

PLANNING ACT

An Act to provide for the planning and improvement of Singapore and for the imposition of development charges on the development of land and for purposes connected therewith.

PART I

Preliminary

Short title

1. This Act may be cited as the Planning Act.

Interpretation

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

"amendment" , in relation to the Master Plan, includes any alteration or addition to or any repeal or replacement of the Master Plan in whole or in part;

"breach of planning control" means —

(a) the carrying out of any development of land without the requisite planning permission;

(b) the carrying out of works in a conservation area without the requisite conservation permission; or

(c) any failure to comply with any condition subject to which planning permission or conservation permission was granted;

"building" includes any house, hut, shed or roofed enclosure (whether used for the purpose of 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 or foundation connected to the foregoing;

"certificate of statutory completion" has the same meaning as in the Building Control Act (Cap. 29);

"Certified Interpretation Plan" means a Certified Interpretation Plan prepared and certified by the competent authority under section 7;

"Collector" has the same meaning as in the Land Revenue Collection Act (Cap.155);

"competent authority" , in relation to this Act or any Part or provision of this Act, means any competent authority appointed under section 5 to be responsible for the operation of this Act or that Part or provision, as the case may be;

"conservation" means the preservation, enhancement or restoration of the character or appearance of, and the interior and exterior of any building in, a conservation area;

"conservation area" means an area designated by the Minister in accordance with sections 8 and 9;

"conservation guidelines" means the conservation guidelines issued under section 11;

"conservation permission" means permission referred to in section 12 (2);

"development charge" means the tax payable under section 35;

"enforcement notice" means a notice served under section 28;

"functions" includes powers and duties;

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

"information notice" has the meaning assigned to it in section 25;

"land" includes buildings and any estate or interest in or right over land;

"Master Plan" has the meaning assigned to it in section 6;

"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 does not include a lodger;

"owner" , in relation to land or premises, means the person for the time being receiving the rent of the land or premises whether on his own account or as trustee for any other person or as receiver (not being appointed by or on behalf of a mortgagee) or the person who would receive the rent if the land or premises were let to a tenant and includes —

(a) a mortgagee in possession; and

(b) the purchaser of any newly constructed premises or part thereof in respect of which a temporary occupation permit or a certificate of statutory completion has been granted;

"planning permission" means permission referred to in section 12 (1);

"prescribe" means prescribe by rules made under this Act;

"provisional permission" means provisional permission granted under section 17 (1);

"purchase notice" means a notice served under section 24;

"qualified person" means a person specified in the First Schedule;

"repealed Act" means the repealed Planning Act (Cap. 232, 1990 Ed.);

"street" includes any road, square, footway or passage, whether a thoroughfare or not, over which the public has a right of way, and also the way over any public bridge, and includes also any road, footway or passage, open court or open alley, used or intended to be used as a means of access to 2 or more holdings, whether the public has a right of way thereover or not; and all channels, drains and ditches at the side of any street shall be deemed to be part of that street;

"subdivision permission" means permission referred to in section 12 (3);

"temporary occupation permit" has the same meaning as in the Building Control Act (Cap. 29);

"use" , in relation to land, does not include the use of land by the carrying out of any building or other operations on the land;

"works within a conservation area" means —

(a) any development of land within a conservation area; or

(b) any decorative, painting, renovation or other works (whether external or internal) to any building within a conservation area which may affect its character or appearance;

"written permission" means a planning permission, conservation permission or subdivision permission, as the case may be, granted by a competent authority and includes any such permission granted or issued by electronic transmission or in a medium other than paper and authenticated in such manner as the competent authority may determine;

"written statement" , in relation to the Master Plan, means that part of the Master Plan which includes a summary of the main proposals of the Master Plan with such descriptive matter as the competent authority considers necessary to illustrate the proposals of the Master Plan or as the Minister may, from time to time, direct for that purpose.

Meaning of “development”

3. —(1) Subject to subsections (2) and (3), in this Act, except where the context otherwise requires, “development” means the carrying out of any building, engineering, mining, earthworks or other operations in, on, over or under land, or the making of any material change in the use of any building or land, and “develop” and “developing” shall be construed accordingly.

(2) The following operations or uses of land shall not be deemed for the purposes of this Act to involve development of land:

(a) the carrying out of works for the maintenance, improvement or other alteration of a building which do not materially affect the external appearance or the floor area of the building;

- (b) the carrying out of such minor or preliminary works and such temporary use of land as may be declared by the competent authority for the purpose of this subsection;
 - (c) the carrying out by any statutory authority of any works on land within the boundaries of a street, being works which are necessary for the maintenance or improvement of the street;
 - (d) the carrying out by any statutory authority of any works for the purpose of laying, inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
 - (e) the carrying out of any act authorised or required by the Control of Vectors and Pesticides Act 1998 (Act 24 of 1998);
 - (f) the use of any existing building or land within the curtilage of a dwelling-house for any purpose incidental to the enjoyment of the dwelling-house as such;
 - (g) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;
 - (h) in the case of buildings or land which are used for a purpose of any class specified in any rules made under section 61, the use of the building or land or any part thereof for any other purpose within the same class.
- (3) For the avoidance of doubt, it is hereby declared that for the purposes of this section —
- (a) the use as 2 or more separate houses of any building previously used as a single house involves a material change in the use of the building and of each part thereof which is so used;
 - (b) the use as a dwelling-house of any building not originally constructed for human habitation involves a material change in the use of the building;
 - (c) the use for other purposes of a building or part of a building originally constructed as a dwelling-house involves a material change in the use of the building;
 - (d) the demolition or reconstruction of or addition to a building constitutes development;
 - (e) the use for the display of advertisements of any external part of a building which is not normally used for that purpose involves a material change in the use of the building;
 - (f) the deposit of refuse or waste materials on land involves a material change in the use thereof notwithstanding that the land is comprised in a site already used for that purpose, if —
 - (i) the superficial area of the deposit is extended; or
 - (ii) the height of the deposit is extended and exceeds the level of the land adjoining the site;
 - (g) subject to subsection (2) (h), the use of any building or part thereof for any purpose other than that for which the building was originally constructed involves a material change in the use of the building;
 - (h) any decorative, painting, renovation or building works, whether external or internal, to or on a monument in respect of which there is in force a preservation order under the Preservation of Monuments Act (Cap. 239) shall constitute building operations; and
 - (i) the use and operation as 2 or more separate entities of any building or buildings or part of a building which is or are approved or authorised to be used and operated as one single entity for any of the uses specified in the Second Schedule involves a material change in the use of the building or buildings or part of the building.

Meaning of “subdivide”

4. —(1) Subject to this section, a person shall, for the purposes of this Act, be said to subdivide land if, by any deed or instrument, he conveys, assigns, demises or otherwise disposes of any part of the land in such a manner that the part so disposed of becomes capable of being registered under the Registration of Deeds Act (Cap. 269) or, in the case of registered land, being included in a separate folio of the land-register under the Land Titles Act (Cap. 157), and “subdivide” and “subdivision” shall be construed accordingly.

(2) Notwithstanding subsection (1), the following leases granted on or after 1st April 1998 shall not be regarded as a disposal of the land or part thereof:

(a) in the case of any development described in Part I of the Third Schedule, the grant of any lease for any unit in the development for a term not exceeding an aggregate of 14 years;

(b) in the case of any development described in Part II of the Third Schedule, the grant of any lease for a building or any part of a building comprised in the development for a term not exceeding an aggregate of 14 years; or

(c) in the case of any other land, the grant of any lease of the whole or part of the land for a term not exceeding an aggregate of 7 years.

(3) The Minister may, at any time, by order published in the *Gazette* amend, delete or add to the list of leases in subsection (2) which shall not be regarded as a disposal of land or part thereof.

(4) For the purposes of this section —

(a) the fact that the term of a lease may be extended in pursuance of an option shall be taken into consideration in determining whether the term of the lease exceeds any of the periods specified in subsection (2); and

(b) the fact that a lease for a specified period of time is determinable on the happening of an event within that time shall not be taken into consideration in determining the term of the lease.

Competent authority

5. —(1) The Minister may, by notification in the *Gazette*, appoint such person or persons as he thinks fit to be the competent authority or authorities responsible for the operation of this Act, either generally or for any particular Part or provision of this Act or for any particular rules made under this Act, and may in the notification specify the extent of and manner in which that responsibility is to be exercised.

