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# **Local Government Integration Ordinance**

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**Bill No. 187/1963.**

*Read the first time on 5th April 1963.*

## **LOCAL GOVERNMENT INTEGRATION ORDINANCE, 1963**

**(No. of 1963)**

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A BILL

*intituled*

An Ordinance to integrate certain functions of the City Council and the Rural Board with those of the Government of the State of Singapore and to provide for matters incidental thereto.

Be it enacted by the Yang di-Pertuan Negara with the advice and consent of the Legislative Assembly of Singapore, as follows: —

PART I  
PRELIMINARY

**Short title and commencement**

5     **1.**—(1) This Ordinance may be cited as the Local Government  
Integration Ordinance, 1963, and shall come into operation on such  
date as the Yang di-Pertuan Negara may by notification in the *Gazette*  
appoint.

10     (2) The Yang di-Pertuan Negara may appoint different days for the  
coming into operation of different Parts or provisions of this  
Ordinance.

**Transitional provisions**

15     **2.**—(1) Any scheme, contract, document, licence, permission or  
resolution prepared, made, granted or approved under the Municipal  
Ordinance (Cap. 133 (1936 Edition)), the Local Government  
Ordinance, 1957 (Ord. 24 of 1957), and the Burials Ordinance  
(Cap. 212), shall, except where otherwise expressly provided in this  
Ordinance or in any other written law, continue and be deemed to have  
been prepared, made, granted or approved, as the case may be, under  
this Ordinance.

20     (2) Notwithstanding the repeal of the Municipal Ordinance, the  
Local Government Ordinance, 1957, and the Burials Ordinance, any  
subsidiary legislation made under the said Ordinances, so far as such  
subsidiary legislation relates to matters falling within the scope of this  
Ordinance and is not inconsistent with the provisions of this  
25     Ordinance, shall remain in force within the respective areas of  
Singapore affected by such subsidiary legislation prior to the repeal of  
the aforesaid Ordinances and shall have the force of regulations made  
under this Ordinance until it has been revoked or replaced by  
subsidiary legislation issued or made under this Ordinance:

30     Provided that the Minister may by regulation made under section 184  
of this Ordinance vary, amend, extend or revoke such subsidiary  
legislation so remaining in force or any part thereof as he thinks fit.

## Interpretation

3.—(1) In this Ordinance, unless the context otherwise requires —

“aerial sign” means any sign, representation, communication or advertisement visible against the sky from any street or public place or any sound audible therefrom made, exhibited or displayed by or by means of an aircraft or other means not attached to premises other than a sign, representation, communication or sound made, exhibited, displayed or used for the purposes of aerial navigation; 5

“arcade” includes verandah; 10

“building” includes any house, hut, shed or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall, fence, platform, staging, gate, post, pillar, paling, frame, hoarding, slip, dock, wharf, pier, jetty, landing-stage or bridge, or any structure, support or foundation connected to the foregoing; 15

“City Council” means the City Council of Singapore originally incorporated by Indian Act No. 27 of 1857 and incorporated under and by virtue of the Municipal (Elections—Amendment) Ordinance, 1948 (Ord. 29 of 1948), with the status of a City conferred by Royal Charter dated the 24th day of July, 1951, and as constituted under the provisions of section 6 of the Local Government Ordinance, 1957 (Ord. 24 of 1957); 20

“Competent Authority” means any Competent Authority appointed under section 3 of the Planning Ordinance, 1959 (Ord. 12 of 1959); 25

“Consolidated Fund” means the Consolidated Fund constituted by section 95 of the Singapore (Constitution) Order in Council, 1958;

“dairy” includes any cowshed, milk-store, milk-shop or other place from which milk is supplied or in which milk is kept for purposes of sale; 30

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

5 “footway” includes foot-ways and verandah-ways at the sides of streets;

“garden refuse” means the refuse from garden and agricultural operations;

10 “Health Officer” means a Health Officer appointed under section 65 of this Ordinance and includes the Director of Medical Services, a Deputy Director of Medical Services, an Assistant Director of Medical Services and a Senior Health Officer;

15 “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 Ordinance (Cap. 255), or where applicable under the Land Titles Ordinance, 1956 (Ord. 21 of 1956), relating exclusively thereto;

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

25 “market” means any place, other than a shop, ordinarily used for the sale of animals or of meat, fish, fruit, vegetables, poultry, eggs or other perishable articles of food for human consumption, and includes all land and premises in any way used in conjunction or connection therewith or appurtenant thereto;

30 “Municipal Provident Fund” means the Municipal Provident Fund established by the City Council under the provisions of the Municipal Ordinance (Cap. 133 (1936 Edition)) and continued and deemed to have been established under the Local Government Ordinance, 1957 (Ord. 24 of 1957);

35 “nuisance” means any act, omission or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger or damage to the sense of sight, smell or hearing, or which is or is likely to be injurious or dangerous to health or property;

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

“owner” means the person for the time being receiving the rent of the premises in connection with which the word is used whether on his own account or as agent or trustee for any other person or as receiver or who would receive the same if such premises were let to a tenant and shall for the purposes of sections 47 and 56 of this Ordinance include a mortgagee not in possession and includes the person whose name is entered in the Valuation List authenticated under the provisions of section 12 of the Property Tax Ordinance, 1960 (Ord. 72 of 1960);

“a place of public resort” means a building or a defined or enclosed place used or constructed or adapted to be used either ordinarily or occasionally as a church, chapel, mosque, temple or other place where public worship is or religious ceremonies are performed, not being merely a dwelling-house so used, or as a cinema, theatre, public hall, public concert room, public ballroom, public lecture room, or public exhibition room, or as a public place of assembly for persons admitted thereto by ticket or otherwise, or used or constructed or adapted to be used either ordinarily or occasionally for any other public purpose;

“port” means a port within the meaning of the Merchant Shipping Ordinance (Cap. 207);

“premises” includes messuages, houses, buildings, lands, tenements, easements and hereditaments of any tenure, whether open or enclosed, whether built on or not, whether public or private, and whether maintained or not under statutory authority;

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

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

5 “public street” means any street over which the public has a right of way which was usually repaired or maintained by the City Council or the Rural Board before the coming into operation of this Ordinance or which has been transferred to or has become vested in the Government under this Ordinance or in any other manner;

“Public Utilities Board” means the Public Utilities Board established by section 3 of the Public Utilities Ordinance, 1963 (Ord. 1 of 1963);

10 “regular line of street” means a line of street shown on the Master Plan as defined in the Planning Ordinance, 1959 (Ord. 12 of 1959), and includes a regular line of street prescribed by the Singapore Improvement Trust under the Singapore Improvement Ordinance and before 1st July, 1927, by the  
15 Municipal Commissioners of the Town of Singapore;

“Rural Board” means the Rural Board, Singapore, constituted under the Municipal Ordinance (Cap. 133 (1963 Edition));

20 “Singapore Improvement Trust” means the Singapore Improvement Trust constituted under the Singapore Improvement Ordinance (Cap. 259);

25 “sky-sign” means any erection consisting of a frame, hoarding, board, bar, pillar, post, wire or any combination of such things, or any erection of a like nature, or any visible object which floats or is kept in position by wire or other flexible attachment, displayed for the purposes of trade or professional advertisement in such a position as to be conspicuously visible against the sky above the general level of the roofs of surrounding buildings from any street or public place;

30 “stable refuse” means the dung or urine of horses, cattle, sheep, goats or swine, and the sweepings or refuse or drainage from any stables or cattle-sheds or places for keeping sheep, goats, swine or poultry;

35 “street” includes any road, square, footway or passage, whether a thoroughfare or not, over which the public have a right of way, and also the way over any public bridge, and also

includes any road, footway or passage, open court or open alley, used or intended to be used as a means of access to two or more holdings, whether the public have a right of way thereover or not; and all channels, drains, ditches and reserves at the side of any street shall be deemed to be part of such street;

5

“street works” includes work of sewerage, levelling, paving, metalling, flagging, kerbing, channelling, draining, lighting, laying of water, gas or electricity services and otherwise the making good a street or part of a street;

10

“trade refuse” means the refuse of any trade, manufacture or business or of any building operations;

“Treasury” means the Minister charged with responsibility for finance in the State of Singapore and includes any officer under the administrative control or direction of the Minister;

15

(2) In any written law and in any document whatsoever, unless the context otherwise requires, any reference to a local authority or the City Council or the Rural Board or any officer thereof, shall be construed as a reference to the Government, Minister or public officer for the time being, under and by virtue of this Ordinance, discharging the functions performed by such local authority, the City Council, Rural Board or any officer thereof, as the case may be, prior to the coming into operation of this Ordinance.

20

### **Exemption**

4. The Yang di-Pertuan Negara may by order published in the *Gazette* exempt any area or place from the operation of this Ordinance or of any provision thereof.

25

### *Transfer of Property, etc.*

### **Transfer to Government of the immovable and movable property of the City Council and Rural Board**

30

5.—(1) Upon the coming into operation of this Ordinance, all lands, buildings and other immovable property of the City Council and of the Rural Board at the end of the year 1960, other than those vested in and

held by the City Council for the purposes of the water, gas and electricity undertakings of the City Council as defined in section 39 of the Public Utilities Ordinance, 1963 (Ord. 1 of 1963), shall be deemed to have been transferred to and vested in the Government free from  
5 incumbrances without further assurance on the 1st day of January, 1961.

(2) Upon the coming into operation of this Ordinance, all the movable property of the City Council and of the Rural Board, including all assets, powers, rights, interests and privileges as well as  
10 debts, liabilities and obligations in connection therewith other than those vested in and held by the City Council —

(a) for the purposes of the water, gas and electricity undertakings of the City Council as defined in section 39 of the Public Utilities Ordinance, 1963; and

15 (b) in respect of all loans raised by the City Council by the issue of debenture stock and in respect of any other loans raised by the City Council for the purposes of the said water, gas and electricity undertakings of the City Council under the provisions of any Municipal Ordinance or of the  
20 Local Government Ordinance, 1957 (Ord. 24 of 1957), including the sinking funds created for the redemption of such loans,

shall be deemed to have been transferred to and vested in the Government without further assurance on the 1st day of January,  
25 1961.

(3) If any question shall arise as to which of the properties, movable or immovable, have been transferred to and vested in the Government under subsections (1) and (2) of this section a certificate under the  
30 hand of the Minister shall be conclusive evidence of the vesting of such property, movable or immovable, in the Government.

(4) The Minister for Finance may, by notification in the *Gazette*, direct that any of the assets and liabilities so deemed to have been transferred to and vested in the Government shall be transferred to and  
35 vested in the Public Utilities Board and the same shall be vested in the Board with effect from the date specified in such direction.

(5) Any proceeding or cause of action pending or existing immediately prior to the coming into operation of this Ordinance by or against the City Council or the Rural Board in respect of the immovable property transferred to the Government under this section shall be rendered null and void and of no effect, and no court shall entertain any such proceeding or cause of action. 5

(6) Any person who is a party to any proceeding or cause of action rendered null and void and of no effect under subsection (5) of this section, may apply to the Minister for compensation and the Minister may in his discretion order the payment of such compensation as he may decide. 10

(7) Any proceeding or cause of action pending or existing immediately prior to the coming into operation of this Ordinance by or against the City Council or Rural Board in respect of the movable property transferred to the Government under this section may be continued and enforced by or against the Government as it might have been by, or against the City Council or the Rural Board, had this Ordinance not come into force. 15

### **Public streets, sewers and bridges vested in the Government**

6.—(1) All public streets, public sewers, public canals, public surface and storm water drains and public bridges and the pavements, stones and other materials thereof, and also all erections, materials, implements and other things provided for the same shall be vested in the Government for the purposes of this Ordinance. 20

(2) The Minister may declare by notification in the *Gazette* that any unnavigable river or stream outside the limits of any port, together with such means of access thereto and along the same as are set forth in the declaration, is required for the purposes of this Ordinance, and thereupon the river or stream including its bed specified in the declaration and the land forming the said means of access shall become vested in the Government and shall be maintained and cleaned at the expense of the Government. 25 30

(3) The Government shall make full compensation to the owner of any land for any damage which such owner sustains by reason of any such declaration as in subsection (2) of this section mentioned and, if 35

any dispute arises touching the amount of compensation, the same shall be ascertained in the manner hereinafter provided:

5 Provided that such owner shall not be entitled to any compensation for such damage under any other written law for the time being in force.

### **Property in lamps, etc.**

7. Notwithstanding the provisions of Part IV of the Public Utilities Ordinance, 1963 (Ord. 1 of 1963), the property of and in all the lamps, lamp-irons, lamp-posts, posts, chains, poles and rails in, about or belonging to all public streets and public bridges and of and in all iron, timber, stone, bricks and other materials and furniture and things belonging thereto and of and in all public standpipes except when the same is otherwise regulated by contract with the Government, shall be deemed to have been transferred to and vested in the Government with effect from such date not earlier than the 1st day of January, 1961, as may be directed by the Minister for Finance.

### **Damage to property**

8.—(1) If any person wilfully removes, destroys or damages any property belonging to the Government by virtue of this Ordinance or acquired by the Government for the purposes thereof, or hinders or prevents such property from being used or operated in the manner in which it is intended to be used or operated he shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding one thousand dollars and a Magistrate's Court may order him to pay compensation to the Government for any damage done by him.

(2) Any private person may apprehend any person who in his view commits an offence against the provisions of this section and shall on such apprehension without unreasonable delay hand over the person so apprehended to a police officer.

(3) Any person who carelessly or accidentally removes, destroys or damages any property belonging to the Government by virtue of this Ordinance or acquired by the Government for purposes thereof, or hinders or prevents such property from being used or operated in the

manner in which it is intended to be used or operated shall pay by way of compensation to the Government such sum of money not exceeding one thousand dollars as a Magistrate's Court thinks reasonable. Nothing in this subsection shall prevent the Government from taking legal proceedings for the recovery of the full amount of the damage caused by such person.

5

*Transfer of employees, etc.*

**Transfer of employees**

9.—(1) Upon the coming into operation of this Ordinance, every person in the employment of the City Council who is not deemed to have been transferred to the service of the Public Utilities Board under the provisions of section 42 of the Public Utilities Ordinance, 1963, shall be deemed to be transferred to the service of the Government at the same rate of pay and, as near as may be, on the same conditions of service as those on which he was employed by the City Council:

10

15

Provided that in respect of those persons whose appointment to the public service is required by the Singapore (Constitution) Order in Council, 1958, to be made by the Public Service Commission, such transfer shall be subject to the approval of the said Commission:

And provided that the Minister may, between the coming into operation of this Ordinance and the 31st day of December, 1965, direct any person who has been transferred to the service of the Government under the provisions of this section to give such advice and to carry out such acts as may be required in relation to or arising out of the transfer to and vesting in the Government of the assets and liabilities of the City Council and Rural Board under the provisions of section 5 of this Ordinance.

20

25

(2) The service under the City Council of every person transferred to the service of the Government under subsection (1) of this section shall be deemed to have been service under the Government for the purposes and subject to the provisions of the Pensions Ordinance, 1956 (Ord. 22 of 1956).

30

### **Safeguarding of Provident Fund benefits**

10.—(1) Until Rules are made under section 12 of this Ordinance, the Municipal (Provident Fund) Rules, 1956, as from time to time amended, shall continue to apply to every person transferred to the service of the Government under section 9 of this Ordinance who, immediately prior to the coming into operation of this Ordinance, was a member of the Municipal Provident Fund, or would have been eligible for membership of the said Fund if he had attained the age of twenty years and had passed a medical examination of the standard prescribed, in the like manner as the said Rules applied to such persons immediately prior to the coming into operation of this Ordinance, and every reference to service or employment with the City Council in the said Rules shall be construed as a reference to service or employment with the Government in respect of such persons.

(2) Until Rules are made under section 12 of this Ordinance, the provisions of the Municipal (Provident Fund) Rules, 1956, as from time to time amended, requiring the City Council to make payments into the Municipal Provident Fund shall apply to the Government and be construed as provisions requiring the Government to make payments into the said Fund in respect of every person referred to in subsection (1) of this section who is or who becomes a member of the said Fund.

(3) Persons who have been transferred to the service of the Government under section 9 of this Ordinance may count their previous service in the City Council, and their previous membership of the Municipal Provident Fund and their contributions to the said Fund, for the purpose of determining the benefits to which they become entitled under this section.

### **Continuance of Municipal Provident Fund**

11.—(1) The Municipal Provident Fund shall continue and be deemed to have been established under this Ordinance and shall be held, managed and administered as a Government fund separate from other Government funds.

(2) Until Rules are made under section 12 of this Ordinance, the Municipal (Provident Fund) Rules, 1956, shall continue to have effect as though references therein to the powers and duties of the City Council in relation to the management and administration of the said Fund were references to the powers and duties of the Minister. 5

### **Municipal Provident Fund Rules**

**12.—**(1) The Minister may make such rules for the maintenance of the Municipal Provident Fund as he may consider desirable and, in particular, for the provision of payments or other allowances on death, resignation, retirement or discharge to persons who are members of the said Fund or who become members thereof, for the payment of moneys into the said Fund by the respective employers of the members of the said Fund, for the payment of contributions towards the management expenses of the said Fund by the said employers, for the contribution of moneys into the said Fund by the members thereof and for their ceasing to be members of the said Fund. Such rules shall not, in respect of every person whose provident fund benefits are safeguarded under section 10 of this Ordinance, provide for less favourable benefits than those conferred by the Municipal (Provident Fund) Rules, 1956. 10 15 20

(2) Subject to the provisions of subsection (3) of this section, no payments or other allowances on death, superannuation, resignation, retirement or discharge made or granted to persons out of the Municipal Provident Fund nor the rights of any contributor acquired thereunder shall be assignable or transferable or liable to be attached, sequestrated or levied upon for or in respect of any debt or claim whatsoever. No such payments or other allowances shall pass to the Official Assignee on the bankruptcy of such person, but if any such person is adjudicated a bankrupt or is declared insolvent by judgment of the Court, such payments or other allowances shall be deemed to be impressed with a trust in favour of the objects entitled thereto on the death of that person. The bankruptcy of a member shall not affect the making of deductions from the salary of the member under the rules of the Municipal Provident Fund, but notwithstanding the provisions of any written law such deductions shall continue to be made notwithstanding the bankruptcy and the portion of salary so 25 30 35



on his or her death for the purposes of the Estate Duty Ordinance (Cap. 162).

(5) Any member may by a memorandum under his hand appoint a trustee or trustees of the moneys payable on his death out of the Municipal Provident Fund and may make provision for the appointment of a new trustee or new trustees of such moneys and for the investment thereof. Such memorandum shall be in such form as may be approved by the Minister and shall be deposited with the Government.

(6) If at the time of the death of any member or at any time afterwards there is no trustee of such moneys or it is expedient to appoint a new trustee or new trustees then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the High Court or a Judge thereof.

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

## PART II

### STREETS AND SEWERS

#### **Appointment of Director of Public Works and other officers**

**13.**—(1) The Yang di-Pertuan Negara may, by notification in the *Gazette*, appoint an officer to be called the Director of Public Works, in this Part of this Ordinance referred to as the Director, also one or more officers to be called Deputy Directors of Public Works and one or more officers to be called Assistant Directors of Public Works who, subject to such limitations as may be prescribed by the Director, may perform all duties imposed and exercise all powers conferred on the Director by this Part of this Ordinance, and every duty so performed and power exercised shall be deemed to have been duly performed and exercised for the purposes of this Part of this Ordinance.

(2) The Director may, subject to such conditions or restrictions as he thinks fit, delegate to any Officer in Division I of the public service

employed in the administration of this Part of this Ordinance all or any of the powers, functions and duties vested in him by sections 17 to 19, 26 to 28 and 35 to 40 of this Ordinance.

### *Streets*

#### 5 **Maintenance and repair of public streets**

14.—(1) The Director shall, so far as the funds at his disposal will admit, cause all public streets together with the footways thereof, whether covered by arcades or not, to be maintained and repaired and may —

- 10           (a) cause the same to be paved, metalled, flagged, channelled, drained, kerbed, lighted or otherwise improved, and the surface thereof to be raised, lowered or altered as he thinks fit;
- 15           (b) make and keep in repair any footways for the use of passengers in any such street; and
- (c) place on the side of such footways or otherwise such fences and posts as are needed for the protection of foot passengers.

#### **Boundary stones**

- 20           (2) The Director may set up or affix to any buildings abutting on a public street, boundary stones or other marks to denote the width of such street.

#### **Penalty**

- 25           (3) Any person who removes, defaces or injures any such stone or mark shall be liable on conviction to a fine not exceeding five hundred dollars.

#### **Owner or occupier to protect boundary stones**

- (4) The owner and occupier of any premises in or against or to which such stone or mark is set up or affixed shall protect the same.

(5) The expense of replacing any such stone or mark shall be paid by the occupier or, if the premises are unoccupied, by the owner, and shall be recoverable as hereinafter provided.

### **Power to make and improve streets**

**15.** The Director, with the sanction of the Minister, may — 5

- (a) make new streets and back-lanes;
- (b) build and construct bridges and tunnels;
- (c) turn, divert, discontinue or stop up any public street; and
- (d) widen, open, enlarge or otherwise improve any public street, 10

making due compensation to the owners and occupiers of any land, houses or buildings which are required for any such purposes or which are injuriously affected by the works.

### **Power to take land adjoining new streets for building purposes**

**16.** In making any new streets, in addition to the land required for the carriage-ways and footways thereof, the Director may, with the sanction of the Minister, also — 15

- (a) acquire the land necessary for the houses and buildings to form the said street;
- (b) erect any buildings upon the land so acquired or alter any existing buildings thereon; and 20
- (c) sell and dispose of such land, houses or buildings with such stipulations and conditions as to the class and description of houses or buildings to be erected on such land as he thinks fit. 25

### **Director may recover cost of new street**

**17.—(1)** When the Director has made a new street, he may recover the cost of acquiring the land for, and of constructing, the said street from the owners of the premises fronting, adjoining or abutting upon such street, including any premises which do not front, adjoin or abut on the street or part thereof, but access to which is obtained through 30

the new street by means of another street or backlane, and which in the opinion of the Director has benefited by the making of the new street.

(2) Such cost shall be paid by the persons who are the owners when the work is completed according to the frontage of their respective premises in such proportions as are settled by the Director.

(3) If the owner of any such premises is dissatisfied with such apportionment of costs, he may appeal to the Minister whose decision shall be final.

(4) The Director may, if he 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 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.

(5) The Director may, in any estimate of the expenses of street works include reasonable charges in respect of surveys and superintendence.

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

(7) The provisions of section 157 of this Ordinance shall apply to any sum payable by the owners under this section.

### **Private persons making new streets**

**18.**—(1) Every person who intends to make any new street shall give notice in writing thereof to the Director, accompanied by a plan in duplicate, showing the intended level and construction of such street and the level of the houses to be built on land abutting upon it and the proposed manner of draining it, and by a statement whether such street is intended for a carriage road, or for foot traffic only, in order that the same may be approved by the Director subject to compliance with such directions as may be given under subsection (2) of this section:

Provided that the Director shall not approve the detailed plans of any new street unless the Competent Authority shall first have given written permission for the use of the land for this purpose under the provisions of the Planning Ordinance, 1959 (Ord. 21 of 1959).

### **Directions by Director**

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(2) The Director 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 Ordinance and any regulations made thereunder;

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

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

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

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(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 Director requires;

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(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 new streets; and

(j) the provision of culverts and the specification, size, and gradient of such culverts.

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

(4) The person whose plan has been approved by the Director and each successor in title of such 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

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sufficient by the Director to denote the length, width and alignment of the street.

(5) If the new street has not been laid out and demarcated within the period of six calendar months from the date when the plan was approved by the Director, the Director 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.

(6) 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 liable on conviction to a fine not exceeding two hundred dollars.

### **Penalties**

(7) Any person who —

(a) constructs any new street otherwise than in accordance with a plan approved by the Director under this section; or

(b) erects any building on land abutting on a new street which has not been laid out in accordance with a plan so approved; or

(c) erects any building or plants any hedge in such manner that any part thereof is, without the consent in writing of the Director, in any direction less than eighteen feet from the centre of the roadway of any street, not being a public street, or less than thirty-six feet from the opposite side of any road or path used or intended to be used as the means of access to two or more houses exclusive of the width of any footway which the Director requires; 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 Director,

shall be liable on conviction to a fine not exceeding five hundred dollars, and a Magistrate's Court may, on the application of the Director make an order, which shall be deemed to be a mandatory order for the purposes of section 141 of this Ordinance, 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 or any hedge so planted; or
- (iv) to alter or remove any culvert so constructed.

(8) If a new street has not been constructed by the person whose plan has been approved by the Director or by his successor in title so far as the street lies in the land acquired by such successor within the period of nine months from the date of the plan as approved by the Director, or such longer period as the Director may in any particular case allow, the Director may enter upon the land and construct the street at the expense of the person whose plan has been approved or of his successor in title so far as the street lies in the land acquired by him: 5 10

Provided that for the purposes of this subsection any such plan approved under the provisions of section 142 of the Local Government Ordinance, 1957 (Ord. 24 of 1957), shall be deemed to be a plan approved under the provisions of this section. 15

### **Director may impose conditions**

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

### **Penalty** 20

(10) Any person who keeps open or uses such street in breach of such conditions shall be liable on conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding fifty dollars for every day during or on which the offence is continued or repeated.

### **Streets not to be closed** 25

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

### **Continuation or alteration of existing streets**

(12) For the purposes of this section the expression “new street” shall be deemed to include the continuation of an existing street or the 30

widening or alteration of any existing street or the adapting of a street made for foot traffic only for carriage traffic.

### **Appeal**

5 (13) If the person giving a notice under subsection (1) of this section is dissatisfied with any requisition or disapproval by the Director, he may, within seven days from the receipt of such requisition or disapproval, appeal to the Minister whose decision shall be final.

### **Approval of Plans**

10 (14) If the Director does not, within two calendar months from the delivery of a notice and the plan under subsection (1) of this section or of the date of the resubmission of such plan amended in pursuance of subsection (3) of this section, as the case may be, approve such plan, such plan shall be deemed to be approved unless the Director shall have previously disapproved the same:

15 Provided that nothing herein shall be construed to exempt the person submitting such plan from otherwise complying with the provisions of this Ordinance or any regulations made thereunder.

### **Paving, etc., of private streets**

20 **19.**—(1) Where any private street or part of a private street in the opinion of the Director requires the execution in respect of it of street works, the Director may from time to time decide with respect to such private street or part thereof to execute such street works as he considers necessary and the expenses incurred by the Director in executing such street works shall be apportioned (subject as in this section mentioned) among the premises fronting, adjoining or abutting on such private street or part thereof, and any such decision may include several private streets or parts thereof or may be limited to any part or parts of a private street.

### **Preparation of plans and estimates and apportionment of expenses**

30 (2) The Director shall cause to be prepared plans and specifications of the street works and an estimate of the expenses thereof and a provisional apportionment of such estimated expenses amongst the

owners of the said premises and shall serve a notice of such decision in the prescribed form upon each of the owners of such premises and upon the owners of such other premises, if any, which the Director in accordance with the provisions of subsection (3) of this section decides to include in the provisional apportionment, requiring them to execute to the satisfaction and in accordance with the directions in writing of the Director, such street works within such period as may be specified in the notice commencing from the date of the service of such notice.

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### **Settling of apportionment of expenses**

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

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

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and the Director may also, if he thinks fit, 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 his opinion will be benefited by the street works and may fix the sum or proportion to be charged against any such premises accordingly.

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### **Estimate of expenses may include reasonable charges**

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

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**Plans, etc., to be open to inspection by or on behalf of any person upon whom notice served**

(5) During one month from the date of the service of the said notice, the said plans, specifications, estimate and provisional apportionment shall be open to inspection by or on behalf of any person upon whom such notice has been served and by or on behalf of the owners 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 Director, and the said notice shall state that the aforesaid plan, specification, 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 such notice upon which the Director will consider any objections to the proposed street works or to the plan, specification, estimate and provisional apportionment or any amendment thereof, and shall also state that in default of compliance with the requirements of the Director as stated in the said notice, the Director will himself cause the street works to be executed.

**Government may pay whole or any part of expenses of street works**

(6) The Government may, if it thinks fit, pay the whole or any part of the expenses of the street works and if it decides so to pay any part of such expenses, the provisional apportionment shall indicate the proportion of such expenses which the Government has decided to pay, and the payment of part of such expenses 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 such other owners or to relieve him to a greater extent than other owners.

