

## TRINIDAD AND TOBAGO.

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## No. 41—1938.

I ASSENT,

[L.S.]

J. HUGGINS,

*Acting Governor.*

23rd December, 1938.

*29th December, 1938.*

AN ORDINANCE to make provisions with respect to the housing of persons of the working classes, the acquisition, reconstruction and management of slum clearance areas and re-development areas, the improvement of unhealthy areas, the repair or demolition of insanitary dwellings, and for purposes connected with the matters aforesaid.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

## PART I.

## PRELIMINARY.

1. This Ordinance may be cited as the Slum Clearance Short title. and Housing Ordinance, 1938, and shall commence Commence- on a day to be fixed by the Governor by Proclamation. ment.

2. In this Ordinance :—

"Dwelling," "Dwelling house" or "House" means Interpreta-  
any premises used as a separate dwelling by tion.  
persons of the working class or of a type suitable for such use and includes any part of a building which is occupied, or intended to be occupied, as a separate dwelling, and also includes a flat.

- “ Flat ” means a separate and self-contained set of premises constructed for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided ; and “ block of flats ” means a building which contains two or more flats and consists of two or more storeys exclusive of any storey which is constructed for use for purposes other than those of a dwelling.
- “ Housing Association ” means a society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing or facilitating or encouraging the construction or improvement of, houses for the working classes, which the Governor in Executive Council for the purposes of this Ordinance may deem and certify to be a Housing Association.
- “ Commission ” means the Planning and Housing Commission of Trinidad and Tobago to be established under the provisions and for the purposes of this Ordinance and of the Town and Regional Planning Ordinance, 1938.
- “ Judge ” means a Judge of the Supreme Court sitting in Chambers, and in the case of any matter within the jurisdiction of a Petty Civil Court, includes the Judge of that Court.
- “ Landlord ” means the immediate landlord of an occupier and includes, in relation to an occupier of a dwelling house who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer ; and “ Agent ” means, in relation to the landlord of a dwelling house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do.

- “ Loan charges ” means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a Sinking Fund.
- “ Local Authority ” means the Municipal Corporations of Port-of-Spain, San Fernando, and Arima, within their respective jurisdictions and any other Authority which the Governor in Executive Council shall by order published in the *Royal Gazette* declare to be a Local Authority for the purposes of this Ordinance, and within the area and to the extent specified in such order.
- “ Official representation ” means a representation made by any Local Authority with regard to any area within the jurisdiction of that Authority, or a representation made by a Warden, a Medical Officer of Health or any statutory Health Authority.
- “ Owner ” in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term whereof exceeds three years.
- “ Road ” means any road whether public or private and includes any street, square, court, alley, lane, bridge, footway, trace, bridle path, passage, or highway, whether a thoroughfare or not.
- “ Sanitary defects ” includes darkness, dampness, lack of air space or of ventilation, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences, and inadequate paving or drainage of courts, yards or passages.
- “ Scheme ” means a housing scheme, a slum clearance scheme, a re-development scheme, and a scheme varying or revoking an existing scheme.

“ Slum Clearance Area ” means an area defined and declared as such in the manner hereinafter contained to be acquired or redeveloped for the purposes of and in accordance with the provisions of this Ordinance.

“ Statutory undertaker ” means any authority, company or person empowered by an Ordinance to execute or construct authorised works or to carry into effect the purposes of that Ordinance.

Duty of Planning and Housing Commission to carry out provisions of the Ordinance.

3. The duty of carrying out the provisions of this Ordinance, including the housing of persons of the working classes, the acquisition, reconstruction and management of slum clearance areas and redevelopment areas, the improvement of unhealthy areas, the repair or demolition of insanitary dwellings, the due execution and enforcement of any scheme in accordance with this Ordinance and for other purposes connected with the matters aforesaid as provided by this Ordinance, shall (subject to the limitations and conditions hereinafter contained) be vested in the Planning and Housing Commission of Trinidad and Tobago.

