

Circular No : URA/PB/2017/05-DCG
Our Ref : DC/ADMIN/CIRCULAR/PB_17
Date : 16 May 2017

CIRCULAR TO PROFESSIONAL INSTITUTES

Who should know

All Qualified Persons (QPs), including architects, engineers, surveyors, as well as developers and property owners.

Effective date

With immediate effect

Amendments to Planning Act (Cap. 232) - Duties of Developers/ Property Owners and Qualified Persons

1. Under current practice, owners or developers appoint Qualified Persons (QPs) to prepare the plans for submission to URA, as well as to supervise the works, with the exception of very minor works. The Planning Act (the Act) has now been amended to formalise the current practice and arrangements.
2. In the course of supervising the development or works, QPs should notify URA if the works deviate from the approved plans or planning conditions, take reasonable steps to prevent deviations, and submit reports or declarations as required by URA. These requirements are aligned with those under the Building Control Act.
3. With QPs tasked to oversee the key stages of the development process, the new provisions in the Act will ensure that proper professional standards are maintained in the course of development. This serves to safeguard the quality of our built environment.
4. Below is a summary of the responsibilities of developers/property owners and their QPs. An extract of the relevant provisions in the Act can be found [here](#).

Duties of Developers

5. QPs are already being appointed to prepare plans for the application to URA, in line with current procedure. The amended Act formalises the current procedure for the developer to appoint a QP to prepare plans, submit a development application on

his behalf, and supervise the development process or works unless the need to appoint a QP is exempted¹.

6. When there is a change of QP either in the midst of the submission preparation or during the supervision of works, the developer or person applying for permission for carrying out development or works is required to appoint another QP and notify URA within 7 days from the appointment of the new QP. The developer's QP may be delegated to make this notification to URA.

Duties of Qualified Persons

7. The amended Act provides for greater clarity in the roles and responsibilities of QPs. These provisions align with those required by the Building & Construction Authority (BCA) and are already part of the existing practices undertaken by QPs.

A) Duty to Prepare Plans with Correct Declarations

- i. Since 2005, QPs are required to provide declarations² to accompany submissions that the plans have been prepared in compliance with planning and development control guidelines and requirements. The QP who is appointed to prepare plans must exercise due diligence in the preparation of the submission of their plans. As a QP's declaration forms the basis for planning approvals or authorisations, the QP must ensure that the declarations in respect of the proposed works are correct based on information he is expected to know.
- ii. If the QP supervising the building works is different from the QP who prepared the plan, the latter should provide a copy of the approved plan(s) to the former.

B) Duty to Supervise

- i. Based on existing practices, QPs are appointed to supervise the development process or works, except for minor development or works where the appointment of a QP is exempted³.
- ii. The QP who is appointed to supervise the development or works has to take reasonable steps and exercise due diligence in supervising and inspecting the development or works to ensure that they are carried out in accordance

¹ The appointment of a QP is exempted for minor A&A to landed housing and single residential unit, change of use and renewal of planning permission. Details are in the First Schedule of the Planning (Qualified Persons) Rules 2017.

² This was required in the Planning (Declaration by Qualified Person) Rules 2005.

³ The appointment of a supervision QP is exempted for minor A&A to landed housing and single residential unit, as well as change of use. Details are in the Third Schedule of the Planning (Qualified Persons) Rules 2017.

with planning requirements, and the plans as approved in the Written Permission (WP). This will minimise the need for rectification, which can be painful and costly.

- iii. At the completion of the development or works, the QP has to declare to the URA that the development or works have been carried out in accordance with planning requirements, and the WP approved plans. This is similar to the current QP declaration provided to BCA at the application for Temporary Occupation Permit (TOP).
- iv. The QP is to take reasonable steps to cease building works that are not carried out in accordance with planning requirements and the approved plans, or regularise new works that may arise because of site conditions.