(2) The functions conferred on the competent authority by this Act may be performed by any officer referred to in subsection (3) who has been generally or specially authorised by name or office by the competent authority, and subject to his direction and control.

(3) The competent authority may authorise any of the following persons to perform all or any of his functions conferred by this Act:

(a) any public officer; and

(b) any officer in the employment of a statutory authority which has been approved by the Minister for the purpose.

(4) Any officer who is authorised (whether generally or specially) under subsection (2) to perform the functions of the competent authority under this Act shall be deemed to be —

(a) a public officer for the purposes of this Act; and

(b) a public servant within the meaning of the Penal Code (Cap. 224).

PART II

Master Plan And Conservation Areas And Guidelines

Master Plan

6. The Master Plan means the Master Plan that was originally submitted to and approved by the Governor in Council on 5th August 1958 under the provisions of Part IV of the Singapore Improvement Ordinance (Cap. 259, 1955 Ed.) as subsequently amended under the repealed Act or this Act, and includes the approved maps and written statement.

Certified Interpretation Plans

7. —(1) For the purpose of providing more detailed interpretation of the Master Plan, the competent authority may, from time to time, prepare and certify further maps on a scale larger than that of the maps contained in the Master Plan.

(2) Upon such certification the plan shall be known as a “Certified Interpretation Plan”.

Amendments to Master Plan

8. —(1) At least once in every 5 years after 1st April 1998, the competent authority shall review the Master Plan and submit to the Minister a report of his review together with proposals for amendment to the Master Plan which he may consider expedient.

(2) Without prejudice to subsection (1), the competent authority may at any time also submit to the Minister proposals for amendment to the Master Plan.

(3) Proposals for amendment to the Master Plan may provide for any of the following in relation to the whole of the area which is the subject of the Master Plan or any part thereof:

- (a) rezoning;
- (b) change of plot ratios;
- (c) change of the written statement in any respect;
- (d) designation of conservation areas; or
- (e) any other purpose therein stated.

(4) A proposal for any amendment to the Master Plan may include such maps, written statements and other matter as may be prescribed and such other information as the competent authority considers necessary.

(5) A proposal for any amendment to the Master Plan shall be submitted to the Minister for approval and shall be accompanied by a planning report.

(6) The Minister may approve the proposal with or without modifications or reject it.

(7) When the Minister approves of a proposed amendment to the Master Plan, the Master Plan shall have effect as amended as from the date of the approval of the Minister.

(8) In the event of any conflict between provisions of the Master Plan, the most recently approved provision shall prevail.

Conservation areas

9. —(1) Where in the opinion of the Minister any area is of special architectural, historic, traditional or aesthetic interest, the Minister may approve under section 8 a proposal to amend the Master Plan to designate the area as a conservation area.

(2) A conservation area may comprise —

- (a) an area;
- (b) a single building; or
- (c) a group of buildings.

Rules relating to amendments to Master Plan

10. —(1) The Minister may make rules to provide for the form, content and procedure to be followed in connection with the preparation, submission and approval of an amendment to the Master Plan.

- (2) Without prejudice to the generality of subsection (1), such rules may, in particular, require —
- (a) the competent authority to publish in prescribed circumstances a notice of the submission of any proposal to amend the Master Plan, and of the place or places where copies of the Master Plan and of the proposal may be inspected;
 - (b) objections and representations made in accordance with the rules to be considered, and public inquiries or other hearings in such cases as may be prescribed to be held before the Master Plan is amended by the Minister; and
 - (c) copies of the Master Plan or parts thereof to be made available for free inspection by and for sale at a reasonable cost to the public.
- (3) *Deleted by Act 30/2003, wef 10/12/2003.*

Conservation guidelines

11. —(1) The competent authority may, from time to time, issue guidelines for the conservation of buildings or land within a conservation area and for the protection of their setting.

(2) The competent authority shall publish and make available copies of such guidelines for free inspection and for sale at a reasonable cost to the public.

PART III

Development And Subdivision Of Land

Unauthorised subdivision, development and other works

12. —(1) No person shall without planning permission carry out any development of any land outside a conservation area.

(2) No person shall without conservation permission carry out any works within a conservation area.

(3) No person shall without subdivision permission subdivide any land.

(4) Any person who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$200,000; and

(b) in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part thereof during which the offence continues after conviction.

(5) Where a person is convicted of an offence under subsection (4) in respect of any works on or any development or subdivision of land without having been served previously with an enforcement notice in respect of the works, development or subdivision, the competent authority may serve an order on the person directing him to remove from the land, within 14 days of the date of service of the order, all such property or materials used in connection with the offence as may be specified in the order.

Application for permission

13. —(1) An application for planning permission, conservation permission or subdivision permission shall be made to the competent authority in the prescribed form and manner.

(2) The competent authority shall seek to determine such an application within 3 months of receiving it but may, where unavoidable circumstances so require, defer his determination for such further period as he thinks fit.

Applications determined with reference to Master Plan, etc.

14. —(1) Subject to subsection (2), in determining an application for written permission, the competent authority shall act in conformity with the provisions of the Master Plan and any Certified Interpretation Plan in so far as they may be relevant.

- (2) Where the Minister approves, either in relation to a particular application or a class of applications, as the case may be, the competent authority need not act in accordance with subsection (1) in any of the following circumstances:
- (a) the land to which the application relates (referred to in this subsection as the relevant land) is or will be required for any public purpose or for the provision of any utility services or infrastructural, social or transportation facility;
 - (b) the relevant land, or its locality, is the subject of a planning, transportation, conservation or preservation study being carried out by the competent authority or any other public authority;
 - (c) the provisions of the Master Plan in so far as it relates to the relevant land, or its locality, is being reviewed by the competent authority;
 - (d) a proposal to amend the provisions of the Master Plan in so far as it relates to the relevant land, or its locality, has been submitted to the Minister for approval under section 8;
 - (e) the competent authority is of the view that the development proposed in the application is incongruent with the developments on land adjoining the relevant land or other land in the locality; or
 - (f) the planning permission or conservation permission to be granted for the development proposed in the application is for a specified period not exceeding 10 years.
- (3) Where subsection (2) applies, the competent authority may determine the application in the manner as the Minister may approve.
- (4) Subject to any rules, the competent authority may —
- (a) grant written permission, either unconditionally or subject to such conditions as he considers fit, including those referred to in section 15; or
 - (b) refuse written permission.
- (5) Where written permission is granted subject to conditions or is refused, the competent authority shall provide reasons in writing for imposing the conditions or refusing the application, as the case may be.
- (6) When an application for planning permission or conservation permission is made to the competent authority in relation to any land, the application shall supersede any previous application for planning permission or conservation permission relating to the same land which remains undetermined.
- (7) Unless otherwise approved by the Minister in writing, the planning permission or conservation permission of the competent authority shall be a condition precedent to the consideration by a licensing authority of any application for the issue of a licence for any purpose involving the development of land.

Applications determined in reliance of certificate or declaration of qualified person

14A. —(1) Where, in accordance with rules made under section 61, an application for written permission is required to be accompanied by any certificate or declaration by an appropriate qualified person that to the best of his knowledge and belief —

- (a) the information contained in any specified document, form and plan submitted for the application is true and correct in all material particulars; and
 - (b) every such document, form and plan submitted for the application has been completed or prepared in accordance with the provisions of this Act and all requirements as may be specified by the competent authority in respect of the application,
- the competent authority may, without checking the information, documents, forms or plans, determine the application on the basis of the certificate or declaration of the qualified person.
- (2) Notwithstanding subsection (1), the competent authority may, in his discretion, carry out random checks on any information, document, form or plan relating to any application for written permission before or after determining the application.

