

Planning (Amendment) Bill

Bill No. 27/2003.

Read the first time on 16th October 2003.

A BILL

intituled

An Act to amend the Planning Act (Chapter 232 of the 1998 Revised Edition) and to make consequential amendments to certain other written laws.

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

Short title and commencement

1.—(1) This Act may be cited as the Planning (Amendment) Act 2003 and shall, with the exception of section 6, come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 (2) Section 6 shall be deemed to have come into operation on 24th December 1998.

Amendment of section 2

2. Section 2 of the Planning Act is amended by inserting, immediately after the definition of “purchase notice”, the following definition:

10 ““qualified person” means a person specified in the First Schedule;”.

Amendment of section 3

3. Section 3(3) of the Planning Act is amended —

(a) by deleting the word “and” at the end of paragraph (g); and

15 (b) by deleting the full-stop at the end of paragraph (h) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

20 “(i) the use and operation as 2 or more separate entities of any building or buildings or part of a building which is or are approved or authorised to be used and operated as one single entity for any of the uses specified in the Second Schedule involves a material change in the use of the building or buildings or part of the building.”.

Amendment of section 4

4. Section 4 of the Planning Act is amended —

(a) by deleting the word “Schedule” in subsection (2)(a) and (b) and substituting in each case the words “Third Schedule”;

30 (b) by deleting subsection (3) and substituting the following subsection:

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

- 5 (c) by deleting the words “14 years or 7 years, as the case may be” in subsection (4)(a) and substituting the words “any of the periods specified in subsection (2)”.

Amendment of section 10

5. Section 10 of the Planning Act is amended by deleting subsection (3).

10 **Amendment of section 14**

6. Section 14(2) of the Planning Act is amended —

- (a) by inserting, immediately after the word “approves,” the words “either in relation to a particular application or a class of applications, as the case may be,”;
- 15 (b) by deleting the word “or” at the end of paragraph (d); and
- (c) by deleting the full-stop at the end of paragraph (e) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:
- 20 “(f) the planning permission or conservation permission to be granted for the development proposed in the application is for a specified period not exceeding 10 years.”.

New section 14A

7. The Planning Act is amended by inserting, immediately after section 14, the following section:

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“Applications determined in reliance of certificate or declaration of qualified person

30 **14A.**—(1) Where, in accordance with rules made under section 61, an application for written permission is required to be accompanied by any certificate or declaration by an appropriate qualified person that to the best of his knowledge and belief —

(a) the information contained in any specified document, form and plan submitted for the application is true and correct in all material particulars; and

5 (b) every such document, form and plan submitted for the application has been completed or prepared in accordance with the provisions of this Act and all requirements as may be specified by the competent authority in respect of the application,

10 the competent authority may, without checking the information, documents, forms or plans, determine the application on the basis of the certificate or declaration of the qualified person.

(2) Notwithstanding subsection (1), the competent authority may, in his discretion, carry out random checks on any information, document, form or plan relating to any application for written permission before or after determining the application.

(3) The competent authority may at any time revoke any written permission granted under subsection (1) if he is satisfied that —

20 (a) any information contained in any document, form or plan submitted for the application is false or misleading in any material particular; or

(b) any document, form or plan submitted for the application is not in compliance in any material particular with the provisions of this Act and the requirements as may be specified by the competent authority in respect of the application.

25 (4) Where the competent authority revokes a written permission under subsection (3), any development of land, works within a conservation area or subdivision of land (as the case may be) carried out pursuant to that written permission shall be deemed to have been carried out without the requisite written permission.

(5) Any qualified person who —

(a) makes a certificate or declaration referred to in subsection (1) which is false or misleading in any material particular; or

35 (b) recklessly makes such certificate or declaration which is false or misleading in any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.”.