## PART II.

### CONSTITUTION OF THE COMMISSION.

Incorporation of the Commission.

4. The Planning and Housing Commission of Trinidad and Tobago when constituted in the manner provided by this Ordinance shall be a body corporate and shall have perpetual succession and a common seal which shall be officially and judicially noticed and the seal shall be authenticated by the signatures of the Chairman and one other member of the Commission. The Commission may sue and be sued in their corporate name.

Constitution of the Commission.

5.—(1) The Commission shall consist of a Chairman to be appointed by the Governor who shall hold office during the Governor's pleasure, and of ten other members to be appointed by the Governor for such period or periods as he shall determine, of whom not less than five shall be persons not in the service of the Government of the Colony.

(2) Whenever the Commission shall have under consideration a scheme wholly or in part within the area of a Local Authority, the Commission shall notify such Authority of the date of the meeting at which such scheme will be considered by the Commission and thereupon the Local Authority shall have the right to delegate three of their members to attend that meeting for the purpose of considering such scheme 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.

(3) The Governor may appoint any person to act in the place of the Chairman or any other member of the Commission in case of his absence or inability to act as such Chairman or other member.

(4) Any member of the Commission other than a person in the service of the Government of the Colony may at any time resign his office by instrument in writing addressed to the Secretary thereof who shall forthwith forward the same to the Colonial Secretary and from the date of the receipt by the Secretary of such instrument such member shall cease to be a member of the Commission and the vacancy caused by such resignation or by the death of a member shall be filled by the Governor by the appointment of another person.

(5) The appointment, removal or resignation of any member of the Commission shall be notified in the *Royal Gazette*.

6. No personal liability shall attach to any member of the Commission in respect of anything done or suffered in good faith under the provisions of this Ordinance, and any sums of money, damages or costs which may be recovered against them or any of them for anything done or suffered as aforesaid shall be paid out of the revenues of the Colony.

Indemnity to  
members of  
Commission.

7.—(1) The Chairman shall be paid out of the funds of the Board such remuneration or other allowance as the Governor shall determine.

Remuneration  
of Chairman.

(2) It shall be lawful for the Commission with the approval of the Governor to appoint at such remuneration and on such terms and conditions as they may determine a

Appointment  
of officers,  
servants and  
agents.

secretary and such other officers, servants and agents as may be requisite for the due and proper execution and enforcement of their duties under this Ordinance, and to require any officer or servant or agent so appointed to give security as may be deemed proper for the due execution of his duties.

(3) The appointment of any such officer, servant, or agent may, subject to the terms and conditions of his appointment, be terminated by the Commission either at the request or with the approval of the Governor.

(4) The Commission with the approval of the Governor in Executive Council may make Regulations relating to the duties of their officers, servants and agents.

Provident  
Fund.

8. It shall be lawful for the Commission, with the approval and subject to such terms and conditions as may be imposed by the Governor in Executive Council, to provide for the establishment and maintenance of a Provident Fund for the benefit of the officers, servants and agents of the Commission and for that purpose to make arrangements with such Insurance Company or Companies as may be selected by the Governor in Executive Council.

Appointment  
of Committee  
for purposes  
of Ordinance.

9.—(1) The Commission may appoint a Committee for any of the purposes of this Ordinance, which, in the opinion of the Commission would be better regulated and managed by means of a Committee and may with the approval of the Governor delegate to the Committee with or without restrictions or conditions as they think fit, any of their powers under this Ordinance.

(2) A Committee appointed under this section shall consist of such number of persons as the Commission may think fit.

Meetings and  
procedure  
thereat.

10.—(1) The Commission shall hold monthly meetings for the transaction of general business, which shall be held at such time and place and on such days as the Commission may determine.

(2) The Chairman may at any time call a special meeting of the Commission.

(3) An extraordinary meeting shall be summoned by the Secretary of the Commission within twenty-one days of a requisition for that purpose addressed to him by any three members of the Commission. The requisition shall be in writing and no business other than that specified in the requisition shall be transacted at the extraordinary meeting except by leave of the Commission.