- (3) The competent authority may at any time revoke any written permission granted under subsection (1) if he is satisfied that —
- (a) any information contained in any document, form or plan submitted for the application is false or misleading in any material particular; or
 - (b) any document, form or plan submitted for the application is not in compliance in any material particular with the provisions of this Act and the requirements as may be specified by the competent authority in respect of the application.
- (4) Where the competent authority revokes a written permission under subsection (3), any development of land, works within a conservation area or subdivision of land (as the case may be) carried out pursuant to that written permission shall be deemed to have been carried out without the requisite written permission.
- (5) Any qualified person who —
- (a) makes a certificate or declaration referred to in subsection (1) which is false or misleading in any material particular; or
 - (b) recklessly makes such certificate or declaration which is false or misleading in any material particular,
- shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

Conditional permission

15. —(1) All or any of the following conditions may be imposed on the grant under section 14 (4) of any planning permission or conservation permission in respect of any land:

- (a) that the permission is granted for a specified period;
- (b) that any work shall be commenced by a specified time;
- (c) restrictions as to the height, design, appearance and siting of buildings;
- (d) that subdivision of the land is prohibited;
- (e) that deposits shall be placed with such statutory authority as the competent authority may specify to secure compliance with the requirements of that statutory authority;
- (f) that the title of any part of the land shall be transferred free from encumbrances to the State or any public authority;
- (g) *Deleted by Act 30/2003, wef 10/12/2003.*
- (h) that such connecting structures (whether or not within the land) as the competent authority considers necessary are to be provided, maintained, kept open and accessible for use by the public or any occupier or other user of the land and any other land adjoining or in the locality; and

(i) that the permission shall supersede any previous permission given by the competent authority to the applicant notwithstanding anything in section 20.

(2) The following conditions may also be imposed on the grant of any conservation permission under section 14 (4):

- (a) requirements for compliance with any conservation guidelines or any other requirements relating to conservation;
- (b) requirements for making good any damage caused to the building by any works after the works are completed; and
- (c) where the approval of the Commissioner of Building Control under the Building Control Act (Cap. 29) is required to be obtained for the plans of the building works with regard to any works within a conservation area, requirements for the submission to the competent authority, within 7 days of the application for approval made to the Commissioner of Building Control, of a declaration by a qualified person that the plans submitted to the Commissioner of Building Control for the application with regard to such works are in accordance with the plans approved by the competent authority in the grant of the conservation permission.

(3) Any person who fails to comply with any condition imposed on any planning permission or conservation permission shall be guilty of an offence and shall be liable on conviction —
(a) to a fine not exceeding \$200,000; and
(b) in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part thereof during which the offence continues after conviction.

(3A) Any qualified person who —

(a) makes a declaration referred to in subsection (2) (c) which is false or misleading in any material particular; or
(b) recklessly makes such declaration which is false or misleading in any material particular, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

(3B) In subsection (2) (c), “qualified person” means a person who is registered as an architect under the Architects Act

(Cap. 12) and who has in force a practising certificate issued under that Act.

(4) Where any person fails to comply with any condition imposed on any planning permission or conservation permission, the competent authority may cancel the relevant permission.

(5) In this section, “connecting structure” means any underpass, subway, bridge or other structure, whether under, above or on the ground and whether for pedestrians or vehicles, linking or connecting a building with another or a building with any public facility or street, and includes escalators, travelators and other facilities.

Subdivision permission: supplementary provisions

16. —(1) A planning permission or conservation permission may also, where it expressly so provides, contain subdivision permission.

(2) A copy of every document containing subdivision permission shall be forwarded by the competent authority to the Collector together with a plan of the subdivision so authorised on which the dimensions of all lots, widths of streets and backlanes and such other particulars as the competent authority may consider necessary are shown.

Provisional permission

17. —(1) Where the competent authority so determines, he may grant any written permission as a provisional permission in the first instance.

(2) The competent authority may authorise (generally or specially) the carrying out of specified preliminary works following the grant of provisional permission.

(3) Any grant of provisional permission shall lapse 6 months following the date of its granting unless a longer period is specified in the provisional permission or the competent authority otherwise directs in writing.

(4) Where the competent authority is satisfied that all the conditions contained in a provisional permission have been complied with during the validity period of the provisional permission, the competent authority shall grant final permission subject to such further conditions as he thinks fit.

(5) A final permission granted under subsection (4) shall be deemed to be a written permission granted under section 14.

Outline permission

18. —(1) An applicant for planning permission or conservation permission may if he so desires apply in the first instance for outline permission in the manner prescribed.

(2) An application for outline permission shall be determined on the same basis as an application for planning permission or conservation permission except that the competent authority shall have regard only to matters relating to land use, intensity, type, form and height of the proposed development or works.

(3) Outline permission shall constitute approval in principle for the proposed development or works, but shall not authorise the carrying out of that development or works or any other development or works.

(4) Any grant of outline permission shall lapse 6 months following the date of its granting unless a longer period is specified in the outline permission or the competent authority otherwise directs in writing.

(5) Where subsequent to the grant of outline permission an application for planning permission or conservation permission is made during the validity period of the outline permission, the application shall be determined on the basis of the further details supplied on that subsequent application.

(6) Section 22 shall apply, with the necessary modifications, to applications made under this section as it applies to applications made under section 13.

Rectification of errors and omissions

19. —(1) The validity of any written permission granted under this Part shall not be affected by any error in or omission of any particulars relating to the description of any land or boundary if the location and identity of the land are not in question.

(2) The competent authority may at any time rectify any such error or omission by —

(a) notification in the *Gazette*; or

(b) amending or adding to the written permission to correct any matter erroneously entered or omitted.

Expiry of permissions

20. —(1) Except where the competent authority imposes a condition to the contrary, every planning permission and every conservation permission shall lapse if the development or works authorised by it are not completed or effected within 2 years of —

(a) the date of the grant of the planning permission or conservation permission, as the case may be;

(b) the date of the final permission granted under section 17 (4); or

(c) if an appeal is made under section 22, the date the appeal is determined or withdrawn.

(2) The competent authority may, in his discretion, extend any planning permission or conservation permission on such terms and for such further period as he thinks fit.

Applications referred to Minister

21. —(1) The Minister may give directions to the competent authority requiring that all or any applications under section 13 or any class of applications specified in the direction shall be referred to him for determination instead of the competent authority, and every such application shall then be so referred to the Minister.

(2) The decision of the Minister on such an application shall be communicated to the competent authority, who shall grant or refuse written permission in accordance with the decision, and, if written permission is granted, impose such conditions as the Minister may direct and such other conditions as the competent authority thinks fit.

(3) The Minister shall, in determining any such application, have all the functions of the competent authority under this Act, and references to the competent authority shall accordingly be construed as references to the Minister.

(4) Any decision by the Minister under this section shall be final, and shall not be subject to appeal under section 22 or challenged or questioned in any court; but any decision by the competent authority to impose conditions other than as directed by the Minister shall be subject to appeal under section 22 as if the conditions had been imposed by the competent authority under section 14 (4).

(5) Where the competent authority intends to develop or to carry out works within a conservation area on any land belonging to him, he may be directed by the Minister to furnish

to the Minister particulars relating to the development or works and the Minister may give such further directions as he considers fit in relation thereto.

(6) The Minister may authorise, by notification in the *Gazette*, either generally or in relation to any specified area —

- (a) any development of land;
- (b) any works within a conservation area; or
- (c) any subdivision of land,

subject to such conditions as may be specified in the notification.

Appeals to Minister

22. —(1) Where an application for written permission under section 13 is —

- (a) refused by the competent authority;
- (b) granted by the competent authority subject to conditions; or
- (c) granted provisional permission under section 17 by the competent authority subject to conditions,

the applicant who is aggrieved by that decision may appeal to the Minister against that decision.

(2) An appeal shall be made in the form and manner prescribed and within 60 days of the date of the notification of the decision.

(3) Where an appeal is brought under this section against a decision of the competent authority, the Minister may dismiss or allow the appeal unconditionally or subject to such conditions as he considers fit.

(4) The decision of the Minister on an appeal shall be communicated to the competent authority and the applicant.

(5) Where the competent authority grants written permission in accordance with the decision of the Minister on appeal, the competent authority may, in addition to the conditions allowed by the Minister, impose such additional conditions as the competent authority thinks fit which shall not be inconsistent with the decision of the Minister on appeal.

(6) Any decision by the competent authority to impose additional conditions under subsection (5) may be appealed against under subsection (1) as if the conditions were imposed under section 14 (4).

(7) The decision of the Minister shall be final and shall not be challenged or questioned in any court.

Registers and records

23. —(1) The competent authority shall keep a record of —

- (a) all written permissions granted or refused by him and by the Minister under this Part; and
- (b) all decisions made by the Minister on appeal under section 22.

