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## No. S 199

### BUILDING CONTROL ACT (CHAPTER 29)

### BUILDING CONTROL (ENVIRONMENTAL SUSTAINABILITY) REGULATIONS 2008

#### ARRANGEMENT OF REGULATIONS

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In exercise of the powers conferred by section 49 of the Building Control Act, the Minister for National Development hereby makes the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the Building Control (Environmental Sustainability) Regulations 2008 and shall come into operation on 15th April 2008.

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## Definitions

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

“appropriate practitioner”, in relation to any building works, means —

- (a) the qualified person appointed under section 8(1)(a) or 11(1)(d)(i) of the Act to prepare the plans of those building works in accordance with the Act;
- (b) any other qualified person appointed under the Act in respect of those building works; or
- (c) a professional engineer registered under the Professional Engineers Act (Cap. 253) in the branch of mechanical engineering or electrical engineering,

who is, under the Code, recognised as competent to assess the building works and, using the scoring methodology specified in the Code, to express by a numerical score the degree of compliance of those building works with the Code;

“building envelope” means the elements of a building which enclose air-conditioned spaces through which thermal energy may be transferred from the exterior;

“building plans”, in relation to any building works, means the building plans referred to in regulation 4(1)(a)(i) of the Building Control Regulations 2003 (G.N. No. S 666/2003) relating to those building works;

“building services” means any part of, or any controls associated with —

- (a) the air-conditioning system or any assembly of components for the treatment of air, controlling its temperature, humidity, cleanliness and distribution within an air-conditioned space; and
- (b) the mechanical ventilation system for the purposes of supplying or removing air to or from a building or part thereof by mechanical means or devices;

“Code” means the Code for Environmental Sustainability of Buildings issued by the Building and Construction Authority;

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

“Green Mark Certification” means certification under the BCA Green Mark Certification Standard for New Buildings approved by the Commissioner of Building Control and issued by the Building and Construction Authority;

*[S 256/2010]*

“gross floor area” has the same meaning as “floor area” in the Planning (Development Charges) Rules (Cap. 232, R 5);

“mixed-use building” means a non-residential building part of which is constructed or used, or is to be constructed or used, solely as a residence or private dwelling;

“non-residential building” means a building other than a residential building;

“residential building” means a building that is constructed or used, or is to be constructed or used, solely as a residence or private dwelling.

### **Application**

3.—(1) Subject to paragraph (2), these Regulations shall apply only to any of the following building works in respect of which an application for planning permission is submitted to the competent authority under the Planning Act (Cap. 232) on or after 15th April 2008:

- (a) building works which involve a gross floor area of 2,000 square metres or more;
- (b) building works which involve increasing the gross floor area of an existing building by 2,000 square metres or more;
- (c) building works relating to an existing building which involve a gross floor area of 2,000 square metres or more.

(2) Notwithstanding paragraph (1)(c), these Regulations shall not apply to any building works consisting of repairs or alterations to an existing building unless those building works involve the provision, extension or substantial alteration of the building envelope and building services in or in connection with an existing building.

### **Minimum Green Mark score and relevant Green Mark Certification**

4.—(1) For the purposes of these Regulations, the minimum requirement for any building works to which these Regulations apply shall, subject to paragraphs (2), (3) and (4), be the following:

(a) where the building works relate to a residential building not referred to in sub-paragraph (c) or (d) — a Green Mark score of 50 points calculated in accordance with the Code;

*[S 342/2012]*

(b) where the building works relate to a non-residential building not referred to in sub-paragraph (c) or (d) — a Green Mark score of 50 points calculated in accordance with the Code; and

*[S 342/2012]*

(c) where the building works relate to any building on land sold on or after 5th May 2010 under the Government Land Sales Programme and the building is wholly or partly within an area described in the first column of the First Schedule — the relevant Green Mark Certification indicated in the second column of the First Schedule; and

*[S 256/2010; S 342/2012]*

(d) where the building works relate to any building on land sold on or after 20th July 2012 under the Government Land Sales Programme and the building is wholly or partly within an area described in the first column of the Second Schedule — the Green Mark Certification indicated in the second column of the Second Schedule.

