

# Public Utilities (Amendment) Bill

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**Bill No. 23/2023.**

*Read the first time on 3 July 2023.*

A BILL

*intituled*

An Act to amend the Public Utilities Act 2001 and to make related amendments to the Sewerage and Drainage Act 1999.

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 Public Utilities (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. In the Public Utilities Act 2001 (called in this Act the principal Act), in section 2, after the definition of “drain-line”, insert —

““extract”, in relation to water, means to take or intercept water from any place or sea, within the territorial limits of Singapore, using works constructed under an approval of the Board under section 31 of the Sewerage and Drainage Act 1999;

“extracted water” means water that has been extracted;”.

### New section 7A

15 3. In the principal Act, after section 7, insert —

#### **“Considerations by Board in carrying out functions and duties and exercising powers**

7A. The Board may —

20 (a) in carrying out any function or duty or exercising any power under this Act, have regard to any matter that is necessary for or which facilitates the carrying out of any function or duty or the exercising of any power of the Board under the Sewerage and Drainage Act 1999; and

25 (b) in carrying out any function or duty or exercising any power under the Sewerage and Drainage Act 1999, have regard to any matter that is necessary for or which facilitates the carrying out of any function or duty or the exercising of any power of the Board under this Act.”.

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## Amendment of section 20

### 4. In the principal Act, in section 20 —

- (a) in subsection (7), replace “, and the waterborne tax must be of such amount and payable at such times as the Minister may, by order in the *Gazette*, prescribe” with “in accordance with an order under subsection (7A) (read with subsection (8))”; 5
- (b) after subsection (7), insert —
- “(7A) The Minister may, by order in the *Gazette*, prescribe — 10
- (a) the types or descriptions of premises in connection with which the waterborne tax is payable;
- (b) the amount of the waterborne tax; and
- (c) the time of payment of the waterborne tax.”; 15
- (c) in subsection (8)(a), after “premises”, insert “in connection with which the waterborne tax is payable”;
- (d) in subsection (9)(b), after “premises”, insert “(whether or not by the Board)”; 20
- (e) in subsection (9), after paragraph (b), insert —
- “(ba) where an occupier of the premises extracts water —
- (i) the volume of extracted water or water derived from the extracted water that is used by the occupier (whether or not at the premises at which the water is extracted); and 25
- (ii) the volume of extracted water or water derived from the extracted water that is supplied by the occupier to any other person;”; 30

(f) after subsection (9), insert —

“(9A) Where the calculation of the waterborne tax is based on the volume of water under subsection (9)(b), (ba) or (c), the Minister may, in the order under subsection (7A), further prescribe for any volume to be excluded from the volume under subsection (9)(b), (ba) or (c) (as the case may be) in calculating the waterborne tax payable, in the circumstances prescribed in the order.”;

(g) replace subsection (10) with —

“(10) For the purposes of subsection (7), the Minister may, in the order under subsection (7A), prescribe different amounts of waterborne tax for persons differently situated, including different amounts of waterborne tax for —

- (a) different volumes of water supplied (whether or not supplied by the Board);
- (b) different volumes of extracted water or water derived from extracted water used or supplied;
- (c) different circumstances of use or supply of different types or descriptions of water; and
- (d) estimates of different volumes of used water (including sewage, waste matter and effluent) disposed of.”; and

(h) replace subsection (13) with —

“(13) The Board may, with the Minister’s approval, grant any amount of rebate on, or waive the payment of any amount of —

- (a) any price charged by the Board under subsection (1) to any person or class of persons; or

(b) any waterborne tax payable under subsection (7) by any person or class of persons,

as the Board may determine.

(14) To avoid doubt, a rebate or waiver under subsection (13) need not be published in the *Gazette*.

(15) Any order made under subsection (7A) must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

## **New section 20A**

5. In the principal Act, after section 20, insert —

### **“Water conservation tax for supply of water**

**20A.**—(1) A water conservation tax must be paid to the Board in connection with a supply of water (whether or not by the Board) in accordance with an order under subsection (2).

(2) The Minister may, by order in the *Gazette*, prescribe —

(a) the types or descriptions of water supplied, or the circumstances of the supply of any type or description of water, in connection with which the water conservation tax is payable;

(b) the amount of the water conservation tax;

(c) the time of payment of the water conservation tax; and

(d) the person who must pay the water conservation tax.

