the owner of a building or part of a building that is served by a standalone pneumatic waste conveyance system to be responsible for the maintenance, repair, replacement or modification of the standalone pneumatic waste conveyance system;
- (e) where it is proved that an act contravening section 17(1)(a), (b), (d), (e), (f) or (g) had been committed from a residential flat, to presume, until the contrary is proved, that the act was done by every owner of the residential flat or (where the whole residential flat is leased) every tenant of the residential flat;
- (f) to penalise a person for committing either of the following acts:
  - (i) causing or permitting the dumping or disposal of any refuse, waste or any other article from a vehicle in a public place;
  - (ii) permitting the use of a vehicle for the purpose of dumping or disposing of any refuse, waste or any other article in a public place;
- (g) to amend section 95 to extend the period during which a complaint in respect of an offence under the Act must be made before an accused may be liable for the offence, from one year after the date of the commission of the offence to 3 years after that date. This period does not apply if, by reason of the offence complained of, an injury or danger to health subsists at the date of the complaint.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to —

- (a) introduce new definitions of “baseline wage”, “progressive wage plan”, “waste collection work”, “waste collection worker”, “waste collector licence”, “waste disposal licence”, “waste disposal work”, “waste disposal worker” and “waste management worker”;
- (b) amend the definitions of “basic rate of pay” and “cleaning contract”;
- (c) replace the definitions of “basic wage”, “cleaning business” and “progressive wage model bonus”; and
- (d) delete the definitions of “specified amount”, “waste collector licensee” and “waste disposal licensee”.

Clause 3 repeals and re-enacts section 11. Under the new section 11(1), the owner of a building or part of a building served by a refuse equipment or facility is responsible for the maintenance, repair or replacement of the refuse equipment or facility. A refuse equipment or facility includes (among other things) a standalone pneumatic waste conveyance system.

Under the new section 11(2), the Director-General is empowered, by written notice, to require the owner of a building or part of a building to maintain, repair or replace the refuse equipment or facility, or make any modification to the refuse equipment or facility that the Director-General considers necessary for the protection of the environment or environmental public health.

The new section 11(3) inserts the new definitions of “refuse equipment or facility” and “standalone pneumatic waste conveyance system” which are used in the new section 11.

Clause 4 makes a consequential amendment to section 16(2) arising from the insertion of a new Part 3A heading under clause 7, and the renumbering of the existing Part 3A as Part 3B under clause 16.

Clause 5 inserts a new section 17A.

Under the new section 17A(1), where in any proceedings for a contravention of section 17(1)(a), (d) or (f), it is proved that any refuse or any other article, matter or thing had been deposited, dropped, placed, thrown, scattered or spilled in or into any public place from a residential flat, it is presumed, until the contrary is proved, that the refuse, article, matter or thing was deposited, dropped, placed, thrown, scattered or spilled in or into the public place from the residential flat by every owner of the flat or (if the whole flat was leased) every tenant of the flat (each called a presumed offender).

Under the new section 17A(2), where in any proceedings for a contravention of section 17(1)(b), it is proved that an article or a thing, or particles from an article or

a thing, had passed into any public place from a residential flat, it is presumed, until the contrary is proved, that the article or thing was kept or left in the residential flat by every presumed offender.

Under the new section 17A(3), where in any proceedings for a contravention of section 17(1)(e), it is proved that any ash, hair, feathers, lime, sand, waste paper or other substance had been carried by the wind to any public place due to the beating, cleaning, shaking, sieving or agitating thereof by a person in a residential flat, it is presumed, until the contrary is proved, that the act was done by every presumed offender.

Under the new section 17A(4), where in any proceedings for a contravention of section 17(1)(g), it is proved that any substance or mucus had been spat by, or expelled from the nose of, a person in a residential flat upon or onto any street or public place, it is presumed, until the contrary is proved, that the substance or mucus was spat or expelled by every presumed offender.

The new section 17A(5) states that the presumption mentioned in the new section 17A(1), (2), (3) or (4) in respect of a presumed offender may be rebutted if it is proved that —

- (a) the contravention concerned is committed by a person other than the presumed offender;
- (b) the presumed offender was not present in the residential flat at the time the contravention was committed; or
- (c) the presumed offender provided the identity of the person whom the presumed offender reasonably believes to have committed the contravention, to a police officer or an authorised officer within 14 days after being required to do so by the police officer or authorised officer.

