

No. 34—1941.

Slum Clearance and Housing.

AN ORDINANCE to amend the Slum Clearance and Housing Ordinance, Ch. 37. No. 2.

Commencement.

[1st April, 1939.]

Short title and Construction.

1. (1) This Ordinance may be cited as the Slum Clearance and Housing (Amendment) Ordinance, 1941, and shall be read as one with the Slum Clearance and Housing Ordinance, hereinafter referred to as the Principal Ordinance.

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(2) This Ordinance shall be deemed to have come into force immediately after the commencement of the Principal Ordinance and all acts or omissions which would have been lawful if this Ordinance had so come into force shall be deemed to have been lawfully done or omitted.

Section 11 of the Principal Ordinance repealed and replaced.

2. Section 11 of the Principal Ordinance is hereby repealed and replaced by the following section:—

General powers of Commission.

11. Subject to the provisions of this Ordinance, the Commission may—

- (a) acquire land or buildings, or an estate or interest therein, for all or any of the purposes of an approved scheme, which purposes may include the erection, construction, maintenance and improvement (whether by the Commission or by persons other than the Commission) of houses and gardens, factories, workshops, places of worship, places of recreation, and other works and buildings for or for the convenience of persons of the working class and other persons, and generally all such matters as are necessary or desirable for, or are incidental to, the development of the property acquired as a building estate;

(b) with the approval of the Governor in Council—

- (i) acquire land or buildings, or an estate or interest therein, for the purpose of the development of the property acquired in any way which, if a scheme had been applicable to the property, could have been properly provided for in such scheme ;
 - (ii) acquire land or buildings, or any estate or interest therein, adjacent to a slum clearance area or re-development area, which in the opinion of the Commission it is desirable should be acquired for the satisfactory further development or use of the slum clearance area or re-development area, as the case may be ;
 - (iii) acquire land or buildings, or any estate or interest therein, in any area suitable for the purposes of a contemplated scheme ;
- (c) carry out, in connection with any property acquired for the purposes of an approved scheme, the purposes of that scheme ;
- (d) subject to the general or special directions of the Governor in Council, carry out, in connection with any property acquired under paragraph (b) (i) and (ii), the purposes for which the property was acquired ;
- (e) subject to the general or special directions of the Governor in Council, carry out, in relation to land or buildings, or any estate or interest therein, vested in the Crown, any purpose which could properly be provided for in a scheme in relation to property acquired for the purposes of the scheme, including (but without prejudice to the generality of the powers conferred by

- this paragraph) the erection of houses for settlers participating in any Land Settlement Scheme approved by the Governor in Council ;
- (f) without prejudice to any other powers conferred by this section, let or lease any land or buildings vested in the Commission on such terms and subject to such covenants and conditions as the Commission may think fit: Provided that, in exercising the powers conferred by this section, the Commission shall have regard to the provisions of section 42 ; and provided further that the Commission shall exercise such powers subject to the general or special directions of the Governor in Council ;
 - (g) with the approval of the Governor in Council, and on such terms as the Governor in Council may approve, sell or exchange any land or buildings, or any estate or interest therein, vested in the Commission ;
 - (h) accept a donation of money for any purpose to which the funds of the Commission may lawfully be applied ;
 - (i) guarantee or join in guaranteeing the payment of interest and capital on money borrowed by a person of the working class to purchase a dwelling-house or to erect a dwelling-house for his own use upon land belonging to the Commission or the Crown let or leased to such person upon such terms and conditions as the Commission may deem fit ;
 - (j) with the approval of the Governor in Council, make advances upon such securities as may likewise be approved, to suitable social organisations for the purpose of assisting the erection of hostels for single men and single women of the working class ;

(k) invest at their discretion in any securities authorised by law for the time being for the investment of trust funds any moneys (whether consisting of capital or income) at any time at the disposal of the Commission and not immediately required by the Commission for the purchase of property or the construction of buildings or for other purposes as authorised by this Ordinance.

3. Subsection (1) of section 12 of the Principal Ordinance is hereby amended by deleting paragraph (b) thereof and replacing it by the following two paragraphs:—

Section 12 of the Principal Ordinance amended.

(b) provide housing accommodation for persons of the working class for the purpose of the abatement of overcrowding;

(c) alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the Commission have acquired with a view to the provision or improvement of housing accommodation for persons of the working class.

