

# **Land Acquisition (Amendment) Bill**

---

---

**Bill No. 7/2015.**

*Read the first time on 12 February 2015.*

A BILL

*intituled*

An Act to amend the Land Acquisition Act (Chapter 152 of the 1985 Revised Edition) to facilitate compulsory acquisition of stratum of airspace above or subterranean space below the surface of land, and to make related amendments to certain other written laws for that purpose.

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 2015 and comes into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of section 2

2. Section 2(1) of the Land Acquisition Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the words “includes any” in the definition of “land”, the words “airspace, subterranean space,”;

(b) by inserting, immediately after the definition of “person interested”, the following definitions:

““remaining surface land” means any land (and airspace) above which only the airspace, or any land (and subsoil) below which only the subterranean space, is or has been acquired under this Act;

“severed land”, for an owner of land, means any land remaining after any other part of the owner’s land is severed because of an acquisition under this Act;

“State title” means any grant, any grant in fee simple or estate in perpetuity, or any State lease (of whatever tenure) whenever issued or granted by or on behalf of the Crown, the State or the East India Company;”; and

(c) by deleting the full-stop at the end of the definitions of “strata title plan” and “subsidiary proprietor” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““subterranean space” means the subsoil below the surface of the earth;

“temporarily occupied land” means any land temporary possession of which is or has been taken in accordance with a direction under section 42.”.

### **Amendment of section 5**

5

3. Section 5 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

“(1A) Without prejudice to the generality of subsection (1), the President may under that subsection declare that only so much of airspace above the surface of any land, or only so much of subterranean space below the surface of any land, is needed for any purpose specified in that subsection, instead of the whole of the land.”.

10

### **Amendment of section 33**

4. Section 33 of the principal Act is amended —

15

(a) by inserting, immediately after subsection (1), the following subsection:

“(1A) However, where only airspace above the surface of any land, or only subterranean space below the surface of any land, is acquired, then despite subsection (1), the Board must take into consideration the following matters, and no others, in determining the compensation to be awarded for the airspace or subterranean space acquired:

20

(a) the market value of the airspace or subterranean space acquired —

25

(i) as at the date of the publication of the notification 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 airspace or subterranean space (as the case may be) or part thereof; or

30

(ii) as at the date of the publication of the declaration made under section 5, in any other case;

5 (b) any increase in the value of any other land (such as contiguous, adjacent or surface land, as the case may be) of the person interested likely to accrue from the use to which the airspace or subterranean space acquired will be put;

10 (c) the damage, if any, sustained by the person interested at the time of the Collector's taking of possession of the land by reason of severing that airspace or subterranean space from his other land (such as contiguous, adjacent or surface land, as the case may be);

15 (d) the damage, if any, sustained by the person interested at the time of the Collector's taking of possession of the airspace or subterranean space (as the case may be) by reason of the acquisition injuriously affecting his other property, whether movable or immovable, in any other manner;

20

(e) if, in consequence of the acquisition, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to that change;

25 (f) if, in consequence of the acquisition, any reissue of title is necessary, the fees or costs relating to survey, issue and registration of title, stamp duty and such other costs or fees which may reasonably be incurred.”;

30 (b) by inserting, immediately after the words “subsection (1)(c) or (d) or both,” in subsection (2), the words “or subsection (1A)(c) or (d) or both,”; and

(c) by inserting, immediately after the words “subsection (1)(a)” in subsection (5), the words “or (1A)(a)”.

## Repeal and re-enactment of Part VI

5. Part VI of the principal Act is repealed and the following Part substituted therefor:

### “PART VI

#### TEMPORARY OCCUPATION AND USE OF LAND

5

#### **Temporary occupation of land for public purpose**

42.—(1) Where it appears to the President that any land that is not State land is required for temporary occupation and use for a public purpose, the President may direct the Collector to procure the temporary occupation and use of that land, for such term or terms as may be determined, ordinarily not exceeding a total of 3 continuous years from the start of the occupation.

10

(2) Upon the direction of the President under subsection (1) to procure the temporary occupation and use of any land that is not State land, the Collector or any person authorised by the Collector shall have the right to enter upon and take temporary possession of that land in accordance with the terms of that direction.

15

(3) However, the Collector or a person authorised by the Collector is not to exercise any right conferred by subsection (2) in respect of any land unless the Collector has given at least one month’s notice of the Collector’s intention to exercise that right to the persons interested in the land, and to every occupier of that land.

20

(4) A notice referred to in subsection (3) must —

25

(a) state the estimated period, if any, during which the Collector intends to temporarily occupy or take possession of the land;

(b) give a brief description of the works, if any, which are to be carried out in or on that land;

30

(c) describe the area or extent of the land needed for the carrying out of the works referred to in paragraph (b); and

(d) state that any person interested in the land may serve on the Collector a claim of compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the person interested.

(5) To avoid doubt, a notice under subsection (3) is to be given for each term determined under subsection (1) that land is to be entered upon and taken temporary possession of in accordance with a direction under subsection (1).

(6) The ownership of anything is not altered by reason only that it is placed in, under, over or affixed to any land in exercise of a right conferred upon the Collector by this section.

(7) Unless section 49A(1) applies, the Collector must return all temporarily occupied land to the persons interested no later than —

(a) on the expiry of the term determined under subsection (1) for the temporary occupation and use of that land; or

(b) if more than one term has been so determined under subsection (1) for the temporary occupation and use of that land, on the expiry of the last term so determined.

(8) In this section, a reference to entry on land includes —

(a) digging or boring of a tunnel under the land and erecting any building, object or structure over or under the land;

(b) removing any building, or any object or structure or vegetation from the land;

(c) constructing on the land temporary works, such as the provision of means of access; and

(d) underpinning or strengthening a building.

### **Compensation for temporary occupation of land**

**43.**—(1) Subject to sections 44 and 44A, every person interested in temporarily occupied land is entitled to claim compensation for the items of loss, damage or cost set out in the

first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the person interested.

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is to be assessed by the Collector —

5

(a) on the basis of the matters specified opposite in the second column of the Schedule; and

(b) by not taking into consideration any of the matters specified in subsection (3).

(3) No account shall be taken of the following in the assessment of any claim for compensation by any person interested in temporarily occupied land:

10

(a) the financial loss resulting from the interruption of or interference with any trade or business carried on any land;

15

(b) any increase or decrease in the value of the land to which the compensation relates which is attributable to the purpose for which the land is occupied and used;

(c) any building, object or structure within the land which was erected and maintained in contravention of any written law in force on the date of the notice under section 42(3) relating to that land;

20

(d) any building or part of a building within the land which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29) within the meaning of that Act.

25

(4) Upon receiving a claim for compensation from any person interested in temporarily occupied land, the Collector is to inquire into that claim and shall, as soon as is possible —

30

(a) make an award of compensation for such loss, damage or cost arising from the exercise of the powers under section 42 as is determined in accordance with this section; and

(b) give written notice to the person interested of that award of compensation.

(5) To avoid doubt, nothing in this section prevents the Collector from restoring the temporarily occupied land to the reasonable satisfaction of the persons interested in the land before returning the land to the persons interested, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Schedule.

### **Time for, and manner of, claiming for compensation**

44.—(1) Every claim for compensation under this Part must be in writing.

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is not served on the Collector before the expiry of the period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule must be served upon the Collector is as follows:

(a) for a claim for loss due to displacement of any person in lawful occupation of the land on the date of a notice under section 42(3) to enter upon and take temporary possession of that land — 2 years starting from the date of the last such notice given to the person for that purpose;

(b) for a claim for structural damage to any building resulting from the temporary occupation and use of the land under section 42 — 6 years starting from the date that land is returned or the date the applicable period referred to in section 42(7) expires, if earlier;

(c) for a claim for other damage to any land — 6 years starting from the date that land is returned or the date the



applicable period referred to in section 42(7) expires, if earlier;

- (d) for a claim for removal of any object or structure which was erected and maintained without contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

5

(4) The Board may extend any period specified in subsection (3) within which a claim must be served upon the Collector if an application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

10

- (a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or

15

- (b) that the Collector is not materially prejudiced by the delay.

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

20

### **Disqualification as to certain compensation**

**44A.** If an owner of any temporarily occupied land gives to the Collector any notice under section 49(1) in relation to that land within the claim period as defined in section 49A(9) for temporarily occupied land, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the last notice under section 42(3), and no other item in the Schedule.

25

### **Appeal against award of compensation**

30

**44B.—**(1) Any person interested who is aggrieved by an award of compensation made under section 43(4)(a) (in this section called the appellant) may appeal to the Board —

(a) by lodging with the Registrar of the Board, within 28 days after receiving the notice of the award referred to in section 43(4)(b), a written notice of appeal in duplicate;

5 (b) by depositing or authorising the Collector to deposit with the Accountant-General within 28 days after receiving the notice of the award referred to in section 43(4)(b), the lower of the following sums if the requirement for a deposit is not waived by the Collector:

10 (i) a sum equal to one-third of the amount of the award;

(ii) \$5,000; and

15 (c) by lodging with the Registrar of the Board, within 28 days after receiving from the Collector the grounds of the award referred to in subsection (2), a petition of appeal in duplicate containing a statement of the grounds of appeal.