(3) Where the calculation of the water conservation tax is based on a volume of water for the purposes of subsection (2)(b), the Minister may, in the order under subsection (2), further prescribe for any volume to be excluded from the volume for the purposes of subsection (2)(b) in calculating the water conservation tax payable, in the circumstances prescribed in the order.

(4) For the purposes of subsection (1), the Minister may, in the order under subsection (2), prescribe different amounts of water

conservation tax for persons differently situated, including different amounts of water conservation tax for —

- (a) different volumes of water supplied;
- (b) different types or descriptions of water supplied; and
- (c) different circumstances of supply of different types or descriptions of water.

(5) Without affecting section 25, any water conservation tax payable under this section may be recovered by the Board as a debt due to the Board.

(6) The water conservation tax collected by the Board under this section must be paid into the Consolidated Fund.

(7) The Board may, with the Minister's approval, grant any amount of rebate on, or waive the payment of any amount of, any water conservation tax payable under this section by any person or class of persons, as the Board may determine.

(8) To avoid doubt, a rebate or waiver under subsection (7) need not be published in the *Gazette*.

(9) Any order made under subsection (2) must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

## **Amendment of section 24A**

**6.** In the principal Act, in section 24A —

- (a) in subsection (1)(b), replace “supply of water to those or other premises” with “supply of water (including extracted water or water derived from extracted water) to those or other premises, or the use of water (including extracted water or water derived from extracted water) at those premises”;
- (b) in subsection (1)(c)(ii), delete “and immediately leased back to another person”;
- (c) after subsection (1), insert —

“(1A) Without affecting subsection (1)(b), the Board may by written notice require any owner or occupier of premises at which water is extracted or extracted water is received, or from which extracted water or water derived from extracted water is supplied, to carry out any works necessary for the laying or installation of any meter by the Board, and for the works to be completed by a date specified in the notice.

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(1B) Where a written notice has been served on an owner or occupier of premises under subsection (1A) and the works specified in the notice are not completed by the date specified in the notice for their completion, the owner or occupier shall be guilty of an offence if the owner or occupier on or after that date —

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(a) extracts water or receives extracted water at the premises; or

(b) supplies extracted water or water derived from extracted water from the premises,

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and shall be liable on conviction to a fine not exceeding \$10,000 and to a further fine not exceeding \$250 for every day or part of a day during which the offence continues after conviction.”; and

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(d) in subsection (2), after “this section”, insert “, or for any cost or expense incurred by any person in complying with any requirement of the Board under subsection (1A)”.

### **Amendment of section 24B**

7. In the principal Act, in section 24B —

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

(b) after subsection (1), insert —

“(2) Where, under subsection (1), the Board carries out, or directs the immediate execution of, any work

or the doing of any act authorised under section 33(2)(b), the Board may recover, as a debt due to it, from the person who caused the hindrance or obstruction, or likely hindrance or obstruction, mentioned in section 33, any cost or expense reasonably incurred by the Board as a result of the work or act.”.

### **Replacement of section 26**

8. In the principal Act, replace section 26 with —

**“Water installation not to be relocated, etc., without Board’s approval**

26.—(1) A person must not carry out, or cause to be carried out, any works for the purpose of relocating any water installation or altering any water installation (including by replacing the water installation with another water installation) belonging to or under the management or control of the Board (called in this section the original water installation), except in accordance with this section.

(2) The Board’s approval for the works must be obtained before the works start.

(3) An application for the Board’s approval must be submitted to the Board with the plans for the works and any other information or document required by the Board, in the form and manner required by the Board.

