

# PART I PRELIMINARY

## PART I PRELIMINARY

### 1 Short title

Short title

1.

This Act may be cited as the Town Councils Act.

### 2 Interpretation

Interpretation

2.

—(1) In this Act, unless the context otherwise requires —

"appointed member", in relation to a Town Council, means a person who has been appointed to be a member of the Town Council under section 8 or 9 (8);

"Board" means the Housing and Development Board established under the Housing and Development Act (Cap. 129);

"chairman", in relation to a Town Council, means the chairman of the Town Council and includes an acting chairman of the Town Council;

"charges" means the conservancy and service charges levied by a Town Council under section 39;

"commercial property" means any building or premises vested in or belonging to the Board or any part of the building or premises which is permitted to be used pursuant to the Planning Act (Cap. 232) or any other written law wholly or partly as a shop, office, creche, public hall, a residential institution providing accommodation or care to persons in need of care, or an institution providing education or instruction or which is lawfully so used, and includes any market or food centre of the Board but does not include such property as

may be prescribed;

"common property" , in relation to any residential or commercial property in a housing estate of the Board, means so much of the land and all parts of any building of the Board as are not being comprised in the flats in the building and includes —

- (a) the columns, beams, supports, external walls, roofs and storage spaces, lobbies, corridors, stairs, stairways, fire escapes, entrances and exits;
- (b) fire-fighting and protection system;
- (c) the central and appurtenant installations for services such as power, light, sanitation and water;
- (d) the escalators, lifts, water-tanks, pumps, motors, fans, compressors, ducts and all other apparatus and installations existing for common use;
- (e) the common facilities in the housing estate built for the use or enjoyment of the residents;
- (f) all recreational or community facilities, and gardens;
- (g) all directional signs and signboards;
- (h) the land appurtenant to the building and all other parts of the land intended for the use or enjoyment of the residents; and
- (i) such other property as may be prescribed,

but does not include —

- (i) bus terminals and interchanges;
- (ii) drains, sewers and lightings maintained by the Government;
- (iii) swimming pools and other sports complexes;
- (iv) public roads and parking places; and
- (v) such other property as may be prescribed;

"constituency" means an electoral division under the Parliamentary Elections Act (Cap. 218) and includes a group representation constituency;

"elected member" , in relation to a Town Council, means a Member of Parliament for any constituency comprised within the Town for which the Town Council is established;

"Financial Rules" means the rules made under section 43;

"flat" means a horizontal stratum of any building or part thereof, whether the stratum is on one or more levels or is partially or wholly below the surface of the ground, which is used or intended to be used as a complete and separate unit for the purpose of human habitation or business;

"group representation constituency" means any electoral division declared to be a group representation constituency under the Parliamentary Elections Act (Cap. 218);

"housing estate" means any housing estate built on any land vested in or held in trust for the Board;

"industrial property" means any building or premises vested in or belonging to the Board or any part of the building or premises which is permitted to be used pursuant to the Planning Act (Cap. 232) or any other written law for any industrial purposes;

"lease" includes an agreement for a lease or tenancy and "leased" shall be construed accordingly;

"member" means an elected member or an appointed member;

"owner" , in relation to any property sold by the Board, includes a person who has purchased a leasehold interest in the property and a purchaser under an agreement for a lease;

"residential property" means any building or other premises vested in or belonging to the Board or any part of the building or premises which is permitted to be used pursuant to the Planning Act or any other written law wholly for the purpose of human habitation;

"secretary" means any person appointed by a Town Council under section 20 to be the secretary to the Town Council;

"Town" means any area declared to be a Town under section 3;

"Town Council" , in relation to a Town, means the Town Council established under section 4 for that Town;

"Town Council Fund" means the Town Council Fund constituted under section 33;

"vice-chairman" , in relation to a Town Council, means a vice-chairman of the Town Council.

[25/90; 37/96]

(2) This Act shall not apply to —

(a) the housing estates governed by the HUDC Housing Estates Act (Cap. 131);

(b) any industrial property of the Board; and

(c) such other property of the Board as the Minister may by order specify.

(3) Any order made under subsection (2) (c) may provide for this Act not to apply either indefinitely or for a specified period and may contain such incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or proper.

### 3 Declaration of Towns

#### Declaration of Towns

3.

— (1) For the purposes of constituting a Town Council to control, manage, maintain and improve the common property of residential and commercial property in the housing estates of the Board in any area, the Minister may, from time to time, by order published in the *Gazette*, declare to be a Town by such name as the Minister may designate in the order an area comprising —

(a) any constituency; or

(b) any 2 or 3 constituencies where the Members of Parliament have agreed to their constituencies being declared to be a Town.

(2) Notwithstanding subsection (1), the Minister may, on the expiration of 14 days after the date of publication of the results of any general election in the *Gazette* under section 51 of the Parliamentary Elections Act (Cap. 218), by order under subsection (1) declare each constituency to be a Town except those constituencies whose Members of Parliament have agreed to their constituencies being declared to be a Town.

(3) The Minister may, by order published in the *Gazette*, revoke or amend any order made under subsection (1).

(4) When an order is made under subsection (3) for the purpose of declaring an area comprising any constituency or former constituency within a Town or any part of a former constituency within a Town (referred to in this section as the relevant area) to constitute or to form part of another Town, the Town Council of the first-mentioned Town shall, unless earlier dissolved, continue, for such period not exceeding 90 days as the Minister may specify in the order, to be liable for the maintenance and management of the common property of the residential and commercial property in the housing estates of the Board within that area as if the order had not been made.

(5) Upon the expiry of the period referred to in subsection (4), the Town Council of the other Town shall be liable for the maintenance and management of that common property.

[18/92; 37/96]

(6) Nothing in subsection (4) shall authorise the Town Council of the Town first-mentioned therein to draw on —

(a) any surpluses of the Town Council which are required under section 34 to be transferred to its sinking funds; or

(b) any balance of those surpluses,

to maintain and manage the common property of the residential and commercial property in the housing estates of the Board within the relevant area.

[37/96]

(7) The Minister may, in any order made under subsection (3), make such incidental, consequential or supplementary provisions as may be necessary or expedient.

(8) For the purposes of this Act, where any part of the common property of any residential or commercial property is situated partly in the Town of one Town Council and partly in the Town of another, the Town Councils may agree that such part shall be treated as situated in such one of the Towns as is specified in the agreement; and in default of agreement the situation of such part shall be determined by the Minister whose decision shall be final.

## PART II ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF TOWN COUNCILS

## PART II

### ESTABLISHMENT, INCORPORATION AND CONSTITUTION OF TOWN COUNCILS

## 4 Establishment of Town Councils

### Establishment of Town Councils

4.

On such date as the Minister may, from time to time by order published in the *Gazette*, specify in respect of any Town, there shall be established for that Town a body to be known as a Town Council.

## 5 Incorporation

### Incorporation

5.

A Town Council shall be a body corporate with perpetual succession by the name "The Town Council" with the addition of the name of the particular Town and may sue and be sued in the corporate name of that Town Council.

## 6 Common seal

### Common seal

6.

— (1) A Town Council shall have a common seal, and the fixing of the seal shall —

(a) be authorised or ratified by resolution of the Town Council; and

(b) be authenticated by the signatures of the chairman or any vice-chairman and any member of the Town Council authorised by resolution of the Town Council generally or specially to act for that purpose.

[25/90]

(2) Any document purporting to be a document duly executed under the seal of a Town Council shall be received in evidence and shall, unless the contrary is proved, be deemed to be a document so executed.

## 7 Certain contracts and instruments not required to be under seal

Certain contracts and instruments not required to be under seal

7.

Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not be required to be under seal may be entered into or executed on behalf of a Town Council by any person generally or specially authorised by the Town Council for that purpose.

## 8 Composition of Town Council

Composition of Town Council

8.

— (1) A Town Council shall consist of —

- (a) the elected member or members ex officio; and
- (b) such other members appointed by the chairman in accordance with subsection (2) —
  - (i) being not more than 10 members for every Member of Parliament required to be returned at a general election or by-election for the constituencies comprised within the Town; or
  - (ii) being not more than 30 members,

whichever is the greater but in any case being not less than 6 members.

[18/92; 37/96]

(2) The chairman shall, within 30 days of assuming his office, appoint the members under subsection (1) (b) on the nomination of the elected members, each of whom (including the chairman) may nominate such number of members as

they may agree or, if they fail to agree, an equal number of members, of whom not less than two-thirds shall be residents of any housing estate of the Board within the Town.

[18/92]

## 9 Chairman and vice-chairmen

Chairman and vice-chairmen

9.

—(1) A chairman of a Town Council shall be appointed by the elected members from among their number within 30 days after any general election or by-election in any constituency comprised within the Town under the Parliamentary Elections Act (Cap. 218) for such term as the elected members may determine.

(2) The first chairman of a Town Council shall be so appointed within 7 days after the establishment of the Town Council.

[18/92]

(3) Where the elected members fail to appoint a chairman under subsection (1), the Minister shall appoint any elected member to be the chairman for such term as the Minister may determine.

[18/92]

(4) Where the area of a Town comprises only one constituency (other than a group representation constituency), the Member of Parliament for that constituency shall be the chairman during his tenure of office as a Member of Parliament for that constituency.

(5) The chairman shall appoint from among the members not more than 2 vice-chairmen for such term, not exceeding 2 years, as he may determine.

[25/90]

(6) The chairman or a vice-chairman, if he is an elected member, shall hold office as chairman or vice-chairman, as the case may be, only so long as he is an elected member and shall be eligible for reappointment.

[25/90]

(7) Where all the elected members of a Town Council have vacated their seats in Parliament by reason of a dissolution of Parliament or otherwise, the appointed members shall, with the approval of the Minister, forthwith appoint one of their number to act as chairman for such term as they may determine; and where such members fail to do so, the Minister shall appoint any appointed member to act as chairman for such term as the Minister may determine.

(8) Any chairman appointed under subsection (7) may, with the approval of the



Minister, appoint not less than 6 nor more than 30 members, of whom not less than two-thirds shall be residents of any housing estate of the Board within the Town.