**Director may amend plan, etc., for any street works**

(7) The Director may from time to time amend the plan, specification, estimate and provisional apportionment for 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 cost of such street works on any premises is increased, such notices previously served shall be withdrawn in the prescribed manner by the Director and fresh notices based on the

amended plan, specification, estimate and apportionment or any of them shall be served by the Director in accordance with the provisions of subsection (2) of this section and the amended plan, specification, estimate and provisional apportionment shall be similarly open to inspection.

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**Owner of premises may object to execution of proposed street works and to plan, etc.**

(8) During the period of one month referred to in subsection (5) of this section, the owner of any premises shown in the provisional apportionment or amended provisional apportionment as liable to be charged with any part of the expenses of executing the street works may, by notice in writing in the prescribed form duly served upon the Director, object to the execution of the proposed street works and to the plan, specification, estimate and provisional apportionment or any one or more of them or to any amendment thereof pursuant to subsection (7) of this section on any one or more of the following grounds: —

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- (a) that the alleged private street or part thereof is not or does not form part of a street within the meaning of this Ordinance;
- (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, plan, specification, estimate or provisional apportionment or amendment thereof;
- (d) that the proposed street works are insufficient or unreasonable or that the 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 some matter of fact to be specified in the objection or (where the provisional

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apportionment is made with regard to other considerations than frontage as provided in this section) in respect of 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.

### **Objections**

(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 Director may at his discretion confirm or amend the plan, specification, estimate and provisional apportionment.

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

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

### **When Director may execute work**

(12) If such street works are not commenced within fourteen days from the date of such confirmation or amendment or the date on which the plan, specification, estimate and provisional apportionment are confirmed or amended by the Minister, as the case may be, or having been commenced are thereafter suspended or are not completed within the period specified in the notice mentioned in subsection (2) of this section, the Director may, if he thinks fit, cause the same to be executed and completed.

### **Final apportionment on completion of work**

(13) When the street works have been completed and the expenses thereof ascertained, the Director shall cause a final apportionment of the cost of such street works to be made by dividing the expenses in the same proportions as those made in which the estimated expenses were divided in the provisional apportionment or amended provisional apportionment (as the case may be) and such final apportionment shall be conclusive for all purposes and notice of such final apportionment shall be served upon the owners of the premises affected thereby; and the sums apportioned thereby shall be recoverable in the manner provided in section 157 of this Ordinance.

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### **Extent of liability of owner when expenses exceeded**

(14) If the expenses incurred in executing the street works as shown in the final apportionment shall exceed the estimated expenses as shown in the provisional apportionment or amended provisional apportionment (as the case may be) the owners of the premises affected shall not be liable to pay that part of such expenses as shown in the final apportionment which are in excess of a sum equal to the estimates shown in the said provisional apportionment plus ten *per centum* thereof.

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### **Declaration of public street**

(15) Where street works have been executed to the satisfaction of the Director under this Part of this Ordinance in respect of a private street or part of a private street, not being less than thirty-six feet wide, then on the requisition —

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- (a) in the case of street works executed under the provisions of 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 fifty *per centum* 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 such private street or part of a private street as together have an annual value of more than fifty *per centum* of the total annual value

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of the premises fronting, adjoining or abutting on such private street or part of the private street as the case may be, demanding that the private street or part of the private street be declared a public street, the Minister shall in writing under his hand declare the same to be a public street and such street shall thereupon become a public street and shall vest in the Government and for ever afterwards be repaired by the Government.

(16) Such declaration shall be published in the *Gazette*.

(17) Where the street or part of the street which is declared to be a public street and to be vested in the Government, is comprised of separate lots already set aside as part of a street, the declaration shall be registered under the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), in respect of registered land, and under the provisions of the Registration of Deeds Ordinance (Cap. 255) in respect of other land.

(18) Where the street or part of the street, which is declared to be a public street and to be vested in the Government, is comprised of premises included in an existing lot or existing lots, the premises forming such street or part of the street shall be excised from the existing lot or lots and the declaration shall be registered against such excised portions under the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), in respect of the registered land and under the provisions of the Registration of Deeds Ordinance (Cap. 255) in respect of other land.

(19) Upon such registration the premises forming such street shall vest in the Government free from all incumbrances and where such premises are held under a Statutory Land Grant such vesting shall not be deemed to create a subdivision within the meaning of the Crown Lands Ordinance (Cap. 244).

### **Private streets may be declared public streets**

**20.**—(1) If any street, not being a public street, is levelled, channelled and drained and either paved, metalled or flagged to the satisfaction of the Director, he may, whether at the request of the owners of premises fronting, adjoining or abutting on such street or

otherwise, if he thinks fit, by writing under his hand, declare that at the expiration of one month from the date thereof the said street shall become a public street.

### **Copy of declaration to be posted in the street**

(2) A copy of such declaration shall be forthwith posted up in some part of the said street. 5

(3) At the expiration of the said period, unless the owners of the premises fronting, adjoining or abutting on such street or the owners of such premises having the greater part in value shall have, by notification to the Director in writing under their hands, objected thereto, the said street shall become a public street and shall vest in the Government and for ever afterwards be repaired by the Government. 10

(4) Such declaration shall be published in the *Gazette*.

(5) Where the street which has been declared to be a public street and has become vested in the Government under the provisions of this section is comprised of premises included in separate lots already set aside as part of a street, the declaration shall be registered against such lots under the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), in respect of registered land and under the provisions of the Registration of Deeds Ordinance (Cap. 255) in respect of other land. 15 20

(6) Where the street which has been declared to be a public street and has become vested in the Government under the provisions of this section, is comprised of premises included in an existing lot or existing lots, the premises forming such street shall be excised from the existing lot or lots and the declaration shall be registered in respect of such excised portions under the provisions of the Land Titles Ordinance, 1956, in respect of registered land and under the provisions of the Registration of Deeds Ordinance in respect of other land. 25

(7) Upon such registration the premises forming such street shall vest in the Government free from all incumbrances and where such premises are held under a Statutory Land Grant, such vesting shall not be deemed to create a subdivision within the meaning of the Crown Lands Ordinance (Cap. 244). 30

### **Widening of streets**

21.—(1) The Director may, with the concurrence of the Competent Authority, decide that any private street or any part of a private street shall be widened to a width of not less than thirty-six feet throughout its length, and for this purpose may prepare a plan complying with the requirements of the Land Titles Ordinance, 1956, in respect of registered land and of the Registration of Deeds Ordinance in respect of other land showing thereon the premises the acquisition of which will be rendered necessary to effect such widening and by deed may declare that the same shall vest in the Government and may register such deed together with the aforesaid plan in accordance with the provisions of the Land Titles Ordinance, 1956, in respect of registered land and the Registration of Deeds Ordinance in respect of other land.

### **Effect of registration**

(2) Upon such registration the aforesaid premises shall vest in the Government free from all incumbrances and where such premises are held under a Statutory Land Grant, such vesting shall not be deemed to create a subdivision within the meaning of the Crown Lands Ordinance:

Provided that no part of such premises shall be deemed to be or to form part of a public street by reason of their having become vested in the Government or by reason of their subsequently being repaired or maintained by the Government notwithstanding the fact that the private street of which the premises may be deemed to form part may be a street over which the public have a right of way, but shall be deemed to be a part of such private street until the whole of the street or the entire width of that part of it adjoining such premises shall have been declared a public street in accordance with the provisions of this Part of this Ordinance.

### **Acquisition of other land in connection with decision**

(3) Whenever any premises other than those referred to in subsection (1) of this section have been acquired by the Government pursuant to the provisions of subsections (5) and (6) of this section, the Director shall prepare a plan complying with the requirements mentioned in subsection (1) of this section of the

premises so acquired and shall by deed declare that such premises have been acquired by the Government and upon registration of such deed together with the plan the premises shall vest in the Government free from all incumbrances.

### **Taking possession of land**

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(4) When the Director has pursuant to the provisions of this section registered any deed, he 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.

### **Acquisition of whole building if part rendered useless**

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(5) Where the acquisition under this section of any portion of a building affixed to a holding renders useless the remainder of such building, the Government shall, if the owner so requires, acquire the remainder of the holding of which such building forms a part and shall pay compensation therefor in accordance with the provisions of subsection (7) of this section.

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### **Acquisition of whole holding in certain circumstances**

(6) Where the acquisition under this section of any portion of a holding having no building affixed to that portion or to the remainder of the holding, would render useless as a building site the remainder of the holding the Government shall, if the owner so requires, acquire the remainder of the holding, and shall pay compensation therefor in accordance with the provisions of subsection (7) of this section.

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### **Provisions governing compensation**

(7) Compensation for premises acquired under the provisions of this section shall be paid to such owners thereof as require to be paid compensation in accordance with the following provisions: —

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- (a) where the whole of a holding is acquired, compensation shall be paid for the whole of such holding;
- (b) where the premises acquired are vacant or there are no buildings other than an enclosing wall, hedge, paling, gateway or fence forming part thereof erected thereon, and

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a portion only of a holding is acquired, the Director shall set back such wall, hedge, paling, gateway or fence (if any) to the boundary of the premises acquired, and shall pay compensation for all premises acquired lying beyond a distance of eighteen feet from the centre of the street existing as at the date of the decision of the Director referred to in subsection (1) of this section, but no compensation shall be payable in respect of severance;

(c) where there are buildings forming part of the premises acquired, compensation shall be paid for such premises:

Provided that in the ascertainment of such compensation the value of all premises lying within a distance of eighteen feet from the centre of the street existing at the date of the aforesaid decision shall not be taken into account and that no compensation for severance of land shall be payable where the whole of a building is acquired; and

(d) in the case of premises situate at the corner of such private street and another street where the frontage of the holding to such other street is of greater value per square foot than the frontage to the private street the subject of widening referred to in this section, compensation shall be paid for the whole of the premises acquired to a depth not exceeding one hundred feet from such other street.

### **Ascertainment of compensation**

(8) Save as in this section provided, the compensation to be paid by the Government for any premises acquired under this section shall be ascertained in accordance with the provisions of the Land Acquisition Ordinance (Cap. 248) and any other written law for the time being in force governing the acquisition of land for public purposes, as if the same were acquired for a public purpose, the date of the aforesaid registration being substituted for the date of the declaration under subsection (1) of section 5 of the Land Acquisition Ordinance for the purpose of ascertaining the market value of the premises.

### **Owner to repay Government**

(9) The total cost of acquisitions under this section shall be paid to the Government by the owners at the time of the apportionment hereafter in this subsection mentioned, of the premises fronting, adjoining or abutting upon such street or part thereof so widened by the inclusion of the premises vested in the Government under subsection (2) of this section, in proportion to the frontages of the respective premises of such owners adjoining or abutting upon such street. The Director shall as soon as may be after completion of the acquisitions apportion such cost accordingly and may, without prejudice to any other remedies for the recovery thereof, recover the apportioned parts of such cost in the manner provided in section 157 of this Ordinance, and from the date of such apportionment until recovered such apportioned parts shall, subject and without prejudice to the rights of the Crown, be first charges upon the premises to which they shall have been apportioned and such charges may be enforced and the remedies conferred by this subsection may be exercised against the respective premises or against any movable property or crops for the time being found thereon notwithstanding any changes in the ownership or occupation of such premises.

### **Repair of private streets**

**22.—**(1) Where any private street or any part thereof is in a dangerous or defective condition, the Director may, by notice in writing, require the owners of all premises abutting on such street and having access or right of access thereto from such premises to cause such street to be properly repaired and amended within such time as is stated in such notice and may in such notice specify the date before which such work shall be commenced.

(2) If such owners fail to comply with the requirements of such notice, the Director may himself cause the work to be done and the owners shall pay to the Government the cost and expense thereof in such proportions as are settled by the Director:

Provided that if such owners fail to commence such work before the date specified under subsection (1) of this section the Director may in his discretion, notwithstanding that the period stated in the notice for

the completion of the work has not yet expired, himself cause the works to be done and recover the cost and expense thereof in the manner provided in this subsection.

5 (3) If the owner of any such premises is dissatisfied with such apportionment of costs, he may appeal to the Minister whose decision shall be final.

10 (4) Notwithstanding the provisions of subsections (1) and (2) of this section the Director may, in his discretion and so far as the funds at his disposal will admit, execute at the expense of the Government such street works on any private street or any part thereof as may be deemed necessary for or conducive to the public safety, health, convenience or comfort:

15 Provided that the execution of such street works at the expense of the Government shall not affect the liability of the owners of all premises abutting on such street and having access or right of access thereto from such premises under the provisions of subsections (1) and (2) of this section.

### **Preparation of scheme for building**

20 **23.**—(1) The Director may as respects any land which is in process of development or appears to him likely to be used for building purposes at an early date, prepare a scheme showing the streets, back-lanes and open spaces which he deems necessary to secure proper sanitary conditions, amenity and convenience in connection with the laying out and the use of such land and of any neighbouring lands.

### **25 Publication and service of notices**

(2) Upon the completion of the preparation of such scheme, the Director shall —

30 (a) publish during three consecutive weeks in the *Gazette* and in one or more of the local newspapers an advertisement stating the fact of such scheme having been prepared for a certain prescribed area and naming a place where a copy of the scheme may be seen; and

(b) serve a notice on every owner or reputed owner of any property affected by the scheme stating that such a scheme

has been prepared and requiring him to signify his assent or dissent thereto within three months from the date of service.

### **Order confirming scheme**

(3) Upon compliance with the foregoing provisions of this section with respect to the publication of an advertisement and the service of notices the Director shall apply to the Minister that an order may be made confirming such scheme.

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### **Application to be accompanied by copy of scheme**

(4) The application shall be accompanied by a copy of the scheme, and shall state the names of the owners or reputed owners who have dissented from the scheme.

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### **Minister may authorise scheme to be carried out**

(5) If on consideration of the application and on proof of the publication of the proper advertisements and the service of the proper notices the Minister thinks fit to proceed with the scheme, he may, after giving any person who has dissented from it and the Director an opportunity of being heard, in the case of the Director, by a person appointed by him or by counsel and, in the case of the person dissenting, either in person or by counsel, make an order declaring the limits of the area comprised in the scheme and authorising the scheme to be carried into execution.

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### **Order may be made with conditions**

(6) Such order may be made either absolutely or with such conditions and modifications of the scheme as the Minister thinks fit.

### **Minister may modify scheme**

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(7) The Minister at any time after any scheme has been authorised under subsection (5) of this section may modify such scheme or any part thereof on the application of either the owner of the land affected or the Director, after giving every owner or reputed owner of any property which in his opinion is affected by such modification and the Director an opportunity to be heard, as to the owners, in person or by

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counsel, and, as to the Director, by a person appointed by him or by counsel.

### **Effect of plan forming part of scheme**

5 (8) Any plan forming part of any scheme made under this section shall, for the purposes of section 52 of this Ordinance, have the same effect as a plan approved by the Chief Building Surveyor under that section:

10 Provided that the duty imposed by subsection (5) thereof shall not attach to any person unless and until he submits a plan for the erection of a building on some part of the land comprised in the plan under section 52 of this Ordinance.

### **Director in certain cases may take possession of land within a regular line of street**

15 **24.**—(1) When any building or any part thereof within a regular line of street prescribed under the Planning Ordinance, 1959 (Ord. 12 of 1959), or the Singapore Improvement Ordinance (Cap. 259), prior to the 1st day of July, 1927, prescribed under section 107 of the Municipal Ordinance (Cap. 133 (1936 Edition)) falls down or is burned down or is taken down the Director shall take possession of the  
20 portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

(2) If any land, whether open or enclosed, lies within the regular line of a public street and is not occupied by a house, or if a platform, verandah, step or some other structure external to a house abutting on  
25 a public street or a portion of a platform, verandah, step or other such structure is within the regular line of such street, the Director may, after giving to the owner of the land or building not less than seven clear days' written notice of his intention so to do, take possession of the said land with its enclosing wall, hedge or fence, if any, or of the  
30 said platform, verandah, step or other structure as aforesaid or of the portion of the said platform, verandah, step or other structure as aforesaid and, if necessary, clear the same.

### **Land taken to form part of street**

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest as such in the Government.

### **Compensation**

(4) Compensation for all lands acquired by the Government under this section shall be ascertained in accordance with the provisions of the Land Acquisition Ordinance (Cap. 248) and any other written law for the time being in force governing the acquisition of land for public purposes, as if the same were acquired for a public purpose, the date on which the regular line of street was prescribed being substituted for the date of the declaration under subsection (1) of section 5 of the Land Acquisition Ordinance for the purpose of ascertaining the market value of the land. 5  
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### **Provision of footways, etc.**

**25.—**(1) Wherever there is a frontage to the public street vacant of houses to a depth of four feet or more, the Director may, by notice in writing, require the owner or owners of such vacant frontage or the owners of the several frontages making up the same forthwith to allow without compensation a footway of a width of seven feet or equal to the vacant depth of the frontage whichever is less, to be made for the use of the public along the said frontage, and, if necessary for this purpose, to set back any wall, fence, paling, hedge or other similar erection separating his or their land from the public street to a distance not exceeding seven feet from the edge of the street within three months from the date of the notice. 15  
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(2) The cost of constructing and maintaining any footway proposed to be made under the powers given in this section, as well as the cost of setting back any such erection as aforesaid, shall be borne by the Government and the notice or notices required to be given shall contain an offer by the Government to pay the cost of carrying out such work. 30

### **Materials**

(3) The footway shall be made of such material and in such a manner as the Director may determine.

### **Who to execute work**

(4) On receipt of the notice the owner or owners may either execute the work as regards their respective frontages or require the Director to do so, and, in the former case, if any owner fails to complete the work  
5 within the time specified in the notice, the Director may enter upon his land and carry out the work.

### **Plan to be delivered**

(5) In every case where a footway is made under this section, the Director shall deliver to each owner of the land a plan showing the  
10 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 and his successors in title at any time to build in such manner and to such extent as he would have been entitled to  
15 build if the land had not been taken for use as a public footway.

### **Director may put up lamp-posts and lamps**

(6) The Director may cause such lamp-irons, lamp-posts or other lighting apparatus to be put up or fixed upon or against the walls or  
palisades of any building or enclosure, doing as little damage as is  
20 practicable thereto, or to be put up or erected in such other manner within any street, road or place as he deems proper and may cause such number of lamps of such sizes and sorts to be provided and affixed and put on such lamp-irons and lamp-posts as are necessary  
for lighting all or any of such streets, roads and places and cause the  
25 same to be lighted during such hours as are necessary.

### **Troughs and pipes to be fixed**

(7) The owner of every house or building shall, within twenty-one days after notice from the Director to that effect, put up and keep in  
good condition proper troughs, gutters and pipes for receiving and  
30 carrying the water from the roof and other part of such house or building and for discharging the same in such manner as the Director may direct so that it shall not fall upon persons passing along the street or enter any sewer.

(8) If the notice is not complied with the Director at any time after the expiration of the time so specified may cause the work to be done and the cost and expenses of so doing shall be paid to the Government by the owner in default.

*Water Pipes and Lighting Apparatus*

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**Situation of gas and water-pipes, etc., to be altered at the expense of the Government**

**26.**—(1) If the Director deems it necessary for the purposes of this Ordinance to raise, sink or otherwise alter the situation of any water-pipe, gas-pipe or other water-works or gas-works, electric lighting cable or main telegraph wire or other electric lighting apparatus or telegraph apparatus laid in any street, he may by notice in writing require the person to whom any such pipes, works, cables, mains or apparatus belong or under whose control they are, to cause forthwith, or as soon as conveniently may be, any such pipes, works, mains or apparatus to be raised, sunk or otherwise altered in position in such manner as he directs:

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Provided that such alteration is not such as permanently to injure such works, cables, mains or apparatus or to prevent the water or gas from flowing as freely and conveniently as before.

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(2) The expenses attending such raising, sinking or altering, and full compensation for the damage done thereby, shall be paid by the Government as well to the persons to whom such pipes, works, cables, mains or apparatus belong as to all other persons.

(3) If any dispute arises touching the amount or apportionment of such compensation, the same shall be settled in the manner hereinafter provided.

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**If owners, etc., neglect to make alterations a Magistrate's Court may order the same to be done**

**27.** If the person to whom any such pipes, works, mains, cables or apparatus belong, or under whose control they are, does not proceed forthwith, or as soon as conveniently may be, after the receipt of such notice to cause the same to be raised, sunk or altered in the manner required by such notice, a Magistrate's Court may, upon the

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application of the Director, issue a mandatory order for the execution of the necessary work.

**Where road is injured by excavation Director may repair and recover expenses**

5     **28.**—(1) If the roadway, drain or verandah-way in or adjoining any public street is injured by or in consequence of any excavation on land adjoining such roadway, drain or verandah-way, the Director may repair and make good the damage done.

10     (2) All costs and charges arising therefrom shall be paid to the Government by the owner of the land on which the excavation has been made.

*Sewers*

**Director to make public sewers**

15     **29.**—(1) The Director may cause to be made and constructed and maintained sewage works and may also cause to be made such main or other sewers, as he may judge necessary and, if necessary, the Director may carry them through, across or under any street or any place laid out as or intended for a street or any cellar or vault which is under any street and, after reasonable notice in writing in that behalf into,  
20     through or under any enclosed or other lands whatsoever, doing as little damage as may be and making full compensation for any damage done.

25     (2) If any dispute arises touching the amount or apportionment of compensation, the same shall be settled in the manner hereinafter in section 154 of this Ordinance provided.

**Director to construct and maintain drains and water-courses**

30     **30.** The Director may cause to be made and constructed and maintained surface and storm water drains and watercourses and if necessary the Director may carry them through, across or under any street or any place laid out as or intended for a street or any cellar or vault which is under any street and, after reasonable notice in writing in that behalf into, through or under any enclosed or other lands whatsoever, doing as little damage as may be and making full

compensation for any damage done. If any dispute arises touching the amount or apportionment of compensation, the same shall be settled in the manner hereinafter in section 154 of this Ordinance provided.

### **Director to repair and alter and discontinue sewers**

**31.**—(1) Subject to the provisions of section 29 of this Ordinance the Director shall maintain and keep in repair and, as he sees fit, enlarge, alter, arch over or otherwise improve all or any of the sewers and surface and storm water drains, culverts, gutters, and water-courses vested in the Government and may discontinue, close up or destroy such of them as he deems useless or unnecessary.

### **Not to cause nuisance**

(2) The discontinuance, closing up or destruction of any of them shall be so done as not to create a nuisance.

(3) If by reason thereof or of any such alteration as hereinbefore mentioned any person is deprived of the lawful use of any sewer, surface and storm water drain, culvert, gutter or water-course, the Director shall with due diligence provide some other as effectual as the one of which he is so deprived.

### **Cleansing and emptying sewers**

**32.**—(1) Subject to the provisions of section 29 of this Ordinance the Director shall cause the sewers, surface and storm water drains, culverts, gutters and water-courses vested in Government to be so constructed, maintained and kept as not to be a nuisance or injurious to health and to be properly cleared, cleansed and emptied and, for the purpose of flushing, cleansing and emptying the same, he may construct and place, either above or under ground, such reservoirs, sluices, engines and other works as are necessary.

(2) The Director may, with the sanction of the Minister, cause all or any of such sewers, surface and storm water drains, culverts, gutters and water-courses to communicate with and be emptied into the sea or other fit place, or may cause the refuse from the same to be conveyed by a proper channel to the most convenient site for its deposit, and may sell or otherwise dispose of the said refuse for any agricultural or

other purposes as are deemed most expedient but so that it shall not become a nuisance.

**Penalty for making unauthorised drains into public sewers**

5     **33.**—(1) Any person who without the written consent of the Director makes or causes to be made any drain into any of the public sewers or drains or into any canal or stream vested in or under the control of the Government shall be liable on conviction to a fine not exceeding two hundred dollars, and a Magistrate’s Court on the application of the Director may make a mandatory order requiring the owner to demolish, alter, re-make or otherwise deal with such drain as  
10     the Court thinks fit.

**Water-closets and trade effluent not to communicate with river, etc., without approval**

15     (2) No water-closet or privy shall be allowed to communicate with any river, canal, stream or with any public surface or storm water drain or sewer without the consent of the Director responsible for such drain or sewer or, in any other case, of the Minister.

20     (3) No trade effluent shall be discharged into or allowed to communicate with any river, canal, stream, public surface or storm water drain or sewer without the consent of the Director responsible therefor or, in any other case, of the Minister.

**Penalty**

25     (4) Any person who sends, causes or permits to be discharged or sent into or along any river, canal or stream or into or along any public surface or storm water drain or sewer any night-soil or excrementitious matter contrary to subsection (2) or any trade effluent contrary to subsection (3) of this section shall be liable on conviction to a fine not exceeding two hundred dollars for each  
30     offence, and a Magistrate’s Court on the application of the Director or of the Minister, as the case may be, may make a mandatory order requiring the owner to take such steps as the Court thinks fit to prevent any such communication or discharged.

### **Rain-water pipes not to be used as soil-pipes**

**34.**—(1) No pipe used for the carrying off of rain water from any roof shall be used for the purpose of carrying off the soil or drainage from any privy or water-closet or any sullage water.

(2) Any person who offends under this section shall be liable on conviction to a fine not exceeding two hundred dollars and to a further fine not exceeding fifty dollars for every day during which the offence is continued after conviction.

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### **Water-pipes, etc., not to be used as ventilating shafts**

**35.**—(1) No water-pipe, stack-pipe or down spout used for conveying surface water from any premises shall be used or be permitted to serve or to act as a ventilating shaft to any drain or sewer.

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(2) Any person who offends under this section after fourteen days from the service upon him by the Director of notice of such offence shall be liable on conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding twenty dollars for every day during which the offence is continued after conviction.

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### **Interpretation**

**36.**—(1) In this section, unless there is something repugnant in the subject or context —

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“closet accommodation”, “sink accommodation” or “urinal accommodation” include respectively a receptacle for human excreta, for slops or waste house-hold refuse or liquids and a receptacle for urine, together, in each case, with the structure comprising such receptacle and the fittings and apparatus connected therewith;

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“bathroom accommodation” includes the bath or receptacle for water together with the structure or room or enclosure adapted or used for personal bathing or ablution and the fittings and apparatus thereof and therein or connected therewith;

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“water closet” or “urinal” mean respectively closet and urinal accommodation used or adapted or intended to be used in connection with the water carriage system and comprising

provision for the flushing of the receptacle by means of a fresh water supply, and having proper communication with a sewer;

“sink” or “bathroom” mean respectively sink and bathroom accommodation used or adapted or intended to be used in connection with a permanent water supply and having proper communication with a sewer;

“a sufficient water supply and sewer” means a water supply and sewer which are sufficient and reasonably available for use in, or in connection with, the efficient flushing and cleansing of, and the efficient removal of excreta and urine from such number of proper and sufficient water-closets and urinals as in pursuance of this section may be required to be provided in any particular case, or in connection with a sink or bathroom, and a sewer shall be deemed reasonably available for use which is within one hundred feet of the boundary of the premises in which is situated the house in respect of which closet, sink, urinal or bathroom accommodation is to be provided.

### **Supply of water to closets and urinals**

(2) Where there is a sufficient water supply and sewer the Director may by written direction to any person submitting a plan or specification under section 52 of this Ordinance relative to the erection or re-erection of any house or building, require such house or building to be provided with such number of proper and sufficient water-closets, urinals, sinks and bathrooms as in the circumstances of the case are in the opinion of the Director necessary.

(3) Where there is a sufficient water supply but no sewer, the Director may by written direction to any person submitting a plan or specification under section 52 of this Ordinance relative to the erection or re-erection of any house or building, require such house or building to be provided with either —

(a) such number of proper and sufficient water-closets, urinals, sinks and bathrooms together with a system for the purification of sewage as and of a type which in the

opinion of the Director the circumstances of the case render necessary; or

- (b) such number of chemical closets of a type approved by the Director as the Director thinks fit.

(4) Any person who fails to comply with any requirement of the Director under subsection (2) or (3) of this section shall be liable on conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding fifty dollars for every day during which the offence is continued after conviction.

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### **Sufficient supply of closets**

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(5) If on the report of the Health Officer or of any Engineer in the service of the Government the Director is satisfied that insufficient closet, sink, urinal or bathroom accommodation has been provided at or in connection with a house or building, the Director may, by written notice to the owner or owners of the house or building, require such house or building to be provided with such proper and sufficient closet, sink, urinal and bathroom accommodation as in the opinion of the Director is necessary.

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(6) If the owner or owners of such house fail to comply with any requirement of the Director under subsection (5) of this section the Director may, at the expiration of a time which shall be specified in the notice and shall be not less than fourteen days after the service of the notice, do the work required by the notice and may recover from the owner or owners the expenses incurred in so doing.