(4) The Chairman shall preside at all meetings of the Commission at which he is present. In case of his temporary absence, the members present and constituting a quorum shall elect a Chairman from among their number.

(5) At any meeting of the Commission five members shall form a quorum for the transaction of business.

(6) All acts of the Commission, and all questions coming or arising before the Commission, shall be done and decided by the majority of such members of the Commission as are present and vote thereat. In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(7) Minutes of all meetings shall be recorded and kept by the Secretary. Copies of such minutes duly confirmed at a subsequent meeting shall as soon as practicable thereafter be forwarded to the Colonial Secretary.

### PART III.

#### GENERAL POWERS OF THE COMMISSION.

11. The Commission are hereby authorised to provide, in accordance with the provisions of this Ordinance, housing accommodation for persons of the working class, and for that purpose—

(a) to acquire land or buildings in a slum clearance area or re-development area ;

(b) to acquire land or buildings 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 ;

Powers of the Commission to provide housing accommodation, to acquire and dispose of land, to advance moneys, &c.

- (c) to acquire land for purposes which in the opinion of the Commission are necessary or desirable for or incidental to the development of the land as a building estate, including the erection, construction, maintenance and improvement of houses and gardens, factories, workshops, places of worship, places of recreation, and other works or buildings for or for the convenience of persons of the working class, and other persons ;
- (d) to acquire land for the purpose of the lease of the land or any part thereof with a view to the erection thereon by persons other than the Commission of dwelling-houses for the working classes;
- (e) to acquire land or buildings or any estate or interest therein in any area suitable for any of the purposes of this Ordinance ;
- (f) to accept a donation of land, money or other property for any of the purposes of this Ordinance ;
- (g) to let or lease any land or buildings vested in the Commission and to accept surrenders of any such leases ;
- (h) with the approval of the Governor in Executive Council to sell or exchange any land or buildings vested in the Commission ;
- (i) to assist a person of the working class to purchase a dwelling-house or erect his own dwelling-house on land belonging to the Commission or the Crown which has been leased to such person upon such terms and conditions as the Commission may deem fit ;
- (j) to 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 leased to such person upon such terms and conditions as the Commission may deem fit ;
- (k) with the approval of the Governor in Executive Council to 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 ;

- (d) to 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.

12.—(1) The Commission may, with the approval of the Governor in Executive Council, make arrangements with a Housing Association for the purpose of enabling the Association to—

Power of  
Housing  
Commission to  
make arrange-  
ments with  
Housing  
Association.

- (a) provide housing accommodation for persons of the working class displaced by action taken by the Commission under the provisions of this Ordinance for dealing with slum clearance areas or with re-development areas or for the demolition of insanitary houses or for the closing of buildings or parts of buildings ;
- (b) construct, 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.

Arrangements made under this sub-section shall include such terms with regard to such matters, including the types of houses to be provided, the rents at which the houses provided are to be let, and the conditions of the tenancy, as may appear to the Commission to be expedient in view of the needs in relation to the housing of the working classes and as may be approved by the Governor in Executive Council.

(2) A contribution as provided in the Second Schedule hereto shall be payable in respect of a house provided by a Housing Association under arrangements made under this section and shall be paid to the Commission who shall pay to the Association by way of annual grant an amount not less than the contribution :

Second  
Schedule.

Provided that, if the Governor in Executive Council is satisfied that the Association have made default in giving effect to the terms of any arrangements made between them and the Commission under this section, he may reduce the amount of any contribution payable to the Commission under this sub-section in respect of houses provided by the Association, or suspend or discontinue the payment of any such contribution, as he thinks just:

Provided further that if the Governor in Executive Council reduces, or suspends, or discontinues the payment of, a contribution payable under this sub-section, the Commission may reduce to a proportionate or any less extent the annual grant payable by them to the Association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(3) If a Housing Association represent to the Governor that they have submitted to the Commission proposals for arrangements under this section, and that the Commission have unreasonably refused to make arrangements in accordance with the proposals, the Governor may require the Commission to furnish him with a report as to the matter stating the reasons for their refusal and to make such arrangements as shall be approved of by the Governor in Executive Council.

