



REPUBLIC OF SINGAPORE

# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 10th September 2012 and assented to by the President on 12th October 2012:—

### REPUBLIC OF SINGAPORE

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**No. 22 of 2012.**

I assent.

(LS)

TONY TAN KENG YAM,  
*President.*  
*12th October 2012.*

An Act to amend the Building Control Act (Chapter 29 of the 1999 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 may be cited as the Building Control (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Amendment of section 2**

2. Section 2 of the Building Control Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the words “underground building works” wherever they appear in the definition of “geotechnical aspects” in subsection (1) and substituting in each case the words “geotechnical building works”;
- (b) by inserting, immediately after the definition of “geotechnical aspects” in subsection (1), the following definition:

““geotechnical building works” means any of the following building works:

- (a) any excavation or other building works to make —
  - (i) a tunnel with a diameter, width or height of more than 2 metres; or
  - (ii) a caisson, cofferdam, trench, ditch, shaft or well with a depth of more than 6 metres;
- (b) any building works for constructing, altering or repairing any earth retaining structure in or for a trench, ditch, shaft or well with a depth or height of more than 6 metres;
- (c) any earthworks or other building works for constructing or stabilising a slope with a height of more than 6 metres (measured as the vertical distance between the highest level and lowest level of the slope);

- (d) such type of foundation works as the Minister may prescribe in the building regulations for buildings of 30 storeys or more;”;
- (c) by inserting, immediately after the definition of “geotechnical engineer”, the following definition:
  - “ “Housing and Development Board” means the Housing and Development Board established under section 3 of the Housing and Development Act (Cap. 129);”;
- (d) by deleting the words “underground building works” in the definition of “minor building works” in subsection (1) and substituting the words “geotechnical building works”;
- (e) by deleting the definition of “owner” in subsection (1) and substituting the following definition:

“ “owner” —

- (a) in relation to any premises comprised in a strata title plan under the Land Titles (Strata) Act (Cap. 158), means —
  - (i) in relation to a lot, any person who is the registered subsidiary proprietor of the lot under that Act;
  - (ii) in relation to the common property, the management corporation having control of the common property, or the person receiving any rent or charge for the maintenance and management of that common property; and
  - (iii) in relation to any limited common property, the subsidiary management corporation established under the Building Maintenance and Strata

Management Act (Cap. 30C) having control of the limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property;

(b) in relation to any building in a housing estate of the Housing and Development Board or any subdivided building in a housing estate under the HUDC Housing Estates Act (Cap. 131), means —

(i) in relation to a flat, any owner of the flat as defined under the Housing and Development Act (Cap. 129) or the HUDC Housing Estates Act, as the case may be;

(ii) in relation to the common property of residential and commercial property in any housing estate of the Housing and Development Board, that Board; and

(iii) in relation to the common property of any subdivided building in any housing estate under the HUDC Housing Estates Act, any body corporate constituted under an order made by the Minister under section 3 of that Act;

(c) in relation to any subdivided building other than a subdivided building referred to in paragraph (a) or (b), means —

(i) in relation to a lot, any person who is the registered proprietor in the land-register under the Land Titles Act (Cap. 157) of the fee simple,

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- estate in perpetuity or leasehold estate of that lot; and
- (ii) in relation to the common property, every person who is a registered proprietor in the land-register under the Land Titles Act (Cap. 157) of the fee simple, estate in perpetuity or leasehold estate of a lot in that building, or the person receiving any rent or charge for the maintenance and management of the common property;
- (d) in relation to any premises which are not subdivided, means any person who is the registered proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises in the land-register under the Land Titles Act; and
- (e) where paragraphs (a) to (d) do not apply, means the person for the time being receiving the rent of the premises or building, whether on his own account or as agent or trustee or as receiver, or who would receive the same if the premises or building were let to a tenant, and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act (Cap. 254) as the owner of the premises or building, or a mortgagee in possession;”;
- (f) by inserting, immediately after the word “diagrams,” in paragraph (a) of the definition of “plans” in subsection (1), the words “digital representations generated from building information modelling,”;

- (g) by deleting the words “underground building works” in the definition of “specialist accredited checker” in subsection (1) and substituting the words “geotechnical building works”;
- (h) by deleting the words “underground building works” in paragraph (d)(iii) of the definition of “specialist building works” in subsection (1) and substituting the words “geotechnical building works”;
- (i) by inserting, immediately after the word “structure” in paragraphs (a) and (b) of the definition of “temporary building” in subsection (1), the words “not more than 2 storeys high”;
- (j) by deleting the word “or” at the end of paragraph (a) of the definition of “temporary building” in subsection (1);
- (k) by deleting the comma at the end of paragraph (b) of the definition of “temporary building” in subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:
  - “(c) any building used as workers’ quarters, a site office, a show-flat or show-house, a builder’s shed, store or other shed required in connection with any building works for a permanent building; or
  - (d) any structure used only for the outdoor display of an advertisement or signboard,”;
- (l) by deleting the definition of “underground building works” in subsection (1);
- (m) by deleting the words “underground building works” in paragraph (a) of the definition of “value” in subsection (1) and substituting the words “geotechnical building works”;
- (n) by deleting the words “ “underground building works” ” in subsection (3) and substituting the words “ “geotechnical building works” ”; and

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- (o) by deleting the word “or” at the end of paragraph (c) of subsection (3), and by inserting immediately thereafter the following paragraph:

“(ca) the height of any slope;”.