(4) The Board may grant an approval under subsection (2) subject to any conditions the Board thinks fit, including any of the following:

(a) for the water installation at the new location or the altered water installation (as the case may be) to have a higher or lower capacity than the original water installation, whether or not the water installation at the new location or the altered water installation serves the premises at which it is situated;



- (b) the transfer of ownership to the Board of any water installation or any part of the water installation at the new location or the altered water installation, and any other structure, appurtenance or apparatus that is constructed or installed in connection with the relocation or alteration; 5
- (c) the provision by a person mentioned in subsection (8) to the Board, whether by assignment or otherwise —
  - (i) of any warranty against defects that become apparent within the period specified in the condition, in the water installation at the new location or the altered water installation, or in any structure, appurtenance or apparatus mentioned in paragraph (b); and 10
  - (ii) of any undertaking to make good any such defects at the costs and expenses of the person providing the warranty. 15

(5) Where the Board grants an approval under subsection (2), the costs and expenses of the Board for the following matters must be borne jointly and severally by the persons mentioned in subsection (8): 20

- (a) any inspection by the Board of works being carried out and of the water installation at the new location or the altered water installation;
- (b) the commissioning of the water installation at the new location or the altered water installation, including for any water used in the course of the commissioning; 25
- (c) the decommissioning of the original water installation.

(6) A person who carries out, or causes to be carried out, any works mentioned in subsection (1) for which the Board's approval under subsection (2) has not been obtained shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000. 30

(7) Where any works mentioned in subsection (1) have been or are being carried out for which the Board's approval has not been obtained, or any condition imposed by the Board under subsection (4) has been contravened, the Board may serve on any person mentioned in subsection (8) a written notice directing any of the following:

(a) to immediately stop any of the works, either indefinitely or for a period specified in the notice;

(b) to carry out any works that the Board thinks necessary for any of the following:

(i) to remove any water installation;

(ii) to make good the original water installation to its original state and condition;

(iii) to replace any water installation at the new location or the altered water installation with another water installation;

(iv) to make good any defects in the water installation at the new location or the altered water installation, or any structure, appurtenance or apparatus, that would have been covered by any warranty or undertaking mentioned in subsection (4)(c);

(c) to take any measures that the Board thinks necessary to comply with any condition imposed under subsection (4) that has been contravened.

(8) A written notice mentioned in subsection (7) may be served on all or any of the following persons:

(a) any person carrying out or who carried out the works for the purpose of relocating or altering the original water installation;

(b) any person causing or who caused to be carried out the works for the purpose of relocating or altering the original water installation.

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

(10) Where a person on whom a written notice mentioned in subsection (7) has been served fails to comply with the notice, an authorised officer may, at all reasonable hours in the day or night, or at any other time that may be agreed with the owner or occupier of the premises at which the works mentioned in subsection (1) are being or have been carried out, enter the premises and execute any works and take any measures needed to secure compliance with the written notice, but without affecting any proceedings (whether criminal or otherwise) that may be taken against that person under this Act.

(11) Without affecting the Board's right to exercise its powers under subsections (10) and (14), a person who, without reasonable excuse, fails to comply with a written notice served on the person under subsection (7) shall be guilty of an offence.

(12) Nothing in this section prohibits the Board from carrying out —

- (a) any works mentioned in subsection (1) at any person's request; or
- (b) any works or measures specified in any written notice mentioned in subsection (7) at the request of the person on whom the written notice was served,

upon the person's undertaking to pay the Board's costs and expenses in carrying out the works or measures.

(13) Nothing in subsection (12) imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to carry out the works or measures mentioned in that subsection.

(14) The Board may recover as a debt due to it —

- (a) the costs and expenses under subsection (5) from the person mentioned in that subsection;

(b) any costs and expenses reasonably incurred by the Board under subsection (10) from any person who failed to comply with a written notice served on the person under subsection (7); and

5 (c) any costs and expenses reasonably incurred by the Board under subsection (12) from the person who made the request to the Board.”.

### **Amendment of section 31**

9. In the principal Act, in section 31 —

10 (a) in subsection (1), replace “premises to which water is or has been supplied by the Board” with “premises to or from which water (including extracted water and water derived from extracted water) is or has been supplied”;

(b) in subsection (1)(b), replace “consumed” with “used”; and

15 (c) after subsection (1), insert —

“(1A) For the purposes of subsection (1), where a person —

(a) extracts water or derives water from water extracted by the person; and

20 (b) uses the extracted water or water so derived at any premises,

the water so used by the person is regarded as being or having been supplied to those premises.”.