Power of Commission to make advances to persons for the purpose of improving or increasing housing accommodation.

**13.**—(1) The Commission may, subject to the provisions hereinafter contained and subject to the approval of the Governor in Executive Council, in any case where the Commission consider that having regard to the costs involved and the financial position of the applicant it is reasonable to give such assistance, advance money for purchasing or constructing one or more houses, or for carrying out alterations or repairs to any house or houses—

(a) to any employer of labour, provided that such houses are situated on land owned by the employer and are to be used as dwellings for persons of the working class in the employ of such employer;

(b) to any person of the working class, provided that such house is situated on land owned by the Commission or the Crown.

(2) Application for advances under this section shall be made in writing addressed to the Commission and shall contain full particulars of the houses to be purchased, constructed, altered, or repaired, and of the land on which such houses are or shall be situate, the amount of the advances required, the manner in which such advances are to be applied, the proposals for repayment thereof, and such other particulars as may be required by the Commission.

(3) The Commission before granting any such assistance shall satisfy themselves that the house in respect of which assistance is to be given, will, when the building, alteration, or repair has been completed, be in all respects fit for human habitation, and will be used as dwellings for the working classes.

(4) The Commission shall consider each application and shall fix the maximum amount to be allowed, the conditions on which, and the times at which the total amount or any portion thereof shall be advanced, and the terms and conditions of repayment. Every advance made under this Ordinance shall carry interest at such rate as shall be fixed by the Governor in Executive Council on the amount of every such advance, or on so much thereof as shall for the time being remain unpaid ; such interest shall be paid at such times as the Commission shall specify.

(5) As soon as practicable after the fixing of the maximum advances to be allowed to any person under sub-section (4) hereof, the Commission shall forward to the Registrar-General a notification in the form mentioned in the First Schedule to this Ordinance containing the necessary particulars and conditions, and upon receipt thereof the Registrar-General shall file the same in the register, to be kept for the purpose, and such register shall be open to inspection by the public on payment of the appropriate fee : Provided that where the advance to be allowed is in respect of land held under the provisions of the Real Property Ordinance, the Registrar-General shall also endorse a memorandum of the advance upon the Crown Grant or Certificate of Title of such land.

First  
Schedule.

Cap. 160.

Cap. 185.

(6) All moneys advanced to any person under the authority of this section, together with interest thereon, and any sum expended by way of insurance or in payment of rates and taxes, shall be a charge on the house or houses of such person specified in the notification filed by the Registrar-General, and upon the interest which such person may have in the land upon which such house or houses are erected: Provided that the Bills of Sale Ordinance shall not apply to houses in respect of which an advance has been made under the provisions of this section.

Cap. 174.

(7) In the case where a house or houses are erected on land not held under the provisions of the Real Property Ordinance, every notification duly filed by the Registrar-General pursuant to the provisions of sub-section (5) hereof shall from the time of such filing take effect as if the same were a deed duly registered under the provisions of the Registration of Deeds Ordinance and shall be good and effectual both at law and in equity according to the priority of time of filing of such notification according to the right title and interest of the person charging such land against every other assurance or disposition of the same land or any part thereof and against all judgment creditors of the person so charging such land. In the case where a house or houses are erected on land held under the provisions of the Real Property Ordinance, every notification duly filed by the Registrar-General shall as from the date of endorsement on the Crown Grant or Certificate of Title of such land take effect as an instrument under the provisions of the Real Property Ordinance and shall be entitled to priority in manner prescribed by section 46 of the Real Property Ordinance.

(8) On the repayment of all advances made under this Ordinance and of all interest payable thereon, the Commission shall give a certificate to that effect and thereupon the charge created by this Ordinance in respect of such advances and interest shall be released and the Registrar-General shall upon the production to him of such certificate endorse on the notification filed by him and across the memorandum (if any) endorsed on the Crown Grant or Certificate of Title of the land charged, a memorandum to the effect that such charge has been released and the Registrar-General shall sign such memorandum.