### **Amendment of section 7**

3. Section 7(1) of the principal Act is amended by inserting, immediately after the word “bolts” in paragraph (c), the words “, the construction of earth retaining and stabilising structures,”.

### **Amendment of section 9**

4. Section 9 of the principal Act is amended —

- (a) by deleting sub-paragraph (ii) of subsection (2)(b) and substituting the following sub-paragraph:

“(ii) obtain the certification of another person who has such requisite specialist knowledge or qualification in the application of the alternative solution as the Commissioner of Building Control may approve (referred to in this section as a specialist in the alternative solution), that the alternative solution satisfies the objectives and performance requirements prescribed by the building regulations in respect of such building works.”;

- (b) by deleting the words “qualified person” in subsection (3) and substituting the words “specialist in the alternative solution”;
- (c) by deleting the words “, (2)(b) or (3)” in subsection (8) and substituting the words “or (2)(b)”;
- (d) by inserting, immediately after subsection (8), the following subsection:

“(8A) If any specialist in the alternative solution referred to in subsection (2)(b)(ii) contravenes subsection (3), he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$200,000 or to imprisonment for a term not exceeding 2 years or to both.”; and

- (e) by inserting, immediately after the word “persons” in the section heading, the words “and specialists”.

### **Amendment of section 12**

**5.** Section 12 of the principal Act is amended —

- (a) by deleting the words “or any part thereof” in subsection (1);
- (b) by deleting the words “or that part of the building” in subsection (1);
- (c) by inserting, immediately after subsection (1), the following subsection:

“(1A) An application for a certificate of statutory completion in respect of any building shall be made to the Commissioner of Building Control in the prescribed manner and accompanied by such certificates or written approvals required to be obtained in respect of the building as may be prescribed.”;

- (d) by deleting the words “or part thereof” wherever they appear in subsection (2)(a); and
- (e) by inserting, immediately after subsection (2), the following subsection:

“(2A) An application for a temporary occupation permit in respect of any building shall be made to the Commissioner of Building Control in the prescribed manner and accompanied by such certificates or written approvals required to be obtained in respect of the building as may be prescribed.”.

### **Amendment of section 20**

**6.** Section 20 of the principal Act is amended by deleting subsection (4).



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**Amendment of section 22**

7. Section 22 of the principal Act is amended —

- (a) by deleting the word “or” at the end of subsection (1)(d);
- (b) by deleting the comma at the end of paragraph (e) of subsection (1) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(f) section 22FG for registration, or for the renewal of registration, as an energy auditor,”;

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

“(2A) If the Commissioner of Building Control has cancelled or suspended the registration of an energy auditor under section 22FI, the energy auditor concerned may appeal to the Minister against the cancellation or suspension within 14 days after being served with the notice of the cancellation or suspension.”;

- (d) by deleting the words “or an accredited checking organisation” in subsection (3) and substituting the words “, an accredited checking organisation or an energy auditor”; and
- (e) by inserting, immediately after the words “any order” in subsection (3), the words “or decision”.

**New Part IIIB**

8. The principal Act is amended by inserting, immediately after section 22F, the following Part:

“PART IIIB

ENVIRONMENTAL SUSTAINABILITY MEASURES FOR  
EXISTING BUILDINGS

**Interpretation of this Part**

**22FA.** In this Part, unless the context otherwise requires —

“as-built score”, in relation to an existing building which has undergone a major energy-use change, means the

Green Mark score awarded to that building upon the completion of the major energy-use change;

“design score”, in relation to an existing building for which a major energy-use change is proposed, means the Green Mark score projected for that building upon the completion of the major energy-use change, assessed based on the design of the proposed major energy-use change;

“energy auditor” means a person registered as an energy auditor under section 22FG;

“existing building” means any building in respect of which a certificate of statutory completion or a temporary occupation permit is issued;

“Green Mark score” means a numerical score to assess the environmental sustainability of a building, calculated using the prescribed scoring methodology;

“major energy-use change”, in relation to an existing building, means —

- (a) the installation, substantial alteration or replacement of a prescribed cooling system of the building; or
- (b) such other change to the energy requirements of the building as may be prescribed;

“mechanical engineer” means a professional engineer registered under the Professional Engineers Act (Cap. 253) in the branch of mechanical engineering who has in force a practising certificate issued under that Act;

“minimum environmental sustainability standard”, in relation to any building, means the prescribed minimum standard of environmental sustainability applicable to that building, or to a building of that type or class, expressed in terms of a Green Mark score and other specified requirements;

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“prescribed building” means an existing building in any class or type of buildings for the time being prescribed for the purposes of this Part.