4. Immediately after section 13 of the Principal Ordinance a new section 13A is inserted as follows:—

New section 13A of the Principal Ordinance

Powers of Commission as to ruinous or dilapidated buildings.

13A. (1) Whenever any building normally occupied as a dwelling by members of the working classes is, in the opinion of the Commission, ruinous or so dilapidated as to have become and to be unfit for human habitation or a nuisance or injurious to health, the Commission may give notice in writing to the owner requiring him forthwith to take down, secure, repair or rebuild the same to the satisfaction of the Commission within a time to be specified in the notice.

(2) If the owner fails to comply with the requirements of the notice within the time specified therein, the Commission or any person authorised by the Chairman of the Commission in writing, may make complaint thereof before a Magistrate, and it shall be lawful for such Magistrate to order the owner to carry out the requirements of the notice within a time fixed by him in his order.

(3) If such order is not complied with within the time fixed therein, the owner shall be liable on summary conviction to a fine of ninety-six dollars and to a further fine of ten dollars for every day during the continuance of such non-compliance, and the Commission may, without prejudice to their right to institute a prosecution, with all convenient speed enter upon the building or upon the ground on which it stands and execute the order.

(4) When the order directs the taking down of a neglected building, the Commission, in executing the order, may remove the materials to a convenient place, and (unless the expenses incurred by the Commission under this section in relation to such building are paid to them within fourteen days after such removal) sell the same or any part thereof as and if they in their discretion think fit.

(5) All expenses incurred by the Commission under this section in relation to a building may be deducted by the Commission out of the proceeds of the sale, and the surplus, if any, shall be paid by the Commission to the owner of the building on demand and upon proof of title ; or the Commission may, if they think fit, pay such surplus into the Supreme Court to an account to be entitled—

“In the matter of the Slum Clearance and Housing Ordinance and of the premises (*describing them*) the materials of which were sold under the provisions of the said Ordinance” ;

and the Supreme Court or any Judge thereof may, on the petition of any person entitled or claiming to be entitled to such moneys or any part thereof, make an order for the payment of the same or any part thereof to the person or persons entitled thereto.

(6) If the building is not taken down and such materials are not sold by the Commission, or if the proceeds of such sale are insufficient to defray the said expenses, the Commission may recover such expenses or such insufficiency from the owner of the building together with full costs in respect thereto in a summary manner, but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

(7) In connection with the exercise by the Commission of the powers conferred by this section in relation to a building within the area of a Local Authority, the following provisions shall have effect, namely—

(a) the Commission shall, in deciding to issue a notice under subsection (1) or in deciding whether any such notice has been satisfactorily complied with, take into consideration any report on the building submitted by the chief health or engineering adviser of the Authority ;

(b) The Commission shall notify the Authority of the dates of the meetings at which any such decisions as are mentioned in paragraph (a) will be considered by the Commission and thereupon the Local Authority shall have the right to delegate three of their members to attend such meetings, or any of them, for the purpose of considering such decisions, and to that extent such delegates shall be members of the Commission with the right of deliberating and voting in the same manner as any other member.

(8) In this section the term "building" includes a part of a building.

Section 14 (2)
of the
Principal
Ordinance
repealed and
replaced.

5. Subsection (2) of section 14 of the Principal Ordinance is hereby repealed and replaced by the following subsection—

(2) Subject to the provisions of this Ordinance but without prejudice to section 11 thereof, the Commission may carry into effect any housing scheme—

- (a) by the conversion of any buildings acquired into dwelling-houses ;
- (b) by altering, enlarging, repairing or improving any houses or buildings which have been acquired by the Commission ;
- (c) by altering, enlarging, repairing or improving a house as erected, converted or acquired, and fitting out, furnishing and supplying any such house with all requisite fittings and conveniences.

Section 15 of
the Principal
Ordinance
amended.

6. Subsection (1) of section 15 of the Principal Ordinance is hereby amended by deleting therein the words "or of overcrowding in the area" and the words "overcrowding or".

Section 19 of
the Principal
Ordinance
amended.

7. Section 19 of the Principal Ordinance is hereby amended by deleting at the commencement of subsection (1) thereof the words "The Governor in Council may, if he thinks fit, approve the scheme" and substituting therefor the words "The Governor in Council may, if he thinks fit, after considering any objections duly made to the scheme which have not been withdrawn or met, approve the scheme".