C) Duty to Notify URA

- i. The QPs who are appointed to prepare plans, as well as supervise the development or works, will have to notify the URA in writing of any contravention of the Act or any non-compliance with any condition or requirement imposed by the URA in the aforementioned permissions and guidelines.
- ii. If a QP resigns from the job or is terminated by the developer, the QP shall notify the URA of that fact within 14 days from the date when he ceases to carry out his QP duties. Please refer to [Annex A](#) for the Notification Form.

Implementation

- 8. With immediate effect, QPs/developers are to notify the URA if there are changes in the appointment of QP (using the form [Annex A](#)). Revised process for planning permission granted for non-conserved buildings take will take effect in 6 months' time (i.e. 16 Nov 2017) and are outlined in Table 1 :

Table 1

Proposals granted Conservation Permission and involve works to Conserved Buildings (no change)	Proposals granted Planning Permission for Non-Conserved Buildings (Revised Process)
QPs appointed to supervise works will continue to provide a declaration to the URA that the completed works to the conserved building(s) on site have been carried out according to the approved plans when making an application for TOP/CSC Clearance.	From <u>16 Nov 2017</u> onwards, QPs appointed to supervise will have to provide a declaration to the URA that the development has been built in accordance with the WP approved plans before applying to BCA for the Temporary Occupation Permit (TOP)*.

Proposals granted Conservation Permission and involve works to Conserved Buildings (no change)	Proposals granted Planning Permission for Non-Conserved Buildings (Revised Process)
	<p>In response to feedback from industry professionals, we have identified a list of key parameters for QPs to declare, that the key items of concern are built in accordance with the approved WP plans prior to TOP:</p> <ol style="list-style-type: none"> 1. Building footprint including the external walls, private enclosed spaces and private terraces 2. Setback from all site boundaries 3. Building height 4. 1st storey building and external platform levels, including height of basement protrusion where applicable 5. No. of floors (including basement, mezzanine, and attic) 6. Height of retaining wall(s) 7. Internal voids 8. Publicly accessible or communal areas that were given GFA exemption 9. The retention of any existing structures approved or required to be retained <p>A 3% construction tolerance will be given for minor deviations. Surveyed drawings of as-built structures may be provided in supporting the declaration by QP.</p> <p>The updated Electronic Development Application (EDA) form (incorporating the above declaration) will be released to the industry by 16 Sep 2017 (see Annex B).</p> <p>* For developments approved with specific schemes e.g. night lighting and landscape replacement areas, the existing process for inspection/verification prior to TOP remains unchanged.</p>

9. The amendments to Planning Act (Cap. 232) formalises and provides clarity on the duties, responsibilities and liabilities of QPs, who are professionals such as architects, engineers and surveyors, as well as developers. Even with these provisions, we wish to assure QPs that action will only be taken against QPs for significant deviations detected on site or when there has been a deliberate and wilful attempt to deceive the authorities or blatant disregard of the authorities' requirements. For most cases with minor deviations, URA will continue to work with the QPs to rectify the deviations through plan amendments.
10. I would appreciate it if you could convey the contents of this circular to your members. For other information on the master plan, urban design guidelines, private property use and approval, car park locations and availability, private residential property transactions, and conservation areas and buildings, use URA SPACE (Service Portal and Community e-Services). This is an online portal packed with useful data and visualisation to help building professionals, business operators and the general public in their decision-making. It consolidates detailed information on land use and private property into a one-stop platform presented on geospatial maps. For feedback or enquiries, please email us.

Thank you.