**Submission of design score for building undergoing major energy-use change**

**22FB.**—(1) No owner of any prescribed building shall carry out, or permit or authorise the carrying out of, any major energy-use change to that building, unless the owner has first —

- (a) appointed a mechanical engineer to assess the design score for the major energy-use change to the building;
- (b) submitted the design score assessed by the mechanical engineer appointed under paragraph (a) to the Commissioner of Building Control for approval, in the prescribed form and manner and accompanied by such documents and fee as may be prescribed; and
- (c) obtained the approval of the Commissioner of Building Control for the design score, which approval has not lapsed at the time of commencement of the major energy-use change.

(2) Subject to subsection (5), the Commissioner of Building Control shall not approve the design score in relation to a prescribed building unless the design score meets the prevailing minimum environmental sustainability standard for that building or a building of that class or type.

(3) Upon receiving the submission of a design score relating to a prescribed building for approval under subsection (1), the Commissioner of Building Control may direct the owner of the building in writing —

- (a) to comply with such requirements in relation to the major energy-use change as the Commissioner of Building Control may specify so that the design score meets the minimum environmental sustainability standard applicable to the building; and

(b) to re-submit the design score for his approval within such period as may be specified in the direction.

(4) If the direction given by the Commissioner of Building Control under subsection (3) is not complied with within the period specified in that direction, or such further period as may be extended by the Commissioner of Building Control, the application for approval of the design score shall, at the end of that period, be deemed to be disapproved by the Commissioner of Building Control.

(5) The Commissioner of Building Control may, on the application of an owner of a prescribed building in any particular case, modify or waive any requirement in relation to the minimum environmental sustainability standard applicable to the building, subject to such conditions as the Commissioner of Building Control may impose.

(6) The Commissioner of Building Control may approve the design score on the basis of a declaration by the mechanical engineer who assessed the score certifying the correctness of the design score.

(7) A mechanical engineer appointed under subsection (1)(a) in relation to a prescribed building shall —

- (a) design the proposed major energy-use change to the building so that the design score meets the minimum environmental sustainability standard applicable to the building;
- (b) assess the design score for the major energy-use change to the building in the manner prescribed; and
- (c) provide to the owner of the building —
  - (i) the design score and the documents on which the design score was assessed;
  - (ii) a declaration as to whether the design score meets the minimum environmental sustainability standard applicable to the building; and

- (iii) such other documents as may be required by the Commissioner of Building Control.

(8) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(9) Any mechanical engineer who —

- (a) without reasonable excuse, contravenes subsection (7);  
or
- (b) furnishes any information or makes any statement in relation to the design score, or in any other document required under subsection (7)(c), which he knows or has reason to believe is false,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

### **Deviation from approved design score**

**22FC.** Where the design score in relation to any major energy-use change to a prescribed building has been approved by the Commissioner of Building Control under section 22FB and the owner of the building, in carrying out the major energy-use change, intends to depart or deviate from the design on which the approved design score was assessed, the mechanical engineer appointed under section 22FB(1)(a) —

- (a) shall ensure that the design score for the major energy-use change with such departure or deviation still meets the minimum environmental sustainability standard, subject to any modification or waiver under section 22FB(5); but
- (b) need not re-submit the design score to the Commissioner of Building Control for approval.

**Lapsing or revocation of approval of design score**

**22FD.**—(1) Unless earlier revoked under subsection (2), any approval granted under section 22FB in respect of a design score for a major energy-use change shall lapse if no works in respect of that major energy-use change have started within the prescribed period after the approval is granted.

(2) The Commissioner of Building Control may, at any time, revoke any approval granted in respect of a design score if he is satisfied that any information or document submitted to him in connection with the design score is false in a material particular.

(3) Where the approval of a design score is revoked under subsection (2), the owner of the prescribed building shall not carry out or continue the major energy-use change to which the revoked approval relates unless he has first re-submitted the design score to the Commissioner of Building Control and obtained the approval of the Commissioner of Building Control therefor.

(4) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

**Completion of major energy-use change and submission of as-built score**

**22FE.**—(1) The owner of a prescribed building shall, not later than 3 years after the approval of the design score for a major energy-use change to that building by the Commissioner of Building Control —

- (a) complete the major energy-use change in accordance with the design score approved by the Commissioner of Building Control, subject to any departure or deviation which complies with section 22FC; and
- (b) submit to the Commissioner of Building Control in such form and manner and within such time as may be prescribed —

