

Environmental Public Health (Amendment) Bill

Bill No. 39/2018.

Read the first time on 10 September 2018.

A BILL

intituled

An Act to amend the Environmental Public Health Act (Chapter 95 of the 2002 Revised Edition) and to make related amendments to the Building Maintenance and Strata Management Act (Chapter 30C of the 2008 Revised Edition).

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

Short title and commencement

1. This Act is the Environmental Public Health (Amendment) Act 2018 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 (called in this Act the principal Act) is amended —

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

10 ““progressive wage model bonus” means a discretionary amount of money payable to a cleaner that is in addition to all of the following paid to the cleaner:

(a) any basic wage;

15 (b) any overtime payment;

(c) any sum to reimburse the cleaner for special expenses incurred during the cleaner’s employment;

20 (d) any allowance however described;”;
and

(b) by deleting the words “section 80H(2)” in the definition of “specified amount” and substituting the words “section 80H(2)(a)”.

Amendment of section 16

25 3. Section 16 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

30 “(1A) Despite subsection (1), any refuse, waste and filth of every sort, and any other matter or thing, that is conveyed within the refuse pipeline networks of any DPWCS established under Part IIIA is also the property of the Agency which the Agency may sell or dispose of as the Agency thinks fit.”.

Amendment of section 17

4. Section 17(1) of the principal Act is amended by inserting, immediately after the words “public place” in paragraphs (a), (b), (f) and (g), the words “, except in a dustbin or other receptacle provided for the deposit of refuse and rubbish”.

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New Part IIIA

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

“PART IIIA

DISTRICT PNEUMATIC WASTE CONVEYANCE SYSTEM

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Interpretation of this Part

31E. In this Part, unless the context otherwise requires —

“air and ventilation networks” means —

- (a) all air and ventilation transmission pipelines or interconnected transmission pipelines; and
- (b) other devices and equipment (including pressure regulating and control valves),

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used or intended for, or for purposes connected with, conveying or transporting refuse or waste by air suction;

“connection point” means a point situated in, or in immediate proximity to, any premises in a DPWCS area where the refuse pipeline networks are connected to the related internal assets;

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“District Pneumatic Waste Conveyance System” or “DPWCS” means a pneumatic waste conveyance system that is established, or required to be established, for a DPWCS area;

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“DPWCS area” means an area declared under section 31G(1);

“DPWCS licence” means a licence granted under section 31J to —

(a) establish, operate or maintain a pneumatic waste conveyance system for a DPWCS area; or

5 (b) do any combination of 2 or more things in paragraph (a);

“DPWCS licensee” means a person to whom a DPWCS licence is granted under this Act;

10 “pneumatic waste conveyance system” means an automated waste collection system that conveys or transports refuse or waste by air suction from individual premises through a network of pipes to a central location for collection and that consists of —

(a) air and ventilation networks;

15 (b) refuse pipeline networks; and

(c) related internal assets,

but does not include any disposal facility;

“refuse pipeline networks” —

20 (a) means all valves, cables, pipes, regulators, apparatus, equipment or plant or station used for, or for purposes connected with, conveying or transporting refuse or waste by air suction; and

25 (b) includes any connection point, but does not include any related internal assets;

30 “related internal assets” means all receptacles, refuse chutes, chute chambers, pipes, valves, control cables and sensors within any premises up to but not including any connection point, that are used for, or for purposes connected with, conveying or transporting refuse or waste by air suction from within any premises to the refuse pipeline networks.

Application of this Part

31F. This Part does not apply to any premises controlled or managed by a Town Council constituted under the Town Councils Act (Cap. 329A).

Declaration of DPWCS areas

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31G.—(1) The Minister may, from time to time, by notice in the *Gazette*, declare an area to be a DPWCS area where a pneumatic waste conveyance system is established, and operated or maintained, for that area under this Part.

(2) A notice under subsection (1) must —

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(a) define the limits of the DPWCS area; or

(b) state that a plan of the DPWCS area may be inspected at a place and within such time as is specified in the notice.

(3) The owner or occupier of every premises within a DPWCS area declared under subsection (1) must use the pneumatic waste conveyance system established, and operated or maintained by the DPWCS licensee for the area.

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(4) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

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(5) In proceedings for an offence under subsection (4), it is a defence for the accused to prove, on a balance of probabilities, that the accused had a reasonable excuse for failing to comply.

