

Hazardous Waste (Control of Export, Import and Transit) (Amendment) Bill

Bill No. 6/2020.

Read the first time on 6 January 2020.

A BILL

i n t i t u l e d

An Act to amend the Hazardous Waste (Control of Export, Import and Transit) Act (Chapter 122A of the 1998 Revised Edition), and to make consequential amendments to the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

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 Hazardous Waste (Control of Export, Import and Transit) (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2(1) of the Hazardous Waste (Control of Export, Import and Transit) Act (called in this Act the principal Act) is amended by deleting the definition of “Director” and substituting the following definition:

10 ““Director-General” means the Director-General of Environmental Protection appointed under section 3(1) of the Environmental Protection and Management Act (Cap. 94A);”.

Amendment of section 4

15 3. Section 4 of the principal Act is amended by deleting paragraph (b) and substituting the following paragraph:

“(b) “other waste” means waste that belongs to any category contained in Annex II to the Basel Convention;”.

20 Amendment of section 5

4. Section 5 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) If —

25 (a) the foreign country is a party to the Basel Convention;
and

(b) the prescribed website of the Secretariat of the Basel Convention states that the particular substance or object is, in particular circumstances, classified as hazardous or other waste under a law of that foreign country that gives effect to the Basel Convention,

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then that substance or object is, in those circumstances, hazardous or other waste for those purposes.”.

Repeal and re-enactment of section 15

5. Section 15 of the principal Act is repealed and the following section substituted therefor:

“Administration of Act

15.—(1) The Director-General is, subject to any general or special directions of the Minister, responsible for the administration of this Act. 5

(2) The Director-General may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed on the Director-General by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as the Director-General may specify.”. 10

Amendment of section 30

6. Section 30 of the principal Act is amended — 15

(a) by deleting the words “or an aircraft” in subsection (1)(b) and substituting the words “, an aircraft or a vehicle”;

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

“(3A) If this section applies in relation to a vehicle, the Director-General or an authorised officer may require the person in command or control, or who appears to be in command or control, of the vehicle to do one or more of the following things: 20

(a) ensure that the vehicle does not remain within the jurisdiction of Singapore; 25

(b) ensure that the vehicle is brought to a specified place in which it is safe and practicable to park the vehicle;

(c) ensure that the vehicle remains at the specified place until the Director-General or an authorised officer permits the vehicle to leave; 30

(d) arrange for goods being carried in or on the vehicle to be unloaded;

(e) ensure that goods being carried in or on the vehicle are not unloaded until the Director-General or an authorised officer permits their unloading.”;

(c) by deleting the word “or” at the end of subsection (4)(b);

(d) by deleting the full-stop at the end of paragraph (c) of subsection (4) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(d) if the requirement relates to a vehicle, a written notice given to the person in command or control, or who appears to be in command or control, of the vehicle.”; and

(e) by deleting the words “and aircraft” in the section heading and substituting the words “, aircraft and vehicles”.

Amendment of Schedule

7. The Schedule to the principal Act is amended —

(a) by inserting, immediately after item Y47 in Annex II, the following item and *Notes*:

“Y48¹ Plastic waste, including mixtures of such waste, with the exception of the following:

(a) Plastic waste that is hazardous waste pursuant to paragraph 1(a) of Article 1²

(b) Plastic waste listed below, provided it is destined for recycling³ in an environmentally sound manner and almost free from contamination and other types of wastes.⁴

- (i) Plastic waste almost exclusively⁵ consisting of one non-halogenated polymer, including but not limited to the following polymers:
- (A) Polyethylene (PE)
 - (B) Polypropylene (PP) 5
 - (C) Polystyrene (PS)
 - (D) Acrylonitrile butadiene styrene (ABS)
 - (E) Polyethylene terephthalate (PET)
 - (F) Polycarbonates (PC)
 - (G) Polyethers 10
- (ii) Plastic waste almost exclusively⁶ consisting of one cured resin or condensation product, including but not limited to the following resins:
- (A) Urea formaldehyde resins 15
 - (B) Phenol formaldehyde resins
 - (C) Melamine formaldehyde resins
 - (D) Epoxy resins
 - (E) Alkyd resins
- (iii) Plastic waste almost exclusively⁷ consisting of one of the following fluorinated polymers:⁸ 20
- (A) Perfluoroethylene/propylene (FEP)
 - (B) Perfluoroalkoxy alkanes:
 - (BA) Tetrafluoroethylene / perfluoroalkyl vinyl ether (PFA) 25
 - (BB) Tetrafluoroethylene / perfluoromethyl vinyl ether (MFA)
 - (C) Polyvinylfluoride (PVF) 30
 - (D) Polyvinylidene fluoride (PVDF)

- 5 (iv) Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling⁹ of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.¹⁰

Notes

- 10 1. Parties can impose stricter requirements in relation to this entry.
2. Note the related entry on list A A3210 in Annex VIII.
- 15 3. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
4. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.
5. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
- 20 6. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
7. In relation to “almost exclusively”, international and national specifications may offer a point of reference.
8. Post-consumer wastes are excluded.
- 25 9. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
- 30 10. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.”;

(b) by inserting, immediately after item A3200 in Annex VIII, the following item:

- 35 “A3210 Plastic waste, including mixtures of such waste, containing or contaminated with Annex I constituents, to an extent that it exhibits an Annex III characteristic (note the related entries Y48 in Annex II and on list B B3011)”;

(c) by deleting item B3010 in Annex IX and substituting the following item:

“B3011 Plastic waste (note the related entries Y48 in Annex II and on list A A3210):

