

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**STREET WORKS ACT
(CHAPTER 320A)**

**Act
30 of 1995**

**REVISED EDITION 1996
(30th April 1996)**

Street Works Act

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An Act relating to street works and matters connected therewith.

[1st September 1995]

PART I

PRELIMINARY

- Short title. **1.** This Act may be cited as the Street Works Act.
- Inter-pretation. **2.** In this Act, unless the context otherwise requires —
- Cap. 29. “accredited checker” means a person who is registered as an accredited checker under section 16 of the Building Control Act;
- Cap. 254. “annual value” has the same meaning as in the Property Tax Act;
- Cap. 158A. “Authority” means the Land Transport Authority of Singapore established under the Land Transport Authority of Singapore Act;
- “back-lane” includes —
- (a) every existing back-lane and any part thereof and any approach thereto;
 - (b) all land already or hereafter acquired or set apart for or laid out as a back-lane; and
 - (c) all channels, drains and appurtenances of a back-lane;
- “bridge” includes any flyover, overpass and viaduct;
- “building” means any permanent or temporary building and includes any structure or erection of whatever kind or nature (whether permanent or temporary) and in particular —
- (a) a wall (including a retaining wall), partition, gate, fence, paling, platform, staging, post, pillar, shoring, hoarding or frame;
 - (b) a slip, dock, wharf, pier, jetty, landing stage or bridge;
 - (c) a culvert, crossing, bridge, underpass or tunnel; or

(d) a sewage treatment plant, sewer, control centre, pump house, substation, drain, swimming pool or tank for the storage of any solid, liquid or gaseous matter;

“Building Authority” means the Building Authority appointed under section 3 of the Building Control Act; Cap. 29.

“Chief Executive” means the Chief Executive of the Authority;

“competent authority” means any competent authority appointed under section 3 of the Planning Act; Cap. 232.

“dwelling-house” includes a building or tenement wholly or principally used, constructed or adapted for use for human habitation;

“footway” includes any footpath, verandah-way, open or covered walkway, pedestrian mall, plaza, square, and other related structures and facilities;

“holding” means any piece or parcel of land held or possessed under an instrument of title, capable of being registered under the Registration of Deeds Act, or where applicable under the Land Titles Act, relating exclusively thereto; Cap. 269.
Cap. 157.

“house” includes any dwelling-house, warehouse, office, shop, school and any other building in which persons are employed;

“key structural elements” means culverts, retaining walls, bridges and such other parts of a street which are essential for the stability or safety of the street;

“occupier”, in relation to any premises, means the person in occupation of the premises or having the charge, management or control thereof either on his own account or as agent of another person, but does not include a lodger;

“owner”, in relation to any premises, means the person for the time being receiving the rent of the premises whether on his own account or as agent or trustee for any other person or as receiver or who would receive the rent if the premises were let to a tenant, and includes the person whose name is entered in the Valuation List authenticated under section 15 of the Property Tax Act; Cap. 254.

“premises” includes buildings, lands, easements and hereditaments of any tenure;

“private street” means any street not being a public street;

“public bridge” means a bridge which carries a public street;

“public street” means any street over which the public has a right of way or which has become vested in the Government under this Act or the repealed Act, or in any other manner;

“repealed Act” means the repealed Local Government Integration Act;

“road related facility” includes any traffic sign, directional sign, street name sign, traffic light, bus shelter, railing and any other road related structure and facility maintained by the Authority;

“road structure” includes any bridge, underpass and tunnel;

“street” includes —

(a) any road, bridge, underpass, tunnel, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way; and

(b) any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public has a right of way thereover or not,

and all channels, drains, ditches and reserves that are deemed to be part of the street;

“street works” includes works of levelling, paving, metalling, flagging, kerbing, channelling, draining, lighting, laying of cables and mains and other utility services and otherwise the making good of a street or part of the street;

“tunnel” means a tunnel which carries a public street or utilities;

“utilities” includes water pipes, gas pipes, sewer pipes, drainage facilities, electricity cables, telecommunication cables and any other pipes, cables and their related apparatuses;

“utility works” includes works of —

- (a) breaking up or opening a street for the laying, repairing, adjusting, altering or removing of utilities or for the examining of sub-soil condition or existing utilities; and
- (b) tunnelling, boring under a street or any other construction method which does not require the opening up of a street.

3. The Minister may, by order published in the *Gazette*, exempt any area or place from the operation of this Act or any provision thereof. Exemption.

4.—(1) The Authority shall be responsible for the management, maintenance and repair of all public streets, including the footways and road related facilities thereof, and for the general administration of this Act. Authority to manage, maintain and repair public streets and administer this Act.

(2) The Authority may, subject to such conditions or restrictions as it thinks fit, appoint public officers and officers employed by other statutory bodies to carry out any of its powers, functions and duties under this Act.

PART II

PUBLIC STREETS

5.—(1) The Authority, with the approval of the Minister, may — Power to construct and improve streets.

- (a) construct new streets;
- (b) turn, divert, expunge or stop up any public street;
- (c) widen, open or otherwise improve any street; and
- (d) build toll gates, substations, control centres and other road related facilities.

(2) Notwithstanding subsection (1), the approval of the Minister shall not be required if the works to be carried out are confined within the existing width of any public street.

6. All public streets, public surface and storm water drains, public bridges, underpasses and tunnels and the road pavements and road related facilities thereon, shall be vested in the Government. Public streets and bridges vested in Government.

Power to enter State land to construct and maintain road structures and road related facilities.

7. For the purpose of constructing and maintaining the road structures and road related facilities in, under or over any State land, the Authority or any person authorised by the Authority may, at any reasonable time, enter upon any State land within or adjoining the street reserve and do all things as are reasonably necessary for the construction and maintenance of the road structures and road related facilities.

Power to order stoppage of activity causing damage to public street.

8.—(1) Where the Authority is of the opinion that the carrying out of any activity on any land adjoining a public street has caused or is likely to cause the public street or any part thereof to be in a dangerous or defective condition, the Authority or any person authorised by the Authority may —

- (a) by notice require the person who carried out or who is carrying out the activity to repair the public street at his own expense within such time as may be specified in the notice;
- (b) repair and make good the damage done or cause remedial action of a preventive nature to be effected, and all costs and expenses arising therefrom shall be paid to the Authority by the owner of the land or person who carried out the activity;
- (c) by notice require the person carrying out the activity —
 - (i) to stop carrying out the activity until he has deposited with the Authority such sum as may be required for causing the public street to be properly repaired; and
 - (ii) to comply with such conditions as the Authority may think fit to impose for his continuation of the activity; or
- (d) where it is in the opinion of the Authority necessary or expedient that action should be taken to procure the immediate stoppage of the activity, enter upon the land on which the activity is being carried out and order the person carrying out the activity to forthwith stop carrying out the activity.

(2) If the person who is liable to pay costs and expenses to the Authority under subsection (1) (b) is dissatisfied with the amount or apportionment thereof, he may appeal to the Minister whose decision shall be final.

(3) Any person who contravenes or fails to comply with a notice served on him or an order given to him under subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both;
- (b) to a further fine not exceeding \$500 for every day during which the notice was not complied with; and
- (c) to a further fine not exceeding \$500 for every day during which the contravention of subsection (1) continues after conviction.

(4) The certificate of the Authority stating that it is of the opinion that the person named in the certificate is responsible for causing a public street or part thereof to be in a dangerous or defective condition shall be conclusive evidence for the purpose of any prosecution under this section.

(5) For the purpose of this section, “activity” includes any excavation or construction works.

9.—(1) The Authority or any person authorised by the Authority shall have the right to enter upon and take possession of any land or part thereof not being State land to construct road structures and road related facilities in, under or over the land and do all things as are reasonably necessary for the construction.

Power to enter private land to construct new streets.

(2) The Authority or any person authorised by the Authority shall not exercise the right conferred by subsection (1) unless the Authority has given not less than 2 months’ notice of its intention to exercise the right conferred by that subsection to the occupier of the land and to every person having any estate, right, share or interest in the land.

(3) A notice under subsection (2) may be given to and shall be deemed to have been received by an occupier if the notice is affixed to a conspicuous part of the land to be entered.

(4) A notice referred to in subsection (2) shall —

- (a) give a brief description of the works which the Authority proposes to carry out on the land;
- (b) state the estimated period, if any, during which the land shall be occupied or possessed;
- (c) describe the area or extent of land needed for the carrying out of the works referred to in paragraph (a); and
- (d) state that any person entitled to compensation in connection with the exercise by the Authority of its right under this section may serve a written claim on the Authority in accordance with the provisions of the Land Transport Authority of Singapore Act.

Cap. 158A.

(5) The ownership of anything shall not be altered by reason only that it is placed in, under or over any land in exercise of a right conferred upon the Authority by this section.

(6) In this section, a reference to entry on land includes the digging or boring of a tunnel under the land and the erection of any structure on, under or over the land.

Creation of rights in, under or over land.