[18/92]

(9) The appointment of any chairman under subsection (7) —

(a) shall terminate upon the assumption of office of the elected member or members; or

(b) may be revoked by the Minister if he is satisfied that it is desirable in the public interest to do so and thereupon another chairman shall be appointed in the same manner prescribed in subsection (7).

(10) The chairman may at any time revoke the appointment of any vice-chairman without assigning any reason.

[25/90]

(11) The chairman and any vice-chairman of a Town Council shall, as soon as practicable after their assumption of office, complete a declaration of acceptance of such office in the form prescribed in the Schedule and deliver the declaration to the Minister.

(12) Any failure to comply with subsection (11) by the chairman or vice-chairman shall not invalidate his term of office.

[25/90]

(13) A Town Council shall as soon as practicable publish in the *Gazette* the names of the chairman, the vice-chairmen and other members of the Town Council.

## 10 Duties of chairman and vice-chairmen

Duties of chairman and vice-chairmen

10.

—(1) The chairman shall preside at meetings of the Town Council and shall perform such other duties as are prescribed in this Act.

(2) In the absence of the chairman, or if at any time the office of the chairman is vacant, any vice-chairman shall preside at meetings of the Town Council and shall perform such other duties of the chairman as are prescribed in this Act.

[25/90]

(3) If the chairman and vice-chairmen are absent from a meeting of the Town Council, the members present shall elect from among themselves a temporary chairman to preside at that meeting.

[25/90]

## 11 Chairman to have casting vote

Chairman to have casting vote

11.

At any meeting of a Town Council, the chairman or the person presiding shall have an original vote and also, if the votes are equal, a casting vote.

## 12 Resignation of chairman and vice-chairmen

Resignation of chairman and vice-chairmen

12.

— (1) The chairman shall not resign or vacate his office and any purported resignation or vacation of office in breach of this section shall be deemed to be invalid.

(2) Where a Town Council has more than one elected member, the chairman may resign his office if another elected member is appointed in his place by the elected members.

(3) Subject to subsection (2), the chairman may resign his office by giving notice in writing under his hand to the Minister.

(4) A vice-chairman may resign his office by giving notice in writing under his hand to the chairman.

[25/90]

(5) Where the chairman or a vice-chairman dies or the office of chairman or vice-chairman is otherwise vacated, another chairman or vice-chairman, as the case may be, shall be appointed within 7 days after the death or vacation of office and section 9 shall apply, with the necessary modifications, to such appointment.

[25/90; 37/96]

(6) Subsections (1) and (2) shall not apply to any chairman appointed under

# PART III GENERAL PROVISIONS AS TO MEMBERS OF TOWN COUNCIL

## PART III

### GENERAL PROVISIONS AS TO MEMBERS OF TOWN COUNCIL

## 13 Tenure of office of elected members

### Tenure of office of elected members

13.

— (1) Every elected member of a Town Council shall assume his office upon his election as a Member of Parliament and shall vacate his office if he ceases to be a Member of Parliament for the constituency comprised within the Town for which the Town Council is established.

(2) Subject to subsection (1), every elected member of a Town Council shall hold office for the duration of the Parliament in which he is elected and shall not resign or vacate his office as a member and any purported resignation or vacation of office in breach of this subsection shall be deemed to be invalid.

## 14 Tenure of office of appointed members

### Tenure of office of appointed members

14.

— (1) Subject to subsection (2), an appointed member shall hold office for a term of 2 years and on such conditions as the chairman may determine and shall be eligible for reappointment.

(2) Every appointed member of a Town Council shall cease to be a member upon the assumption of office of the chairman of the Town Council after any general election or by-election in any constituency comprised within the Town under the Parliamentary Elections Act (Cap. 218), unless the member earlier resigns

or vacates his office in accordance with this Act.

(3) The chairman may appoint any person to be a temporary appointed member of a Town Council during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any appointed member.

(4) The chairman may, at any time, revoke the appointment of any appointed member without assigning any reason.

(5) Any appointed member may resign from his appointment at any time by giving notice in writing to the chairman.

(6) The office of an appointed member shall be vacated if he —

(a) has been absent, without leave of the chairman, from 3 consecutive meetings of the Town Council;

(b) where he was a resident of any housing estate within the Town, ceases to be so resident; or

(c) becomes in any manner disqualified for membership of the Town Council.

[18/92]

(7) If an appointed member resigns, dies or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, the chairman may appoint a person to fill the vacancy for the residue of the term for which the vacating member was appointed.

(8) No person shall be appointed or shall continue to hold office as an appointed member of a Town Council if he —

(a) is not a citizen of Singapore;

(b) is an undischarged bankrupt or has made any arrangement with his creditors; or

(c) has been sentenced to imprisonment for a term of not less than one year or to a fine of not less than \$2,000 and has not received a free pardon.

(9) The disqualification of a person under subsection (8) (c) may be removed by the President and shall, if not so removed, cease at the end of 5 years beginning from the date on which the person was released from custody or the date on which the fine was imposed on the person.

## 15 Disclosure of interest by members

## Disclosure of interest by members

15.

— (1) A member of a Town Council who is in any way, directly or indirectly, interested in a transaction or project of the Town Council shall disclose the nature of his interest at a meeting of the Town Council.

(2) The disclosure under subsection (1) shall be recorded in the minutes of the Town Council and the member shall not take part in any deliberation of the Town Council with respect to that transaction or project.

(3) For the purpose of determining whether there is a quorum, a member shall be treated as being present at a meeting notwithstanding that under subsection (2) he cannot vote or has withdrawn from the meeting.

## 16 Allowances etc. payable to members

Allowances, etc., payable to members

16.

— (1) Subject to subsection (2), the chairman, vice-chairmen and other members of a Town Council may be paid, out of the Town Council Fund, such allowances as may be prescribed.

(2) Any full-time chairman, vice-chairmen and other members of a Town Council may be paid, out of the Town Council Fund, such salaries as may be prescribed.

## 17 Validity of acts of members

Validity of acts of members

17.

The acts and proceedings of any member of a Town Council acting as such shall, notwithstanding his want of qualification or disqualification, be as valid and

effectual as if he had been qualified.

# PART IV FUNCTIONS AND POWERS OF TOWN COUNCIL

## PART IV

### FUNCTIONS AND POWERS OF TOWN COUNCIL

## 18 Functions of Town Council

### Functions of Town Council

18.

— (1) The functions of a Town Council are —

(a) to control, manage, maintain and improve the common property of the residential and commercial property in the housing estates of the Board within the Town and to keep them in a state of good and serviceable repair and in a proper and clean condition; and

(b) to exercise such powers and perform such duties as may from time to time be conferred or imposed on the Town Council by or under any written law.

(2) Without prejudice to the generality of subsection (1), the functions of a Town Council shall include the conservancy and landscaping of the common property of the residential and commercial property in the housing estates of the Board within the Town.

## 19 Powers of Town Council

### Powers of Town Council

19.

— (1) A Town Council may —

(a) with the prior written consent of the Board, establish and maintain places and facilities on or make improvements to the common property of the

residential and commercial property for the benefit of residents of housing estates of the Board within the Town;

(aa) with the approval of the Minister and the consent of the owner of the property on which the facilities are or to be erected, installed or planted, erect, install, plant (including landscaping), repair and maintain facilities within the Town that is outside the common property of the residential and commercial property in the housing estates of the Board within the Town;

(b) acquire and hold property of any description if, in the opinion of the Town Council, the property is necessary for the accommodation of the Town Council or for the performance of any purpose which the Town Council is required or is permitted by this Act or any other Act to perform and, subject to the terms and conditions upon which the property is held, to dispose of the property;

(c) impose charges for such use of any part of the common property as the Minister may prescribe, or for the use of any facility or service provided, or for any improvements to the common property made, by the Town Council as it considers necessary, except that no charge shall be imposed for the use by the Board or its agents of any part of the common property;

(d) appoint agents to carry out its functions under this Act or any other Act;

(e) accept gifts and donations whether of property or otherwise and whether subject to any special trust or not; and

(f) do all such other acts as are reasonably necessary for the exercise or performance of all or any of the powers or duties of the Town Council under this Act or any other Act and for the enforcement of its by-laws and perform any other function which is incidental or conducive to the attainment or furtherance of the purposes of the Town Council in accordance with the provisions of this Act or any other Act.

[25/90; 37/96]

(2) A Town Council may manage or maintain any parking place and industrial property of the Board or any market and food centre of the Board or Government within the Town upon such terms and conditions as may be agreed between the Town Council and the Board or the Government, as the case may be.

[37/96]

(3) A Town Council may, on the request of any public authority or any community-based association, and with the approval of the Minister, carry out any work on behalf of the public authority or association on any property within the Town upon such terms and conditions as may be agreed between the Town Council and the public authority or association, as the case may be.

(3A) Nothing in subsection (3) shall authorise a Town Council to enter upon the property of any person within the Town unless the consent of the owner thereof has been first obtained.

(4) The Minister may, in prescribing the uses for which charges may be imposed under subsection (1) (c), exempt any person or class of persons from the payment of such charges.

## 20 Secretary and other staff of Town Council

Secretary and other staff of Town Council

20.

— (1) A Town Council shall appoint a person, including any appointed member, to be the secretary to the Town Council on such terms and conditions as the Town Council may determine who shall be responsible to the Town Council for the proper administration and management of the functions and affairs of the Town Council in accordance with this Act.

(2) A Town Council may appoint such other staff on such terms and conditions as it may determine to assist the secretary.

## 21 Duties of Town Council

Duties of Town Council

21.