### **Amendment of section 33**

25 10. In the principal Act, in section 33 —

(a) replace the section heading with —

**“Removal of obstruction above or in vicinity of water installation”;**

30 (b) in subsections (1) and (2)(b)(ii), replace “water main, connecting pipe or meter” wherever it appears with “water installation”; and

(c) after subsection (2), insert —

“(3) To avoid doubt, the Board may exercise its powers under subsection (2)(b) whether or not any proceedings have been started, or any conviction has been obtained, pursuant to subsection (2)(a).”

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### **Amendment of section 35**

11. In the principal Act, in section 35 —

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

(b) in subsection (1), delete “by a consumer”;

(c) in subsection (1), replace “, charge” with “or charge (including any price mentioned in section 20(1))”; and

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(d) after subsection (1), insert —

“(2) The Board may, with the Minister’s approval, waive the payment of any amount of a penalty or late payment charge under subsection (1) in respect of any person or class of persons.

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(3) To avoid doubt, a waiver under subsection (2) need not be published in the *Gazette*.”

### **New section 40**

12. In the principal Act, after section 39, insert —

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#### **“Water efficiency requirements for new facilities**

40.—(1) This section applies to a new facility —

(a) that is to be or has been built for the purpose of carrying on a specified business activity that falls within a prescribed industry; and

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(b) the operation of which is for a purpose that requires an annual water use (determined in accordance with a prescribed method or a method that satisfies the prescribed criteria) that equals or exceeds the prescribed threshold.

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(2) The person proposing to build the new facility must obtain the Board's approval for the projected water balance chart for the new facility before the start of any building works for the new facility.

5 (3) A person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

10 (4) Where the Board's approval is not obtained in accordance with subsection (2), the Board may serve on any person building the new facility a written notice directing the person to obtain the Board's approval for the projected water balance chart for the new facility, within the period specified in the notice.

15 (5) To avoid doubt, the Board may serve more than one written notice on the same person, so long as the Board's approval for the projected water balance chart has not been obtained in accordance with subsection (2) or any written notice previously served on any person under subsection (4).

20 (6) A person who fails to comply with a written notice under subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

(7) The occupier of the new facility must ensure that the operation of the new facility satisfies the prescribed water efficiency requirements applicable to the new facility.

25 (8) The Board may, in any particular case, waive or modify any prescribed water efficiency requirement applicable to a new facility if the Board is satisfied, on a written application by the occupier or owner of the new facility, that there are good reasons to do so.

(9) To avoid doubt —

30 (a) where any prescribed water efficiency requirement applicable to a new facility is waived by the Board under subsection (8), the reference to prescribed water efficiency requirements in subsection (7) does not include the requirement so waived as from and

including the date on which the waiver takes effect;  
and

- (b) where the prescribed water efficiency requirements applicable to a new facility are modified by the Board under subsection (8), the reference to prescribed water efficiency requirements in subsection (7) is a reference to the requirements so modified as from and including the date on which the modification takes effect.

(10) A person who fails to comply with subsection (7) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$40,000.

(11) Regulations made under section 72 in connection with any annual water use, prescribed threshold or prescribed water efficiency requirements for the purposes of this section may make different prescriptions for —

- (a) different industries; and  
(b) different types or descriptions of new facilities, or new facilities differently situated.

(12) In this section —

“building works” has the meaning given by section 2(1) of the Building Control Act 1989;

“new facility” means a building or structure —

- (a) for which an application is made on or after 1 January 2024 —
- (i) for planning permission under the Planning Act 1998; or
- (ii) for approval of plans for building works under the Building Control Act 1989; and
- (b) which is for the purpose of carrying on —
- (i) a new specified business activity of a person; or

(ii) an expansion of any existing specified business activity of a person;

“projected water balance chart”, in relation to a new facility, means a chart showing all of the following when the new facility is operating at its designed capacity:

(a) the projected amount of water entering the new facility;

(b) the projected amount of water being used for the activity or every activity (as the case may be) of the specified business activity that involves the use of water;

(c) the projected amount of water leaving the new facility;

“specified business activity” means an activity, or a series of activities (including ancillary activities), that involves the use of water in the course of business operations;

“water efficiency requirements” includes requirements for the recycling of used water.”.

