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Environmental Public Health (Amendment) Bill

Bill No. 27/2020.

Read the first time on 4 June 2020.

A BILL

i n t i t u l e d

An Act to amend the Environmental Public Health Act (Chapter 95 of the 2002 Revised Edition).

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

Short title and commencement

1. This Act is the Environmental Public Health (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 2

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

(a) by inserting, immediately before the definition of “Agency”, the following definition:

““aerosol-generating system” means any device or system that is capable of producing a suspension of fine liquid droplets in air or other type of gas;”;

(b) by inserting, immediately after the definition of “Agency”, the following definitions:

““aquatic facility” means any pool, device or facility used or intended to be used for any recreational or therapeutic activity in, on or involving the use of water;

“aquatic facility licence” means a licence granted under this Act for a licensable aquatic facility;”;

(c) by inserting, immediately after the definition of “cleaning work”, the following definition:

““code of practice” means any code of practice issued or approved under section 99A(1), and includes such code of practice as amended from time to time;”;

(d) by inserting, immediately after the definition of “Commissioner for Labour”, the following definition:

““common property” has the meaning given by section 2(1) of the Building Maintenance and Strata Management Act (Cap. 30C);”;

- (e) by inserting, immediately after the definition of “dwelling-house”, the following definition:

““environmental sanitation programme” means any environmental sanitation programme developed under section 62B, and includes such environmental sanitation programme as amended from time to time;”;

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- (f) by inserting, immediately after the definition of “latrine”, the following definitions:

““licensable aquatic facility” means any aquatic facility of the description or type prescribed by the Agency, with the approval of the Minister, by order in the *Gazette*;

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“limited common property” has the meaning given by section 2(1) of the Building Maintenance and Strata Management Act;

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“manager”, in relation to any premises, means the occupier of the premises, and where there is no occupier, the owner of the premises;”;

- (g) by deleting the word “his” in the definition of “occupier” and substituting the words “that person’s”;

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- (h) by deleting the words “, but does not include a lodger” in the definition of “occupier”;

- (i) by inserting, immediately after the definition of “public waste collector licensee”, the following definition:

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““publicly accessible premises” means any premises to which the public or a section of the public has access as of right, or by virtue of any express or implied permission with or without payment of a fee and whether or not access to the premises may be restricted at particular times or for particular purposes, and includes any part of those premises, and

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“publicly accessible” is to be construed accordingly;”;

(j) by inserting, immediately after the definition of “recycling facility”, the following definitions:

““registered aerosol-generating system” means any registrable aerosol-generating system that is registered under this Act;

“registered Environmental Control Coordinator” means any individual who is registered under this Act as an Environmental Control Coordinator;

“registered Environmental Control Officer” means any individual who is registered under this Act as an Environmental Control Officer;

“registrable aerosol-generating system” means any aerosol-generating system of the description or type prescribed by the Agency, with the approval of the Minister, by order in the *Gazette*;

“residential premises” means any premises which are permitted to be used under the Planning Act (Cap. 232) or any other written law as a dwelling-house or which is lawfully so used;”;

(k) by inserting, immediately after the definition of “specified amount”, the following definition:

““specified premises”, in relation to Part VI, has the meaning given by section 62A;”;

(l) by inserting, immediately after the definition of “stall”, the following definitions:

““standard of performance” means any standard of performance issued or approved under

section 99A(1), and includes such standard of performance as amended from time to time;

“statutory body” means a body corporate established by or under a public Act for a public purpose;”; and

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(m) by deleting the definition of “swimming pool”.

Amendment of section 60

3. Section 60 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

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“(1) The manager of any publicly accessible premises must —

(a) regularly clean, and keep clean and in good repair, the premises;

(b) keep the premises free of conditions that may endanger the lives or health of the manager’s employees or other users of the premises; and

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(c) where the premises are specified premises, comply with the additional requirements relating to specified premises under this Act.”;

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(b) by deleting the words “owner, occupier or lessee” wherever they appear in subsections (2) and (3)(b) and substituting in each case the word “manager”;

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(c) by deleting the words “such building or part thereof” in subsection (2) and substituting the words “publicly accessible premises”;

(d) by deleting the words “subsection (1)(a) or (b)” in subsection (2) and substituting the words “subsection (1)(a), (b) or (c)”;

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(e) by deleting the words “an air-conditioned building or part thereof” in subsection (3) and substituting the words “any publicly accessible premises that are air-conditioned”;

(f) by deleting the words “building or part thereof” wherever they appear in subsection (3)(a) and (b) and substituting in each case the word “premises”; and

(g) by deleting the section heading and substituting the following section heading:

“Publicly accessible premises to be kept clean, etc.”.

