



THE STATUTES OF THE REPUBLIC OF SINGAPORE

STREET WORKS ACT

(CHAPTER 320A)

(Original Enactment: Act 30 of 1995)

REVISED EDITION 1996

(30th April 1996)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Informal Consolidation – version in force from 3/6/2019

Street Works Act

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An Act relating to the construction, improvement, repair, maintenance and management of streets and back-lanes and other

matters connected therewith, and the prevention of obstruction of five-footways and private footways.

[11/2003 wef 01/08/2003]

[1st September 1995]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Street Works Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“accredited checker” means a person who is registered as an accredited checker under section 16 of the Building Control Act [Cap. 29];

“annual value” has the same meaning as in the Property Tax Act [Cap. 254];

“Authority” means the Land Transport Authority of Singapore established under the Land Transport Authority of Singapore Act [Cap. 158A];

“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 person who is appointed under section 5 of the Planning Act (Cap. 232) for the purposes of Part III of that Act;

[Act 38 of 2018 wef 02/01/2019]

“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 [Cap. 269], or where applicable under the Land Titles Act [Cap. 157], relating exclusively thereto;

“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;

“outsourced enforcement officer”, in relation to any provision of this Act or regulations made under this Act, means an individual who —

- (a) is appointed under section 11 of the Land Transport Authority of Singapore Act;
- (b) is authorised by or under that Act to exercise any powers under any provision of this Act or regulations made under this Act, as the case may be; and
- (c) is acting within that authorisation;

[Act 38 of 2018 wef 02/01/2019]

“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 prepared under section 10 of the Property Tax Act [Cap. 254];

[11/2003 wef 01/08/2003]

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

“private footway” means any footway that is not vested in the Government and that —

- (a) is intended pursuant to a planning or conservation permission granted by the competent authority under the Planning Act [Cap. 232] to be used mainly for the movement or passage of people on foot, and is used or intended to be used —
 - (i) as a link either underground or at the second or upper storey level between 2 developments across their common boundary;

- (ii) as a link either underground or at the second or upper storey level between a development and a station of the rapid transit system, a bus terminal or a bus interchange; or
- (iii) as a link over or underneath a public street between 2 developments or parts of the same development;
- (b) is connected to a station of the rapid transit system, a bus terminal or a bus interchange and is used or intended to be used as a means of access between such station, bus terminal or bus interchange and a public street;
- (c) is on a bridge or underpass directly connected to and is over or underneath a public street; or
- (d) is located in a single holding and fronting, adjoining or abutting a public street;

[11/2003 wef 01/08/2003]

“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 and which has become vested in the Government under this Act or the repealed Act, or in any other manner;

[11/2003 wef 01/08/2003]

“repealed Act” means the repealed Local Government Integration Act [Cap. 166, 1985 Ed];

“road related facility” includes any traffic sign, directional sign, street name sign, traffic light, bus shelter, place for the parking of bicycles, power-assisted bicycles or personal mobility devices, railing, lighting apparatus and any optical, electronic, communication, monitoring or computerised equipment necessary for the control and management of

traffic, and any other road related structure and facility maintained by the Authority;

[11/2003 wef 01/08/2003]

[Act 3 of 2017 wef 20/06/2017]

“road structure” includes any bridge, underpass, tunnel, earth retaining wall and ancillary buildings;

[11/2003 wef 01/08/2003]

“street” includes —

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

[Act 3 of 2017 wef 20/06/2017]

(b) any road, path, 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,

[Act 3 of 2017 wef 20/06/2017]

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.

Exemption

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.

Authority to manage, maintain and repair public streets and administer this Act

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 (but not channels, drains, ditches and reserves abutting a street), and for the general administration of this Act.

[Act 38 of 2018 wef 02/01/2019]

(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

Power to construct and improve streets

5.—(1) The Authority, with the approval of the Minister, may —

- (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.

