

Land Acquisition (Amendment) Bill

Bill No. 5/2007.

Read the first time on 12th February 2007.

A BILL

intituled

An Act to amend the Land Acquisition Act (Chapter 152 of the 1985 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Land Acquisition (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 **Amendment of section 2**

2. Section 2 of the Land Acquisition Act (referred to in this Act as the principal Act) is amended —

- 10 (a) by deleting the words “or a statutory tenant under the Control of Rent Act” in the definition of “person interested” in subsection (1);
- (b) by deleting the marginal reference “Cap. 58.” in the definition of “person interested” in subsection (1);
- (c) by inserting, at the end of subsection (2)(a), the word “and”; and
- (d) by deleting paragraph (b) of subsection (2).

15 **Amendment of section 3**

3. Section 3(1) of the principal Act is amended by deleting the words “his servants and workmen” and substituting the words “any person authorised in writing by that officer”.

Amendment of section 4

20 4. Section 4(1) of the principal Act is amended by inserting, immediately after the words “that section”, the words “or person authorised in writing by that officer”.

Repeal and re-enactment of section 7

25 5. Section 7 of the principal Act is repealed and the following section substituted therefor:

“Plan of land to be acquired

30 7.—(1) Where less than the whole of any land in which a person is interested is to be acquired, and there is no plan sufficient to identify the part of the land to be acquired from the records of the Registry of Deeds or the Land Titles Registry of the Singapore Land Authority, the Collector shall, so far as is practicable, prepare a plan that is sufficient to identify the part of the land to be acquired from the

records of the Registry of Deeds or the Land Titles Registry, as the case may be.

(2) Subsection (1) shall not apply if the part of the land to be acquired has already been marked out under section 3.”.

5 **Amendment of section 8**

6. Section 8 of the principal Act is amended —

(a) by deleting subsection (2) and substituting the following subsection:

10 “(2) The Collector shall also serve notice to the same effect on —

(a) every person known or believed to be interested in the land and who —

(i) is resident within Singapore; or

15 (ii) is resident outside Singapore at an address that is ascertainable after reasonable inquiry; or

(b) any person known or believed to be entitled to act for a person so interested and who —

20 (i) resides, or is authorised to receive service on behalf of the person so interested, within Singapore; or

(ii) resides, or is authorised to receive service on behalf of the person so interested, outside Singapore at an address that is ascertainable after reasonable inquiry.”; and

25 (b) by deleting the word “made” in subsection (3)(b)(ii) and substituting the words “in any plan prepared”.

Amendment of section 10

30 **7.** Section 10(1) of the principal Act is amended by deleting the words “to the measurements made under section 7” and substituting the words “to any plan prepared under section 7 (if any)”.

Amendment of section 18

8. Section 18 of the principal Act is amended by deleting the words “section 126(2) of that Act, an instrument of acquisition in the prescribed form” in the 3rd and 4th lines of paragraph (b) and substituting the words
5 “section 143(2) of that Act, an instrument of acquisition”.

Amendment of section 23

9. Section 23 of the principal Act is amended —

- (a) by deleting the words “in quintuplicate” in subsection (1)(a) and (c) and substituting in each case the words “in duplicate”;
- 10 (b) by deleting the words “the deposit” in subsection (1)(b) and substituting the words “the Collector to deposit”; and
- (c) by inserting, immediately after the word “Accountant-General” in the 5th line of subsection (3), the words “, if not waived by the Collector,”.

Amendment of section 33

10. Section 33 of the principal Act is amended —

- (a) by deleting the words “, subject to subsections (2), (3) and (4),” in subsection (1);
- (b) by deleting paragraph (a) of subsection (1) and substituting the
20 following paragraph:
 - “(a) where the date of acquisition of the land is on or after 12th February 2007, the market value of the acquired land —
 - (i) as at the date of the publication of the notification
25 under section 3(1) if the notification is, within 6 months from the date of its publication, followed by a declaration made under section 5 in respect of the same land or part thereof; or
 - (ii) as at the date of the publication of the declaration
30 made under section 5, in any other case;”;
- (c) by deleting subsections (2), (3) and (4);
- (d) by deleting paragraphs (a), (c) and (f) of subsection (5);

- (e) by deleting the words “be expected to pay for the land on the basis of its existing use or in anticipation of the continued use of the land for the purpose designated in the Development Baseline referred to in section 36 of the Planning Act 1998, whichever is the lower, after taking into account the zoning and density requirements and any other restrictions imposed under the Planning Act 1998” in the 3rd to 10th lines of subsection (5)(e) and substituting the words “be willing to pay, after taking into account the zoning and density requirements and any other restrictions imposed by or under the Planning Act (Cap. 232) as at the date of acquisition”; and
- (f) by deleting the words “more intensive use; and” in the last line of subsection (5)(e) and substituting the words “use more intensive than that permitted by or under the Planning Act as at the date of acquisition.”.