Amendment of section 15

5 **8.** Section 15 of the Planning Act is amended —

(a) by deleting paragraph (g) of subsection (1);

(b) by deleting the word “or” at the end of subsection (2)(a);

10 (c) by deleting the full-stop at the end of paragraph (b) of subsection (2) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(c) where the approval of the Commissioner of Building Control under the Building Control Act (Cap. 29) is required to be obtained for the plans of the building works with regard to any works within a conservation area, requirements for the submission to the competent authority, within 7 days of the application for approval made to the Commissioner of Building Control, of a declaration by a qualified person that the plans submitted to the Commissioner of Building Control for the application with regard to such works are in accordance with the plans approved by the competent authority in the grant of the conservation permission.”; and

20 (d) by inserting, immediately after subsection (3), the following subsections:

“(3A) Any qualified person who —

(a) makes a declaration referred to in subsection (2)(c) which is false or misleading in any material particular;
or

30 (b) recklessly makes such declaration which is false or misleading in any material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$30,000 or to imprisonment for a term not exceeding 6 months or to both.

(3B) In subsection (2)(c), “qualified person” means a person who is registered as an architect under the Architects Act (Cap. 12) and who has in force a practising certificate issued under that Act.”.

5 **Amendment of section 21**

9. Section 21 of the Planning Act is amended by deleting subsection (6) and substituting the following subsection:

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

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

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

Amendment of section 35

15 **10.** Section 35(1) of the Planning Act is amended by inserting, immediately after the words “conservation permission”, the words “, except where the planning permission or conservation permission is granted for a specified period of 10 years or less”.

Amendment of section 36

20 **11.** Section 36 of the Planning Act is amended —

(a) by deleting paragraph (c) of subsection (1) and substituting the following paragraph:

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

- 25 (i) development charge, where payable in respect of the authorised development, has been paid;
- (ii) no development charge is payable in respect of the authorised development by reason of any exemption or remission under this Act or the
- 30 repealed Act;

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

(b) by deleting subsection (3) and substituting the following subsections:

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

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

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

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

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

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

(c) by inserting, immediately after subsection (7), the following subsections:

“*(7A)* Notwithstanding anything in this Act, in determining both the Development Baseline and Development Ceiling for any land, any development of that land authorised by a written

permission granted for a specified period not exceeding 10 years shall be disregarded.

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

- 5 (a) the fact that the period specified for a written permission granted for a development may be extended by the competent authority shall not be taken into consideration in determining whether the written permission is granted for a specified period not exceeding 10 years; and
- 10 (b) where the competent authority extends the period for which a written permission is granted for a development, the extension shall be deemed to be a separate written permission granted for the period of the extension specified by the competent authority.”;
- 15 (d) by inserting, immediately after the words “In this section” in subsection (8), the words “, unless the context otherwise requires”; and
- (e) by inserting, immediately before the definition of “material date” in subsection (8), the following definition:
- 20 ““authorised”, in relation to any development of land, means any development of that land —
- (a) authorised under this Act or the repealed Act; or
- (b) effected or carried out pursuant to any written approval granted under any written law before 1st
- 25 February 1960;”.

Repeal and re-enactment of section 36

12. Section 36 of the Planning Act is repealed and the following section substituted therefor:

“Development Baseline and Development Ceiling

- 30 **36.**—(1) Subject to this section, the Development Baseline for any land shall be the value of any authorised development of that land which satisfies any one or more of the following criteria:

- (a) development charge, where payable in respect of the authorised development, has been paid;
- (b) no development charge is payable in respect of the authorised development by reason of any exemption or remission under this Act or the repealed Act; or
- (c) development charge is not payable in respect of the authorised development under the written law in force when the development was authorised.

(2) The value of any development of land referred to in subsection (1) shall be calculated in accordance with the prescribed methods and rates.

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

- (a) any term of the exemption or remission provides that the development shall be disregarded for that purpose; or
- (b) any term of the exemption or remission has ceased to be or is not complied with.

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

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

(5) Notwithstanding subsections (1) to (4), where the Development Baseline for any land cannot be ascertained in accordance with those subsections, the Development Baseline for the land shall be deemed

to be the value of the last authorised development of the land before the material date.