*[S 342/2012]*

(2) Where any building works to which these Regulations apply relate —

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- (a) to both residential and non-residential buildings and the respective parts of building works relating to the residential building and to the non-residential building each involve a gross floor area of 2,000 square metres or more; or
  - (b) to any mixed-use building and the building works relating to each of the following parts of the building involve a gross floor area of 2,000 square metres or more:
    - (i) the part of the building which is constructed or used, or is to be constructed or used, as a residence or private dwelling; and
    - (ii) the remaining parts of the same building,

each part of those building works shall be regarded as separate building works, and the minimum Green Mark score or relevant Green Mark Certification in paragraph (1)(a), (b), (c) or (d), as the case may be, shall apply to each part as if each were separate building works.

*[S 256/2010; S 342/2012]*

(3) Where any building works to which these Regulations apply relate —

- (a) to both residential and non-residential buildings and any respective part of the building works relating to the residential building or to the non-residential building involve a gross floor area of less than 2,000 square metres; or
- (b) to any mixed-use building and the building works relating to either of the following parts of the building involve a gross floor area of less than 2,000 square metres:
  - (i) the part of the building which is constructed or used, or is to be constructed or used, as a residence or private dwelling; or
  - (ii) the remaining parts of the same building,

the smaller part of the building works shall be disregarded and the minimum Green Mark score or relevant Green Mark Certification in paragraph (1)(a), (b), (c) or (d), as the case may be, shall apply to the building works as if it comprised only the larger part.

*[S 256/2010; S 342/2012]*

(4) Where any building works to which these Regulations apply relate only to such part of a mixed-use building which is constructed or used, or is to be constructed or used, as a residence or private dwelling, the building works shall be regarded as relating to a residential building.

### **Assignment of numerical score by appropriate practitioner**

5. For the purposes of regulation 4(1)(a) or (b), it shall be the function of every appropriate practitioner who assesses any building works or any part thereof to which these Regulations apply, to express by a numerical score, using the scoring methodology specified in the Code, the degree of compliance of those building works or part thereof with the Code and assign that score accordingly.

*[S 256/2010]*

### **Minimum environmental sustainability standard**

6.—(1) The qualified person appointed under section 8(1)(a) or 11(1)(d)(i) of the Act to prepare the plans of any building works in accordance with the Act shall ensure that the building works are designed with physical features or amenities, and may be carried out using methods and materials, so that —

- (a) the total (using the scoring methodology specified in the Code) of all numerical scores assigned by every appropriate practitioner who assesses the building works or part thereof is not less than the minimum Green Mark score applicable to those building works; or
- (b) the relevant Green Mark Certification is achievable in respect of those building works.

*[S 256/2010]*

(2) Paragraph (1) shall apply in addition to the requirements of Part IV of the Building Control Regulations 2003 (G.N. No. S 666/2003).

### **Submission of scores using Code**

7. In addition to the requirements of regulations 4, 5 and 6 of the Building Control Regulations 2003, the developer of any building works that is subject to a minimum Green Mark score shall, when

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applying for approval of building plans under section 5 of the Act, submit to the Commissioner of Building Control —

- (a) a declaration from each appropriate practitioner who assessed the building works or any part thereof, stating the numerical score he assigned the building works or part thereof under regulation 5 and that the numerical score is correct;
- (b) a statement from the qualified person appointed under section 8(1)(a) or 11(1)(d)(i) of the Act to prepare the plans of those building works in accordance with the Act that the total (using the scoring methodology specified in the Code) of all numerical scores assigned by every appropriate practitioner who assessed the building works or part thereof is not less than the minimum Green Mark score applicable to those building works;
- (c) the total (using the scoring methodology specified in the Code) of all numerical scores assigned by the appropriate practitioners referred to in paragraph (a); and
- (d) such other documents as the Commissioner of Building Control may require in any particular case.

