

AMENDMENTS TO PLANNING ACT (CAP. 232)
DUTIES OF DEVELOPERS/PROPERTY OWNERS AND QUALIFIED
PERSONS

Relevant clauses of the Amendments to Planning Act

Section 13 – Application for Permission

13.—(1) An application for planning permission, conservation permission or subdivision permission shall be made to the competent authority in the prescribed form and manner.

(1A) Unless otherwise prescribed, a person applying for —

(a) planning permission for any development of any land must, before the person makes the application, appoint an architect or engineer to carry out the duties specified in section 24A; or

(b) conservation permission for any works within a conservation area must, before the person makes the application, appoint an architect to carry out the duties specified in section 24A.

(1B) Where the qualified person appointed under subsection (1A) ceases to be appointed for any reason, the developer must —

(a) without delay appoint another qualified person in accordance with subsection (1A); and

(b) within 7 days after the appointment under paragraph (a), notify the competent authority of that appointment.

(1C) A developer who, without reasonable excuse, fails to comply with subsection (1B)(b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding 10,000.

(2) The competent authority shall seek to determine such an application within 3 months of receiving it but may, where unavoidable circumstances so require, defer his determination for such further period as he thinks fit.

Section 19A – Developer must appoint qualified person to supervise development or works

19A.—(1) Unless otherwise prescribed, a developer carrying out

(a) any development of any land must, before the development starts, appoint an architect or engineer to carry out the duties under section 24B; or

(b) any works within a conservation area must, before the works start, appoint an architect to carry out the duties under section 24B.

(2) Where any qualified person appointed under subsection (1) becomes unwilling to act or unable, whether by reason of the termination of the qualified person's appointment or for another reason, to carry out the qualified person's duties under this Act, the developer must—

(a) without delay appoint another qualified person in accordance with subsection (1); and

(b) within 7 days after the appointment under paragraph (a), notify the competent authority of that appointment.

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(3) Any developer who, without reasonable excuse, fails to comply with any requirement in subsection (1)(a) or (b) or (2) shall be guilty of an offence and shall be liable on conviction—

(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in respect of a continuing contravention, to an additional fine not exceeding \$1,000 for each day or part of a day the developer fails to comply with the requirement, and if the failure continues after the conviction, the developer shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part of a day during which the failure to comply continues after conviction.”

Section 20A – Power to require as-built plans

20A.—(1) Subject to subsection (2), the competent authority may, in respect of any development of any land or any works within a conservation area authorised in a planning permission or conservation permission, require a developer to submit, in such form as the competent authority may require —

(a) as-built plans of the development or works prepared by a land surveyor in accordance with the requirements specified by the competent authority;

(b) a declaration by the land surveyor who prepared the as-built plans that the as-built plans have been prepared by the land surveyor in accordance with the requirements mentioned in paragraph (a); and (c) such other documents as the Minister may prescribe.

(2) Subsection (1) applies at any time after the commencement of the development or works but before —

(a) the Commissioner of Building Control grants a temporary occupation permit or a certificate of statutory completion under the Building Control Act (Cap. 29), whichever is earlier, for every building authorised in the relevant permission; or

(b) where a temporary occupation permit or a certificate of statutory completion is not required under the Building Control Act, the development or works is complete.

PART IIIA – Qualified Persons

Section 24A – Duties of qualified person appointed under section 13

24A.—(1) Every qualified person who is appointed under section 13 in respect of an application for planning permission or conservation permission must —

(a) prepare the plans of the development or works within a conservation area required, by rules made under section 61, to be submitted with the application for planning permission or conservation permission and take all reasonable steps and exercise due diligence to ensure that the plans are prepared in accordance with —

(i) the provisions of this Act;

(ii) where applicable, any conditions and requirements imposed by the competent authority in any outline permission or provisional permission for the development or works, or existing written permission, granted in respect of the land; and

(iii) all relevant guidelines of the competent authority;

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(b) notify the competent authority of any contravention of this Act or non-compliance with any condition or requirement mentioned in paragraph (a)(ii) or (iii) that the qualified person knows or ought reasonably to know about;

(c) submit to the competent authority a declaration that the qualified person has prepared the plans and that the plans are prepared in accordance with paragraph (a); and

(d) supply a copy of every plan of the development or works approved by the competent authority to the qualified person appointed under section 19A to supervise the development or works.