— (1) A Town Council shall, for the purposes of the residential and commercial property in the housing estates of the Board within the Town —

(a) control, manage and administer the common property of the residential and commercial property for the benefit of the residents of those estates;

(b) properly maintain and keep in a state of good and serviceable repair the common property of the residential and commercial property;

(c) contribute such sum towards the premiums to be paid by the Board for the



insurance of the common property of the residential and commercial property against damage by fire as the Minister may, by notice in writing to the Town Council, determine;

(d) where necessary, renew or replace any fixtures or fittings comprised in the common property of the residential and commercial property;

(e) provide essential maintenance and lift rescue services to the residents of the residential and commercial property;

(ea) properly maintain and keep in a good and serviceable repair (including landscaping of) the facilities within the Town that is outside the common property of the residential and commercial property in the housing estates of the Board within the Town, where the facilities are erected, installed or planted by the Town Council with the approval of the Minister and the consent of the owner of the property on which the facilities are erected, installed or planted;

(f) comply with the provisions of this Act and the rules made thereunder; and

(g) comply with any notice or order served on it by any competent, public or statutory authority requiring the abatement of any nuisance on the common property of the residential and commercial property or ordering repairs or other work to be done in respect of the common property.

[6/99]

(2) Where a requirement or duty is imposed on a Town Council by this section, the Board or any person for whose benefit, or for the benefit of whose flat that requirement or duty is imposed on the Town Council, may apply to the High Court for an order compelling the Town Council to carry out the requirement or perform the duty, as the case may be.

(3) On an application being made under subsection (2), the High Court may make such order as it thinks proper.

## 22 Power of Town Council to carry out certain works

Power of Town Council to carry out certain works

22.

— (1) Where any defect occurs in any pipe, wire, cable, duct or other apparatus within a flat in any residential or commercial property of the Board

within the Town which is used for or in connection with the carrying, conveying or supplying to such property of water, sewerage, drainage, gas, electricity, garbage or artificially cooled air, the Town Council may carry out such work as is necessary to rectify the defect.

[18/92]

(2) Where a Town Council incurs any expenses or performs any repairs, works or acts that it is required or authorised by this Act or by any other written law to perform (whether or not the expenses were incurred or the repairs, works or acts were performed consequent upon the service on it by any Government or statutory authority of any notice or order) and the expenses or the repairs, works or acts were rendered necessary by reason of any wilful or negligent act or omission on the part of, or breach of any provision of the by-laws of the Town Council by, any person or his tenant, licensee or invitee, the amount of those expenses expended by the Town Council in performing the repairs, works or acts shall be recoverable by the Town Council from that person.

## 23 Power of entry

Power of entry

23.

— (1) For the purpose of carrying out any work —

(a) under section 21 or 22; or

(b) required to be carried out by a notice served on it by any public authority or statutory board or by an order of the Commissioner of Buildings under the Building Maintenance and Strata Management Act 2004,

a Town Council may, by its employees or agents, enter upon any flat of the Board or any part of the housing estates within the Town for the purpose of carrying out the work, in the case of an emergency, at any time, or, in any other case, at any reasonable time after giving notice to any occupier of that flat or part of those housing estates.

(1A) A Town Council may, by its employees or agents, also enter at any reasonable time, upon any flat of the Board within the Town for the purpose of determining whether any work is required to be carried out by the Town Council in accordance with this Act.

(1B) A person authorised under subsection (1A) to enter upon any premises

shall not demand to do so as of right unless prior notice of the intended entry has been given to the occupier of those premises.

(2) A person who obstructs or hinders a Town Council in the exercise of its power under subsection (1) or (1A) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

## 24 By-laws for regulation of housing estates

By-laws for regulation of housing estates

24.

— (1) A Town Council may make by-laws for regulating the control, management, administration, use and enjoyment of the common property of the residential and commercial property in the housing estates of the Board within the Town and generally for the purposes of exercising its powers and carrying out its duties and functions under this Act or any other Act.

[37/96]

(2) Without prejudice to the generality of subsection (1), a Town Council may make by-laws for or in respect of all or any of the following matters:

(a) prescribing the administrative fee to be paid by any person in respect of any services provided by the Town Council or any debt due to the Town Council;

(b) prohibiting or regulating the parking of vehicles on common property other than parking places;

(c) prescribing the penalty (such penalty, if unpaid, to constitute a debt due to the Town Council and be recoverable as such) to be paid by the Town Council's licensees or by any owner or tenant of any flat leased from the Board for late payment of any conservancy and service charges or licence fee due to the Town Council;

(d) requiring deposits to be placed with the Town Council by any owner or tenant of any flat leased from the Board to secure the payment of conservancy and service charges; and

(e) prescribing the offences which may be compounded.

[25/90; 37/96]

(3) A Town Council, owner or tenant of a flat leased from the Board within the Town, shall be entitled to apply to the court —

(a) for an order to enforce the performance of or restrain the breach of any by-law made by that Town Council; or

(b) to recover damages for any loss or injury to any person or property arising out of the breach of any by-law made by that Town Council,

by or from any person bound to comply therewith or the Town Council, as the case may be, and the court may make such order against any such person or the Town Council as the court thinks fit.

(4) Every by-law or amendment of or addition to or revocation of or substitution for any by-law made by a Town Council shall come into operation upon the date specified therein but shall cease to have effect upon the expiration of a period of one month from the date of its publication in the *Gazette* if prior to the expiration of that period it has been disapproved by the Minister by order published in the *Gazette*.

[37/96]

(5) Any order made by the Minister under subsection (4) shall have effect upon the date specified therein but shall not affect the validity of anything previously done under the disapproved by-law.

[37/96]

(6) Every by-law or amendment of or addition to or revocation of or substitution for any by-law of a Town Council shall, within 15 days of its coming into operation, be displayed in such places within the Town as the Town Council may direct.

[37/96]

(7) No by-law made by a Town Council shall be inconsistent with any rule made under the Housing and Development Act (Cap. 129) which is applicable to the Town and any such by-law which is so inconsistent shall, to the extent of the inconsistency, be void.

(8) The by-laws of a Town Council in force on the date of publication shall be published annually in book form and copies thereof shall be made available for purchase at a reasonable price by members of the public.

(9) Any person who commits a breach of any of the by-laws made by a Town Council or makes default in complying with any of the by-laws, and every person who is knowingly a party to the breach or default shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

[37/96]

(10) In this section, "flat" includes any stall in any market or food centre of the Board.

# PART IVA LIFT UPGRADING WORKS

PART IVA

LIFT UPGRADING WORKS

## 24A Interpretation of this Part

Interpretation of this Part

24A.

In this Part, unless the context otherwise requires —

"improvement contribution" means the costs in respect of lift upgrading works recoverable by a Town Council from the owner of a flat or a Town Council under section 24D;

"lift upgrading works" means any building operations, demolition or installation works necessary or ancillary to installing any lift or additional lift in a building or part thereof;

"precinct" means any housing estate of the Board or any part thereof within a Town that is declared by the Minister under section 24B to be a precinct for the purposes of this Part;

"transfer" means a conveyance, sale, purchase, assignment, legal or equitable mortgage, charge, surrender or disposal in any manner of any estate or interest in a flat and includes a discharge of a mortgage, a reconveyance or the devolution of the rights of a deceased owner of a flat to another person;

"voting value" means the prescribed value of the vote of an owner of a flat at any poll under this Part.

## 24B Declaration of precincts

Declaration of precincts

24B.

—(1) The Minister may, after consulting the Board and the Town Council concerned, from time to time by order published in the *Gazette*, declare any housing estate of the Board or any part thereof within that Town Council's Town to be a precinct for the purposes of the Town Council carrying out any lift upgrading works in buildings within the precinct.

(2) Any order made under subsection (1) shall include a plan with a description of the housing estate and the buildings within the precinct.

(3) The Minister may, by order published in the *Gazette*, revoke or amend any order made under subsection (1).

(4) In this section, any reference to the Minister shall include a reference to a Minister of State for the Ministry of National Development.

## **24C Lift upgrading works in a precinct**

Lift upgrading works in a precinct

24C.

—(1) Where any housing estate of the Board or any part thereof within a Town has been declared a precinct under section 24B, the Town Council for that Town shall, as soon as practicable —

(a) make arrangements to conduct in the manner prescribed a poll of such owners of the flats within the precinct as may be prescribed with a view to establishing their opinions about the Town Council's proposals to carry out lift upgrading works in buildings within the precinct; and

(b) do such other things as the Minister may direct.

(2) A poll in connection with any Town Council's proposal to carry out lift upgrading works in any building within a precinct within its Town —

(a) shall not be conducted except with the prior written approval of the Board; and

(b) shall be a poll of such owners of such flats within the building as may be prescribed, being flats the occupants of which directly benefit from the lift upgrading works.

(3) A Town Council may carry out lift upgrading works in any building within a precinct within its Town if, and only if —

(a) it appears from a poll of the prescribed owners of flats referred to in subsection (2) (b) that the total voting value of votes in favour of the Town Council's proposal to carry out lift upgrading works in the building is at least 75% of the total voting value of votes of all such owners; and

(b) the Minister approves the carrying out of such lift upgrading works.

(4) No poll shall be invalid by reason of any failure to comply with any provision of this Part or any rules made thereunder relating to the conduct of a poll if it appears that the poll was conducted in accordance with the principles laid down in that provision, and that the failure did not affect the result of the poll.

(5) In this section, "owner" includes the Board in respect of any flat which the Board has not sold the leasehold interest therein.

## **24D Power to carry out lift upgrading works and recover improvement contributions**

Power to carry out lift upgrading works and recover improvement contributions

24D.

— (1) As soon as practicable after the Minister has given his approval under section 24C (3) (b), the Town Council concerned shall carry out the lift upgrading works in the precinct in such manner as the Town Council thinks fit.

(2) Where the Town Council has completed any lift upgrading works in a building within a precinct, the Town Council may recover, by way of improvement contributions, the costs incurred by the Town Council in respect of the lift upgrading works from every owner of such flats in the building as are referred to in section 24C (2) (b).

(3) Subject to subsection (4), the amount of improvement contribution payable under subsection (2) by the owner of a flat shall be determined by the Town Council whose decision shall be final.

(4) Any improvement contribution determined by a Town Council under subsection (3) in respect of any lift upgrading works in a precinct shall not be less

than the improvement contribution that the Board might have determined under section 65D (2A) of the Housing and Development Act (Cap. 129) if the Board had carried out similar upgrading works in that precinct.