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Changes affecting DPWCS areas

31H.—(1) The Minister may, by notice in the *Gazette* —

(a) revoke any declaration made under section 31G; or

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(b) modify an area declared as a DPWCS area under section 31G.

(2) A notice under subsection (1)(b) modifying an area declared as a DPWCS area must —

- (a) define the part of the DPWCS area that is modified; or
- (b) state that a plan of the modification of the DPWCS area may be inspected at a place and within such time as is specified in the notice.

Notice of declaration, etc.

31I.—(1) Before making any declaration under section 31G(1) or revoking or modifying a declaration under section 31H, the Minister must give advance notice in the *Gazette* of the Minister’s intention to make, revoke or modify (as the case may be) the declaration.

(2) The notice mentioned in subsection (1) must —

(a) contain either of the following unless the declaration relates to the revocation of a declaration under section 31H:

(i) a definition of the area that is proposed to be declared as a DPWCS area or the part of the DPWCS area that is proposed to be modified; or

(ii) particulars as to where and when a plan of the proposed DPWCS area or of the part of the DPWCS area proposed to be modified may be inspected; and

(b) specify the time (not being less than 28 days after the publication of the notice in the *Gazette*) within which written representations with respect to the intended declaration, or intended revocation or modification of the declaration, may be made.

(3) The decision of the Minister after considering any written representation made within the time specified in the notice under subsection (2)(b) is final.

(4) If no written representation is received by the Minister within the time specified under subsection (2)(b), or if a written representation made under that subsection is subsequently withdrawn, the Minister may immediately carry out the proposed matters specified in the notice under subsection (1). 5

No collection of waste or waste through DPWCS, etc., without licence

31J.—(1) A person must not —

(a) establish, operate or maintain; or

(b) convey or transport refuse or waste through, 10

any DPWCS without a DPWCS licence.

(2) Without limiting section 99 —

(a) a DPWCS licence may be granted following a public tender or in such other manner as the Director-General thinks fit; 15

(b) the Director-General may require any DPWCS licensee to render a payment on the grant of a DPWCS licence or such periodic payments during the currency of the licence or both of such amount or amounts as the Director-General may determine by or under the licence; and 20

(c) the conditions attached to a DPWCS licence may include —

(i) a condition requiring the DPWCS licensee to connect, at its own cost, any premises or part thereof within the DPWCS area covered by its DPWCS licence to the DPWCS in accordance with such specifications as the Director-General may specify; 25

(ii) a condition requiring the DPWCS licensee to comply with such code of practice, standard of service and level of performance as the Director-General may specify; 30

- (iii) a condition requiring the DPWCS licensee to enter into interconnection or sharing agreements in respect of any infrastructure and facilities relating to the DPWCS upon such terms and conditions as the Director-General may consider necessary; and
- (iv) the right of the Director-General in the public interest to make modifications to any condition of the DPWCS licence or add new conditions during the period to which the licence relates.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both.

Works by DPWCS licensee

31K.—(1) Subject to the provisions of this Part, a DPWCS licensee may, in order to carry out the activities which it is authorised or required by its DPWCS licence to do —

- (a) install in, on, over, under, along or across any premises or street and inspect, maintain, adjust, repair, alter, restore, replace or remove any valve, cable, pipe, regulator, apparatus, equipment, plant or station which is or is to be part of the DPWCS; and
- (b) carry out such activities as are necessary or incidental to the activities falling within paragraph (a), including —
- (i) excavating any premises, street, sewer or drain;
- (ii) tunnelling or boring under any premises, street, sewer or drain;
- (iii) removing or using all earth and materials in or under any premises, street, sewer or drain;

(iv) erecting or placing any valve, cable, pipe, regulator, apparatus, equipment, plant or station in or under any land or street; and

(v) taking such other action as may be necessary to render any valve, cable, pipe, regulator, apparatus, equipment, plant or station safe and efficient.

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(2) A DPWCS licensee must pay to any person who has suffered damage or loss of value to the person's property caused by any activity of the DPWCS licensee mentioned in subsection (1) such sum as may be agreed by between the DPWCS licensee and the person by way of compensation.

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(3) Any person who —

(a) hinders, obstructs or delays a DPWCS licensee in the performance of its duties or anything which the DPWCS licensee is authorised, empowered or required to do under subsection (1); or

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(b) interferes with any works authorised, empowered or required to be done by a DPWCS licensee under subsection (1),

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

(4) Except in the case of an emergency arising from any fault in the DPWCS, a DPWCS licensee must not carry out or cause to be carried out works mentioned in subsection (1) without first giving 14 days' notice to the owner or occupier of the premises stating as fully and accurately as possible the nature and extent of the acts intended to be done.

