

Employment of Foreign Workers (Levy) (Amendment No. 2) Order 2005

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EMPLOYMENT OF FOREIGN WORKERS ACT
(CHAPTER 91A)

EMPLOYMENT OF FOREIGN WORKERS (LEVY) (AMENDMENT NO. 2) ORDER
2005

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

Citation and commencement

1. This Order may be cited as the Employment of Foreign Workers (Levy) (Amendment No. 2) Order 2005 and shall come into operation on 1st July 2005.

Amendment of paragraph 2

2. Paragraph 2 of the Employment of Foreign Workers (Levy) Order (O 1) (referred to in this Order as the principal Order) is amended by inserting, immediately after the definition of “skilled process construction and maintenance worker”, the following definitions:

““S Pass” means any work permit designated by the Controller as an S Pass;

“threshold percentage”, in relation to an employer’s foreign workers, means —

- (a) in the case of foreign workers referred to in paragraphs 4 to 4C, 30% of the employer’s total number of workers;
- (b) in the case of foreign manufacturing workers, 40% of the employer’s total number of workers; or
- (c) in the case of conservancy workers, 40% of the employer’s total number of workers;”.

Deletion and substitution of paragraph 4 and new paragraphs 4A, 4B and 4C

3. Paragraph 4 of the principal Order is deleted and the following paragraphs substituted therefor:

“Levy payable by employer where percentage of foreign workers other than those specified in other paragraphs does not exceed 30%

4. Subject to paragraph 4B, where at any time on or after 1st July 2005, the

number of an employer's foreign workers (other than those specified in the other paragraphs) expressed as a percentage of his total number of workers does not exceed the threshold percentage for those foreign workers, the levy payable in respect of each foreign worker shall be —

- (a) at the rate of \$240 for every calendar month; and
- (b) where the foreign worker is employed for part of a month, at the rate of \$8 for every day during which the foreign worker is employed in that month, subject to a maximum of \$240 in the aggregate.

Levy payable by employer where percentage of foreign workers exceeds 30%

4A.—(1) Subject to paragraph 4C, where at any time on or after 1st July 2005, the number of an employer's foreign workers (other than those specified in the other paragraphs) expressed as a percentage of his total number of workers exceeds the threshold percentage for those foreign workers —

- (a) the levy payable in respect of each foreign worker not exceeding the threshold percentage shall be at the rate specified in paragraph 4; and
- (b) unless the Controller otherwise allows under sub-paragraph (2), the levy payable in respect of each foreign worker exceeding the threshold percentage shall be —
 - (i) at the rate of \$500 for every calendar month; and
 - (ii) where the foreign worker is employed for part of a month, at the rate of \$17 for every day during which the foreign worker is employed in that month, subject to a maximum of \$500 in the aggregate.

(2) The Controller may, in his discretion, allow an employer to pay the levy at the rate specified in paragraph 4 regardless of the number of the employer's foreign workers when expressed as a percentage of his total number of workers.

Where percentage of foreign workers is reduced to 30% or below

4B.—(1) The levy payable by an employer under paragraph 4A(1)(b) in respect of any of his foreign worker shall continue unchanged in respect of that foreign worker even though the number of his foreign workers (other than those specified in the other paragraphs) expressed as a percentage of his total number of workers subsequently falls below or is reduced to the threshold percentage for those foreign workers, unless the Controller —

- (a) renews the work permit of that foreign worker; or
- (b) approves an application by the employer to pay the levy at the rate specified in paragraph 4 or 26 in respect of that foreign worker.

(2) Any change in the rate of levy permitted under sub-paragraph (1)(a) or (b) shall take effect only from the first day of the month following the month in which the work permit is renewed or the application to the Controller is approved, whichever first occurs.

Where percentage of foreign workers exceeds 30% due to reduction in number of local workers

4C.—(1) The levy payable by an employer under paragraph 4 in respect of any of his foreign worker shall continue unchanged in respect of that foreign worker even though the number of his foreign workers expressed as a percentage of his total number of workers exceeds the threshold percentage for those foreign workers because of a subsequent reduction in the number of his local workers, unless the Controller —

- (a) renews the work permit of that foreign worker; or
- (b) approves an application by the employer to pay the levy at the rate specified in paragraph 4 or 26 in respect of that foreign worker.

(2) Any change in the rate of levy permitted under sub-paragraph (1)(a) or (b) shall only take effect from the first day of the month following the month in which the work permit is renewed or the application to the Controller is approved, whichever first occurs.”.

Amendment of paragraph 5

4. Paragraph 5 (1) of the principal Order is amended —

- (a) by inserting, immediately after the words “in that month” in sub-paragraph (a)(ii), the words “, subject to a maximum of \$200 in the aggregate”; and
- (b) by inserting, immediately after the words “in that month” in sub-paragraph (b)(ii), the words “, subject to a maximum of \$295 in the aggregate”.

Amendment of paragraph 6

5. Paragraph 6 of the principal Order is amended —

- (a) by deleting “\$50” in sub-paragraphs (a) and (b) and substituting in each

case “\$80”; and

(b) by deleting “\$2” in sub-paragraph (b) and substituting “\$3”.

Amendment of paragraph 9

6. Paragraph 9 of the principal Order is amended —

(a) by deleting “\$50” in sub-paragraphs (a) and (b) and substituting in each case “\$80”; and

(b) by deleting “\$2” in sub-paragraph (b) and substituting “\$3”.

Deletion and substitution of paragraphs 12 to 15 and new paragraphs 15A and 15B

7. Paragraphs 12 to 15 of the principal Order are deleted and the following paragraphs substituted therefor:

“Levy payable by employer where percentage of foreign manufacturing workers does not exceed 40%”

12. Subject to paragraph 15, where at any time on or after 1st July 2005, the number of an employer’s foreign manufacturing workers expressed as a percentage of his total number of workers does not exceed the threshold percentage for those foreign manufacturing workers, the levy payable in respect of each foreign manufacturing worker shall be —

(a) at the rate of \$240 for every calendar month; and

(b) where the foreign manufacturing worker is employed for part of a month, at the rate of \$8 for every day during which the foreign manufacturing worker is employed in that month, subject to a maximum of \$240 in the aggregate.

Levy payable by employer where percentage of foreign manufacturing workers exceeds 40% but does not exceed 50%

13. Subject to paragraphs 15A and 15B, where at any time on or after 1st July 2005, the number of an employer’s foreign manufacturing workers expressed as a percentage of his total number of workers exceeds the threshold percentage for those workers but does not exceed 50% —

(a) the levy payable in respect of each foreign manufacturing worker not exceeding the threshold percentage shall be at the rate specified in paragraph 12; and

(b) the levy payable in respect of each foreign manufacturing worker