*[S 256/2010]*

### **Deviation from approved building plans**

**8.** Where the plans of any building works or proposed building works that is subject to a minimum Green Mark score have been approved by the Commissioner of Building Control under section 5(3)(a) of the Act and the developer of the building works who intends to depart or deviate from the plans approved —

- (a) the qualified person appointed under section 8(1)(a) or 11(1)(d)(i) of the Act in respect of those building works must ensure that the building works (with such departure and deviation) are still designed with physical features or amenities, and may be carried out using methods and materials, so that the total (using the scoring methodology specified in the Code) of all numerical scores assigned by every appropriate practitioner who assesses the building

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works or part thereof is not less than the minimum Green Mark score applicable to those building works; but

- (b) the developer need not submit to the Commissioner of Building Control the total of all numerical scores assigned by the appropriate practitioners who assessed the building works or part thereof.

[S 256/2010]

### **Submission of as-built scores**

9.—(1) Without prejudice to the requirements of regulation 43 of the Building Control Regulations 2003 (G.N. No. S 666/2003), a temporary occupation permit or, in a case where no such permit is earlier applied for, a certificate of statutory completion shall not be granted in respect of any completed building works where the application for a temporary occupation permit or certificate of statutory completion, as the case may be, is not accompanied by a Green Mark Certificate to show that the required Green Mark Certification has been achieved or where the works are subject to a minimum Green Mark score —

- (a) a declaration from each appropriate practitioner who assessed the completed building works or any part thereof using the Code, stating the numerical score he assigned the building works or part thereof under regulation 5 and that the numerical score is correct;
- (b) a statement from the qualified person appointed under section 8(1)(a) or 11(1)(d)(i) of the Act to prepare the plans of those building works in accordance with the Act that the total (using the scoring methodology specified in the Code) of all numerical scores assigned by every appropriate practitioner who assessed the building works or part thereof is not less than the minimum Green Mark score applicable to those building works; and
- (c) the total (using the scoring methodology specified in the Code) of all numerical scores assigned by the appropriate practitioners referred to in sub-paragraph (a).



(2) On completion of any building works, the developer of the building works shall, when applying for a temporary occupation permit or a certificate of statutory completion, whichever is the earlier, submit to the Commissioner of Building Control —

- (a) the documents referred to in paragraph (1)(a), (b) and (c); and
- (b) such other documents as the Commissioner of Building Control may require in any particular case.

(3) Paragraph (2) shall apply in addition to the requirements of Part V of the Building Control Regulations 2003 (G.N. No. S 666/2003).

[S 256/2010]

### Penalty

**10.—**(1) Any person who contravenes regulation 6(1) or 8(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2) In any proceedings for an offence under paragraph (1), it shall be a defence for the person charged to prove —

- (a) that the commission of the offence was due to the act or default of another appropriate practitioner or to some other cause beyond his control; and
- (b) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or by any person under his control.

### FIRST SCHEDULE

Regulation 4(1)(c)