(3) The exercise of any power under this Act for a purpose in subsection (1) is subject to Part 2 of the Active Mobility Act 2017 if the public street is or is to be a public path under that Act.

[Act 3 of 2017 wef 01/05/2018]

Public streets and bridges vested in Government

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.

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.

Carrying out of engineering works within road structure safety zone

8A.—(1) No person shall carry out any engineering works within the road structure safety zone unless he has obtained the prior approval of the Authority.

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

- (a) shall be made in writing and shall be accompanied by an engineering plan, showing the location affected by the engineering works to be carried out; and
- (b) may be granted by the Authority subject to such conditions as the Authority thinks fit.

(3) Any person who contravenes subsection (1) 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 or part thereof during which the offence continues after conviction.

(4) In this section —

“engineering plan”, in relation to engineering works, includes detailed plans of the engineering works, monitoring equipment and instrumentation and other relevant information proposed for use to monitor the structural integrity of the road structure;

“engineering works” means any kind of construction work that is likely to affect the structural integrity of any road structure and the safety of its operations, and includes —

- (a) excavations for basements and other building structures under land;
- (b) installations of foundation piles, sheet piles, bore holes, wells, ground anchors and tie backs; and
- (c) the operation of any crane, hoist or heavy equipment;

“road structure safety zone” means that part of the land or area which is 20 metres from the outermost edge of any part of a road structure.

[11/2003 wef 01/08/2003]

Power to enter private land to construct new streets

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 —

- (a) to construct or improve any street; and
- (b) to construct, install, improve or remove any road structure or road related facility,

in, under or over the land, and to do all things as are reasonably necessary in connection therewith.

[11/2003 wef 01/08/2003]

(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 every owner and occupier of the land.

[Act 12 of 2015 wef 08/05/2015]

(3) *[Deleted by Act 12 of 2015 wef 08/05/2015]*

(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.

(5A) Any person who refuses to give access to, or obstructs, hinders or delays, an agent or employee of the Authority at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[Act 12 of 2015 wef 08/05/2015]

(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 street or the operation or 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.

[11/2003 wef 01/08/2003]

(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 street or the operation or maintenance of the road structure or road related facility

(as the case may be) and for all purposes connected with or incidental to such operation or maintenance.

[11/2003 wef 01/08/2003]

Power to tap utilities for operation and maintenance of road related facility

10A.—(1) Where the Authority or any person authorised by the Authority (referred to in this section as the authorised person) has constructed, installed or improved any road related facility in, under or over any State land under section 7, the Authority or authorised person, after giving 21 days' notice to the occupier of, or to every person having any estate, right, share or interest in, any land adjoining such State land, may install such meter boards, electrical meters and other accessories as may be necessary on the land and tap utilities for the purpose of and incidental to the operation and maintenance of the road related facility.

(2) Where the Authority or an authorised person has constructed, installed or improved any road related facility in, under or over any land or part thereof not being State land under section 9, the Authority or authorised person, after giving 21 days' notice to the occupier of, or to every person having any estate, right, share or interest in, such land, may install such meter boards, electrical meters and other accessories as may be necessary on the land and tap utilities for the purpose of and incidental to the operation and maintenance of the road related facility.

(3) Every meter board, electrical meter and other accessory installed under this section shall comply with such standards as are determined by the Energy Market Authority of Singapore established under section 3 of the Energy Market Authority of Singapore Act (Cap. 92B).

(4) The Authority shall pay the electricity supplier such amount as may be indicated on the electrical meters installed under this section.

(5) Notwithstanding subsections (1), (2) and (4), if no meter board, electrical meter or other accessory is installed on any land or part thereof that is not State land, the Authority shall, on a monthly basis, pay the electricity supplier such amount as is determined in accordance with the formula

$P \times R \times 24 \text{ hours} \times 30 \text{ days}$

where P is the power rating of equipment; and

R is the rate from the electricity supplier.