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- (i) the as-built score of the building assessed by the mechanical engineer appointed under section 22FB(1)(a) or, if that mechanical engineer has vacated his appointment, another mechanical engineer appointed under subsection (5), for approval by the Commissioner of Building Control;
  - (ii) a declaration by the mechanical engineer who assessed the as-built score certifying the correctness of the as-built score; and
  - (iii) such other documents as may be prescribed.
- (2) The Commissioner of Building Control may approve the as-built score on the basis of a declaration by the mechanical engineer who assessed the score certifying the correctness of the as-built score.
- (3) A mechanical engineer appointed to assess the as-built score in relation to a prescribed building shall, within 7 days after the completion of the major energy-use change —
- (a) assess the as-built score of the building in the manner prescribed; and
  - (b) provide to the owner of the building —
    - (i) the as-built score and the documents on which the as-built score was assessed;
    - (ii) a declaration as to whether the as-built score meets the minimum environmental sustainability standard applicable to the building;
    - (iii) such document certifying the completion of the major energy-use change as the Commissioner of Building Control may specify; and
    - (iv) such other documents as may be required by the Commissioner of Building Control.
- (4) If the owner of the prescribed building ceases to be the owner thereof before the submission of the as-built score under subsection (1)(b), he shall notify the Commissioner of Building

Control of that fact not later than 7 days after he ceases to be the owner thereof.

(5) If any mechanical engineer appointed under section 22FB(1)(a) in relation to a prescribed building vacates his appointment before the submission of the as-built score under subsection (1)(b) for that building, the owner of the building shall —

- (a) appoint another mechanical engineer to assess the as-built score; and
- (b) within 7 days thereafter, notify the Commissioner of Building Control of that substitute appointment.

(6) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after conviction.

(7) Any owner of a prescribed building who, without reasonable excuse, contravenes subsection (4) or (5) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(8) Any mechanical engineer who —

- (a) without reasonable excuse, contravenes subsection (3); or
- (b) furnishes any information or makes any statement in relation to the as-built score, or in any other document required under subsection (3)(b), which he knows or has reason to believe is false,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.



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**Periodic audit of energy efficiency of building cooling system**

**22FF.**—(1) Subject to subsection (2), the Commissioner of Building Control may, by notice served on the owner of any of the following buildings, require an audit to be carried out as to whether the cooling system of the building meets the prescribed energy efficiency standard applicable to such cooling system (referred to in this Part as an energy audit):

- (a) any building in respect of which an application for planning permission is submitted to the competent authority under the Planning Act (Cap. 232) on or after 1st December 2010;
- (b) any prescribed building which has undergone a major energy-use change under this Part.

(2) A notice under subsection (1) may be issued —

- (a) to the owner of any building in respect of which the application for planning permission is submitted to the competent authority under the Planning Act on or after 1st December 2010 —

- (i) at any time after the temporary occupation permit or, if no temporary occupation permit is issued, the certificate of statutory completion is issued in respect of that building; and
  - (ii) thereafter at intervals of not less than 3 years after the date of the last notice under this section; and

- (b) to the owner of any prescribed building which has undergone a major energy-use change —

- (i) at any time on or after the third anniversary of the date of the approval of the as-built score referred to in section 22FE(1)(b)(i); and
  - (ii) thereafter at intervals of not less than 3 years after the date of the last notice under this section.

(3) The owner of a building on whom a notice is served under subsection (1) shall, within such period as may be specified in the

notice under that subsection or such longer period as the Commissioner of Building Control may allow in any particular case —

- (a) appoint a person referred to in section 22FG to carry out the energy audit;
- (b) if the cooling system does not meet the applicable prescribed energy efficiency standard, carry out such maintenance work or take such other measures in relation to the cooling system to ensure that it meets the applicable prescribed energy efficiency standard; and
- (c) submit the report of the energy audit to the Commissioner of Building Control in such form and manner as the Commissioner of Building Control may specify.

(4) Any owner of a building who, without reasonable excuse, contravenes subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part thereof during which the offence continues after conviction.

(5) The Commissioner of Building Control may, on the application of an owner of a building in any particular case, modify any requirement in relation to the prescribed energy efficiency standard for the cooling system of the building, subject to such conditions as the Commissioner of Building Control may impose.

### **Persons who may carry out energy audit**

**22FG.**—(1) The following persons may be appointed to carry out an energy audit under section 22FF:

- (a) a mechanical engineer;
- (b) an energy auditor registered under this section;
- (c) such other class or classes of persons as may be prescribed.

(2) An application to be registered as an energy auditor shall be made to the Commissioner of Building Control in the prescribed manner and shall be accompanied by such other documents or information and such application fee as may be prescribed.

(3) An individual shall be eligible to be registered as an energy auditor if he has the prescribed qualifications or experience in relation to assessing the energy efficiency of cooling systems of buildings.

(4) The Commissioner of Building Control shall consider the application and may register the applicant if he is satisfied that the applicant has the requisite qualifications and is capable of carrying out the duties of an energy auditor under this Act and the building regulations.

(5) The registration of an energy auditor shall be valid for such period as may be prescribed, being at least one year.

(6) The Commissioner of Building Control may appoint a committee of persons to assist him in considering applications for registration, or renewal of registration, as an energy auditor.