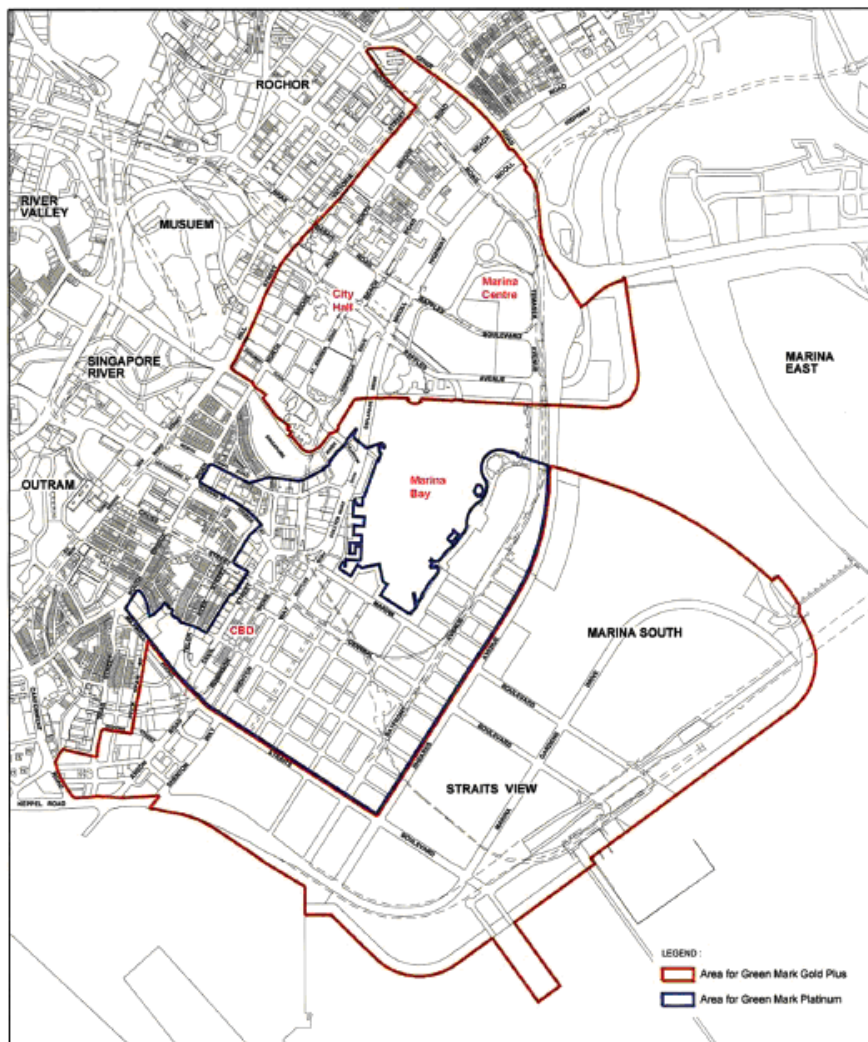
<i>Area</i>	<i>Requirement for building wholly or partly within area that is on land sold on or after 5th May 2010 under the Government Land Sales Programme</i>
Area within blue boundary in Map 1	Green Mark Platinum Rating
Area within red boundary in Map 1	Green Mark GoldPlus Rating
Area within red boundary in Map 2	Green Mark GoldPlus Rating
Area within red boundary in Map 3	Green Mark GoldPlus Rating