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

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

- (a) the value of the authorised development of the land to be retained; and
- (b) the value of the development of the land to be authorised by the written permission.

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

(9) For the purposes of subsection (8) —

- (a) the fact that the period specified for a written permission granted for a development may be extended by the competent authority shall not be taken into consideration in determining whether the written permission is granted for a specified period not exceeding 10 years; and
- (b) where the competent authority extends the period for which a written permission is granted for a development, the extension shall be deemed to be a separate written permission granted for the period of the extension specified by the competent authority.

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

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

- (a) authorised under this Act or the repealed Act; or
- (b) effected or carried out pursuant to any written approval granted under any written law before 1st February 1960;

“material date” means the date on which an application for planning permission or conservation permission is made.”.

New section 39A

5 **13.** The Planning Act is amended by inserting, immediately after section 39, the following section:

“Remission of development charge

10 **39A.** The Minister may, in his discretion and subject to such terms and conditions as he may determine, remit, wholly or in part, the development charge payable by any person if he is satisfied that it is just and equitable to do so.”.

Amendment of section 40

14. Section 40 of the Planning Act is amended by deleting subsection (2).

New Part VA

15 **15.** The Planning Act is amended by inserting, immediately after section 40, the following Part:

“PART VA

TEMPORARY DEVELOPMENT LEVY

Temporary development levy

20 **40A.—**(1) Subject to the provisions of this Part, there shall be paid to the competent authority a tax known as a temporary development levy in respect of every development of land authorised by any planning permission or conservation permission granted for a specified period of 10 years or less.

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

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

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

(5) In this Part —

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

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

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

Liability to pay temporary development levy

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

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

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

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

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

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

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

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

Remission of temporary development levy

15 **40C.** The Minister may, in his discretion and subject to such terms and conditions as he may determine, remit, wholly or in part, the temporary development levy payable by any person if he is satisfied that it is just and equitable to do so.

Power to make rules relating to temporary development levy

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

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

New section 60A

30 **16.** The Planning Act is amended by inserting, immediately after section 60, the following section:

“Amendment of Schedules

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

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

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

Amendment of section 61

10 **17.** Section 61 of the Planning Act is amended —

(a) by deleting the word “and” at the end of subsection (2)(j);

(b) by deleting the full-stop at the end of paragraph (k) of subsection (2) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

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

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

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

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

(p) the circumstances under which a qualified person’s certificate or declaration may not be lodged with or submitted to the competent authority as being in

satisfaction of any requirement or condition specified in any notification made under section 21(6); and

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

(c) by inserting, immediately after subsection (3), the following subsection:

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

(d) by deleting the words “this section” in subsection (4) and substituting the words “this Act”.

New First and Second Schedules

18. The principal Act is amended by inserting, immediately after section 62, the following Schedules:

“FIRST SCHEDULE

Section 2

QUALIFIED PERSONS

1. Any person who is registered as an architect under the Architects Act (Cap. 12) and who has in force a practising certificate issued under that Act.

2. Any person who is registered as a professional engineer under the Professional Engineers Act (Cap. 253) and who has in force a practising certificate issued under that Act.

3. Any person who is registered as a land surveyor under the Land Surveyors Act (Cap. 156) and who has in force a practising certificate issued under that Act.

SECOND SCHEDULE

Section 3(3)(i)

USES

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

- (a) boarding house;
- (b) hotel;
- (c) serviced apartments;
- (d) student hostel;
- 10 (e) place of worship;
- (f) workers' dormitory."

Renaming of Schedule

19. The Schedule to the Planning Act is amended by renaming the Schedule as the Third Schedule.

15 Consequential amendments to other written laws

20. The provisions of the Acts specified in the first column of the Schedule are amended in the manner set out in the second column thereof.