10.—(1) From the date of publication in the *Gazette* of a notice of creation of a right under this section, the Authority or any person authorised by the Authority may, at any reasonable time and for the purposes of and incidental to the maintenance of any road structure or road related facility, enter upon such land within the area as described in the notice, not being State land, and exercise such permanent rights in, under or over such land or such rights of temporary occupation of the land as may be specified in the notice.

(2) A notice of creation of a right under this section shall —

- (a) be made by the Authority;

- (b) describe the right in, under or over the land or the right of temporary occupation and the area of land subject to such right; and
- (c) state particulars of the places and times at which a copy of a plan of the area of the land subject to such right may be inspected.

(3) Any right referred to in a notice of creation of a right under this section shall be limited to a right conferring such rights and powers as are necessary or convenient for the maintenance of the road structure or road related facility and for all purposes connected with or incidental to such maintenance.

11.—(1) The owner of any land who has been served with a notice under section 9 may, within 2 years from the date of the notice, make a request through the Authority to the President to direct the acquisition of the land affected by the proposed construction of road structures and road related facilities on, under or over the land.

Owner may request President to direct acquisition of land.

(2) Where a notice has been served under subsection (1), the land may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such law that the land is so needed may be made and the declaration shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with that written law.

12.—(1) The Authority or any person authorised by the Authority may enter any land or building situate wholly or partly within the street reserve or wholly or partly within 100 metres thereof in order to carry out —

Power to enter land for inspection and survey, etc.

- (a) any inspection or survey which is reasonably necessary to ascertain the condition of the land or building prior to or during the construction of any road structure or road related facility and to carry out all reasonably necessary work of a preventive or remedial nature; and
- (b) any inspection or maintenance of any road structure or road related facility which has been constructed by the Authority on, under or

over the land or building and to carry out any work and do all things necessary for the purpose of maintaining the road structure or road related facility.

(2) No person shall, for the purposes of subsection (1), enter any land or building which is occupied without giving the owner and the occupier at least 7 days' notice of his intention to do so unless —

(a) the Authority is of the opinion that an emergency exists which necessitates immediate entry; or

(b) the entry is required only for the purpose of an inspection or a survey.

(3) A notice of entry referred to in subsection (2) shall —

(a) describe the purpose of the entry and the nature of any work to be carried out; and

(b) be deemed to be given to and received by an owner or occupier if the notice is affixed to a conspicuous part of the land or building to be entered.

(4) In subsection (1), “work of a preventive or remedial nature” means the underpinning or strengthening of any land or building and other work thereon intended to render it reasonably safe or to repair or detect damage caused in the course of the construction of any road structure or road related facility.

(5) The decision of the Authority that any work is of a preventive or remedial nature or that such work or any inspection or survey is reasonably necessary shall be final.

(6) The Authority or any person authorised by the Authority may as the occasion requires enter and reinspect and survey any land or building in respect of which any of the powers contained in subsection (1) has been exercised and may, in relation to that land or building, exercise such powers as often as the occasion may require.

(7) Any person authorised under this section to enter upon any land or building shall, if so required by the owner or occupier, produce evidence of his authority before so entering it.

13.—(1) The Authority may give notice to the owner of any land or building in the street reserve requiring him to remove any object or structure described in the notice which is erected on or attached to, or projects from, the land or building if in the opinion of the Authority the removal of the object or structure is required for the purposes of the construction of any street.

Removal of
projections
or
obstructions.

(2) A notice under subsection (1) may be given to the owner of any land or building and shall be deemed to have been received by him if it is affixed to some conspicuous part of the land or building to or from which the object or structure is erected or attached or projects from.

(3) A notice under subsection (1) shall —

- (a) describe the object or structure to be removed;
- (b) stipulate the period within which the work of removal shall be carried out;
- (c) be given to the owner of the land or building not later than 28 days before the commencement of that period; and
- (d) state that any person entitled to compensation in connection with the removal of the object or structure may serve a written claim upon the Authority in accordance with the provisions of the Land Transport Authority of Singapore Act.

Cap. 158A.

(4) If the owner of the land or building does not comply with a notice given to him under subsection (1), any person authorised in that behalf by the Authority may enter the land or building, together with such other persons as he thinks necessary, and remove the object or structure described in the notice or cause it to be removed by those other persons.

14.—(1) Where the Authority intends to construct any new street or to widen, open, enlarge or otherwise improve any existing street, the Authority may prepare a plan incorporating all premises set aside as street reserves pursuant to any development proposal approved by the competent authority, and by an instrument in the form approved by the Registrar of Titles or the Registrar of Deeds, as the case may be, declare that the street reserves shall vest in the Government.

Declaration
to vest street
reserves in
Government.

Cap. 157.
Cap. 269.

(2) Any plan prepared by the Authority under this section shall comply with the requirements of the Land Titles Act in respect of registered land and of the Registration of Deeds Act in respect of other lands and shall show thereon the premises which will vest in the Government.

(3) The declaration referred to in subsection (1) shall be published in the *Gazette*.

(4) Where any street reserve that has become vested in the Government under this section comprises premises included in separate lots already set aside as part of a street reserve, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other lands.

(5) Where any street reserve that has become vested in the Government under this section comprises premises included in an existing lot or existing lots, the premises forming the street shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other lands.

Cap. 314.

(6) Upon such registration, the premises forming the street reserve shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant, such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act.

(7) No compensation shall be payable for any premises vested in the Government pursuant to this section.

(8) When the Authority has pursuant to this section registered any instrument, the Authority may take possession of the premises described therein and may proceed to demolish and remove any building or portion of any building forming part thereof.

Authority may recover costs and expenses of new street or of widening, opening, etc., of public street.

15.—(1) Where the Authority intends to construct any new street or to widen, open, enlarge or otherwise improve any existing street, the Authority may recover the costs and expenses of acquiring the land for, and of —

(a) constructing the new street; or

- (b) widening, opening, enlarging or otherwise improving the existing public street,

as the case may be, from the owners of the premises —

- (i) fronting, adjoining or abutting on the new street or public street, as the case may be; and
- (ii) which do not front, adjoin or abut on the new street or public street, as the case may be, but access to which will be obtained through the new street or the widened, opened, enlarged or otherwise improved public street by means of another street or back-lane, and which, in the opinion of the Authority, will benefit by the construction of the new street or the widening, opening, enlarging or otherwise improving of the public street.

(2) The Authority shall prepare an estimate of the costs and expenses of the street works to be apportioned amongst —

- (a) the owners of the premises abutting on the new street or public street; and
- (b) the owners of such other premises (if any) as the Authority may, in accordance with subsection (1) (ii), decide to include in the apportionment,

and shall serve a notice of its decision in writing to proceed with the street works and to recover the costs and expenses thereof upon each such owner, and such costs and expenses shall be paid by each such owner within such period as may be specified in the notice and in such proportions as are settled by the Authority.

(3) If the owner of any such premises is dissatisfied with the Authority's apportionment of costs and expenses, he may, within 14 days from the date of service of the notice, appeal to the Minister whose decision shall be final.

(4) The apportionment of costs and expenses of street works amongst the owners of the premises fronting, adjoining or abutting on the street in respect of which the costs and expenses are to be incurred shall, unless the Authority otherwise decides, be apportioned according to the frontage of the respective premises; but the Authority may, if it thinks fit, decide that in settling the apportionment regard shall be had to the following considerations:

- (a) the degree of benefit accruing to any premises by the construction of the new street; and
- (b) the amount and value of any street works already executed by the owners or occupiers of any such premises,

and the Authority may, if it thinks fit —

- (i) include in the apportionment any premises which do not front, adjoin or abut on the street but access to which is obtained from the street through another street or back-lane and which, in its opinion, will be benefited by the street works; and
- (ii) fix the sum or portion to be charged against any such premises accordingly.

(5) The Authority may, in any estimate of the costs and expenses of street works, include such reasonable charges in respect of surveys, superintendence and publication and service of notices as it may from time to time determine.

(6) The Authority may, if it thinks fit, pay the whole or any part of the costs and expenses of the street works, and the payment of part of the costs and expenses by the Authority may be made in such a manner as wholly to relieve the owner of any particular premises to the exclusion of other owners or to relieve him to a greater extent than other owners.

(7) Where the street works have been completed by the Authority and the costs and expenses thereof ascertained —

- (a) the Authority shall cause a final apportionment of the costs and expenses of the street works to be made by dividing the costs and expenses in the same proportions as those in which the estimated costs and expenses were divided in the provisional apportionment;
- (b) that final apportionment shall be conclusive for all purposes;
- (c) notice of the final apportionment shall be served upon the owners of the premises affected thereby; and
- (d) the sums apportioned thereby shall be recoverable in the manner provided in section 43.

(8) If the costs and expenses incurred in executing the street works as shown in the final apportionment exceed the estimated costs and expenses, the owner may, within 14 days from the date of service of the notice, appeal to the Minister whose decision shall be final.

(9) For the purposes of this section, the construction of a new street may include the widening, opening, enlarging or otherwise improving of any part or parts of any existing private street for the purpose of constructing the new street.