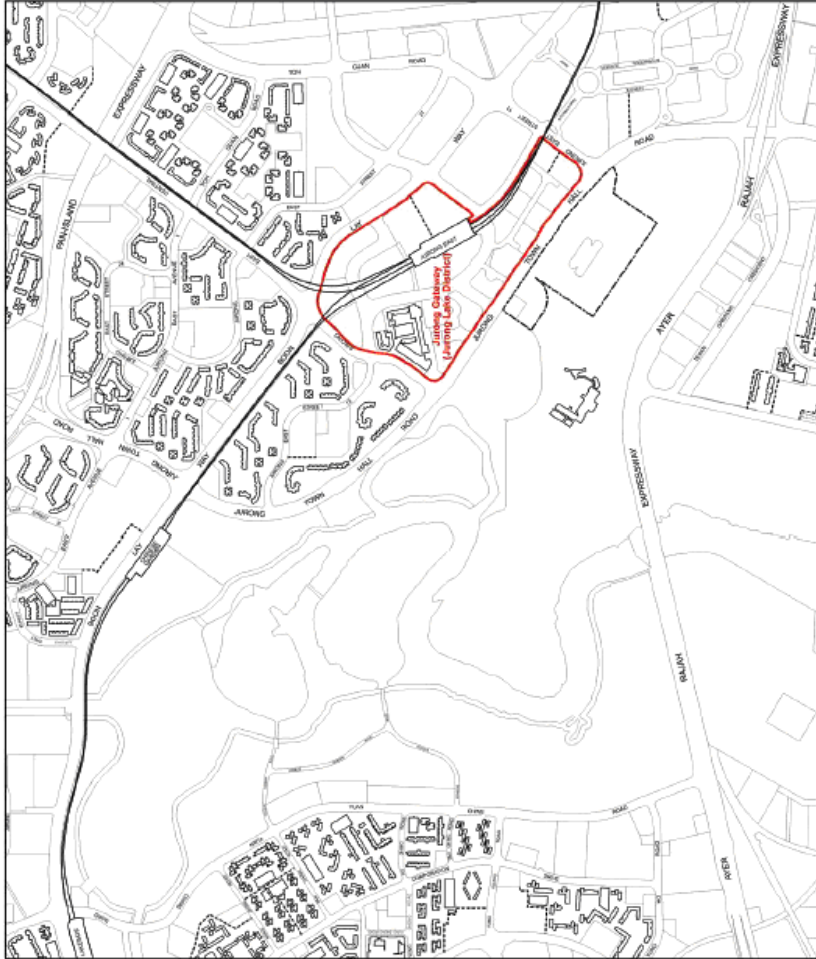
FIRST SCHEDULE — *continued*

Area within red boundary in Map 4

Green Mark GoldPlus Rating

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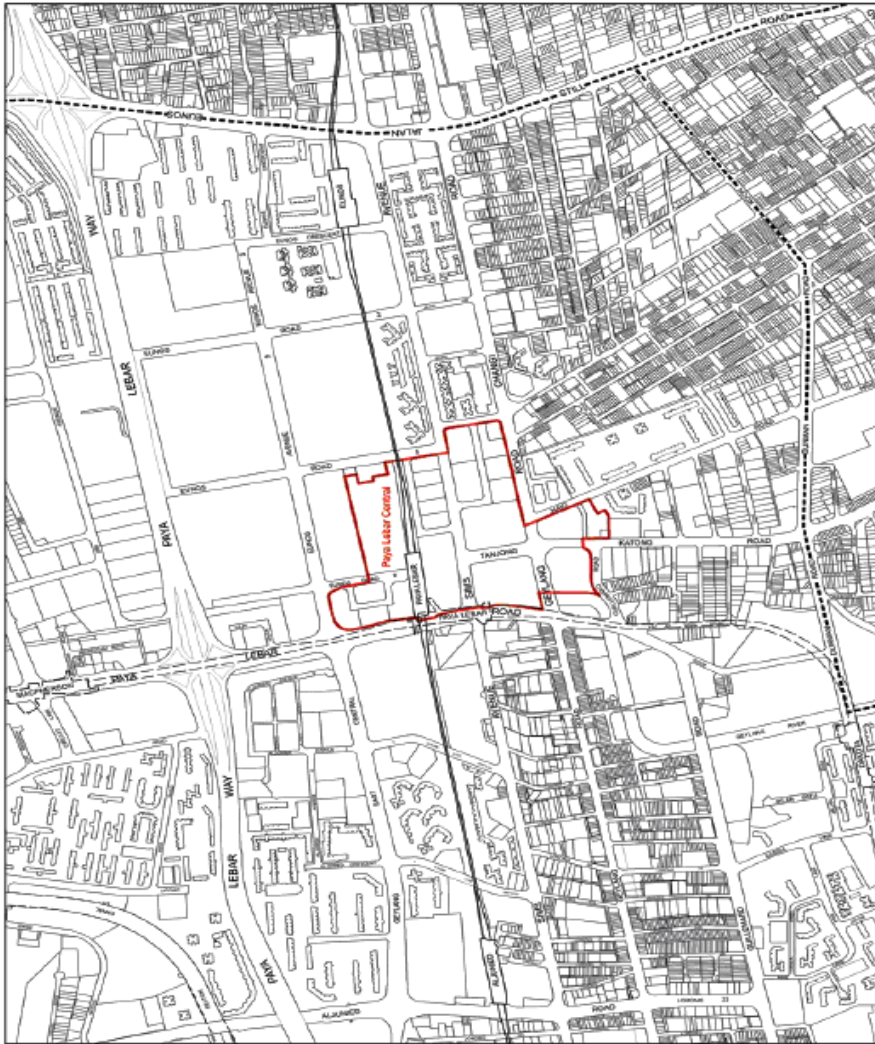
MAP 1  
[Central Area]MAP 2  
[Jurong Gateway]