The new section 17A(6) states that the presumptions in the new section 17A(1), (2), (3) and (4) only apply in respect of an alleged contravention committed on or after the date of commencement of clause 5.

The new section 17A(7) states that for the purposes of the new section 17A, a whole residential flat may be leased to 2 or more tenants by a single agreement with those tenants, or by separate agreements with one or more of those tenants.

The new section 17A(8) defines “residential flat” to mean a flat that is used for residential purposes, including a flat that is leased for residential purposes. Under this definition, a flat that is leased for residential purposes but is not used for those purposes would nevertheless be a residential flat for the purposes of the new section 17A.

Clause 6 amends section 20 to penalise a person for —

- (a) causing or permitting the dumping or disposal of any refuse, waste or any other article from a vehicle in a public place; or
- (b) permitting the use of a vehicle for the purpose of dumping or disposing of any refuse, waste or any other article in a public place.

Clause 7 inserts a new Part 3A heading immediately below section 21E to designate sections from (and including) section 22 but before section 31E as the new Part 3A relating to “Waste Management”.

Clause 8 amends section 23 to insert new subsections (1A), (1B), (3A) and (5A) and make editorial amendments.

The new section 23(1A) sets out the requirements for an application for the grant or renewal of a waste disposal licence, which include that the application be accompanied by any prescribed information that the Director-General requires to decide on the application, including but not limited to —

- (a) a progressive wage plan for the waste disposal workers that the applicant employs who are citizens or permanent residents of Singapore, that complies with the prescribed requirements; and
- (b) evidence that such proportion of the waste disposal workers that the applicant employs, have attended such training and at such frequency, as may be specified by the Director-General.

Under the new section 23(1B), the Director-General may refuse to consider an application that is incomplete or not made in accordance with the new section 23(1A).

Under the new section 23(3A), the Director-General may subdivide waste disposal licences into classes, such as according to the type of waste that may be received, stored, sorted, treated or processed at the disposal facility maintained or operated by the waste disposal licensee, and may grant or renew a waste disposal licence accordingly for one or more such classes.

Under the new section 23(5A), the Director-General is empowered to —

- (a) impose different conditions for different classes of waste disposal licences or waste disposal licensees under different circumstances; and
- (b) despite section 99(13), modify any condition or add any new condition during the period to which a waste disposal licence relates, if the Director-General is satisfied that it is in the public interest to do so,

except that any such condition or modification must not be inconsistent with any prescribed condition referred to in the new section 23A(1) or (2).

Clause 9 inserts a new section 23A.

The new section 23A(1) states that regulations may be made under section 111 to prescribe conditions for the purpose of regulating and upgrading the standards and productivity in the waste disposal industry in Singapore by imposing conditions on waste disposal licensees for the training of waste disposal workers and payment of progressive wages to waste disposal workers that ensure a more engaged waste disposal workforce and the retention of a core of waste disposal workers who are citizens or permanent residents of Singapore (called resident waste disposal workers).

The new section 23A(2) states that the prescribed conditions may include —

- (a) conditions requiring the waste disposal licensee to enter into a contract of service in writing with each waste disposal worker employed by the waste disposal licensee;
- (b) conditions requiring every contract of service entered into between the waste disposal licensee and every resident waste disposal worker to provide for the payment of a baseline wage, a progressive wage model bonus or an overtime payment to the resident waste disposal worker, that —
  - (i) is not less than the amount; and
  - (ii) in the case of a progressive wage model bonus, is to be paid at the frequency,
 

specified by order under the new section 31DA(1) for the class of waste disposal workers that the resident waste disposal worker belongs to;
- (c) conditions requiring the waste disposal licensee to ensure that every waste disposal worker employed by the waste disposal licensee satisfies the training requirements as may be specified by the Director-General for the class of waste disposal workers that the waste disposal worker belongs to;
- (d) conditions prohibiting the waste disposal licensee from deploying any individual who is not employed by the waste disposal licensee to carry out any waste disposal work, unless the individual is a waste disposal worker employed by another waste disposal licensee; and
- (e) conditions requiring the waste disposal licensee to keep such records, accounts or documents relating to the business or activities that the waste disposal licensee is authorised to carry out under the waste disposal licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

Under the new section 23A(3), the Director-General must not take any regulatory action under section 99(15)(c) or (d) against a waste disposal licensee

for failing to comply with any condition mentioned in the new section 23A(2)(b) unless the Director-General has first consulted the Commissioner for Labour.