(5) In this section and section 24E, “owner”, in relation to any flat sold by the Board —

(a) means the person who is the owner of the flat at the time the improvement contribution is determined by the Town Council under subsection (3); and

(b) includes an equitable owner, a person who has purchased a leasehold interest in the flat and a purchaser under an agreement for a lease.

## **24E Payment of improvement contribution**

Payment of improvement contribution

24E.

— (1) Any owner of a flat liable to pay any improvement contribution under section 24D shall, upon a written demand by the Town Council concerned, pay to the Town Council the improvement contribution not later than one month from the date of the written demand.

(2) Where —

(a) no representation has been taken out under a will or on the intestacy of a deceased owner of a flat; or

(b) representation has been taken out but the personal representatives fail to apply for the written consent of the Board for the transmission or transfer of the flat,

the Town Council concerned may, for the purposes of recovering any improvement contribution, require the spouse, if any, of the deceased owner or any beneficiary of his estate who has attained the age of 21 years to pay the improvement contribution as if it is a debt owed by him and recoverable from him as such, and such person may recover from the estate of the deceased owner the sums paid by him to the Town Council.

(3) If any improvement contribution or any part thereof is not paid by the owner of a flat on the date due, the owner of the flat or any other person



liable to pay the improvement contribution shall be liable, in addition, to pay to the Town Council concerned interest and a penalty in accordance with the rates prescribed.

(4) Such interest and penalty, if unpaid, shall constitute a debt due to the Town Council concerned and be recoverable as such.

## **24F Recovery of improvement contribution from sale of flat**

Recovery of improvement contribution from sale of flat

24F.

— (1) Where any improvement contribution payable by the owner of any flat to a Town Council under section 24D remains unpaid on the expiry of the period of 3 months after the Town Council has served on the owner of the flat a written demand of such contribution under section 24E (1), the improvement contribution (including any interest and penalty thereon) shall, on the expiry of that period, constitute a charge on the flat in favour of the Town Council.

(2) Where a Town Council has incurred or become liable for any reasonable legal costs and reasonable expenses incurred in connection with the collection or attempted collection of the unpaid improvement contribution (including any interest and penalty thereon) before it exercised its power of sale under subsection (5), such legal costs and expenses shall rank in priority to any other claims as if these costs and expenses were due at the date of the constitution of the charge.

(3) A charge on a flat constituted under subsection (1) shall continue in force until all the improvement contributions (including any interest and penalty thereon), and the necessary or incidental charges (including legal costs) incurred by the Town Council concerned before it exercised its power of sale under subsection (5), as the case may be, secured by the charge have been paid.

(4) Any charge on a flat constituted under subsection (1) shall be subject to

—  
(a) all encumbrances registered or notified under the Land Titles Act (Cap. 157) in respect of that flat before the date of the constitution of the charge;

(b) all moneys due under the lease of the flat to the Board (on its own account or on account of the Central Provident Fund Board), whether before, on or after the date of the constitution of the charge; and

(c) all moneys due to the Central Provident Fund Board under the charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36), whether before, on or after the date of the constitution of the charge.

(5) Upon the constitution of the charge on a flat under subsection (1), the Town Council concerned shall have the power of sale and all other powers relating or incidental thereto to sell and effectually transfer the title to the flat to any purchaser as if the Town Council is a registered mortgagee, notwithstanding that the charge is not registered under the Land Titles Act.

(6) Subject to subsection (7), a Town Council shall not proceed to sell any flat which is subject to a charge constituted under subsection (1) unless —

(a) notice of the intended sale has been served or published in the prescribed manner;

(b) at the end of 90 days after the date of such notice of the intended sale, the improvement contribution or any part thereof, and any necessary or incidental charges (including legal costs) incurred by the Town Council concerned before it exercised its power of sale under subsection (5), remain due and unpaid;

(c) there is no legal action pending in court to restrain the Town Council from proceeding with the sale; and

(d) the Town Council has obtained prior written approval from the Board as to the eligibility of the person intending to purchase the flat.

(7) A Town Council shall not proceed under subsection (5) to sell any flat in respect of which any improvement contribution (including any interest and penalty thereon) or any part thereof is due if there is upon the flat and liable to be seized and sold by the Town Council, by writ of seizure and sale, any movable property belonging to the owner of the flat of a value estimated by the Town Council to be sufficient to realise the sum required to satisfy such unpaid improvement contribution.

(8) For the purpose of estimating the value of any movable property belonging to the owner of a flat under subsection (7), a Town Council may, by its employees or agents, and at any reasonable time after giving notice to any occupier of the flat, enter upon the flat to carry out such valuation.

(9) Where a Town Council has sold any flat under subsection (5), neither the purchaser of the flat nor the Registrar of Titles shall be concerned to inquire into the regularity or validity of the sale or transfer.

(10) For the purpose of registering a transfer of any flat sold under subsection (5), the Registrar of Titles may dispense with the production of the duplicate lease of the flat or the duplicate subsidiary certificate of title in respect of the flat, as the case may be.

(11) Where a charge on a flat is constituted under subsection (1), the owner of the flat shall, upon payment of all the improvement contributions (including any interest and penalty thereon) due, and any necessary or incidental charges (including legal costs) incurred by the Town Council concerned before it exercised its power of sale under subsection (5), be entitled to —

(a) a certificate of discharge executed and acknowledged by the Town Council as to the receipt of such payment; and

(b) upon the execution of the certificate of discharge or, in the event of the Town Council refusing to execute the certificate of discharge, an order of court declaring that the flat shall be discharged from the charge, and the flat freed from the charge constituted under subsection (1).

## **24G Application of proceeds of sale of flat**

Application of proceeds of sale of flat

24G.

The moneys received by a Town Council in exercise of its power of sale under section 24F (5), after discharging all prior encumbrances, shall be held by it in trust to be applied —

(a) firstly, in payment of all costs and expenses properly and reasonably incurred by the Town Council as incidental to the sale or any attempted sale, or otherwise;

(b) secondly, in payment to the Central Provident Fund Board of all moneys secured by its charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36) and are referred to in section 24F (4);

(c) thirdly, in payment to the Board of such moneys due under the lease of the flat to the Board as are referred to in section 24F (4);

(d) fourthly, in payment to the Board of all moneys secured by its charge on the flat (if any) under section 65H of the Housing and Development Act (Cap.129) for unpaid improvement contribution, and in payment to the Town Council of all moneys secured by its charge on the flat (if any), in the order of their priority;

(e) fifthly, in discharge, equally and without preference, of —

(i) the conservancy and service charges and interest accrued and due to the Town Council at the date of sale; and

(ii) any improvement contribution (including any interest and penalty thereon) accrued and due to the Town Council at the date of the sale, whether or not secured by any charge under section 24D;

(f) sixthly, in discharge of any improvement contribution (including any interest and penalty thereon) accrued and due to the Board at the date of the sale, which is not secured by any charge under section 65D of the Housing and Development Act;

(g) seventhly, in payment of subsequent mortgages and charges (if any) in the order of their priority; and

(h) finally, the residue of such moneys so received shall be paid to the person who appears from the land-register kept under the Land Titles Act (Cap.157) to be entitled to the flat sold or to be authorised to give receipts for the proceeds of the sale thereof.

## 24H Recovery of payments due to Town Council

Recovery of payments due to Town Council

24H.

Any improvement contribution, interest and penalty payable to a Town Council under this Part —

(a) may be recovered by the Town Council by an action for a debt in any court of competent authority; and

(b) shall for the purposes of the Small Claims Tribunals Act (Cap. 308) be deemed to be moneys payable under a contract for the provision of services and the Town Council may lodge a claim for the payment of such improvement contribution, interest and penalty with a Small Claims Tribunal in accordance with the provisions of that Act.

## 24I Power of Minister to make rules

Power of Minister to make rules

24I.

— (1) The Minister may make rules for giving effect to the provisions of this Part and for the due administration thereof and, in particular, for or with respect to all or any of the following matters:

(a) prescribing the manner and procedure for obtaining at a poll, the opinion of owners of flats for lift upgrading works;

(b) prescribing the voting value of votes by owners of flats, including different voting values in respect of different classes of owners;

(c) prescribing the manner for recovering the improvement contribution from owners of the flats;

(d) prescribing the interest and penalty to be paid by any person for the late payment of any improvement contribution;

(e) prescribing any expenditure limits for lift upgrading works; and

(f) prescribing anything that may be prescribed.

(2) The Minister may, in making any such rules, provide that —

(a) any contravention of, or failure or neglect to comply with, any provision of the rules shall be an offence punishable with a fine not exceeding \$5,000; and

(b) where an offence under the rules committed by a Town Council is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, its chairman or secretary, or any person who

was purporting to act in any such capacity, that chairman, secretary or person, as the case may be, as well as the Town Council shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## **24J Saving of other rights of Town Council**

Saving of other rights of Town Council

24J.

— (1) Nothing in this Part shall be construed to affect the right of a Town Council to enforce any breach of covenant, condition or undertaking under any licence, lease, tenancy or mortgage or any other agreement in respect of any flat within its Town.

(2) No such right of a Town Council shall be deemed prejudiced by reason only of the Town Council's exercise of any power or performance of any act under this Part.

# **PART V PROCEEDINGS OF TOWN COUNCIL**

PART V  
PROCEEDINGS OF TOWN COUNCIL

## **25 Standing orders**

Standing orders

25.

A Town Council may make standing orders for regulating its procedure and, in particular, the standing orders may make such provision for the preservation of order at meetings as the Town Council may consider necessary.

## **26 Meetings**

Meetings

26.

— (1) A Town Council shall meet at such times as may be laid down in its standing orders and may adjourn from time to time.

(2) The chairman may at any time summon a meeting of the Town Council.

(3) The chairman shall, on a requisition signed by not less than two-thirds of the members of the Town Council to that effect, summon a meeting of the Town Council within 7 days of receiving the requisition.

(4) Notice of a meeting shall be given by the secretary to each member of the Town Council at least 2 clear days before the day of each meeting, except in the case of an emergency meeting when as long a notice as possible shall be given.

(5) Accidental omission to give a notice to any member of the Town Council under subsection (4) shall not affect the validity of a meeting.

