

Energy Conservation (Amendment) Bill

Bill No. 38/2024.

Read the first time on 14 October 2024.

A BILL

intituled

An Act to amend the Energy Conservation Act 2012.

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 Energy Conservation (Amendment) Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 21

2. In the Energy Conservation Act 2012 (called in this Act the principal Act), in section 21 —

(a) after the definition of “registered corporation”, insert —

10 ““registered relevant person” means any registrable relevant person registered under section 23A as such;”;

(b) in the definition of “registrable corporation”, replace the full-stop at the end with a semi-colon; and

(c) after the definition of “registrable corporation”, insert —

15 ““registrable relevant person” means a relevant person within the meaning given by section 26B(1) who has operational control over any business activity or premises or a part of any business activity or premises, in which
20 any prescribed energy-consuming system or a part of a prescribed energy-consuming system is situated.”.

Amendment of Subdivision (2) heading to Division 2 of Part 3

25 3. In the principal Act, in Part 3, in Division 2, in Subdivision (2), in the Subdivision heading, after “corporations”, insert “and relevant persons”.

New section 23A

4. In the principal Act, after section 23, insert —

“Registration of registrable relevant person

30 23A.—(1) A registrable relevant person must apply to the Director-General for registration —

- (a) if the person is a registrable relevant person as at the date of commencement of section 4 of the Energy Conservation (Amendment) Act 2024 (called in this section the appointed date) — within the prescribed period after the appointed date; and 5
 - (b) if the person becomes a registrable relevant person after the appointed date — within the prescribed period after the date on which the person became a registrable relevant person.
- (2) The Director-General must register a person if the Director-General is satisfied that — 10
- (a) the person is a registrable relevant person; and
 - (b) the application for registration is in order.
- (3) The registration of a registered relevant person remains valid until the registration is cancelled under section 25. 15
- (4) A registrable relevant person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.”.

Amendment of section 24

5. In the principal Act, in section 24 — 20
- (a) in the section heading, after “**registered corporations**”, insert “**and registered relevant persons**”;
 - (b) in subsection (1), after “registered corporations”, insert “and registered relevant persons”;
 - (c) in subsection (2), after “any registered corporation” wherever it appears, insert “or registered relevant person”; and 25
 - (d) in subsection (2)(a) and (b), after “the registered corporation”, insert “or registered relevant person”.

Amendment of section 25

6. In the principal Act, in section 25 —

(a) in the section heading, after “**Corporation**”, insert “**and relevant person**”;

5 (b) after subsection (1), insert —

“(1A) A registered relevant person may apply to the Director-General to cancel the registered relevant person’s registration —

10 (a) if the registered relevant person no longer qualifies as a relevant person;

(b) if a prescribed energy-consuming system or a part of a prescribed energy-consuming system in the business activity or premises under the operational control of the registered relevant person is or is to be decommissioned; or

15 (c) in the event of such other occurrence or in such other circumstances as may be prescribed.”;

20 (c) in subsection (2), after “registered corporation”, insert “or registered relevant person”;

(d) in subsection (2), after “subsection (1)”, insert “or (1A) (as the case may be)”;

25 (e) in subsection (3), after “any corporation”, insert “or relevant person”; and

(f) in subsection (3), after “the corporation”, insert “or relevant person (as the case may be)”.

Amendment of section 26

7. In the principal Act, in section 26 —

30 (a) in the section heading, after “**corporation**”, insert “**or relevant person**”;

- (b) in subsection (1), after “registrable corporation”, insert “or any relevant person qualifies as a registrable relevant person”;
- (c) in subsection (1)(a), after “require the corporation”, insert “or relevant person (as the case may be)”; and 5
- (d) in subsection (1)(a)(ii) and (b), after “the corporation”, insert “or relevant person”.

Amendment of section 26A

8. In the principal Act, in section 26A —

- (a) in subsection (4), replace the definition of “new venture” with — 10

““new venture”, in relation to any person, means —

- (a) any new business activity or any premises of the person; or

- (b) any expansion of any existing business activity or any premises of the person, 15

where —

- (c) the new business activity or premises or expansion of the existing business activity or premises will be a prescribed business activity or premises; and 20

- (d) either of the following applies:

- (i) as at 1 January 2018, the person has not applied to the competent authority for planning permission under the Planning Act 1998 for the new business activity or premises or expansion of the existing business activity or premises; 25 30

(ii) as at 1 December 2025, the new business activity or premises or expansion of the existing business activity or premises is not one that is authorised by the Minister charged with the responsibility for national development under section 21(6) of the Planning Act 1998;” and

(b) after subsection (4), insert —

“(5) To avoid doubt, nothing in this section applies to any new business activity or premises or any expansion of any existing business activity or premises that is authorised by the Minister charged with the responsibility for national development under section 21(6) of the Planning Act 1998 before 1 December 2025.”.

Replacement of section 26B

9. In the principal Act, replace section 26B with —

“Minimum energy efficiency standards for prescribed energy-consuming systems

26B.—(1) The Minister may prescribe any person (whether or not a registered corporation) to be a relevant person.