New sections 61A and 61B

4. The principal Act is amended by inserting, immediately after section 61, the following sections:

“Environmental Control Coordinators and Environmental Control Officers

61A.—(1) An individual must not act as an Environmental Control Coordinator or an Environmental Control Officer unless the individual is registered as such, and the registration is not suspended, under this Act.

(2) The Director-General may —

(a) subject to any condition that the Director-General thinks fit to impose, register any individual as an Environmental Control Coordinator or an Environmental Control Officer; or

(b) refuse such registration.

(3) The Director-General may, by written notice, suspend or cancel the registration of an Environmental Control Coordinator or an Environmental Control Officer (called in this section a registered person) if —

(a) the registered person procured the registration by providing any particulars, document or information, or by making any statement or representation, to the

Director-General which is false or misleading in any material particular; or

(b) the Director-General is satisfied that the registered person has contravened any of the following:

- (i) any provision of this Act;
- (ii) any regulations made under section 111;
- (iii) any applicable code of practice or standard of performance;
- (iv) any condition of the registration.

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(4) The Director-General must, before suspending or cancelling the registration of a registered person under subsection (3), give the registered person a written notice of the Director-General's intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the registration should not be suspended or cancelled.

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(5) Any individual who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$5,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$10,000.

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Appeal against decisions made under section 61A

61B.—(1) Any individual who is aggrieved by the Director-General's decision to —

- (a) impose any condition on the individual's registration as an Environmental Control Coordinator or an Environmental Control Officer under section 61A(2)(a);
- (b) refuse the registration of the individual under section 61A(2)(b); or

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- (c) suspend or cancel the individual's registration under section 61A(3),

may, within 14 days after the individual receives the decision, appeal in writing to the Minister.

(2) After considering the appeal, the Minister may —

- (a) confirm the Director-General's decision;
- (b) rescind the Director-General's decision; or
- (c) substitute or vary the Director-General's decision and make any decision which the Director-General is competent to make under section 61A(2) or (3), as the case may be.

(3) The Minister's decision on the appeal is final.

(4) The Minister's decision on the appeal must be given to the appellant.

(5) Where an appeal is made under subsection (1) against any decision of the Director-General under section 61A(3), the execution of that decision must be stayed until the outcome of the appeal.”.

Amendment of section 62

5. Section 62 of the principal Act is amended —

- (a) by deleting the words “employ a competent person to act as an Environmental Control Officer in” in subsections (2) and (2A) and substituting in each case the words “appoint a registered Environmental Control Officer for”;
- (b) by deleting the words “an Environmental Control Officer is so employed” in subsection (2A) and substituting the words “a registered Environmental Control Officer is appointed for the construction site”;
- (c) by deleting the words “The Environmental Control Officer employed under this section shall be employed” in subsection (3) and substituting the words “A registered Environmental Control Officer appointed for a

construction site under this section must be so appointed”;
and

(d) by deleting subsection (4).

New sections 62A to 62E

6. The principal Act is amended by inserting, immediately after section 62, the following sections: 5

“Appointment of Environmental Control Coordinator or Environmental Control Officer for specified premises

62A.—(1) This section applies to premises for which an environmental sanitation programme is required (called specified premises). 10

(2) The Agency may, with the approval of the Minister, by order in the *Gazette* —

(a) designate as specified premises any publicly accessible premises (or class of publicly accessible premises); 15

(b) designate as specified premises any of the following premises (or class of premises) that are not publicly accessible:

(i) any premises (or class of premises) owned, managed or occupied by the Government or a statutory body; 20

(ii) any premises (or class of premises) used, or intended to be used, for a commercial or an industrial purpose, or for mixed purposes the predominant purpose of which is either a commercial or an industrial purpose; 25

(iii) any recreational facility or class of recreational facilities;

(iv) any common property (or class of common property) of any residential premises (or class of residential premises), or of any premises (or 30

class of premises) mentioned in sub-paragraph (ii);

(v) any premises (or class of premises) for which an environmental sanitation programme is assessed to be necessary to minimise or alleviate the risk of, or to prevent or manage, an outbreak or a spread of any infectious disease;

(c) designate any class, description or type of specified premises for which an Environmental Control Coordinator must be appointed; and

(d) designate any class, description or type of specified premises for which an Environmental Control Officer must be appointed.

(3) The manager of any specified premises must —

(a) where the specified premises are of a class, description or type for which an Environmental Control Coordinator must be appointed — appoint a registered Environmental Control Coordinator as the Environmental Control Coordinator for that specified premises; or

(b) where the specified premises are of a class, description or type for which an Environmental Control Officer must be appointed — appoint a registered Environmental Control Officer as the Environmental Control Officer for that specified premises.