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(5) In this section, a reference to a DPWCS licensee includes a reference to any employee, agent or contractor authorised by the DPWCS licensee for the purposes of this section.

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(6) To avoid doubt, nothing in subsection (1) derogates from any requirement imposed on the DPWCS licensee by or under

any written law to obtain approval from the Government or a statutory authority to carry out any activity mentioned in that subsection.

Director-General may require owner or occupier to connect to DPWCS

31L.—(1) The Director-General may, by written notice, require the owner or occupier of any premises within a DPWCS area to —

(a) reconstruct, rebuild, retrofit or modify, at the owner's or occupier's expense, any refuse lift, refuse chute, refuse chamber, refuse bin centre or refuse bin compartment (or any part or component of the foregoing) within the premises to conform to such specifications of the related internal assets as may be prescribed, or if not prescribed, as the Director-General may require for the good working of the DPWCS;

(b) maintain or operate, at the owner's or occupier's expense, any related internal assets according to such specifications as the Director-General may require;

(c) make or maintain, at the owner's or occupier's expense, the connection of the related internal assets to the refuse pipeline networks according to such specifications, and for such period as the Director-General may require; and

(d) employ or engage only such persons as the Director-General may approve to construct, reconstruct, connect, maintain the connection of, maintain or operate any related internal assets.

(2) An owner or occupier who fails to comply with a notice of the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further

fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.

(3) In proceedings for an offence under subsection (2), it is a defence for the accused to prove, on a balance of probabilities, that the accused had a reasonable excuse for failing to comply.

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Connection charge

31M.—(1) The owner of any premises within a DPWCS area which is connected to the DPWCS for that DPWCS area must pay to the Agency a charge known as a connection charge of such amount and payable at such time or times as the Agency may, with the approval of the Minister, by order in the *Gazette*, prescribe.

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(2) For the purpose of determining the amount of the connection charge under subsection (1), all the costs incurred in the construction of the DPWCS for the DPWCS area, including (but not limited to) the cost of constructing the air and ventilation networks and refuse pipeline networks, but excluding the cost of constructing the related internal assets, may be taken into consideration.

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(3) For the purposes of subsection (1), the Agency may, with the Minister's approval, prescribe different amounts of connection charge and different times of payment for persons differently situated, including different amounts of connection charge for premises with different gross floor areas and generating different amounts of refuse.

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(4) Where the premises mentioned in subsection (1) are comprised in a strata title plan under the Land Titles (Strata) Act (Cap. 158), a reference in that subsection to the owner or occupier of the premises is deemed to refer to the management corporation constituted under that strata title plan under that Act.

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Tariff

31N.—(1) The owner or occupier of any premises within a DPWCS area which is connected to the DPWCS for that

DPWCS area must pay to the DPWCS licensee a tariff for, or in respect of, operating or maintaining the DPWCS.

(2) The tariff mentioned in subsection (1) —

(a) is of such amount; and

5 (b) is payable at such time or times,

as the Agency may, with the approval of the Minister, by order in the *Gazette*, prescribe.

(3) For the purpose of determining the amount of the tariff under subsection (2)(a), the following factors may be taken into consideration:

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(a) the amount of refuse conveyed from the premises;

(b) the cost of storage of the refuse conveyed from the premises;

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(c) the cost of operating, maintaining and replacing the air and ventilation networks and refuse pipeline networks of the DPWCS;

(d) the cost of treatment of exhaust air generated by the pneumatic waste conveyance system to minimise any environmental nuisance.

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(4) For the purposes of subsection (2), the Agency may, with the approval of the Minister, prescribe different amounts of tariffs and different times of payment for persons differently situated, including different amounts of tariff for premises with different gross floor areas and generating different amounts of refuse.

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(5) Where the premises mentioned in subsection (1) are comprised in a strata title plan under the Land Titles (Strata) Act, a reference to the owner or occupier of the premises is deemed to refer to the management corporation constituted under that strata title plan under that Act.

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Recovery of connection charge and tariff

31O.—(1) The connection charge that is payable under section 31M may be recovered by the Agency as a civil debt due to the Agency.

(2) The tariff that is payable under section 31N may be recovered as a civil debt due to the DPWCS licensee mentioned in that section.