## 27 Minutes

Minutes

27.

— (1) Minutes of the proceedings of a Town Council and a committee thereof shall be kept and authenticated in accordance with standing orders.

(2) Until the contrary is proved, a meeting of a Town Council or a committee thereof, in respect of the proceedings whereof a minute has been kept and authenticated in accordance with its standing orders, shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified.

(3) Where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

## 28 Acts of Town Council

Acts of Town Council

28.

— (1) All questions coming or arising before a meeting of a Town Council or a committee thereof shall be decided by a majority of the members present and voting thereon.

(2) Nothing in subsection (1) shall limit the discretion of a Town Council or any committee thereof to determine any matter by circulating papers.

(3) Any papers so circulated may assume the agreement of the Town Council or the committee to any matter unless a member notifies his disagreement within such time as may be specified in such papers.

## 29 Quorum

Quorum

29.

— (1) At any meeting of a Town Council, one-third of the number of members shall constitute a quorum.

(2) The quorum for any committee of a Town Council shall be laid down in the standing orders of the Town Council.

## 30 Validity of acts of Town Council

Validity of acts of Town Council

30.

The proceedings of a Town Council or a committee thereof shall not be invalidated by any vacancy among its number or by any defect in the appointment or qualification of any member thereof.

## 31 Appointment of committees



## Appointment of committees

31.

— (1) A Town Council may appoint committees which may include persons who are not members of the Town Council for purposes which, in the opinion of the Town Council, would be better regulated and managed by means of such committees.

(2) At least one-third of the members of each committee shall be members of the Town Council, one of whom shall be elected as chairman of the committee and as such shall have an original vote and, in the case of an equality of votes, a casting vote.

[18/92]

## 32 Delegation of powers

### Delegation of powers

32.

— (1) A Town Council may, subject to such conditions or restrictions as it thinks fit, delegate to any member of the Town Council, or to any committee of the Town Council or to any member thereof, all or any of the powers, functions and duties by this Act or any other Act vested in the Town Council, and any power, function or duty so delegated may be exercised or performed by such member or committee in the name and on behalf of the Town Council.

(2) A Town Council may, subject to such conditions or restrictions as it thinks fit, delegate to any employee thereof or any agent all or any of the powers, functions and duties by this Act or any other Act vested in the Town Council, and any power, function or duty so delegated may be exercised or performed by such employee or agent in the name and on behalf of the Town Council.

(3) A Town Council may continue to exercise any power conferred upon it, or perform any function or duty under this Act or any other Act, notwithstanding the delegation of such power, function or duty under this section.

(4) Any delegation of power, function or duty under this section by a Town Council shall not be inconsistent with the Financial Rules.

# PART VI FINANCIAL PROVISIONS

## PART VI FINANCIAL PROVISIONS

### 33 Constitution of Town Council Fund

#### Constitution of Town Council Fund

33.

— (1) For the purposes of improving, managing and maintaining the common property of the residential and commercial property in the housing estates of the Board, a Town Council shall establish and maintain separate funds for improvements to and the management and maintenance of residential property and of commercial property; and such funds shall together constitute the Town Council Fund and shall, with all property which is or may become vested in the Town Council, be under the direction and control of the Town Council subject to the provisions of this Act.

[18/92; 6/99]

(2) All moneys received by a Town Council by virtue of this Act or any other Act shall be paid into the Town Council Fund and all liabilities falling to be discharged by a Town Council shall be discharged out of that Fund.

(3) All moneys of the Town Council Fund that are not immediately required shall be paid into the appropriate fund established under subsection (1) to which the moneys relate and be applicable only to meet such expenses and liabilities as are properly attributable to that fund.

(4) A Town Council shall establish and maintain, as part of the Town Council Fund, separate sinking funds for improvements to and the management and maintenance of residential property and of commercial property.

[18/92; 6/99]

(5) The Minister may, from time to time, prescribe the minimum amount of —

(a) the conservancy and service charges which are paid, or are due and payable, or both, to a Town Council under section 39; and

(b) any grants-in-aid made to a Town Council under section 42,

to be paid or credited into the sinking funds established for residential property and for commercial property.

(6) A Town Council shall not disburse any moneys —

(a) from any sinking fund otherwise than for the purposes of meeting expenses or liabilities properly attributable to that sinking fund in respect of —

(i) cyclical major repainting of any part of the common property of the residential property and commercial property in the housing estates of the Board within the Town;

(ii) renewal or replacement of any roofing system, water tanks, pumps and water supply system, electrical supply system, lightning protection system and lifts existing for common use or purposes of residents of the residential or commercial property in the housing estates of the Board within the Town;

(iii) lift upgrading works under Part IVA and major repairs and maintenance of the common property of the residential property and commercial property and boundary walls of the housing estates of the Board within the Town;

(iv) improvement contributions due to the Board in respect of general upgrading works carried out under Part IVA of the Housing and Development Act (Cap. 129) on any part of the common property in the housing estates of the Board within the Town; or

(v) any other works which may be prescribed from time to time; or

(b) from the Town Council Fund except for the purpose of —

(i) exercising its powers or carrying out its duties and functions under this Act or any other Act; or

(ii) paying any fine imposed on the Town Council upon its conviction for any offence.

(6A) Any Town Council which contravenes subsection (6) (a) or (b) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

(6B) Where a Town Council is guilty of an offence under subsection (6A) and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of its chairman or secretary, or any person who was purporting to act in any such capacity, he, as well as the Town Council, shall also be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(7) Notwithstanding anything in this section, a Town Council may, with the approval or on the direction of the Minister, disburse moneys from the Town Council Fund to repair and maintain any facility erected, installed or planted within the Town that is outside the common property of the residential and commercial property in the housing estates of the Board within the Town where the owner of the property on which the facility is erected consents.

[6/99]

(8) All payments to and out of the Town Council Fund shall be made to and by the secretary who shall be responsible therefor to the Town Council.

(9) Notwithstanding anything in this section, if at the end of any financial year of a Town Council there is shown a surplus of revenue over expenditure of any fund established by the Town Council under subsection (1), the Town Council may transfer from that fund an amount not exceeding the surplus to any other fund established by the Town Council under that subsection which is in deficit to make good the deficit in that fund.

(10) Notwithstanding anything in this section, upon the registration of the strata title plan in respect of any designated land, the Town Council responsible for the common property of the designated land shall as soon as practicable transfer to the management corporation for the designated land moneys standing to the credit of such of the funds (including sinking funds) of the Town Council Fund which relate to the designated land.

[37/96]

(11) Where an order is made under section 3 (2) other than in consequence of any general election or by-election under the Parliamentary Elections Act (Cap. 218), and any residential or commercial property or any part of the common property thereof is transferred from the Town of one Town Council to the Town of another, the Town Councils may agree on the amount of the sinking fund relating to such property or such part to be transferred and paid to the Town Council to which the property or part is transferred; and in default of agreement the amount shall be determined by the Minister whose decision shall be final.

[37/96]

(12) In this section —

"commercial property" means any commercial property which does not form part of any residential property and includes any market and food centre;

"designated land" means any land or housing estate vested in the Board which the Minister, by notification in the *Gazette*, designates as land to which section 126A of the Land Titles (Strata) Act (Cap. 158) applies.

[37/96; 6/99]

## 34 Transfer of surpluses after Parliamentary election

Transfer of surpluses after Parliamentary election

34.

— (1) Notwithstanding any other provision of this Act, where —

(a) a writ of election is issued in respect of any constituency the area of which forms wholly or partly the area of a Town or any constituency part of which forms the area of a Town; and

(b) there is shown in the audited balance-sheet for the last completed financial year of the Town Council for that Town immediately before the issue of that writ any excess of revenue over expenditure in any fund (other than a sinking fund) established by the Town Council under section 33,

the Town Council shall, as soon as practicable after the relevant date specified in subsection (2), transfer in accordance with this section the excess in every such fund (referred to in this Act as its surpluses) to such sinking fund of that Town Council as may be prescribed.

(2) The relevant date referred to in subsection (1) is —

(a) the date on which the results of the election in the constituency are published in accordance with the Parliamentary Elections Act (Cap. 218); or

(b) where a writ of election is issued in respect of more than one such constituency, the latest date among the dates on which the results of the election in each such constituency are published in accordance with that Act.

[37/96]

(3) Where there is an election in any or every whole constituency within a Town without any prior alteration to the boundaries of such constituency, the Town Council for the Town shall, subject to subsection (7), transfer its surpluses in the following manner:

(a) if the Member or Members elected and the previous Member or Members for the constituency stood in elections for the same political party — 80% of its surpluses relating to such area of the Town comprised in that constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area; or

(b) if the Member or Members elected and the previous Member or Members for the constituency stood in elections for different political parties — all its surpluses relating to such area of the Town comprised in that constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area.

[37/96]

(4) Where the boundaries of any constituency within a Town are altered under the Parliamentary Elections Act and there is an election in any or every new constituency so formed —

(a) any order made under section 3 declaring the constituency to be or to form part of the Town, and any order made under section 4 establishing a Town Council for that Town, shall not be invalidated on account of such alteration in the boundaries but shall remain valid and of full force until expressly revoked or amended; and

(b) except as otherwise provided in subsections (5), (6) and (7), the Town Council shall transfer 80% of its surpluses to the prescribed sinking funds of the Town Council.

[37/96]

(5) Where all or any of the constituencies within a Town have been amalgamated under the Parliamentary Elections Act (Cap. 218) to form a new constituency the total area of which, either alone or together with the other constituencies, remains identical to that of the Town, and there is an election in the new constituency, the Town Council for that Town shall, subject to subsection (7), transfer its surpluses in the following manner:

(a) if the Member or Members elected for the new constituency and the previous Members of the amalgamated former constituencies stood in elections for the same political party — 80% of its surpluses relating to such area of the Town comprised in that new constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area; or

(b) if the Member or Members elected for the new constituency and the previous Members of the amalgamated former constituencies stood in elections for different political parties — all its surpluses relating to such area of the Town comprised in that new constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area.