(7) The Commissioner of Building Control shall keep a register of energy auditors in which shall be entered the names of all persons registered under this section as energy auditors.

### **Duties of person carrying out energy audit**

**22FH.**—(1) Any person appointed to carry out an energy audit under section 22FF of a cooling system of a building —

- (a) shall carry out the energy audit in the prescribed manner;
- (b) may, if the cooling system of the building fails to attain the prescribed energy efficiency standard applicable to such a cooling system, recommend to the owner of the building such measures as may be necessary to attain the prescribed energy efficiency standard; and
- (c) shall, on completion of the energy audit of the cooling system (including of any maintenance work or other measures taken to meet the prescribed energy efficiency standard), prepare and sign a report of the result of the

energy audit in such form as the Commissioner of Building Control may specify.

- (2) Any person appointed to carry out an energy audit who —
- (a) without reasonable excuse, contravenes subsection (1); or
  - (b) furnishes any information or makes any statement in relation to the energy audit report required under subsection (1)(c), which he knows or has reason to believe is false,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

**Cancellation or suspension of registration of energy auditor**

**22FI.**—(1) Subject to section 22, the Commissioner of Building Control may cancel, or suspend for a period not exceeding 6 months, the registration of an energy auditor if the Commissioner of Building Control is satisfied that —

- (a) the person obtained his registration or renewal of registration by fraud or misrepresentation;
- (b) the person has been convicted of an offence which, in the opinion of the Commissioner of Building Control, renders him unfit to remain registered as an energy auditor;
- (c) the person is no longer capable of carrying out the duties of an energy auditor;
- (d) the person no longer satisfies the prescribed requirements by virtue of which he was so registered; or
- (e) for prescribed reasons, the person is no longer suitable to be registered as an energy auditor.

(2) The Commissioner of Building Control shall not cancel or suspend the registration of any energy auditor under subsection (1) without giving the energy auditor an opportunity to be heard.

(3) Where the Commissioner of Building Control cancels or suspends the registration of an energy auditor under this section, the Commissioner of Building Control shall remove the name and particulars of that person from the register of energy auditors.

(4) If the registration of an energy auditor is suspended under this section for any period, then at the end of the period of suspension, his name and particulars shall be reinstated in the register of energy auditors.

**Power to obtain energy consumption and other information**

**22FJ.**—(1) For the purpose of monitoring the energy efficiency and environmental sustainability of any building, the Commissioner of Building Control may do all or any of the following:

- (a) by a notice in writing to the owner of the building require the owner to furnish to him all or any of the following information in respect of the building:
  - (i) the electricity consumption by users of the building as a whole or any part of the building or by different users in the building;
  - (ii) the consumption of other types of energy by users of the building as a whole or any part of the building or by different users in the building;
  - (iii) the consumption of chilled water supplied to the cooling system of the building;
  - (iv) such other information relating to the building, the users of the building and their energy usage as the Commissioner of Building Control may specify in the notice;
- (b) by a notice in writing to a supplier of electricity, gas or any other type of energy (referred to in this section as an energy supplier), require the energy supplier to furnish to the Commissioner of Building Control information in

the possession of the energy supplier relating to the energy consumption of any building or buildings specified in the notice;

- (c) by a notice in writing to a supplier of any cooling system to buildings, require that person to furnish to the Commissioner of Building Control information specified in the notice relating to the supply of cooling systems by that person to any building or buildings.

(2) The person to whom a notice is directed under subsection (1) shall provide the data required in the form and manner and within the time specified in the notice.

(3) Any person who, without reasonable excuse, fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.”.

### **Amendment of section 23**

9. Section 23 of the principal Act is amended —

- (a) by inserting, immediately after the words “any building, street” in subsection (1)(b)(ii) and (c), the word “, slope”; and
- (b) by inserting, immediately after the words “the building, street” in subsections (1)(A) and (2)(b)(ii), the word “, slope”.

### **Amendment of section 24**

10. Section 24(1) of the principal Act is amended by deleting the words “to carry out or cause to be carried out” in paragraph (a) and substituting the words “to appoint an appropriate qualified person to carry out”.

### **New section 24A**

11. The principal Act is amended by inserting, immediately after section 24, the following section:

#### **“Dangerous slopes**

**24A.—**(1) If the Commissioner of Building Control is of the opinion that any natural, formed or man-made land or slope which abuts or is in close proximity to any building is in such a

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condition as to be dangerous or likely to be dangerous to the building, the Commissioner of Building Control may, for the purpose of obviating any danger, order the owner of the land or slope to do all or any of the following:

- (a) to appoint an appropriate qualified person to carry out (at the owner's cost) such investigation in relation to the land or slope as the Commissioner of Building Control may specify;
  - (b) to submit to the Commissioner of Building Control the findings of the investigation by the qualified person under paragraph (a);
  - (c) to execute or cause to be executed (at the owner's cost) such building works or other works as the Commissioner of Building Control may specify to obviate the danger.
- (2) The Commissioner of Building Control may, in lieu of or in addition to any order under subsection (1), make a closure order in relation to either or both of the following:
- (a) the building that is endangered by the land or slope;
  - (b) the land or slope.
- (3) Before exercising any of his powers under subsection (2), the Commissioner of Building Control shall, if it is reasonably practicable to do so, give notice of his intention to make the closure order.
- (4) Any person to whom a closure order under subsection (2) is given shall, while the order is in force, display a copy of the order in a way that it can be easily read by people —
- (a) at every entrance to any building to which the order relates; and
  - (b) on any hoarding, fence, cordon, barricade or other physical barrier to entry upon any land or slope to which the order relates.
- (5) If the person to whom an order in subsection (1) is given fails to comply with the order within the time specified, the Commissioner of Building Control may —

- (a) execute the order in such manner as he thinks fit; and
- (b) recover in a court of competent jurisdiction as a debt due to him all expenses reasonably incurred by him in doing so from the person in default.

(6) Without prejudice to the right of the Commissioner of Building Control to exercise his powers under subsection (5), any person who, without reasonable excuse, fails to comply with any order in subsection (1) that the person is given shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) in respect of a continuing failure to comply, to an additional fine not exceeding \$2,500 for each day or part thereof the person fails to comply with the order,

and if the failure to comply continues after the conviction, the person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$5,000 for each day or part thereof the person fails to comply with the order after conviction.”.

### **Amendment of section 25**

**12.** Section 25 of the principal Act is amended —

- (a) by inserting, immediately after the word “building” in subsection (1), the words “or the land or slope, as the case may be”;
- (b) by inserting, immediately after the words “closure order” in subsection (2), the words “in respect of a building”;
- (c) by deleting subsection (3) and substituting the following subsections:

“(2A) A closure order in respect of land or a slope may do one or more of the following:

- (a) require the owner or occupier of the land or slope to which the order relates to secure the



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area within or around the land or slope to prevent access into the area;

(b) specify the means by which the area is to be secured, including the installation of any hoarding, fence, cordon, barricade or other physical barrier to entry;

(c) require the installation of safety features within or around the land or slope, including adequate lighting and warning signs or lights.

(3) Except with the permission in writing of the Commissioner of Building Control, no person, other than a public officer in the course of his duty, shall —

(a) enter or be in a building at any time while a closure order is in force in respect of the building; or

(b) enter or be on any land or slope at any time while a closure order is in force in respect of the land or slope.”;

(d) by deleting the words “while a closure order is in force in respect of the building” in subsection (4) and substituting the words “or on any land or slope while a closure order is in force in respect of the building or land or slope, as the case may be”;

(e) by inserting, immediately after the words “in respect of a building” in subsection (6), the words “or any land or slope”;

(f) by inserting, immediately after the word “building” in subsection (6)(a), the words “or on the land or slope”;

(g) by inserting, immediately after the word “building” in subsection (6)(b), the words “or the means of access to or egress from the land or slope, as the case may be”;

(h) by inserting, immediately after subsection (7), the following subsection:

“(7A) A closure order shall remain in force in respect of any land or slope until the Commissioner of Building

Control has served a notice of expiry of the order on the owner of the land or slope.”; and

- (i) by inserting, immediately after the word “building” in subsection (8), the words “or the land or slope”.

### **Amendment of section 25A**

**13.** Section 25A(5) of the principal Act is amended —

- (a) by deleting the word “or” at the end of paragraph (a);
- (b) by deleting the comma at the end of paragraph (b) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) the instability or failure of any land or slope which abuts or is in close proximity to a building,”; and

- (c) by inserting, immediately after the words “or structural distress”, the words “of the building or the instability or failure of the land or slope”.

### **Amendment of section 26**

**14.** Section 26(1) of the principal Act is amended by deleting the definition of “owner” and substituting the following definition:

“ “owner” —

- (a) in relation to a subdivided building comprised in a strata title plan under the Land Titles (Strata) Act, means —
  - (i) the management corporation having control of the common property of the building, or the person receiving any rent or charge for the maintenance and management of that common property; and
  - (ii) in relation to any limited common property of the building, the subsidiary management corporation established under the Building Maintenance and Strata Management Act

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having control of the limited common property, or the person receiving any rent or charge for the maintenance and management of that limited common property;

(b) in relation to any subdivided building which is not comprised in a strata title plan under the Land Titles (Strata) Act, means —

(i) in relation to the common property of residential and commercial property in any housing estate of the Housing and Development Board, that Board;

(ii) in relation to the common property of any subdivided building in any housing estate under the HUDC Housing Estates Act, any body corporate constituted under an order made by the Minister under section 3 of that Act; and

(iii) in relation to the common property of any other subdivided building, every person who is a registered proprietor in the land-register under the Land Titles Act of the fee simple, estate in perpetuity or leasehold estate of a lot in that building, or the person receiving any rent or charge for the maintenance and management of the common property of the building;

(c) in relation to any premises which are not subdivided, means any person who is the registered proprietor of the fee simple, estate in perpetuity or leasehold estate of those premises in the land-register under the Land Titles Act; and

(d) where paragraphs (a), (b) and (c) do not apply, means the person for the time being receiving the rent of the premises or building, whether on his own account or as agent or trustee or as receiver, or

who would receive the same if the premises or building were let to a tenant and includes the person whose name is entered in the Valuation List prepared under section 10 of the Property Tax Act as the owner of the premises or building, or a mortgagee in possession;”.