(6) Any person who is dissatisfied with the decision of the Authority under subsection (1) or (2) may, within 14 days of the notice, appeal to the Minister whose decision shall be final.

(7) In this section, “electricity supplier” means a person who is licensed to supply electricity under any written law for the time being relating to the supply of electricity.

[11/2003 wef 01/08/2003]

Owners who suffer substantial impairment in rights in land may require their land to be acquired

11.—(1) The owner of any land temporary possession of which is or has been taken in accordance with section 9 may, by notice in writing given to the Authority, request the Government to acquire under the Land Acquisition Act (Cap. 152) —

(a) the land; and

(b) any other land (if any) of the owner related to the land in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the lands in paragraphs (a) and (b) because of the taking of that temporary possession.

(2) If there is more than one owner of the land concerned, the notice under this section must be given by all the owners.

(3) Any notice under this section is irrevocable once given to the Authority.

(4) For the purposes of this section and section 11A, land (called *A* land) is related to other land temporary possession of which is or has been taken in accordance with section 9 (in this section and section 11A called temporarily occupied land) if the *A* land is the remainder of a parcel of land part of which is the temporarily occupied land.

(5) In this section and section 11A —

“owner”, in relation to any land, means —

- (a) a person who has the fee simple estate in the land;
- (b) a person who is the grantee or lessee under a State title for the land;
- (c) a person who has become entitled to exercise a power of sale of the land; or
- (d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

“parcel of land” means the whole area of land that —

- (a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or
- (b) is a lot in a lawful division of land and capable of being held separately by any owner,

and where a single building is erected on 2 or more such adjoining lands or lots referred to in paragraph (a) or (b), includes the area comprised in those lands or lots, as the case may be.

[Act 12 of 2015 wef 08/05/2015]

Owner-initiated acquisition

11A.—(1) Upon the Authority receiving a notice under section 11(1) in relation to any temporarily occupied land, and any other land related to the temporarily occupied land, the President is to proceed under the Land Acquisition Act to acquire that land as if those lands were the subject of a notice under section 49 of that Act.

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any land that is the subject of a notice under section 11(1) with the following exceptions, modifications and adaptations:

- (a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act shall be read as a reference to the land that is the subject of a notice under section 11(1);

- (b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any land temporary possession of which is or has been taken in accordance with section 9;
- (c) any reference in those sections to an owner of land shall be read as a reference to an owner of land referred to in section 11;
- (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates:
 - (i) the date of the notice under section 9 relating to that land;
 - (ii) the date of the expiry of the term of temporary possession in a notice under section 9 for the temporary occupation and use of the land, or the date the land is returned to the owner if earlier;
- (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.

(3) All compensation for the acquisition under the Land Acquisition Act of any land that is the subject of a notice under section 11(1) is to be paid out of the funds of the Authority.

[Act 12 of 2015 wef 08/05/2015]

Power to enter land for inspection and survey, etc.

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 —

- (a) any inspection or survey which is reasonably necessary to ascertain the condition of the land or building prior to or during the construction or improvement of any street or the

construction, installation, improvement or removal of any road structure or road related facility (as the case may be) and to carry out all reasonably necessary work of a preventive or remedial nature; and

(b) any inspection or maintenance of —

(i) any street which has been constructed or improved;
or

(ii) any road structure or road related facility which has been constructed, installed or improved,

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 street or maintaining or operating the road structure or road related facility, as the case may be.

[11/2003 wef 01/08/2003]

(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 any other work thereon that is intended to render it reasonably safe or to repair or detect damage caused in the course of the construction or improvement of any street or the construction, installation,

improvement or removal of any road structure or road related facility, as the case may be.

[11/2003 wef 01/08/2003]

(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.

Removal of projections or obstructions

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.

(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.

Declaration to vest street reserves in Government

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.

(2) Any plan prepared by the Authority under this section shall comply with the requirements of the Land Titles Act [Cap. 157] in respect of registered land and of the Registration of Deeds Act [Cap. 269] 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.