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### **When owners must provide water-closets**

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(7) The Director, where there is a sufficient water supply and sewer, may by written notice require the owner or owners of a house or building to provide in or adjacent to such house or building such water-closets, sinks, urinals and bathrooms as in the opinion of the Director are necessary.

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(8) If the owner or owners of such house or building fail to comply with any requirement of the Director under subsection (7) of this section, the Director may, at the expiration of a time which shall be specified in the notice and shall not be less than fourteen days after the

service of the notice, do the work required by the notice and may recover from the owner or owners the expenses incurred in so doing.

**Communication of water-closets, etc., with sewer may be effected partly at the expense of Government**

5 (9) The Director may if he thinks fit in the cases mentioned in subsections (2), (5) and (7) of this section at the expense of the Government effect the proper communication of the water-closet, urinal, sink and bathroom with the sewer for the distance from the sewer to the boundary of the premises in which the house or building  
10 in question is situated.

**Water-pipe to be affixed to closets, etc., of certain houses**

(10) In the cases mentioned in subsections (5) and (7) of this section where the house or building in question is not provided with a supply of water for domestic purposes the Director may provide, fix and  
15 install to or for the house or building, water pipes leading from the Public Utilities Board's water mains to the closets, urinals, sinks and bathrooms and provide, fix and install such water fittings as he shall think necessary and the expenses and costs of so doing shall be payable by and be recoverable from the owner of the house or  
20 building. In any case where in accordance with subsection (9) of this section the Director shall have provided, fixed and installed to or for a house or building, water pipes and fittings the Director may enter into a contract with the Public Utilities Board for the supply of water to such house or building and the occupier of such house or building  
25 shall pay to the Government for the water consumed therein or thereat at such rate as the Director shall at his discretion in writing order and the order or a copy thereof duly certified as a true copy of such order shall be served upon the occupier within one month of its being made and save as provided above the occupier shall be deemed to be the  
30 consumer for the purposes of the Public Utilities Ordinance, 1963 (Ord. 1 of 1963), and of any regulations made thereunder with respect to the supply of water by the Public Utilities Board. Any such order may require the occupier to pay a minimum monthly charge as determined by the Director and approved by the Minister whether or  
35 not the occupier consumes the water so provided during any month.

**Water-closets to be removed and replaced at expense of owner**

(11) The Director may at any time give notice in writing to the owner of any house or building in which any water-closet or any fittings or apparatus connected with any water-closet has been provided under subsection (2), (3), (5) or (7) of this section requiring such owner to remove any such water-closet or any fittings or apparatus connected therewith and to replace the same by another water-closet or by other fittings or apparatus at such owner's expense, and if the owner of such house or building fails to comply with any requirement of the Director under this subsection the Director may at the expiration of a period specified in the notice, which shall not be less than fourteen days from the service thereof, do the work required by the notice and recover from the owner of such house or building the expense incurred in so doing.

**Water-closets, etc., to be maintained, etc., at expense of owner**

(12) All water-closets, urinals, sinks and bath-waste water fittings provided under subsection (2), (3), (5) or (7) of this section shall be maintained, repaired and renewed by the owner of the house or building with which they have been so provided at his expense:

Provided that the cost of any repairs or renewals rendered necessary by reason of any damage negligently or wilfully done to any water-closet, urinal, sink or bath-waste water fittings by the occupier of the house or building shall be recoverable by the owner from such occupier.

(13) The provisions of sections 154 and 157 of this Ordinance shall apply to any sum recoverable by the Government under this section.

**Director may require removal or alteration of urinals**

**37.—**(1) If any urinal or other sanitary convenience opening on any street is so placed or constructed as to be a nuisance or offensive to public decency, the Director by notice in writing may require the owner to remove or alter it to the satisfaction of the Director within a reasonable time fixed by him.

**Urinals or water-closets to be attached to refreshment houses, etc.**

(2) Where any public-house, eating-house, refreshment room, theatre, cinema, exhibition or place of public entertainment has no urinal or water-closet belonging or attached thereto, the Director may, by notice in writing, require the owner of the premises to provide and maintain thereon one or more suitable urinals or water-closets in a suitable position.

(3) Any owner who fails to comply with a notice under this section within such reasonable time as is specified therein shall be liable on conviction in respect of each offence to a fine not exceeding fifty dollars and to a further fine not exceeding ten dollars for every day during which the offence is continued after conviction.

**Director may cause drains for sewage to be made from buildings which are not properly drained**

**38.**—(1) If any building is at any time not drained for sewage to the satisfaction of the Director by a sufficient drain or pipe communicating with some sewer or with the sea or some other place at which the Director is empowered to empty sewers, and if there are such means of drainage within one hundred feet of any part of such building, the Director may give a notice in writing requiring the owner thereof to construct or lay from such building a drain or pipe of such materials, of such size, at such level and with such fall as he thinks necessary for the sewage of such building.

(2) If the owner fails to comply with such notice, a Magistrate's Court may, on the application of the Director, make a mandatory order requiring the owner to construct or lay such drain or pipe, and the expenses incurred in respect thereof to an amount not exceeding three months' rent of the building, if not forthwith paid by the owner, shall be recoverable as hereinafter provided.

**Buildings built after 1st January, 1888, to have drains constructed under the orders of the Director**

**39.**—(1) If any building erected or in greater part re-built after the 1st day of January, 1888, has such means of drainage as in section 38

of this Ordinance mentioned existing within one hundred feet thereof, the owner shall make a drain leading thereto from the site of such house or building of such materials, of such size, at such level and with such fall as the Director may direct.

(2) If such owner neglects to do so within a reasonable time, a Magistrate's Court on the application of the Director may make a mandatory order requiring the owner to do so.

### **Ventilating pipes to sewers**

**40.**—(1) The Director may erect or fix to any building such pipes as are necessary for the proper ventilation of the drains and sewers belonging to it.

(2) Such pipes shall be erected so as not to occasion any nuisance or inconvenience to such building or any building in the neighbourhood.

### **Director may take over control, etc., of private septic tanks, etc.**

**41.**—(1) The Director may in his discretion decide to take over the control, supervision, maintenance and repair of private septic tanks or other sewage purification plants to such extent as he may prescribe and may charge fees therefor. Any such decision may from time to time be varied or rescinded.

(2) Such fees shall be payable by the person to whom such septic tank or other sewage purification plant belongs and may be recovered in the manner provided under section 154 of this Ordinance.

### **Private sewers may be declared public sewers**

**42.**—(1) If any sewer not being a public sewer, is constructed to the satisfaction of the Director, he may, if he thinks fit, whether at the request of the owners, or otherwise, by writing under his hand, declare that at the expiration of one month from the date thereof the said sewer shall become a public sewer.

(2) A copy of such declaration shall be forthwith posted up in some part of the sewer or sewage disposal works.

(3) At the expiration of the said period, unless the owner shall have, by notice to the Director in writing under his hand, objected thereto,

the said sewer shall become a public sewer and shall vest in the Government and shall thereafter be maintained by the Government.

(4) Such declaration shall be published in the *Gazette*.

5 (5) Where the sewer which has been declared to be a public sewer and has become vested in the Government under the provisions of this section is comprised of premises included in separate lots already set aside for a sewer, the declaration shall be registered against such lots under the provisions of the Land Titles Ordinance, 1956 (Ord. 21 of 1956), in respect of registered land and under the provisions of the  
10 Registration of Deeds Ordinance (Cap. 255) in respect of other land.

(6) Where the sewer which has been declared to be a public sewer and has become vested in the Government under the provisions of this section, is comprised of premises included in an existing lot or existing lots, the premises forming such sewer shall be excised from  
15 the existing lot or lots and the declaration shall be registered in respect of such excised portions under the provisions of the Land Titles Ordinance, 1956, in respect of registered land and under the provisions of the Registration of Deeds Ordinance in respect of other land.

20 (7) Upon such registration the premises forming such street shall vest in the Government free from all incumbrances and where such premises are held under a Statutory Land Grant, such vesting shall not be deemed to create a subdivision within the meaning of the Crown Lands Ordinance (Cap. 244).

25 *Removal of Sewage*

**A system of sewage removal may be applied to a certain area**

30 **43.—**(1) The Director may at any time apply any system of sewage removal to such houses, lands buildings and tenements as he thinks fit and may levy such fee for each water-closet or urinal as may be prescribed.

(2) Such fees shall be payable by the occupier of the premises so served and shall be recoverable in the manner provided under section 154 of this Ordinance.

*Back-Lanes***Director may acquire land for part of back-lane**

44.—(1) Where upon the submission of a plan relating to a building for the approval of the Chief Building Surveyor under section 52 of this Ordinance it appears that the site thereof or any land set apart by the person submitting the plan abuts upon any land capable of forming part of a back-lane in conformity with a line laid down by the Competent Authority for a back-lane, the Director may, if he thinks fit, acquire such last mentioned land on behalf of the Government and shall notify the owner accordingly:

Provided that no land shall be acquired under this subsection the acquisition of which would cause a severance of land from other land forming part of the same holding.

**Vesting of lands set apart or acquired under this section**

(2) Where any land is set apart or acquired under this section, the Director may prepare a plan of the land or any part thereof and by writing declare that the same has been acquired by the Government under this section, and, in the event of his so doing, shall register such writing together with such plan under the Land Titles Ordinance, 1956 (Ord. 21 of 1956), in respect of registered land and under the Registration of Deeds Ordinance (Cap. 255) in respect of other land.

(3) Upon such registration under subsection (2) of this section, the land comprised in such plan shall be deemed to have vested in the Government for the purposes of this Ordinance freed from all incumbrances thereon, and, where such land is held under a Statutory Land Grant, such setting apart or acquisition shall not be deemed to be a subdivision within the meaning of the Crown Lands Ordinance (Cap. 244).

(4) After such registration the Director shall with all reasonable speed proceed to demolish and remove any building or portion of a building which is on the land so vested in it.

**Effect of notice of intention to acquire**

(5) A notification to the owner by the Director of his intention to acquire any land under this section shall have the like effect with

respect to the acquisition by the Government of and payment for such land as if the same were a declaration under section 5 of the Land Acquisition Ordinance (Cap. 248).

### **Compensation for land taken for part of back-lane**

5 (6) The Government shall make compensation for land set apart or acquired under this section, without any allowance in respect of compulsory purchase or any other matter, in accordance with the following provisions: —

10 (a) where the land is set apart or acquired for a back-lane and the whole or more than one-half in width of the land so set apart or acquired formed part of one holding, compensation shall be paid for such portion of the said land as exceeds such one-half in width, and the Government shall at its own expense reconstruct the back portion of the building (if any)  
15 on such holding abutting on any land so acquired, in accordance with such scale of reconstruction as in its discretion it considers proper;

20 (b) where the land is set apart or acquired for a back-lane and one-half or less in width of the land so set apart or acquired formed part of one holding, no compensation shall be payable, but the Government shall at its own expense reconstruct the back portion of the building (if any) on such holding abutting on the land so acquired, in accordance with such scale of reconstruction as in its discretion it considers proper;  
25

(c) where the acquisition under subsection (1) of this section of part of a building renders useless the remainder of such building, the Government shall, if the owner so requires, acquire the remainder of the holding covered by such building and its appurtenances and shall pay for such remainder in accordance with this section; and  
30

(d) no compensation shall be paid for or in respect of any buildings on any land set apart for a back-lane by a person submitting a plan.

### **When not payable**

(7) Save as in this section mentioned, no compensation shall be paid in respect of land set apart or acquired under this section whether to form part of a back-lane or otherwise.

### **Compensation where setting apart causes severance**

5

(8) In cases where a setting apart would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance, but if the lesser portion of the land so severed has been rendered useless as a building site on account of the severance the Director shall acquire such lesser portion and shall pay in respect thereof compensation in accordance with this section.

10

### **Method of ascertaining compensation**

(9) When the Government is unable to agree with the person entitled thereto as to the compensation payable under this section, it shall be ascertained as follows: —

15

(a) if the amount claimed does not exceed one thousand dollars, in the manner provided by section 154 of this Ordinance; and

(b) in all other cases in accordance with the provisions of sections 10 to 15 (inclusive), sections 20 to 25 (inclusive) and sections 28 to 40 (inclusive) of the Land Acquisition Ordinance (Cap. 248) but so that in section 10 of that Ordinance the words “after giving due notice to the Director and the person entitled to the land” shall be deemed to be substituted for the words “on the day so fixed or on any other day to which the enquiry has been adjourned”:

20

25

Provided always that if the Government and the parties claiming compensation agree to refer the question as to what compensation is payable under the terms of this subsection to arbitrators, they may do so, and any arbitrator or arbitrators so appointed shall proceed to hear the parties and determine the amount payable as compensation.

30

**Price to be paid for land set apart or acquired or for buildings**

(10) Without prejudice to the provisions of any other written law for the time being in force governing the acquisition of land for public purposes, the price to be paid by the Government for any land set apart or acquired or for buildings acquired under this section for which compensation is payable shall be ascertained in accordance with the following provisions: —

(a) where there are no buildings on the land or where the whole of the land and buildings are acquired, in the manner provided in the Land Acquisition Ordinance (Cap. 248); in the case of a setting apart, as at the date the plan was submitted, and in other cases as at the date when the Director notified the owner of Government's intention to acquire the land; and

(b) where there are buildings on the land and only part of the land is acquired —

(i) where the part of the buildings acquired is used as a dwelling-house and is, owing to the absence of air and light or other causes, unfit for human habitation, in accordance with the market value of the land and building materials thereon at the date the Director notified the owner of Government's intention to acquire the land;

(ii) where the part of the building acquired is not used as a dwelling-house or for human habitation and is not in good sanitary condition, in accordance with the market value of the land and building materials thereon at the date the Director notified the owner of Government's intention to acquire the land;

(iii) where the part of the buildings acquired is in good sanitary condition, in accordance with the market value of the land and buildings at the date the Director notified the owner of Government's intention to acquire the land.

(11) When a plan is approved under subsection (1) of section 52 of this Ordinance in respect of a holding abutting on a back-lane or on vacant land set apart or acquired for a back-lane, for the setting apart or acquisition of which the Government has not paid any moneys, the person owning the holding shall reimburse the Government any moneys at any time thereafter paid or payable by it for the acquisition by any means of such portion of the back-lane or land so set apart or acquired to the centre thereof as abuts on such holding to the extent to which it so abuts. 5

(12) Where the Government has acquired any land lying between any holding and a back-lane immediately opposite such holding the owner at the time when the demand next hereinafter mentioned is made of every such holding shall, upon the demand of the Director in writing reimburse to the Government all moneys at any time paid by it for the said land, and upon such payment being made the Government shall assure to such owner the said land and shall, except in the case of land acquired under subsection (4) of section 56 of this Ordinance, at its own expense construct party or other walls enclosing the said land to such extent and in such manner as it may deem proper. 10 15

(13) No compensation under this section shall be paid in respect of land set apart or otherwise acquired prior to the 1st day of January, 1932, until sufficient land has been set apart or otherwise acquired to enable the Director to form a back-lane extending from one public street or back-lane to another public street or back-lane. 20

### **Reimbursement to Government of compensation paid in certain cases** 25

**45.** Whenever the Government has paid or become liable to pay compensation for any land acquired in accordance with subsection (4) of section 56 of this Ordinance, the amount thereof shall be reimbursed to the Government and shall for that purpose be recoverable by the Director in the same manner as a tax recoverable by the Comptroller under the Property Tax Ordinance, 1960 (Ord. 72 of 1960), on the premises in connection wherewith such land has been so acquired, of such amount as is sufficient to reimburse to the Government the amount of such compensation together with interest 30 35

at a rate not exceeding six *per centum* per annum in such period not exceeding ten years as the Government may in each case determine.

### **Reimbursement, how recoverable**

5       **46.**—(1) Whenever any person has become liable to reimburse the Government any moneys under subsections (1) and (3) of section 56 and subsection (11) or (12) of section 44 or subsection (9), (12) or (13) of section 47 of this Ordinance, the same shall for that purpose be recoverable by the Director in the same manner as a tax recoverable by the Comptroller under the Property Tax Ordinance, 1960, on the  
10       premises in connection wherewith a plan has been submitted, in the case of subsections (1) and (3) of section 56 and subsection (11) of section 44 of this Ordinance, or on the respective holdings referred to in subsection (12) of section 44 or subsection (9), (12) or (13) of section 47 of this Ordinance, of such amount in each case as is  
15       sufficient to reimburse the Government together with interest at the rate not exceeding six *per centum* per annum in such period not exceeding ten years as the Government may in each case determine.

### **Power to redeem**

20       (2) At any time before the expiration of the period which in any particular case has been fixed by the Government, the owner of any premises may redeem the sum or tax recoverable in respect thereof by paying to the Government the full amount or full apportioned amount in which the Government is entitled to be reimbursed with interest thereon at the rate thereby provided to the date of such payment or  
25       such of the amount as has not been already levied in respect of the same.

### **Minister may order back-lanes to be laid out**

30       **47.**—(1) The Minister may at any time on the recommendation of the Director and after receiving such report as he may think fit to call for from an officer appointed to inquire and report in each case, order that a back-lane, with approaches thereto if necessary, of a width not exceeding twenty-five feet shall be laid out through any lands, and that the lands specified in the order may be acquired for the purpose of providing such back-lane and approaches, if any.

Any land which in the opinion of the Minister the Government may be required to purchase under the provisions of subsection (7) or (8) of this section or which abuts on or is near to the site of the back-lane may be specified in the order in addition to the land required for the site of the back-lane and approaches thereto. 5

(2) An approach to a back-lane shall be deemed to be part of such back-lane for the purposes of this Ordinance.

### **Effect of such order**

(3) The Director may register such order under the Registration of Deeds Ordinance (Cap. 255) or in the case of registered land under the Land Titles Ordinance, 1956 (Ord. 21 of 1956). 10

(4) Upon such registration under subsection (3) of this section the lands specified in such order shall be deemed to be vested in the Government for the purposes of this Ordinance freed from all incumbrances, and, where such land is held under a Statutory Land Grant, such order shall not be deemed to be a sub-division within the meaning of the Crown Lands Ordinance (Cap. 244). 15

(5) Whenever any lands other than those included in any order registered under subsection (3) of this section have been acquired by the Government in connection with such order under subsection (7) or (8) of this section, the Director shall prepare a plan of the lands so acquired and the Minister shall, by writing under his hand, declare that such lands have been acquired by the Government in connection with the order, and the registration of such writing together with the plan shall vest such lands in the Government free from all incumbrances in like manner as if the lands had been originally included in the order. 20  
25

### **Director may demolish**

(6) When the Director has registered the order or writing in this section referred to, he may proceed to demolish and remove any building or portion of a building which is on the land specified in the order or writing. 30

### **When Government to acquire whole property**

(7) When the acquiring under this section of any portion of a building for a back-lane or for any approach thereto renders useless the remainder of any such building, the Government shall, if the owner so requires, acquire the remainder of the holding covered by such building and its appurtenances and shall pay therefor in accordance with this section.

### **Price to be paid for lands taken in special cases**

(8) Where the acquiring under this section of any vacant land for a back-lane or any approach thereto would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance, but, if any portion or the whole of the land so severed has been rendered useless as a building site on account of the severance, and if the owner so requires, the Government shall acquire such portion or the whole, as the case may be, and shall pay therefor in accordance with this section.

### **Compensation to be paid in ordinary cases**

(9) Compensation shall be paid to the owners of lands acquired under this section in accordance with the following provisions: —

- (a) where the whole of a holding is acquired, compensation shall be paid for the whole of such holding;
- (b) where the whole or more than one-half in width of the land so acquired for the purpose of forming a back-lane or an approach to a back-lane passes through one holding, compensation shall be paid for such portion of the holding taken as exceeds such one-half in width, and the Government shall at its own expense and notwithstanding anything to the contrary contained in this Ordinance rebuild or reconstruct so much of any portion of any building on such holding abutting on the land so acquired and in such a manner as will bring the building into conformity with section 57 and the building by-laws or regulations for the time being in force so far as in the sole discretion of the Director, it is reasonable so to do; and

- (c) where one-half or less in width of the land so acquired for the purpose of forming a back-lane or an approach to a back-lane passes through one holding, no compensation shall be payable to the owner of such holding, but if less than one-half in width so passes, the owner of such holding shall if so required by the Government reimburse the Government any moneys at any time paid or payable by it for the acquisition by any means of so much of such width as with the land taken from such holding makes up the said one-half in width, and in either case the Government shall rebuild or reconstruct so much of any portion of any building on such holding abutting on the land so acquired and in such a manner as will bring the building into conformity with section 57 of this Ordinance and any building by-laws for the time being in force so far as in the sole discretion of the Director, it is reasonable so to do.

For the purpose of carrying out his duties under this subsection relating to the reconstruction of the back portion of any premises abutting on land acquired for a back-lane the Director and any of his officers or agents in that behalf shall have all necessary powers of entry upon any holding affected by such reconstruction for the purpose of or in connection with such reconstruction.

### **Price to be paid in ordinary cases**

(10) Without prejudice to the provisions of any other written law for the time being in force governing the acquisition of land for public purposes, the price to be paid by the Government for the portion of any land or buildings acquired under this section for which compensation is payable shall be ascertained in accordance with the following provisions —

- (a) where there are no buildings on the land or where the whole of the land and buildings are acquired, in the manner provided in the Land Acquisition Ordinance (Cap. 248); and
- (b) where there are buildings on the land and only part of the land is acquired —

5 (i) where the part of the buildings acquired is used as a dwelling-house and is, owing to the absence of air and light or other causes, unfit for human habitation, in accordance with the market value of the land and building materials thereon at the date of the making of the order referred to in subsection (1) of this section;

10 (ii) where the part of the buildings acquired is not used as a dwelling-house or for human habitation and is not in good sanitary condition, in accordance with the market value of the land and building materials thereon at the date of the making of the order referred to in subsection (1) of this section;

15 (iii) where the part of the buildings acquired is in good sanitary condition, in accordance with the market value of the land and the buildings at the date of the making of the order referred to in subsection (1) of this section.

### **Method of ascertaining price**

20 (11) The method of ascertaining the price as defined by subsection (10) of this section shall be that provided in subsection (9) of section 44 of this Ordinance.

25 (12) Where any land so acquired for a back-lane or an approach thereto abuts upon a holding but does not pass through it, the owner of such holding shall if so required by the Government reimburse the Government any moneys at any time paid or payable for the acquisition by any means of the portion of such land to the centre thereof which abuts on such holding to the extent to which it so abuts.

30 (13) The owner or owners at the time when the said order is registered of any holding or holdings which is or are separated from the back-lane by any land acquired under this section, shall reimburse the Government any moneys paid or payable for such land or such part thereof as abuts upon his or their holding or holdings, and upon such payment being made the Government shall assure to such owner or  
35 owners the said land and shall at its own expense construct party or

other walls enclosing the said land to such extent and in such manner as it may deem proper.

### **Transfer to Government of undertakings of the Singapore Improvement Trust relating to back-lanes**

**48.**—(1) Upon the coming into operation of this Ordinance, the undertakings of the Singapore Improvement Trust relating to back-lanes shall, notwithstanding the provisions of section 4 of the Planning Ordinance, 1959 (Ord. 12 of 1959), and section 27 of the Housing and Development Ordinance, 1959 (Ord. 11 of 1959), be transferred to and vest in the Government without further assurance.

(2) Without prejudice to the generality of subsection (1) of this section there shall be included in such transfer —

- (a) all lands and all assets, powers, rights and privileges held or enjoyed by the Singapore Improvement Trust in connection therewith, or appertaining thereto; and
- (b) all liabilities and obligations of the Singapore Improvement Trust in connection therewith.

(3) Any proceeding or cause of action pending or existing immediately prior to the coming into operation of this Ordinance by or against the Singapore Improvement Trust or the Housing and Development Board in respect of such undertakings may be continued or enforced by or against the Government, as it might have been by or against the Singapore Improvement Trust or the Housing and Development Board had this Ordinance not been passed.

### **General provisions as to back-lanes**

**49.**—(1) In this Ordinance and in any regulations made thereunder the expression “back-lane” includes every back-lane whether now or hereafter existing and any part thereof and any approach thereto and all land already or hereafter acquired or set apart for or laid out as a back-lane and all channels, drains and appurtenances of a back-lane.

(2) 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

Director which he may at his discretion withhold or give upon such terms as he may think fit.

(3) The Director may prepare a plan of any back-lane and the Minister by writing under his hand declare that the same shall vest in the Government and may register such writing together with the plan under the Land Titles Ordinance, 1956 (Ord. 21 of 1956), in respect of registered land and under the Registration of Deeds Ordinance (Cap. 255) in respect of other land.

(4) Upon such registration the land comprised in such plan shall be deemed to be vested in the Government freed from all incumbrances, and, where such land is held under a Statutory Land Grant, such vesting shall not be deemed to be a subdivision within the meaning of the Crown Lands Ordinance (Cap. 244).

(5) The provisions of subsections (3) and (4) of this section shall not apply to any land set apart or acquired under section 44 of this Ordinance.

(6) The Minister may with the sanction of the Yang di-Pertuan Negara sell, lease or exchange for other land a back-lane or any part thereof.

### **Back-lanes to be levelled, etc., by the Director**

**50.** The Director shall level, pave, metal, channel, drain and may light all back-lanes set apart or laid out under section 44 of this Ordinance, or vested in the Government under the provisions of subsection (4) of section 49 of this Ordinance when sufficient land has been so set apart or laid out or so vested to enable it to form a back-lane extending from one public street or back-lane to another public street or back-lane.

## **PART III**

### **BUILDINGS**

#### **Appointment of Chief Building Surveyor and other officers**

**51.** The Yang di-Pertuan Negara may, by notification in the *Gazette*, appoint an officer to be called the Chief Building Surveyor, also one or more officers to be called Assistant Building Surveyors who, subject

to such limitations as may be prescribed by the Chief Building Surveyor, may perform all duties imposed and exercise all powers conferred on the Chief Building Surveyor by this Part of this Ordinance, and every duty so performed and power exercised shall be deemed to have been duly performed and exercised for the purposes of this Part of this Ordinance. 5

### *Building Operations*

#### **Notice of new buildings**

**52.**—(1) Every person intending to erect any building shall submit to the Chief Building Surveyor such plans and specifications, if any, of the proposed building prepared in accordance with the building regulations made under this Ordinance. When such plans and specifications are in accordance with such regulations, they shall be approved by the Chief Building Surveyor for the purposes of this Part of this Ordinance subject to compliance with subsection (2) of this section or with any other written law for the time being in force: 10 15

Provided that no plans for the erection of a building on any holding abutting on or having access to any new street or proposed new street shall be approved by the Chief Building Surveyor until plans for such new street have been approved by the Director of Public Works under section 18 of this Ordinance. 20

#### **Chief Building Surveyor may give directions**

(2) The Chief Building Surveyor may give written directions to the person submitting plans and specifications for the erection of a building requiring such person to provide and construct an arcade or paved footway for the use of foot passengers along any portion of the building lot which abuts on a street and for the purpose of ensuring compliance with this or any other Ordinance or any by-laws, orders, rules or regulations made thereunder. 25

#### **Obedience to directions**

(3) The person to whom any written directions are so given shall within such period as may be prescribed amend the plans and specifications accordingly. Any plans and specifications not re- 30

submitted as so amended within four calendar months of the date of such written directions shall be deemed to be disapproved by the Chief Building Surveyor.

### **Buildings directed to be set forward**

- 5 (4) Where a building is directed to be set forward to a regular line of street, it shall be a sufficient compliance with such direction if a wall or fence of such materials and dimensions as may be approved by the Chief Building Surveyor is erected at a distance from the line sufficient to provide any arcade or footway which may be required  
10 under this Ordinance.

### **Compensation where building directed to be set back**

- (5) If the Chief Building Surveyor directs any person submitting the plan of a building to set such building back to a regular line of street, the Government shall, subject to subsection (6) of this section, pay  
15 compensation to him the amount of which shall in the case of any dispute arising be settled in the manner hereinafter provided in section 154 of this Ordinance.

### **No compensation for arcades, footways, approaches or corners**

- (6) No compensation shall be paid in respect of any land required  
20 whether in consequence of setting back to a regular line of street or under the provisions of subsection (2) of this section or otherwise, for the purpose of an arcade or footway for the use of foot passengers, or for any approach, or for rounding off corners.

### **Notice of commencement or resumption of building operations**

- 25 (7) No person shall commence the erection of a building or resume the erection of a building in any case where the work of erection has been suspended for a continuous period exceeding three months unless —

- 30 (a) such work is commenced or resumed, as the case may be, within twelve months from the date on which the plans and specifications of such building were approved by the Chief Building Surveyor; and

- (b) he has given the Chief Building Surveyor four days' notice in writing of his intention to commence or resume such work, as the case may be.