Repeal and re-enactment of sections 45 and 46

11. Sections 45 and 46 of the principal Act are repealed and the following sections substituted therefor:

“Service of documents

- 45.—(1) A notice or other document required or authorised by this Act to be served on any person may be served —
- (a) in the case of an individual —
- (i) by delivering it to the individual personally;
 - (ii) by leaving it with an adult person apparently resident at, or by sending it by pre-paid registered post to, the usual or last known address of the place of residence of the individual;
 - (iii) by leaving it with an adult person apparently employed at, or by sending it by pre-paid registered post to, the usual or last known address of the place of business of the individual;
 - (iv) by sending it by facsimile transmission to the usual or last known address of the place of residence or business of the individual; or

(v) by affixing a copy of the notice in a conspicuous place at the usual or last known address of residence or business of the individual;

5 (b) in the case of a partnership other than a limited liability partnership —

(i) by delivering it to any one of the partners or the secretary or other like officer of the partnership; or

10 (ii) by leaving it at, or by sending it by pre-paid registered post or facsimile transmission to, the principal or last known place of business of the partnership in Singapore;

(c) in the case of a body corporate that is a management corporation or subsidiary management corporation for a strata title plan —

15 (i) by delivering it to the chairman, secretary or other member of the council of the management corporation or the executive committee of the subsidiary management corporation, as the case may be; or

20 (ii) by leaving it at, or by sending it by pre-paid registered post or facsimile transmission to, the address of the management corporation or subsidiary management corporation, as recorded on the folio of the land-register comprising the strata title plan; or

25 (d) in the case of any limited liability partnership or any other body corporate —

(i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof; or

30 (ii) by leaving it at, or by sending it by pre-paid registered post or facsimile transmission to, the registered office or principal office of the limited liability partnership or body corporate in Singapore.

35 (2) If the Collector is unable after due inquiry to ascertain the whereabouts of any person on whom a notice or other document is required by this Act to serve, the notice or document may be given or served —

(a) by placing it on a board or other structure in a conspicuous place on the land to which the notice relates and by fixing a copy of the same notice or document in a conspicuous place in the office of the Collector; or

5 (b) by publishing a copy of it in one or more daily local newspapers circulating in Singapore.

(3) Where any notice or other document is —

10 (a) sent by a facsimile transmission in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed when there is an acknowledgment by electronic or other means to the effect that the notice or document has been received at the place of residence or business or registered office or principal office, as the case may be;

15 (b) sent by pre-paid registered post, it shall be deemed to have been duly served on the person to whom it is addressed 2 days after the day the notice or document was posted, unless it is returned undelivered; or

20 (c) served by publishing a copy of it in one or more daily local newspapers circulating in Singapore, it shall be deemed to have been duly served on the person to whom it is addressed on the day of the last publication.

(4) This section shall not apply to notices and documents required to be served in proceedings in court.

25 **Penalty for obstructing survey, etc., or destroying landmarks**

46.—(1) Any person who —

(a) obstructs any officer, or any duly authorised person, in the performance of any thing which the officer or person is by section 3 or 7 required or empowered to do; or

30 (b) wilfully, without reasonable excuse, fills up, removes, damages, destroys, displaces, obliterates or defaces any trench or mark made under section 3,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding
35 one month or to both.

(2) A court that finds a person guilty of an offence under subsection (1)(b) may, in addition to any penalty it imposes, order the person to pay compensation, totalling not more than 3 times the cost of replacing and repairing the trench or mark and of making any survey rendered necessary by the act for which the person was convicted.

(3) The amount mentioned in subsection (1) shall be levied in the manner provided by the Criminal Procedure Code (Cap. 68) for the collection of fines.”.

Transitional and savings provisions

10 **12.**—(1) Except as otherwise provided in subsection (2), the provisions of this Act shall not apply to any land in respect of which a notification under section 5 of the principal Act has been published before 12th February 2007; and that land shall be dealt with in accordance with the principal Act as if this Act had not been enacted.

15 (2) Section 9 of this Act shall apply to any pending proceeding before an Appeals Board that relates to any land in respect of which a notification under section 5 of the principal Act has been published before the date of commencement of section 9.

EXPLANATORY STATEMENT

This Bill seeks to amend the Land Acquisition Act (Cap. 152) for the following purposes:

- (a) to abolish the use of a statutory date in determining the basic compensation for land that is compulsorily acquired on or after 12th February 2007 and to provide that the basic compensation will instead be the market value of the land as at the date of its acquisition; and
- (b) to make improvements and establish new procedures for the compulsory acquisition of land to simplify the acquisition process.