(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 [Cap. 314].

(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.

Settling of apportionment of costs and expenses

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 —

- (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 [Cap. 157] in respect of registered land and under the provisions of the Registration of Deeds Act [Cap. 269] 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 [Cap. 157] in respect of registered land and under the provisions of the Registration of Deeds Act [Cap. 269] in respect of other land.

(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].

Powers to control works on public streets

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.

(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

Private persons constructing new streets

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

- (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 [Cap. 253] showing the intended level and construction of the street and the level 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 —

- (a) 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); or
- (b) the use of the land for this purpose has been authorised under section 21(6) of the Planning Act.

[11/2003 wef 01/08/2003]

(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;
- (ga) the connection between the new street and other streets;
[11/2003 wef 01/08/2003]
- (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) The Authority may, with the approval of the Minister, by notification in the *Gazette* authorise, either generally or in relation to any specified type of development, the construction of new streets subject to such conditions as may be specified in the notification.

[11/2003 wef 01/08/2003]

(20) Any person, who being required by or by virtue of this Act or any regulations made thereunder to make or produce to the Authority any plan, declaration, certificate, report, record, notice or other document, or who, for the purpose of obtaining any licence, permit, waiver or approval from the Authority under this Act or any regulations made thereunder or for the purpose of establishing any fact relevant to the administration of this Act or any regulations made thereunder —

- (a) makes or produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular; or
- (b) produces any plan, declaration, certificate, report, record, notice or other document which is false in a material particular, or which has not been made by the person by whom it purports to have been made, or which has been in any way altered or tampered with,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

[11/2003 wef 01/08/2003]

Expiry of approval of 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.

Determination of amount to be deposited or secured 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, if any, to be deposited or secured to the satisfaction of the Authority for the execution of street works as required under section 16 or 18.

[11/2003 wef 01/08/2003]

(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 or furnish the security,

by order in writing determine —

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

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

[11/2003 wef 01/08/2003]

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

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

[11/2003 wef 01/08/2003]

(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 or secure 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;
- (b) shall be secured to the satisfaction of the Authority by such time and in such manner as the Authority may by notice in writing specify; and
- (c) shall not be refunded, except in accordance with section 22.

[11/2003 wef 01/08/2003]

(7) Any person who fails to deposit or secure 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.

[11/2003 wef 01/08/2003]

(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 or secure the amount determined for the execution of street works.

[11/2003 wef 01/08/2003]

(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.

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

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 or security has been furnished 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.

[11/2003 wef 01/08/2003]

(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 or the security furnished under section 20(6).

[11/2003 wef 01/08/2003]

Refund of deposit or return of security when street works have been completed

22.—(1) Where a deposit has been made or security has been furnished 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 the deposit or return the security, in whole or in part, to the person who made the application under section 20(1).

[11/2003 wef 01/08/2003]

(2) The Authority may retain the deposit or the security 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.

[11/2003 wef 01/08/2003]

(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 or return of security when building operations are not commenced

23.—(1) Any person who has made a deposit or furnished any security 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.

[11/2003 wef 01/08/2003]

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

[11/2003 wef 01/08/2003]

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.

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

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.

(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 of 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.

[S 92/97]

(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 [Cap. 157] in respect of registered land and under the provisions of the Registration of Deeds Act [Cap. 269] in respect of other land.

(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

Provisions of footways, etc.

27.—(1) The Authority may, where it considers necessary, require the owner of any premises —

- (a) to allow a footway to be constructed within his premises for the use of the public; or
- (b) to allow an existing footway within his premises to be improved for the use of the public.

[11/2003 wef 01/08/2003]

(2) The construction or improvement of a footway under subsection (1) shall not affect any house within the premises, except that if necessary for this purpose, the Authority may set back any wall, fence, hedge or other similar erection.

[11/2003 wef 01/08/2003]

(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 or existing 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.

