

## **CHANGE IN GROSS FLOOR AREA COMPUTATION (Consultation with Industry)**

**Er Lee Bee Wah:** To ask the Minister for National Development with the change in computation of gross floor area (such as bay windows and planter boxes) for housing projects, whether the Ministry has carried out any consultation with the building/construction industry before implementing the change in policy.

**Mr Mah Bow Tan:**

URA has earlier exempted bay window from the gross floor area (GFA) of a development as they were treated as small elements of a building design and do not form part of the floor. URA also exempted planter boxes within residential units from GFA computation to facilitate greening for high-rise living.

However, bay window designs have since evolved to become a predominant feature for newer residential buildings and contributed significantly to the building bulk. Based on URA's review, more than half of proposals received have the entire external façades of the building wrapped around by bay windows or planters. The extensive use of bay windows leads to higher heat transfer into buildings and increases the need for air-conditioning. This is energy inefficient and environmentally unfriendly.

The GFA exemption of planter boxes also did not achieve the objective of promoting high-rise greenery. URA noticed that only a small percentage of the approved planter boxes were being used for planting, leaving the rest either unplanted or illegally converted to other uses. Over the years, URA has received many complaints from Management Corporations of Strata Titled Development and the public on the illegal conversion of planter boxes to other uses. Home owners had provided feedback that they were not keen to provide planting and preferred to have the flexibility to convert the planter box space to other uses.

In addition, while the government had exempted bay windows and planter boxes from GFA computation, buyers of residential units were made to pay for them as internal spaces of a residential unit. In fact, some designers reflected that they were told to maximize these features in order to maximize the saleable space.

As the policy objectives of the GFA exemption were not met, these incentives were removed. In doing so, we took into account the interests of various stakeholders, including homeowners and the public. With the removal of GFA exemption for bay windows and planter boxes, developers can still incorporate these building features that are computed as GFA, into their designs if there is a demand for it.

Since the announcement of the changes in Jul 2008, URA has met with industry professionals to explain the rationale for the changes. In response to industry feedback, URA has extended the grace period from 7 Oct 2008 to 31 Dec 2008 providing the industry adequate time to adjust to the changes.

## **LAW ON PROTECTION OF PRIVACY OF INDIVIDUALS AND PERSONAL DATA (Introduction)**

**\*24. Er Lee Bee Wah:** To ask the Minister for Information, Communications and the Arts (a) whether his Ministry will consider introducing a comprehensive privacy law to protect the privacy of individuals and their personal data; and (b) what are the existing laws in place to protect (i) people from spam mails and unauthorised sale of personal information to vendors; and (ii) people whose photographs are posted on blogs and other new media platforms without authorisation.

**Dr Lee Boon Yang:**

The Government recognises the importance of data protection and the need to protect personal data. At the same time, we also appreciate the impact of data protection on businesses and the general public.

I had previously informed the House that an Inter-Ministry Committee is reviewing Singapore's data protection regime. This review is on-going. We are currently looking into developing a data protection model that can best address Singapore's privacy concerns, commercial requirements and national interest. As data protection is a complex issue with extensive impact on all stakeholders, this review will take some time.

### *Unauthorised Use of Personal Data*

While there is currently no generic data protection law, it does not mean that there is no protection of personal data. In fact we have in place strict provisions in sectoral laws, such as the Banking Act and codes

for medical professionals to protect sensitive financial and health information. There are also other industry codes of practices against the unauthorised use of personal information. For example, in the telecommunications sector, under the Telecom Competition Code, IDA requires licensees to take reasonable measures to prevent the unauthorised use of End User Service Information. A telecom licensee would be in breach of the Code if it shares with third parties its customers' information that was obtained from the use of its service, without the customers' consent.

In addition to sectoral laws, there is a Model Data Protection Code introduced in 2002 for voluntary adoption by the private sector. The principles of this Code have been adopted by many companies, including those engaged in e-commerce under the TrustSg initiative.

The Government also takes data protection within the public sector seriously. We have structured our data protection policy after the Model Data Protection Code and this has been incorporated in the Government Instruction Manuals for the public service.

#### *Unauthorised Photographs in Blogs/ New Media Platforms*

In the case of individuals who discover that their pictures have been posted by other individuals on new media platforms such as blogs, without prior consent, it would be considered a civil matter. The aggrieved persons could first ask the site's webmaster to remove the pictures. As with matters relating to online libel and personal defamation, they could also seek professional legal advice to determine the most appropriate legal recourse.

#### *Protections from Spam*

The Member has also asked how consumers are protected from spam mails. The Spam Control Act was passed in Parliament on 12 April 2007. It sets out basic requirements for legitimate direct electronic mass marketing, and provides civil recourse for persons affected by illegal spam in Singapore.

What this translates to, in practical terms, is that each unsolicited, commercial, electronic message which is sent in bulk, is required to contain an '<ADV>' [Reads: "A. D. V."] label to mark it out as an advertisement. It is also mandatory for senders to allow recipients to unsubscribe via the same medium through which the message was received. In addition, there are restrictions on how marketers can gather their mailing lists. Civil remedies are available to aggrieved persons who have suffered loss or damage as a result of spam sent in contravention of the Spam Control Act.

### **MEDICAL NEGLIGENCE AT PUBLIC HOSPITALS**

**\*34. Er Lee Bee Wah:** To ask the Minister for Health in view of the heavy demands on public hospitals (a) what is the incidence of medical negligence at public hospitals over the past five years; (b) what are the procedures in place to detect such negligence; and (c) what is the course of action to prevent recurrence of any lapses.

#### **Mr Khaw Boon Wan:**

Heavy demand on public hospitals should not be an excuse for any act of medical negligence. A healthcare professional may be found negligent by the court if he fails to exercise reasonable diligence and care when providing treatment and causes injury to his patient as a result.

In the past 5 years, the public hospitals have reported three cases of alleged medical negligence that went to trial. In all three cases, the institution and the doctor were not found to be negligent.

In addition there were, on average, 8 cases a year where the hospitals made an out-of-court settlement with the patients, usually as part of the mediation process. In these cases the hospital or staff concerned may have had some liability or been negligent but as the settlements are usually undertaken with non disclosure requirements, my Ministry is unable to determine the true nature of these cases.

Not all claims of medical negligence are valid. Some adverse outcomes do happen in hospitals, despite the best efforts, and may not be due to medical negligence. For example a patient can develop a serious drug allergy after receiving an antibiotic that is medically indicated for the first time. This may be an acceptable adverse outcome of the drug.

Nevertheless, we can and should learn from each adverse event. That is why we have a Sentinel Event Reporting System in our hospitals. Whenever an adverse event has occurred, the hospital's Quality Assurance Committee is required to promptly review the event to determine the root causes, recommend risk reduction strategies and follow up on their implementation. The primary aim of the review is to improve the system so as to prevent future adverse events.

All such reviews are notified to my Ministry and we monitor the follow-up actions to ensure that the corrective measures are put in place and useful lessons are shared with the larger health care community.