Clause 10 makes an editorial amendment to section 24(1).

Clause 11 makes a consequential amendment by deleting the sub-heading immediately above section 30A.

Clause 12 inserts a new sub-heading of Part 3A immediately above section 31 for better organisation of the provisions from and including section 31 but before section 31E.

Clause 13 amends section 31 to insert new subsections (1A), (1B), (4A) and (6A) and make editorial amendments.

The new section 31(1A) sets out the requirements for an application for the grant or renewal of a waste collector licence, which include that the application be accompanied by any prescribed information that the Director-General requires to decide on the application, including but not limited to —

- (a) a progressive wage plan for the waste collection workers that the applicant employs who are citizens or permanent residents of Singapore, that complies with the prescribed requirements; and
- (b) evidence that such proportion of the waste collection workers that the applicant employs, have attended such training and at such frequency, as may be specified by the Director-General.

Under the new section 31(1B), the Director-General may refuse to consider an application that is incomplete or not made in accordance with the new section 31(1A).

Under the new section 31(4A), the Director-General may subdivide waste collector licences into classes, such as according to the type of refuse or waste that may be collected, removed, transported, stored or imported by the waste collector licensee, and may grant or renew a waste collector licence accordingly for one or more such classes.

Under the new section 31(6A), the Director-General is empowered to —

- (a) impose different conditions for different classes of waste collector licences or waste collector licensees under different circumstances; and
- (b) despite section 99(13), modify any condition or add any new condition during the period to which a waste collector licence relates, if the Director-General is satisfied that it is in the public interest to do so,

except that any such condition or modification must not be inconsistent with any prescribed condition referred to in the new section 31AA(1) or (2).



Clause 14 inserts a new section 31AA.

The new section 31AA(1) states that regulations may be made under section 111 to prescribe conditions for the purpose of regulating and upgrading the standards and productivity in the waste collection industry in Singapore by imposing conditions on waste collector licensees for the training of waste collection workers and payment of progressive wages to waste collection workers that ensure a more engaged waste collection workforce and the retention of a core of waste collection workers who are citizens or permanent residents of Singapore (called resident waste collection workers).

The new section 31AA(2) states that the prescribed conditions may include —

- (a) conditions requiring the waste collector licensee to enter into a contract of service in writing with each waste collection worker employed by the waste collector licensee;
- (b) conditions requiring every contract of service entered into between the waste collector licensee and every resident waste collection worker to provide for the payment of a baseline wage, a progressive wage model bonus or an overtime payment to the resident waste collection worker, that —
  - (i) is not less than the amount; and
  - (ii) in the case of a progressive wage model bonus, is to be paid at the frequency,
 

specified by order under the new section 31DA(1) for the class of waste collection workers that the resident waste collection worker belongs to;
- (c) conditions requiring the waste collector licensee to ensure that every waste collection worker employed by the waste collector licensee satisfies the training requirements as may be specified by the Director-General for the class of waste collection workers that the waste collection worker belongs to;
- (d) conditions prohibiting the waste collector licensee from deploying any individual who is not employed by the waste collector licensee to carry out any waste collection work, unless the individual is a waste collection worker employed by another waste collector licensee; and
- (e) conditions requiring the waste collector licensee to keep such records, accounts or documents relating to the business or activities that the waste collector licensee is authorised to carry out under the waste collector licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

Under the new section 31AA(3), the Director-General must not take any regulatory action under section 99(15)(c) or (d) against a waste collector licensee for failing to comply with any condition mentioned in the new section 31AA(2)(b) unless the Director-General has first consulted the Commissioner for Labour.

Clause 15 inserts new sections 31DA and 31DB.

Under the new section 31DA(1), the Commissioner for Labour must, for the purposes of the prescribed conditions referred to in the new sections 23A(2)(b) and 31AA(2)(b), by order, specify the following that must be paid to every waste management worker who is a citizen or permanent resident of Singapore:

- (a) the minimum amount of baseline wage and the date that minimum amount takes effect;
- (b) the minimum amount of overtime payment, or the manner of calculating that minimum amount, and the date that minimum amount or manner of calculation (as the case may be) takes effect;
- (c) the minimum amount of progressive wage model bonus and the frequency at which the progressive wage model bonus is to be paid, and the date that minimum amount and frequency take effect.