FIRST SCHEDULE — *continued*

MAP 3

[Paya Lebar Central]

FIRST SCHEDULE — *continued*



MAP 4

[Kallang Riverside]





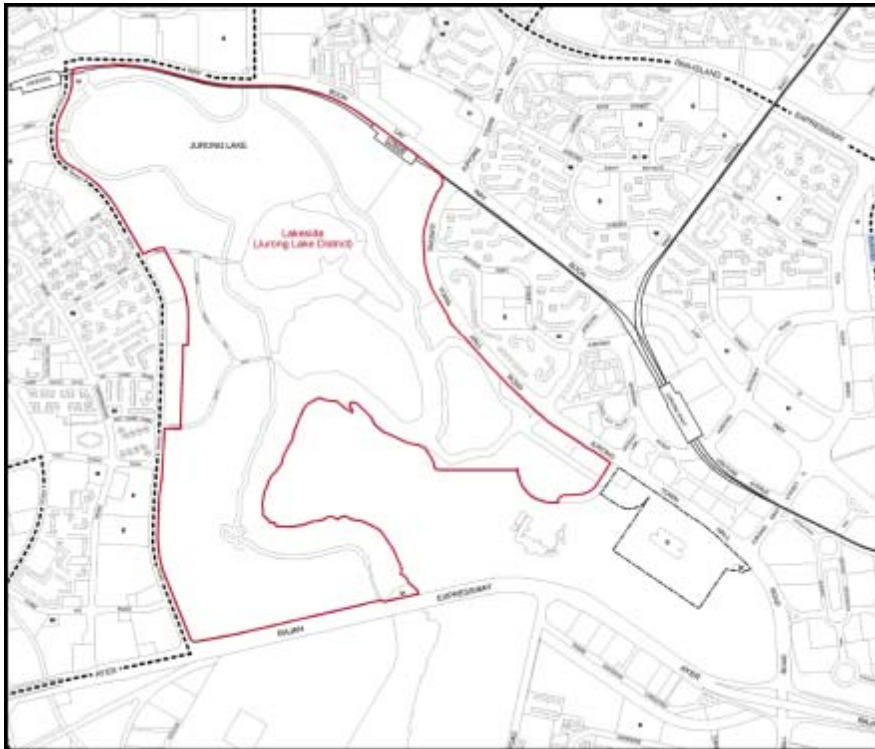
## SECOND SCHEDULE

Regulation 4(1)(d)

<i>Area</i>	<i>Requirement for building wholly or partly within area that is on land sold on or after 20th July 2012 under the Government Land Sales Programme</i>
Area within red boundary in Map 1	Green Mark GoldPlus Rating

MAP 1

## JURONG LAKE DISTRICT



[S 342/2012]

Made this 31st day of March 2008.

TAN TEE HOW  
*Permanent Secretary,*  
*Ministry of National Development,*  
*Singapore.*

[eReg; AG/LEG/SL/29/2002/2 Vol. 1]

(To be presented to Parliament under section 52 of the Building Control Act).