(2) A relevant person that is a registered relevant person must, in relation to each prescribed energy-consuming system in any business activity or premises, or any part of any business activity or premises, under the operational control of the registered relevant person —

(a) in the prescribed manner —

(i) assess, at such times as may be prescribed, the energy efficiency of the prescribed energy-consuming system using the prescribed measuring instruments; and

(ii) monitor the energy efficiency of the prescribed energy-consuming system for the prescribed periods; and

(b) submit the following to the Director-General:

(i) a report of each assessment under paragraph (a)(i); 5

(ii) a report of the results of the monitoring under paragraph (a)(ii) for each prescribed period.

(3) If the energy efficiency of the prescribed energy-consuming system does not meet the prescribed minimum energy efficiency standards, the Director-General may in writing direct the registered relevant person concerned to, within the time period specified in the direction (or any longer time that the Director-General may allow in any particular case) — 10 15

(a) carry out any maintenance work or take any other measures in relation to the system to ensure that it meets the prescribed minimum energy efficiency standards, and carry out again an assessment described in subsection (2)(a)(i); and 20

(b) submit a report of the assessment to the Director-General,

and the registered relevant person must comply with the direction.

(4) Any person who, without reasonable excuse, contravenes subsection (2) or (3) shall be guilty of an offence.” 25

Amendment of section 30

10. In the principal Act, in section 30(1), replace paragraph (a) with —

“(a) assist the registered corporation generally to comply with the provisions of this Act;” 30

Amendment of section 31B

11. In the principal Act, in section 31B(2), replace “section 26A,” with “section 23A, 26A,”.

Saving and transitional provisions

5 **12.**—(1) Where, before the date of commencement of section 9 (called in this section the appointed date), installation and retrofitting works are completed on a prescribed energy-consuming system in any business activity or premises, or any part of any business activity or premises, under the operational control of a person to whom
10 section 26B of the principal Act as in force immediately before the appointed date applies, section 26B of the principal Act as in force before the appointed date continues to apply to the person as if it had not been replaced by this Act.

(2) Where, before the appointed date, the Director-General has,
15 immediately before the appointed date, issued a direction to a relevant person under subsection (3) of section 26B of the principal Act as in force immediately before the appointed date, section 26B of the principal Act as in force before the appointed date continues to apply to the person as if it had not been replaced by this Act.

20 (3) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe any additional provisions of a saving or transitional nature consequent on the enactment of that provision that the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to seeks to amend the Energy Conservation Act 2012 to —

- (a) apply the prescribed minimum energy efficiency standards (MEES) to certain industrial systems that are not newly installed or retrofitted; and
- (b) require works that are lodged with the Urban Redevelopment Authority (the URA) by way of self-declaration under the URA’s Plan Lodgment scheme to undergo an energy efficiency opportunities assessment (an EEOA).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 21 (Interpretation of this Division) to introduce new definitions of “registered relevant person” and “registrable relevant person”.

Clause 3 makes a consequential amendment to the heading of Subdivision (2) (Registration of corporations) of Division 2 (Measures for business activities and premises) of Part 3 (Energy conservation measures for domestic and industry sectors (other than transport)) in light of the amendments under clauses 4 to 7.

Clause 4 inserts a new section 23A to require a registrable relevant person to register with the Director-General of Environmental Protection (the Director-General). The new section 23A parallels section 23 (Registration of registrable corporation) which requires a registrable corporation to register with the Director-General.

Clause 5 amends section 24 (Register of registered corporations) to expand the section to cover registered relevant persons so that the Director-General will also have to keep and maintain a register of the particulars of registered relevant persons.

Clause 6 amends section 25 (Corporation may apply to cancel registration) to expand the section to cover registered relevant persons. A new subsection (1A) is inserted to allow a registered relevant person to apply to the Director-General to cancel its registration in certain circumstances, including where the registered relevant person no longer qualifies as a relevant person, or a prescribed energy-consuming system in the business activity or premises under its control is or is to be decommissioned.

Clause 7 amends section 26 (Power of Director-General to ascertain if corporation is registrable) to expand the section to cover relevant persons. This gives the Director-General the power to ascertain whether a relevant person qualifies as a registrable relevant person.

Clause 8 amends section 26A (Energy efficiency opportunities assessments for new ventures). The clause expands the definition of “new venture” to include works that are lodged with the URA by way of self-declaration under the URA’s Plan Lodgment scheme. The effect of expanding this definition is that such works will now also be required to undergo an EEOA as well. The clause also inserts a new subsection (5) to clarify that the requirement does not apply to such self-declared lodgments prior to 1 December 2025.

Clause 9 replaces section 26B (Minimum energy efficiency standards for prescribed energy-consuming systems). The new section 26B requires both regulated industrial systems that are newly installed or retrofitted as well as existing industrial systems to meet the prescribed MEES. The new section 26B also requires registered relevant persons to continuously monitor the energy efficiency of the regulated industrial systems (whether these systems are existing

or new systems) and submit regular reports to the Director-General on the results of the monitoring.

Clause 10 amends section 30 (Appointment of energy manager) to remove the list of functions of an energy manager in subsection (1)(a). The list of functions is to be prescribed in regulations instead.

Clause 11 amends section 31B (Power of Director-General to waive requirements) to give the Director-General the power to waive the application of the new section 23A (which requires a registrable relevant person to register with the Director-General) in any particular case.

Clause 12 provides for saving and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

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