The new section 31DA(2) states that an order made by the Commissioner for Labour may specify different minimum amounts of baseline wage, different minimum amounts of overtime payment or different manner of calculating the minimum amounts of overtime payments, and different minimum amounts of progressive wage model bonus and different frequency of payments of the progressive wage model bonus, for different classes of waste management workers. The order may also be varied from time to time.

The new section 31DA(3) requires that the Commissioner for Labour, when making an order under the new section 31DA(1), consider the recommendations by the Tripartite Cluster for Waste Management on remuneration for waste management workers, if any.

The new section 31DA(4) requires that the Commissioner for Labour publish every order he or she makes under the new section 31DA(1) in any way that the Commissioner for Labour thinks appropriate to bring the order to the notice of persons who, in his or her opinion, ought to have notice of the order.

Under the new section 31DA(5), a minimum amount of baseline wage that is specified by the Commissioner for Labour under the new section 31DA(1)(a) takes effect for the purposes of the prescribed conditions referred to in the new sections 23A(2)(b) and 31AA(2)(b) even though the baseline wage that would have been payable to a waste management worker under any collective agreement, as defined in section 2 of the Industrial Relations Act 1960, is lower than that amount.

Under the new section 31DA(6), a minimum amount of overtime payment that is specified by the Commissioner for Labour under the new section 31DA(1)(b) takes effect for the purposes of the prescribed conditions referred to in the new sections 23A(2)(b) and 31AA(2)(b) even though the overtime payment as provided for under the Employment Act 1968 that would have been payable to a waste management worker is lower than that amount.

The new section 31DA(7) empowers the Director-General, by written notice to waste disposal licensees or waste collector licensees, to postpone the effective date specified by an order under subsection (1)(a), (b) or (c) —

- (a) in relation to waste management workers employed (whether or not exclusively) to carry out waste collection work or waste disposal work before that effective date; and
- (b) where the Commissioner for Labour varies the order — in relation to waste management workers employed (whether or not exclusively) to carry out waste collection work or waste disposal work before the variation otherwise takes effect.

The new section 31DA(8) sets out the definition of “Tripartite Cluster for Waste Management”.

The new section 31DB(1) enables the Director-General or any authorised officer appointed under section 3(2), by written notice, to exercise the following powers for the purposes of monitoring a waste collector licensee’s or waste disposal licensee’s compliance with any provision of the new Part 3A or any condition of a waste collector licence or waste disposal licence:

- (a) require the waste collector licensee or waste disposal licensee (called the licensee) to produce any records, accounts and documents kept by the licensee in relation to the business that the licensee is authorised to carry on under a waste collector licence or waste disposal licence, or the payment of remuneration to the licensee’s waste management workers, within such reasonable time as may be specified in the notice;
- (b) inspect, examine and make copies of any such records, accounts and documents so produced;
- (c) make any inquiry that may be necessary to ascertain whether any provision of the Part or any condition of the waste collector licence or waste disposal licence, is complied with.

Under the new section 31DB(2), the Director-General or any authorised officer may exercise the powers under the new section 31DB(1) without having to give written notice to a licensee if the Director-General or authorised officer has received information or has reasonable cause to believe that an offence under the new Part 3A or a failure to comply with any condition of a waste collector licence or waste disposal licence has occurred, or is occurring or about to occur.

The new section 31DB(3) sets out additional monitoring powers of the Director-General or authorised officer in respect of records, accounts and documents mentioned in the new section 31DB(1) that are kept in electronic form.

The new section 31DB(4) penalises any person who fails, without reasonable excuse, to comply with any requirement imposed under the new section 31DB.

The new section 31DB(5) defines “licensee” to mean a waste collector licensee or waste disposal licensee.

Clause 16 makes a consequential amendment by renumbering the existing Part 3A as Part 3B.

Clause 17 makes a clarifying amendment to the definition of “related internal assets” in section 31E.

Clause 18 amends section 80F(1) to require every application for a cleaning business licence to state the class of cleaning business licence that is being applied for, and to submit a progressive wage plan that complies with the prescribed requirements.