GOH CHIN CHIN (MS)
AG GROUP DIRECTOR (DEVELOPMENT CONTROL)
for CHIEF EXECUTIVE OFFICER
URBAN REDEVELOPMENT AUTHORITY

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**NOTIFICATION OF TERMINATION OF APPOINTMENT AS QUALIFIED PERSON UNDER
SECTIONS 24A(2) & 24B(5) OF THE PLANNING ACT (CAP. 232)**

To : Chief Executive Officer
Urban Redevelopment Authority
as Competent Authority
under the Planning Act (Cap. 232)

Project Title:			
	("the Project")		
DC Reference:	ES		
Name of Qualified Person :			
Professional Registration No :			
Name of Professional Firm :			
Address :			
Tel No :		Handphone No :	
E-mail address :		Fax No:	

Section 1

In respect of the development described above, I am notifying the Competent Authority that with effect from _____ (date), I have ceased to carry out my duties as the appointed qualified person:

- [] to prepare plans for in respect of an application for planning permission or conservation permission for the Project (under section 13 of the Planning Act).
- [] to supervise the carrying out of any development or works for the Project (under section 19A of the Planning Act).

Section 2

(To be completed by QPs appointed to supervise the carrying out of development or works for the Project)

I declare to the best of my knowledge and belief that:

- [] no development or works for the Project have commenced or been carried out at the site.
- [] development or works for the Project have commenced or been carried out at the site.
I submit the required declaration at Appendix 1.

Signature of Qualified Person:		Date:	
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**Declaration required under Section 24B(5)(b)
of the Planning Act (Cap. 232)**

The development or works of the Project listed below have been carried out in accordance with the provisions of the Act, any conditions and requirements imposed by the Competent Authority and where applicable, all relevant approved plans in granting the WP for this Project.

Where partial works have been carried out, please provide a description of the development or works carried out until the date of termination.

(To use separate sheets if space is insufficient)

QP DECLARATION FOR SUPERVISION OF DEVELOPMENT (WHERE THERE ARE NO CONSERVED BUILDINGS/STRUCTURES)

- 1) Select “Request for Clearance of Works Completed (Non-Conservation)” under Application Type

The screenshot shows the URA application form interface. At the top, there is a toolbar with icons for New, Open, Save, Print, Close, Exit, Help, and Fee. Below the toolbar, the 'Application Group' is set to 'Clearance'. The 'Application Type' is set to 'Request for Clearance of Works Completed (Non-Conservation)'. The 'Submission Type' is set to 'New Submission (for fresh submission and fresh amendment submission to Written Permission)'. The 'Lodgment Type' is set to 'New Submission'. The 'Total Multiple Development Option' is set to 'None'. The 'Copy information from Previous EDAform' field is empty, with a 'Browse' button next to it. Below these fields are 'OK' and 'Cancel' buttons. A message box at the bottom states: 'This form may take you 5-10 minutes to complete. Please refer to the [important note / conditions of applications / documents to be produced / furnishing of particulars](#) before you proceed to complete the form. This form relates to any development of land where there are no conserved building/structures. Where there are conserved buildings/structures within the subject site, please select the declaration forms for "conserved buildings".'

- 2) Fill in the relevant information e.g. Written Permission and Approved Plan details accurately.
- 3) Read the QP's declaration carefully before clicking the “I agree” button.

The screenshot shows the URA application form interface with the 'Declaration' section selected. The 'File Name' is 'c:\temp\test.edf'. The 'App. Type' is 'Request for Clearance of Works Completed (Non-Conservation)'. The 'Lod. Type' is 'New Submission'. The 'Sub. Type' is 'New Submission (for fresh submissi...'. The 'Declaration' section contains the following text: 'I declare to the best of my knowledge and belief that - (1) I am the qualified person appointed to supervise the carrying out of any development and/or works for the proposal (as set out in the Proposal Details section of this EDA Form) as approved by the Written Permission(s) with approved plan(s) (as set out in the Submission Information section of this EDA Form) under section 19A of the Planning Act (Cap. 232) ("the Act") (hereinafter collectively referred to as "the Proposal"); (2) I have supervised the carrying out of the development and/or works for the Proposal in accordance with the duties of a qualified person under section 24B(1) of the Act; (3) in particular, the relevant items of the Proposal listed below have been completed in accordance with the provisions of the Act, the conditions and requirements imposed in the Written Permission(s) and the approved plan(s) (as set out in the Submission Information section of this EDA Form), as the case may be: (a) building footprint including the external walls, private enclosed spaces and'. Below the declaration text is a 'Signed By:' field with a placeholder '(QP's name)' and an 'I Agree' button.