(4) For the purposes of subsection (3), the manager of the specified premises may appoint himself as the Environmental Control Coordinator or Environmental Control Officer (as the case may be) for the specified premises in accordance with that subsection if the manager is registered as such under this Act.

(5) Any person that contravenes subsection (3)(a) or (b) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$5,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$10,000.

Environmental sanitation programme for specified premises

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62B.—(1) The Environmental Control Coordinator or Environmental Control Officer for any specified premises must, in accordance with the applicable codes of practice and standards of performance and any regulations made under section 111 —

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(a) develop an environmental sanitation programme for the specified premises;

(b) where the Director-General requires the environmental sanitation programme to be amended, amend that environmental sanitation programme in the manner directed by the Director-General in writing;

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(c) review and update the environmental sanitation programme in the manner required by the applicable codes of practice or standards of performance;

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(d) submit the developed, amended or updated (as the case may be) environmental sanitation programme to the manager of the specified premises;

(e) monitor the implementation of the developed, amended or updated (as the case may be) environmental sanitation programme;

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(f) identify and notify the manager of any default in the implementation of the environmental sanitation programme; and

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(g) recommend remedial measures to address any default in the implementation of the environmental sanitation programme.

(2) The manager of the specified premises must, in accordance with any regulations made under section 111 —

(a) endorse and submit to the Director-General the environmental sanitation programme mentioned in subsection (1)(d) (or, where section 62A(4) applies, the environmental sanitation programme developed, amended or updated (as the case may be) by the manager in his capacity as the Environmental Control Coordinator or Environmental Control Officer for the specified premises);

(b) implement that environmental sanitation programme upon endorsing it; and

(c) implement any remedial measures recommended under subsection (1)(g).

(3) Any manager that contravenes subsection (2)(a), (b) or (c) shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$5,000; and

(b) for a second or subsequent offence, to a fine not exceeding \$10,000.

(4) In this section, “implement”, in relation to an environmental sanitation programme or remedial measures, includes the carrying out of activities and measures specified in the environmental sanitation programme or remedial measures (as the case may be), and “implementation” is to be construed accordingly.

Power to give directives

62C.—(1) The Director-General may, with the approval of the Minister, give a directive in such form and manner as the Director-General thinks fit, in respect of any premises or class of premises (called in this section the relevant premises), or any public service vehicle or class of public service vehicles (called in this section the relevant vehicle) if it appears to the Director-General that —

(a) the use of the relevant premises or the operation of the relevant vehicle is likely to endanger the health of any person and the directive is necessary to prevent or manage that risk; or

(b) the directive is necessary to prevent or manage the outbreak or spread of any infectious disease. 5

(2) A directive given under subsection (1) must be complied with by the following persons (called in this section the responsible person):

(a) where the directive applies to any relevant premises — the manager of those premises; 10

(b) where the directive applies to any relevant vehicle — the operator of that vehicle.

(3) Without limiting subsection (1), a directive given under that subsection may require the responsible person to do all or any of the following: 15

(a) close the relevant premises, or any part of the relevant premises, for a period not exceeding 14 days for the purpose of cleaning or disinfecting the relevant premises, or any part of the relevant premises; 20

(b) clean or disinfect the relevant premises or the relevant vehicle in the manner and within the time specified in the directive;

(c) provide every individual who is to carry out the cleaning or disinfecting of the relevant premises or relevant vehicle with appropriate personal protective equipment, and ensure that the individual wears the personal protective equipment when carrying out the cleaning or disinfecting work. 25

(4) The Director-General may, with the approval of the Minister, by written notice, renew any directive mentioned in subsection (3)(a) for any period (not exceeding 14 days each time) specified in the notice. 30

(5) Where a directive under subsection (1) or a notice of renewal under subsection (4) applies to or affects a class of responsible persons, it may be published in any manner that the Director-General thinks necessary for bringing it to the notice of those responsible persons.

(6) Any responsible person that fails to comply with a directive given under subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$5,000; and

(b) for a second or subsequent offence, to a fine not exceeding \$10,000.

(7) Without affecting any proceedings under subsection (6), if a responsible person fails to comply with any directive given under subsection (1) —

(a) the Director-General may without warrant and with such force as may be necessary, enter the relevant premises or the relevant vehicle and take or cause to be taken any steps which the Director-General considers to be necessary to secure compliance with the directive; and

(b) the responsible person is liable for any costs and expenses incurred by the Director-General in exercise of the powers conferred under paragraph (a).

(8) A reference in this section to a directive given under subsection (1) includes, where subsection (4) applies, a reference to the renewed directive under subsection (4).