16.—(1) Where the Authority intends to make up, pave, widen, open, enlarge or otherwise improve any existing private street, the Authority may recover the costs and expenses of acquiring the land for, and of making up, widening, opening, enlarging or otherwise improving the private street, as the case may be, from the owners of the premises —

Settling of apportionment of costs and expenses.

(a) fronting, adjoining or abutting on the private street; and

(b) which do not front, adjoin or abut on the private street, but access to which will be obtained through the private street or the widened, opened, enlarged or otherwise improved private street by means of another street or back-lane, and which, in the opinion of the Authority, will benefit by the making up, widening, opening, enlarging or otherwise improving of the private street.

(2) The Authority shall cause to be prepared —

(a) plans and specifications of the street works;

(b) an estimate of the costs and expenses thereof; and

(c) a provisional apportionment of the estimated costs and expenses amongst the owners referred to in subsection (1) and the owners of such other premises (if any) as the Authority may, in accordance with subsection (3), decide to include in the provisional apportionment,

and shall serve a notice of its decision in writing upon each such owner, requiring him to execute to the satisfaction and in accordance with the directions in writing of the Authority,

such street works within such period as may be specified in the notice commencing from the date of the service of the notice.

(3) In such a provisional apportionment of the costs and expenses of the street works, the apportionment of costs and expenses amongst the owners of the premises fronting, adjoining or abutting on the private street or part thereof in respect of which the costs and expenses are to be incurred shall, unless the Authority otherwise decides, be apportioned according to the frontage of the respective premises; but the Authority may, if it thinks fit, decide that in settling the apportionment regard shall be had to the following considerations:

- (a) the degree of benefit to be derived by any premises from the street works; and
- (b) the amount and value of any street works already executed by the owners or occupiers of any such premises,

and the Authority may, if it thinks fit —

- (i) include any premises which do not front, adjoin or abut on the private street or part thereof but access to which is obtained from the street through another street or back-lane and which, in its opinion, will be benefited by the street works; and
- (ii) fix the sum or proportion to be charged against any such premises accordingly.

(4) The Authority may, in any estimate of the costs and expenses of street works, include such reasonable charges in respect of surveys, superintendence and publication and service of notices as it may from time to time determine.

(5) During one month from the date of the service of the notice, the plans, specifications, estimate and provisional apportionment prepared under subsection (2) shall be open to inspection by or on behalf of —

- (a) any person upon whom the notice has been served;
or
- (b) the owner of any building or holding listed in the Valuation List of the Comptroller of Property Tax for the time being in force,

at the office of the Authority, and that notice shall state —

- (i) that the aforesaid plans, specifications, estimate and provisional apportionment are so open to inspection as aforesaid during the usual office hours until a day, not less than one month from the date of the service of the notice, upon which the Authority will consider any objection to the proposed street works or to the plans, specifications, estimate and provisional apportionment or any amendment thereof; and
- (ii) that in default of compliance with the requirements of the Authority as stated in the notice, the Authority will itself cause the street works to be executed.

(6) The Authority may, if it thinks fit, pay the whole or any part of the costs and expenses of the street works and if it decides so to pay any part of those costs and expenses —

- (a) the provisional apportionment shall indicate the proportion of the costs and expenses which the Authority has decided to pay; and
- (b) the payment of part of the costs and expenses by the Authority may be made in such a manner as wholly to relieve the owner of any particular premises served with a notice under this section to the exclusion of other owners or to relieve him to a greater extent than other owners.

(7) The Authority may from time to time amend the plans, specifications, estimate and provisional apportionment of any street works, but if by reason of such an amendment the estimate in respect of any private street or part thereof is increased or the provisional apportionment of the costs and expenses of the street works on any premises is increased, the notices previously served shall be withdrawn in the prescribed manner by the Authority and fresh notices based on the amended plans, specifications, estimate and provisional apportionment or any of them shall be served by the Authority in accordance with subsection (5) and the amended plans, specifications, estimate and provisional apportionment shall be similarly open to inspection.

(8) During the period of one month referred to in subsection (5), the owner of any premises shown in the

provisional apportionment or amended provisional apportionment as liable to be charged with any part of the costs and expenses of executing the street works may, by notice in writing duly served upon the Authority, object to the execution of the proposed street works and to the plans, specifications, estimate and provisional apportionment or any or more of them or to any amendment thereof pursuant to subsection (7) on any one or more of the following grounds:

- (a) that the alleged private street or part thereof is not or does not form part of a street within the meaning of this Act;
- (b) that the alleged private street or part thereof is (in whole or in part) a public street;
- (c) that there has been some material informality, defect or error in or in respect of the decision, notice, plans, specifications, estimate and provisional apportionment or amendment thereof;
- (d) that the proposed street works are insufficient or unreasonable or the costs and expenses as estimated are excessive;
- (e) that any premises ought to be excluded from or listed in the provisional apportionment;
- (f) that the provisional apportionment or amended provisional apportionment is incorrect in respect of —
 - (i) some matter of fact to be specified in the objection; or
 - (ii) where the provisional apportionment is made with regard to other considerations than frontage as provided in this section, the degree of benefit derived by any person or the amount and value of any street works already executed by the owner or occupier of any premises.

(9) Objections may be made in writing and in accordance with the prescribed procedure and after valid objections have been inquired into and the persons making them have been allowed an opportunity of being heard in accordance with the prescribed procedure, the Authority may, in its

discretion, confirm or amend the plans, specifications, estimate and provisional apportionment.

(10) The plans, specifications, estimate and provisional apportionment so confirmed or amended shall be open to inspection by the persons referred to in subsection (5) during the usual office hours at the office of the Authority and notice in writing stating that they are open to inspection shall forthwith be published in the *Gazette* and in such other manner as the Authority may determine.

(11) Any person who is dissatisfied with the decision of the Authority may, within 14 days of the publication of the notice under subsection (10), appeal to the Minister whose decision shall be final.

(12) If such street works —

(a) are not commenced within 14 days from the date of such confirmation or amendment or the date on which the plans, specifications, estimate and provisional apportionment are confirmed or amended by the Minister, as the case may be; or

(b) having been commenced are thereafter suspended or are not completed within the period specified in the notice mentioned in subsection (2),

the Authority may, if it thinks fit, cause them to be executed and completed.

(13) Where the street works have been completed by the Authority and the costs and expenses thereof as incurred by the Authority ascertained —

(a) the Authority shall cause a final apportionment of the costs and expenses of the street works to be made by dividing the costs and expenses in the same proportions as those in which the estimated costs and expenses were divided in the provisional apportionment or amended provisional apportionment, as the case may be;

(b) that final apportionment shall be conclusive for all purposes;

(c) notice of the final apportionment shall be served upon the owners of the premises affected thereby; and

(d) the sums apportioned thereby shall be recoverable in the manner provided in section 43.

(14) If the costs and expenses incurred in executing the street works as shown in the final apportionment exceed the estimated costs and expenses, the owner may, within 14 days from the date of the notice, appeal to the Minister whose decision shall be final.

(15) Where street works have been executed to the satisfaction of the Authority under this Part in respect of a private street or part thereof, then on the requisition —

(a) in the case of street works executed under this section — of the several owners of such of the premises listed in the final apportionment as together have an annual value of more than 50% of the total annual value of the premises so listed; or

(b) in any other case — of the several owners of such of the premises fronting, adjoining or abutting on the private street or part thereof as together have an annual value of more than 50% of the total annual value of the premises fronting, adjoining or abutting on the private street or part thereof, as the case may be,

demanding that the private street or part thereof be declared a public street, the Authority shall, after consultation with the Minister, declare it to be a public street and the private street or part thereof shall thereupon become a public street and shall vest in the Government.

(16) The declaration referred to in subsection (15) shall be published in the *Gazette*.

(17) Where a private street or part thereof that is declared to be a public street and to be vested in the Government comprises separate lots already set aside as part of a street, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(18) Where a private street or part thereof that is declared to be a public street and to be vested in the

Government comprises premises included in an existing lot or existing lots, the premises forming the street or part thereof shall be excised from the existing lot or lots and the declaration shall be registered against the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land. Cap. 157.
Cap. 269.

(19) Upon such registration, the premises forming the street shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act. Cap. 314.

17.—(1) No person shall carry out any works on any public street, public bridge or on any street which is to be declared public unless he has obtained the prior approval of the Authority. Powers to control works on public streets.

(2) An application to the Authority for its approval under subsection (1) —

- (a) shall be made in writing and shall be accompanied by a plan in duplicate, showing the location affected by the works; and
- (b) may be granted by the Authority subject to such directions as may be given by the Authority under subsection (3).

(3) The Authority may give written directions to the person submitting the application with regard to all or any of the following particulars:

- (a) compliance with this Act and any regulations made thereunder;
- (b) the location and extent of the work and other related apparatus to be laid or erected;
- (c) the provision of footways and diversion roads and the size and specifications of such footways and diversion roads;
- (d) the design and construction method;
- (e) the period of the works;
- (f) the provision of temporary traffic signs and other road related facilities; and

- (g) the reinstatement of any affected public street or public bridge or any street which is to be declared public.