(8) For the purposes of paragraph (a) of subsection (7) of this section, "plans and specifications" means the plans and specifications originally approved by the Chief Building Surveyor pursuant to subsection (1) of this section but does not include any amending plans or specifications subsequently approved by the Chief Building Surveyor in connection therewith.

5

### **Houses of stone or brick and plank or posts and plank**

10

(9) No house or other building, constructed of stone and plank or brick and plank combined or of posts and plank, shall be erected without permission in writing from the Chief Building Surveyor, who may grant it or not at his discretion.

### **Houses with grass, attap, etc., roofs or walls**

15

(10) No house or other building, having the external roof or walls made of grass, leaves, mats, attaps or other combustible materials, shall be erected without permission in writing from the Chief Building Surveyor, who may grant it or not at his discretion.

### **Penalty**

20

(11) Any person who offends under subsections (9) and (10) of this section shall be liable on conviction to a fine not exceeding five hundred dollars, and a Magistrate's Court may, on the application of the Chief Building Surveyor or of a public officer authorised by him in writing in that behalf, issue a mandatory order for the removal of any house or building erected contrary to this section.

25

(12) Any person who makes any alteration in the frontage of any building within fifty feet of any street without a licence from the Chief Building Surveyor shall be liable on conviction to a fine not exceeding five hundred dollars and a Magistrate's Court may, on the application of the Chief Building Surveyor or of a public officer authorised by him in writing in that behalf, issue a mandatory order for the removal of any building erected in making any alteration contrary to this subsection.

30

(13) Any person who uses any floor other than the ground floor of any building originally constructed for a dwelling-house for any other purpose without a licence from the Chief Building Surveyor shall be liable on conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding fifty dollars for every day during which the offence is continued after conviction.

(14) Any person who —

(a) commences or resumes the erection of a building in contravention of subsection (7) of this section;

(b) deviates from any plan or specification approved by the Chief Building Surveyor without his licence;

(c) erects a building in contravention of any of the provisions of this Ordinance or of any of the regulations made thereunder; or

(d) fails to comply with any lawful order or written direction of the Chief Building Surveyor or with any term or condition attached by the Chief Building Surveyor to any modification or waiver of any of the requirements of any regulation,

shall be liable on conviction to a fine not exceeding two thousand dollars and to a further fine of fifty dollars for every day during which the offence is continued after conviction.

(15) In any case where proceedings have not been instituted against any person who has contravened subsection (14) of this section, such person shall on the submission of plans and specifications to the Chief Building Surveyor in accordance with the provisions of this Ordinance pay to the Government a sum not exceeding ten times the prescribed fees as the Chief Building Surveyor may direct, and in the event of plans and specifications being submitted without such payment, the Chief Building Surveyor may refuse to accept the same.

(16) A Magistrate may, on the application of the Chief Building Surveyor or of a public officer authorised by him in writing in that behalf, make an order which shall be deemed to be a mandatory order for the purposes of section 143 of this Ordinance requiring any person

convicted of an offence under the provisions of subsection (14) of this section to alter in any way or demolish the building.

**What constitutes erecting a building**

(17) For the purposes of this section and of sections 18, 56 and 57 of this Ordinance a person shall be deemed to erect a building who — 5

- (a) begins work on the site thereof or for or in respect of a new building;
- (b) adds to or alters any existing building in such a manner as to involve —
  - (i) new foundations; or 10
  - (ii) new or partly new or increased superstructure, or roof on existing walls or existing foundations;
- (c) converts into a dwelling-house any building not originally constructed for human habitation;
- (d) converts into more than one dwelling-house a building 15 originally constructed as one dwelling-house;
- (e) converts to other purposes a house originally constructed as a dwelling-house;
- (f) departs either before or after the completion of the building in any particular form any plan or specification approved 20 by the Chief Building Surveyor at any time in respect of such building;
- (g) infringes the provisions of this Ordinance or any regulations as to buildings;
- (h) renews or repairs any existing building in such a manner as 25 to involve a renewal, reconstruction or erection of any portion of an outer or party wall to the extent of one storey in height whatever the material of such outer or party wall is;
- (i) demolishes and reconstructs or adds to a building in such a 30 manner as to involve more than —
  - (i) half the superficial area of walls and partitions; or

(ii) half the superficial area of floors (excluding ground floor) or roofs; or

(j) constructs an additional storey or storeys, or renews, reconstructs or erects an outer or party wall of the first, second or third storey counting from the ground, to the extent of one storey in height:

Provided that, for the purposes of subsection (2) of this section and for the purposes of sections 56 and 57 of this Ordinance, a person who executes or does any of the works or things specified in paragraph (b)(ii), (f), (g) or (h) of this subsection shall not be deemed to erect a building.

The expression “erection of a building” shall be construed accordingly.

Works executed on the same building on two or more occasions within ten years may be deemed to be one reconstruction and aggregated for purposes of this definition.

(18)(a) Where any building operations are commenced or carried out in respect of any existing building they shall be deemed to have been commenced or carried out by the owner of the building if the person (not being the owner) who actually commenced or carried out such building operations is not known or cannot be found in Singapore, and the owner of the building shall be liable therefor.

(b) Where a building is erected on vacant land the building shall be deemed to have been erected by the owner of such land if the person (not being such owner) who actually erected the building is not known or cannot be found in Singapore, and the owner of the land shall be liable therefor.

### **Approval of plans**

(19) If the Chief Building Surveyor does not within two calendar months after the date of the submission of any plans under subsection (1) of this section or of the date of the resubmission of such plans amended in pursuance of subsection (3) of this section, as the case may be, approve such plans, such plans shall be deemed to be

approved unless the Chief Building Surveyor shall have previously disapproved the same:

Provided that nothing herein shall be construed to exempt the person submitting the plan from otherwise complying with the provisions of this Ordinance or any regulations made thereunder. 5

### **Demolition or removal of unauthorised building**

**53.**—(1) Where the Chief Building Surveyor is satisfied that a building is about to be erected or is in course of erection in contravention of the provisions of section 52 of this Ordinance, the Chief Building Surveyor may by writing order any person erecting or about to erect the building to abstain from commencing or proceeding with the erection of such building or to take such steps in relation to property in his possession or under his management as may be ordered by the Chief Building Surveyor. 10

(2) In lieu of or in addition to making an order under subsection (1) of this section the Chief Building Surveyor may enter upon the land where such building is being erected or is about to be erected or has been erected and demolish such building, whether occupied or not, or take such other steps as appear to the Chief Building Surveyor to be necessary: 15 20

Provided that the Chief Building Surveyor shall not act under this subsection in contravention of any direction which may be given by the Minister.

(3) Any person to whom an order under subsection (1) of this section is addressed who fails to comply with the requirements of such order shall, unless he satisfies the court that he had used all due diligence to carry out such order, be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding fifty dollars a day during his default and the court may direct the Chief Building Surveyor to enter the premises and execute the work so required to be executed. 25 30

(4) The expenses incurred in demolishing any premises or in executing any work under this section shall be paid by the owner or the person in default and if such person is the owner, the provisions of section 157 of this Ordinance shall apply to such expenses and in any 35

other case the provisions of section 154 of this Ordinance shall apply thereto.

5 (5) Where an unauthorised building is demolished under the provisions of subsection (2) of this section, the materials thereof and any other building materials found on the site of such unauthorised building may be seized and confiscated by the Chief Building Surveyor and all such materials so seized and confiscated shall become the property of the Government and may be sold or otherwise disposed of in such manner as the Chief Building Surveyor  
10 thinks fit.

### **Penalty for letting out and sale of unauthorised building**

15 **54.**—(1) Any person who sells or enters into an agreement to sell a building which has been erected or is in course of erection in contravention of any of the provisions of section 52 of this Ordinance or of section 9 of the Planning Ordinance, 1959 (Ord. 12 of 1959), shall be guilty of an offence under this Ordinance and shall on conviction be punished with imprisonment for a term which shall not be less than six months but which shall not exceed one year and shall also be liable to a fine not exceeding five thousand dollars.

20 (2) Any person who erects or causes to be erected in contravention of any of the provisions of section 52 of this Ordinance or of section 9 of the Planning Ordinance, 1959, shall, if such building is subsequently sold or agreed to be sold, be guilty of an offence under this Ordinance and shall on conviction be punished with  
25 imprisonment for a term which shall not be less than six months but which shall not exceed one year and shall also be liable to a fine not exceeding five thousand dollars.

30 (3) Any person who lets or enters into an agreement to let an unauthorised building for rent or any other consideration shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine which shall be not less than five hundred dollars but which shall not exceed one thousand dollars.

35 (4) The court before which a person is convicted for an offence under subsection (1) or (2) of this section may also order such person to refund the purchase money for the building to the purchaser

together with such compensation as the court deems fit and the provisions of section 447 of the Criminal Procedure Code (Cap. 132) shall be applicable to an order under this subsection.

(5) No prosecution in respect of an offence under this section shall be instituted without the sanction of the Public Prosecutor. 5

### **Modification or waiver of regulations**

**55.**—(1) The Chief Building Surveyor may on receipt of an application in relation to any particular building or structure, or part of a building or structure, and provided he is satisfied that such waiver or modification as hereinafter mentioned will not render the building or structure unsafe, modify or waive, upon and subject to such terms and conditions as he thinks fit, any of the requirements of any regulations relating to the construction of buildings. 10

### **Applications how made**

(2) Any such application shall be made in writing to the Chief Building Surveyor by or on behalf of the owner of the particular building or structure or of the particular part of such building or structure to which such application relates and shall state the nature and extent of and reasons for the proposed modification or waiver of such requirements and shall be accompanied by such plans, sections, elevations and particulars as may be prescribed. 15 20

### **Rights of owners of adjoining premises**

(3) If it appears to the Chief Building Surveyor on receipt of any such application that the rights or interests of the owner of any premises adjoining the premises in respect of which application is made would be affected by the modification or waiver desired by the applicant the Chief Building Surveyor shall serve upon the owner of such adjoining premises notice of the application at least seven days before the date on which the application is to be considered stating therein the date of such consideration and informing him of his right to make representations to the Chief Building Surveyor thereon as hereinafter provided. 25 30

(4) Any owner of adjoining premises on whom notice of the application has been served as aforesaid may before the date stated in

the said notice as that on which the application is to be considered make representations in writing to the Chief Building Surveyor with respect to the application and the Chief Building Surveyor shall have regard to any such representation at the same time as the application is considered.

### **Appeal**

(5) The applicant or any owner of adjoining premises dissatisfied with the decision of the Chief Building Surveyor to grant or refuse any application to modify or waive any requirement of any of the regulations relating to buildings or structures in reinforced concrete and structural steel (other than a refusal to modify or waive the requirements of any regulation relating to the stability of a building or structure) or dissatisfied with any condition attached by the Chief Building Surveyor to any such modification or waiver may appeal to the Minister.

### **Land to be set apart for back-lane**

**56.**—(1) The Chief Building Surveyor shall not approve any plan submitted pursuant to section 52 of this Ordinance relating to a building unless —

- (a) a back-lane if required by the Competent Authority of such width not exceeding twenty-five feet as may at the discretion of the Competent Authority be required, is shown on the plan, or vacant land is shown on the plan to be set apart or acquired for a back-lane of such width as aforesaid, and the person submitting the plan reimburses the Government for any moneys at any time paid for the acquisition by any means of the portion of such back-lane or such vacant land to the centre thereof which abuts on the holding in respect of which the plan is submitted to the extent to which it so abuts; or
- (b) the person submitting the plan sets apart a vacant strip of his land sufficient, with or without other land previously so set apart or acquired, to form a back-lane or part of a back-lane of such width not exceeding twenty-five feet as is required by the Competent Authority:

Provided that where the person submitting the plans sets apart a vacant strip of his land sufficient to form not less than one-half the width of that part of the back-lane which abuts on his land, the Chief Building Surveyor may in his discretion in a particular case approve such plan. 5

### **Situation of back-lane**

(2) The back-lane shall, where the Competent Authority so requires, be situated so as to conform with such line as is laid down therefor by the Competent Authority, and so as to communicate at each end thereof with the land set apart or to be set apart for a back-lane by, or acquired or to be acquired from, the owners of the properties on each side thereof, and when completed the same shall, wherever possible, open upon public streets at both ends, and shall in all cases be free from obstruction throughout. 10

### **Nonapproval of plan where building site does not abut on land available for a back-lane**

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(3) Where upon the submission of a plan relating to a building for the approval of the Chief Building Surveyor it appears that the site thereof does not abut upon any land so situated as to be capable of being set apart for a back-lane in conformity with the line laid down therefor by the Competent Authority, the Chief Building Surveyor may refuse to approve the plan until the land situate between the site of the building and the line of the back-lane or intended back-lane immediately opposite such site has been added to the holding in respect whereof the plan has been submitted and the portion of the intended back-lane which abuts on such site so added to has been set apart or acquired for a back-lane and the person submitting the plan has reimbursed the Government in the manner and to the extent provided in paragraph (a) of subsection (1) of this section and the other provisions of that subsection have been complied with. 20  
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### **Acquisition of land between building site and line of back-lane**

(4) Where in any such case as is referred to in subsection (3) of this section, the person submitting the plan requests the Government in writing to acquire the land situate between the site of the building and

the line of the back-lane or intended back-lane immediately opposite such site and, if requisite, that portion of the intended back-lane which abuts on such site when added to in the manner described in subsection (3) of this section, the Government shall acquire such land and such portion of the intended back-lane for the purpose of the same respectively being added to the holding in respect whereof the plan has been submitted and forming part of the back-lane and shall notify the owner accordingly.

### **Open spaces to be provided**

57.—(1) Every building which any person erects shall, unless the Chief Building Surveyor is of the opinion that in any particular case air space is otherwise sufficiently and permanently provided for, have directly attached thereto an open space exclusively belonging thereto of such dimensions as may be prescribed.

### **Land not built on**

(2) No compensation shall be payable in respect of any land not built on by reason of the provisions of this section.

### **What constitutes erecting a building**

(3) For the purposes of this section a person shall be deemed to erect a building who carries out any of the works or does any of the things mentioned in subsection (17) of section 52 of this Ordinance as modified by the proviso thereto.

### **Prohibition of building on insanitary ground**

58.—(1) No new building shall be erected on any ground which has been filled up with any matter impregnated with faecal, animal or vegetable matter or upon which any such matter has been deposited, unless and until such matter has been properly removed by excavation or otherwise or has been rendered or become innocuous.

### **Penalty**

(2) Any person who does, causes or wilfully permits any act in contravention of this section shall be liable on conviction to a fine not

exceeding two hundred dollars and to a further fine not exceeding twenty dollars for every day during which the offence is continued.

### **Buildings over sewers, etc., not to be erected without consent of Director of Public Works**

**59.**—(1) No building shall be erected over —

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(a) any public sewer, public surface or storm water drain, culvert, water-course, river or stream without the written consent of the Director of Public Works; or

(b) any water main, gas main, electric cable or wire vested in the Public Utilities Board without the written consent of the Board.

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(2) If any building is erected contrary to the provisions of subsection (1) of this section, a Magistrate's Court on the application of the Chief Building Surveyor may make an order which shall be deemed to be a mandatory order for the purposes of section 143 of this Ordinance requiring the same to be pulled down or otherwise dealt with as the Court thinks fit.

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### **Removal of roofs and walls made of inflammable materials**

**60.**—(1) Any person who, being the owner of any building which is distant not more than twenty-five feet from any other building separately occupied or from any street and has the external roof or walls made of grass, leaves, mats, attaps or other such inflammable materials, does not remove such roof or walls, as the case may be, within three months after notice in writing has been given him by the Chief Building Surveyor so to do shall be liable on conviction to a fine not exceeding twenty dollars for every day that such default continues.

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### **Renewal or repairing with inflammable materials**

(2) Any person who after such notice as aforesaid makes, renews or repairs any building with any such inflammable materials as in this section are mentioned or referred to or causes any such building to be so made, renewed or repaired shall be liable on conviction to a fine not exceeding two hundred dollars and to a further fine not exceeding twenty dollars for every day he suffers or allows the same to remain

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after conviction, and a Magistrate's Court may, on the application of the Chief Building Surveyor, order the building to be pulled down.

### **Erection of compartments, galleries, lofts, etc., in buildings**

5 **61.**—(1) No person shall erect or cause or permit to be erected in any building any partition, compartment, gallery, loft, roof, ceiling or other structure without having previously obtained the consent in writing of the Chief Building Surveyor.

(2) In every such case the owner of the premises shall be deemed to have permitted such erection until the contrary is proved.

### 10 **Penalty**

(3) Without prejudice to the provisions of subsection (4) of this section any person who acts in contravention of this section shall be liable on conviction to a fine not exceeding one hundred dollars and to a further fine of twenty dollars for each day after conviction during  
15 which the erection is allowed to remain.

### **Chief Building Surveyor may remove**

(4) The Chief Building Surveyor may cause to be removed any partition, gallery, loft or other structure which has been erected after the 1st day of January, 1908, without the consent in writing of the  
20 appropriate authority.

### **Open space not to be altered or roofed**

25 **62.**—(1) Whenever any open space has been provided in connection with any building in pursuance of this Ordinance or any regulations made thereunder, it shall not be lawful without the licence of the Chief Building Surveyor —

(a) to make or maintain or permit to be made or maintained any alteration in such open space; or

(b) to construct or maintain or permit to be constructed or maintained a roof over any portion thereof so as to diminish  
30 the area of such open space.

The Chief Building Surveyor may by notice in writing require the owner or any person acting in contravention of this section to remove

any such alteration or roof or otherwise to do such works as will restore such open space.

### **Penalty**

(2) Any person who fails to comply with a notice issued under this section within such reasonable time as is specified therein shall be liable on conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding twenty-five dollars for every day during which the offence is continued after conviction and a Magistrate's Court may, upon the application of the Chief Building Surveyor or of a public officer authorised by him in writing in that behalf, make a mandatory order requiring the removal of any such alteration or roof or otherwise the carrying out of such works as will make the open space conform to this Ordinance and any regulations made thereunder in the terms of subsection (2) of section 143 of this Ordinance and the provisions of subsection (3) of that section shall apply if the mandatory order is not complied with.

### *Ruinous and Deserted Buildings*

#### **Building in ruinous and dangerous state. Magistrate's Court may make an order**

**63.**—(1) Where a Magistrate's Court is satisfied on receiving a complaint from the Chief Building Surveyor and on taking such evidence, if any, as it thinks fit, that any building or anything affixed thereon is in a ruinous state, likely to fall or is in any way dangerous to the persons therein, such Court may make an order to prohibit such persons from remaining therein.

#### **Owner shall make reasonable allowance**

(2) Such order shall be served on every occupier of and every lodger in the building and within such period as is specified in the order after the service of the order, the order shall be obeyed by such occupier or lodger and he, his family and servants shall cease to remain in the building and on default he shall be liable on conviction to a fine not exceeding fifty dollars a day during his disobedience to the order and the Court making the order shall upon application by the Chief

Building Surveyor make a summary order for his ejectment and the same may be carried into effect by any police officer:

5 Provided that the owner of the building shall make to every tenant whose tenancy has not been lawfully determined such reasonable allowance, if any, on account of his expenses in removing as the Court may allow or order and such allowance shall be recoverable in a summary way before such Court.

10 (3) Where any building or any thing affixed thereon is in a ruinous state, likely to fall or is in any way dangerous to the neighbouring buildings or to persons therein or to passengers on the streets adjoining such building the Chief Building Surveyor shall immediately, if it appears to be necessary, cause a proper hoarding or fence to be put up for the protection of such neighbouring buildings and the persons therein and such passengers or take such other steps as  
15 appear to be necessary to render the building secure, and the expenses thereby incurred shall be paid by the owner of the building.

### **Order to demolish**

20 (4) Notwithstanding the provisions of subsections (1), (2) and (3) of this section where the Chief Building Surveyor is of opinion that immediate steps ought to be taken to prevent a building or anything affixed thereon, from falling down, he may so certify to a Magistrate's Court, and a Magistrate's Court, on receipt of such a certificate, shall make an order authorising the Chief Building Surveyor either to  
25 demolish the building or to take such other steps as appear to the Chief Building Surveyor to be necessary to render the building secure and the expenses thereby incurred shall be paid by the owner of the building.

### **Order for ejectment**

30 (5) Where an order is made under the provisions of subsection (4) of this section in respect of any building which is occupied, the Court shall on the application of the Chief Building Surveyor make an order prohibiting the building from being used for human habitation and the provisions of subsection (14) of section 113 of this Ordinance shall apply as if such order were a closing order made under that section.

### **Power to shut up and secure deserted buildings**

**64.**—(1) If any building or land, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes liable to be a resort of idle and disorderly persons or otherwise becomes a public nuisance and is complained of by any two or more of the neighbours or by a police officer not below the rank of Superintendent or by the Health Officer, the Chief Building Surveyor after due inquiry may cause notice in writing to be given to the owner or the person claiming to be the owner, if he is known and resident in Singapore, or, if he is not known or so resident, may cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, wherever they may be, to secure and enclose the same or to abate the nuisance.

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### **Non-compliance with notice**

(2) If such notice is not complied with within seven days, such building or land shall be deemed to be a nuisance liable to be dealt with summarily under this Ordinance.

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## **PART IV**

### **PUBLIC HEALTH**

#### **Appointment of Director of Medical Services and other officers**

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**65.**—(1) The Yang di-Pertuan Negara may, by notification in the *Gazette*, appoint an officer to be called the Director of Medical Services, in this Part referred to as the Director, also one or more officers to be called Deputy Directors of Medical Services and one or more officers to be called Assistant Directors of Medical Services who, subject to such limitations as may be prescribed by the Director, may perform all duties imposed and exercise all powers conferred on the Director by this Part of this Ordinance, and every duty so performed and power exercised shall be deemed to have been duly performed and exercised for the purposes of this Part of this Ordinance.

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(2) The Director may appoint any Government medical officers to be Senior Health Officers and Health Officers who, subject to such

limitations as may be prescribed by the Director, may perform all duties imposed and exercise all powers conferred on Health Officers by this Part of this Ordinance.

5 (3) The Director may, subject to such conditions or restrictions as he thinks fit, delegate to any officer in Division I of the public service employed in the administration of this Part of this Ordinance all or any of the powers, functions and duties vested in him by sections 66 to 79, 80 and 81, 84 to 96 and 113 of this Ordinance.

### *Scavenging*

#### 10 **Cleansing streets**

**66.** The Director shall cause the public streets, including the footways thereof, to be properly swept and cleansed and watered so far as is reasonably practicable and the dust, dirt, ashes, rubbish and filth of every sort found thereon to be collected and removed.

#### 15 **Duty of owner or occupier to keep street clean**

20 **67.—**(1) The owner and occupier of any premises abutting upon any private street to which they have access or the right of access from such premises shall cause such portion of the street as fronts, adjoins or abuts on his premises and up to the centre thereof, including the footways, to be properly swept and cleansed and watered so far as is reasonably practicable and the dust, dirt, ashes, rubbish and filth of every sort found thereon to be collected and removed.

#### **Notice to owner or occupier to keep street clean**

25 (2) The Director may by notice in writing require any person upon whom any duty is cast under subsection (1) of this section to sweep and cleanse and water such street and to collect and remove the dust, dirt, ashes, rubbish and filth found thereon at such time or times as are stated in such notice.

#### **Penalty for non-compliance**

30 (3) Any person to whom such notice is given who fails to comply with it shall be liable on conviction, without further notice, to a fine not exceeding twenty dollars for every day during which such non-

compliance continues, and the Director may himself cause the work to be done and the owner shall pay to the Government the cost and expense thereof.

### **Director may contract for the work**

(4) The Director may contract with any owner or occupier as aforesaid for sweeping and cleaning such street and for collecting and removing the dust, dirt, ashes and rubbish for any period the Director thinks fit. 5

(5) The amount due by the contracting persons to the Government shall be recoverable in the manner provided under section 154 of this Ordinance. 10

## *Markets*

### **Director may build markets**

**68.** The Director may cause to be built and maintained such markets and such shops, stalls, sheds, pens and other buildings or conveniences for the use of the persons frequenting such markets, and for the weighing and measuring of goods sold in such markets, as he thinks necessary, or may for the like purpose, hire or take on lease any building or buildings. 15

### **Licences for markets**

**69.** The Director may grant a licence for the use of any place as a market on such terms and conditions as he thinks fit, such licence to expire on the 31st day of December next following the date of its issue. 20

### **Penalty for opening markets without licence**

**70.—(1)** Any person who without a license therefor establishes or uses any market shall be liable on conviction to a fine not exceeding two hundred dollars and shall be also liable to a further fine not exceeding one hundred dollars for every day during which the offence is continued. 25 30

**Penalty for selling in unlicensed market**

(2) Any person who sells or exposes for sale in an unlicensed market any animal or articles intended for human food shall be liable on conviction to a fine not exceeding two hundred dollars and to a further  
5 fine not exceeding fifty dollars for every day during which the offence is continued after conviction.

**Director may charge rents and fees in respect of markets**

71.—(1) The Director may, with the approval of the Minister, charge such rents, tolls and fees as to him seems fit for the use of or  
10 right to expose goods for sale in markets built and maintained by the Government and for the use of shops, stalls, sheds, pens and standings therein.

**Recovery of rents and fees**

(2) All such rents, tolls and fees shall be recoverable from the  
15 persons liable to pay the same in the manner provided under section 154 of this Ordinance.

**Power to expel person contravening regulations and to determine lease**

72. The Director may expel or cause to be expelled from any market  
20 any person who or whose servant is convicted of disobeying any regulation relating to markets, and may prevent such person by himself or his servant further carrying on any trade or business in such market or occupying any stall, shop or other place therein, and may determine any lease or tenure which such person has in any such stall,  
25 shop or other place.

**Penalty for selling in market without permission**

73. Any person who without the permission of the Director or of the owner, tenant or lessee, of the market sells or exposes for sale any  
30 articles within a market shall be liable on conviction to a fine not exceeding two hundred dollars.

### **Employment in market of diseased persons**

74.—(1) No person shall be engaged or employed in any market or place licensed under this or any other written law who is suffering from or is a carrier of any disease which in the opinion of a Health Officer is likely to affect any food, drink or goods which may be sold in pursuance of such licence. 5

(2) The Director may at any time suspend or revoke any such licence issued under this Ordinance if the person licensed is in the opinion of a Health Officer suffering from any disease likely to affect any food, drink or goods. 10

### **Health Officer may enter and inspect places for sale or storage and examine food or drink**

75.—(1) A Health Officer or any person authorised by the Director in writing in that behalf may at all reasonable times enter into and inspect any place used for the sale, either wholesale or by retail, of articles of food or drink intended for human consumption or used for the preparation or storage of such articles intended for sale, or search any cart or vehicle or any basket, sack, bag or parcel which he has reasonable grounds for believing to contain articles of food or drink intended for human consumption and may examine any such articles which are therein. 15 20

(2) If it appears to the Health Officer or such person that any such articles are unfit for human consumption such articles shall be disposed of as the Health Officer may direct, and the proceeds, if any, retained pending an order from the Magistrate's Court. 25

(3) Any person who without lawful excuse has in his possession any article of food or drink intended for human consumption which is unfit for such purpose shall be guilty of an offence and shall be liable on conviction to a fine not exceeding four hundred dollars.

(4) A certificate under the hand of the Health Officer may be accepted by a Magistrate's Court as sufficient evidence that such articles were unfit for human consumption at the time of seizure. 30

### **Court may return articles and order confiscation**

(5) If a Magistrate's Court finds that articles seized were fit for human consumption, it shall order that such articles or such portion thereof as may be in good condition shall be returned to the owner or to the person in whose possession such articles were found and may order payment to such owner or person of such reasonable amount as the Court considers will compensate him for any loss or depreciation that has been caused by such seizure.

### *Hawkers*

#### **Sale of fresh provisions forbidden within fifty yards of market**

76.—(1) No person shall hawk, sell or expose for sale poultry, fresh meat, fresh fish, fresh vegetables or fresh fruit in any street or place within fifty yards of a market, except in a shop.

(2) Any person who offends under this section shall be liable on conviction to a fine not exceeding one hundred dollars.

### **Licensing of stalls**

77.—(1) The Director may, subject to such conditions as he may think fit, specify premises in which stalls, tables, showboards, vehicles or receptacles or any other means designed or adapted for the purpose may with his consent be set up or used for the sale of food, drink or goods and may issue licences for the same:

Provided that no public street or place of public resort shall be so specified without the consent of the Minister.