Sections 26
and 27 of the
Principal
Ordinance
repealed and
replaced.

8. Sections 26 and 27 of the Principal Ordinance are hereby repealed and replaced by the following sections:—

Acquisition of
land, &c.,
by
Commission.
26. (1) Where by this Ordinance the Commission is authorised to acquire land or buildings, or any estate or interest therein, such acquisition may, subject to the provisions of this Ordinance, be by way of gift or may be effected by private treaty or compulsorily under the Land Acquisition Ordinance, and the provisions of section 48 of the said Ordinance shall, subject to

the provisions of this Ordinance, apply in relation to any such contemplated acquisition or to any such compulsory acquisition.

(2) Nothing in this section shall authorise the compulsory acquisition of any land or building, or any estate or interest therein, which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking.

Acquisition of land &c., by Commission for purposes of approved schemes.

27. (1) Any land or buildings, or any estate or interest therein, within a slum clearance area or any part thereof which are intended to be acquired by the Commission for the purposes of this Ordinance may be acquired compulsorily after the expiration of twenty-eight days from the first publication of the notice as required by subsection (1) of section 20 of this Ordinance.

(2) In the case of land or buildings, or any estate or interest therein, intended to be acquired by the Commission for the purposes of a housing scheme or a re-development scheme, it shall be the duty of the Commission, within the appropriate period specified in this subsection, either to enter into agreements for the purchase of the same or to acquire the same compulsorily: Provided that this subsection shall not apply to land or buildings in respect of which the Commission have, within the approved period as aforesaid, made arrangements with other persons for securing the use of the land in accordance with a re-development scheme. The appropriate period for the purposes of this subsection shall be—

(a) in the case of land shown in the plan for the housing scheme or re-development scheme, as the case may be, as intended for the provision of houses for the working class, six months from the date when the approval of the Governor in Council of the appropriate scheme becomes operative;

(b) in the case of other land in the re-development area, two years from that date ;

and in either case such extended period as the Governor in Council may, on the application of the Commission allow in respect of any land. The obligations imposed on the Commission by this section shall not apply with respect to any land or building, or estate or interest therein, referred to in subsection (2) of section 26.

Section 29 of the Principal Ordinance amended.

9. Subsection (2) of section 29 of the Principal Ordinance is hereby amended by inserting in paragraph (b) thereof, between the word "continuously" and the words "before that date" the words "during the three years immediately".

Section 34 of the Principal Ordinance amended.

10. Subsection (1) of section 34 of the Principal Ordinance is hereby amended by deleting therein the words "the completion of".

Section 36 of the Principal Ordinance amended.

11. Section 36 of the Principal Ordinance is hereby amended by substituting the words "twenty-eight days" for the words "fourteen days" where they occur in subsections (2) and (4) thereof.

Section 39 of the Principal Ordinance amended.

12. Section 39 of the Principal Ordinance is hereby amended by substituting the words "on giving twenty-four hours' notice to the occupier and to the owner" for the words "on production of such written authority to the occupier and to the owner" therein.

Section 41 of the Principal Ordinance repealed and replaced.

13. Section 41 of the Principal Ordinance is hereby repealed and replaced by the following section:—

Further powers of Commission in relation to sales, leases or exchanges.

41. (1) Where, under the powers conferred by this Ordinance, the Commission sell or lease land or buildings, the Commission may contribute from their funds towards the lawful development thereof: Provided that, as regards any land to be used for the construction of roads, it shall be a condition of any such contribution that the roads shall be dedicated to the public.

(2) Any moneys received by the Commission from the letting, leasing, sale or exchange of any lands or buildings shall form part of the funds of the Commission.

(3) In giving consent to the sale or exchange of any land or buildings, or any estate or interest therein, in respect of which the Commission is receiving a contribution under section 40, the Governor in Council may reduce the amount of any contributions payable to the Commission as he thinks fit.

14. Subsection (2) of section 45 of the Principal Ordinance is hereby amended by substituting a semi-colon for the full stop at the end thereof and by adding the following paragraph—

Section 45 of
the Principal
Ordinance
amended.

(h) any other purpose approved by the Governor in Council.