(2) The record shall include all relevant plans.

(3) The record shall be made available for inspection to any member of the public on payment of such fees as may be prescribed.

(4) The record may be kept in electronic form.

Obligation to purchase land in certain cases

24. —(1) Without prejudice to the operation of any other written law relating to the acquisition of land for a public purpose, any owner of land which is allocated in the Master Plan for development for a public purpose may serve on the competent authority a purchase notice requiring his interest in the land so required for that public purpose to be purchased in accordance with this section, if he —

- (a) is refused permission under section 14 to develop that land; or
- (b) has completed the development of any contiguous land belonging to him in accordance with any permission granted by the competent authority under section 14.

- (2) The person serving the notice shall certify that he has the consent of every person known to him to have an interest in the land.
- (3) The competent authority shall investigate every purchase notice so served and, when he is satisfied with the correctness thereof, he shall transmit the purchase notice to the Minister together with the following information:
- (a) the specific public purpose for which the land is allocated; and
 - (b) any written permission granted to the owner of the land to develop it notwithstanding the allocation of the land for a public purpose.
- (4) The Minister may reject a purchase notice in whole or in part where, in his opinion, the land or part thereof —
- (a) is capable of reasonably beneficial use in its existing state; or
 - (b) will not be required for development for a public purpose within 5 years from the date of service of the purchase notice.
- (5) Where, and to the extent that, he does not reject a purchase notice, the Minister shall declare that the land referred to in the purchase notice or any part thereof is needed for a public purpose and may order proceedings to be taken for —
- (a) obtaining possession of the land or part thereof for the State, the competent authority or any public authority; and
 - (b) determining compensation to be paid to any person or persons interested therein.
- (6) Such compensation shall be assessed in the manner and according to the principles laid down in any written law for the time being in force relating to the acquisition of land for a public purpose, but account shall be taken of any such written permission for development granted as referred to in subsection (3) (b).
- (7) For the purposes of this section, the allocation of land in the Master Plan as being within —
- (a) a green belt; or
 - (b) a conservation area,

shall not constitute an allocation for development for a public purpose.

PART IV

Enforcement

Power to require information about activities on land

25. —(1) Where it appears to the competent authority that there may have been a breach of planning control in respect of any land, he may serve an information notice on any person who —

(a) is an owner or occupier of the land or has any other interest in the land; or

(b) is carrying out operations on the land or is using the land for any purpose.

(2) An information notice may require the person on whom it is served to give such information as may be specified in the notice relating to —

(a) any operations being carried out on the land, any use of the land and any other activities being carried out on the land; and

(b) any matter relating to the conditions subject to which any planning permission or conservation permission in respect of the land has been granted.

(3) In particular, an information notice may require the person on whom it is served —

(a) to state whether or not the land is being used for any purpose specified in the notice or any operations or activities specified in the notice are being or have been carried out on the land;

(b) to state when any use, operations or activities began;

(c) to give the name and address of any person known to him to use or have used the land for any purpose, or to be carrying out or have carried out any operations or activities on the land;

(d) to give any information he holds as to any planning permission or conservation permission for any use or operations or any reason for planning permission or conservation permission not being required for any use or operations;

(e) to state the nature of his interest (if any) in the land and the name and address of any other person known to him to have an interest in the land.

(4) An information notice shall be complied with by giving the required information in writing to the competent authority.

(5) The service of an information notice does not affect any other power exercisable in respect of any breach of planning control.

(6) In this section, any reference to operations or activities on land shall include a reference to operations or activities in, under or over the land, and includes works in a conservation area.

Penalties for non-compliance with information notice

26. —(1) If the person on whom an information notice is served does not comply with the notice at the end of 21 days from the day the notice was served on him, he shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under subsection (1) to prove that he did not know, and could not with reasonable diligence have ascertained, the information required in the information notice.

(3) If any person —

(a) makes any statement purporting to comply with a requirement of an information notice which he knows to be false or misleading in a material particular; or

(b) recklessly makes such a statement which is false or misleading in a material particular, he shall be guilty of an offence.

(4) Any person who is guilty of an offence under this section shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

Authority to enter upon land

27. —(1) The competent authority may, at any reasonable time, enter any land for the purpose of —

- (a) ascertaining whether there is, or has been, a contravention of this Act;
 - (b) ascertaining whether any of the functions conferred by this Act on the competent authority or the Minister should or may be exercised; or
 - (c) taking any action or carrying out any work authorised or required by or under this Act.
- (2) The competent authority may take photographs of the land and any property or material found thereon and such other steps as he may consider necessary without involving any search or seizure of any premises, thing or person.
- (3) The occupier of any premises shall, if required by the competent authority —
- (a) give his name and address;
 - (b) provide proof of his identity; and
 - (c) give the name and address of the owner of the premises, if known.
- (4) Any person who wilfully obstructs the competent authority in the performance of any matter or thing which he is authorised to do by this section or fails to comply with the requirement under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.
- (5) A police officer may arrest without warrant any person who has committed or whom he reasonably suspects to have committed an offence under subsection (4) if —
- (a) the person declines to give his name and address; or
 - (b) there is reason to doubt the accuracy of the name and address, if given.
- (6) A person arrested under this section may be detained until his name and address are correctly ascertained except that no person so arrested shall be detained longer than is permitted by written law and is necessary for bringing him before a court unless the order of a court for his detention is obtained.

Enforcement notices

- 28.** —(1) The competent authority may issue an enforcement notice where it appears to him that there has been a breach of planning control.
- (2) An enforcement notice shall specify the steps the competent authority requires to be taken, or the activities on or the use of the land he requires to cease, in order to remedy (wholly or partly) the breach of planning control or to remedy any injury to any amenities caused by the breach.
- (3) An enforcement notice may, in particular, require —
- (a) the alteration, demolition or removal of any building or works;
 - (b) the carrying out of any building or other operations;
 - (c) the cessation, either wholly or to the extent specified in the notice, of any activity on or use of the land; or
 - (d) the removal from the land of all property and materials used in connection with the breach of planning control.
- (4) Where the enforcement notice relates to unauthorised works in a conservation area, the notice may also include —
- (a) a requirement to restore any building on the land to its former state;
 - (b) if the competent authority considers that such restoration is not reasonably practicable or undesirable, a requirement to execute such works as he may specify in the notice to alleviate the effect of the unauthorised works; or
 - (c) a requirement to bring any building to the state in which it would have been if the terms and conditions of any conservation permission granted in respect of the building had been complied with.
- (5) An enforcement notice shall specify —
- (a) the date on which it is to take effect, which shall not be less than 14 days from the date of service of the notice; and

(b) the period (which shall run from the date the enforcement notice takes effect) within which any step required by the notice shall be taken or any activity on or the use of the land required by the notice to cease shall cease.

(6) A copy of an enforcement notice may be served on any one or more of the following:

(a) any owner of the land to which it relates;

(b) any occupier of that land; or

(c) any other person who appears to the competent authority to have been responsible for or participated in the breach of planning control.

(7) An enforcement notice shall continue to have effect until and to the extent that the notice is —

(a) superseded by a grant of planning permission or conservation permission under section 14;

(b) superseded by a notification under section 21 (6); or

(c) withdrawn by the competent authority.

(8) Compliance with the requirements of an enforcement notice, whether in respect of —

(a) the completion, demolition, removal or alteration of any building or works;

(b) the discontinuance of any activity on or use of the land; or

(c) in any other manner,

shall not discharge the notice.

(9) Except by way of an appeal to the Minister under section 29, the validity of an enforcement notice shall not be questioned in any court or proceedings whatsoever.

Appeal to Minister against enforcement notice

29. —(1) Any person aggrieved by any requirement of an enforcement notice may, at any time before the notice takes effect, appeal to the Minister in the form and manner prescribed.

(2) Where an appeal is made under this section, the Minister may —

(a) correct any defect, error or misdescription in the enforcement notice or vary its requirements;

(b) extend, subject to such conditions as he considers fit, the period specified in the enforcement notice within which any requirement therein is to be complied;

(c) dismiss the appeal;

(d) allow the appeal unconditionally; or

(e) allow the appeal in whole or in part, and subject to such conditions as he considers fit, and the Minister may give such directions as he thinks necessary to give effect to his decision on the appeal.