Duty to enquire before excavation

31P. Any person who digs, bores, trenches, grades, excavates, tunnels or breaks any ground with any mechanical equipment, tool or explosive within a DPWCS area or allows the person's employee or agent to do so, without first ascertaining the location of any refuse pipeline networks that may be interfered with, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Damage to DPWCS

31Q.—(1) Any person who, whether wilfully or otherwise —

(a) removes, destroys or damages or causes or permits to be removed, destroyed or damaged, any part of a DPWCS; or

(b) hinders or prevents a DPWCS from being used or operated in the manner in which it is intended to be used or operated,

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

(2) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

5 (3) If it appears to the Agency that there has been a contravention of subsection (1), the Agency may, by written notice, require any person who has done any of the acts mentioned in that subsection or such other person who may be liable under that subsection by virtue of section 103A (called in this section the person in default) to carry out such works as may be necessary to restore the DPWCS to its original condition, use or operation, or to replace it, within such time as may be specified in the notice.

10 (4) If the Agency is of the opinion that immediate action is necessary or expedient, or that the DPWCS cannot be restored by the person in default, the Agency may, instead of issuing the notice under subsection (3) —

15 (a) carry out such works as are necessary to restore the DPWCS to its original condition, use or operation, or to replace it; and

(b) recover in a court of competent jurisdiction as a debt due to the Agency all expenses reasonably incurred in doing so from the person in default.

20 (5) If the person to whom a notice is given under subsection (3) fails to comply with the notice within the time specified, the Agency may carry out the works specified in the notice in such manner as the Agency thinks fit and recover in a court of competent jurisdiction as a debt due to it all expenses reasonably incurred in doing so from the person in default.

25 (6) Without affecting the right of the Agency to exercise its powers under subsection (5), any person who fails to comply with a notice given to him under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

30 (7) In proceedings for an offence under subsection (6), it is a defence for the accused to prove, on a balance of probabilities, that the accused had a reasonable excuse for failing to comply.

Relocation, etc., of pneumatic waste conveyance system

31R.—(1) Where a pneumatic waste conveyance system has been laid in, on, over, under, along or across any land within a DPWCS area and the owner or occupier of the land desires to use the land in a manner which renders it necessary or convenient that the pneumatic waste conveyance system should be moved, the owner or occupier may request the Agency to move, or cause to be moved, the pneumatic waste conveyance system accordingly.

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(2) The Agency may, at the request of the owner or occupier under subsection (1), relocate the pneumatic waste conveyance system, or cause the pneumatic waste conveyance system to be relocated, if —

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(a) the Agency is satisfied that such relocation is reasonable; and

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(b) the owner or occupier complies with such terms and conditions as the Agency may impose, including terms and conditions relating to the payment by the owner or occupier of all reasonable costs and expenses (including compensation for any loss that may be incurred by the DPWCS licensee) necessary for the relocation.

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(3) Where a pneumatic waste conveyance system has been laid in, on, over, under, upon, along or across any land within a DPWCS area and the pneumatic waste conveyance system is no longer in use by the occupier or any other person for the purposes of conveying or transporting refuse or waste by air suction, the DPWCS licensee may of its own volition or must at the reasonable request of the owner, remove the pneumatic waste conveyance system from the land at its own expense.

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(4) In this section —

“owner” includes any person having a leasehold interest with an unexpired term of not less than 7 years;

5 “pneumatic waste conveyance system” means any part or section of the pneumatic waste conveyance system, other than the related internal assets.

DPWCS connections not fixtures

10 **31S.** No works, apparatus, fixture, fitting or other equipment used for, for the purposes of, or in connection with, connecting, affixing or fastening the refuse pipeline networks or any part of the refuse pipeline networks to the related internal assets is deemed to be a fixture or vest in the owner of the premises on or within which the related internal assets are constructed or placed.

Exemption from distress and attachment, etc.

15 **31T.** The air and ventilation networks and refuse pipeline networks of a DPWCS licensee are not subject to distress and are not liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person without the prior written approval of the Minister.

Exclusion from requirement for waste collector licence

20 **31U.** A DPWCS licensee is not, by reason only of the fact that the DPWCS licensee is in the business of conveying or transporting refuse or waste through the DPWCS under a DPWCS licence, required to hold a waste collector licence under section 31.

Application of sections 31A to 31D in relation to DPWCS licensee

30 **31V.** Sections 31A to 31D apply in relation to a DPWCS licensee in the same manner as those sections apply in relation to a public waste collector licensee.”.