### **Amendment of section 28**

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

- (a) by deleting the words “subsection (2)” in subsection (1) and substituting the words “subsections (2) and (2A)”;
- (b) by inserting, immediately after subsection (2), the following subsection:

“(2A) In relation to any building to which this Part applies and in respect of which no temporary occupation permit or certificate of statutory completion has been issued, a notice under subsection (1) may be served at such time as the Commissioner of Building Control considers appropriate, and thereafter —

- (a) at intervals of not less than 5 years from the date of the last notice under this section for a building (other than a special building) used other than solely for residential purposes; or
  - (b) at intervals of not less than 10 years from the date of the last notice under this section for a building which is a special building or used solely for residential purposes.”;
- (c) by deleting the words “cause the building to be inspected within the period specified in the notice and in the prescribed manner by a structural engineer appointed by the owner” in subsection (3) and substituting the words “appoint a structural engineer to inspect the building within such time as may be specified in the notice and in the prescribed manner”;
- (d) by inserting, immediately after the words “result of the inspection” in subsection (6)(b), the words “and a

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certification on the condition of the building, each of which shall be in such form as the Commissioner of Building Control may specify”;

- (e) by deleting paragraph (c) of subsection (6) and substituting the following paragraph:

“(c) submit a copy of the report and the certification prepared under paragraph (b) to the Commissioner of Building Control in such manner as the Commissioner of Building Control may specify and within the prescribed period.”; and

- (f) by inserting, immediately after the words “carry out” in subsection (7), the words “or cause to be carried out”.

### **Amendment of section 29**

**16.** Section 29 of the principal Act is amended by deleting subsection (5) and substituting the following subsection:

“(5) The Minister may, by notification in the *Gazette*, exempt from subsection (1) any building owned by any public authority constituted by any public Act.”.

### **Amendment of section 29A**

**17.** Section 29A(2) of the principal Act is amended —

- (a) by inserting, at the end of paragraph (c), the word “and”;
- (b) by deleting the word “; and” at the end of paragraph (d) and substituting a full-stop; and
- (c) by deleting paragraph (e).

### **Amendment of section 29F**

**18.** Section 29F(3) of the principal Act is amended by inserting, immediately after paragraph (d), the following paragraph:

“(da) the corporation is accredited or registered with a prescribed professional or technical body or organisation;”.

**Amendment of section 29G**

**19.** Section 29G(3) of the principal Act is amended by inserting, immediately after paragraph (d), the following paragraph:

“(da) the corporation is accredited or registered with a prescribed professional or technical body or organisation;”.

**Amendment of section 42**

**20.** Section 42 of the principal Act is amended —

(a) by inserting, immediately after the words “served under this Act” in subsection (1), the words “(including any subsidiary legislation made thereunder)”;

(b) by inserting, immediately after the word “notice” in subsection (1)(a), (b) and (c), the words “, order or document”;

(c) by deleting the word “or” at the end of paragraph (c) of subsection (1), and by inserting immediately thereafter the following paragraph:

“(ca) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to the Commissioner of Building Control by the individual as the facsimile transmission number for the service of documents on the individual; or”;

(d) by deleting the word “or” at the end of subsection (1)(d)(i);

(e) by deleting the full-stop at the end of sub-paragraph (ii) of subsection (1)(d) and substituting the word “; or”, and by inserting immediately thereafter the following sub-paragraph:

“(iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal place of

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business of the company, partnership or body of persons.”;

- (f) by inserting, immediately after subsection (1), the following subsection:

“(1A) Any notice or document (other than an order) required or authorised to be served under this Act (including any subsidiary legislation made thereunder) shall, in addition to any mode of service under subsection (1), be deemed to be sufficiently served —

(a) by sending it by ordinary post addressed to the person on whom the notice or document is to be served at his usual or last known place of abode or business;

(b) by electronic communication, by sending an electronic communication of the notice or document to the last email address given to the Commissioner of Building Control by the individual as the email address for the service of documents on the individual; or

(c) in the case of an incorporated company, a partnership or a body of persons —

(i) by sending it by ordinary post addressed to the company, partnership or body of persons at its registered office or principal place of business; or

(ii) by electronic communication, by sending an electronic communication of the notice or document to the last email address given to the Commissioner of Building Control by the company, partnership or body of persons as the email address for the service of documents on it.”; and