### **Amendment of section 47**

**13.** In the principal Act, in section 47 —

(a) after subsection (3), insert —

“(3A) All costs and expenses incurred by a person in complying with the notice mentioned in subsection (3) must be borne by the person.”; and

(b) after subsection (6), insert —

“(7) Nothing in this section prohibits the Board from carrying out any works specified in a notice under subsection (3) at the request of a person on whom the notice has been served, upon the person undertaking to pay the Board’s costs and expenses in carrying out the works.



(8) Nothing in subsection (7) imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to carry out the works mentioned in that subsection.”.

#### **Amendment of section 47A**

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**14.** In the principal Act, in section 47A —

(a) after subsection (4), insert —

“(4A) All costs and expenses incurred by a person in complying with the notice mentioned in subsection (4) must be borne by the person.”; and

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(b) after subsection (7), insert —

“(7A) Nothing in this section prohibits the Board from carrying out any works specified in a notice under subsection (4) at the request of a person on whom the notice has been served, upon the person undertaking to pay the Board’s costs and expenses in carrying out the works.

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(7B) Nothing in subsection (7A) imposes on the Board, directly or indirectly, any form of duty or liability enforceable by proceedings before any court to carry out the works mentioned in that subsection.”.

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#### **New section 68B**

**15.** In the principal Act, after section 68A, insert —

**“Claims for fees, charges and taxes overpaid or erroneously paid**

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**68B.—**(1) Except as provided in this section, a person is not entitled to a refund or return of any money that was overpaid or erroneously paid by the person, or erroneously collected from the person, as a fee or charge (including any price mentioned in section 20(1)) or tax under this Act, whether the payment or collection was made before, on or after the date of commencement of section 15 of the Public Utilities (Amendment) Act 2023.

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(2) A person who overpaid or erroneously paid, or who was the subject of an erroneous collection of, any money mentioned in subsection (1) may make a claim to the Board for the refund or return of any money overpaid, erroneously paid or erroneously collected.

(3) A refund or return under subsection (2) may be made only if —

- (a) the person makes the claim within 5 years starting on the date of the overpayment, erroneous payment or erroneous collection;
- (b) the claim is in the form and manner required by the Board; and
- (c) the Board is satisfied that there was an overpayment, erroneous payment or erroneous collection.”.

## **Replacement of section 70**

**16.** In the principal Act, replace section 70 with —

### **“Service of documents**

**70.—**(1) Where a document that is permitted or required by this Act to be served on a person (whether the expression “serve” or “give” or any other expression is used), the document may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
- (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;

- (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- (f) by sending it by email to the individual's last email address.

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(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

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- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- (b) by leaving it at, or by sending it by post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or
- (d) by sending it by email to the partnership's last email address.

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(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
- (b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;
- (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or

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(d) by sending it by email to the last email address of the body corporate or unincorporated association.

(5) In addition, a document permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

(a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or

(b) by any other method authorised by any regulations for the service of documents of that kind if the addressee consents in the manner provided in the regulations to service of a document of that kind in that way.

(6) Service of a document takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; or

(c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered).

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior written consent to service in that way.

(8) This section does not apply to documents to be served in proceedings in court.

(9) In this section —

“business address” means —

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

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document’s contents;

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

“document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in Singapore.”.

### **New section 70A**

17. In the principal Act, after section 70, insert —

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### **“Use of electronic service for making applications**

**70A.**—(1) The Board may permit an application to it under Part 3B to be made through the electronic service described in section 42AA of the Building Control Act 1989.

5 (2) Where a person uses the electronic service mentioned in subsection (1) to make an application to the Board, the Board may serve on the person any acknowledgment, approval, certificate, direction, notice, permit or other document in connection with the application, by sending it to the person’s  
10 account with the electronic service.

(3) Service of a document on a person under subsection (2) takes effect at the time when an electronic record of the document reaches the person’s account with the electronic service.

15 (4) This section applies despite anything to the contrary in this Act.

(5) In this section, “electronic record” has the meaning given by section 2(1) of the Electronic Transactions Act 2010.”.