Monitoring powers for purposes of sections 62A, 62B and 62C

62D.—(1) The Director-General or an authorised officer appointed under section 3(2) may, by written notice —

(a) inspect any specified premises, for the purposes of administering or enforcing section 62A or 62B or ascertaining whether that section has been complied with; or

- (b) inspect any premises or public service vehicle in respect of which a directive is given under section 62C(1), for the purpose of ascertaining whether the directive has been complied with.

(2) The Director-General or an authorised officer appointed under section 3(2) may also, by written notice, require the Environmental Control Coordinator or Environmental Control Officer for any specified premises to provide, within a reasonable period, and in the form and manner specified in the notice, all documents and information which —

- (a) relate to any matter which the Director-General or authorised officer considers necessary for the purposes of administering or enforcing section 62A or 62B or ascertaining whether that section has been complied with; and

(b) are —

- (i) within the knowledge of the Environmental Control Coordinator or Environmental Control Officer; or

- (ii) in the custody or under the control of the Environmental Control Coordinator or Environmental Control Officer.

(3) The power to require an Environmental Control Coordinator or an Environmental Control Officer to provide any document or information under subsection (2) includes the power —

- (a) to require the Environmental Control Coordinator or Environmental Control Officer to provide an explanation of the document or information;

- (b) if the information is recorded otherwise than in legible form, to require the information to be made available in legible form to the Director-General or an authorised officer appointed under section 3(2); and

(c) if the document or information is not provided, to require the Environmental Control Coordinator or Environmental Control Officer to state, to the best of his knowledge and belief, where it is and how it may be obtained.

(4) The Director-General or an authorised officer appointed under section 3(2) is entitled without payment to make and retain copies of any document or information provided to the Director-General or authorised officer under subsection (2).

(5) Any individual who, without reasonable excuse, fails to do anything required of the individual by a notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(6) For the purposes of subsection (5), it is a reasonable excuse for an individual to refuse or fail to provide any document or information which the individual is required by a notice under subsection (2) to provide if doing so might tend to incriminate that individual.

Application to Government

62E. Sections 60 to 62D apply to any premises owned, managed or occupied by the Government and any public service vehicle owned or operated by the Government.”.

Repeal and re-enactment of Part VII and new Part VIIA

7. Part VII of the principal Act is repealed and the following Parts substituted therefor:

“PART VII

AQUATIC FACILITIES

Licensable aquatic facilities

63.—(1) The owner or occupier of any premises in or on which a licensable aquatic facility is located, must not use or operate, or allow the use or operation of, the licensable aquatic facility unless that owner or occupier holds a valid aquatic facility licence for that purpose.

(2) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) for a first offence, to a fine not exceeding \$5,000; and
- (b) for a second or subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

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Prohibition of use or operation of aquatic facility

64.—(1) The Director-General may, by written notice (called in this section the cessation notice), require the cessation (immediately or within the time specified in the cessation notice) of the use or operation of any aquatic facility or class of aquatic facilities (called in this section the relevant aquatic facility) for all or any of the purposes specified in subsection (2) if —

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- (a) it appears to the Director-General that —

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- (i) the use or operation of the relevant aquatic facility is likely to endanger the health of any person and the cessation is necessary to prevent or manage that risk; or

- (ii) the cessation is necessary to prevent or manage the outbreak or spread of any infectious disease; or

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- (b) in the case where the relevant aquatic facility is a licensable aquatic facility, the Director-General is satisfied that any of the following (called in this section the applicable requirement) has been contravened in respect of the relevant aquatic facility:

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- (i) any provision of this Part;

- (ii) any regulations made under section 111 in relation to licensable aquatic facilities;

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- (iii) any condition of the aquatic facility licence for the relevant aquatic facility.

(2) The purposes mentioned in subsection (1) are —

- (a) the taking and analysis of any materials (whether solid, liquid, gaseous or vapour) found in or on the relevant aquatic facility;
- (b) the cleaning or disinfecting of the relevant aquatic facility;
- (c) the conducting of investigations relating to the relevant aquatic facility or any outbreak, suspected outbreak or spread of any infectious disease; and
- (d) the implementation of remedial measures in relation to the relevant aquatic facility.

(3) The cessation notice must be complied with by the owner or occupier of the premises in or on which the relevant aquatic facility is located (called in this section the responsible person).

(4) The Director-General must, by written notice (called in this section the resumption notice), permit the resumption of the use or operation of the relevant aquatic facility when the Director-General is satisfied that —

- (a) where the cessation notice is issued under subsection (1)(a)(i) — the use or operation of the relevant aquatic facility is no longer likely to endanger the health of any person;
- (b) where the cessation notice is issued under subsection (1)(a)(ii) — the cessation of the use or operation of the relevant aquatic facility is no longer necessary to prevent or manage the outbreak or spread of any infectious disease; or
- (c) where the cessation notice is issued under subsection (1)(b) — the Director-General is satisfied that the responsible person is no longer in contravention of the applicable requirement.