(3) Without prejudice to the general power of the Minister to impose conditions or give directions under subsection (2), the Minister may require that such security as he may think necessary be furnished to the competent authority and specify the circumstances in which the security may be forfeited by the competent authority.

(4) The decision of the Minister under subsections (2) and (3) shall be final.

(5) When an appeal is made to the Minister under this section, the enforcement notice shall, unless the Minister at any time otherwise directs, be of no effect pending the determination or withdrawal of the appeal.

(6) Except where the Minister decides to allow an appeal unconditionally, the enforcement notice shall take effect from the date the appellant is given notice of the decision of the Minister.

(7) Any forfeiture by the competent authority of any security furnished under this section shall not prejudice the institution of proceedings against any person for any offence under this Act.

Offences of non-compliance with enforcement notice

30. —(1) Where there has been a failure to comply with any requirement of an enforcement

notice in relation to any land, the person who is served with the enforcement notice shall be guilty of an offence.

(2) Any person who —

(a) uses land in contravention of the enforcement notice after the requirements in the notice have been complied with; or

(b) carries out any works by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with the requirements in an enforcement notice, shall, notwithstanding the earlier compliance with the notice, be guilty of an offence.

(3) A person guilty of an offence under this section shall be liable on conviction —

(a) to a fine not exceeding \$200,000 or to imprisonment for a term not exceeding 12 months or to both; and

(b) in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part thereof during which the offence continues after conviction.

Execution and costs of works required by enforcement notice, etc.

31. —(1) Where —

(a) any requirement of an enforcement notice or an order under section 12 (5) is not complied with within the period allowed by the notice or order, as the case may be;

(b) any land is used in contravention of an enforcement notice after the requirements in the notice have been complied with; or

(c) any works have been carried out by way of reinstating or restoring buildings or works which have been demolished or altered in compliance with the requirements of an enforcement notice,

the competent authority may at any time enter the land and take any steps which are in his opinion necessary to secure compliance with the notice or order, as the case may be, including removing, detaining and disposing of any property or materials on the land.

(2) The costs or expenses incurred, directly or indirectly, by the competent authority in exercise of the powers conferred by subsection (1) shall be recoverable as a civil debt from any person served with the enforcement notice or order under section 12 (5), as the case may be, less such sums which are recoverable under section 32.

(3) The certificate of the competent authority stating the amounts of costs and expenses recoverable under subsection (2) shall be conclusive evidence of such amounts.

(4) The sums stated in the certificate of the competent authority under subsection (3) shall be secured as a first charge against the land and shall, subject and without prejudice to any other rights of the Government, prevail over all other estates and interests whenever created notwithstanding the provisions of any other written law relating to the registration of any interest or encumbrance over land.

Removal and sale of property and materials

32. —(1) Any property or materials removed and detained by the competent authority in the exercise of his powers under section 31 may be sold or otherwise disposed of unless a claim is made by the person to whom the property or materials belong within 2 weeks of the removal, in which case the property or materials may, subject to subsection (2), be returned to the person to whom they belong on such terms and conditions as the competent authority may impose.

(2) Any property or materials which have been removed and detained by the competent authority under section 31 shall not be returned to the person to whom they belong except upon the person having paid all the expenses incurred, directly or indirectly, by the competent authority in removing and detaining the property or materials or such part of those expenses as the competent authority determines.

(3) Where the competent authority sells any property or materials under subsection (1), the competent authority shall be entitled to deduct from the proceeds of the sale all or any of the

costs and expenses incurred, directly or indirectly, by the competent authority in respect of the removal, detention and sale of the property or materials and the balance, if any, shall be paid on demand to the person to whom the property or materials belong.

(4) Any proceeds of sale of property or materials under this section not claimed within 2 years of the sale shall be paid into the Consolidated Fund.

Injunctions

33. —(1) Where the competent authority considers it necessary or expedient for any actual or apprehended breach of this Act to be restrained by injunction, the competent authority may apply to the High Court for an injunction, whether or not he has exercised or is proposing to exercise any of his other powers under this Part.

(2) On an application under subsection (1), the High Court need not require from the competent authority any undertaking in damages.

(3) On an application under subsection (1), the High Court may grant such an injunction as the Court thinks appropriate for the purpose of restraining the breach.

Civil penalties

34. —(1) The competent authority may require a person to pay a penalty for the grant of any written permission for —

- (a) any development of land;
- (b) any works within a conservation area; or
- (c) any subdivision of land,

in respect of which there appears to the competent authority that an offence has been committed, whether or not proceedings have been instituted against any person for an offence under section 12.

(2) Such a penalty shall not exceed —

- (a) 50 times the fee prescribed for an application for planning permission, conservation permission or subdivision permission, as the case may be; or
- (b) \$150,000,

whichever is the lesser amount.

(3) The certificate of the competent authority as to the penalty to be imposed under this section shall be conclusive of the amount.

(4) No further proceedings shall be instituted or taken against any person for an offence under section 12 once the penalty has been paid.

PART V

Development Charges

Principles of development charge

35. —(1) Subject to the provisions of this Act, there shall be paid to the competent authority a tax known as a development charge in respect of every development of land authorised by any planning or conservation permission, except where the planning permission or conservation permission is granted for a specified period of 10 years or less.

(2) Subject to section 39, any development charge payable in respect of any development of land shall be the difference between the Development Baseline and the Development Ceiling for that land.

(3) Development Baseline and Development Ceiling have the meanings assigned to them in section 36 and shall be calculated in accordance with the prescribed method and rates.

Development Baseline and Development Ceiling

36. —(1) Subject to this section, the Development Baseline for any land shall be the value of one of the following developments which, when calculated in accordance with the prescribed method and rates, gives the highest figure:

(a) any development for which that land was allocated in the Master Plan as approved by the Governor in Council on 5th August 1958 under the provisions of Part IV of the Singapore Improvement Ordinance (Cap. 259, 1955 Ed.);

(b) any development for which that land was allocated in the Master Plan as the result of any alteration or addition made under section 6 (1) of the repealed Act prior to 24th April 1982; or

(c) any authorised development of that land which satisfies any one or more of the following criteria:

(i) development charge, where payable in respect of the authorised development, has been paid;

(ii) no development charge is payable in respect of the authorised development by reason of any exemption or remission under this Act or the repealed Act;

(iii) development charge is not payable in respect of the authorised development under the written law in force when the development was authorised.

(2) Notwithstanding subsection (1), where the value of any development referred to in subsection (1) (a) or (b) cannot be ascertained, the Development Baseline for the land concerned shall be determined without reference to any such development.

(3) Notwithstanding subsection (1) (c), any development of land, being a development in respect of which no development charge is payable by reason of any exemption or remission under this Act or the repealed Act, shall be disregarded for the purpose of determining the Development Baseline for the land if —

(a) any term of the exemption or remission provides that the development shall be disregarded for that purpose; or

(b) any term of the exemption or remission has ceased to be or is not complied with.

(3A) Notwithstanding subsection (1) (c), any development of land for use as a hotel or part of a hotel authorised by the grant of written permission by the competent authority under the repealed Act between 18th April 1968 and 31st December 1969 (both dates inclusive) on any prescribed land shall be disregarded for the purpose of determining the Development Baseline for the land if —

(a) the use of the development as a hotel or part of a hotel has ceased; or

(b) the application for planning permission or conservation permission being considered by the competent authority for the land is for development of the land for a use other than as a hotel.

(4) In determining the Development Baseline for any land, nothing in subsection (1) shall require any development of the land before the current zoning and previous zoning of the land took effect to be regarded; and “current zoning” shall mean the most recent zoning of the land as at the material date, and “previous zoning” shall mean the zoning of the same land immediately before the current zoning took effect.

(5) Notwithstanding subsections (1) to (4), where the Development Baseline for any land cannot be ascertained in accordance with those subsections, the Development Baseline for the land shall be deemed to be the value of the last development of the land before the material date, being a development which was authorised by any written permission granted under this Act or the repealed Act or by any written law for the time being in force.

(6) Notwithstanding subsections (1) to (5), where the Development Baseline for any land cannot be ascertained in accordance with those subsections, the competent authority may, with the prior approval of the Minister, assign the Development Baseline for that land.

(7) The Development Ceiling for any land shall be the total of the following when calculated in accordance with the prescribed method and rates:

(a) the value of the development of the land previously authorised and to be retained; and

(b) the value of the development of the land to be authorised by the written permission.