### **Offences**

#### **Penalty**

(2) Any person who, not being licensed under this section, sets up or uses any stall, table, showboard, vehicle or receptacle or any other means designed or adapted for the purpose, occupying a stationary position in any premises for the purpose of selling or exposing for sale any food or drink or any other goods shall be guilty of an offence under this Ordinance and may be arrested without warrant by any police officer or by any public officer authorised by the Director in

writing in that behalf and taken before a Magistrate's Court and shall be liable on conviction for a first offence to a fine not exceeding one hundred dollars and for a second or subsequent offence to a fine not exceeding one hundred dollars.

### **Definition of premises**

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(3) For the purposes of subsections (1) and (2) of this section "premises" means —

(a) in respect of the sale of food or drink any street or place of public resort or any private land or open space or place to which the public has access; and

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(b) in respect of the sale of goods other than food or drink any street or place of public resort.

(4) Notwithstanding the provisions of subsection (2) of this section or of any other written law for the time being in force, any police officer or any public officer, who having effected an arrest in accordance with the provisions of this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking such person before a Court or to a police station serve upon such person a notice requiring such person to attend at the Court described at the hour and on the date specified in such notice. The said notice shall be in such form as may be prescribed under section 184 of this Ordinance.

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(5) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may deem necessary.

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(6) A duplicate copy of the notice referred to in subsection (4) of this section shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to such Court.

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(7) On an accused person appearing before a Court in pursuance of such a notice the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (2) of this section.

(8) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith the Court shall thereupon issue a warrant for the arrest of such person.

5 (9) Upon a person arrested in pursuance of a warrant issued under subsection (8) of this section being produced before it a Court shall proceed as though he were produced before it in pursuance of subsection (2) of this section and shall at the conclusion of such proceedings call upon him to show cause why he should not be  
10 punished for failing to attend in compliance with the notice served upon him and if cause be not shown may order him to pay such penalty not exceeding two thousand dollars as the Court thinks fit or may commit him to prison for a term not exceeding two months.

15 (10) Any stall, table, showboard, vehicle or receptacle together with any appliances and utensils relating thereto and the food, drink or goods intended or exposed for sale, whether they appear to be abandoned or not, belonging or appearing to belong to or in possession of a person appearing to be committing or to have  
20 committed an offence under subsection (2) of this section may be seized by any police officer or public officer authorised as aforesaid and removed to and detained at any police station or Government depôt at the risk of the owner to abide the directions of a Magistrate's Court:

Provided that any perishable articles likely to decay so seized and removed may be disposed of forthwith:

25 Provided also that if any abandoned articles so seized and detained other than perishable articles already disposed of are claimed within forty-eight hours after such seizure by the owner thereof, being a person licensed or otherwise lawfully entitled to set up or sell such articles at the place at which the same were seized, such articles shall  
30 be returned to such owner.

(11) Every such seizure shall, except when the articles seized have been returned to the owner, be reported to a Magistrate's Court.

### **Forfeiture of stalls and goods seized**

35 (12) The Magistrate's Court shall, on convicting any person of an offence under subsection (2) of this section, or on receiving a report in

respect of any abandoned articles which were apparently being used in connection with the sale of food or drink, order the property seized under subsection (10) of this section to be forfeited and to be disposed of in such manner as the Court deems fit:

Provided that if the Court directs the sale of such articles the proceeds shall be paid into the Consolidated Fund. 5

(13) The Magistrate's Court may, on convicting a person of an offence under subsection (2) of this section, or on receiving a report in respect of any abandoned articles which were not apparently being used in connection with the sale of food or drink, order the property seized under subsection (10) of this section to be forfeited and to be disposed of in such manner as the Court deems fit: 10

Provided that if the Court directs the sale of such articles the proceeds or such part thereof as the Court thinks fit shall be paid into the Consolidated Fund and the balance, if any, paid to the owner. 15

(14) The Magistrate's Court may, on convicting any person under subsection (2) of this section, order his photograph to be taken by a police or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of establishing identity on a subsequent conviction. 20

(15) The Director may from time to time with the concurrence of the Commissioner of Police issue temporary permits, subject to such conditions as he may think fit for the erection of stalls, tables and showboards for the sale of food, drink or goods in any place specified in such permits during the continuance of any temporary fair, fete, wayang, gala or other special occasion and, notwithstanding anything in this section contained, it shall not be an offence to erect a stall, table or showboard in accordance with any such permit. 25

### **Licensing of itinerant hawkers**

**78.**—(1) The Director may with the consent of the Minister and subject to such conditions as he may think fit specify streets or portions thereof, places or areas in which persons shall not act as itinerant hawkers and may require itinerant hawkers or any class of itinerant hawker to be licensed. 30

(2) The Director may classify itinerant hawkers according to the nature of the goods they sell or in such other manner as he may determine.

(3) Any person who —

5           (a) not being duly licensed in that behalf, acts as an itinerant hawker; or

          (b) whether licensed as an itinerant hawker or not, acts as an itinerant hawker in any street or portion thereof, place or area specified by the Director under subsection (1) of this section,

10 shall be guilty of an offence under this Ordinance and may be arrested without warrant by any police officer or by any public officer authorised by the Director in writing in that behalf and taken before a Magistrate's Court and shall be liable on conviction for a first offence

15 to a fine not exceeding one hundred dollars and for a second offence or subsequent offence to a fine not exceeding two hundred dollars.

(4) Notwithstanding the provisions of subsection (3) of this section or of any other written law for the time being in force, any police officer or any public officer who, having effected an arrest in accordance with the provisions of this section, is satisfied as to the identity, name and place of residence of the person arrested, may, in his discretion, instead of taking such person before a Court or to a police station serve upon such person a notice requiring such person to attend at the Court described at the hour and on the date specified in such notice and such notice shall be in such form as may be prescribed under section 184 of this Ordinance.

20 (5) For the purpose of satisfying himself as to the identity of the person arrested, such police officer or public officer may require the person arrested to furnish such evidence of identity as he may deem

25 necessary.

30 (6) A duplicate copy of the notice referred to in subsection (4) of this section shall be prepared by the police officer or public officer, as the case may be, and by him, if so required by a Court, produced to such Court.

(7) On an accused person appearing before a Court in pursuance of such a notice the Court shall take cognizance of the offence alleged and shall proceed as though he were produced before it in pursuance of subsection (3) of this section.

(8) If a person upon whom such a notice has been served as aforesaid fails to appear before a Court in accordance therewith the Court shall thereupon issue a warrant for the arrest of such person.

(9) Upon a person arrested in pursuance of a warrant issued under subsection (8) of this section being produced before it a Court shall proceed as though he were produced before it in pursuance of subsection (3) of this section and shall at the conclusion of such proceedings call upon him to show cause why he should not be punished for failing to attend in compliance with the notice delivered to him and if cause be not shown may order him to pay such penalty not exceeding two thousand dollars as the Court thinks fit or may commit him to prison for a term not exceeding two months.

(10) Any articles, together with their containers and any accompanying appliances and utensils, exposed for sale in any street or place, otherwise than in a shop, which appear for the time being to be abandoned may be taken into custody by any police officer or public officer authorised as aforesaid and removed to and detained at a police station or Government depôt at the risk of the person to whom they belong, to be forfeited and disposed of in such manner as a Magistrate's Court deems fit:

Provided that any perishable articles likely to decay so taken into custody and removed may be disposed of forthwith:

Provided also that if any abandoned articles so taken into custody and detained, other than perishable articles already disposed of, are within forty-eight hours after such taking into custody claimed by the person to whom they belong, such articles shall be returned to such person, but without prejudice to the liability of any such person to be charged for an offence under subsection (3) of this section.

(11) A report shall be made to the Magistrate's Court of all articles so taken into custody which have not been returned to their owners.

(12) The Magistrate's Court shall on receiving a report of any abandoned articles order such articles to be forfeited and to be disposed of in such manner as the Court deems fit:

5 Provided that if the Court directs the sale of such articles the proceeds shall be paid into the Consolidated Fund.

(13) The Magistrate's Court may, on convicting any person of an offence under subsection (3) of this section, order his photograph to be taken by a police or other photographer. Any such photograph may be preserved and may be produced to any Court for the purpose of  
10 establishing identity on a subsequent conviction.

### **Definition**

(14) For the purpose of this section "itinerant hawker" means any person who with or without a vehicle, barrow, cart, bicycle or tricycle goes from place to place or to other persons' houses carrying to sell or  
15 exposing for sale any food, drink or goods of any kind.

### **Contravention of regulations**

**79.** The provisions of subsections (2) to (4) and (6) to (9) of section 77 of this Ordinance shall apply *mutatis mutandis* to any person who, being licensed under section 77 or 78 of this Ordinance to  
20 set up any stall, table, showboard, vehicle or receptacle for the purpose of selling or exposing for sale any food or drink or any other goods or to act as an itinerant hawker, as the case may be, contravenes any regulations made under this Ordinance for the control of hawkers.

### *Offensive Trades*

#### **25 Offensive trades not to be carried on without licence**

**80.—(1)** No place shall be used by any person for any of the purposes mentioned in the First Schedule to this Ordinance except under and in accordance with a licence from the Director.

#### **Penalty for establishing such trades without licence**

**30 (2)** Any person who without a licence uses any place or permits the same to be used for any of the said purposes shall be liable on conviction to a fine not exceeding one thousand dollars and to a

further fine not exceeding one hundred dollars for every day during which the said offence is continued.

### **Suspension or revocation of licence**

(3) The Director may at any time suspend or revoke such licence if it appears necessary to him to do so: 5

Provided that if such licence is suspended or revoked except on the ground of the licensee having violated the licence or any of the terms and conditions thereof, the Government shall be liable to make compensation to the licensee for the loss to which such suspension or revocation subjects him. 10

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

### **Prohibition of offensive trades in particular areas**

**81.**—(1) The Director may prohibit the use of any particular places or areas for the purposes of any offensive trade or for all or any of the purposes mentioned in the First Schedule to this Ordinance. 15

### **Copies of notice to be published in the *Gazette* and application to cancel notice**

(2) Notice of every such prohibition shall be published in the *Gazette* and such notice shall contain a statement that application for its cancellation may be made to the Minister at any time within one month from its publication and that it shall not come into operation until the expiration of two months from such publication. 20

### **Power to cancel**

(3) The Minister may, upon application made within one month from its publication, cancel any such notice of prohibition and thereupon the same shall become null and void. 25

### **No compensation payable**

(4) No compensation shall be payable by the Government to the owners or other persons interested in any property comprised in any 30

area within which the carrying on of any trade or business has been prohibited.

### *Manure*

#### **Prohibition of night-soil as manure**

5     **82.**—(1) No land shall be manured with night-soil or human excreta.

(2) If any night-soil or human excreta is found in any place collected in pits or receptacles of any kind such as would in the ordinary course be used for preparing such night-soil or human excreta for purposes of manuring, this shall be deemed conclusive evidence that the land on  
10     which such pits or receptacles are situated or land in the same occupation adjoining or contiguous thereto has been manured with night-soil or human excreta.

#### **Penalty**

15     (3) The owner and occupier of any land which is manured with night-soil or human excreta shall both be liable on conviction to a fine not exceeding eight hundred dollars and to a further fine of fifty dollars for every day during which the offence is continued and for a second or subsequent offence to the like fines or to imprisonment for a  
20     term which may extend to six months.

(4) A Magistrate's Court may, on the application of the Director, make a mandatory order against the owner or occupier of such land, requiring him to remove such night-soil or receptacles or to fill up such pits, as the case may be.

#### **25     Prohibition of cultivation, use of manure or irrigation injurious to health**

**83.**—(1) If at any time it appears to a Health Officer that the method of cultivation of any description of crop or the use of storing or method of preparing or dealing with any kind of manure not  
30     prohibited by section 82 of this Ordinance or the irrigation of land in any specific manner in any area is a nuisance, the Director may prohibit such method of cultivation, the use of storing or method of preparing or dealing with such manure or such manner of irrigation

within such area or may regulate it by imposing such conditions thereon as may prevent the nuisance.

### **Notice**

(2) Notice of such prohibition or conditions shall be published in the *Gazette*.

5

### **Penalty**

(3) The owner and occupier of any land upon which any method of cultivation, any kind of manure or any manner of irrigation is used in disregard of any such prohibition or conditions shall both be liable on conviction to a fine not exceeding two hundred dollars and to a further fine of fifty dollars for every day during which the offence is continued and on a second conviction to the like fines or to imprisonment for a term which may extend to six months.

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### *Latrines, etc.*

### **Latrines**

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**84.**—(1) The Director may provide and maintain in proper and convenient situations so as not to create a nuisance, common water-closets, latrines and urinals and shall cause the same to be kept in proper order and to be daily cleansed.

### **Licences**

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(2) The Director may license latrines for public use for such periods and on payment of such fees as he thinks fit.

### **Privies**

**85.**—(1) If a Health Officer is of opinion that any water-closets, privy, privies or additional water-closets, privy or privies are necessary to be attached to or provided for any house, building, place or land, the Director may by notice in writing require the owner or occupier thereof within fourteen days after notice to construct such water-closets, privy or privies as he thinks fit.

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### **Power to require privies, etc., to be constructed**

(2) The Director may by notice in writing require any person employing workmen, labourers or other persons exceeding twenty in number in any one place to construct, within fourteen days from such notice such water-closets, privies and urinals as to the Director seems fit.

### **Penalty**

(3) If any such notice is not complied with, the person to whom it is addressed shall be liable on conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding twenty dollars for every day during which such notice is not complied with, and a Magistrate's Court may, on the application of the Director, make a mandatory order, requiring such person to construct such water-closet or water-closets, privy or privies, latrine or latrines as the Court thinks fit.

### **Drains, etc., to be kept in order at cost of owners**

**86.**—(1) All sewers, drains, privies, cesspools, septic or other tanks, latrines, urinals, water-closets, sinks, baths or lavatories or any appurtenances thereof, shall be altered, repaired and kept in proper order at the cost and charge of the owners of the land and buildings to which the same belong or for the use of which they are maintained.

### **If owners neglect to keep drains, etc., in good order Magistrate's Court may cause the same to be done at owners' expense**

(2) If the owner of any land or building to which any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof belongs, neglects after notice in writing for that purpose to alter, repair or put the same in good order in the manner required by the Director, and within the time specified in the notice, a Magistrate's Court may, on the application of the Director, make a mandatory order, requiring him to alter, repair and put the same in good order as required by the Director.

**Emergency powers to enter, and to alter, repair or put in good order**

(3) In any case where a Health Officer or any public officer authorised in writing by the Director in that behalf is satisfied that an emergency exists and that it is necessary immediately to alter, repair or put in good order and condition any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof, such Health Officer or public officer may enter with or without such assistants and workmen as are necessary, upon any land or building and may do or cause to be done such alterations, repairs, work, acts or things as are necessary for any of the purposes aforesaid, and the expenses reasonably and necessarily incurred in so doing may be recovered from the person who is the owner of the land or building when the work is completed, and in default of agreement the amount of such expenses may be determined under section 154 of this Ordinance and the provisions of section 157 of this Ordinance shall apply to the amount for which judgment is given:

Provided that no entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without six hours' previous notice to such occupier.

**Penalties for persons making or altering drains, etc., contrary to the provisions of the Ordinance**

- (4) Any person who —
  - (a) has constructed any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof, contrary to this Ordinance or any regulations made thereunder or contrary to the Ordinance or regulations in force at the time of its construction; or
  - (b) without the consent of the Director constructs any new sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof; or

(c) constructs, re-builds or unstops any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof, which has been ordered by the Director to be demolished or stopped up or not to be made, shall be liable on conviction to a fine not exceeding two hundred dollars.

### **Inspection of drains and privies**

87.—(1) A Health Officer or any public officer authorised by the Director in writing in that behalf may inspect any sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof, and for that purpose at any time may enter upon any lands and buildings with such assistants and workmen as are necessary and cause the ground to be opened, doing as little damage as may be.

(2) If upon such inspection it appears that a sewer, drain, privy, cesspool, septic or other tank, latrine, urinal, water-closet, sink, bath or lavatory or any appurtenances thereof is not in good order and condition, the expenses of such inspection shall be paid by the owner of the land at the time the inspection is completed, and the provisions of section 157 of this Ordinance shall apply thereto.

(3) No entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without six hours' previous notice to such occupier.

### *Removal of Night-soil, etc., from Private Premises*

#### **Dust-bins in streets**

88.—(1) The Director may cause any number of movable or fixed dust-bins or other convenient receptacles wherein dust, dirt, ashes and rubbish may be temporarily deposited to be provided and placed in proper and convenient situations, or vehicles to go round to receive the same.

#### **Dung, etc., not to be put into receptacle**

(2) No dung, night-soil or human excreta or trade or garden or stable refuse shall be deposited in any such receptacle or vehicle.

**Penalty**

(3) Any person who deposits or causes or permits to be deposited any dung or trade or garden or stable refuse in any such receptacle or vehicle as aforesaid shall be liable on conviction to a fine not exceeding one hundred dollars.

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**Application of systems for removal of dust, etc.**

(4) The Director may also, with the approval of the Minister, at any time, apply to all houses, lands, buildings and other erections within such area or areas as are from time to time defined by him for this purpose any system which he thinks fit for the collection and removal of night-soil, human excreta, dust, dirt, ashes, refuse, offal and all other rubbish from such houses, lands, buildings and other erections.

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**Proviso**

(5) Before any such system is applied to any area under this section one month's previous notice thereof shall be served on the occupier of every house or other building within the area to which such system is to be applied.

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(6) The notice mentioned in subsection (5) of this section shall be in English, Chinese, Malay and Tamil.

**Scavenging of private premises**

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**89.**—(1) Notice may be given by the Director to any person carrying on a trade, manufacture or business or occupying any stable, cattle-shed or place for keeping sheep, goats, swine or poultry, requiring the periodical removal of trade or stable refuse.

**Penalty**

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(2) Any person to whom such notice is given and who fails to comply with it shall be liable on conviction, without further notice, to a fine not exceeding fifty dollars for every day during which such non-compliance continues.

### **Director may contract for removal**

(3) The Director may contract with any person for removing any night-soil, human excreta, dung, urine, trade, stable or garden refuse from his premises upon such terms and conditions and for such periods as the Director thinks fit.

(4) The amount due by any contracting person to the Government shall be recoverable in the manner provided under section 154 of this Ordinance.

### **How disputes to be dealt with**

(5) If any dispute or difference of opinion arises between the person to whom such a notice as is mentioned in subsection (1) of this section has been given and the Director as to what is to be considered as trade or stable refuse, a Magistrate's Court on request made by either party may by order determine whether the subject matter in dispute is or is not trade or stable refuse, as the case may be, and the decision of such Court shall be final.

### **Removal of night-soil**

**90.** The Director may, with the approval of the Minister, prescribe the hours within which only it shall be lawful to collect and remove any night-soil, decaying fish, decaying rice or other such offensive matter and shall give notice thereof in the *Gazette*.

### **Place of deposit for filth**

**91.**—(1) The Director may provide places convenient for the deposit of night-soil, dung and other filth and the dust, dirt, ashes and rubbish and filth collected and removed under the authority of this Ordinance.

(2) No such dust, dirt, ashes, rubbish, night-soil, dung and other filth collected and removed under the authority of this Ordinance shall be deposited in any place so as to become a public nuisance.

### **Penalty on occupier of house not removing the filth**

**92.**—(1) Any occupier of any house or premises who keeps or allows to be kept for more than forty-eight hours, or otherwise than in

some proper receptacle, so as to be a nuisance to his neighbours, any dirt, dung, bones, ashes, night-soil, filth or any noxious or offensive matter in any part of such premises or house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom and to cleanse and purify the same, shall be liable on conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding twenty dollars for every day during which the offence is continued.

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(2) The cause of the nuisance may be removed by the Director who may recover the expenses thereby incurred from the occupier or owner of the house or premises in the manner provided under section 154 of this Ordinance.

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**All rubbish, etc., collected to be the property of Government**

**93.** All dirt, dust, ashes, rubbish, sewage, night-soil, dung, filth and trade, garden and stable refuse collected by the employees or contractors of the Government from streets, houses, privies, sewers and cesspools or brought by any person to the Government refuse disposal centre shall be the property of the Government which may sell or dispose of the same as it thinks proper.

15

**A system of night-soil removal may be applied to defined areas, and fees may be charged**

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**94.—(1)** The Director may at any time provide and apply to all or any houses, lands, buildings and tenements within any area or areas defined by him for such purpose, a system for the collection and removal of night-soil and may charge fees for the provision of such system and the supply of such pails and other utensils.

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(2) Such fees shall be payable by the occupiers of the houses, lands, buildings and tenements to which such system is applied, and shall be recoverable in the manner provided under section 154 of this Ordinance.

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(3) At least one month before the application of any system for the collection and removal of night-soil to any area, notice thereof shall be served at every dwelling-house affected thereby within the area either by delivery of such notice to an inmate of such house or by affixing

the same to some part of the premises and notice thereof shall be published in the *Gazette*.

(4) The notice mentioned in subsection (3) of this section shall be in English, Chinese, Malay and Tamil.

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### *Pollution of Streams*

#### **Committing nuisance in streams**

95. Any person who commits a nuisance or deposits any filth in any stream, channel or water-course or upon the bank of any stream, channel or water-course shall be liable on conviction to a fine not exceeding fifty dollars.

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#### **Pollution of streams with trade refuse, etc.**

96. Any person who —

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(a) puts or causes to be put or to fall or flow or knowingly permits to be put or to fall or to flow or to be carried into any stream, so as either singly or in combination with other acts of the same or any other person to interfere with its due flow or to pollute its waters, the solid or liquid refuse of any manufactory, manufacturing process or quarry or any rubbish or cinders or any other waste or any putrid matter; or

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(b) causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter; or

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(c) uses for the purposes of carrying on therein the trade of dhoby or washerman any stream, ditch, water-course, pool, pond or tank which the Director has prohibited from being so used,

shall be deemed to be guilty of causing a nuisance liable to be dealt with summarily under this Ordinance.

*Insanitary Premises***Filthy house, etc.**

97.—(1) Any owner, occupier or tenant of any house, building or land, whether tenantable or otherwise, who suffers the same or any part thereof to be in a filthy and unwholesome state or overgrown with rank or noisome vegetation, shall be liable on conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding ten dollars for every day during which the offence is continued after conviction.

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(2) Such house, building or land shall be deemed to be a nuisance liable to be summarily dealt with under this Ordinance.

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**Power to enter and cleanse houses and buildings**

98.—(1) A Health Officer or any public officer authorised by the Director in that behalf in writing may, at any time between sunrise and sunset, enter into and inspect all houses and buildings and by an order in writing direct the occupier to cause within a time to be specified in such order all or any part to be internally and externally limewashed or otherwise cleansed for sanitary reasons and, if necessary, disinfected and all dirt or rubbish removed or collected and burnt on the premises.

15

**Penalty**

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(2) If such order is not complied with within the time specified, the occupier shall be liable on conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding ten dollars for every day after conviction until the order is complied with.

**Previous notice to be given**

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(3) No entry shall be made under this section into any dwelling-house in actual occupation, unless with the consent of the occupier, without six hours' previous notice to such occupier.

**Destruction of rats and mice**

99.—(1) When a Health Officer is of opinion that any premises are so infested with rats, mice or other vermin as to be a danger to the health of the persons in the house or of the community, he may serve

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notice on the owner or occupier of such premises, calling upon him to take such measures as he considers necessary for the destruction of such rats, mice or other vermin and for the removal of their breeding places and for preventing their re-appearance.

5 **Penalty**

(2) Any owner or occupier who does not comply with such notice within seven days shall be liable on conviction to a fine not exceeding one hundred dollars and to a further fine not exceeding ten dollars for every day during which the work is not carried out after conviction,  
10 and the Health Officer or any public officer authorised by him in that behalf in writing may enter upon the premises and take such measures as he considers necessary for carrying out the purposes of this section and the expenses thereby incurred shall be paid by the person in default and may be recovered in the manner provided under  
15 section 154 of this Ordinance.

**Closing and demolition, etc., of insanitary dwellings**

**100.**—(1) When a Health Officer has certified in writing that in his opinion any building or part of a building or anything attached to a building used or occupied as a dwelling is unfit for human habitation  
20 and cannot be rendered fit therefor without the removal, alteration or demolition in whole or in part of any partition, compartment, loft, gallery, pent-roof, out-house or other structure or erection or without the execution of such alterations or structural operations as he specifies, the Director may by notice in writing require the owner  
25 thereof to carry into effect any or both of the following: —

- (a) the removal, alteration or demolition of the whole or a part of the partitions or other erections or obstructions complained of;
- (b) the execution of such operations or structural alterations as  
30 are necessary to render the premises fit for human habitation and to guard against danger of disease.

### **Length of notice**

(2) The notice shall appoint not less than twenty-four hours in advance for the commencement of the operation enjoined and specify a number of days for the work.

(3) If the notice has not been complied with by the appointed time, a Magistrate's Court may, on the application of the Director, make a mandatory order requiring the owner to carry into effect all or any of the things specified in the said notice.

5

### **Penalty**

(4) Any person who without the express sanction in writing of the Director replaces any partition, erection or obstruction removed under subsection (1) of this section, shall be liable on conviction to a fine not exceeding two hundred dollars, and the Director or any person authorised by him in that behalf in writing may enter upon such premises and remove such partition, erection or obstruction.

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### **Director may require tenants to cease to inhabit building**

(5) The Director may also, by notice to be posted in a conspicuous position upon the building, require the owner or occupiers, as the case may be, to cease to inhabit the building and to remove all goods, furniture and effects from the building within forty-eight hours from the posting of the notice.

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(6) The owner and every occupying tenant shall thereupon comply with the requirements of the notice.

(7) Any owner or occupier in default shall be liable on conviction to a fine not exceeding twenty dollars a day during the period in which he has failed to comply with the requirements of the notice.

25

### **Power to remove goods, etc.**

(8) At the expiration of forty-eight hours from the posting of the notice mentioned in subsection (5) of this section, the Director or any person authorised by him in that behalf in writing may remove all goods, furniture and effects from the building

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### **Language of notice**

(9) The notice mentioned in subsection (5) of this section shall be in English, Chinese, Malay and Tamil.

### **Overcrowding of houses**

5     **101.**—(1) Any person who permits a house to be so overcrowded as to be injurious or dangerous to the health of the inhabitants shall be liable on conviction to a fine not exceeding one hundred dollars, and the Magistrate’s Court hearing the complaint may make a nuisance order under section 106 of this Ordinance, notwithstanding that the  
10     notice prescribed by section 105 of this Ordinance has not been given.

(2) Any person who fails to comply with such a nuisance order shall be liable to be dealt with under section 106 of this Ordinance.

### **When house to be deemed “overcrowded”**

15     **102.** For the purposes of this Ordinance a house shall be deemed to be so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, if it or any room therein is found to be inhabited in excess of the proportion of one adult to every three  
20     hundred and fifty cubic feet of clear internal space, and in such calculation every person over ten years of age shall be deemed an adult and two children under ten years of age shall be counted as an adult.

### *Public Nuisances*

#### **Public nuisances to be abated**

25     **103.** The Director shall take steps to remove, put down and abate all nuisances of a public nature on public or private premises which may tend either to injure the health or in any way affect the safety or the rights of the inhabitants at large and, if need be, to proceed at law  
30     against any person committing any such nuisance for the abatement thereof and for damages, and further shall cause all streets, water-courses, drains, roads, canals and places to be kept clean and free from dirt, filth or rubbish:

Provided that where a nuisance arises from any want or defect of a structural character, such steps shall be taken by the Chief Building

Surveyor, and for this purpose every reference to the Director in subsections (1), (2) and (4) of section 105, subsections (1), (11) and (14) of section 106, subsection (1) of section 107 and subsection (2) of section 108 of this Ordinance shall be construed as a reference to the Chief Building Surveyor.