(5) Where the cessation notice or resumption notice applies to or affects a class of responsible persons, it may be published in

any manner that the Director-General thinks necessary for bringing it to the notice of those responsible persons.

(6) Any person that contravenes any notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

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Monitoring powers for purposes of this Part

65.—(1) The Director-General or an authorised officer appointed under section 3(2) may, by written notice —

(a) inspect any aquatic facility for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and

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(b) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found in or on the aquatic facility for analysis.

(2) The Director-General or an authorised officer appointed under section 3(2) may also, by written notice, require the owner or occupier of any premises in or on which any aquatic facility is located to provide, within a reasonable period, and in the form and manner specified in the notice, all documents and information which —

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(a) relate to any matter which the Director-General or authorised officer considers necessary for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and

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(b) are —

(i) within the knowledge of the owner or occupier; or

(ii) in the custody or under the control of the owner or occupier.

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(3) The power to require an owner or occupier to provide any document or information under subsection (2) includes the power —

- (a) to require the owner or occupier to provide an explanation of the document or information;
- (b) if the information is recorded otherwise than in legible form, to require the information to be made available in legible form to the Director-General or an authorised officer appointed under section 3(2); and
- (c) if the document or information is not provided, to require the owner or occupier to state, to the best of the knowledge and belief of the owner or occupier, where it is and how it may be obtained.

(4) The Director-General or an authorised officer appointed under section 3(2) is entitled without payment to make and retain copies of any document or information provided to the Director-General or authorised officer under subsection (2).

(5) Any person that, without reasonable excuse, fails to do anything required of the person by a notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(6) For the purposes of subsection (5), it is a reasonable excuse for a person to refuse or fail to provide any document or information which the person is required by a notice under subsection (2) to provide if doing so might tend to incriminate that person.

Application to Government

66. This Part applies to any aquatic facility owned, managed or operated by the Government.

PART VIIA

AEROSOL-GENERATING SYSTEMS

Registrable aerosol-generating systems

66A.—(1) The owner or occupier of any premises in or on which a registrable aerosol-generating system is installed, must not use or operate, or allow the use or operation of, the

registrable aerosol-generating system unless the aerosol-generating system is registered by that owner or occupier under this Act and the registration is not suspended.

(2) The Director-General may —

- (a) subject to any condition that the Director-General thinks fit to impose, register the registrable aerosol-generating system; or 5
- (b) refuse such registration.

(3) The registration of the registered aerosol-generating system by the owner or occupier (called in this section the registered owner or occupier) under subsection (2)(a) is not transferable to any other person. 10

(4) The Director-General may, by written notice, suspend or cancel the registration of an aerosol-generating system if —

- (a) the registered owner or occupier procured the registration by providing any particulars, document or information, or by making any statement or representation, to the Director-General which is false or misleading in any material particular; or 15
- (b) the Director-General is satisfied that the registered owner or occupier has contravened any of the following: 20
 - (i) any provision of this Part;
 - (ii) any regulations made under section 111 in relation to registrable aerosol-generating systems; 25
 - (iii) any condition of the registration.

(5) The Director-General must, before suspending or cancelling the registration of the aerosol-generating system under subsection (4), give the registered owner or occupier a written notice of the Director-General's intention to do so and an opportunity to submit reasons, within the period specified in that notice, as to why the registration should not be suspended or cancelled. 30

(6) The Director-General may also, on the application of the registered owner or occupier, cancel the registration of any registered aerosol-generating system.

(7) Any person that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) for a first offence, to a fine not exceeding \$5,000; and

(b) for a second or subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both.

Prohibition of use or operation of aerosol-generating system

66B.—(1) The Director-General may, by written notice (called in this section the cessation notice) require the cessation (immediately or within the time specified in the cessation notice) of the use or operation of any aerosol-generating system or class of aerosol-generating systems (called in this section the relevant aerosol-generating system) for all or any of the purposes specified in subsection (2) if —

(a) it appears to the Director-General that —

(i) the use or operation of the relevant aerosol-generating system is likely to endanger the health of any person and the cessation is necessary to prevent or manage that risk; or

(ii) the cessation is necessary to prevent or manage the outbreak or spread of any infectious disease; or

(b) in the case where the relevant aerosol-generating system is a registrable aerosol-generating system, the Director-General is satisfied that any of the following (called in this section the applicable requirement) has been contravened in respect of the relevant aerosol-generating system:

- (i) any provision of this Part;
- (ii) any regulations made under section 111 in relation to registrable aerosol-generating systems;
- (iii) any condition of the registration of the relevant aerosol-generating system.