### **Amendment of section 72**

20 **18.** In the principal Act, in section 72(2) —

(a) in paragraph (ia), after “use of water fittings”, insert “and equipment requiring water for their use or operation (called in this paragraph water equipment)”;

25 (b) in paragraph (ia)(i), (ii) and (iii), after “water fittings” wherever it appears, insert “and water equipment”; and

(c) after paragraph (l), insert —

“(la) the prescribing of the matters concerning price that a person supplying extracted water or water derived from extracted water to a customer must inform the customer of, and the manner in which the customer must be informed of such matters;

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- (*lb*) the duties and obligations of a person mentioned in section 40(2), including the form and manner of the submission to the Board of the projected water balance chart for the new facility;”.

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### **Miscellaneous amendments**

#### **19. In the principal Act —**

- (*a*) in section 20(12), replace “civil debt” with “debt”;
- (*b*) in the following provisions, delete “in a court of competent jurisdiction”:
- Section 41(10)
- Section 47(4)(*b*) and (5)
- Section 47A(5)(*b*) and (6);
- (*c*) in section 48(1), delete “before any court of competent jurisdiction”;
- (*d*) in section 50(2)(*a*), replace “, uses or consumes” with “or uses”; and
- (*e*) in section 72(2)(*l*), replace “consumed” with “used”.

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### **Related amendments to Sewerage and Drainage Act 1999**

#### **20. In the Sewerage and Drainage Act 1999 —**

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- (*a*) in section 41, after subsection (1), insert —
- “(1A) To avoid doubt, an authorised officer may exercise his or her power under subsection (1)(*b*) whether or not any proceedings have been started, or any conviction has been obtained, pursuant to subsection (1)(*a*).”;

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- (*b*) replace section 62 with —

#### **“Service of documents**

**62.—**(1) Where a document that is permitted or required by this Act to be served on a person (whether the expression “serve” or “give” or any other

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expression is used), the document may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- 5           (a) by giving it to the individual personally;
- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual's residential address or business address;
- 10           (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
- 15           (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or
- 20           (f) by sending it by email to the individual's last email address.

25           (3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

- (a) by giving it to any partner, secretary or other similar officer of the partnership;
- 30           (b) by leaving it at, or by sending it by post to, the partnership's business address;
- (c) by sending it by fax to the fax number used at the partnership's business address; or



(d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

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(a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;

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(b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;

(c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or

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(d) by sending it by email to the last email address of the body corporate or unincorporated association.

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(5) In addition, a document permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

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(a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents; or

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(b) by any other method authorised by any regulations for the service of documents of that kind if the addressee consents in the manner provided in the regulations to service of a document of that kind in that way.

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(6) Service of a document takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

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(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; or

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(c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered).

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior written consent to service in that way.

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(8) This section does not apply to documents to be served in proceedings in court.

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(9) In this section —

“business address” means —

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

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(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;

“chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document’s contents; 5

“chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee; 10 15

“document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act; 20

“residential address” means an individual’s usual or last known place of residence in Singapore.”; and 25

(c) after section 62, insert —

**“Use of electronic service for making applications**

**62A.**—(1) The Board may permit an application to it mentioned in section 33 to be made through the electronic service described in section 42AA of the Building Control Act 1989. 30

(2) Where a person uses the electronic service mentioned in subsection (1) to make an application to the Board, the Board may serve on the person any 35

acknowledgment, approval, certificate, direction, notice, permit or other document in connection with the application, by sending it to the person's account with the electronic service.

5 (3) Service of a document on a person under subsection (2) takes effect at the time when an electronic record of the document reaches the person's account with the electronic service.

10 (4) This section applies despite anything to the contrary in this Act.

(5) In this section, "electronic record" has the meaning given by section 2(1) of the Electronic Transactions Act 2010."

## Validation

15 **21.**—(1) Every sum collected before 1 September 2022 as, or purportedly as, goods and services tax chargeable under the Goods and Services Tax Act 1993 on the value of any supply of water by the Public Utilities Board (as determined under that Act) is deemed to be  
20 and always to have been validly collected, and no legal proceedings may lie or be instituted on or after 3 July 2023 in any court on account of or in respect of any such collection by the Public Utilities Board.

(2) Subsection (1) does not apply to any amount collected as goods and services tax on —

25 (a) any amount overpaid or erroneously paid to, or erroneously collected by, the Public Utilities Board as the value for such supply of water; or

(b) the value of any part of such supply of water, payment for which has been waived by the Public Utilities Board.