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**Nuisances liable to be dealt with summarily under this Ordinance**

**104.** For the purposes of this Ordinance —

- (a) any premises or part thereof of such a construction or in such a state as to be a nuisance or injurious or dangerous to health; 10
- (b) any pool, gutter, water-course, cistern, water-closet, earth-closet, privy, urinal, cesspool, sewer, drain, dung-pit or ash-pit so foul or in such a state or so situate as to be a nuisance or injurious or dangerous to health; 15
- (c) any animal kept in such place or manner or in such numbers as to be a nuisance or injurious or dangerous to health;
- (d) any dust, effluvium, accumulation or deposit which is a nuisance or injurious or dangerous to health or is likely to become a breeding place for mosquitoes; 20
- (e) any factory, work-shop or work-place which —
  - (i) is not kept in a cleanly state and free from effluvia arising from any sewer, drain, privy, earth-closet, urinal or other nuisance; or
  - (ii) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health; or 25
  - (iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein; 30

- 5 (f) any huts or sheds, whether used as dwellings or as stables or for any other purpose, which are by reason of the manner in which the huts or sheds are crowded together or the want of drainage or the impracticability of scavenging or for any other reason a nuisance or injurious or dangerous to health;
- (g) any hut or shed, whether used as a dwelling or as a stable or for any other purpose, which is a nuisance or injurious or dangerous to health;
- 10 (h) any well, pool or ditch the water from which is used or likely to be used by man for drinking or domestic purposes or for manufacturing food for the use of man and which is so polluted or is likely to become so polluted as to be injurious or dangerous to health;
- 15 (i) any tank, well, pool, water-course, ditch or low marshy ground which is injurious to health or offensive to the neighbourhood or is or is likely to become a breeding place for mosquitoes;
- (j) any fire-place or furnace and any chimney sending off smoke or other unconsumed combustible matter in such quantity as to be a nuisance or injurious or dangerous to health;
- 20 (k) any brick-field, sandpit or any other kind of excavation which is injurious to health or offensive to the neighbourhood or used for any purpose likely to be injurious to health; and
- 25 (l) any other matter declared by this Ordinance to be a nuisance liable to be dealt with summarily,

shall be a nuisance liable to be dealt with summarily under this Ordinance.

30

### *Nuisance Notice*

#### **Notice requiring abatement of nuisance**

**105.**—(1) On the receipt of any information respecting the existence of a nuisance liable to be dealt with summarily under this Ordinance,

the Director shall, if satisfied of the existence of a nuisance, serve a notice on the person by whose act, default or sufferance the nuisance arises or continues or, if such person cannot be found, on the occupier or owner of the premises on which the nuisance arises, requiring him to abate the same within the time specified in the notice and to execute such works and do such things as are necessary for that purpose and, if the Director thinks it desirable, specifying any works to be executed.

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### **Power to require works to be executed**

(2) The Director may also by the same or another notice served on such occupier, owner or person require him to do what is necessary for preventing the recurrence of the nuisance and, if he thinks it desirable, specify any works to be executed for that purpose, and may serve that notice notwithstanding that the nuisance had for the time being abated if the Director considers that it is likely to recur on the same premises.

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(3) Where the nuisance arises from any want or defect of a structural character or where the premises are unoccupied, the notice shall be served on the owner.

15

(4) Where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the occupier or owner of the premises, the Director may cause the same to be abated and may do what is necessary to prevent the recurrence thereof.

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(5) Where a Health Officer certifies to the Director that any house or part of a house is so overcrowded as to be injurious or dangerous to the health of the inmates, whether or not members of the same family, the Director shall take proceedings under this section for the abatement of such nuisance and the expenses thereby incurred shall be paid by the person in default.

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(6) Where a notice has been served on a person under this section and either —

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- (a) the nuisance arose from the wilful act or default of the said person; or
- (b) such person makes default in complying with any of the requisitions of the notice within the time specified,

he shall be liable on conviction to a fine not exceeding four hundred dollars for each offence whether any such nuisance order as in this Ordinance mentioned is or is not made upon him.

### *Nuisance Order*

#### 5 **On non-compliance with notice, nuisance order to be made**

**106.**—(1) If either —

- (a) the person on whom a notice to abate a nuisance has been served as aforesaid makes default in complying with any of the requisitions thereof within the time specified; or
- 10 (b) the nuisance, although abated since the service of the notice, is in the opinion of the Director likely to recur on the same premises,

on complaint by the Director a Magistrate’s Court hearing the complaint may make on such person a summary order, in this  
15 Ordinance referred to as a “nuisance order”.

#### **Nuisance orders**

(2) A nuisance order may be an abatement order or a prohibition order or a closing order or a combination of such orders.

#### **Abatement order**

20 (3) An abatement order may require a person to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order.

#### **Prohibition order**

(4) A prohibition order may prohibit the recurrence of a nuisance.

#### 25 **When to specify works to be executed**

(5) An abatement order or prohibition order shall, if the person an whom the order is made so requires or the Court considers it desirable, specify the works to be executed by such person for the purpose of abating or preventing the recurrence of the nuisance.

## **Closing order**

(6) A closing order may prohibit a dwelling-house from being used for human habitation.

## **When to be made**

(7) A closing order shall only be made where it is proved to the satisfaction of the Court that by reason of a nuisance a dwelling-house is unfit for human habitation, and, if such proof is given, the Court shall make a closing order and may impose a fine not exceeding eight hundred dollars. 5

## **Cancelling closing order**

(8) A Court, when satisfied that the dwelling-house has been rendered fit for human habitation, may declare that it is so satisfied and cancel the closing order. 10

## **Penalty for not complying with order**

(9) Any person who fails to comply with the provisions of a nuisance order with respect to the abatement of a nuisance shall, unless he satisfies the Court that he has used all due diligence to carry out such order, be liable on conviction to a fine not exceeding fifty dollars a day during his default. 15

(10) Any person who knowingly and wilfully acts contrary to a prohibition order or closing order shall be liable on conviction to a fine not exceeding one hundred dollars a day during such contrary action. 20

(11) In either of the cases mentioned in subsections (9) and (10) of this section, the Director or any person authorised by him in writing in that behalf may enter the premises to which a nuisance order relates and abate or remove the nuisance and do whatever is necessary in the execution of such order and the expenses thereby incurred shall be paid by the person in default. 25

(12) In case of nuisances caused by the act or default of the owner of premises, such expenses together with any costs and expenses which the Court orders such owner to pay shall be deemed to be expenses to which section 157 of this Ordinance applies and shall be recoverable under the provisions of that section. 30

(13) A Court making any order under this section may require any person on whom any order is made to pay all costs and expenses incurred in obtaining the order.

### **Ejectment after closing order**

5 (14) Where a closing order has been made with respect to any dwelling-house, the Director shall serve notice of the order on every occupier of the dwelling-house and within such period as is specified in the notice not being less than seven days (save in case of immediate danger) after the service of the notice the order shall be obeyed by him  
10 and he and his family shall cease to inhabit the dwelling-house, and in default he shall be liable on conviction to a fine not exceeding fifty dollars a day during his disobedience to the order, and the Court shall, upon application by the Director, make a summary order for his ejectment and the same may be carried into effect by any police officer  
15 or officers:

#### Expenses of removal

Provided that the owner shall make to every tenant whose tenancy has not been lawfully determined such reasonable allowance, if any,  
20 on account of his expenses in removing as a Court may allow or order, and such allowance shall be recoverable in a summary way before a Magistrate's Court.

### **Order for demolition of house unfit for habitation**

25 **107.**—(1) Where a closing order has been made in respect of any dwelling-house and has not been cancelled by a subsequent order, the Director, if of the opinion that —

- (a) the dwelling-house has not been rendered fit for human habitation;
- (b) the necessary steps are not being taken with all due  
30 diligence to render it so fit; or
- (c) the continuance of any building being or being part of the dwelling-house is dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling-houses,

may make a complaint to a Magistrate’s Court, and such Court after hearing the complaint may make on the owner a summary order for the demolition of such dwelling-house within a time specified in such order.

(2) The order may also contain a direction that the materials of the building or any part of such materials shall be destroyed. 5

**Execution of order for demolition**

**108.**—(1) Where an order for the demolition of a building has been made, the owner thereof shall, within the time mentioned in such order, take down and remove the building and, if the order for demolition so directs and to the extent therein mentioned, destroy the materials thereof. 10

(2) If the owner fails therein, the Director or any person authorised by him in writing in that behalf shall proceed to take down and remove the building and, if necessary, destroy the materials, and may recover the costs of such work from the owner. 15

(3) The provisions of section 157 of this Ordinance shall apply to any sum recoverable from the owners under this section.

*Obstructive Buildings*

**Representation by Health Officer** 20

**109.**—(1) If a Health Officer finds that any building, although not in itself unfit for human habitation, is so situated that by reason of its proximity to or contact with any other buildings —

(a) it stops or impedes ventilation or otherwise makes or conduces to make such other buildings to be in a condition unfit for human habitation or dangerous or injurious to health; or 25

(b) it prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings, 30

the Health Officer shall make representation to the Director regarding such first-mentioned building, in this Part of this Ordinance referred to

as “an obstructive building”, stating that in his opinion it is expedient that the obstructive building should be pulled down.

### **Director may make an order for demolition**

5 (2) The Director on receiving any such representation as above in this section mentioned shall call for a report respecting the circumstances of the building and the cost of pulling down the building and acquiring the land.

10 (3) On receiving such report the Director shall take into consideration the representation and the report and, if he decides to proceed, shall cause a copy of both the representation and the report to be given to the owner of the obstructive building with notice of the time and place appointed by the Director for the consideration thereof.

15 (4) Such owner may attend and state his objections, and after hearing such objections the Director shall make an order either allowing the objection or directing that such obstructive building shall be pulled down.

### **Appeal to Minister**

20 (5) Any person aggrieved by an order of the Director under this section may, within fourteen days after notice of the order has been served upon him, appeal to the Minister and no work shall be done nor proceedings taken under such order until after the appeal is determined.

25 (6) The person aggrieved shall be heard by himself or by counsel and the Director shall be heard by himself or by a person appointed by him or by counsel.

### **Power to acquire building and site**

30 (7) Where an order of the Director for pulling down an obstructive building is made under this section and either no appeal is made against the order or an appeal is made and either fails or is abandoned, the Government may purchase the land on which the obstructive building is erected.

(8) Such order shall have the like effect with respect to such building as a declaration under section 5 of the Land Acquisition Ordinance

(Cap. 248) and the obstructive building and the land on which it is erected may be acquired and paid for in accordance with that Ordinance and any other written law for the time being in force governing the acquisition of land for public purposes.

**Notice by owner desiring to retain site**

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(9) The owner may, within one month after notice has been given as provided by section 8 of the Land Acquisition Ordinance, declare that he desires to retain the site of the obstructive building and undertakes either to pull down or to permit the Director to pull down the obstructive building, and in such case the owner shall retain the site and shall receive compensation from the Government for the pulling down of the obstructive building.

10

(10) Such compensation shall, in all cases where the amount claimed does not exceed one thousand dollars, be ascertained in the manner provided by section 154 of this Ordinance but in all other cases shall be ascertained and paid for in accordance with the Land Acquisition Ordinance and any other written law for the time being in force governing the acquisition of land for public purposes.

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**Site not to be built upon except as approved**

(11) Where the owner retains the site or any part thereof, no house or other building or erection which will be an obstructive building within the meaning of this section shall be erected upon such site or any part thereof, and the Chief Building Surveyor shall not approve of the plan of any building to be erected upon such site which will be an obstructive building within the meaning of this section.

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**Open spaces to be kept**

(12) Where the lands are acquired or purchased by the Government, the Director shall cause to be pulled down the obstructive building or such part thereof as is obstructive within the meaning of this section and keep as an open space the whole site or such part thereof as is required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building and the Minister may, upon such terms as he thinks expedient, sell, exchange or lease such

30

portion of the site as is not required for the purpose of carrying this section into effect.

(13) In particular the Minister may insert in any grant or lease of any part of the site provisions binding the grantee or lessee to build thereon as in the grant or lease prescribed and to maintain and repair the building and prohibiting the erection of buildings and any addition to or alteration of the character of the building without the consent of the Director and for the reverting of the land to the Government or its re-entry thereon in case of breach of any grant or lease subject to section 18 of the Conveyancing and Law of Property Ordinance (Cap. 243).

(14) The Minister may, where he so thinks fit, dedicate any land acquired by the Government under the authority of this section as a highway or other public place.

### **Order to enter**

**110.**—(1) If it appears to a Magistrate's Court, on the application of any owner of a dwelling-house, that default is being made in the execution of any works required to be executed on any dwelling-house in respect of which a closing order has been made or in the demolition of any building or dwelling-house and that the interests of the applicant will be prejudiced by such default and that it is just to make the order, the Court may make an order empowering the applicant forthwith to enter on the dwelling-house and within the time fixed by the order to execute the said works or to demolish the building and, where it seems to the Court just so to do, the Court may make a like order in favour of any other owner.

### **Enlargement of time allowed**

(2) A Magistrate's Court may in any case by order enlarge the time allowed under any order for the execution of any works or the demolition of a building.

### **Notice**

(3) Before an order is made under this section notice of the application shall be given to the Director.

### **Remedies of owner for breach of covenant, etc., not prejudiced**

**111.**—(1) Nothing in this Ordinance shall prejudice or interfere with the rights or remedies of any owner for the breach, non-observance or non-performance of any covenant or contract entered into by a tenant or lessee in reference to any dwelling-house in respect of which an order is made by the Director under this Part of this Ordinance. 5

(2) If any owner is obliged to take possession of any dwelling-house in order to comply with any such order, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance that has occurred prior to his so taking possession. 10

### **Penalty for preventing execution of this Part**

**112.**—(1) If any person being the occupier of any dwelling-house prevents the owner thereof or being the owner or occupier of any dwelling-house prevents a Health Officer or any person acting on behalf of the owner or of the Health Officer from carrying into effect with respect to the dwelling-house any of the provisions of this Part of this Ordinance after notice of the intention so to do has been given to such person, a Magistrate's Court, on proof thereof, may order such person to permit to be done on such premises all things requisite for carrying into effect with respect to such dwelling-house the provisions of this Part of this Ordinance. 15 20

### **Penalty**

(2) Any person who at the expiration of seven days after the service of such order fails to comply therewith shall, for every day during which the failure continues, be liable on summary conviction to a fine not exceeding two hundred dollars: 25

Provided that, if any such failure is by the occupier, the owner shall not be liable to a fine if he has applied for an order under subsection (1) of this section.

*Wells, etc.* 30

### **Wells, etc.**

**113.**—(1) No person other than the owner or occupier of an agricultural holding shall, without the previous permission of the

Director, open, dig or otherwise construct or permit or allow to be opened, dug or otherwise constructed any well, tank or reservoir the water in which is likely to be used for drinking or domestic purposes. Any well within the curtilage of any dwelling-house shall be deemed  
5 to be likely to be used for drinking or for domestic purposes.

(2) If the owner or occupier of an agricultural holding opens, digs or otherwise constructs or permits or allows to be opened, dug, constructed or otherwise constructed any well, tank or reservoir, he shall report the opening, digging or construction of the well, tank or  
10 reservoir, as the case may be, within one month thereof to the Director.

### **Penalty**

(3) Any person who commits a breach of subsection (1) or subsection (2) of this section shall be liable on conviction to a fine not exceeding four hundred dollars.

(4) The Director may give to the owner or occupier of any premises notice to close any well, tank or reservoir the water in which is likely to be used for drinking or domestic purposes and may by such notice specify any works to be executed for such purpose within a time to be specified in such notice, and the owner or occupier shall comply with  
15 the terms of such notice.  
20

(5) If the owner fails to execute the works referred to in such notice, section 143 of this Ordinance shall apply, and in addition a Magistrate's Court may make an order directing the well, tank or reservoir to be permanently closed.

(6) If after a Magistrate's Court has made an order directing a well, tank or reservoir to be permanently closed the same is at any time re-opened, the owner and occupier at the time the well, tank or reservoir is found to be re-opened shall be liable on conviction to a fine of four hundred dollars, and section 143 of this Ordinance shall again apply.  
25

*Burial and Burning Grounds*

**Director may provide burial grounds, etc.**

**114.**—(1) The Director may provide fitting places to be used as public burial grounds, crematoria or burning grounds and shall make proper provision for maintaining the same. 5

(2) The Director may issue licences for such period as he thinks fit for the establishment of burial grounds, crematoria or burning grounds and may attach thereto such conditions as he thinks fit.

**What places may be used for burials, etc.**

**115.**—(1) No place shall be used or prepared for the burial or burning of any corpse except — 10

(a) burial grounds, crematoria or burning grounds provided by the Government;

(b) places heretofore registered under section 105 or licensed under section 106 of the Indian Act XIV of 1856 or otherwise lawfully opened, made or formed, in which burials and burnings have not been prohibited under section 117 of this Ordinance or under any law previously in force; 15

(c) places licensed by the Municipal Commissioners before the 1st day of July, 1906; or 20

(d) places licensed by the Minister under the provisions of the Burials Ordinance (Cap. 212) prior to the coming into operation of this Ordinance.

(2) The Director may permit the burial at any suitable place of the corpse of any person who in the opinion of the Minister has rendered eminent service to the State notwithstanding the provisions of subsection (1) of this section. 25

**Unlawful burials**

**116.**—(1) Any person who buries or burns or causes or procures or suffers to be buried or burned any corpse in or upon any place not being a place where burial or burning is permitted under this 30

Ordinance, or prepares any such place to be used for the burial or burning of any corpse shall be liable on conviction by a District Court to imprisonment for a term which may extend to twelve months or to a fine not exceeding four hundred dollars or to both such imprisonment and fine.

(2) A District Court if for sanitary or other reasons it considers it expedient may by a written order under its seal direct any person who has been convicted of an offence under this section to remove within fourteen days —

(a) the corpse in respect of the unlawful interment of which he has been convicted from the place in which it has been buried to a lawful burial ground; or

(b) any structure which has been erected at such place.

(3) If within fourteen days the person convicted produces to the District Court a licence granted under section 114 or 115 of this Ordinance the order may be cancelled.

(4) Any person who refuses or neglects to obey any such order shall be liable on conviction to a fine not exceeding two hundred dollars and to a further fine not exceeding twenty dollars for every day during which such default continues and the District Court may proceed to carry the order into execution at the expense of such person and to hire or employ proper persons for that purpose and may recover such expense in the manner provided by law for the levy of fines imposed by a court.

#### **Power to close burial grounds, etc.**

**117.**—(1) If at any time it appears to the Director that —

(a) any burial ground or place of burial, crematorium or any place used for the burning of corpses is in such a state as to be dangerous to health; or

(b) such ground, crematorium or place or any part thereof —

(i) is noxious or offensive or unfit for use as a burial or burning ground;

- (ii) cannot be further used for the burial or burning of the dead without danger to the public health;
- (iii) is being used in contravention of any condition of the licence; or
- (iv) is no longer required,

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the Director may order the same or any part thereof to be closed and may revoke or amend the licence thereof and thereafter it shall not be lawful to use the same or such part thereof as the case may be as a place for the burial or burning of corpses.

(2) No such closing, revocation or amendment shall have effect unless and until it has been confirmed by the Minister and until the expiration of one month from such confirmation.

10

**Exhumation**

**118.**—(1) No corpse shall be exhumed otherwise than —

- (a) by order of a District Court under section 116 of this Ordinance;
- (b) by order of a Magistrate, Coroner or Deputy Commissioner of Police for the purpose of judicial inquiry; or
- (c) by licence granted for that purpose by the Director:

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Provided that no licence shall be granted under the provisions of paragraph (c) of this subsection —

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- (i) where the cause of death was a dangerous infectious disease as defined in the Quarantine and Prevention of Disease Ordinance (Cap. 147); or
- (ii) in the case of a corpse that has been buried for a period of less than five years unless the Director is satisfied that there are special reasons requiring the exhumation.

25

(2) Any person who exhumes or causes to be exhumed or being the owner, trustee or person in charge of any burial ground permits to be exhumed any corpse in contravention of the provisions of this section shall be liable on conviction to a fine not exceeding five hundred dollars.

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*Bathing-places, etc.***Places may be set apart for bathing, etc.**

119.—(1) The Director may —

- 5 (a) set apart and manage sufficient public places for the purposes of being used as bathing-places;
- (b) provide or set apart and manage a sufficient number of convenient tanks or runs of water for the inhabitants to bathe in; and
- 10 (c) set apart tanks, reservoirs, or runs of water for washing animals or clothes and for all purposes connected with the health, cleanliness and comfort of the inhabitants.

**Director may let bathing-places on lease**

15 (2) The Director may grant a lease of any such bathing-places for any period not exceeding three years at such rent and on such terms as he thinks fit.

(3) The Director may cause to be erected in any street or other place to which the public has access such standpipes as he considers necessary for the supply of water to the public.

**Restriction on use of hydrants**

20 120.—(1) No person shall take any water for any purpose other than a domestic purpose from any standpipe or drinking fountain used for the supply of water to the public.

**Penalty**

25 (2) Any person who acts in contravention of this section shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding fifty dollars.

## PART V

## SLAUGHTER-HOUSES

**Appointment of Director of Primary Production**

**121.**—(1) The Yang di-Pertuan Negara may, by notification in the *Gazette*, appoint an officer to be called Director of Primary Production, in this part referred to as the Director, to carry out the provisions of this part of this Ordinance. 5

(2) The Director may, subject to such condition or restriction as he thinks fit, delegate to any officer in Division I of the public service employed in the administration of this Part of this Ordinance any of the powers, functions and duties vested in him by sections 122 to 127 of this Ordinance. 10

**Director may license slaughter-houses**

**122.**—(1) The Director may after consultation with the Director of Medical Services, license any place as a slaughter-house on such terms and conditions as he thinks fit and may, at his discretion, at any time, suspend or revoke such licence. 15

(2) No place shall be used as a slaughter-house unless a licence has been obtained therefor from the Director and such licence is neither suspended nor revoked. 20

(3) Any person who, without such licence or during the period for which any such licence is suspended or after the same is revoked as aforesaid, slaughters any animal or allows any animal to be slaughtered in any slaughter-house shall be liable on conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding fifty dollars for every day during which he continues so to do. 25

(4) The Director may, if he thinks fit, provide places for the purpose of being used as government slaughter-houses, and shall make regulations for and with respect to the management of such places, and prescribing the fees to be taken for slaughtering animals therein. 30

(5) For the purposes of this section and any other section of this Ordinance relating to slaughter-houses or the slaughtering of animals, and any regulations made thereunder the word “animal” means and

includes all ruminating animals and swine but does not include any wild animal.

### **Prohibition of slaughtering elsewhere than at Government or licensed slaughter-houses**

5     **123.**—(1) No animals intended to be used as human food shall be slaughtered at any place other than one of the slaughter-houses provided or licensed by the Government and no person shall bring into Singapore or have in his possession or sell or expose for sale any flesh of any animal to be used as human food unless such animal has been  
10     slaughtered at one of the slaughter-houses provided or licensed by the Government.

(2) Any person who slaughters any animal or brings into or has in his possession or sells or exposes for sale any flesh in contravention of the provisions of subsection (1) of this section shall be liable on  
15     conviction to imprisonment for a term which may extend to one year or to a fine not exceeding two thousand dollars or to both such imprisonment and fine.

(3) The occupier of any premises in which any animal is slaughtered in contravention of the provisions of subsection (1) of this section shall be deemed to have slaughtered such animal, until it is proved that  
20     it was slaughtered without his knowledge and consent.

(4) The Director or any public officer authorised in writing by the Director in that behalf may, at any time of the night or day, enter into, inspect and search any premises in which he has reason to suspect that  
25     any animal is being or has been recently slaughtered in contravention of the provisions of subsection (1) of this section.

(5) When provision has been made for the marking of the carcasses of animals slaughtered in government slaughter-houses to denote that such animals have been so slaughtered, any carcase or part of a  
30     carcase which does not bear a government slaughter-house mark shall be presumed until the contrary is proved, to have been slaughtered in contravention of the provisions of subsection (1) of this section.

(6) In any case where the Director has reasonable cause to believe that an offence has been committed under the provisions of this  
35     section or of section 125 of this Ordinance the Director or a person

generally or specially authorised in writing by him in that behalf may seize the flesh in respect of which such offence is believed to have been committed and may sell or otherwise dispose of it as the Director may think fit and the proceeds of sale, if any shall be disposed of in such manner as a Magistrate's Court may direct. 5

(7)(a) A document purporting to be a certificate under the hand of the Director to the effect that the animal the flesh of which has been seized pursuant to the provisions of subsection (6) of this section has not been slaughtered at a Government slaughter-house may be used in evidence in any trial of an offence under the provisions of subsection (1) of this section. 10

(b) Such a document shall be sufficient evidence of the facts stated herein, unless the defendant requires the Director to be called as a witness in which case he shall give notice thereof to the prosecutor not less than three clear days before the day on which the summons is returnable. 15

(8) In this section "flesh" includes the flesh of animals slaughtered outside Singapore which is brought into Singapore in a frozen or chilled condition without a licence issued by the appropriate veterinary authority, but does not include the flesh of any animal slaughtered outside Singapore canned, salted or preserved by any process. 20

### **Director to provide service at slaughter-house**

**124.**—(1) The Director shall provide at every slaughter-house provided by the Government all persons necessary for the purposes of slaughtering animals and dressing the carcasses hereof and shall have at all times in readiness a sufficient supply of hot and cold water for the service of persons making use of such slaughter-house. 25

(2) The Director may at all reasonable times allow any person to slaughter any animal or dress for sale any carcass at a slaughter-house provided by the Government on payment of the fee which would have been due and payable if such animal had been killed and the carcass dressed by an employee of the Government. 30

(3) The Director may refuse to allow the slaughter at a slaughter-house provided by the Government of any animal or the dressing of 35



- (a) that the place in which such animal shall be slaughtered shall be approved by a public officer nominated by the Director;
- (b) that no part of the carcase of such animal shall be sold or offered for sale; and 5
- (c) if the Director deems it necessary, such animal shall be slaughtered in the presence of a public officer nominated by the Director.

(3) In respect of every animal slaughtered under such special licence such fee shall be charged as is prescribed, not exceeding ten times the fee payable in respect of such animal if it had been slaughtered at a slaughter-house. 10

(4) The Director may before issuing any such licence require such reasonable assurance as he thinks fit that the conditions thereof will be fulfilled. 15

(5) The powers conferred by this section may be exercised by any public officer authorised by the Director in writing in that behalf.

### **Special licence where animal cannot be taken to slaughter-house**

**127.**—(1) The Director, if he is satisfied that — 20

- (a) any animal cannot be led, driven or transported to a government slaughter-house without danger to the public or to the person in charge of it or to itself; or
- (b) any animal has been so injured as to be incapable of being led, driven or transported to a government slaughter-house, 25

may issue a special licence to the person in charge of such animal to slaughter such animal elsewhere than at a government slaughter-house.

(2) Before granting such special licence the Director may require the animal to be examined at the expense of the person applying for the licence by some person nominated by the Director. 30

(3) Every such special licence shall specify the time and place where such animal may be slaughtered and shall be issued subject to the following conditions: —

5 (a) that the place in which such animal shall be slaughtered shall be approved by a public officer nominated by the Director;

(b) if the Director deems it necessary, such animal shall be slaughtered in the presence of a public officer nominated by the Director; and

10 (c) that after slaughter the carcase of such animal, including the liver, spleen, lungs and heart, shall be forthwith conveyed to a government slaughter-house or some other place appointed in the licence.

15 (4) In respect of every animal slaughtered under such special licence the same fee shall be charged as if it had been slaughtered at a slaughter-house and the relevant regulations made under this Ordinance shall apply to such animal and its carcase as if it had been slaughtered in a slaughter-house.

20 (5) The Director before issuing any such licence may require such reasonable assurance as he thinks fit that the conditions thereof will be fulfilled.

(6) The powers conferred by this section may be exercised by any public officer authorised by the Director in writing in that behalf.

## PART VI

### 25 FIRES AND DANGEROUS TRADES

#### Appointment of Chief Fire Officer

**128.**—(1) The Yang di-Pertuan Negara may, by notification in the *Gazette*, appoint an officer, to be called the Chief Fire Officer, to carry out the provisions of this Part of this Ordinance.

30 (2) The Chief Fire Officer may, subject to such conditions or restrictions as he thinks fit, delegate to any public officer employed in the administration of this Ordinance all or any of the powers, functions and duties by this Ordinance vested in him.

*Fire Brigade and Accident Ambulance Service*

**Fire engines, ambulances, etc.**

**129.**—(1) There shall be provided and maintained an adequate and efficient fire brigade and accident ambulance service under the charge of the Chief Fire Officer who shall maintain and keep in order all such premises, works, fire engines, ambulances, tools, implements, fire alarms, hydrants and other appliances, equipment and apparatus as may be deemed by the Government necessary and proper for the purpose of extinguishing fires, and of preserving life and property in case of fire.

(2) Ambulances provided under this section shall not ordinarily be used for the conveyance of a person suffering from an infectious disease:

Provided that in any case where as a result of sudden injury to any such person, his conveyance in such an ambulance becomes necessary, the Chief Fire Officer on discovering the existence of such infectious disease shall not use, cause, permit or suffer such ambulance again to be used until all necessary steps have been taken to prevent the communication of the disease to any other person.

For the purpose of this subsection, the expression “infectious disease” has the meaning assigned to it by the Quarantine and Prevention of Disease Ordinance (Cap. 147).