(2) If any qualified person who is appointed under section 13 becomes unwilling or unable, whether by reason of the termination of the qualified person's appointment or for any other reason, to carry out the qualified person's duties under this Act, the qualified person must, within 14 days after ceasing to carry out his duties, notify the competent authority of that fact.

(3) A qualified person —

(a) who fails to comply with the requirement mentioned in subsection (1)(a) 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

(b) who fails to comply with the requirement mentioned in subsection (1)(b) 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,

and to an additional fine not exceeding \$1,000 for each day or part of a day the qualified person fails to comply with the requirement and, if the failure to comply continues after conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part of a day during which the failure to comply continues after conviction.

(4) In any prosecution for an offence under subsection (3) for failing to comply with the requirement to notify a contravention or non-compliance mentioned in subsection (1)(b), it is a defence for the qualified person charged to prove to the satisfaction of the court that the qualified person did not know and could not reasonably have discovered the contravention or non-compliance.

(5) A qualified person who fails to comply with subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

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<u>Section 24B – Duties of qualified persons appointed to supervise development or works</u> 24B.—(1) Every qualified person who is appointed under section 19A to supervise the carrying out of any development or works must — (a) take all reasonable steps and exercise due diligence in supervising and inspecting the development or works, as the case may be, to ensure that the development or works are carried out in accordance with — (i) the provisions of this Act; (ii) the conditions and requirements imposed by the competent authority in the planning permission or conservation permission, as the case may be; and (iii) the relevant plans approved by the competent authority in the grant of planning permission for the development or conservation permission for the works, as the case may be; (b) notify the competent authority of any contravention of or non-compliance with any provision, condition, requirement or plans mentioned in paragraph (a)(i), (ii) or (iii); (c) take all reasonable steps to immediately stop or cease the contravention or non-compliance mentioned in paragraph (b); and (d) submit to the competent authority such reports and declarations as may be required by the competent authority (other than a declaration required under this section). (2) A qualified person — (a) who fails to comply with the requirement mentioned in subsection (1)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 2 years or to both; or (b) who fails to comply with the requirement mentioned in subsection (1)(b), (c) or (d) 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. (3) In any prosecution for an offence under subsection (2)(b) for failing to notify or stop the contravention or non-compliance mentioned in subsection (1)(b) or (c), it is a defence for the qualified person charged to prove to the satisfaction of the court that the qualified person did not know and could not reasonably have discovered the contravention or non-compliance. (4) A qualified person appointed under section 19A must, within such period as the competent authority may specify in the planning permission or conservation permission or within such extended time as the competent authority may give in writing, submit the qualified person's declaration to the competent authority that, to the best of the qualified person's knowledge and belief, the development or works are carried out in accordance with — (a) the provisions of this Act; (b) the conditions and requirements imposed by the competent authority in the planning permission or conservation permission, as the case may be; and

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(c) the relevant plans approved by the competent authority in the grant of planning permission for the development or conservation permission for the works, as the case may be.

(5) Where any qualified person appointed under section 19A becomes unwilling to act or unable, whether by reason of the termination of the qualified person's appointment or for any other reason, to carry out the qualified person's duties under this Act, the qualified person must, within 14 days after ceasing to carry out the qualified person's duties —

(a) notify the competent authority of that fact; and

(b) submit the qualified person's declaration to the competent authority that, to the best of the qualified person's knowledge and belief, the development or works carried out during the period of the qualified person's appointment are in accordance with —

(i) the provisions of this Act;

(ii) the conditions and requirements imposed by the competent authority in the planning permission or conservation permission, as the case may be; and

(iii) the relevant plans approved by the competent authority in the grant of planning permission for the development or conservation permission for the works, as the case may be.