(4) Where in the opinion of the Authority any works have been carried out in contravention of the provisions of this Act or any regulations made thereunder, the Authority may by order in writing require —

- (a) the cessation of the works;
- (b) the removal of any installations;
- (c) the reinstatement of any affected public street or public bridge or any street which is to be declared public; or
- (d) such work or alteration to be carried out as may be necessary to cause the works to comply with the provisions of this section,

and in every case, the order shall specify —

- (i) the manner in which the removal, work or alteration specified in the order is to be carried out;
- (ii) the time within which the removal, work or alteration shall commence;
- (iii) the time within which the removal, work or alteration shall be completed; and
- (iv) that the removal, work or alteration shall be carried out with due diligence to the satisfaction of the Authority.

(5) An order made under subsection (4) shall be served on the owner of the works and the person carrying out the works.

(6) If an order made under subsection (4) is not complied with, the Authority may —

- (a) demolish, remove or alter the works or cause the works to be demolished, removed or altered, or take such other steps as appear to the Authority to be necessary or expedient; and
- (b) recover all costs and expenses reasonably incurred by the Authority in the exercise of its powers under this section from the person in default.

(7) Neither the Authority nor the Government shall be liable to make good any damage caused to or any loss of goods or property as a result of any work carried out under subsection (6).

(8) Without prejudice to the rights of the Authority to exercise its powers under subsection (6), if any person on whom an order made under subsection (4) is served fails to comply with the order, that person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day during which the offence continues after conviction.

(9) The Authority may levy a charge on the person who carries out works on public streets or public bridges or any street which is to be declared public.

(10) The charge shall be determined in accordance with such rate and method of calculation as may be prescribed.

(11) The Authority may require the person who made the application under subsection (1) to make a deposit before commencing any work.

(12) If the works are not executed to the satisfaction of the Authority in any case where a deposit has been made under subsection (11), the Authority may, at any time after the service of a notice, execute or cause any works to be properly carried out and the costs and expenses of any works executed or caused to be carried out by the Authority shall be recovered from the deposit made under that subsection.

PART III

Division I — Private streets

18.—(1) Every person who intends to construct any new street shall give notice in writing thereof to the Authority, accompanied by —

Private persons constructing new streets.

(a) a plan submitted by a civil engineer who is registered as a professional engineer with a valid practising certificate under the provisions of the Professional Engineers Act showing the intended level and construction of the street and the level

Cap. 253.

of the houses to be built on land abutting upon it and the proposed manner of draining it;

(b) a statement whether the street is intended to be a carriage road or intended for foot traffic only;

(c) a certificate by an accredited checker in respect of the plans relating to the structural elements of the street works stating that, to the best of his knowledge and belief, the plans so checked do not show any inadequacy in the key structural elements of the street to be constructed or affected by street works carried out in accordance with those plans; and

(d) such other documents as may be prescribed,

in order that the plan may be approved by the Authority subject to compliance with such directions as may be given under subsection (3).

(2) The Authority shall not approve the detailed plans of any new street unless the competent authority has first given written permission for the use of the land for this purpose under the provisions of the Planning Act.

Cap. 232.

(3) The Authority may give written directions to the person submitting a plan for a new street with regard to any of the following particulars:

(a) compliance with this Act and any regulations made thereunder;

(b) the line of the new street, so as to ensure that it forms a continuous street with any existing or proposed street;

(c) the level, material and construction of the new street;

(d) the provision of footways and the size, specification and gradient of such footways;

(e) the provision along the length of the new street of intersecting streets or back-lanes;

(f) the width of the new street;

(g) the width of any intersecting street or back-lane, which shall be of such width as the Authority may require;

- (h) the gradients, levels and mode of drainage of the new street and of any intersecting streets or back-lanes;
- (i) the rounding of the corners of the new street;
- (j) the provision of culverts and the size, specification and gradient of such culverts;
- (k) the provision of street lighting; and
- (l) the planting of trees.

(4) The person to whom any such written directions are so given shall amend the plan accordingly.

(5) The person whose plan has been approved by the Authority and each successor in title of that person, so far as the street lies in the land acquired by him, shall lay out the new street and demarcate its boundaries by such boundary stones or other marks as are considered sufficient by the Authority to denote the length, width and alignment of the street.

(6) If the new street has not been laid out and demarcated within the period of 6 months from the date when the plan was approved by the Authority, the Authority or any officer authorised by the Authority may enter upon the land and demarcate the boundaries of the new street at the expense of the person whose plan has been approved or of his successor in title.

(7) Any person who removes, defaces or injures any stone or mark set to denote the length, width or alignment of such new street shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(8) The person whose plan has been approved by the Authority or his successor in title so far as the street lies in the land acquired by the successor shall, if he constructs the new street, construct it in accordance with the plans approved by the Authority within such period as may be specified in the approval.

(9) The Authority may, in its discretion, renew its approval under subsection (8) for such period as it may consider necessary.

(10) Where a person —

- (a) constructs any new street otherwise than in accordance with a plan approved by the Authority under this section;
- (b) erects any building on land abutting on a new street which has not been laid out in accordance with a plan so approved;
- (c) without the consent in writing of the Authority erects any building in such manner that any part thereof is within the area laid out as a street reserve for any street by the competent authority; or
- (d) constructs any culvert on the line of the new street drainage otherwise than in accordance with the plans and specifications approved by the Authority,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and the Authority may make an order (which shall be deemed to be a mandatory order for the purposes of section 35) against the offender requiring him to execute any of the following works:

- (i) to alter the street;
- (ii) to alter any building so built;
- (iii) to remove any building so built;
- (iv) to alter or remove any culvert so constructed.

(11) Where any new street is stated to be intended for foot traffic only, the Authority may impose such conditions as it thinks fit for ensuring that the street shall not be used as a carriage road.

(12) Any person who keeps open or uses such street in breach of any condition imposed under subsection (11) 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 not exceeding \$100 for every day during or on which the offence continues or is repeated.

(13) No person shall erect or maintain or permit to be erected or maintained any obstruction in any such street, and the Authority may, where any such obstruction exists, take down and remove the same.

(14) For the purposes of this section, “new street” shall be deemed to include —

- (a) the continuation of an existing street;
- (b) the widening or alteration of any existing street;
and
- (c) the adapting of a street made for foot traffic only for carriage traffic.

(15) If the person giving a notice under subsection (1) is dissatisfied with any requisition or disapproval by the Authority, he may appeal to the Minister whose decision shall be final.

(16) Subject to subsection (17), if the Authority does not, within 2 months from the delivery of a notice and the plan under subsection (1) or of the date of the re-submission of the plan amended in pursuance of subsection (4), as the case may be, approve the plan, the plan shall be deemed to be approved unless the Authority has previously disapproved it.

(17) Nothing in subsection (16) shall be construed as exempting the person submitting the plan from otherwise complying with the provisions of this Act or any regulations made thereunder.

(18) Where the plans of any street works or proposed street works have been approved by the Authority and the person for whom the plans are submitted intends to depart or deviate from the plans approved, he shall apply to the Authority for approval of the plans showing the proposed departure or deviation and such application shall be accompanied by the latter plans and a certificate by an accredited checker in respect of such of the latter plans relating to the structural elements of the street works or proposed street works stating that, to the best of the knowledge and belief of the accredited checker, those plans do not show any inadequacy in the key structural elements of the street works to be carried out or affected by street works carried out in accordance with those plans.

19. All plans for a new street which were approved under section 19 of the repealed Act or under section 18 of this Act shall expire at the end of such period as may be specified by the Authority and the Authority may, in its discretion, renew the approval for such period as it may consider necessary.

Expiry of
approval
of plans.

Determina-
tion of
amount to be
deposited
and date for
completion.

20.—(1) Every person shall, before commencing any work for the erection of any new building, submit an application in writing for the determination of the amount to be deposited, if any, for the execution of street works as required under section 16 or 18.

(2) The Authority shall —

(a) on an application being made under subsection (1);
or

(b) where no such application has been made, after serving a notice on the person who is to be required to make the deposit,

by order in writing determine —

(i) the amount, if any, that is required to be deposited for the execution of street works; and

(ii) if a deposit is required, the date on or before which the street works shall be completed.

(3) The Minister may by order in writing exempt a particular building or class of buildings from subsection (1).

(4) Where no deposit is required, the Authority shall issue a certificate to the person who made the application under subsection (1) stating that no deposit is required to be made for the execution of street works before the commencement of building operations.

(5) The Authority shall, in making an order under subsection (2), have regard to the amount that could be recovered by the Authority if it had executed the street works under the provisions of this Act.

(6) The Authority shall serve a copy of the order on the person who is required to deposit the amount determined for the execution of street works, which amount —

(a) shall be deposited with the Authority at such time as the Authority may by notice in writing specify; and

(b) shall not be refunded, except in accordance with section 22.

(7) Any person who fails to deposit the amount determined for the execution of street works within the time specified by the Authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000

and, in the case of a continuing offence, to a further fine of \$100 for every day during which the offence continues after conviction.

