

Planning (Amendment) Ordinance

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Bill No: 20/1964

Read the first time: 10th June 1964

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Planning (Amendment) Ordinance

Bill No. 20/1964

Read the first time on 10th June 1964.

An Ordinance to amend the Planning Ordinance, 1959 (*No. 12 of 1959*).

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

Short title and commencement

1. This Ordinance may be cited as the Planning (Amendment) Ordinance, 1964, and shall come into operation on such date (hereinafter in this Ordinance referred to as “the appointed day”) as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Subsection (1) of section 2 of the Planning Ordinance, 1959 (hereinafter in this Ordinance referred to as the “principal Ordinance”), is hereby amended by inserting immediately after the definition of “Municipal Provident Fund” appearing therein the following new definition: —

““occupier” includes any person in actual occupation of land or premises or any person having the charge, management or control of the land or premises either on his own account or as an agent of another person, but shall not include a lodger;”.

Amendment of section 9

3. Section 9 of the principal Ordinance is hereby amended —

(a) by inserting immediately after subsection (7) thereof the following new subsection: —

“(7A) Every permission granted to carry out any building operations, on an application to develop, pursuant to the provisions

of subsection (4) of section 9 of this Ordinance, shall lapse, if the development is not completed within two years of the date of the grant of the permission or, in a case where an appeal has been brought against the conditions imposed by the Competent Authority, within two years of the date of the determination of the appeal:

Provided that the Competent Authority may, in its discretion, renew such permission for such period as it may consider necessary.”; and

- (b) by inserting immediately after the word “decision” appearing at the end of subsection (13) thereof the words “which shall be final”.

Amendment of section 10

4. The principal Ordinance is hereby amended by inserting immediately after section 10 thereof the following new section: —

“Power to cancel permission

10A. Any permission, granted before a date to be appointed by the Minister, by notification in the *Gazette*, to carry out any building operations, may be cancelled by the Competent Authority if —

- (a) the notice of commencement of building operations has not been given pursuant to the provision of subsection (1) of section 52 of the Local Government Integration Ordinance, 1963 (Ord. 18 of 1963), within one year of such date; or
- (b) such building has not been completed within three years of such date or within such extended period as the Competent Authority may allow.”.

Repeal and re-enactment of section 13

5. Section 13 of the principal Ordinance is hereby repealed and the following substituted therefor: —

“Enforcement of planning control

13.—(1) If, in the opinion of the Competent Authority, any development of land has been carried out in contravention of the provisions of section 9 of this Ordinance or any conditions imposed thereunder, the Competent Authority may, by notice in writing (hereinafter in this Ordinance referred to as an “enforcement notice”), direct the owner or occupier of the land or such other person who, in the

opinion of the Competent Authority, was responsible for such contravention, to take, within a time to be stated in the notice, such measures as are directed by the enforcement notice.

(2) An enforcement notice shall take effect subject to the provisions of subsection (6) of this section at the end of such period, not being less than twenty-eight days, after service thereof, as may be specified in the notice:

Provided that, where a person appeals against a direction in an enforcement notice or withdraws such an appeal, the enforcement notice shall take effect at the end of twenty-eight days from the date of the appeal or the withdrawal of the appeal, as the case may be.

(3) Any person aggrieved by any direction given in an enforcement notice may, at any time within the period specified in such enforcement notice, appeal to the Minister in the form and manner prescribed by rules made under the provisions of section 17 of this Ordinance.

(4) Where an appeal is made under the provisions of subsection (3) of this section, the Minister may dismiss the appeal, allow the appeal unconditionally or allow the appeal subject to such conditions as he deems fit.

(5) The decision of the Minister on an appeal, made under the provisions of subsection (3) of this section, shall be final.

(6) When an appeal is made to the Minister under the provisions of subsection (3) of this section, the enforcement notice shall be of no effect pending the final determination or withdrawal of the appeal.

(7) Any person who fails to comply with any direction in an enforcement notice by the Competent Authority, under the provisions of subsection (1) of this section, shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding three thousand dollars and to a further fine not exceeding one hundred dollars for every day during which the offence is continued after conviction.

(8) If any person fails to comply with the directions given in an enforcement notice, the Competent Authority may enter upon the land and take any measures directed by such enforcement notice.

(9) Any expenses incurred by the Competent Authority, in exercise of the powers conferred by subsection (8) of this section, shall be a first charge on the holding upon or in respect of which the same were expended or are payable.

(10) The certificate of the Competent Authority stating the amount of the

expense so incurred shall be conclusive evidence of such amount.

(11) Compliance with an enforcement notice whether in respect of —

- (a) the demolition or alteration of any building or works; or
- (b) the discontinuance of any use of land; or
- (c) in respect of any other requirements contained in the enforcement notice,

shall not discharge the enforcement notice.

(12) A person who uses land, at any time in contravention of the enforcement notice after the directions in such enforcement notice have been complied with shall, notwithstanding such compliance with the enforcement notice, be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(13) Any person, who carries out any development on land by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with the directions in an enforcement notice shall be guilty of an offence under this Ordinance and shall be liable on conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.”.

Amendment of section 14

6. Subsection (1) of section 14 of the principal Ordinance is hereby amended by deleting the words “two months” appearing in the sixth line thereof and substituting therefor the expression “twenty-eight days”.

New sections 16, 16A to 16J

7. The principal Ordinance is hereby amended by inserting immediately after section 15 thereof the following new sections: —

“Authority to enter upon land

16.—(1) Any person, duly authorised by the Minister or by the Competent Authority, may at all reasonable hours in the daytime enter into and upon any land for the purpose of carrying out the provisions of this Ordinance.

(2) A person authorised, under the provisions of subsection (1) of this section, to enter upon any land shall, if so required by the owner or occupier, produce