Amendment of section 80G

6. Section 80G(5) of the principal Act is amended —

- (a) by deleting the word “and” at the end of paragraph (b);
- (b) by deleting the words “section 80H(2)” in paragraph (c) and substituting the words “section 80H(2)(a)”; and
- (c) by deleting the full-stop at the end of paragraph (c) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(d) specify that where the cleaner belongs to a class of cleaners specified as eligible for a progressive wage model bonus under section 80H(2)(b), the cleaner will be paid a progressive wage model bonus.”.

Amendment of section 80H

7. Section 80H of the principal Act is amended —

- (a) by deleting sub-paragraphs (i) and (ii) of subsection (1)(d) and substituting the following sub-paragraphs:

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

(ii) provide for payment to that cleaner of a progressive wage model bonus that is not less than the minimum amount, and at the frequency, specified under subsection (2) if the cleaner belongs to the eligible class of cleaners specified under that subsection; and

(iii) contain terms not inconsistent with the requirements in section 80G(5) for the progressive wage plan in

respect of that licensee’s cleaning business;”;

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

5 “(2) The Commissioner for Labour must, by order, specify —

(a) the minimum amount for the purposes of subsection (1)(d)(i) and when the specified amount takes effect; and

10 (b) the minimum amount, the frequency of payment, and the eligible class of cleaners for the purposes of subsection (1)(d)(ii).

(2A) An order under subsection (2) may specify different minimum amounts for different classes of cleaners, and may be varied from time to time.”;

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(c) by inserting, immediately after the words “any specified amount” in subsection (6), the words “or any minimum amount specified under subsection (2) for the purposes of subsection (1)(d)(ii)”;

20 (d) by inserting, immediately after the words “the specified amount” in subsection (6)(a) and (b), the words “or minimum amount (as the case may be)”.

Amendment of section 82

25 **8.** Section 82 of the principal Act is amended by deleting the word “molest” in paragraph (a) and substituting the word “delay”.

Amendment of section 86

9. Section 86(3) of the principal Act is amended by deleting “\$300” and substituting “\$1,000”.

Amendment of section 91

30 **10.** Section 91(1) of the principal Act is amended by inserting, immediately after the words “subsection (2)”, the words “and section 31N”.

Amendment of section 98

11. Section 98 of the principal Act is amended —

- (a) by inserting, immediately after the word “secretary” in subsection (2)(a), the words “or other like officer”;
- (b) by deleting the words “at its registered or principal office” in subsection (2)(a);

(c) by inserting, immediately after subsection (2), the following subsection:

“(2A) In addition, any notice, order or document (other than a notice, order or document to be served in proceedings in court) required or authorised by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served by sending it by fax to whichever of the following is applicable:

(a) the fax number last known as the fax number for the service of notices, orders or documents on the individual;

(b) the fax number used at the partnership’s business address;

(c) the fax number used at the body corporate’s or unincorporated association’s registered office or principal office in Singapore.”; and

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

“(5) Service of any notice, order or document (other than a notice, order or document to be served in proceedings in court) takes effect —

(a) if the notice, order or document is sent by prepaid registered post, on the second day after the day the notice, order or document was posted (even if it is returned undelivered); or

(b) if the notice, order or document is sent by fax and a notification of successful transmission is received, on the day of the transmission.

5 (6) In this section, “business address” or “place of business” means —

(a) in the case of an individual, the individual’s usual or last known place of business in Singapore; and

10 (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore.”.

Amendment of Third Schedule

15 **12.** The Third Schedule to the principal Act is amended by inserting, immediately after paragraph 1, the following paragraphs:

“1A. The control, regulation and supervision of —

(a) the establishment, operation and maintenance of a DPWCS; and

20 (b) the conveyance or transportation of refuse and waste through a DPWCS.

1B. The duties of owners and occupiers of premises in connection with the use, operation and maintenance of a DPWCS.

1C. The specifications, dimensions and other standards to which the related internal assets must conform.

25 1D. The control, regulation and restriction of the types of refuse and waste that may be disposed of through a DPWCS.

1E. The conditions under which refuse and waste may be disposed of through a DPWCS.”.

Miscellaneous amendments

30 **13.—**(1) Sections 65, 68 and 77 of the principal Act are repealed.

(2) The Second Schedule to the principal Act is repealed.