Clause 1 relates to the short title and commencement.

Clause 2 amends the definition of “person interested” in section 2(1) by deleting the redundant reference therein to statutory tenants under the repealed Control of Rent Act (Cap. 58, 1985 Ed.).

Clauses 3 and 4 amend sections 3(1) and 4(1), respectively, to allow the officer authorised by the Minister to enter upon and survey any land declared as likely to be needed for any purpose to do so with other authorised persons, and for compensation to

be payable where any damage is done in such an entry by any such officer or person, respectively.

Clause 5 repeals and re-enacts section 7 to provide that the duty of the Collector of Land Revenue (the Collector) to prepare a plan of the land to be acquired applies only where less than the whole of any land parcel is to be taken. A plan is not necessary where the whole of any land parcel is to be acquired because a plan of the whole parcel and its dimensions will be readily available from the records of the Registry of Deeds or the Land Titles Registry of the Singapore Land Authority. Where part of a land parcel is to be acquired, then unless the part of land to be acquired had been earlier marked out under section 3, the Collector must, so far as is practicable, prepare a plan sufficient to identify the part of the land to be acquired from the records of the Registry of Deeds or the Land Titles Registry, as the case may be, if no such plan exists.

Clause 6 amends section 8(2) so that the mode of service for notices under the section is governed by the new section 45. The clause also amends section 8(3)(b)(ii) as a consequence of the amendments made by clause 5.

Clause 7 amends section 10(1) as a consequence of the amendments made by clause 5.

Clause 8 amends section 18(b) to update the cross-reference therein to the Land Titles Act (Cap. 157).

Clause 9 amends section 23 in connection with the procedure when appealing to an Appeals Board against the Collector's award of compensation. The written notice of appeal and petition of appeal may now be filed in duplicate, instead of the 5 copies required presently.

Clause 10 makes several amendments to section 33 in relation to the compensation for land acquired under the Act. The first amendment is to change the basic compensation for land acquired on or after 12th February 2007 to the market value as at either —

- (a) the date of publication of the notification under section 3(1) if the notification is, within 6 months from the date thereof, followed by a declaration made under section 5 in respect of the same land or part thereof; or
- (b) in any other case, the date of the publication of the declaration made under section 5 in respect of that land.

The compensation for land acquired before 12th February 2007 will continue to be governed by the existing law (see clause 12).

However, the market value of the acquired land cannot exceed the price which a bona fide purchaser might reasonably be willing to pay for the land. The market value of the land is to be arrived having regard (but not only) to the zoning and density requirements and any other restrictions imposed by or under the Planning Act (Cap. 232) at the date of acquisition, and any restrictive covenants in the title of the acquired land. However, no account is to be taken of any potential value of the land for

any other use more intensive than what is permissible by or under the Planning Act (Cap. 232) as at the date of its acquisition.

Section 33 is also amended so that when assessing the market value of acquired land, it will no longer be prohibited to take into account any increase in value arising from any improvement to the land within 2 years before the date the land is declared to be required for a public purpose, or from development in the neighbourhood by the provision of roads, drains, electricity, water, gas or sewerage or social, educational or recreational facilities within 7 years preceding that date.

Finally, the clause also abolishes the special compensation provisions in section 33 for acquired land which is used as a burial ground and acquired land that is devastated or affected, directly or indirectly, by fire, explosion, thunderbolt, earthquake, storm, tempest, flood or any act of God. Such land, if acquired, will be assessed no differently from other acquired land.

Clause 11 repeals and re-enacts section 45 relating to service of documents. Two new modes of service are prescribed. The first is service by facsimile transmission and the other is service by publishing the notice in one or more daily local newspapers. The latter mode is to be employed where the whereabouts of the person to whom the notice is addressed is not known.

The clause also repeals and re-enacts section 46 (relating to obstruction of surveys and damaging of landmarks) for the purpose of raising the penalty. The revised penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding one month or both. A court that finds a person guilty of the offence of wilfully filling up, destroying, displacing, defacing, obliterating, removing or damaging, without reasonable excuse, any trench or mark made under section 3 may, in addition to any penalty it imposes, order the person to pay compensation, totalling not more than 3 times the cost of replacing and repairing the trench or mark and of making any survey rendered necessary by the act for which the person was convicted.

Clause 12 is a transitional and savings provisions that provides that the amendments do not apply to any land which has been declared in a notification under section 5 of the Act that is published in the *Gazette* before 12th February 2007. However, the amendments in clause 9 relating to proceedings before the Appeals Boards will apply to proceedings pending before these Boards since the revised procedure is more efficient.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