(8) The Authority may by order in writing vary the amount determined under subsection (2) for the execution of street works and serve a copy of the order on the person who is required to deposit the amount determined for the execution of street works.

(9) An order made under subsection (8) shall be deemed to be an order made under subsection (2).

(10) Any person who is dissatisfied with the order may, within 10 days of the service on him of the order, appeal to the Minister whose decision shall be final.

21.—(1) If street works are not commenced or executed to the satisfaction of the Authority in any case where a deposit has been made under section 20 (6), the Authority may, at any time after the service of a notice in writing, execute the street works or cause the street works to be properly carried out.

Authority may execute street works or cause street works to be properly carried out.

(2) The costs and expenses incurred by the Authority in the execution of the street works or in causing the street works to be properly carried out shall be recovered from the deposit made under section 20 (6).

22.—(1) Where a deposit has been made under section 20 (6) and street works have been carried out to the satisfaction of the Authority, the Authority may, upon an application in writing, refund to the person who made the deposit the whole or part of the deposit.

Refund of deposit when street works have been completed.

(2) The Authority may retain the deposit or any part thereof if it is of the opinion that —

- (a) the street works have not been executed properly;
- (b) the building operations in regard to the erection of any building which has not been commenced or completed would require further street works to be executed; or
- (c) it is required for a period of maintenance, which period shall not exceed 12 months.

(3) In this section and in section 23, “building operations” means such works as are carried out for the erection of any new building, including works which are preparatory to the erection of a new building.

Refund of deposit when building operations are not commenced.

23.—(1) Any person who has made a deposit under section 20 (6), and who subsequently decides not to proceed with the erection of any building, without having commenced any building operations, may give notice in writing to the Authority of his intention not to proceed with the erection of the building.

(2) The Authority shall, on an application in writing by a person who has given such a notice, refund the deposit or part thereof as it may determine, after the cancellation of the approved plan by the Building Authority.

Division II — Maintenance of private streets

Repair of private streets.

24.—(1) Where any private street or any part thereof is in a defective condition, and if the Authority is satisfied that the safety of the public requires that action should be taken, the Authority may, by order require —

- (a) the owners of all premises abutting on the street and having access or right of access thereto from those premises; or
- (b) any person who, in the opinion of the Authority, was responsible for causing the street to be in a dangerous or defective condition,

to execute such work and make such provision as may be necessary to remedy the defect within such time as is stated in the order and may in the order specify the date before which the work shall be commenced.

(2) If any person to whom an order under subsection (1) is addressed fails to comply with the requirements of the order —

- (a) the Authority may execute the order in such manner as it thinks fit to repair the defect to remove any immediate danger; and
- (b) such person shall pay to the Authority the costs and expenses of the repair in such proportions as are settled by the Authority.

(3) Where any person to whom an order under subsection (1) is addressed fails to commence the work before the date specified in the order, the Authority may, in its discretion, notwithstanding that the period stated in the order for the completion of the work has not yet expired, itself cause the work to be done and recover from such person the costs and expenses of the work or such proportions of the costs and expenses as are settled by the Authority.

(4) If any person who is liable to pay costs and expenses under subsection (2) or (3) is dissatisfied with the Authority's apportionment of costs and expenses, he may appeal to the Minister whose decision shall be final.

(5) Notwithstanding subsections (1), (2) and (3), the Authority may, in its discretion, execute street works on any private street or any part thereof as may be considered necessary for the public safety, except that the execution of such street works by the Authority shall not affect the liability of any person under subsection (1), (2) or (3).

(6) A certificate of the Authority stating that it is of the opinion that such person or persons named in the certificate was or were responsible for causing a private street or any part thereof to be in a dangerous or defective condition shall be conclusive evidence for the purpose of any proceedings for the recovery of the costs and expenses of the repairing of that private street.

25.—(1) The Authority may, in any case where it is of the opinion that any person is responsible for causing a private street or any part thereof to be in a dangerous or defective condition, by notice require such person not to make further use of the private street for the purpose of transporting any matter, material or thing until such deposit as may be required under subsection (2) has been made with the Authority.

Notice on person causing private street to be in dangerous or defective condition.

(2) The Authority may, by order in writing, require any person who has been served with a notice under subsection (1) to deposit with the Authority such sum as may be required for causing the street to be properly repaired.

(3) The Authority shall, in making an order under subsection (2), have regard to the costs and expenses that would have to be incurred if it should cause the work to be done.

(4) If a notice under subsection (1) is not complied with, the person who has been served with the notice shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both;
- (b) to a further fine not exceeding \$500 for every day during which the notice was not complied with; and
- (c) to a further fine not exceeding \$500 for every day during which the contravention of subsection (1) continues after conviction.

(5) The certificate of the Authority stating that it is of the opinion that the person named in the certificate is responsible for causing a private street or any part thereof to be in a dangerous or defective condition shall be conclusive evidence for the purpose of any prosecution under this section.

PART IV

DECLARATION

Private streets may be declared public streets.

26.—(1) If any street, not being a public street, is levelled, channelled, drained, paved, metalled, flagged and provided with lighting or otherwise made up to the satisfaction of the Authority, the Authority may, whether at the request of the owners or the premises fronting, adjoining or abutting on the street or otherwise, if it thinks fit, by writing signed by the Chief Executive or such other officer as may be authorised by the Authority in that behalf, declare that at the expiration of one month from the date thereof the street shall become a public street.

(2) A copy of such declaration shall be forthwith posted up in some part of the street.

(3) At the expiration of one month from the date of the declaration under subsection (1), unless the owners of the premises fronting, adjoining or abutting on the street or the owners of such premises having the greater part in annual value have, by notification to the Authority in writing under their hands, objected thereto, the street shall become a

public street and shall vest in the Government and forever afterwards be repaired by the Authority.

(4) The declaration referred to in subsection (1) shall be published in the *Gazette*.

(5) Where a street that has been declared to be a public street and has become vested in the Government under this section comprises premises included in separate lots already set aside as part of a street, the declaration shall be registered against those lots under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land. Cap. 157.
Cap. 269.

(6) Where a street that has been declared to be a public street and has become vested in the Government under this section comprises premises included in an existing lot or existing lots, the premises forming the street shall be excised from the existing lot or lots and the declaration shall be registered in respect of the excised portions under the provisions of the Land Titles Act in respect of registered land and under the provisions of the Registration of Deeds Act in respect of other land.

(7) Upon such registration, the premises forming the street shall vest in the Government free from all encumbrances and where the premises are held under a statutory land grant, such vesting shall not be deemed to create a subdivision within the meaning of the State Lands Act. Cap. 314

PART V

WALKWAYS

27.—(1) The Authority may, where it considers necessary, require the owner of any premises to allow a footway to be constructed for the use of the public within his premises. Provisions of
footways, etc.

(2) Such a footway shall be up to a maximum of 3.6 metres wide and the construction of such footway shall not affect any house within the premises; and if necessary for this purpose, the Authority may set back any wall, fence, hedge or other similar erection.

(3) Where there is a vacant frontage adjacent to the public street to which the public has access, the Authority may, in conjunction with any street improvement scheme, carry out works to the frontage as it considers fit.

(4) For the purpose of this section, “vacant frontage” includes any covered footway.

(5) The Authority shall not exercise the rights conferred by subsection (1) or (3) unless it has given not less than one month’s notice in writing to the owner of the frontage stating its intention to carry out the work, which notice shall include a plan showing the affected area of the frontage.

(6) The Authority shall prepare an estimate of the costs and expenses to be apportioned among the owners of the premises fronting, adjoining or abutting on the new footway or public street and shall serve a notice of its decision in writing to proceed with the works and to recover costs and expenses of the works upon each of such owners, and such costs and expenses shall be paid within such period as may be specified in the notice and in such proportions as are settled by the Authority.

(7) If the owner of any such premises is dissatisfied with the Authority’s apportionment of costs and expenses, he may, within 14 days from the date of service of the notice, appeal to the Minister whose decision shall be final.

(8) The Authority may, if it thinks fit, decide that in settling the apportionment of costs and expenses regard shall be had to the following considerations:

- (a) the degree of benefit accruing to any premises by the construction of the new footway or street; and
- (b) the amount and value of any street works already executed by the owners or occupiers of any such premises.

(9) The Authority may, if it thinks fit, pay the whole or any part of the costs and expenses of the works, and the payment of part of the costs and expenses may be made in such a manner as wholly to relieve the owner of any particular premises to the exclusion of other owners or to relieve him to a greater extent than other owners.

(10) When the street works have been completed by the Authority and the costs and expenses thereof ascertained —

- (a) the Authority shall cause a final apportionment of the costs and expenses of the street works to be made by dividing the costs and expenses in the same proportions as those in which the estimated costs and expenses were divided in the provisional apportionment;
- (b) that final apportionment shall be conclusive for all purposes;
- (c) notice of the final apportionment shall be served upon the owners of the premises affected thereby; and
- (d) the sums apportioned thereby shall be recoverable in the manner provided in section 43.