Clause 19 amends section 80G to —

- (a) replace the eligibility criterion for an applicant for a cleaning business licence mentioned in section 80G(4)(b) to (e) with the following:
  - (i) the progressive wage plan in respect of the applicant’s cleaning business that is submitted by the applicant complies with the prescribed requirements;
  - (ii) in the case of an applicant who has one or more cleaners in the applicant’s employ at the time of the application — the applicant satisfies the Director-General that such proportion of the cleaners that the applicant employs, have attended such training, and at such frequency, as the Director-General may specify;
  - (iii) the paid-up capital or (where the applicant is not a corporation) net worth of the applicant for the period specified by the Director-General, is not less than the amount specified by the Director-General for the class of the cleaning business licence that is being applied for (if specified);
  - (iv) the applicant has obtained a valid certification relating to the safety, health and welfare of persons at work in the applicant’s workplace, of a type that is specified by the Director-General for the class of the cleaning business licence that is being applied for (if specified);

- (v) the applicant satisfies all other prescribed requirements for the class of the cleaning business licence that is being applied for;
- (b) insert a new subsection (4A) to enable the Director-General to subdivide the cleaning business licences that the Director-General grants or renews into classes according to criteria such as the type of cleaning business that is carried on by the cleaning business licensee, the paid-up capital or net worth (as the case may be) of the cleaning business licensee and the cleaning business licensee's compliance history with certain written laws;
- (c) delete section 80G(5) as the requirements for an applicant's progressive wage plan will be prescribed in regulations; and
- (d) replace subsection (8). The new subsection (8) sets out the definitions of "corporation", "Employment Claims Tribunal" and "net worth".

Clause 20(1) repeals and re-enacts section 80H.

Under the new section 80H(1), every cleaning business licence is subject to conditions that may be prescribed by regulations made under section 111, which may include —

- (a) conditions requiring the cleaning business licensee to enter into a contract of service in writing with each cleaner employed by the cleaning business licensee;
- (b) conditions requiring every contract of service entered into between the cleaning business licensee and every cleaner who is a citizen or permanent resident of Singapore (called a resident cleaner) to provide for the payment of a basic wage or a progressive wage model bonus to the resident cleaner, that —
  - (i) is not less than the amount; and
  - (ii) in the case of a progressive wage model bonus, is to be paid at the frequency,
 

specified by order under the new section 80H(2) for the class of cleaners that the resident cleaner belongs to;
- (c) conditions requiring the cleaning business licensee to ensure that every cleaner employed by the cleaning business licensee satisfies the training requirements as may be specified by the Director-General for the class of cleaners that the cleaner belongs to;
- (d) conditions prohibiting the cleaning business licensee from deploying any individual who is not employed by the cleaning business licensee to carry out any cleaning work, unless the individual is a cleaner employed by another cleaning business licensee; and

- (e) conditions requiring the cleaning business licensee to keep such records, accounts or documents relating to the business or activities that the cleaning business licensee is authorised to carry out under the cleaning business licence, as may be prescribed, and retain those records, accounts or documents for a prescribed period.

Under the new section 80H(2), the Commissioner for Labour must, by order, specify the following that must be paid to every resident cleaner:

- (a) the minimum amount of basic wage and the date that minimum amount takes effect;
- (b) the minimum amount of progressive wage model bonus and the frequency at which the progressive wage model bonus is to be paid, and the date that minimum amount and frequency take effect.

The new section 80H(3) states that an order made by the Commissioner for Labour may specify different minimum amounts of basic wage and different minimum amounts of progressive wage model bonus and different frequency of payments of the progressive wage model bonus, for different classes of cleaners. The order may also be varied from time to time.

The new section 80H(4) requires that the Commissioner for Labour must, when making an order under the new section 80H(2), consider the recommendations by the Tripartite Cluster for Cleaners on remuneration for cleaners, if any.

The new section 80H(5) requires that the Commissioner for Labour publish every order he or she makes under the new section 80H(2) in any way that the Commissioner for Labour thinks appropriate to bring the order to the notice of persons who, in his or her opinion, ought to have notice of the order.

Under the new section 80H(6), a minimum amount of basic wage that is specified by the Commissioner for Labour under the new section 80H(2)(a) takes effect for the purpose of the prescribed condition referred to in the new section 80H(1)(b) even though the basic wage that would have been payable to a cleaner under any collective agreement, as defined in section 2 of the Industrial Relations Act 1960, is lower than that amount.

The new section 80H(7) empowers the Director-General, by written notice to cleaning business licensees, to postpone the effective date specified by an order under the new section 80H(2) —

- (a) in relation to cleaners employed (whether or not exclusively) to carry out or supervise the carrying out of cleaning work under any cleaning contract entered into by cleaning business licensees before that effective date; and
- (b) in any case where the Commissioner for Labour varies the order — in relation to cleaners employed (whether or not exclusively) to carry out

or supervise the carrying out of cleaning work under any cleaning contract entered into by cleaning business licensees before the variation otherwise takes effect.