- (g) by deleting subsection (5) and substituting the following subsections:

“(5) Where any notice, order or other document to be served on any person is —

- (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal place of business in accordance with subsection (1), it shall be deemed to be duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal place of business, as the case may be;
- (b) sent by registered post to any person in accordance with subsection (1), it shall be deemed to be duly served on the person at the time when it would, in the ordinary course of post, be delivered, whether or not it is returned undelivered, and in proving service of the notice, order or document, it shall be sufficient to prove that the envelope containing the same was properly addressed, stamped and posted by registered post;
- (c) sent by ordinary post to any person in accordance with subsection (1A), it shall be deemed to be duly served on the person to whom it is addressed on the day succeeding the day on which it would, in the ordinary course of post, be delivered; and
- (d) sent by electronic communication to an email address in accordance with subsection (1A), it shall be deemed to be duly served on the person to whom it is addressed at the time of entering



the information system addressed to the email address.

(6) Service of any notice or document under this Act on a person by electronic communication may be effected only if the person gives as part of his or its address for service an email address.

(7) This section shall not apply to notices, orders or documents to be served in proceedings in court.”.

#### **New section 42A**

**21.** The principal Act is amended by inserting, immediately after section 42, the following section:

**“Inaccuracies in notices, etc.**

**42A.**—(1) No misnomer or inaccurate description of any person, premises, building or building works or any other thing named or described in any notice or order issued or served under or for the purposes of this Act or any subsidiary legislation made thereunder shall render invalid the notice or order or affect the operation of this Act or its subsidiary legislation if the person, premises, building or building works or other thing named or described in the notice or order is so designated or described as to be identifiable.

(2) No proceedings taken under or by virtue of this Act or any subsidiary legislation made thereunder shall be rendered invalid merely by reason of want of form, which otherwise would be valid.”.

#### **New section 43A**

**22.** The principal Act is amended by inserting, immediately after section 43, the following section:

**“Furnishing documents false in a material particular**

**43A.** Any person who, being required by or by virtue of this Act or any subsidiary legislation made thereunder to make or produce to the Commissioner of Building Control any plan, declaration, certificate, report, record, notice or other document,

or who, for the purpose of obtaining any licence, permit, waiver or approval from the Commissioner of Building Control under this Act or its subsidiary legislation or for the purpose of establishing any fact relevant to the administration of this Act or its subsidiary legislation —

- (a) makes or produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular; or
- (b) produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular, or has not been made by the person by whom it purports to have been made, or has been in any way altered or tampered with,

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 12 months or to both.”.

### **Amendment of section 49**

**23.** Section 49 of the principal Act is amended —

- (a) by inserting, immediately after paragraph (e) of subsection (2), the following paragraphs:

- “(ea) the minimum standards of environmental sustainability for buildings or classes or types of buildings, and the method by which such standards may be assessed;
- (eb) the manner in which an assessment of environmental sustainability of a building or an audit of the energy efficiency of a cooling system of a building is to be carried out;
- (ec) the qualifications required, and the application process, to be registered as an energy auditor and the grounds on which such registration may be cancelled or suspended;
- (ed) the preparation and submission of reports, certifications or other documents in relation to

a design score, an as-built score or an energy audit under Part IIIB;” and

- (b) by deleting “\$10,000” in subsection (3) and substituting “\$20,000”.

### **Miscellaneous amendments**

#### **24. The principal Act is amended —**

- (a) by deleting the words “underground building works” wherever they appear in the following provisions and substituting in each case the words “geotechnical building works”:

Sections 5(2)(b)(ii) and (d)(ii) and (5)(a), 5A(2)(b)(ii), 6(2)(b)(ii), 7(2), 8(1)(d) and (f), 9(4), (5)(b) and (7), 11(1)(d)(iii), 18(2) and (5) and 20(1)(a) and (b); and

- (b) by deleting the words “the building regulations” in the following provisions and substituting in each case the words “any subsidiary legislation made thereunder”:

Sections 30, 31(1), (3) and (4), 33(1)(a), (b) and (c), 42(4), 44(1) and 45(1) and (3).

### **Saving and transitional provisions**

**25.—**(1) Section 2(b) of this Act (in relation to the definition of “geotechnical building works”) shall not apply in relation to —

- (a) any application for approval of plans of building works and any application for a permit to carry out structural works submitted before the date of commencement of that provision;
- (b) any approval of plans of building works or any permit to carry out structural works granted before that date; and
- (c) any building works or structural works commenced or carried out before that date,

and the definition of “underground building works” in force immediately before the date of commencement of section 2(l) of

this Act shall apply in relation to any such application, approval, permit, building works or structural works.

(2) The Minister may, in relation to any provision of this Act, by regulations prescribe, within a period of 2 years after the date of commencement of that provision, such additional provisions of a saving or transitional nature consequent on the enactment of that provision as he may consider necessary or expedient.

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