

Employment of Foreign Workers (Levy) (Amendment) Order 1997

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No. S 326

EMPLOYMENT OF FOREIGN WORKERS ACT (CHAPTER 142)

EMPLOYMENT OF FOREIGN WORKERS (LEVY) (AMENDMENT) ORDER 1997

In exercise of the powers conferred by section 11(1) of the Employment of Foreign Workers Act, the Minister for Labour hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Employment of Foreign Workers (Levy) (Amendment) Order 1997 and shall be deemed to have come into operation on 1st March 1997.

Amendment of paragraph 2

2. Paragraph 2 of the Employment of Foreign Workers (Levy) Order (O 1) is amended —

- (a) by inserting, immediately before the definition of “construction worker”, the following definitions:

“ “Board” means the Housing and Development Board

established by the Housing and Development Act (Cap. 129);

“commercial property” and “common property” have the same meanings as in the Town Councils Act (Cap. 329A);

“conservancy worker” means any person who is employed by a contractor of a Town Council in, or in connection with, the collection of refuse from, or the cleaning of, the common property of residential and commercial property in the housing estates of the Board within the Town of the Town Council;”;

- (b) by inserting, immediately after the definition of “harbour craft”, the following definition:

““Institute of Technical Education, Singapore” means the Institute of Technical Education, Singapore established by the Institute of Technical Education Act (Cap. 141A);”;

- (c) by inserting, immediately after the definition of “marine worker”, the following definitions:

““process industry maintenance worker” means any person who is employed in, or in connection with, the preventive, predictive and breakdown maintenance of plant equipment in a petroleum or petro-chemical refinery;

“residential property” has the same meaning as in the Town Councils Act (Cap. 329A);”;

- (d) by deleting the definition of “skilled marine worker” and substituting the following definitions:

““skilled marine worker” means a marine worker who has passed a test conducted or recognised by the former Vocational and Industrial Training Board, or by the Institute of Technical Education, Singapore, in a marine-related skill approved by the Controller;

“skilled process industry maintenance worker” means a process industry maintenance worker who has passed a test conducted or recognised by the Institute of Technical Education, Singapore in a process industry maintenance-related skill approved by the Controller;

“Town” and “Town Council” have the same meanings as in the Town Councils Act (Cap. 329A);” and

- (e) by deleting the definition of “unskilled marine worker” and substituting the following definitions:

“ “unskilled marine worker” means a marine worker who is not a skilled marine worker;

“unskilled process industry maintenance worker” means a process industry maintenance worker who is not a skilled process industry maintenance worker.”.

Amendment of paragraph 3

3. Paragraph 3 of the Employment of Foreign Workers (Levy) Order is amended —

- (a) by deleting sub-paragraphs (11) to (16) and substituting the following sub-paragraphs:

“Levy payable by employer where percentage of foreign manufacturing workers does not exceed 40% on or after 1st June 1997

(11) Subject to sub-paragraph (12), where the percentage of an employer’s foreign manufacturing workers on or after 1st June 1997 does not exceed 40% of his total number of workers, the levy payable in respect of each foreign manufacturing worker shall be —

- (a) at the rate of \$330 for each calendar month; and
- (b) where any foreign manufacturing worker is employed for part of a month, at the rate of \$11 for each day during which the foreign manufacturing worker is employed in that month.

Where percentage of foreign manufacturing workers is reduced to 40% or below on or after 1st June 1997

(12) Where on or after 1st June 1997 the percentage of an employer’s foreign manufacturing workers exceeds 40% of his total number of workers, but is subsequently reduced to 40% or below of his total number of workers, the employer is not eligible to pay the levy at the rate specified in sub-paragraph (11) in respect of any foreign manufacturing worker —

- (a) until the time the employer renews the work permit of that foreign manufacturing worker; or
- (b) unless before that time the Controller approves an application by the employer (to be made in the form required by the Controller) to pay the levy at the rate specified in sub-paragraph (11) in respect of that foreign manufacturing worker,

and in either case, the levy at the rate specified in sub-paragraph (11) does not apply until the first day of the month following the month in which the work permit is renewed, or the application to the Controller is approved, as the case may be.

Levy payable by employer where percentage of foreign manufacturing workers exceeds 40% on or after 1st June 1997

(13) Subject to sub-paragraphs (14) and (15), where the percentage of an employer's foreign manufacturing workers on or after 1st June 1997 exceeds 40% of his total number of workers —

- (a) the levy payable in respect of each foreign manufacturing worker not exceeding 40% of the employer's total number of workers shall be at the rate specified in sub-paragraph (11); and
- (b) the levy payable in respect of each foreign manufacturing worker in excess of 40% of the employer's total number of workers shall be —
 - (i) at the rate of \$400 for each calendar month; and
 - (ii) where that foreign manufacturing worker is employed for part of a month, at the rate of \$14 for each day during which the foreign manufacturing worker is employed in that month.

Where percentage of foreign manufacturing workers exceeds 40% due to reduction in number of local workers on or after 1st June 1997

(14) Where the percentage of an employer's foreign