Related amendments to Building Maintenance and Strata Management Act

14.—(1) Section 16(2) of the Building Maintenance and Strata Management Act (Cap. 30C) is amended by deleting the word “and” at the end of paragraph (*f*), and by inserting immediately thereafter the following paragraph: 5

“(f*a*) to pay any connection charge payable under section 31M, and any tariff payable under section 31N, of the Environmental Public Health Act (Cap. 95);”.

(2) Section 39(1) of the Building Maintenance and Strata Management Act is amended —

(a) by deleting the word “and” at the end of paragraph (*c*); and

(b) by deleting the full-stop at the end of paragraph (*d*) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph: 15

“(e) the payment of any connection charge payable under section 31M, and any tariff payable under section 31N, of the Environmental Public Health Act.”.

Saving and transitional provision

15. 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. 25

EXPLANATORY STATEMENT

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

- (a) to allow for the establishment, operation, licensing and regulation of district-wide pneumatic waste conveyance systems in designated areas in Singapore;
- (b) to introduce a progressive wage model bonus for cleaners;
- (c) to make miscellaneous amendments to improve the administration of the Act.

The Bill also makes related amendments to the Building Maintenance and Strata Management Act (Cap. 30C).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to introduce a new definition and to amend a definition to support the introduction of the progressive wage model bonus.

The definition of “progressive wage model bonus” refers to an amount of money that is payable on discretionary basis. A cleaner may be paid a discretionary amount based on factors such as his or her work performance. However, the amount must be at least the minimum amount specified in the Commissioner for Labour’s order under section 80H(2)(b).

Clause 3 inserts a new section 16(1A) to provide that any refuse, waste, filth, etc., disposed through any District Pneumatic Waste Conveyance System (DPWCS) established under the new Part IIIA is the property of the National Environment Agency (the Agency).

Clause 4 amends section 17, which prohibits littering in a public place, such that it is not prohibited to place litter in a dustbin or other receptacle provided for the deposit of refuse and rubbish. However, it remains prohibited to throw litter in a receptacle not provided for the deposit of refuse and rubbish, such as a used bottle or aluminium can, or place litter on the surface or cover of a dustbin or other receptacle instead of within.

Clause 5 inserts a new Part IIIA (comprising new sections 31E to 31V) to implement a DPWCS in areas designated by the Minister.

The new section 31E defines certain terms used in the new Part IIIA. In particular, it defines the terms “pneumatic waste conveyance system” and its components “air and ventilation networks”, “refuse pipeline networks”, “related internal assets” and “connection point”, and the terms “District Pneumatic Waste Conveyance System” or “DPWCS”, “DPWCS area”, “DPWCS licence” and “DPWCS licensee”.

The new section 31F provides that the new Part IIIA does not apply to any premises controlled or managed by a Town Council constituted under the Town Councils Act (Cap. 329A).

The new section 31G empowers the Minister to declare, by notice in the *Gazette*, any area where a pneumatic waste conveyance system is to be established (defined in section 31E as the DPWCS area). The notice must define the limits of the DPWCS area or state that a plan of the DPWCS area may be inspected at a place and within such time as is specified in the notice. Owners and occupiers of every premises within the DPWCS area must use the pneumatic waste conveyance system established, operated or maintained by the DPWCS licensee for that area if such a system is available.

The new section 31H empowers the Minister to revoke any declaration made, or modify an area declared as a DPWCS area, under section 31G. A notice modifying an area declared as a DPWCS area must define the limits of the DPWCS area that is modified, or state that a plan of the modification of the DPWCS area may be inspected at a place and within such time as is specified in the notice.

The new section 31I provides —

- (a) that the Minister must give advance notice in the *Gazette* of the Minister's intention to make a declaration under section 31G(1), or to revoke or modify a declaration under the new section 31H;
- (b) that the notice must —
 - (i) define the area proposed to be declared or to be modified or state that a plan of the area to be declared or modified may be inspected at a place and within such time as is specified in the notice; and
 - (ii) specify a time within which written representations with respect to the intended declaration, or intended revocation or modification of the declaration, may be made;
- (c) that the decision of the Minister after considering any written representation is final; and
- (d) that if no written representation is received within the specified time, or a written representation is subsequently withdrawn, the Minister may carry out the proposed matters specified in the notice.

The new section 31J prohibits a person from establishing, operating or maintaining, or conveying or transporting refuse or waste through, a DPWCS without a DPWCS licence. Additional provisions are made relating to the grant of such a licence in addition to the general provisions under section 99.

The new section 31K sets out the powers of a DPWCS licensee to carry out the activities which it is authorised to carry out under its licence.