Transitional provisions

21.—(1) Sections 10 and 11 shall apply to an application for planning
20 permission or conservation permission made before the date of commencement of this Act provided that the competent authority has not issued an interim order under section 38 or 39 of the Planning Act for the payment of the estimated amount of development charge in respect of the development of land to be authorised by the grant of the planning
25 permission or conservation permission as at that date.

(2) Where the competent authority has, before the date of commencement of this Act, issued an interim order under section 38 or 39 of the Planning Act, sections 35 and 36 of the Planning Act in force immediately before that date shall continue to apply to any application for
30 planning permission or conservation permission made before that date.

- (3) Section 12 shall only apply to an application for planning permission or conservation permission made on or after the date of commencement of that section and section 36 of the Planning Act in force immediately before that date shall continue to apply to any application for planning permission or conservation permission made before that date.
- (4) Section 15 shall apply to —
- (a) any application for planning permission or conservation permission made on or after the date of commencement of this Act; and
- (b) any application made on or after the date of commencement of this Act to renew or extend the validity of any planning permission or conservation permission granted for a specified period of 10 years or less.
- (5) The Minister may, by regulations, prescribe such other transitional and savings provisions as he may consider necessary or expedient.

THE SCHEDULE

Section 20

CONSEQUENTIAL AMENDMENTS TO OTHER WRITTEN LAWS

<i>First column</i>	<i>Second column</i>
<p>(1) Land Surveyors Act (Chapter 156, 2002 Ed.)</p> <p>Section 39</p>	<p>Insert, immediately after subsection (3), the following subsection:</p> <p>“(4) Where the strata subdivision of any building or class of buildings has been authorised by a notification made by the Minister under section 21(6) of the Planning Act, the Chief Surveyor shall not, when he approves any plan under this section, be obliged to enquire whether any of the conditions set out in the notification or imposed by the competent authority under the Planning Act have been satisfied or complied with.”.</p>

<i>First column</i>	<i>Second column</i>
<p>(2) Land Titles Act (Chapter 157, 1994 Ed.)</p> <p>(a) Section 4</p>	<p>(i) Insert, immediately after the definition of “Collector” in subsection (1), the following definition:</p> <p style="padding-left: 40px;">““competent authority”, in relation to any development or subdivision of land, means the competent authority appointed under section 5 of the Planning Act (Cap. 232) in respect of the development or subdivision of land, as the case may be;”.</p> <p>(ii) Insert, immediately after the definition of “Registrar of Deeds” in subsection (1), the following definition:</p> <p style="padding-left: 40px;">““relevant authority” means any Government department or authority or statutory authority empowered to approve plans for development or subdivision of any land or plans relating to the construction of any building under the Planning Act (Cap. 232) or under any other written law and includes the competent authority;”.</p> <p>(iii) Insert, immediately after subsection (4), the following subsections:</p>

*First column**Second column*

“(5) A reference in this Act to subdivision of land (whether registered or unregistered) permitted, approved or granted by the competent authority shall include, where applicable, a reference to subdivision of land that is authorised by the Minister under a notification made under section 21(6) of the Planning Act (Cap. 232).

(6) Where by reason of any notification made by the Minister under section 21(6) of the Planning Act —

- (a) the strata subdivision of any building or class of buildings as specified in that notification is authorised; and
- (b) the approval by the competent authority of a strata subdivision plan for that building or class of buildings is not required under the Planning Act,

then for the purposes of this Act and any rules made thereunder, any reference to a subdivision plan issued or approved by the competent authority shall, where applicable, be construed to mean a reference to building plans approved by the relevant authority —

*First column**Second column*

- (i) which are endorsed with a certificate by a surveyor who is registered under the Land Surveyors Act (Cap. 156) and has in force a practising certificate issued under that Act certifying that the boundaries of all the strata lots which he has delineated on the approved building plans have been endorsed by the proprietor of the development to be correct and in accordance with what was sold or agreed to be sold by the proprietor; and
- (ii) which contain such other certifications and particulars as may be required by the Registrar or the Chief Surveyor.”.
- (b) Section 54A(1) Delete the words “competent authority” and substitute the words “relevant authority”.
- (c) Section 98(8) Delete the words “section 10(3)” in the definition of “development” and substitute the words “section 12(3)”.
- (d) Section 99(8)
- (i) Delete the definition of “competent authority”.
- (ii) Delete the words “under the Planning Act 1998” in the definition of “lot”.