(2) After a notice of appeal under subsection (1) is lodged, the following steps must be taken:

20 (a) first, the Registrar of the Board must forthwith forward a copy of the notice of appeal to the Collector;

(b) secondly, the Collector must lodge with the Registrar of the Board the Collector's grounds of award;

(c) thirdly, the Registrar of the Board must —

25 (i) deliver or tender a copy of those grounds of award to the appellant; or

(ii) send by registered post a copy of those grounds of award to the appellant.

(3) The decision of the Board on appeal is final.

30 (4) In determining the amount of compensation for an item of loss, damage or cost set out in the first column of the Schedule, the Board —

(a) must assess compensation on the basis of the matters specified opposite in the second column of the Schedule; and

(b) must not take into consideration any of the matters specified in section 43(3). 5

(5) Sections 23(3) and (4), 24, 25, 26, 27, 31 and 32 apply (so far as relevant) to an appeal under this section with such prescribed exceptions, modifications and adaptations as the differences between an appeal under this section and an appeal under section 23 require. 10

### **Bar to other proceedings**

**44C.** Except as provided by or under this Part, no action, claim or other proceeding shall lie against the Collector or any person authorised under section 42(3) —

(a) to restrain the doing of anything which is authorised by or under section 42 or to compel the doing of anything which may be omitted to be done under section 42; or 15

(b) to recover damages, compensation or costs for —

(i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business; 20

(ii) personal disturbance or inconvenience;

(iii) extinguishment, modification or restriction of rights; or

(iv) effecting or complying with any requirement or condition imposed by the Collector, 25

which is authorised by or under section 42 or arises from any act or omission so authorised.”.

### **Amendment of section 48**

**6.** Section 48(1) of the principal Act is amended by deleting the words “section 43” and substituting the words “sections 49 and 49A”. 30

## Repeal and re-enactment of section 49 and new section 49A

7. Section 49 of the principal Act is repealed and the following sections substituted therefor:

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

**49.—**(1) The owner of any temporarily occupied land, any remaining surface land or any severed land may, by notice in writing given to the Collector, request the Government to acquire under this Act —

- 10 (a) the temporarily occupied land, the remaining surface land or the severed land (as the case may be); and
- (b) any other land of the owner related to the temporarily occupied land or the remaining surface land in paragraph (a),

15 if the owner considers that he suffers substantial impairment of his rights in the lands in paragraphs (a) and (b) because of —

- (i) the temporary possession in accordance with a direction under section 42 of the temporarily occupied land;
- 20 (ii) the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or
- (iii) the severance arising from the acquisition under this Act of any other part of the owner’s land.

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

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

(4) For the purposes of this section and section 49A —

- 30 (a) land is related to any temporarily occupied land if that land is the remainder of a parcel of land part of which is the temporarily occupied land; and

(b) land is related to any remaining surface land if that land —

(i) is the remainder of a parcel of land part of which is the remaining surface land; and

(ii) is above or below the airspace or subterranean space acquired and the remaining surface land.

(5) In this section and section 49A —

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

(a) a person who has the fee simple estate in the land;

(b) a person who is the grantee or lessee under a State title for the land;

(c) a person who has become entitled to exercise a power of sale of the land; or

(d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

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

(a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or

(b) is a lot in a lawful division of land and capable of being separately held by any owner,

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

### **Owner-initiated acquisition**

**49A.—**(1) Upon receiving a notice under section 49(1) in relation to any temporarily occupied land, any remaining surface land or any severed land (as the case may be), and any other land related to the temporarily occupied land or the remaining surface land, the Collector is to assess whether the owner of those lands suffers or does not suffer substantial impairment of his rights in those lands because of —

- (a) the temporary possession in accordance with a direction under section 42 of the temporarily occupied land;
- (b) the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or
- (c) the severance arising from the acquisition under this Act of any other part of the owner's land.

(2) The President is to proceed under this Act to acquire the land that is the subject of a notice under section 49(1) as if the land was needed for a public purpose, if the Collector assesses that the owner of the land giving notice suffers substantial impairment of his rights in the land because of any of the circumstances described in subsection (1)(a), (b) or (c).

(3) If there is more than one owner of the land concerned giving notice, it is sufficient if the Collector assesses that any one of those owners suffers substantial impairment of his rights in the land because of any of the circumstances described in subsection (1)(a), (b) or (c).

(4) A fresh notification or other proceedings under section 5, 6 or 8, as the case may be, shall be necessary for the acquisition of the land that is the subject of a notice under section 49(1) and in respect of which subsection (5) does not apply.

(5) However, the President is not to proceed under this section to acquire any land that is the subject of a notice under section 49(1) if —

- (a) the notice is not given to the Collector within the claim period applicable to that land; or
- (b) the notice is given to the Collector —
  - (i) for a notice that concerns remaining surface land, after the Collector has made an award under section 10 for the acquisition under this Act of the airspace above or the subterranean space below the remaining surface land; or

- (ii) for a notice that concerns severed land, after the Collector has made an award under section 10 for the acquisition under this Act of the other part of the owner's land so severed.

(6) An owner of any land that is the subject of a notice under section 49(1), may within the prescribed time appeal to the High Court against the Collector's assessment under subsection (2) or (3) as to — 5

- (a) whether any person giving the notice under section 49(1) in relation to any land is an owner of the land; or 10

- (b) whether the owner of the land suffers or does not suffer substantial impairment of his rights in the land because of any of the circumstances described in subsection (1).

(7) To avoid doubt, the Collector is not prevented from taking possession of the land under this Act by reason only that an appeal to the High Court under subsection (6) in relation to the land is not determined. 15

(8) For the purposes of this section, an owner of land suffers substantial impairment of his rights in the land if, and only if, the owner of the land or, if the owner is not in occupation of the land, any lawful occupier of the land — 20

- (a) is unable, for a period of one year or longer, to use the land, and any land related thereto, according to —

- (i) the zoning and density requirements and other restrictions imposed by or under the Planning Act (Cap. 232); and 25

- (ii) any other restrictive covenants in the State title for the land and the land related thereto (if any); and

- (b) is displaced from the land and any land related thereto for a period of one year or longer, 30

solely by reason of any of the circumstances described in subsection (1)(a), (b) or (c).

(9) In this section —

“claim period” means —

(a) for any temporarily occupied land and land related to that temporarily occupied land — one year starting from either of the following dates:

(i) the date of the last notice under section 42(3) relating to the temporarily occupied land;

(ii) the date of the expiry of the last term of temporary occupation determined under section 42(1) for the temporary occupation and use of the temporarily occupied land, or the date the land is returned to the owner if earlier;

(b) for any land above which only the airspace, or any land below which only the subterranean space, is or has been acquired under section 5 (called the remaining surface land) and land related to that remaining surface land — one year starting from the date of acquisition for that airspace or subterranean space, as the case may be; and

(c) for any land remaining after any other part of the owner’s land is severed because of an acquisition under this Act — one year starting from the date of acquisition for that other land so acquired;

“date of acquisition”, for any land, airspace or subterranean space acquired under this Act, means the date of the publication of the notification under section 5(1) declaring that land, airspace or subterranean space is needed for the purpose specified in that declaration;

“displace”, in relation to a person in occupation of any land, means being compelled to relocate the person’s principal place of residence or business on that land as a result of —



- (a) the taking of temporary possession of that land;
- (b) the acquisition under this Act of airspace above, or subterranean space below, that land; or
- (c) any severance;

“severance” means severing of land acquired under this Act from other land; 5

“temporary possession”, in relation to land, means temporary possession of the land taken in accordance with a direction under section 42.”.

### **Amendment of section 50** 10

8. Section 50(2) of the principal Act is amended by inserting, immediately after the words “section 10”, the words “as if the whole or any additional portion of the land specified in the order of the President were the subject of the initial notification under section 5”.

### **New Schedule** 15

9. The principal Act is amended by inserting, immediately after section 54, the following Schedule:

#### “THE SCHEDULE

Sections 43, 44, 44A and 44B

#### COMPENSATION FOR TEMPORARY OCCUPATION OF LAND 20

<i>First column</i>	<i>Second column</i>	
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>	
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the land on the date of the notice under section 42(3).	(a) The financial loss naturally and reasonably resulting from the displacement of the person from the land.	25
	(b) All reasonable expenses incurred by such a person in removing from the land from which the person is displaced, including (but not limited to)	30

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
5	the reasonable cost of renovating alternative premises to be occupied during the displacement.
10	(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage.
15	(b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.
20	(c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.
25	(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the land under section 42.
30	
35	

<i>First column</i>	<i>Second column</i>	
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>	
3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use thereafter of the land under section 42.	(a) The financial loss naturally and reasonably resulting from the displacement because of the damage to the land or building.	5
	(b) All reasonable expenses incurred in removing from the land or building.	10
	(c) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.	15
	(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the land under section 42.	20
4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under section 42.	(a) The cost of removing the object or structure, being the cost incurred in moving the object or structure and making good that part of the land from which it is removed.	25
	(b) The cost of reinstating the object or structure or of replacing the same with a similar object or structure.	30
	(c) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the	35
		40

<i>First column</i>	<i>Second column</i>
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>

5

expense of the Collector,  
being an amount which might  
fairly and reasonably be  
estimated as the cost of  
reinstating or replacing the  
object or structure.”.