The new section 31L empowers the Director-General of Public Health (the Director-General) to impose, for purposes connected with the DPWCS, requirements on the owner or occupier of premises within a DPWCS area relating to retrofitting of existing building infrastructure, maintaining and operating related internal assets, connecting related internal assets to the refuse pipeline networks, employment of persons to reconstruct, maintain the DPWCS, etc.

The new section 31M provides —

- (a) that the owner of any premises within a DPWCS area which is connected to the DPWCS for that DPWCS area must pay to the Agency a connection charge of such amount and payable at such time or times as the Agency may, with the approval of the Minister, by order in the *Gazette*, prescribe;
- (b) that in determining the amount of the connection charge, all the costs incurred in the construction of the DPWCS for the DPWCS area, including (but not limited to) the cost of constructing the air and ventilation networks and refuse pipeline networks, but excluding the cost of constructing the related internal assets, may be taken into consideration;
- (c) that the Agency may, with the approval of the Minister, prescribe different amounts of connection charge for persons differently situated and different times of payment, including different amounts of connection charge for premises with different gross floor areas and generating different amounts of refuse; and
- (d) that where the premises are comprised in a strata title plan under the Land Titles (Strata) Act (Cap. 158), a reference to the owner or occupier of the premises is deemed to refer to the management corporation constituted under that strata title plan under that Act.

The new section 31N provides —

- (a) that the owner or occupier of any premises within a DPWCS area which is connected to the DPWCS for that DPWCS area must pay to the DPWCS licensee a tariff for, or in respect of, operating or maintaining the DPWCS;
- (b) that the tariff is to be of such amount, and is to be payable at such time or times, as the Agency may, with the approval of the Minister, by order in the *Gazette*, prescribe;
- (c) for the factors that may be taken into consideration in determining the amount of the tariff;

- (d) that the Agency may, with the approval of the Minister, prescribe different amounts of tariffs and different times of payment for persons differently situated, including different amounts of tariff for premises with different gross floor areas and generating different amounts of refuse; and
- (e) that where the premises are comprised in a strata title plan under the Land Titles (Strata) Act, a reference to the owner or occupier of the premises is deemed to refer to the management corporation constituted under that strata title plan under that Act.

The new section 31O provides —

- (a) that the connection charge payable under section 31M may be recovered by the Agency as a civil debt due to the Agency; and
- (b) that the tariff payable under section 31N may be recovered as a civil debt due to the DPWCS licensee mentioned in that section.

The new section 31P provides that any person who digs, bores, trenches, grades, excavates, tunnels or breaks any ground with any mechanical equipment, tool or explosive within a DPWCS area or allows the person's employee or agent to do so, without first ascertaining the location of any refuse pipeline networks that may be interfered with, commits an offence.

The new section 31Q provides —

- (a) that it is an offence for any person who, whether wilfully or otherwise —
 - (i) removes, destroys or damages or causes or permits to be removed, destroyed or damaged, any part of a DPWCS; or
 - (ii) hinders or prevents a DPWCS from being used or operated in the manner in which it is intended to be used or operated;
- (b) that it is a defence for the accused to prove that the accused took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; and
- (c) that the Agency may either give the person in default a notice to restore the pneumatic waste conveyance system to its original condition, use or operation, or to replace it, or the Agency may itself restore or replace the pneumatic waste conveyance system and recover the cost of doing so from the person in default. The person in default refers to the person (A) who removed, destroyed or damaged, or caused or permitted to be removed, destroyed or damaged, any part of the DPWCS, or who hindered or prevented the DPWCS from being used or operated in the manner intended; and also includes a person who, under section 103A (Offences by bodies corporate, etc.), is liable for the acts of A.

The new section 31R provides —

- (a) that where a pneumatic waste conveyance system (defined for the purposes of the section as excluding the related internal assets) has been laid in, on, over, under, along or across any land within a DPWCS area and the owner or occupier of the land desires to use the land in a manner which renders it necessary or convenient that the pneumatic waste conveyance system (or any part or section of it) should be moved, the owner or occupier may request the Agency to move, or cause to be moved, the pneumatic waste conveyance system (or part or section of it) accordingly;
- (b) that the Agency may upon such request relocate the pneumatic waste conveyance system (or any part or section of it), or cause the pneumatic waste conveyance system (or any part or section of it) to be relocated, if —
 - (i) the Agency is satisfied that such relocation is reasonable; and
 - (ii) the owner or occupier complies with such terms and conditions as the Agency may impose, including terms and conditions relating to the payment by the owner or occupier of all reasonable costs and expenses (including compensation for any loss that may be incurred by the DPWCS licensee) necessary for the relocation; and
- (c) that, in addition, where the pneumatic waste conveyance system (or any part or section of it) is no longer in use by the occupier or any other person for the purposes of conveying or transporting refuse or waste by air suction, the DPWCS licensee may of its own volition or must at the reasonable request of the owner, remove the pneumatic waste conveyance system (or any part or section of it) from the land at its own expense.