- 4) Submit as an application through CORENET under DC Submission to URA.
- 5) URA will reply within 5 working days. If the works involve specific schemes e.g. night lighting and landscape replacement areas, URA will reply within 20 working days.
- 6) Submit URA's letter to BCA together with the application for TOP/CSC.

QP DECLARATION FOR SUPERVISION OF DEVELOPMENT AND/OR WORKS INVOLVING CONSERVED AND NON-CONSERVED BUILDINGS AND/OR STRUCTURES

- 1) Select “Request for TOP/CSC Site Inspection of Conserved Buildings” under Application Type

Application Group: Clearance

Application Type: Request for TOP/CSC Site Inspection of Conserved Buildings

Submission Type: New Submission (for fresh submission and fresh amendment submission to Written Permission)

Lodgment Type: [Empty]

Total Multiple Development Option: [Empty]

Copy information from Previous EDAform: [Empty] Browse

OK Cancel

This form may take you 5-10 minutes to complete.
Please refer to the [important note / conditions of applications / documents to be produced / furnishing of particulars](#) before you proceed to complete the form.

This form relates to any development or works involving:
 (1) Conserved building(s)/structure(s); or
 (2) Conserved and non-conserved building(s)/structure(s)

- 2) Fill in the relevant information e.g. Written Permission and Approved Plan details accurately.
- 3) In the declaration tab, select the option in the red box that relates to the works involved and the relevant QP's declaration will appear.
- 4) Read the QP's declaration carefully before clicking the “I agree” button.

File Name: C:\Users\uraaglow\Desktop\yyy.edf

App. Type: Request for TOP/CSC Site Inspection of Conserved Buildings

Lod. Type: [Empty]

Sub. Type: New Submission (for fresh submission)

Submission Information

- Proposal Details
- Mukim & Lot Details
- Site Address
- Person/Organisation
- Scheme Type
- Building Plan
- Declaration**

Declaration

Which of the following does your proposal involve?

☒ Conserved building(s)/structure(s) ☐ Conserved and non-conserved building(s)/structure(s)

I declare that to the best of my knowledge and belief that -

(1) I am the qualified person appointed to supervise the carrying out of any works for the Proposal (as set out in the Proposal Details section of this EDA Form) as approved by the Written Permission(s) with approved plan(s) (as set out in the Submission Information section of this EDA Form) under 19A of the Planning Act (Cap. 232) ("the Act") (hereinafter referred to collectively as "the Proposal");

(2) I have supervised the carrying out of the works for the Proposal in accordance with the duties of a qualified person under section 24B(1) of the Act; and

(3) in particular, the works for the Proposal have been completed in accordance with the provisions of the Act, the conditions and requirements imposed in the Written Permission(s), approved plan(s) (as set out in the Submission Information section of this EDA Form), and conservation guidelines.

Signed By: [Empty]
(QP's name)

I Agree

- 5) Submit as an application through CORENET under DC Submission to URA.
- 6) URA will reply within 20 working days.
- 7) Submit URA's letter to BCA together with the application for TOP/CSC.

AMENDMENTS TO PLANNING ACT (CAP. 232)
DUTIES OF DEVELOPERS/PROPERTY OWNERS AND QUALIFIED
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Relevant clauses of the Amendments to Planning Act
<p><u>Section 13 – Application for Permission</u></p> <p>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.</p> <p>(1A) Unless otherwise prescribed, a person applying for —</p> <p>(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</p> <p>(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.</p> <p>(1B) Where the qualified person appointed under subsection (1A) ceases to be appointed for any reason, the developer must —</p> <p>(a) without delay appoint another qualified person in accordance with subsection (1A); and</p> <p>(b) within 7 days after the appointment under paragraph (a), notify the competent authority of that appointment.</p> <p>(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.</p> <p>(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.</p>
<p><u>Section 19A – Developer must appoint qualified person to supervise development or works</u></p> <p>19A.—(1) Unless otherwise prescribed, a developer carrying out</p> <p>(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</p> <p>(b) any works within a conservation area must, before the works start, appoint an architect to carry out the duties under section 24B.</p> <p>(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—</p> <p>(a) without delay appoint another qualified person in accordance with subsection (1); and</p> <p>(b) within 7 days after the appointment under paragraph (a), notify the competent authority of that appointment.</p>

