

Handbook on Exercising Due Care for Owners and Occupiers of Commercial Premises in Singapore

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Introduction

1. Singapore takes a zero-tolerance stance on vaping. To prevent the unlawful storage of prohibited tobacco products, vaporisers and imitation tobacco products (collectively “prohibited products”) in Singapore, owners and occupiers of land, buildings and places play a critical role in ensuring compliance with the law and safeguarding their premises against misuse.
2. Under Section 18A of the Tobacco and Vaporisers Control Act 1993 (TVCA), any owner or occupier of any land, building or place in Singapore who allows another person to store prohibited products on their premises will be liable on conviction to a fine of up to \$100,000 or to imprisonment of up to 3 years or to both for the first offence, or a fine of up to \$200,000 or to imprisonment of up to 6 years or to both for repeat offences, unless the owner or occupier has exercised due care to prevent such storage.
3. This handbook sets out recommended best practices that commercial owners and occupiers should consider implementing to help ensure compliance with the above legal requirements. These recommendations are intended as guidance only and are not legally binding or exhaustive. Owners and occupiers remain responsible for ensuring they meet all legal obligations. Owners and occupiers should seek legal advice if there is any uncertainty about their specific obligations.
4. For the purpose of this handbook:
 - An “owner” refers to a person who owns the premises. An “occupier” refers to a person in occupation, or having the charge, management or control, of the premises.
 - “Prohibited products” include tobacco products (such as cigarettes) that exceed the legal limits for tar and nicotine, vaporisers and their components (such as pods, e-liquid, heater component etc.), smokeless tobacco products (such as chewing tobacco, oral snuff, shisha etc.) and imitation tobacco products (such as a toy or confectionery that resembles a tobacco product etc.). Owners and occupiers can refer to the TVCA for the products that are prohibited.

Recommended Best Practices for Premises Owners and Occupiers to Exercise Due Care

Owners and occupiers are recommended to implement procedures to ensure compliance with Section 18A of the TVCA. The list below provides possible measures that premises owners and occupiers could adopt based on your specific circumstances.

Tenant Verification

1. Verify tenants before leasing the space. This may include checking their identity card or passport, contact details and registered address to ensure that they are legitimate.

Rental Agreement

2. Rental agreements are recommended to include specific clauses to expressly prohibit the storage of prohibited tobacco products on the premises.
3. Require tenants to sign acknowledgments to the prohibition clause above and/or declarations affirming that no unlawful or prohibited activities, including the storage of prohibited tobacco products, are being conducted on the premises.

Goods Verification

4. For premises where storage of goods is a main activity (e.g. warehouses), relevant personnel (e.g. security officers and building managers) are recommended to implement reasonable checks to ensure that prohibited products are not accepted. This may include verifying the consignment note or conducting sampling of incoming goods.

Regular Monitoring

5. Periodic reminders (e.g. on a half yearly or yearly basis) may be sent to remind the tenant that unlawful activities on the premises are not allowed. Premises owners may decide the most appropriate method (e.g. via email, SMS, circular, notice board) based on your specific setting.
6. Carry out periodic inspections, where possible, to ensure compliance (e.g. spot checks of storage areas). Keep a clear record of each inspection for audit and compliance purposes.

Reporting Channels

7. Reporting channels are recommended to be made available for individuals to report suspicious activities (e.g. a hotline or an email address). Owners are recommended to review complaints relating to the storage of prohibited tobacco products and take appropriate actions, such as notifying HSA or conducting surprise checks. Please refer to “Useful Information” at the end of the handbook on the avenues to report these cases to HSA.

Staff Training

8. Staff (e.g. building managers, security officers, retail managers, service staff, customer relations officers, and any personnel who have the authority to decide who may be admitted into the business premises) are recommended to be appropriately briefed to spot and report any suspicious goods or activities. This helps to prevent prohibited items from being stored on the premises.

Environment

9. Storage areas in premises should be properly secured (e.g. locked and limit access to authorised personnel only), to prevent unauthorised access to storage areas.
10. CCTVs of adequate quality to record actions and facial features are recommended to be installed at access points to storage areas to capture entries and exits. Recordings are recommended to be kept for a minimum of 28 days, and access to be restricted to authorised personnel only.

General Incident Procedures

The following scenarios illustrate common risks and recommended steps to exercise due care.

Scenario 1: Leasing Out a Storage Unit

A tenant may use the rented space to store prohibited tobacco products without informing the owner.

Suggested steps to take:

1. Include clear clauses in the lease agreement prohibiting storage of prohibited tobacco products.
2. Require tenant declarations confirming compliance with applicable laws.
3. Conduct periodic inspections to ensure that no prohibited tobacco products are stored.
4. Maintain inspection records as evidence of due care.

Scenario 2: Retail Shop with Backroom Storage

Employees or third-party suppliers place prohibited tobacco products in the backroom without the owner's knowledge.

Suggested Steps to take:

1. Train staff on legal requirements and company policy regarding prohibited tobacco products.
2. Restrict access to storage areas to authorised personnel only.
3. Install CCTVs at access points to storage areas to capture entries and exits.
4. Conduct spot checks of the backroom storage.

Scenario 3: Shared Office Spaces

Tenants or visitors may use shared office facilities to store prohibited tobacco products without the knowledge of the property manager.

Suggested Steps to take:

1. Clearly communicate policies prohibiting the storage of prohibited tobacco products to all tenants and users of the space.
2. Conduct periodic spot checks of shared storage areas, meeting rooms, and lockers etc.
3. Maintain records of inspections and any incidents reported.