The new section 31S provides that the physical connections between the refuse pipeline networks and the related internal assets are not deemed to be fixtures and do not vest in the owner of the premises on or in which the related internal assets are constructed or placed.

The new section 31T exempts the air and ventilation networks and refuse pipeline networks of a DPWCS licensee from being subject to distress or being liable to be taken in execution under any process of a court in any bankruptcy or insolvency proceedings against any person without the prior written approval of the Minister.

The new section 31U provides that a DPWCS licensee is not, by virtue of carrying out the activities for which the DPWCS licence was granted, required to obtain a waste collector licence.

The new section 31V provides that sections 31A to 31D (which apply to a public waste collector licensee and which relate to the making of special administration orders, the effect of special administrative orders, the remuneration and expenses to be paid following a special administrative order, and restrictions on winding up, etc.) apply in relation to a DPWCS licensee in the same manner as they apply in relation to a public waste collector licensee.

Clause 6 amends section 80G to require that a progressive wage plan in respect of a cleaning business of a licensee or applicant for a cleaning business licence must specify that an eligible cleaner will be paid a progressive wage model bonus.

Clause 7 amends section 80H to require that the contract of service between a licensee and a cleaner must provide for the payment of a progressive wage model bonus, and expand the scope of the order made by the Commissioner for Labour under section 80H(2) to specify the minimum amount, the frequency of payment and the eligible class of cleaners for a progressive wage model bonus.

Clause 8 amends section 82 by deleting the word “molest” in paragraph (a) and substituting the word “delay”.

Clause 9 amends section 86(3) to increase the maximum fine for persons guilty of an offence under that section.

Clause 10 amends section 91 (which provides for fees, charges, etc., that are collected under the Act to be paid to the Agency) to exclude the new section 31N from the scope of that section (as the tariff under the new section 31N is to be paid to the DPWCS licensee).

Clause 11 amends section 98 to allow for service under subsection (2) not just to the secretary of a company or body, but also to another like officer, and to remove the requirement that service takes place at the registered or principal office of the company or body.

Clause 11 also amends section 98 to allow for various documents (other than a document to be served in proceedings in court) required or authorised by the Act to be served by fax, and to state when service of various documents takes effect (other than a document to be served in proceedings in court) if the documents are sent by prepaid registered post or fax.

Clause 12 amends the Third Schedule (Subject matters of regulations) to include 5 new paragraphs relating to the DPWCS. The effect is to enable the Agency, with the approval of the Minister, to make regulations in respect of such matters under section 111.

Clause 13 repeals sections 65, 68 and 77 and the Second Schedule.

With the repeal of sections 65 and 77, which provide for the penalty for offences under Part VII on swimming pools and Part VIII on funeral parlours, cemeteries

and crematoria respectively, the penalty for those offences will be increased, as the penalty provided under section 103 will then apply.

The repeal of section 68 and the Second Schedule removes the Director-General's powers to permit the licensee of a funeral parlour to receive the corpse of a person who has died of an infectious disease set out in the repealed Second Schedule subject to the Director-General's terms and conditions. The Director of Medical Services under the Infectious Diseases Act (Cap. 137) already has similar powers under section 14 of that Act.

Clause 14 makes related amendments to the Building Maintenance and Strata Management Act (BMSMA). In particular —

- (a) section 16(2) of the BMSMA is amended to provide that the general maintenance fund established under that provision by the owner developer of every development to which Division 1 of Part V of the BMSMA applies may be used to pay any connection charge payable under section 31M, and any tariff payable under section 31N, of the Environmental Public Health Act; and
- (b) section 39(1) of the BMSMA is amended to provide that the management corporation may determine contributions by subsidiary proprietors under that provision for the purpose of the payment of any connection charge payable under section 31M, and any tariff payable under section 31N, of the Environmental Public Health Act.

Clause 15 is a saving and transitional provision.

EXPENDITURE OF PUBLIC MONEY

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