10

### **Related amendments to Land Transport Authority of Singapore Act**

**10.**—(1) The Land Transport Authority of Singapore Act (Cap. 158A, 1996 Ed.) is amended by inserting, immediately after section 22, the following section:

15

#### **“Disqualification as to certain compensation**

20

**22A.**—(1) If an owner of any land temporary possession of which is or has been taken in the exercise of any power in section 5 of the Rapid Transit Systems Act (Cap. 263A) gives to the Authority any notice under section 7(1) of the Rapid Transit Systems Act in relation to that land within the claim period referred to in section 7A(2)(d) of that Act, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the notice under section 5 of the Rapid Transit Systems Act, and no other item in the Fourth Schedule.

25

30

(2) If an owner of any land temporary possession of which is or has been taken in the exercise of any power in section 9 of the Street Works Act (Cap. 320A) gives to the Authority any notice under section 11(1) of the Street Works Act in relation to that land within the claim period referred to in section 11A(2)(d) of that Act, the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the land on the date of the notice under section 9 of the Street Works Act, and no other item in the Fourth Schedule.”.

(2) Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended by deleting item 1 and substituting the following item:

<p>“1.(a) The loss due to displacement resulting from the exercise of the Authority’s right under section 5 of the Rapid Transit Systems Act (Cap. 263A) or section 9 of the Street Works Act (Cap. 320A).</p>	<p>(a)(i) A displacement payment.</p> <p>(ii) All reasonable expenses incurred in removing from the land or building, including but not limited to the reasonable cost of renovating alternative premises for occupation during the period of displacement.</p>	<p>(a) Any person owning a compensatable interest in the land on the date on which the notice is issued under section 5(2) of the Rapid Transit Systems Act or section 9(2) of the Street Works Act, as the case may be.</p>	<p>(a) Before the expiration of 2 years from the date on which the notice is issued under section 5(2) of the Rapid Transit Systems Act or section 9(2) of the Street Works Act, as the case may be.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
--	---	--	--	--

5	(b) Any other damage to the land or a building resulting from the exercise of any power in section 5 of the Rapid Transit Systems Act or section 9 of the Street Works Act.	(b)(i) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.	Same as in item (a) above.	(b) Before the expiration of 6 years starting from the date on which the railway to which the notice under section 5 of the Rapid Transit Systems Act relates is opened or re-opened for use by the public, or the street, road structure or road related facility to which the notice under section 9(2) of the Street Works Act relates is opened or re-opened for use by the public.”.
10		(ii) The share in the responsibility for the loss or damage attributable to or connected with any power in section 5 of the Rapid Transit Systems Act or section 9 of the Street Works Act.		
15				
20				
25				
30				

(3) Item 2 of Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended by deleting paragraph (b) in the second column and substituting the following paragraphs:

- “(b)(i) A displacement payment.
- (ii) All reasonable expenses incurred in removing from the land or building including but not limited to the reasonable cost of renovating alternative premises for occupation during the period of displacement.”.

(4) Item 3 of Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is amended by deleting the words “section 10 of the Rapid Transit Systems Act or section 29 of the Street Works Act” in the fourth column and substituting the words “section 9 of the Rapid Transit Systems Act or section 12 of the Street Works Act”.

5

### **Related amendments to Public Utilities Act**

**11.—**(1) Section 24A of the Public Utilities Act (Cap. 261, 2002 Ed.) is amended —

(a) by deleting subsection (2);

10

(b) by deleting the words “subsection (2)” in subsection (3) and substituting the words “Part IIIA”;

(c) by deleting subsection (4) and substituting the following subsections:

“(4) However, the Board is not to enter any premises for the purposes specified in subsection (1) unless the Board has given at least 14 days’ written notice of intention to enter to every owner and occupier of the premises.

15

(4A) A notice referred to in subsection (4) must —

20

(a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the premises;

(b) give a brief description of the works, if any, which are to be carried out in or on the premises;

25

(c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and

(d) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or

30

incurred by the owner or occupier of the premises.”; and

(d) by deleting subsections (5) to (8).

5 (2) Section 32 of the Public Utilities Act is amended by deleting subsections (2) and (3) and substituting the following subsections:

“(2) However, the Board is not to enter any premises for the purposes specified in subsection (1) unless the Board has given at least 7 days’ written notice of its intention to enter to every owner and occupier of the premises.

10 (3) A notice referred to in subsection (2) must —

(a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the premises;

15 (b) give a brief description of the works, if any, which are to be carried out in or on the premises;

(c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and

20 (d) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.”.

25 (3) The Public Utilities Act is amended by inserting, immediately after section 40, the following Part:

### “PART IIIA

#### COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES AND OWNER-INITIATED ACQUISITION

#### 30 **Compensation for temporary occupation of premises**

**40A.**—(1) Subject to sections 40B and 40C, every owner and occupier of premises of which temporary possession is taken under section 24A or 32 is entitled to claim compensation for the



items of loss, damage or cost set out in the first column of the Fourth Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier, as the case may be.

(2) A claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule is to be assessed by the Board —

(a) on the basis of the matters specified opposite in the second column of the Fourth Schedule; and

(b) by not taking into consideration any of the matters specified in subsection (3).

(3) No account shall be taken of the following in the assessment of any claim for compensation by any owner or occupier of premises of which temporary possession is taken under section 24A or 32:

(a) the financial loss resulting from the interruption of or interference with any trade or business carried on any premises;

(b) any increase or decrease in the value of the premises to which the compensation relates which is attributable to the purpose for which the premises is occupied and used;

(c) any building, object or structure within those premises which was erected and maintained in the contravention of any written law in force on the date of the notice under section 24A(4) or 32(2), as the case may be, relating to those premises;

(d) any building or part of a building within those premises which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29) within the meaning of that Act.

(4) Upon receiving a claim for compensation from any owner or occupier of premises of which temporary possession is taken under section 24A or 32, the Board is to inquire into that claim

and shall, as soon as is possible, pay to the owner or occupier, as the case may be, compensation for such loss, damage or cost arising from the exercise of the powers under that section as is determined in accordance with this section.

5 (5) To avoid doubt, nothing in this section prevents the Board from restoring premises of which temporary possession is taken under section 24A or 32 to the reasonable satisfaction of the owner or occupier of the premises before returning those premises to the owner or occupier, in lieu of compensation for  
10 any item of loss, damage or cost set out in the first column of the Fourth Schedule.

### **Time for, and manner of, claiming for compensation**

**40B.**—(1) Every claim for compensation under this Part must be in writing.

15 (2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule is not served on the Board before the expiry of the relevant period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late  
20 claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Fourth Schedule must be served upon the Board is as follows:

25 (a) for a claim for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 24A(4) or 32(2) — 2 years starting from the date of that notice;

30 (b) for a claim for structural damage to any building resulting from the occupation and use of the premises under section 24A(4) or 32(2) — 6 years starting from the date those premises are returned;

(c) for a claim for other damage to any premises — 6 years starting from the date those premises are returned;

(d) for a claim for removal of any object or structure which was erected and maintained without contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

5

(4) The Board may extend the period referred to in subsection (3) within which a claim must be served upon it if an application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

10

(a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or

(b) that the Board is not materially prejudiced by the delay.

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

15

### **Disqualification as to certain compensation**

**40C.** If an owner of any premises of which temporary possession is or has been taken in accordance with section 24A or 32 gives to the Board any notice under section 40E(1) in relation to those premises within the claim period referred to in section 40F(2)(d), the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 24A(4) or 32(2) (as the case may be), and no other item in the Fourth Schedule.

20

25

### **Bar to other proceedings**

**40D.** Except as provided in this Part, no action, claim or other proceeding shall lie against the Board, or any employee, agent or contractor of the Board —

30

(a) to restrain the doing of anything which is authorised by or under section 24A or 32, or to compel the doing of

anything which may be omitted to be done under section 24A or 32; or

(b) to recover damages, compensation or costs for —

(i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business;

(ii) personal disturbance or inconvenience;

(iii) extinguishment, modification or restriction of rights; or

(iv) effecting or complying with any requirement or condition imposed by the Board or its employee, agent or contractor,

which is authorised by or under section 24A or 32 or arises from any act or omission so authorised.