[11/2003 wef 01/08/2003]

(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 or improvement of the new footway or street; and

[11/2003 wef 01/08/2003]

- (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.

Maintenance of footways

28.—(1) Where a footway has been constructed or improved under section 27 —

- (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.

[11/2003 wef 01/08/2003]

(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

Authority to manage, maintain and repair back-lanes vested in Government

29A. The Authority shall be responsible for the management, maintenance and repair of back-lanes vested in the Government.

[11/2003 wef 01/08/2003]

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 [Cap. 157] in respect of registered land and under the Registration of Deeds Act [Cap. 269] in respect of other land.

(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 [Cap. 314].

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

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.

(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.

Obstruction of public streets, five-footways and private footways

32A.—(1) No person shall —

(a) deposit or cause or allow any article or thing to be deposited on any public street, five-footway or private footway; or

(b) cause or allow any article or thing to remain on any public street, five-footway or private footway,

so as to create any obstruction or inconvenience to the passage of the public on such public street, five-footway or private footway.

[11/2003 wef 01/08/2003]

(2) Any person who contravenes subsection (1) shall be guilty of an offence.

[11/2003 wef 01/08/2003]

(3) If any article or thing is deposited or left on any public street, five-footway or private footway in contravention of subsection (1), an authorised officer may move that article or thing, or cause it to be so removed, so that it is no longer an obstruction or inconvenience to the passage of the public on the public street, five-footway or private footway.

[Act 38 of 2018 wef 02/01/2019]

(3A) An authorised officer must not exercise a power under subsection (3) unless the officer has taken reasonable steps to inform the following persons (if known), whoever is relevant, of the officer's intention to exercise that power, and allowed or directed the person to move the article or thing:

- (a) the owner of the article or thing;
- (b) the person who caused the article or thing to be deposited or to remain on the public street, five-footway or private footway;
- (c) the owner or occupier of any land or building fronting, adjoining or abutting on the public street, five-footway or private footway.

[Act 38 of 2018 wef 02/01/2019]

(4) For the purpose of exercising a power under subsection (3), an authorised officer may, with such assistance as the officer considers necessary —

- (a) move the article or thing by any reasonable means (including by towing it) to store at a place of safety; and
- (b) use reasonable force, including cutting or breaking open any lock, seal, fastener or other device on or connected to the article or thing.

[Act 38 of 2018 wef 02/01/2019]

(4A) A person must remove any article or thing where allowed or directed to do so by an authorised officer under subsection (3A).

[Act 38 of 2018 wef 02/01/2019]

(4B) A person who, without reasonable excuse, fails to comply with subsection (4A) shall be guilty of an offence.

[Act 38 of 2018 wef 02/01/2019]

(5) Where any article or thing has been removed from a public street, five-footway or private footway under subsection (3), the Authority may recover any costs reasonably incurred by it in connection with such removal and the storage of the article or thing by the Authority, from the owner of the article or thing or from the person who caused the article or thing to be deposited or to remain on the public street, five-footway or private footway.

[Act 38 of 2018 wef 02/01/2019]

[11/2003 wef 01/08/2003]

(6) Where an authorised officer has removed any article or thing under subsection (3), he shall cause a notice in writing to be sent to the owner of the article or thing (if known) to inform such owner of —

- (a) the removal of the article or thing;
- (b) the manner by which and the time within which such owner may procure the release of the article or thing; and
- (c) the consequences that may follow under subsections (7) and (8) if the article or thing is not claimed within the time specified in the notice.

[Act 38 of 2018 wef 02/01/2019]

[11/2003 wef 01/08/2003]

[6/2004 wef 08/03/2004]

(7) If the article or thing is not claimed by its owner within the time specified in the notice referred to in subsection (6), the Authority may dispose of the article or thing in such manner as it thinks fit (including selling the article or thing).