(11) No owner shall be entitled to any payment or compensation for the use of his frontage under this section.

(12) In every case where a footway is made under this section, the Authority shall deliver to each owner of the land a plan showing the land taken for the footway with a declaration endorsed thereon under the hand of the Minister to the effect that the land has been taken under this section for use as a public footway, subject nevertheless to the right of each owner or his successors in title at any time to build in such a manner and to such extent as he would have been entitled to build if the land had not been taken for use as a public footway.

28.—(1) Where a footway has been constructed under section 27 — Maintenance of footways.

- (a) the Authority may issue written instructions to the owner of any premises fronting, adjoining or abutting on the footway to carry out maintenance work up to the standard required by the Authority; and
- (b) the Authority may, if it thinks fit, take over the footway for maintenance, in which case the Authority shall issue a notice to the owner stating that the footway has been taken over by the Authority for maintenance.

(2) The owner shall not modify any footway within his land to which the public has access without the written permission of the Authority.

PART VI

UTILITY WORKS

Utility
services.

29.—(1) The Authority may serve notice on the owner or supplier of any gas, electricity, water, telecommunication, sewerage or drainage services to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to or is maintained by that owner or supplier and to repair any street surface thereby disturbed if, in the opinion of the Authority, such alteration is required for the purposes of the construction, operation, maintenance or improvement of any street.

(2) A notice under subsection (1) shall —

- (a) specify the apparatus or structure to which the notice applies and set out the Authority's requirements as to the alteration of its course or position and the repair of any street surface;
- (b) stipulate the period within which such work shall be carried out;
- (c) be served upon the owner or supplier at least one month before the commencement of that period; and
- (d) state that any person entitled to compensation in connection with the work required by the Authority may serve a written claim upon the Authority in accordance with the provisions of the Land Transport Authority of Singapore Act.

Cap. 158A.

PART VII

BACK-LANES

General
provisions
as to
back-lanes.

30.—(1) Neither the public nor any person shall be deemed to have any right of ingress, egress or regress over any back-lane vested in the Government or any part thereof except by express grant by the Authority which the Authority may, in its discretion, withhold or give upon such terms as it may think fit.

(2) The Authority may prepare a plan of any back-lane and the Minister may, by writing under his hand, declare that, at the expiration of one month from the date thereof, the back-lane shall be vested in the Government.

(3) A copy of such declaration shall be forthwith posted up in some part of the back-lane.

(4) At the expiration of the period referred to in subsection (2), unless the owners of the premises fronting, adjoining or abutting on the back-lane or the owners of such premises having the greater part in annual value have, by notification to the Authority in writing under their hands, objected thereto, the back-lane shall be vested in the Government.

(5) Where a back-lane has been declared to be vested in the Government under this section, the declaration shall be registered together with the plan under the Land Titles Act in respect of registered land and under the Registration of Deeds Act in respect of other land.

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(6) Upon such registration, the land comprised in the plan shall be deemed to be vested in the Government freed from all encumbrances, and where the land is held under a statutory land grant, such vesting shall not be deemed to be a subdivision within the meaning of the State Lands Act.

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31.—(1) The Authority shall level, pave, metal, channel and drain, and may provide lighting for, all back-lanes vested in the Government under section 30.

Back-lanes to be levelled, paved, etc., by Authority.

(2) When the Authority has made up a back-lane, the Authority may recover the costs and expenses of acquiring the land for, and of making up, the back-lane from the owners of premises abutting on the back-lane.

(3) Such costs and expenses shall be paid by the persons who are the owners of premises abutting on the back-lane when the works are completed according to the frontage of their respective premises in such proportions as are settled by the Authority.

(4) If the owner of any such premises is dissatisfied with the Authority's apportionment of costs and expenses, he may, within 14 days of being notified of such apportionment, appeal to the Minister whose decision shall be final.

(5) The Authority may, if it thinks fit, decide that in settling the apportionment regard shall be had to the following considerations:

- (a) the degree of benefit accruing to any premises by the making up of the back-lane; and
- (b) the amount and value of any works already executed by the owners or occupiers of any such premises.

(6) The Authority may, in any estimate of the costs and expenses of works, include reasonable charges in respect of survey and superintendence.

(7) The Authority may, if it thinks fit, pay the whole or any part of the costs and expenses of the works and the payment of part of the costs and expenses may be made in such manner as the Authority thinks fit to the exclusion of other owners or to relieve one owner to a greater extent than the other owners.

(8) Section 43 shall apply to any sum payable by the owners under this section.

PART VIII

SUPPLEMENTARY

Power to erect lighting apparatuses, street name signs and other road related facilities.

32. The Authority may cause such lighting apparatuses, street name signs, traffic signs, directional signs and other road related facilities to be put up or fixed upon or against the walls of any building or enclosure or to be put up or erected in such other manner within any street, road or place as it thinks proper.

Wilful damage to Government's property and hindrance of Authority's use of such property.

33. If any person —

- (a) wilfully removes, destroys or damages any property belonging to the Government by virtue of this Act or acquired by the Government for the purposes thereof; or
- (b) hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and the court may order him to pay compensation to the Government for any damage done by him.

34.—(1) Any person who carelessly or accidentally removes, destroys or damages any property belonging to the Government by virtue of this Act or acquired by the Government for purposes thereof shall pay by way of compensation to the Government such sum of money not exceeding \$10,000 as the court thinks reasonable.

Accidental removal, destruction or damage to Government's property.

(2) Nothing in subsection (1) shall prevent the Government from taking legal proceedings for the recovery of the full amount of the damage caused by such person.

35.—(1) Where any owner or occupier is required under this Act to erect or remove any building or thing or to perform any other work and after due notice fails to erect or remove the building or thing or to perform the work within the prescribed time, the Authority may make an order (referred to hereinafter as a mandatory order) requiring the owner or occupier to execute the required work within the time specified in the order.

Mandatory order.

(2) Where a person against whom a mandatory order is made fails to comply with the requirements of the order —

(a) he shall, unless he satisfies the court that he has used all due diligence to carry out the order, be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500 a day during his default; and

(b) the Authority or any person authorised by the Authority may enter the premises and execute the work so required to be executed and the expenses thereby incurred by the Authority shall be paid by the person in default and, if that person is the owner, section 43 shall apply in respect of those expenses, and in any other case section 40 shall apply.

Provision as to appeal against mandatory order.

36.—(1) Where a person against whom a mandatory order is made is aggrieved by the order —

(a) he may, within 14 days from the date of the order and in the prescribed form and manner, appeal to the Minister; and

(b) no liability to a fine under section 35 (2) (a) shall arise nor, except as provided for in this section, shall any proceedings be taken or work done under the order until after the determination or abandonment of the appeal.

(2) Where an appeal is brought under this section from a mandatory order, the Minister may dismiss or allow the appeal unconditionally or subject to such conditions as he considers fit, and any decision made by the Minister on the appeal shall be final.

(3) Where a mandatory order is being appealed against and the Minister is of the opinion that the non-execution of the order will be injurious or dangerous to the public health and that the immediate execution of the order will not cause any injury to the person against whom the order was made which cannot be compensated by damages, the Minister may authorise the Authority immediately to execute the work.

(4) The Authority shall, if it does the work and the appeal is successful, pay the costs and expenses of the work and the damages, if any, sustained by the appellant by reason of the work, but, if the appeal is dismissed or abandoned, the Authority may recover the costs and expenses of the work from the appellant and, if the appellant is the owner of the premises in respect of which the mandatory order was made, section 43 shall apply to any sum recoverable from him hereunder, and in any other case section 40 shall apply.

Powers of Authority in cases of emergency.

37.—(1) In cases of emergency, the Authority may direct the immediate execution of any work or the doing of any act being any work or act authorised under this Act which is in the opinion of the Authority necessary for the service or safety of the public.

(2) The Authority shall not act under this section in contravention of any decision of the Minister or against any policy of the Government.

(3) Where the Authority acts under this section, it shall report such action to the Minister at the first opportunity to do so.

38. The Authority in executing any works directed or authorised by this Act to be executed shall provide and make a sufficient number of convenient ways, watercourses, drains and channels in the place of such as are interrupted, damaged or rendered useless by reason of the execution of the works.

Authority in executing works to provide roads, etc., where existing ones are damaged.

39. Any person who at any time removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months.

Penalty for removing mark set up by Authority.

40.—(1) Subject to the provisions of this Act, in all cases where compensation, damages, fees, costs and expenses are by virtue of this Act payable by any person to the Authority or to the Government, the amount and, if necessary, the apportionment of the same and any question of liability shall, in case of dispute or failure to pay, be summarily ascertained and determined by a District Court.

Compensation.

(2) If the amount of compensation, damages, fees, costs or expenses is not paid by the person liable to pay the same within 14 days after demand, that amount may be reported to the District Court and recovered in the same manner as if it were a fine imposed by the District Court.

(3) An appeal shall lie to the High Court from any decision of the District Court under this section, and the provisions of the Criminal Procedure Code shall apply, with the necessary modifications, to all such appeals.