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

**40E.—**(1) The owner of any premises of which temporary possession is or has been taken in accordance with section 24A or 32 may, by notice in writing given to the Board, request the Government to acquire under the Land Acquisition Act (Cap. 152) —

(a) the premises; and

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

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

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

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

(4) For the purposes of this section and section 40F, premises (called *A* premises) are related to other premises temporary

possession of which is or has been taken in accordance with section 24A or 32 (in this section and section 40F called temporarily occupied premises) if the *A* premises are the remainder of a parcel of land part of which is the temporarily occupied premises.

5

(5) In this section and section 40F —

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

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

10

15

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

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

20

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

### **Owner-initiated acquisition**

25

**40F.—(1)** Upon the Board receiving a notice under section 40E(1) in relation to any temporarily occupied premises and any other premises related to the temporarily occupied premises, the President is to proceed under the Land Acquisition Act to acquire those premises as if those premises were the subject of a notice under section 49 of that Act.

30

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any premises that are the subject of a notice under section 40E with the following exceptions, modifications and adaptations:

- 5           (a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act shall be read as a reference to the premises that are the subject of a notice under section 40E;
- 10           (b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any premises temporary possession of which is or has been taken in accordance with
- 15           section 24A or 32;
- (c) any reference in those sections to an owner of land shall be read as a reference to an owner of premises referred to in section 40E;
- 20           (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates:
- 25                       (i) the date of the notice under section 24A(4) or 32(2) (as the case may be) relating to those premises;
- (ii) the date of the expiry of the term of temporary possession in a notice under section 24A(4) or
- 30                       32(2) (as the case may be) for the temporary occupation and use of those premises, or the date the premises are returned to the owner if earlier;
- (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.”.

(4) The Public Utilities Act is amended by inserting, immediately after the Third Schedule, the following Schedule:

“FOURTH SCHEDULE

Sections 40A, 40B and 40C

COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES		5
<i>First column</i>	<i>Second column</i>	
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>	
1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the premises on the date of the notice under section 24A(4) or 32(2), as the case may be.	(a) The financial loss naturally and reasonably resulting from the displacement of the person from the premises.	10
	(b) All reasonable expenses incurred by such a person in removing from the premises from which the person is displaced, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.	15  20
2. Any structural damage to any building resulting from the exercise of the right of entry and occupation and use of the premises under section 24A or 32, as the case may be.	(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage.	25
	(b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.	30
	(c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so	35  40

<i>First column</i> <i>Item for which compensation may be claimed</i>	<i>Second column</i> <i>Basis on which compensation is to be assessed</i>
5	extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.
10	(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 24A or 32, as the case may be.
15	
20	3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use of the premises under section 24A or 32, as the case may be. (a) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.
25	(b) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 24A or 32, as the case may be.
30	
35	4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under section 24A or 32, as the case may be. (a) The cost of reinstating the object or structure or of replacing the same with a similar object or structure.
40	(b) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar



<i>First column</i>	<i>Second column</i>	
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>	
	object or structure at the expense of the Board, being an amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure.”.	5          10

**Related amendments to Rapid Transit Systems Act**

12.—(1) Section 5 of the Rapid Transit Systems Act (Cap. 263A, 2004 Ed.) is amended —

(a) by deleting the words “the occupier of the land and every person having any estate, right, share or interest in the land” in subsection (2) and substituting the words “every owner and occupier of the land”; and 15

(b) by deleting subsection (3).

(2) Section 7 of the Rapid Transit Systems Act is repealed and the following sections substituted therefor: 20

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

7.—(1) The owner of any land temporary possession of which is or has been taken in accordance with section 5 may, by notice in writing given to the Authority, request the Government to acquire under the Land Acquisition Act (Cap. 152) — 25

(a) the land; and

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

if the owner considers that he suffers substantial impairment of his rights in the lands in paragraphs (a) and (b) because of the taking of that temporary possession. 30

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

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

5 (4) For the purposes of this section and section 7A, land (called *A* land) is related to other land temporary possession of which is or has been taken in accordance with section 5 (in this section and section 7A called temporarily occupied land) if the *A* land is the remainder of a parcel of land part of which is the temporarily  
10 occupied land.

(5) In this section and section 7A —

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

(a) a person who has the fee simple estate in the land;

15 (b) a person who is the grantee or lessee under a State title for the land;

(c) a person who has become entitled to exercise a power of sale of the land; or

(d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

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

(a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or

(b) is a lot in a lawful division of land and capable of being separately held by any owner,

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

### **Owner-initiated acquisition**

30 **7A.—**(1) Upon the Authority receiving a notice under section 7(1) in relation to any temporarily occupied land, and any other land related to the temporarily occupied land, the

President is to proceed under the Land Acquisition Act to acquire that land as if those lands were the subject of a notice under section 49 of that Act.

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any land that is the subject of a notice under section 7(1) with the following exceptions, modifications and adaptations:

- (a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act shall be read as a reference to the land that is the subject of a notice under section 7(1);
- (b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any land temporary possession of which is or has been taken in accordance with section 5;
- (c) any reference in those sections to an owner of land shall be read as a reference to an owner of land referred to in section 7;
- (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates:
  - (i) the date of the notice under section 5 relating to that land;
  - (ii) the date of the expiry of the term of temporary possession in a notice under section 5 for the temporary occupation of the land, or the date the land is returned to the owner if earlier;
- (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.

(3) All compensation for the acquisition under the Land Acquisition Act of any land that is the subject of a notice under section 7 is to be paid out of the funds of the Authority.”.

### **Related amendments to Sewerage and Drainage Act**

5     **13.**—(1) Section 4 of the Sewerage and Drainage Act (Cap. 294, 2001 Ed.) is amended by inserting, immediately after subsection (2), the following subsection:

10             “(2A) An authorised officer may enter any premises for the purposes of subsection (1) only after notice in accordance with section 44.”.

(2) Section 21 of the Sewerage and Drainage Act is amended by deleting subsection (3) and substituting the following subsection:

15             “(3) An authorised officer may enter any premises to execute any work necessary for the purposes of subsection (1) only after notice in accordance with section 44.”.

(3) Section 44 of the Sewerage and Drainage Act is amended —

20             (a) by deleting the words “give reasonable notice in writing to the owner or occupier of the premises of his intention to enter any premises under subsection (1)” in subsection (2) and substituting the words “give at least 14 days’ written notice of intention to enter to every owner or occupier of the premises”; and

(b) by inserting, immediately after subsection (2), the following subsection:

25             “(2A) A notice referred to in subsection (2) must —

                  (a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the premises;

                  (b) give a brief description of the works, if any, which are to be carried out in or on the premises;

30             (c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and

- (d) state that the owner or occupier of the premises may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the premises.”. 5

(4) Section 45 of the Sewerage and Drainage Act is amended by deleting subsections (2) and (3) and substituting the following subsections:

“(2) However, an authorised officer is not to enter any land for the purposes specified in subsection (1) unless the Board has given at least 7 days’ written notice of intention to enter to every owner and occupier of the land. 10

(3) A notice referred to in subsection (2) must —

- (a) state the estimated period, if any, during which the Board intends to temporarily occupy or take possession of the land; 15
- (b) give a brief description of the works (if any) which are to be carried out in or on the land;
- (c) describe the area or extent of the land and the subterranean space needed for the carrying out of the works referred to in paragraph (b); and 20
- (d) state that the owner or occupier of the land may serve on the Board a claim of compensation for the items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the owner or occupier of the land.”. 25

(5) Section 47(4) of the Sewerage and Drainage Act is amended by deleting paragraph (d) and substituting the following paragraph:

“(d) a notice under section 4, 6, 10, 11, 12, 14, 15, 20, 21, 23, 24, 25, 26, 30, 44 or 45.”. 30

(6) The Sewerage and Drainage Act is amended by inserting, immediately after section 47, the following Part:

“PART VIIA

COMPENSATION FOR TEMPORARY OCCUPATION OF  
PREMISES AND OWNER-INITIATED ACQUISITION

**Compensation for temporary occupation of premises**

5       **47A.**—(1) Subject to sections 47B and 47C, every owner and  
occupier of premises of which temporary possession is taken  
under section 4, 21, 44 or 45 is entitled to claim compensation for  
the items of loss, damage or cost set out in the first column of the  
Schedule to the extent of the loss, damage or cost suffered or  
10       incurred by the owner or occupier, as the case may be.

(2) A claim for compensation for an item of loss, damage or  
cost set out in the first column of the Schedule is to be assessed  
by the Board —

15       (a) on the basis of the matters specified opposite in the  
second column of the Schedule; and

(b) by not taking into consideration any of the matters  
specified in subsection (3).

