



An MND Statutory Board

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For enquiries, please contact
Building Engineering Group (#12-00)
Tel: 1800 3425 222 (1800-DIAL-BCA)
or use our online Feedback Form at:
<https://www.bca.gov.sg/feedbackform/>

Dear Sir/Madam

ADVISORY ON THE DUTIES AND RESPONSIBILITIES OF DEVELOPERS

Objective

This circular aims to remind Developers of their duties under Section 8(3) of the Building Control Act 1989 (“**BC Act**”), and to advise Developers on the steps they should take to fulfil their duties under Section 8(3). The circular also aims to advise Developers on the systems that they can adopt to be smart buyers of professional services.

Background

2 Section 8(3) of the BC Act sets out that “The developer of any building works must notify the Commissioner of Building Control of any contravention of this Act or the building regulations relating to those building works of which the developer knows or ought reasonably to know.”

3 Developers play a key role at the top of the construction value chain in a building project. Developers have control over the project’s resources and their priorities can influence how projects are being carried out. In this regard, Developers have a shared responsibility alongside the appointed professionals in ensuring the safety of building works. Developers should play an active role in the project to ensure the building is designed and built to be safe and compliant with the Act and regulations.

Fulfilment of Duties under BC Act Section 8(3)

4 To fulfil the duties under Section 8(3), Developers should be aware and be regularly informed of the progress of works, pertinent issues on-site, and approvals, instructions and directions from regulatory authorities and Government agencies. The following are practicable measures that Developers can take to achieve this. Developers are encouraged to put in place more measures which will better fulfill the duties under Section 8(3).

Establish Accountability. Developers should appoint at least one Director (Company Director/ Project Director) who will be in charge of safety of building works. His role in ensuring safety in the course of building works should be clearly specified. This includes being the applicant for the submissions to regulatory authorities. Should the appointed Director be the Project Director, the Project Director should update the Company Director on a regular basis.

The Company Director and relevant parties supporting him should consider attending training to understand regulatory requirements and keep abreast of circulars issued by the various authorities. Project parties can develop a better understanding of regulatory requirements and be equipped with competency in code compliance by attending courses such as “Enhancing Competency of BE Professionals on Regulatory Regime”, which is organized by BCA Braddell Campus.

- **Be Involved.** Developers should appoint representatives to attend monthly site meetings with project parties. Directors, including Project Directors, should consider attending these site meetings and conduct site visits at critical milestones as recommended by the appointed professionals (e.g. at key construction stages and before TOP inspection etc.). For instance, developers should conduct site visits to ensure that the project site is ready before requesting for TOP/CSC inspections. This is aligned with the [circular](#) on “Reminder on Required Site Conditions for TOP/CSC Inspection” that BCA issued in February 2023 to remind the industry to ensure that all building works are completed before requesting for TOP/CSC inspections.
- **Enable open and prompt Communication.** During progress meetings, the appointed Director should encourage the appointed professionals to highlight any non-compliance cases to the Developer’s representative, set regular agenda items on areas such as regulatory approvals, site difficulties, safety issues in the building works, non-conformance reports and review the project timeline. The Developer should also establish channels that allow for project parties to provide prompt updates (e.g. WhatsApp group or other forms of electronic text communication with the appointed Director). The developer should empower QP(Supervision) to use the established channels to issue any instructions to the Builder in the event of safety breaches and non-compliance.
- **Ensure proper Documentation.** Meetings attended by the Developer’s representative should be properly documented and the appointed Director should be made aware of the contents discussed. Developers should consider documenting the acknowledgement from all parties by affirming the previous meeting minutes.

5 Developers should put in the abovementioned measures as far as practicable in their projects, including any other appropriate actions to achieve compliance with Section 8(3).

Expectation of Developer as Key Player in the Built Environment

6 BCA expects Developers to be smart buyers of professional services. While Developers are not expected to make complex technical evaluation of the professionals, Developers are expected to establish a systematic approach to review the capability of professionals, including reviewing their track records, past contraventions and safety records before awarding contracts, in accordance with industry’s best practices. For instance, Developers may check if Builders are under MOM’s Business Under Surveillance Programme to assess their safety record. For Accredited Checking Services, Developers may request from the Accredited Checkers (ACs) their Submission quality score issued by BCA as an indicator to assess the quality of the ACs. Such systems will enable Developers to

make informed decisions when procuring professional services and engage professionals in works that they are well-versed in.