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(2) The purposes mentioned in subsection (1) are —

- (a) the taking and analysis of any materials (whether solid, liquid, gaseous or vapour) found in or on the relevant aerosol-generating system;
- (b) the cleaning or disinfecting of the relevant aerosol-generating system;
- (c) the conducting of investigations relating to the relevant aerosol-generating system or any outbreak, suspected outbreak or spread of any infectious disease; and
- (d) the implementation of remedial measures in relation to the relevant aerosol-generating system.

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(3) The cessation notice must be complied with by the owner or occupier of the premises in or on which the relevant aerosol-generating system is located (called in this section the responsible person).

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(4) The Director-General must, by written notice (called in this section the resumption notice), permit the resumption of use or operation of the relevant aerosol-generating system when the Director-General is satisfied that —

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- (a) where the cessation notice is issued under subsection (1)(a)(i) — the use or operation of the relevant aerosol-generating system is no longer likely to endanger the health of any person;
- (b) where the cessation notice is issued under subsection (1)(a)(ii) — the cessation of the use or operation of the relevant aerosol-generating system is

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no longer necessary to prevent or manage the outbreak or spread of any infectious disease; or

- (c) where the cessation notice is issued under subsection (1)(b) — the Director-General is satisfied that the responsible person is no longer in contravention of the applicable requirement.

(5) Where the cessation notice or resumption notice applies to or affects a class of responsible persons, it may be published in any manner that the Director-General thinks necessary for bringing it to the notice of those responsible persons.

(6) Any person that contravenes any notice issued under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Monitoring powers for purposes of this Part

66C.—(1) The Director-General or an authorised officer appointed under section 3(2) may, by written notice —

- (a) inspect any aerosol-generating system for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and
- (b) take and retain samples of any materials (whether solid, liquid, gaseous or vapour) found in or on the aerosol-generating system for analysis.

(2) The Director-General or an authorised officer appointed under section 3(2) may also, by written notice, require the owner or occupier of any premises in or on which any aerosol-generating system is installed to provide, within a reasonable period, and in the form and manner specified in the notice, all documents and information which —

- (a) relate to any matter which the Director-General or authorised officer considers necessary for the purposes of administering or enforcing this Part or ascertaining whether this Part has been complied with; and

(b) are —

- (i) within the knowledge of the owner or occupier;
or
- (ii) in the custody or under the control of the owner
or occupier.

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(3) The power to require an owner or occupier to provide any document or information under subsection (2) includes the power —

- (a) to require the owner or occupier to provide an explanation of the document or information;
- (b) if the information is recorded otherwise than in legible form, to require the information to be made available in legible form to the Director-General or an authorised officer appointed under section 3(2); and
- (c) if the document or information is not provided, to require the owner or occupier to state, to the best of the knowledge and belief of the owner or occupier, where it is and how it may be obtained.

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(4) The Director-General or an authorised officer appointed under section 3(2) is entitled without payment to make and retain copies of any document or information provided to the Director-General or authorised officer under subsection (2).

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(5) Any person that, without reasonable excuse, fails to do anything required of the person by a notice under subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

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(6) For the purposes of subsection (5), it is a reasonable excuse for a person to refuse or fail to provide any document or information which the person is required by a notice under subsection (2) to provide if doing so might tend to incriminate that person.

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Application to Government

66D. This Part applies to any aerosol-generating system owned, managed or operated by the Government.”.

New section 99A

- 5 **8.** The principal Act is amended by inserting, immediately after section 99, the following section:

“Codes of practice and standards of performance

10 **99A.**—(1) The Director-General may issue, approve, amend or revoke one or more codes of practice or standards of performance with respect to —

- (a) programmes and measures relating to environmental sanitation;
- (b) activities and conduct of licensees and registered persons under this Act;
- 15 (c) activities that relate to or concern environmental public health;
- (d) the cleaning, disinfection and operation of any class of premises, facilities or systems under this Act;
- (e) the operation of any provision of this Act; or
- 20 (f) generally for carrying out the purposes of this Act.

(2) If any provision in any code of practice or standard of performance is inconsistent with this Act, such provision (to the extent of the inconsistency) does not have effect.

25 (3) Where a code of practice or standard of performance is issued, approved, amended or revoked by the Director-General under subsection (1), the Director-General must —

- (a) publish a notice of the issue, approval, amendment or revocation (as the case may be) in such manner as will secure adequate publicity for such issue, approval, amendment or revocation;
- 30 (b) specify in the notice the date of the issue, approval, amendment or revocation, as the case may be; and

- (c) ensure that, so long as the code of practice or standard of performance remains in force, copies of that code or standard, and of all amendments to that code or standard, are available free of charge to any person to which that code or standard applies.