(3) No account shall be taken of the following in the  
assessment of any claim for compensation by any owner or  
occupier of premises of which temporary possession is taken  
20       under section 4, 21, 44 or 45:

(a) the financial loss resulting from the interruption of or  
interference with any trade or business carried on any  
premises;

25       (b) any increase or decrease in the value of the premises to  
which the compensation relates which is attributable to  
the purpose for which the premises is occupied and used;

(c) any building, object or structure within those premises  
which was erected and maintained in the contravention  
of any written law in force on the date of the notice under  
section 44(2) or 45(2), as the case may be, relating to  
those premises;

30       (d) any building or part of a building within those premises  
which has been constructed or modified or on which

building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29) within the meaning of that Act.

(4) Upon receiving a claim for compensation from any owner or occupier of premises of which temporary possession is taken under section 4, 21, 44 or 45, the Board is to inquire into that claim and shall, as soon as is possible, pay to the owner or occupier, as the case may be, compensation for such loss, damage or cost arising from the exercise of the powers under that section as is determined in accordance with this section.

(5) To avoid doubt, nothing in this section prevents the Board from restoring premises of which temporary possession is taken under section 4, 21, 44 or 45 to the reasonable satisfaction of the owner or occupier of the premises before returning those premises to the owner or occupier, in lieu of compensation for any item of loss, damage or cost set out in the first column of the Schedule.

### **Time for, and manner of, claiming for compensation**

**47B.**—(1) Every claim for compensation under this Part must be in writing.

(2) Subject to subsection (4), if a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule is not served on the Board before the expiry of the relevant period specified in subsection (3) for that item, the right to claim compensation for that item is barred and any late claim may be disregarded.

(3) The period within which a claim for compensation for an item of loss, damage or cost set out in the first column of the Schedule must be served upon the Board is as follows:

- (a) for a claim for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 44(2) or 45(2) — 2 years starting from the date of that notice;

(b) for a claim for structural damage to any building resulting from the occupation and use of the premises under section 4, 21, 44 or 45 — 6 years starting from the date those premises are returned;

5 (c) for a claim for other damage to any premises — 6 years starting from the date those premises are returned;

10 (d) for a claim for removal of any object or structure which was erected and maintained without the contravention of any written law — one year from the date of removal, or the date of reinstatement or replacement, whichever is applicable.

15 (4) The Board may extend the period referred to in subsection (3) within which a claim must be served upon it if an application for the extension is made to the Board, either before or after the expiry of that period, and the Board considers —

(a) that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than this Act) or by any other reasonable cause; or

20 (b) that the Board is not materially prejudiced by the delay.

(5) An extension may be granted by the Board under subsection (4) with or without conditions, and for such period as the Board thinks fit, but in no case exceeding 6 years from the time when the right to compensation first arose.

## 25 **Disqualification as to certain compensation**

30 **47C.** If an owner of premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or 45 gives to the Board any notice under section 47E(1) in relation to those premises within the claim period referred to in section 47F(2)(d), the owner is entitled to claim only for loss due to displacement of any person in lawful occupation of the premises on the date of the notice under section 44(2) or 45(2), as the case may be, and no other item in the Schedule.



## Bar to other proceedings

**47D.** Except as provided in this Part, no action, claim or other proceeding shall lie against the Board, or any authorised officer —

- (a) to restrain the doing of anything which is authorised by or under section 4, 21, 44 or 45, or to compel the doing of anything which may be omitted to be done under section 4, 21, 44 or 45; or 5
- (b) to recover damages, compensation or costs for —
  - (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business; 10
  - (ii) personal disturbance or inconvenience;
  - (iii) extinguishment, modification or restriction of rights; or
  - (iv) effecting or complying with any requirement or condition imposed by the Board or authorised officer, 15

which is authorised by or under section 4, 21, 44 or 45 or arises from any act or omission so authorised.

## Owners who suffer substantial impairment in rights in land may require their premises to be acquired 20

**47E.—(1)** The owner of any premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or 45 may, by notice in writing given to the Board, request the Government to acquire under the Land Acquisition Act (Cap. 152) — 25

- (a) the premises; and
- (b) any other premises (if any) of the owner related to the premises in paragraph (a),

if the owner considers that he suffers substantial impairment of his rights in the premises in paragraphs (a) and (b) because of the taking of that temporary possession. 30

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

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

5 (4) For the purposes of this section and section 47F, premises (called *A* premises) are related to other premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or 45 (in this section and section 47F called temporarily occupied premises) if the *A* premises are the remainder of a parcel of land part of which is the temporarily occupied premises.

(5) In this section and section 47F —

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

15 (a) a person who has the fee simple estate in the premises;

(b) a person who is the grantee or lessee under a State title for the premises;

(c) a person who has become entitled to exercise a power of sale of the premises; or

20 (d) a person in occupation of the premises under a tenancy the term of which exceeds 7 years;

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

(a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or

25 (b) is a lot in a lawful division of land and capable of being separately held by any owner,

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

### **Owner-initiated acquisition**

**47F.**—(1) Upon the Board receiving a notice under section 47E in relation to any temporarily occupied premises, and any other premises related to the temporarily occupied premises, the President is to proceed under the Land Acquisition Act to acquire those premises as if those premises were the subject of a notice under section 49 of that Act. 5

(2) The provisions of sections 49 and 49A of the Land Acquisition Act apply (so far as relevant) to any premises that are the subject of a notice under section 47E with the following exceptions, modifications and adaptations: 10

(a) any reference in those sections to any land that is the subject of a notice under section 49(1) of the Land Acquisition Act shall be read as a reference to the premises that are the subject of a notice under section 47E; 15

(b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any premises temporary possession of which is or has been taken in accordance with section 4, 21, 44 or 45; 20

(c) any reference in those sections to an owner of land shall be read as a reference to an owner of premises referred to in section 47E; 25

(d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates: 30

(i) the date of the notice under section 44(2) or 45(2) (as the case may be) relating to those premises;

(ii) the date of the expiry of the term of temporary possession in a notice under section 44(2) or 35

45(2) (as the case may be) for the temporary occupation and use of those premises, or the date the premises are returned to the owner if earlier;

(e) such other exceptions, modifications and adaptations as the differences between them necessarily require.”.

(7) The Sewerage and Drainage Act is amended by inserting, immediately after section 74, the following Schedule:

“THE SCHEDULE

Sections 47A, 47B and 47C

COMPENSATION FOR TEMPORARY OCCUPATION OF PREMISES

*First column*

*Second column*

*Item for which compensation may be claimed*

*Basis on which compensation is to be assessed*

- |  |  |
|--|--|
| <p>1. Loss due to displacement (whether temporary or permanent) of any person in lawful occupation of the premises on the date of the notice under section 44(2) or 45(2), as the case may be.</p> | <p>(a) The financial loss naturally and reasonably resulting from the displacement of the person from the premises.</p> <p>(b) All reasonable expenses incurred by such a person in removing from the premises from which the person is displaced, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.</p> |
| <p>2. Any structural damage to any building resulting from the exercise of the right of entry and occupation and use of the premises under section 4, 21, 44 or 45, as the case may be.</p>        | <p>(a) The financial loss naturally and reasonably resulting from the displacement because of the structural damage.</p> <p>(b) All reasonable expenses incurred in removing from the building, including (but not limited to) the reasonable cost of renovating alternative premises to be occupied during the displacement.</p>  |

<i>First column</i>	<i>Second column</i>	
<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>	
	(c) The amount which is, or might be, fairly and reasonably incurred in repairing the damage to the building, or in a case where the structural damage is so extensive as to require the removal of the building, the amount which is, or might be, fairly and reasonably incurred in replacing a similar building.	5  10  15
	(d) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use of the premises under section 4, 21, 44 or 45, as the case may be.	20
3. Any other damage to the land or a building resulting from the exercise of the right of entry and occupation and use of the premises under section 4, 21, 44 or 45, as the case may be.	(a) The amount that is, or might be, fairly and reasonably incurred in repairing the damage.	25
	(b) The share in the responsibility for the loss or damage attributable to or connected with the exercise of the right of entry and occupation and use thereafter of the premises under section 4, 21, 44 or 45, as the case may be.	30  35

	<i>First column</i>	<i>Second column</i>
	<i>Item for which compensation may be claimed</i>	<i>Basis on which compensation is to be assessed</i>
5	4. The removal of any object or structure within the land as a result of the exercise of the right of entry and occupation of the land under section 4,	(a) The cost of reinstating the object or structure or of replacing the same with a similar object or structure.
10	21, 44 or 45, as the case may be.	(b) The loss sustained by the removal of the object or structure which was erected and maintained without contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Board, being an amount which might fairly and reasonably be estimated as the cost of reinstating or replacing the object or structure.”.
15		
20		

### **Related amendments to Street Works Act**

25 **14.**—(1) Section 9 of the Street Works Act (Cap. 320A, 1996 Ed.) is amended —

(a) by deleting the words “the occupier of the land and to every person having any estate, right, share or interest in the land” in subsection (2) and substituting the words “every owner and occupier of the land”;

30 (b) by deleting subsection (3); and

(c) by inserting, immediately after subsection (5), the following subsection:

35 “(5A) Any person who refuses to give access to, or obstructs, hinders or delays, an agent or employee of the Authority at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.”.