- | <i>First column</i> | <i>Second column</i> |
|--|---|
| <p>(3) Land Titles (Strata) Act
(Chapter 158, 1999 Ed.)</p> <p>(a) Section 3</p> | <p>(i) Delete the definition of “building” and substitute the following definition:</p> <p> ““building” includes —</p> <p> (a) any building partially completed;</p> <p> (b) where applicable, any building to be erected within a stratum shown or specified in any strata subdivision plan submitted to the relevant authority for approval; or</p> <p> (c) any building to be erected which is authorised for strata subdivision under a notification made by the Minister under section 21(6) of the Planning Act (Cap. 232);”.</p> <p>(ii) Delete paragraphs (a) and (b) of the definition of “common property” and substitute the following paragraph:</p> <p> “(a) in relation to any subdivided building, means so much of the land for the time being not comprised in any lot shown in a strata title plan or in any parts of any building unit (partially erected or to be erected) intended to be included as lots in a strata title plan to be lodged with the Registrar; and”.</p> |

*First column**Second column*

- (iii) Delete the definition of “subdivided building” and substitute the following definition:

““subdivided building” means —

- (a) any one or more buildings comprised in a strata subdivision plan approved by the relevant authority; or
- (b) any building or class of buildings authorised for strata subdivision under a notification made by the Minister under section 21(6) of the Planning Act (Cap. 232);”.

- (b) New section 5A

Insert, immediately after section 5, the following section:

“Authorisation of strata subdivision under notification made by Minister under Planning Act

5A.—(1) Where by reason of any notification made by the Minister under section 21(6) of the Planning Act (Cap. 232) —

- (a) the strata subdivision of any building or class of buildings as specified in that notification is authorised; and
- (b) the approval by the competent authority of a strata subdivision plan for that building or class of buildings is not required under the Planning Act,

*First column**Second column*

then for the purposes of this Act and any regulations made thereunder, where any thing or matter is required to be done in accordance with or to be ascertained from any strata subdivision plan approved or issued by the competent authority, such requirement shall be deemed to be complied with or satisfied if it is done in accordance with or ascertained from building plans approved by the relevant authority.

(2) For the purposes of subsection (1), the building plans approved by the relevant authority —

- (a) shall be endorsed with a certificate by a surveyor who is registered under the Land Surveyors Act (Cap. 156) and has in force a practising certificate issued under that Act certifying that the boundaries of all the strata lots which he has delineated on the approved building plans have been endorsed by the proprietor of the development to be correct and in accordance with what was sold or agreed to be sold by the proprietor; and
- (b) shall contain such other certifications and particulars as may be required by the Registrar or the Chief Surveyor.”.

<i>First column</i>	<i>Second column</i>
(c) Section 10	<ul style="list-style-type: none"> (i) Insert, immediately after the words “building plans and subdivision plans” in subsection (2)(d), the words “, if any,”. (ii) Delete the words “building plans (if any) and subdivision plans” in subsection (3)(d) and substitute the words “building plans and subdivision plans, if any,”. (iii) Insert, immediately after the words “building plans and the subdivision plans” in subsection (6)(a), the words “, if any,”. (iv) Delete the words “building plans (if any) and subdivision plans” in subsection (9)(a)(i) and substitute the words “building plans and subdivision plans, if any,”. (v) Insert, at the end of subsection (9)(a)(ii), the word “and”. (vi) Delete paragraph (b) of subsection (9).

EXPLANATORY STATEMENT

This Bill seeks to amend the Planning Act (Cap. 232) and to make consequential amendments to certain other written laws.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2 by inserting a new definition of “qualified person”.