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(4) None of the following has any effect until the notice relating to it is published in accordance with subsection (3):

- (a) a code of practice or standard of performance;
- (b) an amendment to a code of practice or standard of performance;
- (c) the revocation of a code of practice or standard of performance.

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(5) A code of practice or standard of performance has no legislative effect.

(6) Subject to subsections (4) and (7), a person must comply with any code of practice or standard of performance that is applicable to that person.

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(7) The Director-General may, either generally or for such time as the Director-General may specify, waive the application to any person of any code of practice or standard of performance, or of any part of any code of practice or standard of performance.”.

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Amendment of section 110

9. Section 110(1) of the principal Act is amended by deleting the words “or premises or any class of persons or premises” and substituting the words “, facility, system, premises or works, or any class of persons, facilities, systems, premises or works”.

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Amendment of section 111

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

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“(1A) Regulations made under this section may make different provision for different classes, descriptions or types of persons, facilities, systems, premises or works.”.

Amendment of Third Schedule

5 **11.** The Third Schedule to the principal Act is amended by inserting, immediately after paragraph 16, the following paragraphs:

“17. The registration and regulation of Environmental Control Coordinators and Environmental Control Officers, including their duties and matters relating to their appointment, training and qualifications.

10 18. The requirements relating to environmental sanitation programmes for specified premises.

19. The duties of managers of specified premises in connection with environmental sanitation, including the periodic cleaning of the specified premises.

15 20. The regulation of licensable aquatic facilities, including the duties of owners or occupiers of premises in or on which licensable aquatic facilities are located.

20 21. The regulation of registrable aerosol-generating systems, including the duties of owners or occupiers of premises in or on which registrable aerosol-generating systems are installed.”.

EXPLANATORY STATEMENT

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

- (a) to introduce environmental sanitation programmes for premises designated by the National Environment Agency (NEA) with the Minister’s approval (specified premises);
- (b) to provide for the registration of Environmental Control Coordinators (ECCs) and Environmental Control Officers (ECOs), and their functions in relation to specified premises;
- (c) to regulate aquatic facilities and aerosol-generating systems.

Clause 1 relates to the short title and commencement.

Clause 2 amends certain definitions in section 2, and inserts new definitions of certain expressions used in the Bill.

Clause 3 makes consequential amendments to section 60 arising from the new sections 62A and 62B (inserted by clause 6).

Clause 4 inserts new sections 61A and 61B. The new section 61A empowers the Director-General of Public Health (DG) to register suitable individuals as ECCs and ECOs for the purposes of the Act, and provides for related provisions (including the circumstances in which the registration may be suspended or cancelled).

An individual must not act as an ECC or ECO unless the individual is registered as such and the registration is not suspended under the Act. Contravention of this requirement is an offence.

The new section 61B provides for appeals to be made to the Minister against the DG's decisions under the new section 61A.

Clause 5 makes editorial amendments to section 62 (on appointment of ECOs for construction sites).

Clause 6 inserts new sections 62A to 62E.

The new section 62A empowers NEA to designate (with the approval of the Minister) the following types of premises as specified premises:

- (a) any publicly accessible premises (or class of publicly accessible premises);
- (b) any premises (or class of premises) owned, managed or occupied by the Government or a statutory body;
- (c) any premises (or class of premises) used, or intended to be used, for a commercial or an industrial purpose, or for mixed purposes the predominant purpose of which is either a commercial or an industrial purpose;
- (d) any recreational facility or class of recreational facilities;
- (e) any common property (or class of common property) of any residential premises (or class of residential premises), or of any premises (or class of premises) mentioned in paragraph (c); and
- (f) any premises (or class of premises) for which an environmental sanitation programme is assessed to be necessary to minimise or alleviate the risk of, or to prevent or manage an outbreak or a spread of any infectious disease.

NEA may also designate (with the approval of the Minister) —

- (a) specified premises for which an ECC must be appointed; and
- (b) specified premises for which an ECO must be appointed.

The manager of any specified premises must appoint a registered ECC or registered ECO (as the case may be) for the specified premises. Contravention of this requirement is an offence.

The new section 62B requires the ECC or ECO for any specified premises to, among other things, develop an environmental sanitation programme for the premises, monitor the implementation of the environmental sanitation programme and recommend remedial measures for any default in the implementation of the environmental sanitation programme. An ECC or ECO who does not comply with his or her duties is liable to have his or her registration suspended or cancelled.