## **Saving and transitional provisions**

**22.**—(1) Section 68B of the principal Act (as inserted by section 15) does not apply in relation to an overpayment, erroneous payment or erroneous collection of any money, made before the date of commencement of section 15, if the claim for a refund or return of any money so overpaid, erroneously paid or erroneously collected is made to the Public Utilities Board before that date. 5

(2) 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. 10

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## **EXPLANATORY STATEMENT**

This Bill seeks to amend the Public Utilities Act 2001 (the Act) for the following purposes:

- (a) to provide for new facilities in prescribed industries to include water efficiency measures, including the recycling of used water;
- (b) to require persons other than the Public Utilities Board (the Board) to seek the Board’s approval before relocating or altering water installations belonging to or under the management or control of the Board;
- (c) to provide for the charging of the waterborne tax (WBT) and the water conservation tax (WCT) on private water suppliers (PWSes);
- (d) to clarify various provisions in the Act, and to enhance the administration and enforcement of the Act by the Board.

The Bill also makes related amendments to the Sewerage and Drainage Act 1999.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 to insert 2 new definitions for “extract” and “extracted water”.

Clause 3 inserts a new section 7A to enable the Board, when administering or enforcing the Act (which deals with, among other things, water installations and the supply of water), to take into consideration matters under the Sewerage and

Drainage Act 1999 (which deals with, among other things, sewerage and drainage systems, and the discharge of sewage and trade effluent), and *vice versa*. The Board manages the entire water loop, including maintaining water catchment areas, treating and supplying water, and collecting and treating used water. Singapore's water installations, and sewerage and drainage systems, are closely related and matters done to one system could easily affect the other. The new section 7A enables the Board to adopt a holistic approach when dealing with matters concerning any of the systems.

Clause 4 amends section 20 (Tariffs for supply of water and apparatus, etc., payable to Board) to enable WBT to be charged in relation to water supplied by persons other than the Board, in particular, PWSes. PWSes are persons who have obtained approval from the Board under section 31 of the Sewerage and Drainage Act 1999 to construct works for the purpose of taking or intercepting water, *viz.*, seawater and rainwater. PWSes may use the extracted water themselves or supply the extracted water to their customers (or both), whether as is or after the extracted water has been subject to some treatment (water derived from extracted water). The amendments to section 20 will enable the imposition of WBT in relation to such water, and further enable the circumstances in which WBT is imposed and the amount of WBT in these circumstances to be more finely calibrated.

Clause 4(h) replaces section 20(13) to enable the Board (with the approval of the Minister charged with the responsibility for sustainability and the environment (the Minister)), in addition to rebates on the WBT, to administratively grant waivers of WBT and rebates on or waivers of the price for the supply of water by the Board.

Clause 5 inserts a new section 20A to enable the WCT, currently imposed under the Statutory Boards (Taxable Services) Act 1968, to be imposed under the Act instead. In addition, the new section 20A enables the scope of the WCT to be expanded to cover water supplied by PWSes.

Clause 6 amends section 24A (Power to enter premises for installation of pipes, water installations, etc.) to regularise the Board's current practice of entering any premises (with notice given to the owner or occupier) to maintain and repair water installations that are acquired by the Board but not leased to another entity. Section 24A is also amended to expand the power of the Board in installing meters at PWSes' premises. With the expanded scope of the WBT and WCT to cover extracted water and water derived from extracted water, meters will now have to be installed at PWSes' premises, so that the amount of such water used by PWSes, as well as the amount of such water supplied by PWSes, can be metered.

Clause 7 amends section 24B (Board may act in cases of emergency) to enable the Board to recover its cost or expense in carrying out any work or doing any act that the Board is authorised to do under section 33, from the person who caused any hindrance or obstruction or likely hindrance or obstruction mentioned in section 33, which necessitates the work or act on the part of the Board.

Section 24B relates to situations of emergency, where it would not be appropriate for the Board to invoke its power under section 33 by written notice to direct the person to remove the structure, object or accumulation of substance causing or likely to cause the hindrance or obstruction within a time specified in the notice.