Clause 3 amends section 3(3) to provide that the use and operation as 2 or more separate entities of any building approved for any use specified in the Second Schedule (inserted by clause 18) involves a material change in the use of the building.

Clause 4 makes minor amendments to section 4 as a consequence of the renaming of the Schedule as the Third Schedule by clause 19 and simplifies the reference to the lease period in subsection (4).

Clause 5 makes a technical amendment to section 10.

Clause 6 amends section 14(2) to add a new circumstance where the competent authority need not act in conformity with the Master Plan in determining applications for written permission and to make it clear that the Minister may approve such deviations in relation to a particular application or generally in relation to a class of applications.

Clause 7 inserts a new section 14A to provide that the competent authority may grant written permission on the basis of a certification or declaration of a qualified person. It also provides that the competent authority may revoke the grant of written permission if the certification or declaration of the qualified person is later found to be false or incorrect in any material particular and states the consequences arising from such a situation.

Clause 8 amends section 15 to update the list of conditions to which the grant of planning permission or conservation permission may be subject.

Clause 9 amends section 21(6) to provide that the Minister may authorise, by notification in the *Gazette*, the subdivision of land.

Clause 10 amends section 35(1) to provide that development charge shall not be payable in respect of development of land authorised by a planning permission or conservation permission which is granted for a specified period of 10 years or less.

Clause 11 amends section 36 —

- (a) to update the definition of the Development Baseline; and
- (b) to provide that the hotel developments on any prescribed land are to be disregarded for the purposes of the Development Baseline in certain circumstances.

Clause 12* repeals and re-enacts section 36 to further revise the definition of Development Baseline to disregard any development for the land as allocated in —

- (a) the Master Plan approved by the Governor in Council on 5th August 1958; or
- (b) the Master Plan as the result of any alteration or addition made under section 6(1) of the repealed Planning Act (Cap. 232, 1990 Ed.) prior to 24th April 1982.

Clause 13 inserts a new section 39A which provides that the Minister may remit the development charge payable by any person in whole or in part.

Clause 14 makes a technical amendment to section 40.

* This clause will be brought into operation at a later date to be decided by the Minister.

Clause 15 inserts a new Part VA (consisting of new sections 40A to 40D) relating to the imposition of a temporary development levy.

New section 40A provides for the imposition of a new tax (temporary development levy) in respect of the grant of planning permission or conservation permission which is for a specified period of 10 years or less and sets out the basis for determining the temporary development levy.

New section 40B imposes the liability for the temporary development levy on the applicant for the planning permission or conservation permission or the owner of the land in respect of which such permission is to be granted.

New section 40C provides that the Minister may remit the development charge payable by any person in whole or in part.

New section 40D empowers the Minister to make rules relating to the temporary development levy.

Clause 16 inserts a new section 60A which allows the Minister to amend any Schedule by order published in the *Gazette*.

Clause 17 amends section 61 —

- (a) to empower the Minister to make rules to specify the requirements to be complied with for an application for written permission, the requirements for the applicant to submit the certification or declaration of a qualified person in relation to such matters as may be specified by the competent authority and the duties and liabilities of the qualified person in relation to such certification or declaration; and
- (b) to provide that the Minister may, in making any rules under the Act, provide for offence provisions and prescribe the punishment of a fine not exceeding \$20,000 or imprisonment for a term not exceeding 6 months or both.

Clause 18 inserts new First and Second Schedules for the purposes of the new definition of “qualified person” (inserted by clause 2) and the new section 3(3)(i) (inserted by clause 3), respectively.

Clause 19 renames the existing Schedule as the Third Schedule.

Clause 20 (to be read with the Schedule) provides for consequential amendments to certain other written laws.

Clause 21 contains transitional provisions and allows the Minister to prescribe by regulations such other transitional or savings provisions as he may consider necessary or expedient.

EXPENDITURE OF PUBLIC MONEY

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