7 Throughout the design and construction phases, Developers are expected to provide sufficient resources and support to the appointed professionals to enable them to carry out their duties. This includes not causing any dis-amenities to the project's surroundings in respect of the building works that the professionals design and/or supervise.

8 Developers should also provide access to facilitate effective Periodic Structural Inspections (PSI) and Periodic Façade Inspections (PFI) post-construction. Please refer to **Appendix A** on the good practices that should be followed for effective conduct of PSI and PFI.

Inadequate Measures to Fulfil Developers' Duties

9 Developers have the responsibility to ensure projects are carried out safely. Developers are expected to, within their sphere of influence, ensure high standards of competence of appointed professionals and builders and ensure key project parties comply with the BC Act and Regulations.

Developers are to put in place appropriate actions to achieve compliance with Section 8(3), commensurate with the project sizes and complexity. Developers are required to exercise their due diligence in complying with Section 8(3), beyond the measures set out above. In this regard, for all future investigations of non-compliances or contraventions of the BC Act and Regulations, **the Developer will be expected to demonstrate the measures it has taken to fulfil its duty under Section 8(3).**

10 In addition, we would like to remind Developers that actions will also be taken against the whole project team, including the Builder, where sites with incomplete works are presented for TOP/CSC inspections. This may include restriction of express TOP/CSC inspections and express TOP/CSC applications for current and other projects, as well as requiring submission of 360 Capture¹ (or photos/videos of site conditions and completed works) prior to TOP/CSC inspections. BCA would not proceed with TOP/CSC inspections for projects which have not completed their assessments for CONQUAS/ Quality Mark, where applicable². This is to increase accountability amongst the project stakeholders and ensure a higher level of compliance/performance for projects.

Enquiry for Clarifications

11 Should you need further clarifications, please submit your enquiry through BCA's Online Feedback Form at <https://www.bca.gov.sg/feedbackform/> or call us at 1800 342 5222.

¹ 360 capture is the use of 360 camera to record 360 photo/video of the project site such that the site could be viewed from every direction. More details of 360 capture can be found in <https://www.bcaa.edu.sg/industry-implementation-of-smart-inspection-technologies>

² For project parties that wish to proceed with TOP/CSC inspections when the projects CONQUAS/QUALITY MARK assessments are not completed, the CONQUAS/QUALITY MARK assessments for the project will be terminated immediately.

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12 We would appreciate it if you could convey the contents of this circular to the members of your organisation.

Yours faithfully



ER. KWA CHIN SOON
DIRECTOR
CONSTRUCTION AND STRUCTURAL INVESTIGATION DEPARTMENT
BUILDING AND CONSTRUCTION AUTHORITY
For COMMISSIONER OF BUILDING CONTROL

APPENDIX A

Provision of Access for future conduct of Periodic Structural Inspections (PSI) and Periodic Façade Inspections (PFI)

Developers should provide access openings for cladded columns and false ceilings to meet these requirements during the construction of new buildings to facilitate future conduct of PSI and PFI inspections.

Current industry practice for the inspection of cladded columns involves destructive testing methods such as the drilling of holes in column claddings followed by the insertion of borescopes. These inspection methods are not only costly and time-consuming, but also sometimes result in damaging the cladding. As for false ceilings, due to the limited provision of access points, the inspections of structural elements above false ceilings may yield limited findings which are not the best representation of the current building conditions.

As a good practice, building owners should ensure that the structural engineers appointed meet the following criteria during their conduct of PSIs and PFIs to ensure building safety, as per the joint BCA/IES/ACES [Circular](#) on “Enhancements to Guidelines on Periodic Structural Inspection” issued on 1 September 2022:

- a) To Inspect **at least 30%** of the cladded columns in the building.
- b) Access **at least 1 suspended ceiling access point every 500 m²** for indoor areas not exposed to weather conditions.
- c) Access **at least 1 suspended ceiling access point every 250 m²** for outdoor areas exposed to weather conditions.