(2) Section 11 of the Street Works Act is repealed and the following sections substituted therefor:

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

**11.—**(1) The owner of any land temporary possession of which is or has been taken in accordance with section 9 may, by notice in writing given to the Authority, request the Government to acquire under the Land Acquisition Act (Cap. 152) — 5

(a) the land; and

(b) any other land (if any) of the owner related to the land in paragraph (a), 10

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

(2) If there is more than one owner of the land concerned, the notice under this section must be given by all the owners. 15

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

(4) For the purposes of this section and section 11A, land (called *A* land) is related to other land temporary possession of which is or has been taken in accordance with section 9 (in this section and section 11A called temporarily occupied land) if the *A* land is the remainder of a parcel of land part of which is the temporarily occupied land. 20

(5) In this section and section 11A — 25

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

(a) a person who has the fee simple estate in the land;

(b) a person who is the grantee or lessee under a State title for the land;

(c) a person who has become entitled to exercise a power of sale of the land; or 30

(d) a person in occupation of the land under a tenancy the term of which exceeds 7 years;

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

(a) is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157); or

(b) is a lot in a lawful division of land and capable of being held separately by any owner,

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

### **Owner-initiated acquisition**

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

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

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

(b) any reference in those sections to land temporary possession of which is or has been taken under section 42 of the Land Acquisition Act shall be read as a reference to any land temporary possession of which is or has been taken in accordance with section 9;

(c) any reference in those sections to an owner of land shall be read as a reference to an owner of land referred to in section 11;



- (d) any reference in section 49A of the Land Acquisition Act to a claim period for any land temporary possession of which is or has been taken in accordance with a direction under section 42 of the Land Acquisition Act shall be read as a reference to one year starting from either of the following dates: 5
- (i) the date of the notice under section 9 relating to that land;
  - (ii) the date of the expiry of the term of temporary possession in a notice under section 9 for the temporary occupation and use of the land, or the date the land is returned to the owner if earlier; 10
- (e) such other exceptions, modifications and adaptations as the differences between them necessarily require.
- (3) All compensation for the acquisition under the Land Acquisition Act of any land that is the subject of a notice under section 11(1) is to be paid out of the funds of the Authority.”. 15

### **Savings and transitional provisions**

**15.**—(1) Sections 5 and 9 apply only to, and in relation to, any land for which a notice of intention to take temporary possession thereof is given on or after the respective dates of commencement of those sections; and the principal Act is to continue to apply to any land for which such a notice is given before that date as if those sections had not been enacted. 20

(2) Section 7 applies only to, and in relation to — 25

- (a) any land the date of acquisition of which is on or after the date of commencement of that section; and
- (b) any land for which a notice of intention to take temporary possession is given on or after the date of commencement of that section, 30

and the principal Act is to continue to apply to any land the date of acquisition of which is, or for which such a notice is given, before that date as if that section had not been enacted.

(3) Section 10 does not apply to and in relation to —

(a) any land temporary possession of which is or has been taken in accordance with section 5 of the Rapid Transit Systems Act (Cap. 263A) before the date of commencement of that section; or

(b) any land temporary possession of which is or has been taken in accordance with section 9 of the Street Works Act (Cap. 320A) before the date of commencement of that section,

and the provisions of the Land Transport Authority of Singapore Act (Cap. 158A) are to continue to apply to any land referred to in paragraph (a) or (b) as if this Act had not been enacted.

(4) Section 11(1)(c) and (d) does not apply to any notice under section 24A(4) of the Public Utilities Act (Cap. 261) given before the date of commencement of section 11(1)(c) and (d).

(5) Section 11(3) does not apply to and in relation to any premises temporary possession of which is or had been taken before the date of commencement of that provision in accordance with section 24A or 32 of the Public Utilities Act; and the provisions of that Act are to continue to apply to those premises as if this Act had not been enacted.

(6) Section 12(2) does not apply to and in relation to any land temporary possession of which is or has been taken in accordance with section 5 of the Rapid Transit Systems Act before the date of commencement of that provision; and the provisions of the Rapid Transit Systems Act are to continue to apply to that land as if this Act had not been enacted.

(7) Section 13(5) does not apply to any notice under section 21 or 44 of the Sewerage and Drainage Act (Cap. 294) given before the date of commencement of section 13(5).

(8) Section 13(6) does not apply to or in relation to any premises temporary possession of which is or had been taken before the date of commencement of that section in accordance with section 4, 21, 44 or 45 of the Sewerage and Drainage Act; and the provisions of that Act are to continue to apply to those premises as if this Act had not been enacted.

(9) Section 14(2) does not apply to and in relation to any land temporary possession of which is or has been taken in accordance with section 9 of the Street Works Act before the date of commencement of that provision; and the provisions of the Street Works Act are to continue to apply to that land as if this Act had not been enacted. 5

(10) For a period of 2 years after the date of commencement of any provision in this Act, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 10

(11) Except as expressly provided in this section, this section applies without prejudice to section 16 of the Interpretation Act (Cap. 1).

(12) In this section, the date of acquisition of any land means the date of the publication of the notification under section 5(1) of the principal Act declaring that the land is needed for a purpose specified in the declaration. 15

---

## EXPLANATORY STATEMENT

This Bill seeks to amend the Land Acquisition Act (Cap. 152) —

- (a) to enable the compulsory acquisition of only subterranean space below the surface of any land, or only airspace above the surface of any land, and the compensation for such taking of underground or airspace stratum;
- (b) to refine the framework for the temporary occupation of land for public purposes; and
- (c) to provide that owners of land who suffer substantial impairment of their rights in land because of any temporary occupation, acquisition of airspace stratum or underground stratum below their land or severance may request the Government to acquire their land.

The Bill also contains related amendments to the Land Transport Authority of Singapore Act (Cap. 158A), the Public Utilities Act (Cap. 261), the Rapid Transit Systems Act (Cap. 263A), the Sewerage and Drainage Act (Cap. 294) and the Street Works Act (Cap. 320A).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce the new definition of “subterranean space” and to amend the definition of “land” to expressly include subterranean space and airspace. The expression “subterranean space” is similar to that introduced into the State Lands Act (Cap. 314) and refers to the subsoil below the surface of the earth. A new definition of “State title” is also introduced, which is in terms similar to that for the State Lands Act.

New definitions of the terms “remaining surface land” and “severed land” are also introduced to support the amendments in clause 7.

Clause 3 amends section 5 to provide that the President may declare that only so much of subterranean space below the surface of any land, or only so much of airspace above the surface of any land, is needed for any purpose specified in that section. This makes it clear that subterranean space under any land parcel, or airspace above any land parcel, may be the subject of compulsory acquisition under the Act, without necessarily including the surface land above that subterranean space or the surface land below that airspace, as the case may be.

Clause 4 amends section 33 which deals with the matters that must be considered in determining the compensation for land acquired under the Act. The new section 33(1A) sets out the matters to be considered when determining compensation where only the subterranean space below the surface of any land, or only the airspace above the surface of any land is acquired. These are —

- (a) the market value of the subterranean space or airspace acquired;
- (b) any increase in the value of any other land (such as contiguous, adjacent or surface land, as the case may be) of the person interested likely to accrue from the use to which the airspace or subterranean space acquired will be put;
- (c) the damage, if any, sustained by the person interested at the time of the Collector of Land Revenue (the Collector) taking possession of the land because of severing that airspace or subterranean space from the person’s other land, such as contiguous, adjacent or surface land, as the case may be;
- (d) the damage, if any, sustained by the person interested at the time of the Collector’s taking of possession of the airspace or subterranean space due to the acquisition injuriously affecting the person’s other property, whether movable or immovable, in any other manner;
- (e) if, in consequence of the acquisition, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to that change; and
- (f) if, in consequence of the acquisition, any reissue of title is necessary, the fees or costs relating to survey, issue and registration of title, stamp duty and such other costs or fees which may reasonably be incurred.

Section 33(2) is also amended to provide that where the value of any remaining land of a claimant for compensation is increased because of the use to which the airspace or subterranean space acquired will be put, that increase may be set-off only against the amount of compensation that would otherwise be payable for severing the claimant's land under the new section 33(1A)(c), or for injurious affection under the new section 33(1A)(d), or both, wherever applicable. The amendment will prevent setting-off against the other heads of compensation under the new section 33(1A).

Clause 5 replaces Part VI with a revised framework for the temporary occupation of land for public purposes. The new Part VI is made up of 6 new sections *viz.* sections 42, 43, 44, 44A, 44B and 44C.

As is the case today, under the new section 42, the President may direct the Collector to procure the temporary occupation and use of any land that is not State land where it appears to the President that the land is required for temporary occupation and use for a public purpose.