Cap. 68.

41. Whenever default is made by an owner of any premises in the execution of any work required under this Act to be executed by him, an occupier of the premises may, with the approval of the Authority, cause the work to be executed and the costs and expenses thereof shall be paid to the occupier by the owner or the amount may be deducted out of the rent from time to time becoming due from the occupier to the owner and the occupier may, in the absence

Occupier may execute work upon default of owner.

of any special agreement to the contrary, retain possession until those costs and expenses have been fully reimbursed to him.

Liability of transferor who has not given notice.

42.—(1) Every person who sells or transfers any property in respect of which costs and expenses have been incurred by the Authority in connection with the execution of any work which are, under this Act, recoverable from the owner thereof shall continue to be liable for —

(a) the payment of all the costs and expenses payable in respect of the property which become payable; and

(b) the performance of all other obligations imposed by this Act upon the owner of the property which are to be performed,

at any time before such notice of transfer as is required by section 19 of the Property Tax Act has been given.

Cap. 254.

(2) Nothing in this section shall affect the liability of the purchaser or transferee to pay the costs and expenses in respect of the property or the right of the Authority to recover the costs and expenses or to perform any obligation under this Act.

Recovery of costs and expenses payable by owners.

43.—(1) All and any sums payable by or recoverable from the owner in respect of the costs and expenses incurred by the Authority in connection with the execution of any work which are, under this Act, recoverable from the owner of any premises shall, subject and without prejudice to any other rights of the Authority, be a first charge on the premises in respect of which the costs and expenses were incurred.

(2) In addition to any other remedies conferred by this Act, any such sum may be recovered in the manner hereinafter provided, and the person liable to pay it shall be the owner for the time being of any premises in respect of which any sum is due.

(3) Any occupier who, when requested by or on behalf of the Authority to state the name of the owner of the premises, refuses or wilfully omits to disclose or wilfully mis-states the name shall, unless he shows cause to the satisfaction of the court for his refusal or mis-statement,

be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(4) If any such sum remains unpaid at the expiration of the prescribed time, a notice shall be served upon the person or any one of the persons, if more than one, liable to pay it, calling on him to pay that sum together with a fee of such amount as may be prescribed for the cost of the notice, within 15 days of the service of such notice.

(5) If no person liable to pay the sum can be found, such notice shall be deemed to have been duly served by the posting thereof at the office of the Authority and by fixing a copy thereof on some conspicuous part of the premises in respect of which the costs and expenses were incurred.

(6) At the expiration of the said period of 15 days or such further period as may be allowed by the Authority, if any such sum or part thereof remains due and unpaid, it shall be deemed to be arrears and may be recovered as hereinafter provided.

(7) The charge referred to in subsection (1) shall attach, and the powers and remedies hereinbefore conferred shall become exercisable as from the date of completion of the work, and thereafter those powers and remedies may be exercised against the premises or against any movable property or crops for the time being found thereon, notwithstanding any change in the ownership or occupation of the premises subsequent to that date.

(8) The Authority may charge interest at a rate to be prescribed by the Authority on any sum remaining unpaid at the expiry of the prescribed time.

44.—(1) Where the Authority has incurred costs and expenses in connection with the execution of any work, which are, under this Act, payable by or recoverable from the owner of any premises, the Authority may either recover those costs and expenses in the manner hereinbefore provided or, if it thinks fit, take any engagement from the owner for the payment of such instalments as will be sufficient to defray the whole amount of the costs and expenses with interest thereon at a rate to be prescribed by the Authority, within a period not exceeding 10 years.

Recovery of costs and expenses by instalments.

(2) Upon default in payment of any instalment or interest upon the date appointed for payment thereof by any such engagement, the whole of the balance then outstanding of that amount, together with any interest in arrear, shall immediately become due and payable and, notwithstanding any change in the ownership or occupation of the premises since the date of the engagement, may be recovered by the same means and in like manner as provided in section 43.

Proceedings
if occupier
opposes
execution of
works.

45.—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of the premises any of the provisions of this Act after notice of his intention to do so has been given by the owner to that occupier, the Authority may, upon proof thereof and upon application of the owner, make an order requiring the occupier to permit the owner to execute all such works with respect to the premises as are necessary for carrying into effect the provisions of this Act.

(2) If after the expiration of 8 days from the date of the order the occupier continues to refuse to permit the owner to execute the works, the occupier shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 for every day during which the offence was committed, and every such owner during the continuance of the offence shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing the works.

Licences,
approval,
consent, etc.,
granted by
Authority.

46.—(1) The grant or renewal of any approval, consent, permit, permission, authority, authorisation or licence in pursuance of this Act or any regulations made thereunder shall be in the discretion of the Authority or the person authorised by the Authority to grant or renew it and the approval, consent, permit, permission, authority, authorisation or licence may be granted, renewed or refused without any reason for the grant, renewal or refusal being assigned therefor and may be granted or renewed subject to such restrictions and conditions as the Authority or the person granting it may think fit and shall be subject to suspension or revocation at any time without compensation and without notice by the Authority upon breach of any restriction or condition subject to which it was issued.

(2) The Authority or the person empowered to grant or renew any approval, consent, permit, permission, authority, authorisation or licence may require any applicant therefor to furnish such information as the Authority or that person may reasonably require for a full and proper consideration of the application and in the event of a refusal to furnish such information shall refuse to grant or renew the approval, consent, permit, permission, authority, authorisation or licence.

(3) Except as otherwise provided, any approval, consent, permit, permission, authority, authorisation or licence granted or renewed in pursuance of this Act or any regulations made thereunder may be for such period not exceeding 12 months as the Authority thinks fit.

(4) There shall be charged for the grant or renewal of any approval, consent, permit, permission, authority, authorisation or licence such fee, if any, as may be prescribed by the Authority.

(5) No approval, consent, permit, permission, authority, authorisation or licence shall be transferable without the consent of the Authority or the person granting it.

(6) Except as otherwise provided, any person aggrieved by the refusal of the Authority or authorised person to grant or renew any approval, consent, permit, permission, authority, authorisation or licence or by the suspension or revocation by the Authority or authorised person of any approval, consent, permit, permission, authority, authorisation or licence may, within one month of the refusal, suspension or revocation, appeal to the Minister whose decision shall be final.

47.—(1) Every summons, notice, order or document required or authorised by this Act or any regulations made thereunder to be served on any person may be served by —

Service of notices.

- (a) delivering it to that person;
- (b) delivering it at his last known place of residence to some adult member or employee of his family;
- (c) leaving it at his usual or last known place of residence or business in a cover addressed to him; or

(d) forwarding it by post in a pre-paid letter addressed to him at his usual or last known place of residence or business.

(2) Where any summons, notice, order or document is to be served on any incorporated company or body, it may be served by —

(a) delivering it to the secretary of the company or body at its registered or principal office; or

(b) sending it by registered post addressed to the company or body at its registered or principal office.

(3) Any summons, notice, order or document required or authorised by this Act or any regulations made thereunder to be served on the owner or occupier of any premises may be served by delivering the same or a true copy thereof to some adult person on the premises or, if there is no such person on the premises to whom the same can with reasonable diligence be delivered, by affixing the summons, notice, order or document to some conspicuous part of the premises.

Receipts and notices may be given by authorised officer.

48.—(1) All notices, orders, receipts, warrants and other documents of whatsoever nature which the Authority is empowered to give by this Act or any regulations made thereunder may be given by any officer or employee authorised by the Authority.

(2) Any such notice, order, warrant, receipt or document given by the Authority under this Act or any regulations made thereunder may be given electronically, in writing or otherwise, as the Authority may determine, and it shall not be a requirement that such notice, order, warrant, receipt or document must contain the signature of the Authority or any authorised officer.

General penalties.

49. Any person guilty of an offence under this Act or any regulations made thereunder for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$2,000.

Inaccuracies in documents.

50. No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act or any

regulations made thereunder shall in any way affect the operation of this Act or any such regulations as respects that person or place if that person or place is so designated in the document as to be identifiable, and no proceedings taken under or by virtue of this Act or any such regulations shall be invalid for want of form.

51.—(1) The contents of any document prepared, issued or served under, by virtue of or for the purposes of this Act or any regulations made thereunder shall, until the contrary is proved, be presumed to be correct and the production of any book purporting to contain any apportionment made under or by virtue of this Act shall, without any other evidence whatever, be received as prima facie proof of the making and validity of the apportionment mentioned therein. Evidence.

(2) All records, registers and other documents required by this Act or any regulations made thereunder to be kept by the Authority or any officer thereof shall be deemed to be public documents and copies thereof or extracts therefrom certified by the officer responsible for the custody thereof to be true copies or extracts, as the case may be, subscribed by that officer with his name and his official title shall be admissible in evidence as proof of the contents of the document or extract therefrom.

52.—(1) The Authority may, in its discretion, compound any offence under this Act or any regulations made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$500. Composition of offences.

(2) The Authority may, with the approval of the Minister, make regulations to prescribe the offences which may be compounded.