(7A) Notwithstanding anything in this Act, in determining both the Development Baseline and Development Ceiling for any land, any development of that land authorised by a written permission granted for a specified period not exceeding 10 years shall be disregarded.

(7B) For the purposes of subsection (7A) —

(a) the fact that the period specified for a written permission granted for a development may be extended by the competent authority shall not be taken into consideration in determining whether the written permission is granted for a specified period not exceeding 10 years; and

(b) where the competent authority extends the period for which a written permission is granted for a development, the extension shall be deemed to be a separate written permission granted for the period of the extension specified by the competent authority.

(8) In this section, unless the context otherwise requires —

"authorised" , in relation to any development of land, means any development of that land —

(a) authorised under this Act or the repealed Act; or

(b) effected or carried out pursuant to any written approval granted under any written law before 1st February 1960;

"material date" means the date when an application for planning permission or conservation permission is made and, in relation to subsection (4), an application to amend any such permission shall be disregarded;

"zoning" , in relation to any land, means the zoning or rezoning of the land pursuant to any amendment to the Master Plan under —

(a) section 6 (1) of the repealed Act before 24th April 1982; or

(b) section 6 (1) or (2) of the repealed Act or section 8 (1) or (2) of this Act in relation to any development referred to in subsection (1) (c).

Liability to pay development charge

37. —(1) Subject to subsection (4), the development charge (whether under an interim or final order) may, in the discretion of the competent authority, be levied on —

(a) the owner of the land with respect to which the planning permission or conservation permission is granted; or

(b) the person who applied for the relevant planning permission or conservation permission.

(2) That liability of the person on whom the development charge is levied shall continue notwithstanding any change in ownership of the land.

(3) Notwithstanding section 13 (2), the competent authority shall not grant any planning permission or conservation permission until the estimated amount of development charge payable under an interim order under section 38 (2) is either paid or secured to the satisfaction of the competent authority.

(4) Any outstanding amount of development charge shall be secured as a first charge against the land to which the relevant permission relates, and shall, subject to any other rights of the Government, prevail over all other estates and interests whenever created notwithstanding the provisions of any other written law relating to the registration of any interest or encumbrance over land.

Procedure for determination and payment of development charge

38. —(1) The competent authority shall determine whether a development charge is payable in respect of any proposed development of land and, if payable, the amount thereof.

(2) The competent authority may in the first instance estimate the amount of development charge payable in respect of any proposed development of land and issue an interim order requiring the payment of such estimated amount.

(3) The competent authority shall serve a copy of the interim order on the person liable for the payment of the development charge in accordance with section 37.

(4) Where an interim order is issued under subsection (2) in respect of any proposed development of land, the competent authority shall, within 12 months from the date of the grant of the planning permission or conservation permission for that proposed development, determine the actual amount of development charge payable and make a final order.

(5) If no final order is made at the end of the period allowed under subsection (4), the estimated amount shall be deemed to be the actual amount of development charge payable in respect of the proposed development and the interim order shall be deemed to be a final order.

(6) Any additional development charge payable under a final order issued under subsection (4) shall be paid within such time as the competent authority may specify in the final order.

(7) Where a final order issued under subsection (4) is for an amount lower than the amount in the interim order relating to the same proposed development, the competent authority shall refund the excess without interest to the person who paid the estimated amount under the interim order.

Alternative basis for determination of development charge

39. —(1) The Minister may limit the application of this section to proposed developments in respect of which the estimated amount of development charge payable under an interim order issued under section 38 (2) exceeds a prescribed sum.

(2) Any person who is dissatisfied with the estimated amount of any development charge specified in an interim order issued under section 38 (2) may, within 14 days of the interim order being served on him in accordance with section 38 (3), in writing request the competent authority to determine the development charge in accordance with this section.

(3) Where any person makes such a request under subsection (2) in respect of any proposed development of any land, the development charge payable for any planning permission or conservation permission in respect of the proposed development shall be a prescribed percentage of any appreciation in the value of the land arising from the grant of the relevant permission to develop the land.

(4) For the purposes of this section, the Chief Valuer or such other person as the Minister may appoint shall determine the amount of appreciation, if any, in the value of the land.

(5) The competent authority may by an interim order require the payment of an estimated amount of development charge to be determined in accordance with this section and the provisions of section 38 (2) and (3) shall apply, with the necessary modifications, to an interim order under this subsection.

(6) Where an interim order is issued under subsection (5) in respect of any proposed development of land, the competent authority shall, within 12 months from the date of the grant of planning permission or conservation permission for that proposed development, determine the actual amount of development charge payable in accordance with this section and make a final order; and the provisions of section 38 (5) to (7) shall apply, with the necessary modifications, to such interim order and final order.

(7) Where a person liable to pay any development charge under this section is dissatisfied with —

(a) the interim order under subsection (5);

(b) the final order under subsection (6); or

(c) the interim order deemed final pursuant to subsection (6),

he may, within 30 days of the interim order or the final order under this section, or if no final order is made, after the expiry of the time allowed under subsection (6) for a final order to be made, appeal to the Minister whose decision shall be final.

(8) A person who appeals to the Minister against an interim order under this section may nevertheless pay the estimated development charge under the interim order pending the outcome of his appeal and, upon the grant of the relevant written permission, may proceed with the development or works, but such payment shall be without prejudice to his appeal.

(9) No person may appeal under subsection (7) unless he has paid the prescribed fee for the appeal.

Remission of development charge

39A. The Minister may, in his discretion and subject to such terms and conditions as he may determine, remit, wholly or in part, the development charge payable by any person if he is satisfied that it is just and equitable to do so.

Power to make rules relating to development charge

40. —(1) The Minister may make rules for giving effect to this Part and for any matter which is required under this Part to be prescribed and, in particular, for or with respect to all or any of the following matters:

(a) the different rates and methods of calculation of development charge;

(b) exempting any particular development or class of developments from being the subject of any development charge;

(c) the procedure for an application to the competent authority to determine the amount of any development charge;

(d) the deferment of liability to pay development charge; and

(e) the refund, wholly or in part, of the development charge paid by any person.

(2) *Deleted by Act 30/2003, wef 10/12/2003.*

PART VA

Temporary Development Levy

Temporary development levy

40A. —(1) Subject to the provisions of this Part, there shall be paid to the competent authority a tax known as a temporary development levy in respect of every development of land authorised by any planning permission or conservation permission granted for a specified period of 10 years or less.

(2) Subject to subsection (3), the temporary development levy shall only be payable if the Development Ceiling for the land exceeds the Development Baseline.

(3) The temporary development levy payable shall be calculated in accordance with the prescribed methods and rates.

(4) For the purposes of this section, where the competent authority extends the period for which a planning permission or conservation permission referred to in subsection (1) is granted, the extension shall be deemed to be a separate planning permission or conservation permission for the period of the extension specified by the competent authority.

(5) In this Part —

"Development Baseline" shall have the same meaning as in Part V;

"Development Ceiling" shall have the same meaning as in Part V except that the development referred to in section 36 (7) (b) shall, notwithstanding any provision to the contrary in section 36, be deemed to refer to the development of the land to be authorised by a temporary permission;

"temporary permission" means a planning permission or conservation permission granted for a specified period of 10 years or less.

Liability to pay temporary development levy

40B. —(1) The competent authority shall determine whether a temporary development levy is payable in respect of any proposed development of land to be authorised by a temporary permission and, if payable, the amount thereof.

(2) The competent authority shall issue and serve a notice requiring the payment of the amount of temporary development levy on the person liable for the payment in accordance with subsection (3).

(3) The competent authority may, in his discretion, impose the temporary development levy on —

(a) the owner of the land with respect to which a temporary permission is to be granted; or

(b) the person who applied for the temporary permission.

(4) The liability of the person on whom the temporary development levy is imposed shall continue notwithstanding any change in ownership of the land.

(5) Notwithstanding section 13 (2), the competent authority shall not grant any temporary permission until the temporary development levy payable under a notice under subsection (2) is paid to the competent authority.

(6) Notwithstanding the provisions of any other written law relating to the registration of any interest or encumbrance over land, any outstanding amount of temporary development levy shall be secured as a first charge against the land to which the temporary permission relates and shall, subject to any other rights of the Government, prevail over all other estates and interests whenever created.