The new section 62B requires the manager of the specified premises to —

- (a) endorse and implement the environmental sanitation programme developed by the ECC or ECO for the specified premises; and
- (b) implement any remedial measures recommended by the ECC or ECO for any default in the implementation of the environmental sanitation programme.

Contravention of the manager's obligations under the new section 62B is an offence.

The new section 62C empowers the DG to give directives (with the approval of the Minister) in respect of any premises or class of premises (relevant premises), or any public service vehicle or class of public service vehicles (relevant vehicle), where it appears to the DG that —

- (a) the use of the relevant premises or the operation of the relevant vehicle is likely to endanger the health of any person and the directive is necessary to prevent or manage that risk; or
- (b) the directive is necessary to prevent or manage the outbreak or spread of any infectious disease.

In particular, a directive under the new section 62C may require the cleaning or disinfecting of the relevant premises (including the closure of the premises for that purpose) or the relevant vehicle, and the provision of appropriate personal protective equipment to the cleaning crew.

Failure to comply with a directive is an offence.

The new section 62D empowers the DG and the authorised officers appointed under section 3(2) to inspect specified or relevant premises and relevant vehicles, and obtain documents and information, for purposes of the new sections 62A, 62B and 62C.

The new section 62E provides that sections 60 to 62D apply to any premises owned, managed or occupied by the Government and any public service vehicle owned or operated by the Government.

Clause 7 repeals Part VII (on swimming pools) and introduces new Parts VII (aquatic facilities) and VIIA (aerosol-generating systems).

The new Part VII comprises new sections 63 to 66.

The new section 63 provides that the owner or occupier of any premises in or on which a licensable aquatic facility is located, must not use or operate (or allow the use or operation of) the licensable aquatic facility, unless that owner or occupier holds a valid aquatic facility licence for that purpose. Contravention of the section is an offence.

The new section 64 empowers the DG to require the cessation of the use or operation of any aquatic facility or class of aquatic facilities (relevant aquatic facility) where the use or operation of the relevant aquatic facility is likely to endanger the health of any person and the cessation is necessary to prevent or manage that risk, or where the cessation is necessary to prevent or manage the outbreak or spread of any infectious disease.

In the case where the relevant aquatic facility is a licensable aquatic facility, the new section 64 also empowers the DG to require the cessation of the use or operation of that aquatic facility if there has been a contravention of any applicable requirement in respect of that aquatic facility.

Contravention of the DG's requirement for the cessation of a relevant aquatic facility under the section is an offence.

The new section 65 empowers the DG and the authorised officers appointed under section 3(2) to inspect licensable or relevant aquatic facilities, and obtain documents and information, for purposes of the new Part VII.

The new section 66 provides that the new Part VII applies to any aquatic facility owned, managed or operated by the Government.

The new Part VIIA comprises new sections 66A to 66D.

The new section 66A provides that the owner or occupier of any premises in or on which a registrable aerosol-generating system is installed, must not use or operate (or allow the use or operation of) the registrable aerosol-generating system, unless the aerosol-generating system is registered by that owner or occupier under the Act and the registration is not suspended. Contravention of the section is an offence.

The new section 66B empowers the DG to require the cessation of use or operation of any aerosol-generating system or class of aerosol-generating systems (relevant aerosol-generating system) where the use or operation of the relevant aerosol-generating system is likely to endanger the health of any person and the cessation is necessary to prevent or manage that risk, or the cessation is necessary to prevent or manage the outbreak or spread of any infectious disease.

In the case where the relevant aerosol-generating system is a registrable aerosol-generating system, the new section 66B also empowers the DG to require the cessation of the use or operation of that aerosol-generating system if there has been a contravention of any applicable requirement in respect of that aerosol-generating system.

Contravention of the DG's requirement for the cessation of a relevant aerosol-generating system under the section is an offence.

The new section 66C empowers the DG and the authorised officers appointed under section 3(2) to inspect registrable or relevant aerosol-generating systems, and obtain documents and information, for purposes of the new Part VIIA.

The new section 66D provides that the new Part VIIA applies to any aerosol-generating system owned, managed or operated by the Government.

Clause 8 inserts a new section 99A, empowering the DG to issue, approve, amend or revoke codes of practice or standards of performance. A person must comply with any code of practice or standard of performance that is applicable to that person.

Clause 9 makes a consequential amendment to section 110 (exemption).

Clause 10 amends section 111 (regulations) by inserting a new subsection (1A) to provide that regulations made under that section may make different provision for different classes, descriptions or types of persons, facilities, systems, premises or works.

Clause 11 amends the Third Schedule (subject matters of regulations) to expand NEA's power to make regulations.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