(3) All sums collected under this section shall be paid to the Authority.

53.—(1) The Authority may, with the approval of the Minister, make regulations for or in respect of every purpose which it considers necessary for carrying out the provisions of this Act, and in particular, without prejudice to the generality of the foregoing, for or in respect of all or any of the matters specified in the First Schedule. Regulations.

(2) The Minister may, from time to time, by notification in the *Gazette*, add to, alter or amend the First Schedule.

(3) The Authority may, with the approval of the Minister, in making any regulations, prescribe the circumstances in which it shall be presumed that an offence under the provisions of any such regulations was committed.

(4) The Authority may, with the approval of the Minister, in making any regulations, provide that any contravention of, or failure or neglect to comply with, any regulations shall be an offence and may prescribe the fine with which the offence shall be punishable, but so that no such fine shall exceed for any one offence the sum of \$2,000 and, in the case of a continuing offence, the sum of \$100 for every day or part thereof during which the offence continues after conviction.

(5) All regulations made under this Act shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Transitional
provisions
and savings.

54.—(1) Any —

(a) scheme, contract, document or resolution prepared, made or approved; or

(b) approval, consent, permit, permission, authority, authorisation or licence granted,

under the repealed Act shall, except where otherwise expressly provided in this Act or in any other written law, continue and be deemed to have been prepared, made, approved or granted, as the case may be, under this Act.

(2) The savings set out in the Second Schedule shall have effect.

(3) Where in any written law, reference is made to —

(a) “the Director-General”;

(b) “the Director-General of Public Works”; or

(c) “the Director-General of Public Works appointed under section 13 (1) of the Local Government Integration Act”,

such reference shall be read as a reference to the Building Authority appointed under section 3 of the Building Control Act.

FIRST SCHEDULE

Section 53

SUBJECT MATTERS OF REGULATIONS

1. The laying or carrying of any line or rails, or utilities along, through, across, over or under public streets, public bridges or any street which is to be declared public.

2. The granting of permits for the carrying and maintenance of utilities along, through, across, over or under public streets, public bridges or any street which is to be declared public, and the fixing and levying of annual or other fees therefor.

3. The level, width and construction of streets and the repairing, cleaning, watering and lighting of streets, roads, canals and bridges and the planting of trees.

4. The supervision and control of back-lanes vested in the Government, of public streets and of streets laid out or constructed by the Authority and the licensing of persons to use such streets and back-lanes for any purpose or in any particular manner other than in the exercise of any right of way thereover.

5. The provision, construction, dimensions and paving along any portion of any land alongside such streets.

6. The utility works in public streets, public bridges or any street which is to be declared public.

7. The closing, fencing, lighting, and repair of any works, hole or place likely to be a danger to the public.

8. The prescribing of forms for licences and for other purposes for use in connection with this Act.

9. The prescribing of fees and charges for the purposes of this Act.

SECOND SCHEDULE

Section 54 (2)

MUNICIPAL PROVIDENT FUND

1. For the purpose of the provisions contained in this Schedule —
- “Minister” means the Minister for Finance;
- “Municipal Provident Fund” means the Municipal Provident Fund —
- (a) established by the City Council under the provisions of the Municipal Ordinance; and
 - (b) continued and deemed to have been established under —
 - (i) the Local Government Ordinance 1957; and
 - (ii) the repealed Act.

Cap. 133,
1936 Ed.

Ord. 24
of 1957.

Continuance of Municipal Provident Fund

2. The Municipal Provident Fund shall continue and be deemed to have been established under this Act and shall be held, managed and administered as a Government fund separate from other Government funds.

Cap. 166,
R 1.

3. Until rules are made under paragraph 7, the Municipal (Provident Fund) Rules shall continue to have effect as though references therein to the powers and duties of the City Council in relation to the management and administration of the Municipal Provident Fund were references to the powers and duties of the Minister.

Safeguarding of Municipal Provident Fund benefits

4. Until rules are made under paragraph 7, the Municipal (Provident Fund) Rules, as from time to time amended, shall continue to apply to every person transferred to the service of the Government under section 9 of the repealed Act who, immediately before 1st September 1963, was a member of the Municipal Provident Fund, or would have been eligible for membership of that Fund if he had attained the age of 20 years and had passed a medical examination of the standard prescribed, in the like manner as those Rules applied to such persons immediately before that date, and every reference to service or employment with the City Council in those Rules shall be construed as a reference to service or employment with the Government in respect of such persons.

5. Until rules are made under paragraph 7, the provisions of the Municipal (Provident Fund) Rules, as from time to time amended, requiring the City Council to make payments into the Municipal Provident Fund shall apply to the Government and be construed as

SECOND SCHEDULE — *continued*

provisions requiring the Government to make payments into that Fund in respect of every person referred to in paragraph 4 who is or who becomes a member of the Fund.

6. Persons who have been transferred to the service of the Government under section 9 of the repealed Act may count their previous service in the City Council, and their previous membership of the Municipal Provident Fund and their contributions to that Fund, for the purpose of determining the benefits to which they become entitled under paragraphs 4 and 5.

Municipal Provident Fund Rules

7. The Minister may make such rules for the maintenance of the Municipal Provident Fund as he may consider desirable and, in particular, for —

- (a) the provision of payments or other allowances on death, resignation, retirement or discharge to persons who are members of the Fund or who become members thereof;
- (b) the payment of moneys into the Fund by the respective employers of the members of the Fund;
- (c) the payment of contributions towards the management expenses of the Fund by the employers; and
- (d) the contribution of moneys into the Fund by the members thereof and for their ceasing to be members of the Fund,

and such rules shall not, in respect of every person whose provident fund benefits are safeguarded under paragraphs 4, 5 and 6, provide for less favourable benefits than those conferred by the Municipal (Provident Fund) Rules.

Cap. 166,
R 1.

*Assignment, transfer, attachment, etc.,
of Municipal Provident Fund benefits*

8. Subject to paragraphs 9 and 10, no payments or other allowances on death, superannuation, resignation, retirement or discharge made or granted to persons out of the Municipal Provident Fund nor the rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim whatsoever, and no such payments or other allowances shall pass to the Official Assignee on the bankruptcy of that person; but if any such person is adjudicated a bankrupt or is declared insolvent by judgment of the court, such payments or other allowances shall be deemed to be impressed with a trust in favour of the objects entitled thereto on the death of that person.

SECOND SCHEDULE — *continued*

9. The bankruptcy of a member shall not affect the making of deductions from the salary of the member under the rules of the Municipal Provident Fund, but notwithstanding the provisions of any written law such deductions shall continue to be made notwithstanding the bankruptcy and the portion of salary so deducted shall be deemed not to form part of the member's after-acquired property.

10. Notwithstanding paragraphs 8, 9 and 11, the Minister shall be entitled —

(a) to deduct from the benefits (less such portion of them as shall with interest thereon have been contributed by the member) which would otherwise be payable to a member (or to the trustees or estate of a deceased member) from the Municipal Provident Fund any debt legally due from the member to the Government or his employer; and

(b) at his discretion to deduct the whole or part of the benefits (less such portion of them as shall with interest thereon have been contributed by the member) which would otherwise be payable from the Municipal Provident Fund to a member (or to the trustees or estate of a deceased member) who is dismissed from the service of the Government or his employer after conviction for an offence involving dishonesty which results in pecuniary loss to the Government or his employer, or who would have been so dismissed had he not died, or who retires from or resigns his employment with intent to escape being so dismissed,

except that the amount so forfeited shall not exceed the amount of the pecuniary loss to the Government or his employer, and any sum so deducted from the benefits which would otherwise be payable to a member (or to the trustees or estate of a deceased member) shall be paid into the Consolidated Fund or to his employer, as the case may be.

11. Subject to paragraph 10, all moneys paid out of the Municipal Provident Fund on the death of any member shall be deemed to be impressed with a trust in favour of the objects entitled thereto under the will or intestacy of such deceased person, and shall not be deemed to form part of his or her estate or be subject to his or her debts but shall be deemed to be property passing on his or her death for the purposes of the Estate Duty Act.

Cap. 96.

Trustees

12. Any member may, by a memorandum under his hand, appoint a trustee or trustees of the moneys payable on his death out of the Municipal Provident Fund and may make provision for the appointment of a new trustee or new trustees of such moneys and for the investment

SECOND SCHEDULE — *continued*

thereof. Such memorandum shall be in such form as may be approved by the Minister and shall be deposited with the Government.

13. If at the time of the death of any member or at any time afterwards —

(a) there is no trustee of the moneys payable on the member's death out of the Municipal Provident Fund; or

(b) it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the High Court or a Judge thereof.

14. The receipt of a trustee or trustees duly appointed or in default of any such appointment and of written notice thereof to the Government the receipt of the legal personal representative of a deceased member shall be a discharge to the Government for any moneys payable on his death out of the Municipal Provident Fund.

LEGISLATIVE HISTORY
STREET WORKS ACT
(CHAPTER 320A)

Act 30 of 1995 — Street Works Act 1995

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