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<p>Relevant clauses of the Amendments to Planning Act</p> <p>(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—</p> <p>(a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and</p> <p>(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.”</p>
<p><u>Section 20A – Power to require as-built plans</u></p> <p>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 —</p> <p>(a) as-built plans of the development or works prepared by a land surveyor in accordance with the requirements specified by the competent authority;</p> <p>(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.</p> <p>(2) Subsection (1) applies at any time after the commencement of the development or works but before —</p> <p>(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</p> <p>(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.</p>
<p><u>PART IIIA – Qualified Persons</u></p> <p><u>Section 24A – Duties of qualified person appointed under section 13</u></p> <p>24A.—(1) Every qualified person who is appointed under section 13 in respect of an application for planning permission or conservation permission must —</p> <p>(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 —</p> <p style="padding-left: 40px;">(i) the provisions of this Act;</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(iii) all relevant guidelines of the competent authority;</p>

AMENDMENTS TO PLANNING ACT (CAP. 232)
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Relevant clauses of the Amendments to Planning Act

(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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Relevant clauses of the Amendments to Planning Act
<p><u>Section 24B – Duties of qualified persons appointed to supervise development or works</u></p> <p>24B.—(1) Every qualified person who is appointed under section 19A to supervise the carrying out of any development or works must —</p> <p>(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 —</p> <p style="padding-left: 40px;">(i) the provisions of this Act;</p> <p style="padding-left: 40px;">(ii) the conditions and requirements imposed by the competent authority in the planning permission or conservation permission, as the case may be; and</p> <p style="padding-left: 40px;">(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;</p> <p>(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);</p> <p>(c) take all reasonable steps to immediately stop or cease the contravention or non-compliance mentioned in paragraph (b); and</p> <p>(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).</p> <p>(2) A qualified person —</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>(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 —</p> <p style="padding-left: 40px;">(a) the provisions of this Act;</p> <p style="padding-left: 40px;">(b) the conditions and requirements imposed by the competent authority in the planning permission or conservation permission, as the case may be; and</p>

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Relevant clauses of the Amendments to Planning Act
<p>(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.</p> <p>(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 —</p> <p>(a) notify the competent authority of that fact; and</p> <p>(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 —</p> <p style="padding-left: 40px;">(i) the provisions of this Act;</p> <p style="padding-left: 40px;">(ii) the conditions and requirements imposed by the competent authority in the planning permission or conservation permission, as the case may be; and</p> <p style="padding-left: 40px;">(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.</p> <p>(6) A qualified person —</p> <p>(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</p> <p>(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.</p> <p>(7) In relation to a continuing failure to comply with the requirement mentioned in subsection (1), (4) or (5) —</p> <p>(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</p> <p>(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.</p>

AMENDMENTS TO PLANNING ACT (CAP. 232)
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Relevant clauses of the Amendments to Planning Act
<p><u>Section 24C – False declarations</u></p> <p>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 —</p> <p>(a) to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both; or</p> <p>(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.</p> <p>(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 —</p> <p>(a) to a fine not exceeding \$15,000 or to imprisonment for a term not exceeding 3 months or to both; or</p> <p>(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.</p> <p>(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 —</p> <p>(a) an offence under subsection (1) or (2);</p> <p>(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</p> <p>(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.</p>
<p><u>First Schedule</u></p> <p>QUALIFIED PERSONS</p> <ol style="list-style-type: none">1. An architect.2. An engineer.3. A land surveyor.

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

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