The period of temporary occupation can be for one or more terms of such length as may be determined. However, the total length of temporary occupation ordinarily should not be more than 3 continuous years from the start of the occupation. There may be cases where a longer total period of occupation may be directed.

At the end of the term of temporary occupation (or the last term if more than one term is determined as necessary), the Collector must return the land to the persons interested unless the owner of the land earlier makes a request to the Collector under the new section 49 that the land be acquired as if needed for a public purpose.

The President's direction under the new section 42 allows the Collector to enter upon and take temporary possession of the land in accordance with the terms of that direction.

This includes digging or boring of a tunnel under the land and the erection of any building, object or structure over or under the land, removing any building, or any object or structure or vegetation from the land, constructing on the land temporary works, such as provision for means of access, and underpinning or strengthening a building.

However, the Collector can do so only after giving at least one month's notice of the Collector's intention to exercise that right of entry to the persons interested in that land, and to every occupier of the land. Among other things, the Collector's notice of intention to exercise those rights has to give a brief description of the works (if any) which are to be carried out in or on the land, and to state that persons interested in the land may serve on the Collector a claim of compensation.

The new section 43 sets out the compensation for temporary occupation of land for a public purpose.

Every person interested in land of which temporary possession is taken under the new section 42 is entitled to claim compensation.

A person interested can claim only for items of loss, damage or cost set out in the first column of the Schedule to the extent of the loss, damage or cost suffered or incurred by the person interested. These are —

- (a) for loss due to displacement of any person in lawful occupation of the land;
- (b) for structural damage to any building resulting from the temporary occupation and use of the land;
- (c) for other damage to any land or buildings; and
- (d) for removal of any object or structure which was erected and maintained without the contravention of any written law.

The Collector remains at liberty to restore the temporarily occupied land to the reasonable satisfaction of the persons interested in the land before returning the land. If so, whatever amount that may be claimed by a person interested as fairly and reasonably incurred in repairing the damage from the temporary occupation will be reduced by the restoration work carried out before the land is returned. The new section 43(5) makes it clear that restoration work may be carried out in lieu of any compensation.

In assessing the claim, the Collector is prohibited from taking into consideration certain matters in the new section 43(3). These are the financial loss resulting from the interruption of or interference with any trade or business carried on any land, any increase or decrease in the value of the land to which the compensation relates which is attributable to the purpose for which the land is occupied and used, any building, object or structure within the land which was erected and maintained in the contravention of any written law in force, and any building or part of a building within the land which has been constructed or modified or on which building works have been carried out so as to amount to a contravention of the Building Control Act (Cap. 29).

The new section 44 requires every claim for compensation to be in writing, in order to be valid. In particular, claims for items must be made within a certain period prescribed for that item. These range from one year to 6 years. If a claim for compensation for an item of loss, damage or cost is not served on the Collector before the expiration of the claim period prescribed for that item, the right to claim compensation for that item is barred and the late claim may be disregarded.

However, under the new section 44A, if an owner of any land temporary possession of which is or has been taken in accordance with a direction under the new section 42 gives to the Collector any notice under section 49(1) requiring the land to be acquired and the notice is given within the relevant claim period in the new section 49A for temporarily occupied land, the owner is barred from claiming

and being awarded any compensation apart from loss due to displacement of any person in lawful occupation of the land.

The new section 44B provides for appeals to the Appeals Board against awards of compensation under the new section 43(4)(a).

If any person interested is aggrieved by such an award of compensation, the person interested can appeal to the Appeals Board. However, as in the case of other appeals against awards for taking of land under section 5, the appeal must be lodged in duplicate with the Registrar of the Appeals Board, within 28 days after receiving from the Collector the notice of the award, accompanied by a deposit (with the Accountant-General) of either \$5,000 or one-third of the award, whichever is the lower. The deposit may be dispensed with if the Collector waives the requirement.

The appellant must also lodge with the Registrar of the Appeals Board, within 28 days after receiving from the Collector the grounds of the award, a petition of appeal in duplicate containing a statement of the grounds of appeal.

Like the Collector, the Appeals Board has to take into consideration the matters specified opposite in the second column of the Schedule, and cannot take into consideration any of the matters specified in the new section 43(3).

The decision of the Appeals Board under the new section 44B is final and conclusive.

Sections 23(3) and (4), 24, 25, 26, 27, 31 and 32 apply (so far as relevant) to an appeal under the new section 44B with the exceptions, modifications and adaptations as the differences between an appeal under section 44B and an appeal under section 23 require.

Finally, the new section 44C provides a bar to all other actions and all other claims as regards anything authorised under the new section 42. The only claims permissible are those set out in the new Part VI and the Schedule. This means that a person cannot institute proceedings in court for damages, compensation or costs for damage or disturbance to or loss of or in the value of any land, chattel, trade or business, personal disturbance or inconvenience, extinguishment, modification or restriction of rights, or for effecting or complying with any requirement or condition imposed by the Collector, which is authorised by or under the new section 42 or arises from any act or omission so authorised.

Clause 6 amends the cross-reference in section 48(1) as a consequence of the amendments in clauses 5 and 7.

Clause 7 repeals and re-enacts section 49 and introduces a new section 49A to enable owners of land who suffer substantial impairment of their rights in land because of any temporary occupation, acquisition of underground stratum below their land or airspace above, or severance, to request the Government to acquire their land.

The new section 49 confers on owners of land (not persons interested) a facility to require the Government, by notice in writing given to the Collector, to acquire the owner's land (together with related land, if any) under the Act if —

- (a) temporary possession of the owner's land is or has been taken in accordance with a direction under the new section 42 (called temporarily occupied land), the airspace above or subterranean space below the owner's land is or has been acquired under the Act, or the owner's land is severed because of an acquisition under section 5 of the Act; and
- (b) the owner considers that he suffers substantial impairment of his rights in the land or land that is related to that land because of that temporary possession, acquisition of airspace or subterranean space or severance, as the case may be.

Only owners of land as defined can make this request under the new section 49. An owner is defined to mean either a person who has the fee simple estate in the land, a person who is the grantee or lessee under a State title for the land, a person who has become entitled to exercise a power of sale of the land (such as a mortgagee), or a person in occupation of the land under a tenancy the term of which exceeds 7 years. If there is more than one owner of the land, the notice must be given by all the owners.

The notice requesting for acquisition has to relate to the following lands:

- (a) any land temporary possession of which is or has been taken in accordance with a direction under section 42 (called temporarily occupied land);
- (b) the land (including airspace or subsoil) remaining after the airspace above or subterranean space below is or has been acquired under section 5 (called the remaining surface land);
- (c) any land remaining (called the severed land) after an earlier acquisition under the Act under which only part of the owner's land had been taken and a severance occurred because of that acquisition taking place;
- (d) any land related to temporarily occupied land or remaining surface land.

Land is related to temporarily occupied land if that land is the remainder of a parcel of land part of which is the temporarily occupied land. Land is related to remaining surface land if that land is the remainder of a parcel of land part of which is the remaining surface land, and is above or below the airspace or subterranean space acquired and the remaining surface land.

In determining what constitutes a parcel of land, the new section 49(5) refers to a whole area of land that is the subject of a separate certificate of title registered under the Land Titles Act (Cap. 157). Alternatively, a parcel of land is a lot in a lawful division of land capable of being separately held by any owner. However,



where a single building is erected on 2 or more adjoining lands covered by more than one certificate of title or 2 or more such lots, the whole area comprised in all those several lands or lots are to be regarded as a parcel of land.

However, the new section 49A(5) provides that the President is not to proceed with an owner-initiated acquisition if the notice under the new section 49(1) is not given within the relevant claim period, or the owner of the land concerned does not suffer substantial impairment of his rights in the land because of the temporary possession, acquisition of airspace or subterranean space, or severance (as the case may be).

An owner-initiated acquisition for remaining surface land or severed land also cannot proceed if the notice under the new section 49(1) is given (even if being given within the relevant claim period) after the Collector has made an award under section 10 for the acquisition under the Act of the airspace above or the subterranean space below the remaining surface land, or after the Collector has made an award under section 10 for the acquisition under the Act of the other part of the owner's land so severed.

The new section 49A(8) defines the circumstances where an owner of land may be considered as suffering substantial impairment of his rights in the land because of such temporary possession, acquisition of airspace or subterranean space, or severance. This will be where the owner or, if not owner-occupied, the lawful occupier, is unable for a period of one year or longer to continue with the approved current or planned primary use of the land and the related land (if any), and is displaced from the land and the related land for a period of one year or longer. If there is more than one owner of the land concerned, it is enough if any one of those owners suffers substantial impairment of the owner's rights in the land.

The approved current or planned primary use of the land will be determined with reference to zoning and use restrictions under the Planning Act (Cap. 232) and any restrictive covenants in the State title relating to the land.