Remission of temporary development levy

40C. The Minister may, in his discretion and subject to such terms and conditions as he may determine, remit, wholly or in part, the temporary development levy payable by any person if he is satisfied that it is just and equitable to do so.

Power to make rules relating to temporary development levy

40D. The Minister may make rules to give effect to this Part and for any matter which is required under this Part to be prescribed and, in particular, for or with respect to all or any of the following matters:

- (a) the different rates and methods of calculation of the temporary development levy;
- (b) exempting any particular development or class of developments from being the subject of any temporary development levy;
- (c) the deferment of liability to pay any temporary development levy; and
- (d) the refund, wholly or in part, of the temporary development levy paid by any person.

PART VI

Recovery Of Moneys

Recovery of money

41. —(1) Any sum payable to the competent authority under this Act may be recoverable by him by action as a civil debt.

(2) No proceedings for the recovery of any money payable under this Act shall be quashed or set aside in any court for want of form or procedure.

Proceedings for recovery of money due

42. —(1) Unless otherwise expressly provided in this Act, the competent authority has and may exercise the following additional powers for the purpose of recovering any money due under this Act:

(a) the competent authority may issue a warrant of attachment and may seize by virtue thereof any movable property and crops of any person liable to pay any sum due, and may, after service of the prescribed notice, sell the same by public auction or in such manner as may be prescribed; and

(b) the competent authority may, by notice of sale to be served or published in the prescribed manner, declare his intention of selling, at the expiration of 3 months from the date of the notice of sale, any land belonging to the person from whom any sum is due and, if at the expiration of that period, that sum has not been paid or satisfied, the competent authority may sell, by public auction or otherwise, the whole of that land or such portion thereof or such interest therein as he considers sufficient for the recovery of that sum and costs.

(2) Notwithstanding subsection (1), the competent authority shall not proceed under subsection (1) (b) and sell the land of any person from whom any sum is due, or any portion thereof or interest therein, where there is upon the land and liable to be seized and sold under subsection (1) (a) movable property or crops belonging to that person of a value estimated by the competent authority to be sufficient to realise the sum required to satisfy the money due and costs.

(3) Any tenant, sub-tenant or occupier who, in order to avoid the seizure or sale of the land for non-payment of any sum due from the owner of the land, pays that sum 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 land or such part thereof as is held or occupied by him, and may retain possession thereof until that amount has been fully reimbursed to him whether by deduction from the rent or otherwise.

(4) Any tenant or sub-tenant who has 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 the sub-tenant or occupier has a similar right to retain possession until similarly reimbursed.

(5) The receipt of the competent authority or of any duly authorised officer for any amount so paid by any such tenant, sub-tenant or occupier shall be deemed to be an acquittance in full for the like amount of the rent.

(6) If any land belonging to a person from whom any sum is due, or any movable property or crops that are mentioned in subsection (1) (a) or the proceeds of sale of that movable property or crops, is or are already in the custody of the law under any process of execution whereby the competent authority is unable to exercise the powers vested in him by this section, the competent authority may notify the sheriff or the bailiff of the court concerned of the amount due, and he shall be entitled, without obtaining judgment, to be paid that amount out of the

proceeds of sale of the land, movable property or crops in priority to the judgment debtor and to the judgment creditor and to any other creditor, except the Government.

(7) A certificate from the competent authority shall be conclusive evidence of the amount of any sum that may be due.

Attachment

43. —(1) The attachment mentioned in section 42 (1) (a) may be made by a person appointed for the purpose by the competent authority and that person shall publicly notify the attachment in the prescribed manner and shall take an inventory of the property attached.

(2) For the purpose of effecting the attachment, the person appointed under subsection (1) may break into any house or building in the day time.

(3) The person appointed under subsection (1) shall be deemed to be a public servant within the meaning of the Penal Code (Cap. 224).

Application of proceeds

44. —(1) The proceeds of a sale under section 42 (1) shall be applied in the first place in satisfaction of the sum due together with interest thereon at the rate of 9% per annum and costs.

(2) In the event of there being any surplus remaining, the competent authority shall, if satisfied as to the right of any person claiming the surplus, pay the surplus to that person or, if not so satisfied, shall hold the surplus in trust for the person who ultimately succeeds in due course of law in establishing his title thereto.

(3) If no title is established to that surplus at the end of 5 years after the date of the sale under section 42 (1), the surplus shall be paid into the Consolidated Fund.

Title conferred upon purchaser at a sale under section 42

45. —(1) The purchaser at a sale under section 42 (1) (b) shall be deemed to have acquired the right or property 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 competent authority at the time of the sale.

(2) The competent authority shall, by notification in the *Gazette*, notify the result of the sale and the conveyance or transfer to the purchaser of the right or property offered for sale.

Costs of proceedings for recovery of sum due

46. All costs and expenses incurred in the recovery of any sum due under this Act may be recovered as if they formed part of the sum due.

Power to stop sale

47. If any person, having any interest in any land liable to be sold at any time before the sale, tenders to the competent authority the sum due with interest and costs, the competent authority shall thereupon desist from all further proceedings in respect thereof.

Application to court

48. —(1) If any person whose movable property, crops or land has been attached or offered for sale under section 42 or 43 disputes the attachment or sale, he may apply to the High Court or, when the sum due does not exceed \$1,000, to a District Court for an order to stay the proceedings.

(2) After hearing the competent authority and after making such further inquiry as is necessary, the court shall make such order as it thinks fit.

Security to be given

49. No application shall be entertained by the court under section 48 unless the applicant has deposited in court the amount of the sum due and costs or has given security for that sum to the satisfaction of the court.

PART VII

Miscellaneous

Determination of development charge, etc., not to be rendered invalid for want of form

50. So long as the provisions of this Act are substantially complied with, no determination of a development charge or any other sum due under this Act, and no seizure or sale shall be rendered invalid by reason of any mistake in —

- (a) the name of any person liable to pay the development charge or other sum due;
- (b) the description of any land with respect to which the development charge or other sum due is payable; or
- (c) the amount of the development charge or other sum due or the mode of seizure and sale.

Authentication of documents

51. —(1) Any document which —

- (a) purports to bear the signature or facsimile signature of the competent authority or an officer authorised under section 5 (2); or
 - (b) is or purports to be authenticated in such other manner as may be prescribed, shall be deemed, until the contrary is proved, to have been duly prepared, issued or served by the competent authority.
- (2) In any proceedings under this Act, the contents of any such document shall be presumed to be correct until the contrary is proved.

Service of documents

52. —(1) Without prejudice to subsection (2), any notice or other document required or authorised to be served or given under this Act, and every summons issued by a court in connection with any offence under this Act, may be served or given —

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given;
- (b) by leaving it at the usual or last known place of residence of that person or, in a case where an address for service has been given by that person, at that address;
- (c) by sending it by registered post addressed to that person at his usual or last known place of residence or, in the case where an address for service has been given by that person, at that address;
- (d) in the case of an incorporated company or body, by delivering it to the registered or principal office of the company or body, or by sending it by registered post addressed to the company or body at that office; or
- (e) in the case of an unincorporated body, by delivering it to the registered address of the unincorporated body or by sending it by registered post to the unincorporated body at that address.

(2) Where the notice or document is required to be served on or given to a person who is the occupier of any premises comprised in any land, the notice or document shall be taken to be duly served on that person if it is addressed to that person and is affixed conspicuously to some object on the land.

(3) Any notice, document or summons sent by registered post to a person, company or body in accordance with subsection (1) shall be deemed to be duly served on or given to that person, company or body at the time when it would, in the ordinary course of post, be delivered and in proving service of the same it shall be sufficient to prove that the envelope containing the notice, document or summons was properly addressed to that person, company or body, stamped and posted by registered post.

Exemption

53. The Minister may, from time to time, by notification in the Gazette, exempt any land or

lands either generally or for a specified period from the operation of all or any of the provisions of this Act.

Exclusion of liability

54. Where the competent authority furnishes information of any provision or content of the Master Plan or any entry in the records kept by the competent authority under section 23 to any person in any manner or form whatsoever, the competent authority and any officer authorised under section 5 (2) shall not be liable for any loss or damage suffered by that person or any other person by reasons of errors or omissions of whatever nature or however caused if such information was furnished in good faith and in the ordinary course of the discharge of the duties of the competent authority or the officer concerned as a delegate of the competent authority.