[37/96]

(6) Where all or any of the constituencies within a Town have been subdivided under the Parliamentary Elections Act to form new constituencies the total area of which, whether on their own or together with other constituencies, remains identical to that of the Town, and there is an election in any of the

new constituencies, the Town Council shall, subject to subsection (7), transfer its surpluses in the following manner:

(a) if the Member or Members elected for any such new constituency and the previous Member or Members of the subdivided former constituency stood in elections for the same political party — 80% of its surpluses relating to such area of the Town comprised in that new constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area; or

(b) if the Member or Members elected for any such new constituency and the previous Member or Members of the subdivided former constituency stood in elections for different political parties — all its surpluses relating to such area of the Town comprised in that new constituency shall be transferred to the prescribed sinking funds of the Town Council relating to that area.

[37/96]

(7) Nothing in this section shall require a Town Council for a Town to transfer to any of its sinking funds any part of its surpluses which —

(a) are fixed assets owned by the Town Council on the day immediately before a writ of election is issued in respect of any constituency within the Town; or

(b) are necessary to meet any capital commitments made or entered into by that Town Council on or before that same day.

[37/96]

(8) For the purposes of this section —

(a) an independent candidate shall be regarded as standing in an election for a political party comprising himself; and

(b) independent candidates standing for election as a group shall be regarded as standing in an election for a political party comprising members of that group.

[37/96]

(9) In this section —

"election" and "group" have the same respective meanings as in the Parliamentary Elections Act (Cap. 218);

"independent candidate" means a person who does not stand in an election for any political party, whether individually or in a group;

"Member" means an elected Member of Parliament;

"previous Member", in relation to a constituency where an election is held, means the Member elected at an election immediately preceding the first-

mentioned election for —

- (a) the constituency;
- (b) any former constituency of which the constituency was part; or
- (c) any former constituency forming part of the constituency;

"sinking fund" , in relation to a Town Council, means a sinking fund established by the Town Council under section 33 (4);

"writ of election" means a writ of election issued under section 24 of the Parliamentary Elections Act (Cap. 218).

[33A  
[37/96]

## 35 Accounts

Accounts

35.

A Town Council shall —

- (a) keep proper accounts and records of its transactions and affairs;
- (b) keep proper and separate accounts for the funds established under section 33 (1) and (4); and
- (c) do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in custody of, the Town Council and over the expenditure incurred by the Town Council.

[34

## 36 Annual accounts

Annual accounts

36.



— (1) A Town Council shall, within 3 months after the close of each financial year, prepare and submit financial statements in such form as the Auditor-General may direct in respect of that year to the auditor.

(2) The financial year of a Town Council shall begin on 1st April of each year and end on 31st March of the succeeding year.

(3) The first financial year of a Town Council shall begin on the date of its establishment and shall end on 31st March of the succeeding year.

[35

## 37 Estimates

Estimates

37.

— (1) Not later than one month before the end of each financial year, a Town Council shall prepare, and display for public inspection in such places within the Town as it may direct, estimates of its revenue and expenditure for the next financial year together with a list of works which the Town Council proposes to undertake during the next financial year.

(2) The estimates shall set out, under separate headings, the sources of revenue and the distribution of expenditure.

(3) Where several matters are dealt with under one heading, each such matter shall be itemised and shown in a separate sub-heading relating to similar items.

(4) The estimates may provide for —

(a) expenditure of such sums as may be necessary to defray the cost of official ceremonies of the Town Council; and

(b) payment of allowances and salaries to members of the Town Council.

(5) The list of works shall show in respect of each work —

(a) the estimated total cost thereof;

(b) the date on which the work is expected to be completed; and

(c) the amount to be expended thereon during the next financial year.

(6) A Town Council may from time to time revise the estimates and list of works prepared by it under subsection (1).

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## 38 Audit

Audit

38.

— (1) The accounts of a Town Council shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under subsection (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

(3) The remuneration of the auditor shall be paid out of the Town Council Fund.

(4) The auditor shall, as soon as practicable after the accounts have been submitted for audit by a Town Council, send a report of his audit to the Town Council.

(5) The auditor shall in his report state —

(a) whether the financial statements show fairly the financial transactions and the state of affairs of the Town Council;

(b) whether proper accounting and other records have been kept, including records of all assets of the Town Council whether purchased, donated or otherwise;

(c) whether the receipts, expenditure, investment of moneys, and the acquisition and disposal of assets by the Town Council during the financial year have been in accordance with this Act; and

(d) such other matters arising from the audit as he considers should be reported.

(6) The auditor may at any other time submit such periodical and special reports to the Minister and the Town Council upon any matter arising out of the performance of his audit as may appear to him to be necessary.

(7) The auditor or any person authorised by him is entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of a Town Council.

(8) The auditor or a person authorised by him may make copies of or extracts from any such accounting and other records.

(9) The auditor may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

(10) Any person who fails, without any reasonable cause, to comply with any requirement of the auditor under subsection (9) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(11) As soon as the accounts of a Town Council and the financial statements have been audited in accordance with the provisions of this Act, a copy of the audited financial statements signed by the chairman, together with a copy of any report made by the auditor, shall be submitted to the Minister and displayed for public inspection in such places within the Town as the Town Council may direct.

(12) Where the Auditor-General is not the auditor of a Town Council, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General at the same time they are submitted to the Town Council.

(13) The Minister shall as soon as practicable cause a copy of the audited financial statements and the auditor's report of a Town Council to be presented to Parliament.

(14) A Town Council shall, as soon as practicable after the end of each financial year, submit to the Minister an annual report on the activities of the Town Council during that financial year and the Minister shall cause a copy of every such report to be presented to Parliament.

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## **39 Conservancy and service charges**

Conservancy and service charges

39.

— (1) For the purposes of carrying out its duties and functions under this Act or any other Act, a Town Council may in each month levy conservancy and service charges at such rates as it may determine in accordance with its by-laws in respect of every flat in any residential or commercial property and every stall in any market or food centre of the Board within the Town.

(2) Charges levied by a Town Council under subsection (1) shall be payable, subject to this section, by the owner or tenant of every such flat or stall, as the case may be.

(3) In respect of any charges levied under subsection (1) and the interest thereon, the owner of a flat shall be liable, jointly and severally with any person who was liable to pay the charges and interest when the charges become due and payable, to pay the charges and interest to the Town Council.

(4) A person who has ceased to be the owner of the flat shall only be liable to pay the charges which were unpaid at the time he ceased to be the owner and the interest accruing on the unpaid charges until such time as they are paid.

(5) Any charges levied under subsection (1) —

(a) shall become due and payable to a Town Council in accordance with the by-laws of the Town Council; and

(b) if not paid within the month when the charges become due and payable to a Town Council, shall bear interest at such rate as the Town Council thinks fit and such interest shall accrue from the expiry of the month after the date when the charges become due and payable unless the Town Council determines either generally or in a particular case that any unpaid charges shall bear no interest, and any interest so paid shall form part of the fund to which the charges belong.

[25/90]

(6) Where any charges and interest thereon levied under this section are not paid within the month when they become due and payable, a Town Council may serve a written demand on an owner or a tenant of the flat or stall in respect of which the charges are levied.

[25/90]

(7) Any owner or tenant of a flat or stall who fails to pay any charges or interest due and owing to a Town Council within 14 days from the date of service on him of the written demand referred to in subsection (6) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$1,000.

(8) The court before which the conviction is had may, in addition to such fine, order the owner or tenant to pay to the Town Council the amount of any charges together with any interest due thereon or any interest certified by the Town Council to be due from the owner or tenant at the date of his conviction and such amount may be recovered according to the law for the time being in force for the recovery of fines.

(9) Upon the expiry of the period provided under section 53 (1) after the establishment of a Town Council for the Town and so long as a Town Council is established for the Town, any term in any lease made by the Board relating to the payment of conservancy and service charges by any owner or tenant of a flat in any residential or commercial property or by any tenant of a stall in any market or food centre of the Board within the Town shall have no effect and such charges shall thereupon be payable to the Town Council in accordance with this section.

(10) Without limiting any particular power of a Town Council, any charges levied by the Town Council under this section may be —

(a) varied by the Town Council from time to time; or

(b) remitted or refunded in whole or in part.

(11) A Town Council may under this section levy different rates of charges in respect of flats in any residential or commercial property or of stalls in any market or food centre of the Board in accordance with such criteria as it may determine.

[6/99]

(12) Without prejudice to the generality of subsection (11), a Town Council may differentiate the rates of charges to take into account any grants-in-aid made under section 42 which are expressed to be for the benefit of any class of owners of flats.

[6/99]

(13) Any written demand required by this section to be served on the owner or tenant of a flat or stall shall be deemed to be sufficiently served —

(a) if the demand is delivered to the owner or tenant or is delivered at the flat or stall to some adult member or employee of his family;

(b) if it is sent to the owner or tenant by registered post to his flat or his usual or last known place of abode or business; or

(c) if it is affixed to some conspicuous part of his flat.

(14) In this section, “owner” , in relation to a flat or stall, includes —

(a) the person for the time being receiving the rent of the flat, whether as agent, trustee or receiver, or who would receive the rent if the flat were let to a tenant;

(aa) the personal representative of the estate of an owner or a tenant who is deceased;

(b) the Board in respect of any flat in any residential or commercial property or any stall in any market or food centre of the Board which is not leased out by the Board at the time the charges are levied; and

(c) the person whose name is included in the Valuation List referred to in the Property Tax Act (Cap. 254) as the owner of the flat for the purposes of that Act.

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## 40 Power to borrow

Power to borrow

40.

A Town Council may raise any loan, chargeable upon and payable out of the revenues and assets of the Town Council, of such sums of money as may be required for —

(a) the purposes of meeting expenses or liabilities in respect of any works specified in section 33 (6) (a);

(b) the repayment of any loan previously raised for any such purposes; and

(c) such other purposes as may be prescribed.

[39

## 41 Power of investment

Power of investment

41.

A Town Council may invest its funds in accordance with the standard investment power of statutory bodies as defined in section 33A of the Interpretation Act (Cap. 1).

## 42 Grants

Grants

42.