For example, an occupant would be unable to continue with the approved current or planned primary use of the land if a critical section of the land is acquired in part or a main building on the land is or will be rendered structurally unsound, or when access to critical facilities for the use of the land is or will be severely restricted or disrupted. A loss of view would not ordinarily amount to such substantial impairment.

Different claim periods are specified for the different types of land that may be the subject of a notice under the new section 49(1). The claim period for making a request to acquire is defined as one year starting from the date of acquisition for the airspace or subterranean space, or from the date of acquisition for the other land so acquired and severed.

However, in the case of temporarily occupied land, the claim period can be during the period of temporary possession or after the land is returned. The one

year can start from the date of the notice of intention to take temporary possession under section 42, or from the end of the term of temporary possession or the date the land is returned, if earlier.

Once a notice under the new section 49(1) is given by an owner of land to the Collector requesting the Government to acquire any temporarily occupied land, any remaining surface land or any severed land (as the case may be), and any other land related to the temporarily occupied land or the remaining surface land, the Collector has to first assess whether the owner of those lands suffers or does not suffer substantial impairment of his rights in those lands because of the temporary possession in accordance with a direction under section 42 of the temporarily occupied land, the acquisition under the Act of the airspace above or the subterranean space below the remaining surface land, or the severance, as the case may be.

The President is to proceed to acquire the land that is the subject of a notice under the new section 49(1) as if the land was needed for a public purpose if the Collector assesses that the owner of any land giving that notice suffers substantial impairment of the owner's rights in the land because of any of those circumstances. A fresh notification and proceedings under section 5, 6 or 8, as the case may be, will be required.

The owner of any land giving the notice under the new section 49(1) is entitled to appeal to the High Court against the Collector's assessment.

Clause 8 amends section 50(2) which dispenses with the need for a fresh notice under section 5 to be published in the *Gazette* or for proceedings under sections 6 and 8 to start afresh because of the acquisition of the whole or any additional portion of the land of which the land first sought to be acquired forms a part. The amendment is to make it clear that the compensation for acquiring the whole lot or any additional portion of the land will be reckoned as if the date of acquisition were the original notice published in the *Gazette*.

Clause 9 inserts a new Schedule to the Act setting out the various items of compensation for temporary occupation of land for a public purpose under the new Part VI.

Clauses 10 to 14 make related amendments to the Land Transport Authority of Singapore Act, the Public Utilities Act, the Rapid Transit Systems Act, the Sewerage and Drainage Act and the Street Works Act, respectively.

Clause 10 introduces a new section 22A to the Land Transport Authority of Singapore Act with the similar effect as the new section 44A of the Land Acquisition Act. The new section 22A to the Land Transport Authority of Singapore Act operates as a bar to certain compensation under the Fourth Schedule to the Land Transport Authority of Singapore Act for an owner of any land temporary possession of which is or has been taken in accordance with section 5 of the Rapid Transit Systems Act, or section 9 of the Street Works Act, if notice is

given for owner-initiated acquisition under the amended Rapid Transit Systems Act (clause 12), or the amended Street Works Act (clause 14).

The owner can only claim for loss due to displacement of any person in lawful occupation of the land where the owner gives to the Land Transport Authority of Singapore (LTA) any notice under the amended Rapid Transit Systems Act or the amended Street Works Act requiring the owner's land to be acquired and the notice is given within the claim period of one year starting from the end of the stated period of temporary possession or, if earlier, the date the land is returned to the owner.

Part I of the Fourth Schedule to the Land Transport Authority of Singapore Act is also amended to introduce an item of compensation for any damage to the land or a building resulting from the exercise of any power in section 5 of the Rapid Transit Systems Act in laying and constructing a railway or section 9 of the Street Works Act in constructing a street or constructing, etc., a road structure or road related facility. This will be in addition to structural damage which is already provided for. For this new item of compensation, the claim period is 6 years starting from the date the railway, street or road structure (as the case may be) is opened for the use of the public.

There is, however, no change if the LTA rejects a claim for compensation. The claim can be referred to the Compensation Board set up under the Land Transport Authority of Singapore Act.

Read with clause 15, the amendments in clause 10 do not affect land for which such notices have been given before the operative date of the amendments.

Clause 11 amends firstly, section 24A of the Public Utilities Act (which confers power on the Public Utilities Board (PUB) to enter premises for installation of pipes, water installations, etc.) to remove the provision that requires the PUB, in carrying out any of the works, to cause as little damage as possible and to repair or make reasonable compensation for any damage done to the affected premises. This is in view of the statutory compensation framework introduced by the other amendments in the clause.

Section 24A of the Public Utilities Act is further amended to abolish the right of owners of affected premises to appeal to the Minister against the work and the temporary occupation of their premises for that work.

Section 32 of the Public Utilities Act (which empowers the PUB to enter any premises adjoining to or being within the distance of 100 metres of any authorised works for any purpose connected with those works or to deposit any soil, gravel, sand, lime, brick, stone or other materials) is similarly amended by removing the provision that requires the PUB, in carrying out any of the works, to cause as little damage as possible and to make reasonable compensation for any damage done to the affected premises.

A new Part IIIA and Fourth Schedule are introduced to the Public Utilities Act consisting of provisions similar to the new Part VI of and the new Schedule to the Land Acquisition Act. This aligns the compensation framework with that of the Land Acquisition Act, and in the Land Transport Authority of Singapore Act as amended by clause 10. In the event of dispute, the amount of compensation may be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court, under the existing section 68A of the Public Utilities Act.

The PUB remains at liberty to restore the temporarily possessed premises to the reasonable satisfaction of the owners of the premises before returning the premises. If so, whatever amount that may be claimed by a person interested as fairly and reasonably incurred in repairing the damage from the temporary possession will be reduced by the restoration work carried out before the premises are returned. The new section 40A(5) of the Public Utilities Act is to make it clear that restoration work may be carried out in lieu of any compensation.

The new Part IIIA of the Public Utilities Act also allows owners of premises who suffer from substantial impairment from the temporary possession under amended sections 24A and 32 of the Public Utilities Act to request that their premises and premises related thereto to be compulsorily acquired under the Land Acquisition Act.

Read with clause 15, the amendments in clause 11 do not affect premises for which such notices have been given before the operative date of the amendments.

Clause 12 amends the Rapid Transit Systems Act firstly, by deleting from section 5 of that Act as a mode of service of notices of taking temporary possession of land the affixing to a conspicuous part of the land to be entered. Section 5 is further amended by confining the service of these notices on the owners and occupiers of the land. By this amendment, it will no longer be necessary to serve notices on every person who has an estate or interest, right or share in the land to be entered.

Section 7 of the Rapid Transit Systems Act is replaced with new sections 7 and 7A which are similar to the new sections 49 and 49A of the Land Acquisition Act. This is to allow for owners of land who suffer from substantial impairment of their rights to request that their land and related land (if any) be compulsorily acquired under the Land Acquisition Act in cases where temporary possession is taken of their land.

Read with clause 15, the amendments in clause 12 do not affect land for which such notices have been given before the operative date of the amendments.

Clause 13 amends sections 4, 21, 44 and 45 of the Sewerage and Drainage Act to require notices with certain minimum information to be served before temporary possession of premises is taken for works under the Sewerage and Drainage Act.

Amendment is also made to section 47(4) to abolish a right to appeal against any such notice being served.

Finally, a new Part VIIA and Schedule to the Sewerage and Drainage Act are introduced consisting of provisions similar to the new Part VI and the new Schedule of the Land Acquisition Act. This aligns the compensation framework in the Sewerage and Drainage Act to that in the Land Acquisition Act as amended by this Bill. In the event of dispute, the amount of compensation may be summarily ascertained and determined by a Magistrate's Court or, if the amount claimed exceeds the Magistrate's Court limit, by a District Court, under the existing section 48A of the Sewerage and Drainage Act.

The PUB remains at liberty to restore the temporarily possessed premises to the reasonable satisfaction of the owners of the premises before returning the premises. If so, whatever amount that may be claimed by a person interested as fairly and reasonably incurred in repairing the damage from the temporary possession will be reduced by the restoration work carried out before the premises are returned. The new section 47A(5) of the Sewerage and Drainage Act is to make it clear that restoration work may be carried out in lieu of any compensation.

The new Part VIIA of the Sewerage and Drainage Act also provides for owners of premises who suffer from substantial impairment from the temporary possession under section 4, 21, 44 or 45 of the Sewerage and Drainage Act to request that their premises and premises related thereto to be compulsorily acquired under the Land Acquisition Act.

Read with clause 15, the amendments in clause 13 do not affect premises for which such notices have been given before the operative date of the amendments.

Clause 14 amends the Street Works Act in a manner similar to that described in clause 12. Read with clause 15, the amendments in clause 14 do not affect land for which such notices have been given before the operative date of the amendments.

Clause 15 is a saving and transitional provision for amendments in the Bill, where the Minister is further given power to make regulations of a saving and transitional nature.

## EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.

---