(3) The Chief Fire Officer may place fire alarms and hydrants or other appliances, equipment and apparatus as he may deem necessary at convenient places in streets and may cause to be affixed to any building a plate indicating the position of the nearest fire hydrant or alarm.

(4) No person shall take any water for any purpose whatsoever from any fire hydrant.

**Chief Fire Officer’s powers**

**130.** On the occasion of a fire the Chief Fire Officer or other officer in charge of the brigade on the spot may by himself or others —

- (a) remove or cause to be removed any person who in his opinion by his presence interferes with the due operations of the brigade;
- (b) take or cause to be taken any measures that appear to him expedient for the protection of life or property; and
- (c) break into or through, take possession of or pull or throw down any premises for the purpose of extinguishing the fire.

### **Police may assist and close streets**

10 **131.**—(1) Any police officer may assist the fire brigade in the execution of its duty and may close any street in or near which a fire is burning.

15 (2) Any person who assaults, disturbs, obstructs, molests, hinders or interferes with any member of the fire brigade or any police officer or person assisting the fire brigade or acting under the orders of the Chief Fire Officer or other officer in charge of the fire brigade on the spot, shall be liable on conviction to a fine not exceeding five hundred dollars.

### *Dangerous Trades*

#### **Dangerous trades not to be carried on without licence**

20 **132.**—(1) No place shall be used by any person for any of the purposes mentioned in the Second Schedule to this Ordinance except under and in accordance with a licence from the Chief Fire Officer.

#### **Penalty for establishing such trades without licence**

25 (2) Any person who without a licence uses any place or permits the same to be used for any of the said purposes shall be liable on conviction to a fine not exceeding five hundred dollars and to a further fine not exceeding one hundred dollars for every day during which the said offence is continued after conviction.

### **Suspension or revocation of licence**

(3) The Chief Fire Officer may at any time suspend or revoke such licence if it appears necessary to him to do so:

Provided that if such licence is suspended or revoked except on the ground of the licensee having violated the licence or any of the terms and conditions thereof, the Government shall be liable to make compensation to the licensee for the loss to which such suspension or revocation subjects him. 5

(4) The Minister may from time to time by notification in the *Gazette* add to, alter or amend the Second Schedule to this Ordinance. 10

### **Prohibition of dangerous trades in particular areas**

**133.**—(1) The Chief Fire Officer may, after consultation with the Competent Authority, prohibit the use of any particular places or areas for the purposes of any dangerous trade or for all or any of the purposes mentioned in the Second Schedule to this Ordinance. 15

### **Copies of notice to be published in the *Gazette* and application to cancel notice**

(2) Notice of every such prohibition shall be published in the *Gazette* and such notice shall contain a statement that application for its cancellation may be made to the Minister at any time within one month from its publication and that it shall not come into operation until the expiration of two months from such publication. 20

### **Power to cancel**

(3) The Minister may, upon application made within one month from its publication, cancel any such notice of prohibition and thereupon the same shall become null and void. 25

### **No compensation payable**

(4) No compensation shall be payable by the Government to the owners or other persons interested in any property comprised in any area within which the carrying on of any trade or business has been prohibited. 30

*Prevention of Grass Fires and other Dangers*

**Prevention of grass fires and other dangers or obstructions**

5     **134.**—(1) Where the Chief Fire Officer is satisfied that any grass, hedge, tree or other vegetation whether growing or not is in an inflammable state or likely to be dangerous to life or property or to cause an obstruction or in any way physically or visually to impede traffic, the Chief Fire Officer may by notice in writing require the owner or occupier of the land on which the same is growing or lying to remove the same within a time specified in the notice.

10     (2) If the notice is not complied with, the Chief Fire Officer at any time after the expiration of the time so specified may cause the work to be done, and the cost and expenses of so doing shall be payable by the owner or occupier in default and shall be recoverable in the manner provided under section 154 of this Ordinance:

15     Provided that where the person in default is an owner who is not known or cannot be found in Singapore, the provisions of section 157 of this Ordinance shall apply to any sum payable by such owner under this subsection.

20     (3) If any fire shall occur on any land in respect of which a notice under this section has been given and before the notice has been fully complied with, the cost and expenses of extinguishing the fire shall be payable by the owner or occupier in default and shall be recoverable in the manner provided under section 154 of this Ordinance:

25     Provided that where the person in default is an owner who is not known or cannot be found in Singapore, the provisions of section 157 of this Ordinance shall apply to any sum payable by such owner under this subsection.

30     A certificate as to the amount of such cost and expenses under the hand of the Chief Fire Officer shall be conclusive evidence that such amount has been so incurred.

35     (4) Any person on whom a notice under this section has been served shall, if he is not the owner or occupier of the land in respect of which such notice has been served, within seven days from the date thereof inform the Chief Fire Officer in writing that he is not such owner or occupier.

(5) Any person who makes default in complying with the provisions of subsection (4) of this section shall, unless he shows cause to the satisfaction of the Court for such default, be deemed, for the purpose of recovering the cost and expenses of executing any work in pursuance of the notice served on him, to be the owner or occupier, as the case may be, of the land in respect of which such notice has been served. 5

(6) Where in any case as is referred to in subsection (5) of this section, the Court is satisfied that the person in default has shown sufficient cause for his default, the costs and expenses of executing any work in pursuance of the notice served on such person shall, notwithstanding that such notice has not been served on the owner of the land, be payable by such owner and shall be recoverable in the manner provided under section 154 of this Ordinance: 10

Provided that where such owner is not known or cannot be found in Singapore, the provisions of section 157 of this Ordinance shall apply to any sum payable by such owner under this subsection. 15

(7) No compensation shall be payable by the Government in respect of the execution of any work done in pursuance of a notice issued under this section. 20

## PART VII

### PUBLIC PARKS, ETC.

#### **Appointment of Chief Parks Officer**

**135.** The Yang di-Pertuan Negara may, by notification in the *Gazette*, appoint an officer, to be called the Chief Parks Officer, to carry out the provisions of this Part of this Ordinance. 25

#### **Public parks, aquariums, and recreation or pleasure grounds, etc.**

**136.** The Chief Parks Officer shall, so far as the funds at his disposal will admit, lay out, construct, plant, improve, equip, maintain, supervise and control lands set apart or acquired for the purpose of being used as public parks, aquariums, walks, recreation or pleasure grounds, swimming pools or gardens and may — 30

- (a) erect thereon any pavilions, recreation rooms, outhouses or other buildings and charge for admission thereto;
- (b) provide entertainment thereon or therein;
- 5 (c) set apart any part of such lands for the purpose of cricket, football or any other game or recreation and exclude the public from the part set apart while it is in actual use for that purpose;
- (d) provide any apparatus for games and recreations and charge for the use thereof;
- 10 (e) place, or authorise any person to place, chairs or seats on such land and charge for, or authorise any person to charge for, the use of the chairs so provided;
- 15 (f) provide and maintain refreshment rooms and restaurants on any such land and either manage them himself or, if he thinks fit, let them to any person on such conditions as he may think fit; and
- (g) plant trees and vegetation in or about any public street.

## PART VIII

### DISTRICT OFFICES

#### Definition

20 **137.** For the purposes of this Part of this Ordinance, unless the context otherwise requires, “authority” means the officer for the time being responsible for the carrying out of the relevant provisions of this Ordinance or of any other written law.

#### 25 **District Offices**

30 **138.** There shall be provided in such parts of Singapore as may be determined by the Minister, in this Part of this Ordinance referred to as “districts”, offices to be called district offices to each of which shall be assigned such officers of the authorities concerned in the administration of the various Parts of this Ordinance and such other staff as may be considered necessary for the efficient carrying out of the provisions of this Ordinance in such district.

## Appointment and duties of District Officers

**139.**—(1) The Yang di-Pertuan Negara may appoint a fit and proper person to be the District Officer of each district and may likewise remove such person from such office and appoint another in his stead.

(2) The District Officer shall, *inter alia*—

- (a) exercise such powers and perform such functions and duties as may be delegated to him under the provisions of section 140 of this Ordinance or any other written law and may in this connection give directions to any officer assigned by the authority to the district and such officer shall comply with such directions:

Provided that such directions shall not be at variance with any instructions given to the officer by the authority or be incompatible with any policy laid down by the Ministry concerned:

Provided also that nothing in this Part of this Ordinance shall prevent the authority concerned from communicating direct with such officer on policy and technical matters and major administrative decisions, but copies of all such communications shall be forwarded to the District Officer;

- (b) act as the liaison officer in his district for all authorities concerned and advise the authorities, when necessary, of any problems which may arise concerning the administration of the various services provided in his district under this Ordinance;
- (c) make every effort to ensure the adequacy of the various services provided and in this connection shall receive representations which he may refer to the appropriate authorities; and
- (d) act as the principal spokesman for the Government in his district with respect to matters within his jurisdiction under the provisions of this Ordinance.

## **Delegation of powers to District Officers**

5 **140.**—(1) Any authority may, subject to such conditions or restrictions as it thinks fit, delegate to the District Officer such of the powers, functions and duties by this Ordinance vested in it as it thinks necessary for the efficient discharge of its functions in any district and any power so delegated shall, with the consent of the Minister, be exercisable by such District Officer in the name and on behalf of the authority concerned:

10 Provided that the District Officer shall report every action taken and decision made by him under such delegated powers to the authority concerned within such time or periodically as the authority may direct.

(2) The authority may exercise any powers or perform any functions and duties conferred on it notwithstanding the delegation of such powers, functions or duties under the provisions of this section.

### **District Officer may enter premises**

15 **141.** The District Officer may, for the purposes of this Ordinance, enter at all reasonable hours in the daytime into and upon any building or land for the purpose of making any survey or inspection without being liable to any legal proceedings or molestation whatsoever on account of such entry in pursuance of this Ordinance:

20 Provided that the District Officer shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without six hours' previous notice to such occupier:

25 Provided also that in the case of any class of premises for the control and supervision of which regulations may be made under this Ordinance and which has been declared by the Minister pursuant to subsection (2) of section 150 of this Ordinance as being liable to night inspection, the District Officer may, at any time of the day or night without notice and using such force as may be necessary, enter into  
30 and search or inspect any such premises within the district.

PART IX  
SUPPLEMENTARY

*Mandatory Orders*

**Definition**

**142.** For the purposes of this Part of this Ordinance, unless the context otherwise requires, “authority” means the officer for the time being responsible for the carrying out of the relevant provisions of this Ordinance. 5

**Mandatory order**

**143.—(1)** Whenever any owner or occupier is required under this Ordinance to erect or remove any building or thing or to perform any other work to which the provisions of this Ordinance with respect to nuisances to be dealt with summarily thereunder do not apply, and such owner or occupier after due notice fails to erect or remove such building or thing or to perform such work within the prescribed time, the authority may make a complaint and the Magistrate’s Court hearing the complaint may make on such owner or occupier a summary order, in this Ordinance referred to as a “mandatory order”, requiring such owner or occupier to execute the required work. 10  
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**Terms of mandatory order**

(2) A mandatory order shall require the person to whom it is directed to execute any work which the Court is authorised to require to be executed within a time to be specified in such order and may also require such person to pay to the authority a sum for costs and expenses incurred in obtaining such mandatory order. 20  
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**Penalty for non-compliance**

(3) Any person to whom the order is addressed who fails to comply with the requirements of a mandatory order shall, unless he satisfies the Court that he has used all due diligence to carry out such order, be liable on conviction to a fine not exceeding fifty dollars a day during his default, and the Court may direct the authority to 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 30

in default and, if such person is the owner, the provisions of section 157 of this Ordinance shall apply to such expenses, and in any other case the provisions of section 154 of this Ordinance shall apply thereto.

5 **Provision as to appeal against order**

144.—(1) Where a person appeals to the High Court against a nuisance order or a mandatory order, no liability to a fine shall arise nor, save as in this section mentioned, shall any proceedings be taken or work done under such order until after the determination or  
10 abandonment of such appeal.

**No appeal in certain cases**

(2) There shall be no appeal to the High Court against a nuisance order, unless it is or includes a prohibition or closing order or requires the execution of structural works.

15 **Penalty where appeal fails**

(3) Where a nuisance order or mandatory order is made and a person does not comply with it and appeals against it to the High Court and such appeal is dismissed or is abandoned, the appellant shall be liable on conviction to a fine not exceeding fifty dollars a day during the  
20 non-compliance with the order, unless he satisfies the Court before which proceedings are taken for imposing a fine that there was substantial ground for the appeal and that the appeal was not brought merely for the purpose of delay and, where the appeal is heard by the High Court, that Court may, on dismissing the appeal, impose the fine  
25 as if the Court were the Court before which the summons was returnable.

**Proceedings pending appeal**

(4) Where a nuisance order or mandatory order is made on any  
30 person and appealed against and the Court which made the order is of opinion that the continuance of the nuisance or the non-execution of the mandatory order will be injurious or dangerous to health and that the immediate abatement thereof will not cause any injury which

cannot be compensated by damages, such Court may authorise the authority immediately to abate the nuisance or execute the work.

(5) The authority, if it does so and the appeal is successful, shall pay the cost of such abatement and the damages, if any, sustained by the said person by reason of such abatement, but, if the appeal is dismissed or abandoned, the authority may recover the cost of the abatement from the said person and, if such person is the owner of the premises in respect of which the order is made, the provisions of section 157 of this Ordinance shall apply to any sum recoverable from him hereunder and in any other case the provisions of section 154 of this Ordinance shall apply thereto.

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### **Proceedings where owner is unknown**

**145.**—(1) Where the name or address of the owner of any premises upon which a nuisance exists or with regard to which a Magistrate’s Court is empowered to make a mandatory order is unknown and cannot with reasonable diligence be discovered, such Court may issue a summons addressed to the owner of the premises.

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(2) Such summons may be served in the manner specified in section 172 of this Ordinance.

(3) If the owner does not appear upon the hearing of the summons, such Court may make such an order upon him in his absence as it might have made in his presence except that it shall not inflict any fine upon him.

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### **In case of urgency order may be made *ex parte***

**146.**—(1) If in any case in which a Magistrate’s Court has jurisdiction to make a nuisance order or a mandatory order, the Court is of opinion that the matter complained of will be injurious or dangerous to health or safety and the immediate abatement or work sought to be done will not cause any injury which cannot be compensated for by damages, such Court may, by an *ex parte* order, authorise the authority immediately to abate the nuisance or do the work sought to be done.

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(2) If the authority so abates the nuisance and the application for a nuisance order or mandatory order is subsequently refused, it shall pay

the cost of such abatement or work and the damages, if any, sustained by any person thereby, but if the nuisance order or mandatory order is subsequently granted the authority may recover the cost of the abatement or work as if it had been executed by it in pursuance of the power contained in section 108 or 144 of this Ordinance, as the case may be.

### *Miscellaneous*

#### **Extraordinary powers of authority**

**147.** In cases of emergency any authority, if it is unable immediately to communicate with the appropriate Minister, may direct the execution of any work or the doing of any act which the Minister is empowered to execute or do and which it is not by this Ordinance or any regulations made thereunder expressly empowered to do and the immediate execution or doing of which is in its opinion necessary for the service or safety of the public:

Provided that —

- (a) it shall not act under this section in contravention of any decision of the Minister or against any existing policy of the Government; and
- (b) where it acts under this section it shall report such action to the Minister at the first opportunity to do so.

#### **Protection of the Minister and officers from personal liability**

**148.** No matter or thing done and no contract entered into by any Minister and no matter or thing done by any officer employed in the administration of this Ordinance or other person whomsoever acting under the direction of any Minister shall, if the matter or thing was done or the contract was entered into *bona fide* for the purpose of executing this Ordinance, subject them or any of them personally to any action, liability, claim or demand whatsoever.

#### **Indemnity by Government**

**149.** Any expense incurred by any Minister or officer or other person acting in accordance with the provisions of section 148 of this Ordinance shall be borne by the Government.

### **Power to enter upon lands for the purposes of this Ordinance**

**150.** Any authority may, for the purposes of this Ordinance by its officers, employees, agents or contractors, enter at all reasonable hours in the daytime into and upon any building or land as well for the purpose of making any survey or inspection as for the purpose of executing any work authorised by this Ordinance to be executed by it without being liable to any legal proceedings or molestation whatsoever on account of such entry or of anything done in any part of such building or land in pursuance of this Ordinance:

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#### Proviso

Provided that the authority shall not enter into any dwelling-house in actual occupation, unless with the consent of the occupier thereof, without six hours' previous notice to such occupier:

Provided also that the Minister may declare that any class of premises for the control and supervision of which regulations may be made under this Ordinance are liable to night inspection, and thereupon any officer, employee, agent or contractor in that behalf duly authorised in writing may, at any time of the day or night and without notice, enter using such force as may be necessary into and search or inspect any premises of the class specified in the declaration.

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### **Power of any authority to enter on lands adjacent to works**

**151.—(1)** Any authority may, by its officers, employees, agents or contractors, enter upon any land adjoining to or being within the distance of one hundred yards of any works by this Ordinance authorised to be made, for the purpose of depositing upon such land any soil, gravel, sand, lime, brick, stone or other materials or for any other purposes connected with the formation of the said works without making any previous payment, tender or deposit, doing as little damage as may be in the exercise of the several powers hereby granted and making compensation for such temporary occupation or temporary damage of the said land to the owner and occupier thereof from time to time and as often as any such temporary occupation is taken or any such temporary damage done and making

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compensation to the owner also for the permanent injury, if any, to such land.

(2) If any dispute arises touching the amount or apportionment of such compensation, the same shall be settled in the manner provided by section 154 of this Ordinance.

### **Proviso**

(3) Before any authority makes any such temporary use as aforesaid of the land adjoining or lying near to the said works, it shall give seven days' notice of its intention to the owners and occupiers of such land and shall set apart by sufficient fences so much of the land as is required to be used as aforesaid from the other land adjoining thereto.

### **Any authority in executing works to provide roads, etc., where existing ones are injured**

**152.**—(1) Any authority in executing any works directed or authorised to be made shall provide and make a sufficient number of convenient ways, water-courses, drains and channels in the place of such as are interrupted, injured or rendered useless by reason of the execution of such works.

(2) The Government shall make reasonable compensation to any person who suffers damage by reason of the same, the amount of such compensation in case of dispute to be ascertained and determined in the manner provided by section 154 of this Ordinance.

### **Penalty for obstructing any authority in its duty**

**153.** Any person who at any time hinders, obstructs or molests any authority or any of its officers, employees, agents or contractors in the performance and execution of their duty or of anything which they are respectively empowered or required to do by virtue or in consequence of this Ordinance, or removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised by this Ordinance, shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for a term which may extend to three months.

**Compensation, damages and costs to be determined by Magistrate’s or District Court**

154.—(1) Except as herein otherwise provided, in all cases when compensation, damages, fees, costs or expenses are by this Ordinance directed to be paid 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 Magistrate’s Court or, if the compensation claimed exceeds one thousand dollars, by a District Court. 5

(2) If the amount of compensation, damages, costs or expenses is not paid by the party liable to pay the same within seven days after demand, such amount may be reported to a Magistrate’s Court and recovered in the same way as if it were a fine imposed by a Magistrate’s Court. 10

(3) An appeal shall lie to the High Court from any decision of a Magistrate’s or District Court under this section, and the provisions of the Criminal Procedure Code (Cap. 132) shall *mutatis mutandis* apply to all such appeals. 15

**Occupier in default of owner may execute work**

155. Whenever default is made by an owner of any premises in the execution of any work required under this Ordinance to be executed by him, an occupier of such premises may, with the approval of the authority, cause such work to be executed and the expense thereof shall be paid to him by the owner or the amount may be deducted out of the rent from time to time becoming due from him to such owner and such occupier may, in the absence of any special agreement to the contrary, retain possession until such expense has been fully reimbursed to him. 20 25

**Exemption of agent who has no funds in hand**

156.—(1) No person receiving the rent of premises as receiver or agent for another person shall be liable to do anything by this Ordinance required to be done by the owner of such premises if, after he or the actual owner has been required to do any work, such person gives notice to the authority, within seven days after such requisition 30

has been made, that he has not sufficient funds of the person on whose behalf he is receiving the rents to pay for such work.

(2) In such case the authority may itself execute the work and the expenses incurred thereby shall be charged and recoverable as provided in section 157 of this Ordinance.

### **Recovery of expenses and costs payable by owners**

**157.**—(1) All and any sums payable by or recoverable from the owner or owners in respect of expenses and costs incurred by the Government in or about the execution of any work which are, under this Ordinance, recoverable from the owner or owners of any premises shall, subject and without prejudice to any other rights of the Government, be a first charge on the premises in respect of which such expenses or costs have been incurred.

(2) In addition to any other remedies conferred by this Ordinance any such sum may be recovered in the manner hereinafter provided, and the person or persons liable to pay the same shall be the owner or owners at the time when the work was completed.

(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 same shall, unless he shows cause to the satisfaction of the Court for his refusal or mis-statement, be liable on conviction to a fine not exceeding one hundred dollars.

### **Proceedings in default**

(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 the same, calling on him to pay the same together with a fee of such amount as may be prescribed for the cost of the notice, within fifteen days of the service of such notice.

(5) If no person liable to pay the same 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 such expenses or costs have been incurred.

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

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(7) The charge hereinbefore mentioned shall attach, and the powers and remedies hereinbefore conferred shall become exercisable as from the date of completion of the work, and thereafter such 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 or changes in the ownership or occupation of the premises subsequent to the said date.

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**Recovery of expenses and costs by instalments**

**158.**—(1) When any authority has incurred expenses or costs in or about the execution of any work, which are, under this Ordinance, payable by or recoverable from the owner or owners, the authority may either recover such expenses and costs in manner hereinbefore provided or, if it thinks fit, may take an engagement or engagements from such owner or owners for the payment of such instalments as will be sufficient to defray the whole amount of such expenses and costs with interest thereon at a rate not exceeding six *per centum* per annum, within a period not exceeding ten years.

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(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 such 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 157 of this Ordinance.

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**Proceedings for recovery of arrears**

**159.**—(1) For the recovery of arrears the authority shall have and may exercise, either successively or concurrently, in addition to any

other remedies conferred by this Ordinance, either or both of the powers following, that is to say —

5 (a) the authority may issue a warrant of attachment and may seize by virtue thereof any movable property and crops of any person liable to pay the arrears and may also seize any movable property or any crops to whomsoever belonging which are found on the premises in respect of which the arrears are due and may, after service of the prescribed notice, sell the same by public auction in the prescribed manner;

10 (b) the authority may, by notice of sale to be served or published in the prescribed manner, declare its intention of selling, at the expiration of three months from the date of such notice of sale, the premises in respect of which the arrears are due and, if, at the expiration of such period, such arrears have not been paid or satisfied, the authority may sell by public auction, in lots or otherwise, the whole of such premises or such portion thereof or such interest therein as it deems sufficient for recovery of such arrears and costs:

15 Provided that the authority shall not proceed under paragraph (b) of this subsection to sell the premises in respect of which the arrears are due, or any portion thereof or interest therein, where there is or are upon the premises and liable to be seized and sold under paragraph (a) of this subsection movable property or crops belonging to the owner of a value estimated by the authority to be sufficient to realize the sum required to satisfy the arrears and costs.

20 (2) Any tenant, sub-tenant, or occupier, who, in order to avoid the seizure or sale of his property for non-payment of arrears payable by the owner of the premises, pays such arrears and costs may thereafter, in the absence of any written agreement to the contrary, deduct the amount so paid by him from the rent due or to become due by him to his immediate landlord on account of the premises or such part thereof as is held or occupied by him, and may retain possession until such amount has been fully reimbursed to him whether by deduction from the rent or otherwise. Any tenant or sub-tenant who shall have

reimbursed, whether by allowing a deduction from his rent or otherwise, any sub-tenant or occupier holding or occupying under him the amount so paid by such sub-tenant or occupier shall have a similar right to deduct the amount from the rent due or to become due to his immediate landlord and to retain possession until similarly reimbursed. 5

(3) The receipt of any duly authorised public officer for any amount so paid by any such tenant, sub-tenant or occupier shall be deemed an acquittance in full for the like amount of rent.

(4) If any premises in respect of which arrears are due, or any such movable property or crops as are mentioned in subsection (1) of this section or the proceeds of sale thereof are already in the custody of the law under any process of execution whereby the authority is unable to exercise the remedies hereinbefore conferred, the authority may notify the Sheriff or the Bailiff of the Court concerned of the amount of the arrears, and shall be entitled without obtaining a judgment to be paid such amount out of the proceeds of sale of such premises or property in priority to the judgment debtor and to the judgment creditor and to any other creditor, except the Government. A certificate from the authority shall, unless the same be disputed by the judgment debtor, be conclusive evidence of the amount of such arrears, and, in case of dispute, the amount shall be summarily determined by a Magistrate's Court. 10 15 20

### **Attachment**

**160.**—(1) The attachment mentioned in paragraph (a) of subsection (1) of section 159 of this Ordinance may be made by a person appointed for the purpose by the authority who shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached. 25

(2) Such person shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 119). 30

(3) Such person may break open in daytime any house or building for the purpose of effecting such attachment.

### **Application of proceeds**

5 **161.**—(1) The proceeds of a sale under subsection (1) of section 159 of this Ordinance shall be applied in the first place in satisfaction of the arrears together with interest thereon at the rate of six *per centum* per annum and costs.

10 (2) In the event of there being any surplus remaining the authority shall, if satisfied as to the right of any person claiming such surplus, pay the amount thereof to such person or, if not so satisfied, shall hold the amount in trust for the person who may ultimately succeed in due course of law in establishing his title thereto.

(3) If no title is established to such surplus within a period of five years from the date of the sale, it shall be paid into the Consolidated Fund.

### **Title conferred by purchase at sale under section 159 (1) (b)**

15 **162.**—(1) The purchaser at a sale held under paragraph (b) of subsection (1) of section 159 of this Ordinance shall be deemed to have acquired the right offered for sale free from all encumbrances created over it and from all subordinate interests derived from it except such as are expressly reserved by the authority at the time of sale.

20 (2) The authority shall notify by an advertisement in the *Gazette* the result of the sale and the conveyance to the purchaser of the property or right offered for sale.

### **Cost of proceedings for recovery of arrears**

25 **163.** All costs of any proceedings for the recovery of arrears may be recovered as if they formed part of such arrears.

### **Powers to stop sale**

30 **164.** If any person having any interest in any property liable to be sold at any time previous to such sale tenders to the authority the arrears with interest and costs, the authority shall thereupon desist from all further proceedings in respect thereof.

### **Application to Court**

**165.**—(1) If any person whose movable property, crop or land has been attached or advertised for sale disputes the propriety of the attachment or sale, he may apply to the High Court or, when the arrears do not exceed one thousand dollars, to a District Court for an order to stay the proceedings. 5

(2) The Court, after hearing the authority and making such further inquiry as is necessary, shall make such order as is just.

### **Security to be given**

**166.** No application shall be entertained by the Court under section 165 of this Ordinance unless the applicant has deposited in Court the amount of the arrears and costs or given security for the same to the satisfaction of the Court. 10

### **Liability of transferor who has not given notice**

**167.**—(1) Every person who sells or transfers any property in respect of which costs and expenses have been incurred by the Government in or about the execution of any work which are, under this Ordinance, recoverable from the owner or owners thereof shall continue liable for the payment of all such costs and expenses payable in respect of such property and for the performance of all other obligations imposed by this Ordinance upon the owner of such property which become payable or are to be performed at any time before such notice of transfer as is required by section 16 of the Property Tax Ordinance, 1960 (Ord. 72 of 1960), has been given. 15 20

(2) Nothing herein shall affect the liability of the purchaser or transferee to pay such expenses or costs in respect of such property or affect the right of the authority to recover such costs and expenses or to enforce any obligation under this Ordinance. 25

### **Proceedings if an occupier opposes the execution of works**

**168.**—(1) If the occupier of any premises prevents the owner thereof from carrying into effect in respect of such premises any of the provisions of this Ordinance after notice of his intention so to do has been given by the owner to such occupier, a Magistrate's Court, upon 30

proof thereof and upon application of the owner, may make an order in writing, requiring such occupier to permit the owner to execute all such works with respect to such premises as are necessary for carrying into effect the provisions of this Ordinance and may also, if it thinks fit, order the occupier to pay to the owner the costs relating to such application or order.

(2) If after the expiration of eight days from the date of the order such occupier continues to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable on conviction to a fine not exceeding one hundred dollars, and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

### **Disposal of matters and things removed by authority**

**169.**—(1) Any matter or thing removed by any authority in executing any work which it is entitled to execute under this Ordinance shall except as otherwise provided be the property of the Government and may be sold by public auction or, if the authority thinks the circumstances of the case require, may be sold otherwise or be disposed of without sale.