[11/2003 wef 01/08/2003]

(8) Where any article or thing has been sold under subsection (7), the proceeds of the sale shall be applied in payment of any expenses incurred in removing, storing and disposing of the article or thing under this section and thereafter shall be applied in payment of all charges and fines payable under this Act and any regulations made thereunder and the surplus, if any, shall be paid to the owner of the

article or thing, or if not claimed by such owner within 12 months of the date of the sale, shall be forfeited to the Authority.

[Act 38 of 2018 wef 02/01/2019]

[11/2003 wef 01/08/2003]

(9) In addition to the methods of service under section 47 —

(a) information required under subsection (3A) may be given by affixing it to the article or thing in respect of which it applies; and

[Act 38 of 2018 wef 02/01/2019]

(b) a notice referred to in subsection (6) may be served by posting it conspicuously at or near the part of the public street, five-footway or private footway from which the article or thing was removed, if the name and address of the owner of the article or thing are unknown or cannot be ascertained despite reasonable diligence.

[11/2003 wef 01/08/2003]

(10) Any person who, without the authority of an authorised officer, removes or tampers with any notice that has been affixed to any article or thing under subsection (9)(a) or that has been posted at any part of a public street, five-footway or private footway under subsection (9)(b) shall be guilty of an offence.

[11/2003 wef 01/08/2003]

[6/2004 wef 08/03/2004]

(11) Any person who is guilty of an offence under subsection (2) or (4B) shall be liable on conviction to a fine not exceeding \$2,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

[Act 38 of 2018 wef 02/01/2019]

[11/2003 wef 01/08/2003]

(12) In this section, “authorised officer” means any employee of the Authority, any outsourced enforcement officer and any other person appointed by the Authority under section 4 to assist in the enforcement of this section.

[Act 38 of 2018 wef 02/01/2019]

[6/2004 wef 08/03/2004]

(13) This section does not apply in relation to any public path (within the meaning of the Active Mobility Act 2017) that is not on State land.

[Act 38 of 2018 wef 02/01/2019]

[Act 3 of 2017 wef 01/05/2018]

Damaging public streets, etc.

33.—(1) A person commits an offence if —

- (a) the person intentionally, recklessly or negligently engages in conduct that causes damage to —
 - (i) a public street; or
 - (ii) any property belonging to the Government by virtue of this Act, or acquired by the Government under this Act, which is in, on or under a public street;
- (b) the person does not have the prior written approval of the Authority to engage in such conduct; and
- (c) the damage —
 - (i) to the public street prevents or substantially prevents the passage of pedestrians or vehicular traffic on or other use of the public street; or
 - (ii) to the property belonging to or acquired by the Government prevents or substantially prevents the property from being used or operated in the manner in which it is intended to be used or operated.

(2) A person who commits an offence under subsection (1) shall be guilty of an offence and shall be liable on conviction as follows:

- (a) for intentionally engaging in conduct which is the offence, to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 6 months or to both;
- (b) for any other case, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 6 months or to both.

(3) Whether or not any proceedings for an offence under subsection (1) is instituted or results in a conviction, the Authority

may recover from any person who engaged in conduct that caused damage to —

- (a) any public street; or
- (b) any property belonging to the Government by virtue of this Act, or acquired by the Government under this Act, which is in, on or under a public street,

the full amount of the damage caused.

(4) In this section —

“conduct” means any act or omission, any series of acts or omissions, or both;

“engage in conduct” means engage, whether directly or indirectly, in conduct either alone or together with any other person or persons.

[Act 38 of 2018 wef 02/01/2019]

34. *[Deleted by Act 38 of 2018 wef 02/01/2019]*

Mandatory order

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.

(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.

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

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.

Penalty for removing mark set up by Authority

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.

Compensation

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.

(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 [Cap. 68] shall apply, with the necessary modifications, to all such appeals.

Occupier may execute work upon default of owner

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 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 [Cap. 254] has been given.

(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.

Recovery of costs and expenses by instalments

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.

(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.

