

Legislation

The relevant provisions relating to works affecting storm water drainage system under the **Sewerage and Drainage Act, Chapter 294**, are reproduced below:

Works affecting storm water drainage system

- 26.- 1. No person shall carry out or cause to be carried out –
- a. any works which affect or are likely to affect any storm water drainage system, drain or drainage reserve, directly or indirectly; or
 - b. any works that could lead to the discharge of silt directly or indirectly into any storm water drainage system, drain or drainage reserve,
- without obtaining, in respect of those works, a clearance certificate or the approval of the Board under section 33.
2. Every person given a clearance certificate or approval by the Board to carry out any works under subsection (1) shall —
 - a. notify the Board in writing before the commencement of the works;
 - b. provide adequate silt control measures in accordance with any standards or guidelines issued by the Board before the commencement and for the duration of the works; and
 - c. comply with the conditions of the clearance certificate or approval, if any.
 3. The Board may prescribe standards and limits in respect of any discharge of silt into any storm water drainage system, drain or drainage reserve.
 4. Where any works are or have been carried out in contravention of subsection (1) or (2), or as a result of which silt is discharged which exceeds the standards or limits prescribed under subsection (3), the Board may do all or any of the following:
 - a. by notice in writing require the person who carried out, or caused to be carried out, the works, or the owner or occupier of any premises in respect of which the works were carried out, to do one or more of the following:
 - i. to cease immediately the carrying out of those works, either indefinitely or for such period as may be specified by the Board;
 - ii. to carry out such works as the Board may think necessary to restore the storm water drainage system, drain or drainage reserve to its original condition or to protect the storm water drainage system, drain or drainage reserve, within such time as may be specified in the notice;
 - iii. to take such measures as the Board may think necessary to comply with subsection (2)(b) or (c) or adhere to the standards or limits prescribed under subsection(3);
 - b. revoke the clearance certificate or approval given, or suspend the clearance certificate or approval for such period as the Board considers reasonable.
 5. Any person who —
 - a. contravenes subsection (1) or (2);
 - b. without reasonable excuse, fails to comply with a notice of the Board under subsection (4)(a); or

- c. carries out any works after the clearance certificate or approval relating to those works has been revoked or during such period as the clearance certificate or approval is suspended under subsection (4)(b),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

6. Where the person on whom the notice is served under subsection (4)(a) fails to comply with the notice, an authorised officer may, at all reasonable hours in the day or night, or at such other time as may be agreed with the owner or occupier of the premises to which the notice relates, enter the premises and take such measures and execute such work as may be necessary to secure compliance with the notice but without prejudice to any proceedings that may be taken against that person under subsection (5).
7. Any expenses reasonably incurred by the Board under subsection (6) may be recovered from the person who failed to comply with the notice served on him under subsection (4)(a), and section 48 and, if that person is the owner of the premises, section 50 shall apply in respect of those expenses.
8. Nothing in this section shall be construed as prohibiting the Board from carrying out any works specified in any notice under subsection (4)(a) at the request of a person who has been served with the notice upon an undertaking by that person to pay the costs and expenses in executing the works.

The relevant provisions relating to prohibition of discharge of silt into storm water drainage system under the Sewerage and Drainage (Surface Water Drainage) Regulations (Revised Edition 2007) are reproduced below:

Prohibition of discharge of silt, etc. into storm water drainage system

4. -
 1. No person shall discharge or cause or permit the discharge into the storm water drainage system of Total Suspended Solids in concentrations greater than 50 milligrams per litre of the discharge.
 2. Every person carrying out earthworks or construction works shall comply with the [Code of Practice](#) and in particular with the following requirements:
 - a. earth control measures shall be provided and maintained in accordance with the Code of Practice;
 - b. runoff within, upstream of and adjacent to the work site shall be effectively drained away without causing flooding within or in the vicinity of the work site.
 - c. all earth slopes shall be set outside a drainage reserve;
 - d. all earth slopes adjacent to any drain shall be closed turfed; and
 - e. adequate measures shall be taken to prevent any earth, sand, topsoil, concrete, debris or any other material to fall or washed into the storm water drainage system from the stockpile thereof.
6. - Any person who contravenes or fails to comply with any provision of these Regulations shall be guilty of an offence and shall be liable on conviction to a fine not exceeding **\$5,000** and, in the case of a continuing offence, to a further fine of **\$500** for every day or part thereof during which the offence continues after conviction.