(2) The moneys arising from the sale may be retained by the authority and applied in or towards the expenses incurred and the surplus, if any, shall be paid on demand to the owner of such matter or thing.

(3) If such surplus is not claimed within two years it shall be paid into the Consolidated Fund.

(4) If any matters or things belonging to several persons are removed by the authority in executing any such work, it shall cause such matters or things, if sold, to be sold separately.

### **Licences to be discretionary**

**170.**—(1) The grant or renewal of any licence in pursuance of this Ordinance or any regulations made thereunder shall be in the discretion of the authority or person authorised to grant or renew

the same and may be granted, renewed or refused without any reason for such grant, renewal or refusal being assigned therefor and may be granted or renewed subject to such restrictions and conditions as the authority or person granting or renewing the same 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. 5

(2) The authority or person empowered to grant or renew any 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 such licence. 10

(3) Save as otherwise provided any licence granted or renewed in pursuance of this Ordinance or any regulations made thereunder may be for such period not exceeding twelve months as the authority thinks fit. 15

(4) There shall be charged for the grant or renewal of any licence such fee, if any, as may be prescribed by the Minister.

(5) No such licence shall be transferable without the consent of the authority or person granting same. 20

(6) Save as otherwise provided any person aggrieved by the refusal by any authority or authorised person to grant or renew a licence or by the suspension or revocation by such authority or authorised person of any licence may within one month of such refusal, suspension or revocation appeal to the Minister whose decision thereon shall be final. 25

(7) In this section “licence” includes any approval, consent, permit, permission, authority, authorization or licence which may be granted in pursuance of this Ordinance or any regulations made thereunder.

**Receipts and notices may be given by officer authorised thereunto** 30

**171.**—(1) All notices, orders, receipts warrants and other documents of whatsoever nature which an authority is empowered to give by this or any other Ordinance or under any regulations made

thereunder may be given by any officer or employee authorised thereunto by the authority.

(2) Where any such notice, order, warrant or document requires authentication, the signature or a facsimile thereof of the authority or any officer or employee authorised thereunto by the authority affixed thereto shall be sufficient authentication.

### **Service of notices**

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

(a) by delivering the same to such person or by delivering the same at the last known place of abode of such person to some adult member or servant of his family;

(b) by leaving the same at the usual or last known place of abode or business of such person in a cover addressed to such person; or

(c) by forwarding the same by post in a prepaid letter addressed to such person at his usual or last known place of abode or business.

(2) A notice, order or document required or authorised by this Ordinance or any regulations made thereunder to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of such premises without further name or description.

(3) A notice, order, summons or document required or authorised by this Ordinance 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 notice, order, summons or document to some conspicuous part of the premises.

### **Default in compliance with notice. General penalty**

**173.**—(1) When any notice under this Ordinance or any regulations made thereunder requires any act to be done or work to be executed by the owner or occupier of any premises and default is made in complying with the requirement of such notice, the person in default shall, where no fine is specially provided for such default, be liable on conviction to a fine not exceeding one hundred dollars. 5

(2) When any such notice requires any act to be done or work to be executed for which no time is fixed by this Ordinance or any regulations made thereunder, it shall fix a reasonable time for complying with the requirement. 10

### **Court for trial of offences under Ordinance**

**174.**—(1) Any offence under this Ordinance or any regulations made thereunder may be tried by a District Court and, unless the context otherwise requires, by a Magistrate's Court. 15

(2) All fines imposed for any offence against this Ordinance or any regulations made thereunder shall be paid into the Consolidated Fund.

### **Authority, etc., may direct prosecution**

**175.**—(1) Subject to the provisions of section 54 of this Ordinance, no proceedings for an offence punishable under this Ordinance or any regulations made thereunder shall be instituted, except by or with the sanction of the Public Prosecutor or the authority. 20

(2) Any public officer or police officer may conduct such prosecution on behalf of the authority.

### **Employee of authority may demand names and addresses in certain cases**

 25

**176.**—(1) Any person who is charged by any officer or employee of the authority or any police officer with any offence under this Ordinance or any regulations made thereunder shall give his name and address to such officer, employee or police officer, if so required. 30

(2) The occupier of any premises shall, if required by any officer or employee of the authority or any police officer, give his name and the name and address of the owner of the premises, if known.

### **Penalty**

5 (3) Any person who offends under this section or wilfully mis-states his name and address or the name and address of the owner of any premises shall be liable on conviction to a fine not exceeding fifty dollars.

### **Powers of arrest**

10 **177.**—(1) Any police officer or any officer or employee of the authority authorised in writing by the authority generally or in any particular case may arrest any person committing in his view or who he has reason to believe has committed any offence punishable under this Ordinance or any regulations made thereunder —

- 15 (a) if the name and address of the person are unknown to him;  
 (b) if the person declines to give his name and address; or  
 (c) if there is reason to doubt the accuracy of the name and address, if given.

20 (2) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Court unless the order of a Court for his detention is obtained.

### **Saving of prosecutions under other laws**

25 **178.** Nothing in this Ordinance shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Ordinance or any regulations made thereunder or from being liable under that other law to any other or higher punishment or penalty than that provided by this Ordinance or  
 30 any regulations made thereunder:

Provided that no person shall be punished twice for the same offence.

**Limitation of liability to fines and penalties**

179. Except in any case where by reason of the act or omission complained of an injury or danger to health subsists at the date of the complaint no person shall be liable to any fine or penalty under this Ordinance or any rules or regulations made thereunder for any offence under this Ordinance unless the complaint respecting such offence is made within twelve months next after the date on which the commission of the offence first comes to the notice of the authority.

5

**General penalties**

180. Any person guilty of an offence under this Ordinance or any regulations made thereunder for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding two hundred dollars.

10

**Damage to property of Government to be made good in addition to penalty**

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181.—(1) If through any act, neglect or default on account whereof any person has incurred any penalty imposed under this Ordinance any damage to the property of the Government is committed by such person, he shall be liable to make good such damage as well as to pay such penalty.

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(2) The amount of such damage shall, in case of dispute, be determined by the Court by which the party incurring such penalty is convicted.

(3) The amount of such damage shall be recovered as if it were a fine imposed by the Court.

25

**Inaccuracies in documents**

182. 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 Ordinance or any regulations made thereunder shall in any way affect the operation of this Ordinance 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

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taken under or by virtue of this Ordinance or any such regulations shall be invalid for want of form.

## **Evidence**

5       **183.**—(1) The contents of any document prepared, issued or served under, by virtue of or for the purpose of this Ordinance shall until the contrary be proved be presumed to be correct and the production of any book purporting to contain any apportionment made under or by virtue of this Ordinance shall without any other evidence whatever, be received as *prima facie* proof of the making and validity of the  
10       apportionment mentioned therein.

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

## *Regulations*

## 20       **Regulations**

**184.**—(1) The Minister may make regulations for or in respect of every purpose which is deemed by him necessary for carrying out those provisions of this Ordinance for which he is responsible, for the prescribing of any matter which is authorised or required under this  
25       Ordinance to be prescribed, and in particular and without prejudice to the generality of the foregoing for or in respect of all or any of the matters specified in the Third Schedule to this Ordinance.

(2) The appropriate Minister may from time to time, by notification in the *Gazette*, add to, alter or amend the Third Schedule to this  
30       Ordinance.

(3) Any regulations may, where the circumstances of the case require, empower the authority —

- (a) to require the owner or occupier of premises, or any other person having a duty under any regulations, to execute any work or perform any act necessary in the opinion of the authority to secure compliance with such regulations or any other regulations and in default of compliance with such requirement on the part of such owner or occupier or other person, to execute such work or perform such act itself and to recover the expenses and costs incurred by it in or about the execution of such work or the performance of any such act, from such owner, occupier or other person, as the case may be; or 5 10
- (b) in case of emergency or where the owner cannot after due enquiry be found, to execute such work or perform such act itself without first requiring the owner, occupier or other person as aforesaid to do so, and to recover the expenses and costs incurred by it in or about the execution of such work or the performance of such act from such owner, occupier or other person. 15
- (4) The Minister may in making any regulations relating to obstructions in streets or the cleanliness thereof prescribe the circumstances in which it shall be presumed that an offence under the provisions of any such regulations was committed by the occupier of any building or land. 20
- (5) The Minister may in making any regulations provide that any contravention of or failure to comply with any regulations shall be an offence and may prescribe the fine with which such offence shall be punishable but so that no such fine shall exceed for any one offence the sum of five hundred dollars, or, in the case of a continuing offence, the sum of fifty dollars for every day or part of a day during which such offence is continued after the date of the conviction thereof. 25 30
- (6) The Minister may, in lieu of making any regulations prescribing the forms which by this Ordinance are required to be or may be prescribed, authorise the authority to prescribe such forms as the authority thinks fit.
- (7) All such regulations shall be published in the *Gazette* and shall be presented to the Legislative Assembly as soon as may be after 35

publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of the Assembly next after the expiry of one month from the date when such regulations are so presented annulling the regulations or any part thereof as from a specified date, such regulations or such part thereof as the case may be shall thereupon become void as from such date but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

### *Repeal*

#### **Repeal**

**185.**—(1) Sections 1 to 58, 83, 84, 94 to 170, 187 to 275, and 329 to 399 of the Municipal Ordinance (Cap. 133 (1936 Edition)) are hereby repealed.

(2) The Singapore City (Consequential Provisions) Ordinance, 1951 (Ord. 40 of 1951), is hereby repealed.

(3) Sections 1 to 107, 137 to 149, 153 to 189, 204 to 275, and 293 to 322 of the Local Government Ordinance, 1957 (Ord. 24 of 1957), are hereby repealed.

(4) The City Council (Suspension and Transfer of Functions) Ordinance, 1959 (Ord. 40 of 1959), is hereby repealed.

(5) The Local Government (Financial Integration) Ordinance, 1960 (Ord. 64 of 1960), is hereby repealed.

(6) The Burials Ordinance (Cap. 212) is hereby repealed.

### FIRST SCHEDULE

#### OFFENSIVE TRADES. (SECTIONS 80 AND 81)

- (a) Mills used for the grinding of cereals, spices, pulses or any other dried vegetable produce;
- (b) a knacker's yard or place for skinning or disembowelling animals;
- (c) boiling offal, blood or oil;
- (d) soap making;

FIRST SCHEDULE — *continued*

- (e) making bricks, pottery or lime;
- (f) dyeing, lye-making or tanning;
- (g) sago or ampas washing, sago or sago-flour making;
- (h) curing or storing fish or crustaceans or manufacturing or storing fish manure or any by-product of the foregoing; 5
- (i) drying or sorting fish or crustaceans or drying, sorting or storing blachan;
- (j) collecting or storing rags, bones or feathers;
- (k) boiling or refining sugar or preserving or canning fruits; 10
- (l) a stable, cattle-shed, cow-house, dairy or place for keeping horses, cattle, sheep or goats, except when the animals kept therein are for private use;
- (m) the business of a washerman or laundryman or drycleaner;
- (n) extracting or preparing vegetable or animal fats or oils or preparing spices; 15
- (o) any other manufactory or place of business from which either offensive or unwholesome smells arise or in which any process is carried on or by which there is given off or accumulated any dust, fumes or any other impurity of such a character or to such an extent as to be injurious or offensive. 20

## SECOND SCHEDULE

DANGEROUS TRADES.  
(SECTIONS 132 AND 133)

- (a) Tallow-melting and candle making; 25
- (b) making or storing matches, fireworks, carbide or any industrial gas;
- (c) making or storing charcoal;
- (d) a sawmill or place for depositing or storing, whether for the purpose of trade, manufacture or otherwise, coal, wood, timber, attap, kajang, thatching, grass, hay, straw or other dangerously inflammable materials otherwise than for domestic use in such place; 30
- (e) a foundry or smithy;
- (f) the manufacture, storage, treatment, smoking or preparation of rubber, gutta percha, jelutong and any other form of getah;

SECOND SCHEDULE — *continued*

- (g) the manufacture, storage or treatment of cinematograph or other films;  
 (h) any other purpose dangerous to life or property.

## THIRD SCHEDULE

5

REGULATIONS.  
(SECTION 184)*Department.**Subject.*1. Public Works  
Department.

10

(a) The laying or carrying of any line of rails, mains, pipes, conduits or electric lines along, through, across, over or under any street or any place laid out or intended for a street.

15

(b) The granting of licences for the carrying and maintenance of telegraphic wires or cables or wires for the conveyance of electricity along or across or under public streets and the fixing and levying of annual or other fees therefor.

20

(c) The level, width and construction of streets and the repairing, cleaning, watering and lighting of streets, roads, canals and bridges and the planting and preservation of trees.

25

(d) The supervision and control of back-lanes vested in the Government, of public streets and of streets laid out or constructed by the Government, 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.

30

(e) The construction, paving, width and level of arcades and footways.

35

(f) The construction, maintenance and repair in any building or on any premises of a water supply, sanitary accommodation, sink accommodation, bathing and washing accommodation and accommodation for

THIRD SCHEDULE — *continued*

<i>Department.</i>	<i>Subject.</i>	
	the storage, preparation and cooking of food.	
	(g) The construction, maintenance and repair of drains and their connections to sewers.	5
	(h) The construction, maintenance and repair of cess pools, privies, septic tanks, sewage purification plant and other matters relating to the reception or disposal of sewage and the maintenance and repair of ash pits, dust-bins and like receptacles.	10
	(i) The construction, maintenance and repair of wells, tanks and cisterns.	
	(j) The prevention, removal and suppression of obstructions or encroachments in or on back-lanes, public streets, private streets and arcades abutting thereon and the provision, construction, dimensions and paving along any portion of any land alongside such streets.	15 20
	(k) The making of any hole in any street and the depositing of any building or other material thereon.	
	(l) The closing, fencing, lighting and repair of any works, hole or place likely to be a danger to the public.	25
2. Building Surveyor's Department.	(a) The regulation, restriction, prevention and licensing of the exhibition of advertisements, sky-signs and aerial signs in or on any premises or in or on or by means of any vehicle, vessel or aircraft.	30
	(b) The submission of plans and specifications of works and the authorization of persons qualified to submit the same and the nature or classification of plans or specifications which each such person may submit.	35

THIRD SCHEDULE — *continued*

<i>Department.</i>	<i>Subject.</i>
5	(c) The construction, alteration and demolition of buildings and the methods and materials to be used in connection therewith.
10	(d) The frontage of, air space about, lighting, air-conditioning, ventilation and height of and approaches and entrances to, the provision of parking places for vehicles in or for and exits from, buildings.
15	(e) The dimensions of rooms, cubicles, staircases and other parts of buildings and the provision of light and air thereto.
20	(f) The provision for the paving, width and level of arcades and footways.
25	(g) The provision in any building or on any premises of a water supply, sanitary accommodation, sink accommodation, bathing and washing accommodation, and accommodation for the storage, preparation and cooking of food.
30	(h) The provision of drains and their connections to sewers.
35	(i) The provision of cess pools, privies, septic tanks, sewage purification plant and other matters relating to the reception or disposal of sewage and the provision of ash pits, dust-bins and like receptacles.
	(j) The provision of wells, tanks and cisterns.
	(k) The construction, maintenance and repair of drains and their connections to sewers.
	(l) Measures for securing the prevention of fire and the provision, construction, maintenance and repair of means of escape from buildings in case of fire and of appliances for the extinction of fire.
	(m) The control, regulation and supervision by registration, licensing or otherwise of places

THIRD SCHEDULE — *continued*

<i>Department.</i>	<i>Subject.</i>	
	used for real performances, theatres, wayangs, concerts and other public exhibitions and entertainments.	5
	(n) The issuing of certificates of fitness for occupation and the prohibition of occupation of any building until such a certificate has been issued in respect thereof.	10
3. Health Department.	(a) Conservancy and the depositing, collection, removal and disposal of dust, dirt, ashes, rubbish, night-soil, dung, trade and garden refuse, trade effluent and other filth and receptacles used or provided in connection therewith.	15
	(b) The construction, control and management by registration, licensing or otherwise of places in which food or drink for human consumption is sold, prepared or stored for sale and the control of methods of manufacture employed or used in such places in the preparation or serving of food or drink and of the methods of and of the materials used in the storing, bottling, canning, packing or serving such food or drink and of persons engaged in connection with the sale, preparation, storage, manufacture, bottling, canning, packing or serving.	20 25 30
	(c) The seizure and disposal of unwholesome flesh, fish, fruit, vegetables or other provisions exposed or intended for sale.	
	(d) The control, regulation and supervision by registration, licensing or otherwise of —	35
	(i) stables, cattle-sheds and places for keeping sheep, cattle, goats, swine or poultry and the prescribing of localities where the same may be kept;	40

THIRD SCHEDULE — *continued*

<i>Department.</i>	<i>Subject.</i>
5	(ii) premises used for the keeping in captivity for sale or exhibition of animals or insects;
	(iii) the sale of water, perishable food and milk;
10	(iv) the carrying on of the trade of cow-keepers, dairymen and purveyors of milk and securing the cleanliness of places used in connection therewith and prescribing precautions to be taken against infection and contamination;
15	(v) public houses, liquor shops, boarding houses, nursing homes, maternity homes, labourers' dwellings and places used for the reception of sick or dying persons;
20	(vi) public bathing and washing accommodation;
	(vii) markets and of any thing therein and of places in the vicinity thereof;
25	(viii) persons engaged or employed in markets; and
	(ix) the weights and measures to be used in markets.
30	(e) The control, regulation and supervision by registration, licensing or otherwise of premises or anything therein used for the purpose of any offensive trade.
	(f) The prescribing of localities within which unhealthy or offensive trades or occupations may be carried on.
35	(g) The prevention and abatement of nuisances.
	(h) The use and management of stalls, tables or show-boards set up for the sale of any goods in public streets or places of public resort.

THIRD SCHEDULE — *continued*

<i>Department.</i>	<i>Subject.</i>	
	(i) The specifying of streets, places and areas or portions thereof in which persons shall not act as itinerant hawkers.	5
	(j) Articles or types or classes of articles which may be sold from or exposed for sale and other articles supplied with such articles in or on any stall, vehicle or other receptacle in any public street or place or by any itinerant hawker and premises where any such article is prepared or stored and the manner in which any such article is prepared or transported.	10
	(k) The health, cleanliness, medical inspection and treatment of persons licensed as itinerant hawkers.	15
	(l) The inspection, regulation, supervision, control, management, maintenance, operation and use of burial grounds, crematoria and burning grounds, the dimensions of graves and places of interment, the prescribing of conditions under which human remains may be disposed of, registers to be kept and generally all matters connected with the good order of burial grounds, crematoria and burning grounds, due regard being had to the religious usages of the several classes of the community.	20 25
	(m) The regulation of the landing and temporary storage of goods upon public quays, wharves and streets adjacent to any port or water-way and the prescribing of fees to be charged in respect thereof.	30 35
4. Primary Production Department.	The licensing and the establishment and regulation of slaughter-houses including —	
	(i) sanitary inspection of animals and their carcasses;	

THIRD SCHEDULE — *continued*

<i>Department.</i>	<i>Subject.</i>
5	(ii) the detention for observation and treatment of animals brought for slaughter and suspected of being diseased;
10	(iii) the slaughtering with or without compensation of animals brought for slaughter which are diseased or by reason of emaciation or otherwise are in the opinion of the Health Officer or a person nominated in writing by him unfit for human consumption;
15	(iv) the disposal of carcases of diseased animals; and
	(v) the marking of carcasses of animals.
5. Fire Brigade.	(a) The establishment and regulation of fire brigades.
20	(b) The control, regulation and supervision by registration, licensing or otherwise of garages and places kept or used for repairing, painting, washing, storing, housing or parking motor vehicles and places where a pump is maintained from which petrol or oil is supplied to motor vehicles except garages or places used in connection with private dwelling-houses for housing motor vehicles kept for private use only.
25	(c) The control, regulation and supervision by registration, licensing or otherwise of premises or anything therein used for the purpose of any dangerous trade.
30	(d) The prescribing of localities within which dangerous trades or occupations may be carried on.
35	
6. Parks Department.	The establishment, regulation, maintenance and management of any public park, aquarium, walk,

THIRD SCHEDULE — *continued*

<i>Department.</i>	<i>Subject.</i>	
	recreation or pleasure ground, garden, including admission thereto whether on payment or otherwise, closing thereof and the provision therein of refreshment rooms and other amenities.	5
7. All Departments.	(a) The prescribing of forms for licences and for other purposes for use in connection with this Ordinance.	
	(b) The prescribing of fees and charges for the purposes of this Ordinance and prescribing of any other matter which by this Ordinance is required to be or may be prescribed.	10

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EXPLANATORY STATEMENT

This Bill seeks to integrate certain functions of the City Council and the Rural Board with those of the Government and to provide for matters incidental thereto.

The Bill provides for the transfer to the Government with retrospective effect from 1st January, 1961 of all the immovable property of the City Council and of the Rural Board other than those vested in and held by the City Council for the purposes of its water, gas and electricity undertakings free from incumbrances. The Bill also provides for the transfer to the Government with retrospective effect from 1st January, 1961 of all the movable property of the City Council and the Rural Board, including all assets, powers, rights, interests and privileges as well as debts, liabilities and obligations in connection therewith or appertaining thereto, other than those vested in and held by the City Council for the purposes of its water, gas and electricity undertakings and in respect of all loans raised by the City Council by the issue of debenture stock and any other loans raised by the City Council for the purposes of such undertakings. All public streets and street lamps, public sewers, public canals, public bridges, public standpipes, etc., are to be vested in the Government. It is proposed for accounting purposes, having regard to the date of coming into operation of the Local Government (Financial Integration) Ordinance, 1960 (Ord. 64 of 1960), that such transfer should be made with retrospective effect from 1st January, 1961. Provision is made for a certificate under the hand of the Minister to be conclusive evidence of the vesting in the Government of any property whether movable or immovable.

Upon the coming into operation of the Ordinance, every person employed in the City Council who is not deemed to have been transferred to the service of the Public Utilities Board under the provisions of the Public Utilities Ordinance, 1963 (Ord. 1 of 1963), is to be deemed to be transferred to the service of the Government at the same rate of pay and, as near as may be, on the same conditions of service as those on which he was employed by the City Council. The Minister may direct any person who has been transferred to the service of the Government to give such advice and to carry out such acts as may be required in relation to or arising out of the transfer to and the vesting in the Government of assets and liabilities of the City Council and the Rural Board. All such persons will be allowed to count their service with the City Council for the purposes of the Pensions Ordinance. Provision is also made in the Bill for continuance of the Municipal Provident Fund (Ord. 22 of 1956) which is to be deemed to have been established under the Ordinance and to be managed and administered as a Government fund separate from other Government funds. The Minister is empowered to make rules for the maintenance of the Municipal Provident Fund, and it is provided that until other rules are made the Municipal (Provident Fund) Rules, 1956, shall continue to apply to every person transferred to the service of the Government who was a member of the Fund immediately before such transfer or who would have been eligible for such membership had he fulfilled certain conditions. The Government is to make payments into the Fund in respect of every member of the Fund in the Government service. It is also provided that the previous service in the City Council of such persons is to be taken into account for determining their Provident Fund benefits. It is to be separately provided, by amending the Pensions Ordinance, that members of the Municipal Provident Fund shall not draw retirement benefits both from that Fund and under the Pensions Ordinance.

The Bill provides for the appointment by the Yang di-Pertuan Negara of a Director of Public Works, a Chief Building Surveyor, a Director of Medical Services, a Director of Primary Production, a Chief Fire Officer and a Chief Parks Officer, who are to be responsible for the carrying out of the provisions of the respective Parts of the Ordinance. Those powers, functions and duties which a local authority is empowered under the Local Government Ordinance, 1957 (Ord. 24 of 1957), to delegate to its employees, are to be vested in these officers. Certain other powers of the local authority are to be vested in the Minister.

Provision is made for the establishment of district offices and the appointment of a District Officer for each district whose main functions are to ensure the adequacy of the various services provided in his district, to receive representations in connection therewith and to act as the principal spokesman of the Government in his district with respect to matters within his jurisdiction.

The Bill repeals the existing provisions of the Municipal Ordinance (Cap. 133 (1936 Edition)), the Singapore City (Consequential Provisions) Ordinance, 1951 (Ord. 40 of 1951), the Local Government Ordinance, 1957 (Ord. 24 of 1957), the City Council (Suspension and Transfer of Functions) Ordinance, 1959 (Ord. 40 of

1959), the Local Government (Financial Integration) Ordinance, 1960 (Ord. 64 of 1960), and the Burials Ordinance (Cap. 212), and substantially re-enacts the provisions of Parts I, IV, VIII, X, XI and XIII of the Local Government Ordinance, 1957, with necessary changes.

Parts II, III, V and VI of the Local Government Ordinance, 1957 (Ord. 24 of 1957), which relate to the constitution and organisation, finance, etc., of the City and District Councils, Part VII thereof which relates to rates which has been replaced by the Property Tax Ordinance, 1960 (Ord. 72 of 1960), Part IX which relates to water, gas and electricity, which will be replaced by the proposed Public Utilities Ordinance, 1963 (Ord. 1 of 1963), and Part XII relating to vehicles which has been incorporated in the Road Traffic Ordinance, 1961 (Ord. 26 of 1961), have been omitted from this Bill.

Part I of the Bill contains the necessary transitional provisions for continuance of schemes, contracts, licences, etc., approved under the repealed Ordinances, including subsidiary legislation made thereunder, preserves such of the existing definitions as are necessary for the purposes of the Bill, and provides for the transfer to the Government of the assets and liabilities of the City Council and the Rural Board, including certain employees of the City Council.

Part II of the Bill contains those parts of Part VIII of the Local Government Ordinance, 1957, which related to streets, sewers and back-lanes, and provides for the transfer to the Government of the undertakings of the Singapore Improvement Trust relating to back-lanes (Clause 47). Any person who is dissatisfied with the decision of the Director of Public Works in connection with the making up of new streets or private streets may appeal to the Minister whose decision shall be final (Clause 19(11)). The provisions of section 146 of the said Ordinance relating to repair of private streets at the expense of owners of premises abutting such streets, have been extended to empower the Director of Public Works in his discretion to execute at the expense of the Government such street works as may be considered necessary for the public safety, health, convenience or comfort.

Part III of the Bill re-enacts, with amendments the provisions of Part VIII of the Local Government Ordinance, 1957, relating to control of buildings. Clause 52 transfers to the Chief Building Surveyor the powers hitherto exercised by the Minister under section 170 of the Local Government Ordinance, 1957, in dealing with unauthorised buildings. The provisions of section 172 of the said Ordinance relating to submission of plans in respect of unauthorised buildings, which was first enacted in 1951 to regularise the position with regard to buildings erected during the Japanese occupation and during the period of the British Military Administration, have been omitted from the Bill.

Part IV of the Bill includes those provisions of Part X of the Local Government Ordinance, 1957, which relate to markets, hawkers, offensive trades, sanitary provisions, public nuisances, wells, burial and burning grounds, bathing-places and other matters concerning public health. The existing provisions relating to the

arrest of and service of notice on unlicensed hawkers to attend at the Court is to be made applicable to licensed hawkers who contravene any regulations made for the control of hawkers (Clause 78).

Part V of the Bill provides for the appointment of a Director of Primary Production and this Part relates to the licensing and establishment of slaughter-houses.

Part VI of the Bill contains the provisions of Part XI of the Local Government Ordinance, 1957 (Ord. 24 of 1957), relating to the Fire Brigade and Accident Ambulance Service and other provisions concerning dangerous trades and prevention of grass fires and other dangers. The provisions relating to prevention of grass fires have been extended to make it obligatory for any person on whom a notice has been served, if he is not the owner or occupier of the land in question, to inform the Chief Fire Officer accordingly. The provisions relating to fire inquests have been omitted from the Bill.

Part VII of the Bill re-enacts the existing provisions relating to public parks, recreation or pleasure grounds, etc.

Part VIII provides for the establishment of the district offices and appointment of District Officers.

Part IX is largely a reproduction, with necessary changes, of Part XIII of the Local Government Ordinance, 1957 (Ord. 24 of 1957), with the inclusion of the existing provisions relating to mandatory orders, emergency powers of chief officers and protection of officers from personal liability.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure in the payment of salaries and operational expenses of the various departments integrated with those of the Government, formerly chargeable to the Municipal Fund. The amount cannot at present be fully ascertained but will be dependent on the services to be provided and improvement works to be carried out by the Government under the Ordinance. The rates previously levied by the local authority for these purposes are now incorporated in the property tax levied under the Property Tax Ordinance, 1960 (Ord. 72 of 1960).