(6) A qualified person —

(a) who fails to comply with the requirement mentioned in subsection (4) or (5)(b) 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; or

(b) who fails to comply with the requirement mentioned in subsection (5)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

(7) In relation to a continuing failure to comply with the requirement mentioned in subsection (1), (4) or (5) —

(a) the qualified person convicted of an offence under subsection (2) or (6), as the case may be, for that failure shall be liable to an additional fine not exceeding \$1,000 for each day or part of a day the qualified person fails to comply with the requirement mentioned in subsection (1), (4) or (5), as the case may be; and

(b) if the failure to comply continues after the conviction, the qualified person shall be guilty of a further offence and shall be liable on conviction of this further offence to a further fine not exceeding \$2,000 for every day or part of a day during which the failure to comply continues after conviction.

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Section 24C – False declarations

24C.—(1) A qualified person who makes any declaration required under this Act that is false or misleading in any material particular knowing that, or with reckless disregard as to whether, the declaration is false or misleading in any material particular shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both; or

(b) if the qualified person is a repeat offender, to a fine not exceeding \$60,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) A qualified person who negligently makes any declaration required under this Act that is false or misleading in any material particular shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 3 months or to both; or

(b) if the qualified person is a repeat offender, to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) In this section, a qualified person is a repeat offender if the qualified person who is convicted, or found guilty, of an offence under subsection (1) or (2) has (whether before, on or after the date of commencement of section 7(c) or 8(i) of the Planning (Amendment) Act 2017) been convicted or found guilty on at least one other earlier occasion of —

(a) an offence under subsection (1) or (2);

(b) an offence under section 14A(5) as in force immediately before the date of commencement of section 7(c) of the Planning (Amendment) Act 2017; or

(c) an offence under section 15(3A) as in force immediately before the date of commencement of section 8(i) of the Planning (Amendment) Act 2017.

First Schedule

QUALIFIED PERSONS

1. An architect.

2. An engineer.

3. A land surveyor.

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PLANNING ACT
(CHAPTER 232)

PLANNING (QUALIFIED PERSONS) RULES 2017

ARRANGEMENT OF RULES

Rule

1. Citation and commencement
2. Definitions
3. Applications not requiring qualified person
4. Applications for which different qualified person allowed
5. Development or works not requiring qualified person
6. Development or works for which different qualified person allowed
7. Revocation

The Schedules

In exercise of the powers conferred by section 61 of the Planning Act, the Minister for National Development makes the following Rules:

Citation and commencement

1. These Rules are the Planning (Qualified Persons) Rules 2017 and come into operation on 15 May 2017.

Definitions

2. In these Rules, unless the context otherwise requires —

“addition and alteration works” means any building or engineering operations in, on, over or under land;

“gross floor area” has the same meaning as “floor area” in rule 2(1) of the Planning (Development Charges) Rules (R 5);

“landed dwelling-house” means any of the following types of houses used wholly or mainly for the purpose of human habitation and excludes a landed dwelling-house comprised in a development that is strata subdivided:

- (a) detached house;
- (b) linked house;
- (c) semi-detached house;

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(d) terrace house;

“strata-titled residential unit” means a landed dwelling-house comprised in a strata title plan registered under the Land Titles (Strata) Act (Cap. 158).

Applications not requiring qualified person

3.—(1) Section 13(1A)(a) of the Act does not apply to an application for planning permission specified in Part 1 of the First Schedule.

(2) Section 13(1A)(b) of the Act does not apply to an application for conservation permission specified in Part 2 of the First Schedule.

Applications for which different qualified person allowed

4.—(1) For the purposes of section 13(1A)(a) of the Act, a person who makes an application for planning permission specified in the first column of Part 1 of the Second Schedule may appoint any qualified person specified opposite in the second column.

(2) For the purposes of section 13(1A)(b) of the Act, a person who makes an application for conservation permission specified in the first column of Part 2 of the Second Schedule may appoint any qualified person specified opposite in the second column.