Clause 8 replaces section 26 (Relocation of water installation). Under the existing section 26, the Board may relocate any water installation at any premises, at the request of the owner or occupier of the premises. The new section 26 prohibits a person other than the Board from relocating or altering any water installation belonging to or under the management or control of the Board, without the Board's approval. The Board may impose conditions on its approval, including for ownership in any new, replacement or altered water installation to be transferred to the Board, and for warranties against defects in the new, replacement or altered water installation to be provided to the Board. Under the new section 26(5), any person carrying out, or causing to be carried out, any works for the relocation or alteration of the water installation must pay certain costs and expenses of the Board, for the Board's involvement in inspecting, decommissioning and commissioning the water installation. Among other things, the new section 26(12) retains the current power of the Board to carry out the relocation (or alteration) on request as a residual power.

Clause 9 amends section 31 (Power to enter premises to examine pipes, etc.) to expand the powers of the Board under the section to deal with situations involving extracted water and water derived from extracted water, whether used by PWSes themselves or supplied by PWSes to their customers.

Clause 10(a) and (b) amends the section heading of section 33 (Removal of obstruction over existing water main, connecting pipe or meter) and section 33(1) and (2) to make reference to "water installation" in place of "water main, connecting pipe or meter". This expands the ambit of section 33 to cover all aspects of a water installation (which includes components such as water valve chambers and hydrants, and thus goes beyond water mains, connecting pipes and meters).

Clause 10(c) inserts a new subsection (3) in section 33 to clarify that powers of the Board under section 33(2)(b) are independent of and not contingent on any prosecution and conviction pursuant to section 33(2)(a).

Clause 11 amends section 35 (Penalty or late payment charge) to make clear that it applies to the price for the supply of water by the Board, and to enable the Board (with the Minister's approval) to administratively waive the payment of any late payment charges imposed under the section.

Clause 12 inserts a new section 40 to impose water efficiency requirements on a new facility built for any purpose that would require the use of water, where the business activity for which the new facility is built falls under a prescribed industry and the annual water use exceeds a prescribed threshold. Before any

building works for a new facility can begin, the Board's approval for a projected water balance chart must be obtained. Once operations at the new facility begin, the occupier of the new facility must ensure compliance with prescribed water efficiency requirements. Water efficiency requirements include the recycling of used water.

Clauses 13 and 14 amend sections 47 (Damage to property of Board) and 47A (Damage to water mains and installations, etc.), respectively, to align these with some of the new provisions introduced in the new section 26 (inserted by clause 8).

Clause 15 inserts a new section 68B to provide for a time-bar of 5 years for claims against the Board for the refund or return of any money overpaid or erroneously paid by a person to the Board, or erroneously collected from the person.

Clause 16 replaces section 70 (Service of documents). The new section 70 updates the various means by which service of documents may be effected for the purposes of the Act.

Clause 17 inserts a new section 70A to enable the Board and persons making applications to the Board to use the electronic system established under the Building Control Act 1989 for the service of documents.

Clause 18 amends section 72 (Regulations) to expand on and clarify the matters for which regulations may be made under the Act. In particular, section 72(2)(ia) is amended to expressly enable the Board to make regulations related to the supply and use of water equipment. Separately, the new section 72(2)(la) enables regulations to be made to require PWSes to make it clear in their billings to customers to whom they supply extracted water or water derived from extracted water, that the amount the PWS is charging for such water includes WBT or WCT payable by the PWS in respect of such water, which the PWS is passing on to the customer.

Clause 19 makes editorial amendments to various provisions in the Act to standardise the phrasing of terms throughout the Act, and remove unnecessary words.

Clause 20 makes a clarificatory amendment to section 41 of the Sewerage and Drainage Act 1999, similar to the amendment in clause 10(c). The clause also replaces section 62 of the Sewerage and Drainage Act 1999 (Service of notices, etc.) and inserts a new section 62A. The new sections 62 and 62A mirror the new sections 70 and 70A being inserted in the Act by clauses 16 and 17.

Clause 21 provides for a validation of amounts paid as goods and services tax to the Board before 1 September 2022, in connection with the supply of water by the Board, except in certain instances.

Clause 22 provides for saving and transitional matters.



EXPENDITURE OF PUBLIC MONEY

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

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