Protection from liability

55. No matter or thing done or omitted to be done by the competent authority or by any officer authorised under section 5 (2) shall subject him or such person personally to any action, liability, claim or demand whatsoever if it were done or omitted to be done bona fide for the purpose of carrying out the provisions of this Act.

Power of Magistrate's Court and District Court

56. Notwithstanding the provisions of the Criminal Procedure Code (Cap. 68), a Magistrate's Court or a District Court shall have powers to impose the maximum penalties provided for an offence under this Act.

Composition of offences

57. —(1) The competent authority may, in his discretion, compound any offence under this Act or any rules made thereunder which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

(2) The Minister may make rules to prescribe the offences which may be compounded.

Offences by officers, etc., of bodies corporate

58. Where an offence under this Act has been committed by a body corporate, a partnership or unincorporated association of persons, any person who, at the time of the commission of the offence, was a director, manager, partner, secretary or other similar officer thereof, or was purporting to act in any such capacity, shall also be guilty of that offence unless he proves that —

(a) the offence was committed without his consent or connivance; and

(b) he exercised all such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

Correction of errors in register

59. —(1) The competent authority may at any time —

(a) correct any erroneous entry in any record, register, plan or document required to be kept or maintained under this Act; or

(b) add to the record, register, plan or document any matter which has been erroneously omitted.

(2) Any correction shall be made in such manner as to leave the erroneous matter cancelled and the correct entry clearly legible.

(3) The competent authority shall indicate the date on which any correction or addition is made to the record, register, plan or document.

Charges, fees and penalties to be paid into Consolidated Fund

60. —(1) There shall be paid into the Consolidated Fund —

(a) all development charges collected by the competent authority under this Act; and

(b) subject to any agreement made between the Minister and any statutory authority referred to in section 5 (3) and to any direction of the Minister, all fines, fees, charges and other moneys collected under this Act.

(2) No agreement or direction under subsection (1) shall apply to any fees, charges or other moneys which are expressly required by any provision of this Act to be paid into the Consolidated Fund.

Amendment of Schedules

60A. —(1) The Minister may at any time, by order published in the *Gazette*, amend the Schedules.

(2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provisions as may be necessary or expedient.

(3) Any order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Rules

61. —(1) The Minister may make rules generally to give effect to the provisions of this Act and for prescribing anything that is to be prescribed.

(2) Without prejudice to the generality of subsection (1), the Minister may by such rules provide for —

(a) the development of land;

(b) the control of density of buildings on land;

(c) the regulation of the height, design, appearance and siting of buildings;

(d) the control of means of access to land or buildings;

(e) the protection of ancient monuments and land and buildings of historic or architectural interest;

(f) the conservation of buildings, premises or land;

(g) the form and manner in which applications for planning permission, conservation permission or subdivision permission shall be made;

(h) the manner in which the competent authority shall deal with applications for planning permission, conservation permission and subdivision permission;

(i) the fees or charges to be paid for any matter or thing done by the competent authority or the Minister under this Act;

(j) the payment of a deposit by any person applying for planning permission, conservation permission or subdivision permission and the circumstances under which such deposit may be forfeited by the competent authority;

(k) the manner in which appeals may be made and determined under this Act and the information to be supplied by the competent authority in connection therewith;

(l) the requirements to be complied with for an application for planning permission, conservation permission or subdivision permission;

(m) the types of applications for planning permission, conservation permission or subdivision permission which shall be accompanied by such certificates or declarations of an appropriate qualified person on such matters as may be specified by the competent authority in relation to the application;

(n) the circumstances under which the competent authority may not accept a qualified person's certificate or declaration for the purpose of the requirement referred to in paragraph (m);

(o) the duties, responsibilities and liabilities of a qualified person in relation to the certificate or declaration referred to in paragraph (m);

(p) the circumstances under which a qualified person's certificate or declaration may not be lodged with or submitted to the competent authority as being in satisfaction of any requirement or condition specified in any notification made under section 21 (6); and

(q) the duties, responsibilities and liabilities of a qualified person in relation to the certificate or declaration made by him and lodged with or submitted to the competent authority in satisfaction of any requirement or condition specified in any notification made under section 21 (6).

(3) Rules relating to the making of applications and appeals, to the notification of decisions thereon and to the granting of written permissions may allow or require the application, appeal, notification or other information to be made and transmitted by such electronic means and in such manner as may be prescribed, and may provide for the manner in which they are to be authenticated or certified.

(3A) The Minister may, in making any rules under this Act, provide that any contravention of any rule shall be an offence and may prescribe punishment by a fine not exceeding \$20,000 or imprisonment for a term not exceeding 6 months or both.

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

PART VIII

Transitional And Saving Provisions

Transitional and saving provisions

62. —(1) Any permission, approval, decision, notice, warrant, order or other document prepared, made, granted, issued, and any act or thing done or given, under or pursuant to the repealed Act and valid immediately prior to 1st April 1998 shall be deemed to have been prepared, made, granted, issued, done or given under or pursuant to the corresponding provision of this Act and shall continue to have effect accordingly.

(2) Any map, plan, record or register prepared, made or kept under or pursuant to the repealed Act shall be deemed to have been prepared, made or kept under or pursuant to the corresponding provision of this Act and shall continue to have effect accordingly.

(3) All conservation guidelines made or deemed to have been made by the conservation authority under the repealed Act shall be deemed to have been made by the competent authority under section 11.

(4) Any order made or issued by the competent authority determining the development charge payable under section 33 (1) or (3) of the repealed Act shall, if made or issued within the period of 12 months immediately prior to 1st April 1998, be deemed to be an interim order made by the competent authority under section 38 or 39, respectively, for the estimated amount of development charge payable, and the provisions of sections 38 and 39 shall apply to such order accordingly.

(5) Subject to the Constitution, any breach, contravention or non-compliance of the repealed Act shall be deemed to be a breach, contravention or non-compliance of the corresponding provision of this Act and the powers conferred on the competent authority by this Act may be exercised in respect of such breach, contravention or non-compliance.

(6) Any enforcement process or proceedings commenced or pending immediately prior to 1st April 1998 in connection with any breach, contravention or non-compliance of or under the repealed Act may be continued and disposed of under the repealed Act as if this Act has not been passed.

(7) Any application for permission made to the competent authority under section 10 or 13 of the repealed Act and any appeal made to the Minister under section 16 or 17 of the repealed Act which is pending immediately before 1st April 1998 shall be deemed to have been made and shall be dealt with under the corresponding provisions of this Act.

(8) Any reference in any written law to the repealed Act or any provision thereof shall, as from 1st April 1998, be a reference to this Act or the corresponding provision of this Act.

(9) Any reference in any written law or document to the planning functions of the Singapore Improvement Trust shall be construed as a reference to the planning functions of the competent authority.

FIRST SCHEDULE

Section 2

QUALIFIED PERSONS

1. Any person who is registered as an architect under the Architects Act (Cap. 12) and who has in force a practising certificate issued under that Act.
2. Any person who is registered as a professional engineer under the Professional Engineers Act (Cap. 253) and who has in force a practising certificate issued under that Act.
3. Any person who is registered as a land surveyor under the Land Surveyors Act (Cap. 156) and who has in force a practising certificate issued under that Act.

SECOND SCHEDULE

Section 3(3)(i)

USES

Section 3 (3) (i) applies to any building or buildings or part of a building which is or are approved or authorised to be used for any of the following uses:

- (a) boarding house;
- (b) hotel;
- (c) serviced apartments;
- (d) student hostel;
- (e) place of worship;
- (f) workers' dormitory ;
- (g) industrial retail building;
- (h) warehouse retail building.

THIRD SCHEDULE

Section 4

PART I

Section 4 (2) (*a*) applies to any development which is or is to be lawfully used for any of the following uses:

- (a) condominium;
- (b) townhouse;
- (c) cluster housing;
- (d) strata — bungalow;
- (e) residential flat.

PART II

Section 4 (2) (*b*) applies to any development which is or is to be lawfully used for any of the following uses:

- (a) flatted factories;
- (b) flatted warehouse;
- (c) office;
- (d) shopping;
- (e) any combination of office, shopping and residential flat uses.