- (a) Plastic waste listed below, provided it is destined for recycling⁷ in an environmentally sound manner and almost free from contamination and other types of wastes:⁸ 5
 - (i) Plastic waste almost exclusively⁹ consisting of one non-halogenated polymer, including but not limited to the following polymers: 10
 - (A) Polyethylene (PE)
 - (B) Polypropylene (PP)
 - (C) Polystyrene (PS) 15
 - (D) Acrylonitrile butadiene styrene (ABS)
 - (E) Polyethylene terephthalate (PET)
 - (F) Polycarbonates (PC) 20
 - (G) Polyethers
 - (ii) Plastic waste almost exclusively¹⁰ consisting of one cured resin or condensation product, including but not limited to the following resins: 25
 - (A) Urea formaldehyde resins
 - (B) Phenol formaldehyde resins
 - (C) Melamine formaldehyde resins
 - (D) Epoxy resins
 - (E) Alkyd resins 30

(iii) Plastic waste almost exclusively¹¹ consisting of one of the following fluorinated polymers:¹²

(A) Perfluoroethylene/
propylene (FEP)

(B) Perfluoroalkoxy alkanes:

(BA) Tetrafluoroethylene /
perfluoroalkyl vinyl
ether (PFA)

(BB) Tetrafluoroethylene /
perfluoromethyl vinyl
ether (MFA)

(C) Polyvinylfluoride (PVF)

(D) Polyvinylidene fluoride (PVDF)

(b) Mixtures of plastic waste, consisting of polyethylene (PE), polypropylene (PP) and/or polyethylene terephthalate (PET), provided they are destined for separate recycling¹³ of each material and in an environmentally sound manner, and almost free from contamination and other types of wastes.¹⁴; and

(d) by deleting paragraphs 7 and 8 of the *Notes* to Annex IX and substituting the following paragraphs:

“7. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B) or, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.

8. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.

9. In relation to “almost exclusively”, international and national specifications may offer a point of reference.

10. In relation to “almost exclusively”, international and national specifications may offer a point of reference.

11. In relation to “almost exclusively”, international and national specifications may offer a point of reference.

12. Post-consumer wastes are excluded.

13. Recycling/reclamation of organic substances that are not used as solvents (R3 in Annex IV, sect. B), with prior sorting and, if needed, temporary storage limited to one instance, provided that it is followed by operation R3 and evidenced by contractual or relevant official documentation.
14. In relation to “almost free from contamination and other types of wastes”, international and national specifications may offer a point of reference.”.

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Miscellaneous amendments

8. The principal Act is amended by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

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Section 11(1)(a)

Section 16(1)

Section 18(1)(b), (c) and (d)

Section 20(1)(b), (c) and (d)

Section 21(1), (4) and (7)

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Section 22(1), (3) and (5)

Section 23

Section 24(1), (2), (3) and (4)

Section 28(1), (2) and (7)

Section 29(1) and (2)(b)

20

Section 30(1), (2), (3) and (4)

Section 31(1), (2), (3) and (4)

Section 32(1) and (2) and section heading

Section 33(1) and (2)

Section 34(1) and (2)

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Section 35(1) and section heading

Section 36(a) and (c) and section heading

Section 37(1)(b) and (2)(a) and (b)

Section 38

Section 39(1)

Section 40(1)

Section 41(1)

Section 43

5 Section 44

Section 45

Section 48(2)(a), (b) and (d).

Consequential amendments to Insolvency, Restructuring and Dissolution Act 2018

10 **9.** The Second Schedule to the Insolvency, Restructuring and
Dissolution Act 2018 (Act 40 of 2018) is amended —

(a) by deleting the words “Director of Hazardous Waste” in
the second column of item 4 and substituting the words
“Director-General of Environmental Protection”; and

15 (b) by deleting the definition of “Director of Hazardous
Waste” in the *Note*.

EXPLANATORY STATEMENT

This Bill seeks to amend the Hazardous Waste (Control of Export, Import and Transit) Act (Cap. 122A) to include plastic waste within the scope of the Act in compliance with Singapore’s obligations under the Basel Convention, and to make other amendments for the better administration of the Act.

The Bill also makes consequential amendments to the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to delete the definition of “Director” and to introduce a new definition of “Director-General”. The Act is currently administered by the Director of Hazardous Waste, who is appointed under the existing section 15 of the Act, but with the amendments in the Bill, the Act will instead be administered by the Director-General of Environmental Protection (the Director-General) appointed under the Environmental Protection and Management Act (Cap. 94A).

Clause 3 amends section 4 to define “other waste” with reference to Annex II to the Basel Convention.

Clause 4 amends section 5 to provide that any substance or object that is stated on the prescribed website of the Secretariat of the Basel Convention to be hazardous or other waste under a law of a foreign country will be treated as hazardous or other waste in relation to that foreign country under the Act. Currently, such substances or objects are only treated as hazardous or other waste under the Act if the Minister declares so by notification in the *Gazette*.

Clause 5 repeals and re-enacts section 15. The new section 15 provides that the Director-General is responsible for the administration of the Act and may delegate powers and duties to an authorised officer.

Clause 6 amends section 30 to empower the Director-General or an authorised officer to exercise certain powers in relation to vehicles suspected to be carrying hazardous or other waste into or out of Singapore.

Clause 7 amends the Schedule to include plastic waste in various Annexes to the Basel Convention (which is reproduced in the Schedule).

Clause 8 makes miscellaneous amendments to the Act to change references of “Director” to “Director-General”.

Clause 9 makes consequential amendments to the Insolvency, Restructuring and Dissolution Act 2018 following the substitution of the Director of Hazardous Waste with the Director-General of Environmental Protection as the person administering the Act.

EXPENDITURE OF PUBLIC MONEY

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