For the purposes of enabling a Town Council to carry out its functions under this Act or any other Act, the Minister may from time to time make grants-in-aid to the Town Council of such sums of money and subject to such conditions as the Minister may determine out of moneys to be provided by Parliament.

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## 43 Financial Rules

Financial Rules

43.

The Minister may make rules to be called Financial Rules, not inconsistent with the provisions of this Act, for carrying out the provisions of this Act or any other Act by a Town Council and, in particular, such rules may provide for —

- (a) the collection, receipt, custody, issue, expenditure, due accounting for, care and management of all moneys of a Town Council and the guidance of all persons concerned therein;
- (b) the more effectual record, examination, inspection and check of all receipts and expenditure and the keeping of all necessary books and accounts;
- (c) the forms for all books and documents whatever required under the provisions of this Act or the rules made thereunder;
- (d) the purchase, safe custody, issue, sale or other disposal or writing-off of stores and other property of a Town Council, and the proper accounting for, and stocktaking of, such stores and property;

(e) the preparation of estimates of revenue and expenditure; and

(f) the making of advances to officers of a Town Council and other persons and the rates and limits of such advances and the rates of interest thereon.

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## PART VII MISCELLANEOUS PROVISIONS

### PART VII

### MISCELLANEOUS PROVISIONS

## 44 Recovery of conservancy and service charges from sale of flat

Recovery of conservancy and service charges from sale of flat

44.

— (1) Where any conservancy and service charges levied in respect of any flat by a Town Council under section 39 remain unpaid on the expiry of the period of 90 days after the Town Council has served on the owner of the flat a written demand for such charges under section 39 (6), the charges, together with any interest accrued thereon shall constitute a charge on the flat on the expiry of that period in favour of the Town Council.

(2) Upon the constitution of the charge on a flat under subsection (1), the Town Council shall have the power of sale and all other powers relating or incidental thereto to sell and effectually transfer the title to the flat to any purchaser as if the Town Council is a registered mortgagee notwithstanding that the charge is not registered under the Land Titles Act (Cap. 157).

(3) Any charge on a flat constituted under subsection (1) shall be subject to

—

(a) all encumbrances registered or notified under the Land Titles Act (Cap. 157) in respect of that flat before the date of the constitution of the charge;

(b) all moneys due under the lease of the flat to the Board (on its own account or on account of the Central Provident Fund Board), whether before, on



or after the date of the constitution of the charge; and

(c) all moneys due to the Central Provident Fund Board under the charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36), whether before, on or after the date of the constitution of the charge.

(4) Subject to subsection (5), a Town Council may, with the prior written approval of the Board, by notice of sale to be served or published in the prescribed manner, declare its intention of selling, on the expiry of the period of 90 days from the date of the notice of sale, any flat which is subject to a charge constituted under subsection (1), and if, on the expiry of that period, any conservancy and service charges (including any interest thereon) or any part thereof have not been paid or satisfied, the Town Council may sell that flat.

(5) A Town Council shall not proceed under subsection (4) to sell any flat in respect of which any conservancy and service charges or any part thereof are due if there is or are upon the flat and liable to be seized and sold by the Town Council by writ of seizure and sale movable property belonging to the owner of the flat of a value estimated by the Town Council to be sufficient to realise the sum required to satisfy such unpaid charges and costs.

(6) Where a Town Council has sold any flat under subsection (4), neither the purchaser of the flat nor the Registrar of Titles appointed under the Land Titles Act (Cap. 157) shall be concerned to inquire into the regularity or validity of the sale or transfer.

(7) For the purpose of registration of a transfer of any flat sold under subsection (4), the Registrar of Titles may dispense with the production of the duplicate lease of the flat or the duplicate subsidiary certificate of title in respect of the flat, as the case may be.

(8) The moneys received by a Town Council in exercise of its power of sale under subsection (4), after discharging all prior encumbrances, shall be held by it in trust to be applied —

(a) firstly, in payment of all costs and expenses properly and reasonably incurred by the Town Council as incidental to the sale or any attempted sale, or otherwise;

(b) secondly, in payment to the Central Provident Fund Board of all moneys secured by its charge constituted under section 21 or 21B of the Central Provident Fund Act (Cap. 36) and are referred to in subsection (3);

(c) thirdly, in payment to the Board of such moneys due under the lease of the flat to the Board as are referred to in subsection (3);

(d) fourthly, in payment to the Board of all moneys secured by its charge on the flat (if any) under section 65H of the Housing and Development Act (Cap.129) for unpaid improvement contribution, and in payment to the Town Council of all moneys secured by its charge on the flat (if any), in the order of their priority;

(e) fifthly, in discharge, equally and without preference, of —

(i) the conservancy and service charges and interest accrued and due to the Town Council at the date of sale; and

(ii) any improvement contribution (including any interest and penalty thereon) accrued and due to the Town Council at the date of the sale, whether or not secured by any charge under section 24D;

(f) sixthly, in discharge of any improvement contribution (including any interest and penalty thereon) accrued and due to the Board at the date of the sale, which is not secured by any charge under section 65D of the Housing and Development Act (Cap. 129);

(g) seventhly, in payment of subsequent mortgages and charges (if any) in the order of their priority; and

(h) finally, the residue of such moneys so received shall be paid to the person who appears from the land-register kept under the Land Titles Act (Cap.157) to be entitled to the flat sold or to be authorised to give receipts for the proceeds of the sale thereof.

(9) Notwithstanding section 80 of the Land Titles Act, where further conservancy and service charges and interest thereon are due to a Town Council when a charge on a flat constituted under subsection (1) is subsisting, the amount of the charges due (including interest thereon) shall rank in priority to any other claims on the flat as if the charges were due at the date of the constitution of that charge.

[37/96]

(10) Any charge on a flat constituted under subsection (1) shall —

(a) continue in force until all the conservancy and service charges (including any interest thereon) secured by the charge have been paid; and

(b) upon payment of the conservancy and service charges (including any

interest thereon) and any necessary incidental expenses to the Town Council before it has exercised its powers of sale under subsection (4), be discharged and the owner of the flat shall be entitled to a certificate of discharge executed and acknowledged by the Town Council as to the receipt of such payment.

(11) For the purpose of estimating the value of any movable property belonging to the owner of a flat under subsection (5), a Town Council may, by its employees or agents, enter upon the flat to carry out such valuation at any reasonable time after giving notice to any occupier of the flat.

[43  
[37/96]

## **45 Deduction of arrears of charges from compensation and other moneys payable by Board**

Deduction of arrears of charges from compensation and other moneys payable by Board

45.

Where any conservancy and service charges are due and remain unpaid by the owner or tenant of any flat to a Town Council upon the vesting of the flat in the Board under section 52 or 57 of the Housing and Development Act (Cap. 129) or upon the termination of the tenancy or lease of the flat, the Board may, on a request in writing by the Town Council and notwithstanding section 58 of that Act —

(a) deduct such charges (including any interest and penalty thereon) remaining unpaid from any compensation, cash deposit and any other moneys in respect of the flat payable by the Board to the owner or tenant of the flat; and

(b) subject to the law relating to bankruptcy and all statutory charges, encumbrances and moneys due and payable to the Board, pay the amount so deducted to the Town Council as soon as practicable.

[43A  
[25/90]

## **46 Fines to be paid into Town Council Fund**

Fines to be paid into Town Council Fund

46.

All fines imposed under this Act or any by-law made by a Town Council, less all reasonable legal costs (whenever incurred) for the prosecution thereof, and all moneys collected by it under section 49 shall be paid into the Town Council Fund.

[43B  
[25/90]

## 47 Demand for particulars

Demand for particulars

47.

— (1) A Town Council or any member or employee of a Town Council or any police officer who reasonably believes that any person has committed an offence under this Act or any by-law or rules made thereunder may require the person to furnish evidence of his identity.

(2) The person mentioned in subsection (1) shall thereupon furnish such evidence of his identity as may be required by the police officer, the Town Council or its member or employee.

[25/90]

(3) A Town Council may, subject to such conditions as it thinks fit, delegate to its managing agent or any employee of its managing agent the power under subsection (1).

(4) Any power so delegated may be exercised by the agent or employee referred to in subsection (3), subject to the production of his authority when requested, in the name and on behalf of the Town Council.

[25/90]

(5) Any person who refuses to furnish any information required of him by a Town Council, any member or employee of the Town Council, any police officer or any person to whom the power under subsection (1) has been delegated under subsection (3), or who wilfully mis-states such information, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

[43C  
[25/90]

## 48 Liability of owners of vehicles for parking offences

## Liability of owners of vehicles for parking offences

48.

— (1) When a parking offence is committed within a Town, the person who, at the time of the commission of the offence, is the owner of the vehicle in respect of which the offence is committed shall be guilty of an offence under any by-law made by the Town Council in all respects as if he were the actual offender guilty of the parking offence unless the court is satisfied that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

[25/90]

(2) Nothing in this section shall affect the liability of the actual offender except that where a penalty has been imposed on or recovered from a person in relation to any parking offence, no further penalty shall be imposed on or recovered from any other person in relation thereto.

[25/90]

(3) Notwithstanding subsection (1), no owner of a vehicle shall by virtue of this section be guilty of an offence if he —

(a) within 7 days after service on him by a Town Council of a notice alleging that he has been guilty of the offence, furnishes by statutory declaration to the Town Council the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence;

(b) satisfies the Town Council that he did not know and could not with reasonable diligence have ascertained such name and address; or

(c) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

[25/90]

(4) A statutory declaration made under subsection (3) (a), if produced in any proceedings against the person named therein and in respect of any parking offence, shall be prima facie evidence that the person was in charge of the vehicle at all relevant times relating to the parking offence.

[25/90]

(5) A statutory declaration which relates to more than one parking offence shall not be regarded as a statutory declaration under, or for the purposes of, subsection (3) (a).