Service of notices

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 —

- (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 place of business in a cover addressed to him; or
[Act 38 of 2018 wef 03/06/2019]
- (d) forwarding it by post in a pre-paid letter addressed to him at his usual or last known place of residence or place of business.

[Act 38 of 2018 wef 03/06/2019]

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

- (a) delivering it to the secretary or other like officer of the company or body or unincorporated association at its registered or principal office; or
[Act 38 of 2018 wef 03/06/2019]
- (b) sending it by registered post addressed to the company or body or unincorporated association at its registered or principal office.

[Act 38 of 2018 wef 03/06/2019]

(2A) In addition, any notice, order or document (other than a summons) required or authorised by this Act or any regulations made thereunder to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

- (a) by sending it by email to the email address of the individual, partnership, body corporate or unincorporated association, as the case may be;
- (b) by sending it by fax to whichever of the following is applicable:
 - (i) the fax number last known to the Authority as the fax number for the service of notices, orders or documents on the individual;
 - (ii) the fax number used at the partnership's business address;
 - (iii) the fax number used at the body corporate's or unincorporated association's registered office or principal office in Singapore;
- (c) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the addressee's chosen means of notification, stating that the notice, order or document is available and how the addressee may use the addressee's chosen means of access to access the contents of that notice, order or document; or
- (d) by any other method authorised by any regulations made under this Act for the service of notices, orders or documents of that kind if the recipient consents (expressly or impliedly) to service of a notice, order or document of that kind in that way.

[Act 38 of 2018 wef 03/06/2019]

(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.

(4) Service of any notice, order or document under subsection (2A)(a) or (b) takes effect —

- (a) if the notice, order or document is sent by email, at the time that the email becomes capable of being retrieved by the person; or
- (b) if the notice, order or document is sent by fax and a notification of successful transmission is received, on the day of transmission.

[Act 38 of 2018 wef 03/06/2019]

(5) However, service of any notice, order or document under this Act or any regulations made thereunder on a person by email or by an electronic notice at the person's chosen means of notification may be effected only with the person's prior consent (express or implied) to service in that way.

[Act 38 of 2018 wef 03/06/2019]

(6) In this section —

“business address” or “place of business” means —

- (a) in the case of an individual, the individual's usual or last known place of business in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership's principal or last known place of business in Singapore;

“chosen means of access”, for an addressee on whom is or is to be served any notice, order or document required or authorised by this Act or any regulations made thereunder, means an electronic means the addressee agrees with the person giving or serving the notice, order or document as the means by which the addressee may access the contents of that notice, order or document;

“chosen means of notification”, for an addressee on whom is or is to be served any notice, order or document required or authorised by this Act or any regulations made thereunder, means an electronic means that the addressee nominates to the person giving or serving the notice, order or document as

the means by which the addressee may be notified that such a notice, order or document has been served on the addressee;

“email address” means the last email address given by the addressee concerned to the person giving or serving a notice, order or document as the email address for the service of notices, orders or documents under this Act or any regulations made thereunder.

[Act 38 of 2018 wef 03/06/2019]

Receipts and notices may be given or served by authorised officer

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

[Act 38 of 2018 wef 03/06/2019]

(2) Any such notice, order, warrant, receipt or document given or served by the Authority under this Act or any regulations made thereunder may be given or served 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.

[Act 38 of 2018 wef 03/06/2019]

Protection from personal liability

48A. No liability shall lie against any member, officer or employee of the Authority or any other person acting under the direction of the Authority for anything done or intended to be done with reasonable care and in good faith in the execution or purported execution of this Act.

[Act 38 of 2018 wef 02/01/2019]

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.

Jurisdiction of District Court

49A. Notwithstanding any provision to the contrary in the Criminal Procedure Code (Cap. 68), a District Court shall have jurisdiction to try any offence under this Act and shall have power to impose the full penalty in respect of the offence.

[11/2003 wef 01/08/2003]

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.