Scenario 4: Event Venues (e.g. Convention Centres, Exhibition Halls)

Exhibitors or event participants may bring in and store prohibited tobacco products in rented booths or storage areas.

Suggested Steps to take:

1. Include explicit clauses in rental agreements and event contracts prohibiting the storage of prohibited tobacco products.
2. Brief event staff and security personnel on procedures for identifying and reporting suspicious goods.
3. Conduct random checks of booths and storage areas during events. Maintain records of inspections and any incidents reported.

Summary of Suggested Steps to Ensure Due Care

Risk Area	Suggested Actions
Storage Areas	<ul style="list-style-type: none"> • Secure storage areas with restricted access (locked, authorised personnel only). • Install and maintain CCTV at access points.
Lease Agreement	<ul style="list-style-type: none"> • Include clauses prohibiting unlawful activities, including the storage of prohibited tobacco products. • Require tenant declarations of compliance.
Tenant Screening	<ul style="list-style-type: none"> • Conduct basic screening of tenant identity and contact details to ensure legitimacy.
Periodic Inspections	<ul style="list-style-type: none"> • Conduct regular inspections to prevent illegal storage of prohibited tobacco products. • Conduct spot checks of storage / backroom areas. • Keep clear records of inspections for audit purposes.
Communications	<ul style="list-style-type: none"> • Send periodic reminders (email, SMS, circular, notice board) reiterating prohibition of unlawful activities. • Establish and publicise reporting channels for suspicious activities (hotline, email).
Staff Training	<ul style="list-style-type: none"> • Train staff to spot and report suspicious goods or activities. • Ensure staff understand legal requirements and company policy.

Conclusion

1. Premises owners and occupiers have an important role to play in preventing unlawful storage of prohibited tobacco products.
2. These guidelines are intended to support responsible management of premises to comply with Section 18A of TVCA. Adopting HSA's recommendations can help owners and occupiers safeguard their premises and comply with Singapore's tobacco control laws.

Commonly Asked Questions

1. The measures in the handbook are mandatory

The handbook sets out **recommended best practices** which owners and occupiers may adopt as part of due care under the TVCA. As owners and occupiers are responsible for ensuring that they meet all legal obligations, the measures in the handbook aim to support and help them do so, among other measures they may wish to put in place.

2. I must implement ALL the measures in the handbook

It is **not** a mandatory requirement to implement **all** the recommended measures. Owners and occupiers may **adopt measures which are appropriate and proportionate** to their specific circumstances and operating environments.

3. I must collect the full NRIC of tenants as part of verification

Tenant verification does not require the collection or retention of NRIC numbers. Verification may be done by sighting an identification document without retaining identification details. As guided by the advisory guidelines from the Personal Data Protection Commission, the collection of partial NRIC is an acceptable form of verification.

4. I must check ALL goods on my premises / conduct daily inspections

While owners and occupiers are not required to check all the goods, they should implement reasonable and operationally practicable measures to prevent the storage of prohibited tobacco products. This includes conducting routine checks where applicable, or basic checks when there are grounds of suspicion. Overall, owners and occupiers should practise general vigilance.

5. I must open sealed goods to conduct checks

Owners and occupiers are **not** expected to open sealed goods. Where goods cannot be physically inspected, due care may be exercised through document checks (such as reviewing consignment notes, airway bills etc) and/or escalation of unusual or suspicious consignments.

6. I am expected to detect deliberately concealed / disguised goods

Owners and occupiers are **not** expected to detect sophisticated concealment, deliberate disguise, or intentional misrepresentation by tenants, clients, or third parties. Due care focuses on **reasonable safeguards** within their control to prevent the storage of prohibited products. Each case will be assessed based on its specific facts and circumstances.

7. I am expected to identify all prohibited tobacco products

Staff are not required to possess specialised knowledge of prohibited tobacco products. They may be briefed to recognise common prohibited tobacco items (such as vaporisers) and **raise any warning signs or concerns** to supervisors or management for follow-up.

8. I will be penalised immediately if prohibited goods are found on my premises

Each case will be assessed based on its **specific facts and circumstances**. Where owners or occupiers can demonstrate that reasonable due care measures were taken, this will be considered before any enforcement action is taken.

9. I need to amend all my existing contracts immediately

Owners are **not** expected to amend all existing contracts. They may consider inserting a specific clause prohibiting the storage of prohibited tobacco products when contracts are renewed. Alternatively, landlord may send a reminder note to tenant to remind them on the prohibition of possessing or storing of prohibited products, and ask for an acknowledgement where possible.

10. I will incur additional costs to implement these measures

Owners and occupiers have the flexibility to adopt measures that are appropriate to their operations. Some measures (e.g. adding an additional clause in tenancy agreements) may incur zero or minimal cost.

Useful Information

1. Reporting of Vaporiser Related Offences

If you wish to provide information on vaporiser related offences that you have witnessed, you may do so at <https://go.gov.sg/reportvape>. Alternatively, you may call the Health Sciences Authority at 6684 2036 or 6684 2037, from 7am to 12am, daily.

2. Reporting of Tobacco-Related Offences

You may report tobacco-related offences e.g. smokeless tobacco, underaged smoking, tobacco advertisements and sales of tobacco without a valid licence by calling the Health Sciences Authority at 6684 2036 or 6684 2037, from 7am to 12am daily.

3. Law and Order Issues

If you encounter law and order issues, please call the Police for assistance at 999.

4. No Vaping Signage

You may download the “No Vaping” signage and other educational posters here: [Stop Vaping - Resources | gov.sg](#).

5. Enquiries

For further queries on practising due care as a premises owner or occupier, you may contact us at HSA_IS@hsa.gov.sg.