Development or works not requiring qualified person

5.—(1) Section 19A(1)(a) of the Act does not apply to any development specified in Part 1 of the Third Schedule.

(2) Section 19A(1)(b) of the Act does not apply to any works within a conservation area specified in Part 2 of the Third Schedule.

Development or works for which different qualified person allowed

6.—(1) For the purposes of section 19A(1)(a) of the Act, a developer who carries out any development specified in the first column of Part 1 of the Fourth Schedule may appoint any qualified person specified opposite in the second column.

(2) For the purposes of section 19A(1)(b) of the Act, a developer who carries out any works within a conservation area specified in the first column of Part 2 of the Fourth Schedule may appoint any qualified person specified opposite in the second column.

Revocation

7. The Planning (Declaration by Qualified Person) Rules (R 11) are revoked.

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FIRST SCHEDULE

Rule 3

PART 1

EXCLUDED PLANNING PERMISSION APPLICATIONS

1. Any application for planning permission to only carry out addition and alteration works to any existing landed dwelling-house to erect all or any of the following:
 - (a) a single storey lean-to extension with roof covering of tiles or of any lighter material;
 - (b) a single storey structure without a wall on any side, including an open-sided shelter, gazebo or trellis.
2. Any application for planning permission to carry out addition and alteration works to any strata-titled residential unit that does not involve any increase in gross floor area.
3. Any application for planning permission to only make a material change in the use of a building or any part of the building.
4. Any application for planning permission to carry out any development that would be authorised under the Planning (Development of Land Authorisation) Notification (N 1).
5. Any application to renew the grant of a planning permission.

PART 2

EXCLUDED CONSERVATION PERMISSION APPLICATIONS

1. Any application for conservation permission to only make a material change in the use of a building or any part of the building.
2. Any application for conservation permission to only carry out Category 3 Works as specified in Part 3 of the Fourth Schedule to the Planning (Fees) Rules 2014 (G.N. No. S 537/2014).
3. Any application to renew the grant of a conservation permission.

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SECOND SCHEDULE

Rule 4

PART 1

**PLANNING PERMISSION APPLICATIONS FOR WHICH DIFFERENT
QUALIFIED PERSON ALLOWED**

<i>First column</i>	<i>Second column</i>
<i>Type of application</i>	<i>Type of qualified person</i>
1. Any application for planning permission to only carry out earthworks without any building or other operations	Architect, engineer or land surveyor

PART 2

**CONSERVATION PERMISSION APPLICATIONS FOR WHICH DIFFERENT
QUALIFIED PERSON ALLOWED**

<i>First column</i>	<i>Second column</i>
<i>Type of application</i>	<i>Type of qualified person</i>
1. Any application for conservation permission to only carry out Category 2 Works as specified in Part 2 of the Fourth Schedule to the Planning (Fees) Rules 2014 (G.N. No. S 537/2014)	Architect or engineer

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THIRD SCHEDULE

Rule 5

PART 1

EXCLUDED DEVELOPMENT

1. Any development of land that is the subject of an application described in paragraphs 1, 2, 3 or 4 of Part 1 of the First Schedule.

PART 2

EXCLUDED WORKS

1. Any works within a conservation area that is the subject of an application described in paragraph 1 or 2 of Part 2 of the First Schedule.

FOURTH SCHEDULE

Rule 6

PART 1

DEVELOPMENT FOR WHICH DIFFERENT QUALIFIED PERSON ALLOWED

<i>First column</i>	<i>Second column</i>
<i>Type of development</i>	<i>Type of qualified person</i>
1. Earthworks without any building or other operations	Architect, engineer or land surveyor

PART 2

WORKS FOR WHICH DIFFERENT QUALIFIED PERSON ALLOWED

<i>First column</i>	<i>Second column</i>
<i>Type of works</i>	<i>Type of qualified person</i>
1. Category 2 Works as specified in Part 2 of the Fourth Schedule to the Planning (Fees) Rules 2014 (G.N. No. S 537/2014)	Architect or engineer