[25/90]

(6) In this section —

"owner" , in relation to a vehicle, includes —

(a) any person who has the use of the vehicle under a hire-purchase agreement but excludes the owner under any such agreement;

(b) the person in whose name the vehicle is registered except where the person has sold or otherwise disposed of the vehicle and has complied with the rules made under the Road Traffic Act (Cap. 276) applicable to him in regard to such sale or disposal; and

(c) in the case of a vehicle in respect of which a general licence is issued under section 28 of the Road Traffic Act, the person to whom the general licence is issued;

"parking offence" means an offence of parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any by-law made by a Town Council.

[43D  
[25/90]

## 49 Composition of offences

Composition of offences

49.

A Town Council may, in its discretion, compound any offence under this Act or any by-law made by it which is prescribed as a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

[43E  
[25/90; 37/96]

## 50 Minister may appoint any person to exercise or perform certain powers etc.

Minister may appoint any person to exercise or perform certain powers, etc.

50.

— (1) Where the Minister is satisfied —

(a) that a Town Council has failed to keep or maintain any part of the common property of any residential or commercial property in the housing estates of the Board within the Town in a state of good and serviceable repair or in a proper and clean condition; or

(b) that any duty of a Town Council must be carried out urgently in order to remove any imminent danger to the health or safety of residents of the housing estates of the Board within the Town,

the Minister may —

(i) in relation to paragraph (a), by order published in the *Gazette*, appoint any person to perform such powers, duties and functions of the Town Council and for such period as may be specified in the order; and

(ii) in relation to paragraph (b), appoint any person to carry out any duty of the Town Council so as to remove the danger.

(2) The Minister shall not make an order under subsection (1) (i) unless he has given not less than 7 days' notice in writing to the chairman of his intention to appoint a person to exercise all or such of the powers, duties and functions of the Town Council as may be specified by the Minister in the notice.

(3) The chairman may make representations to the Minister within 7 days after the date of the service of the notice.

(4) Where the Minister has made an order under subsection (1) (i), no person other than the person appointed by the Minister may, while he holds office as such, exercise or perform any power, authority, duty or function which the person is authorised to exercise or perform by that order and any such power, function or duty may be exercised or performed by that person in the name and on behalf of the Town Council.

(5) The costs and expenses incurred by any person appointed by the Minister under this section shall be paid out of the Town Council Fund by way of a levy under section 39.

(6) Any person appointed under subsection (1) shall be entitled to the payment by the Town Council of such fee as the Minister may determine for performing any service under this section.

(7) If there is for any reason no legally constituted Town Council for a Town,

the Minister may by order published in the *Gazette* authorise any person to act in place of the Town Council for that Town pending the appointment of members of the Town Council under section 8.

(8) Any order made under subsection (7) may contain such incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or proper.

[44

## 51 Legal proceedings

Legal proceedings

51.

Any charges, fees or expenses or any penalties for late payment of such charges or fees payable to a Town Council under this Act —

(a) may be recovered by the Town Council by an action for a debt in any court of competent authority; and

(b) shall for the purposes of the Small Claims Tribunals Act (Cap. 308) be deemed to be moneys payable under a contract for the provision of services and the Town Council may lodge a claim for the payment of the charges, fees or expenses or any penalties for late payment of such charges or fees with a Small Claims Tribunal in accordance with the provisions of that Act.

[45

[37/96]

## 52 Protection from personal liability

Protection from personal liability

52.

No suit or other legal proceedings shall lie personally against any member, officer or employee of a Town Council or other person acting under the direction of a Town Council for anything which is in good faith done or intended to be done in the execution or purported execution of this Act or any other Act.

[46

## 53 Board' s obligations under existing leases of



# flats

Board' s obligations under existing leases of flats

53.

— (1) On the expiry of the period of 180 days, or such shorter period as the Minister may determine, after the establishment of a Town Council for the Town and so long as a Town Council is established for the Town, the Board as the lessor of the flats in the residential and commercial property and of the stalls in the market and food centres within the Town shall, notwithstanding the Housing and Development Act (Cap. 129) and the terms, covenants and conditions in the leases of those flats or stalls to the contrary, cease to be liable for the maintenance and management of the common property of the residential and commercial property in the housing estates in which those flats or stalls are situated, including the provision of cleaning services and the maintenance of mechanical equipment and installations in the Town, and thereupon the Town Council shall be liable for the maintenance and management of that common property.

(2) Upon the establishment of a Town Council for the Town and so long as a Town Council is established for the Town, except as otherwise provided in this Act, the terms, covenants and conditions in the leases of the flats and stalls referred to in subsection (1) shall continue in force.

(3) The Board as the lessor of the flats or stalls within the Town referred to in subsection (1) shall be entitled to enforce the performance of the terms, covenants and conditions in the leases as if this Act had not been enacted.

[47

## 54 Board' s liability for repairs etc.

Board' s liability for repairs, etc.

54.

The Board shall not be liable in respect of any action, claim or proceedings arising out of any —

(a) repairs, maintenance, improvements or other works carried out by a Town Council or its agents to the common property of the residential and commercial

property in the housing estates within the Town; or

(b) charges paid to a Town Council by any person under this Act to meet the costs of such repairs, maintenance, improvements or other works.

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## 55 Dissolution of Town Council

### Dissolution of Town Council

55.

— (1) Where at any time any elected member of the Town Council for any Town declared under section 3 (1) (b) has requested for his constituency to be declared to be part of another Town or to be a Town by itself or where there is for any reason no legally constituted Town Council for a Town, the Minister may, if he considers it necessary, by order published in the *Gazette* dissolve the Town Council.

(2) Notwithstanding section 53, where a Town Council is dissolved under subsection (1), the Board shall, upon the dissolution of that Town Council and pending the establishment of another Town Council for the Town, be responsible and liable, as the owner of the housing estates within the Town, for the maintenance and management of such housing estates and shall be entitled to enforce the performance of the terms, covenants and conditions in the leases relating to such housing estates as if this Act had not been enacted.

(3) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provisions relating to the dissolution of the Town Council as may be necessary or expedient, including provisions for or with respect to the following matters:

- (a) the sale or disposition of any property of the Town Council;
- (b) the discharge of the liabilities of the Town Council;
- (c) the distribution of the assets of the Town Council;
- (d) the appointment and powers of any person to carry out the winding up of the affairs of the Town Council; and
- (e) any matter in respect of which it is, in the opinion of the Minister, just and equitable in the circumstances of the case to make provision in the order.

## 56 Public servants for purposes of Penal Code

Public servants for purposes of Penal Code

56.

All members, officers and employees of a Town Council and all employees of its managing agent shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224).

[50  
[25/90]

## 57 Rules

Rules

57.

The Minister may make such rules as he considers necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof and to prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[51

## 58 Savings

Savings

58.

— (1) Nothing in this Act shall be construed to affect any obligation or liability accrued or incurred under a lease for a flat in any residential or commercial property or for a stall in any market or food centre of the Board within a Town at any time prior to the establishment of the Town Council.

(2) Any cause of action which has arisen between any such owner or tenant and the Board prior to the establishment of the Town Council may be continued and enforced as if this Act had not been enacted.

(3) Nothing in this Act shall affect any rights or remedies that the Board or an owner or tenant of a flat in any residential or commercial property may have in relation to the flat or the common property, or any function of the Board, apart from this Act.

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THE SCHEDULE

Section 9 (11)

FORM A

TOWN COUNCILS ACT  
(CHAPTER 329A)

DECLARATION OF ACCEPTANCE OF OFFICE

FORM B

Section 9 (11)

TOWN COUNCILS ACT  
(CHAPTER 329A)

DECLARATION OF ACCEPTANCE OF OFFICE

LEGISLATION HISTORY

1. Act 12 of 1988 — Town Councils Act 1988

Date of First Reading : 25.5.88 (Bill No. 9/88 published on 27.5.88)

Date of Second and Third Readings : 29.6.88

Date of commencement : 5.8.88

2. Act 25 of 1990 — Town Councils (Amendment) Act 1990

Date of First Reading : 4.10.90 (Bill No. 24/90 published on 5.10.90)

Date of Second and Third Readings : 9.11.90

Date of commencement : 7.12.90

3. Act 18 of 1992 — Town Councils (Amendment) Act 1992

Date of First Reading : 10.3.92 (Bill No. 25/92 published on 11.3.92)

Date of Second and Third Readings : 20.3.92

Date of commencement : 1.4.92

4. Act 37 of 1996 — Town Councils (Amendment) Act 1996

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Date of Second and Third Readings : 10.10.96

Date of commencement : 1.12.96

5. Act 6 of 1999 — Town Councils (Amendment) Act 1999

Date of First Reading : 23.11.98 (Bill No. 53/98 published on 24.11.98)

Date of Second and Third Readings : 20.1.99

Date of commencement : 8.2.99

#### COMPARATIVE TABLE

The following provisions in the 1997 Revised Edition of the Town Councils Act have been renumbered by the Law Revision Commissioners in this 2000 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Town Councils Act.

2000 Ed.	1997 Ed.
3— (4) and (5)	3—(4)
(6)	(5)
(7)	(6)
(8)	(7)
9— (1) and (2)	9—(1)
(3)	(1A)

(4)	(2)
(5)	(3)
(6)	(4)
(7)	(5)
(8)	(6)
(9)	(7)
(10)	(8)
(11) and (12)	(9)
(13)	(10)
12—(1) and (2)	12—(1)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
33—(7)	33—(6A)
(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(11)
34—(1) and (2)	33A— (1)
(3)	(2)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
35	34
36—(1)	35—(1)
(2) and (3)	(2)
37—(1)	36—(1)
(2) and (3)	(2)
(4)	(3)

(5)	(4)
(6)	(5)
38	37
39—(1), (2) and (3)	38— (1), (2) and (3)
(4)	(3A)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(6A)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(10A)
(13)	(11)
(14)	(7)
40	39
41	40
42	41
43	42
44	43
45	43A
46	43B
47— (1) and (2)	43C— (1)
(3) and (4)	(2)
(5)	(3)
48	43D
49	43E
50— (1) and (2)	44— (1) and (2)
(3)	(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)

(8)	(7)
51	45
52	46
53—(1)	47—(1)
(2) and (3)	(2)
54	48
55	49
56	50
57	51
58	52



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