Evidence

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.

(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.

Composition of offences

52.—(1) The Authority may compound any offence under this Act or any regulations made thereunder that is prescribed as being an offence which may be compounded by doing one or both of the following:

- (a) by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:
 - (i) one half of the amount of the maximum fine that is prescribed for the offence;
 - (ii) \$5,000;
- (b) by requiring the person reasonably suspected of having committed the offence to do, or to refrain from doing, such things as are specified in an offer of composition (called conditions of composition) by the Authority, with the concurrence (general or specific) of the Public Prosecutor.

(2) On payment of such sum of money and on full compliance with the conditions of composition, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

[Act 38 of 2018 wef 02/01/2019]

Regulations

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.

(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) [*Deleted by Act 11/2003 wef 01/08/2003*]

(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 [Cap. 29].

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.

3A. The management, maintenance and repair of back-lanes vested in the Government.

[11/2003 wef 01/08/2003]

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.

8A. The seizure, removal and disposal of articles and things by the Authority under this Act.

[11/2003 wef 01/08/2003]

8B. The submission of plans for and other documents relating to the carrying out of engineering works within the road structure safety zone.

[11/2003 wef 01/08/2003]

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

SECOND SCHEDULE

[Deleted by Act 11/2003 wef 01/08/2003]

LEGISLATIVE HISTORY
STREET WORKS ACT
(CHAPTER 320A)

1. Act 30 of 1995 — Street Works Act 1995

Date of First Reading : 7 July 1995
(Bill No. 26/1995 published on
8 July 1995)

Date of Second and Third Readings : 7 August 1995

Date of commencement : 1 September 1995

2. 1996 Revised Edition — Street Works Act
(G.N. No. S 92/1997 — Rectification Order)

Date of operation : 30 April 1996

3. Act 3 of 1998 — Planning Act 1998
(Consequential amendments made to Act by)

Date of First Reading : 19 November 1997
(Bill No. 18/1997 published on
20 November 1997)

Date of Second and Third Readings : 14 January 1998

Date of commencement : 1 April 1998

4. Act 11 of 2003 — Street Works (Amendment) Act 2003
(Consequential amendments made to Act by)

Date of First Reading : 24 April 2003
(Bill No. 9/2003 published on
25 April 2003)

Date of Second and Third Readings : 30 June 2003

Date of commencement : 1 August 2003

5. Act 6 of 2004 — Statutes (Miscellaneous Amendments) Act 2004

Date of First Reading : 5 January 2004
(Bill No. 4/2004 published on
6 January 2004)

Date of Second and Third Readings : 6 February 2004

Date of commencement : 8 March 2004

6. Act 12 of 2015 — Land Acquisition (Amendment) Act 2015

Date of First Reading	:	12 February 2015 (Bill No. 7/2015 published on 12 February 2015)
Date of Second and Third Readings	:	13 March 2015
Date of commencement	:	8 May 2015

7. Act 3 of 2017 — Active Mobility Act 2017

Date of First Reading	:	9 November 2016 (Bill No. 40/2016 published on 9 November 2016)
Date of Second and Third Readings	:	10 January 2017
Date of commencement	:	20 June 2017

8. Act 3 of 2017 — Active Mobility Act 2017

Date of First Reading	:	9 November 2016 (Bill No. 40/2016)
Date of Second and Third Readings	:	10 January 2017
Date of commencement	:	1 May 2018

9. Act 38 of 2018 — Land Transport (Enforcement Measures) Act 2018

Date of First Reading	:	6 August 2018 (Bill No. 29/2018)
Date of Second and Third Readings	:	10 September 2018
Date of commencement	:	2 January 2019

10. Act 38 of 2018 — Land Transport (Enforcement Measures) Act 2018

Date of First Reading	:	6 August 2018 (Bill No. 29/2018)
Date of Second and Third Readings	:	10 September 2018
Date of commencement	:	3 June 2019