The new section 80H(8) empowers the Director-General to impose any other conditions on a cleaning business licence that he or she thinks fit, being conditions which are not inconsistent with the prescribed conditions referred to in the new section 80H(1).

Under the new section 80H(9), the Director-General may, at any time, add to, vary or revoke any condition of a cleaning business licence, except that any addition or variation must also not be inconsistent with the prescribed conditions referred to in the new section 80H(1).

The Director-General must observe the process set out in the new section 80H(10) and (11) before exercising his or her power under the new section 80H(8) and (9).

The new section 80H(12) sets out the definition of “Tripartite Cluster for Cleaners”, which is used in the new section 80H.

Clause 20(2) further amends the new section 80H by inserting a new subsection (8A). This amendment will come into force on a date that is later than the date of commencement of clause 20(1).

Under the new section 80H(8A), the Director-General may impose different conditions for different classes of cleaning business licences or cleaning business licensees under different circumstances.

Clause 21 amends section 80I to delete section 80I(1)(d) and insert a new subsection (1A). Under the new subsection (1A), every cleaning business licence (other than a prescribed class of cleaning business licence) may be renewed upon its expiry.

Clauses 22, 23 and 24 make consequential amendments and editorial amendments to sections 80J, 80K and 80L, respectively.

Clause 25 replaces section 80M(1)(a). Under the new section 80M(1)(a), the Director-General or any authorised officer appointed under section 3(2) may, for the purposes of the execution of Part 9A, by written notice require a cleaning business licensee to produce such records, accounts and documents kept by the cleaning business licensee in relation to the cleaning business licensee’s cleaning business, or the payment of remuneration to the cleaning business licensee’s cleaners, within such reasonable time as may be specified in the notice.

Clause 25 also amends section 80M(3)(b) for consistency with the new section 31DB(3)(b).

Clause 26 makes consequential amendments and editorial amendments to section 80N.

Clause 27 amends section 95 such that no person shall be liable to any fine or penalty under the Act for any offence under the Act unless the complaint respecting the offence is made within 3 years after the date of the commission of the offence, except where by reason of the act or omission complained of, an injury or danger to health subsists at the date of the complaint.

Clause 28 amends section 99(13) and (15).

Under the amended section 99(13), the Director-General may modify the conditions of a licence without compensating the licensee concerned, except that such modification must not be inconsistent with any prescribed condition referred to in the new section 23A(1) or (2) (where the licensee is a waste disposal licensee) or the new section 31AA(1) or (2) (where the licensee is a waste collector licensee).

Under the amended section 99(15), the Director-General's power to take regulatory action is subject to the new sections 23A(3) and 31AA(3).

Clause 29 amends section 111 to insert a new subsection (1B). Under the new subsection (1B), regulations may be made under section 111 for the following purposes:

- (a) to prescribe different components mentioned in paragraphs (b) and (c) of the definition of "progressive wage model bonus" in the amended section 2, in respect of cleaners, waste collection workers and waste disposal workers, respectively;
- (b) to prescribe different conditions mentioned in the new sections 23A(1) and (2), 31AA(1) and (2) and 80H(1) for different classes of waste disposal licences, waste collector licences and cleaning business licences, respectively.

Clause 30 comprises saving and transitional provisions. In particular, it provides that —

- (a) sections 2 and 80H as in force immediately before the date of commencement of clauses 2(b), (c), (f) and (g) and 20(1), continue to apply in respect of every cleaning business licence that was granted or renewed before that date and is valid on that date, until the expiry or revocation of that cleaning business licence;
- (b) despite clause 18(a), an application for a cleaning business licence that is made before the date of commencement of clause 18(a) and is pending on that date, is treated as an application for a prescribed class of cleaning business licence under section 80F as in force on or after that date; and



- (c) section 95 as in force immediately before the date of commencement of clause 27, continues to apply in respect of any offence under the Act committed before that date.

Clause 30 further empowers the Minister to make regulations prescribing such provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister may consider necessary or expedient. The Minister has power to do so only within 2 years after the date of commencement of any provision of the Bill.

## EXPENDITURE OF PUBLIC MONEY

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

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