(9) If any person who has received an advance shall fail to pay interest on the capital amount when due, or shall commit any breach of any of the conditions attaching to such advance, the Commission may make up an account showing the amount due on the advance together with the interest thereon and any other charges and deliver to such person either personally or by post a copy of such account, and upon delivery of such account the amount therein stated to be due shall be immediately payable to the Commission, and in default of payment it shall be lawful for the Commission to exercise any or all of the powers available to mortgagees for enforcing payment of their securities.

(10) In lieu of the procedure set out in the preceding sub-sections for securing any advance made by the Commission, any such advance and the interest thereon may be secured by way of mortgage deed or memorandum of mortgage as the case may be under the provisions of the Real Property Ordinance, containing such conditions and covenants as may be agreed upon.

#### PART IV.

##### PREPARATION AND APPROVAL OF SCHEMES.

14.—(1) It shall be the duty of the Commission to consider the needs of the Colony with respect to the provision of housing accommodation for persons of the working class in any particular area, and as often as occasion arises, or after notice has been given to the Commission by the Governor in Executive Council and within such period as shall be specified in the notice, to cause the area to be defined on a plan and to prepare and submit to the Governor in Executive Council a scheme (hereinafter referred to as a Housing Scheme) for the exercise of their powers under the provisions of this Ordinance and to pass a resolution declaring the area so defined to be a housing area.

Duty of  
Commission to  
prepare  
housing  
schemes

(2) Subject to the provisions of this Ordinance the Commission may carry into effect any housing scheme—

- (a) by the appropriation of any land acquired by the Commission for the erection thereon of dwelling-houses ;
- (b) by the conversion of any buildings acquired into dwelling-houses ;
- (c) by altering, enlarging, repairing or improving any houses or buildings which have been acquired by the Commission ;
- (d) 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.

(3) Where the Commission acquire a house or other building in a housing area which could be made suitable as a dwelling house for the working classes, or an estate or an interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of such house or building, either by themselves executing any necessary works, or by leasing it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

Commission  
may declare an  
unhealthy area  
to be a slum  
clearance area.

15.—(1) Where the Commission, as a result of an inspection or upon consideration of an official representation or other information in their possession, are satisfied as respects any area that the housing conditions in that area are dangerous or injurious to the health and welfare of the inhabitants by reason of the disrepair or sanitary defects of dwelling-houses or barracks therein or of overcrowding in the area or of the bad arrangement of the houses or of the narrowness or bad arrangement of the roads, and that those conditions can be effectually remedied—

- (a) by ordering the demolition, reconstruction or repair as the circumstances may require of those dwelling-houses or barracks which are unfit for human habitation ; or

- (b) by the acquisition of the land and buildings thereon comprised in the area and themselves undertaking or otherwise securing the demolition, reconstruction or repair, as the circumstances may require of those dwelling houses or barracks which are unfit for human habitation ; and
- (c) if it is so desired, by the acquisition by the Commission of any land or buildings in the area which it is expedient for them to acquire for the reconstruction and development of the area ; and
- (d) if it is so desired, by the acquisition of any land which is surrounded by the area, the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and of any adjoining land, the acquisition of which is reasonably necessary for the satisfactory development or use of the cleared area,

the Commission shall cause that area to be defined on a plan in such a manner as to exclude from that area any land or buildings in respect of which in their opinion sanitary defects do not exist or which they do not find it expedient to acquire for the remedying of over-crowding or badly arranged conditions, but including in such area buildings which in their opinion are in a state of disrepair and any surrounding or adjoining land which it is desired by the Commission to acquire.

(2) The Commission shall pass a resolution declaring the area so defined to be a slum clearance area and, shall, within the period hereinafter prescribed, prepare and submit to the Governor in Executive Council a scheme (hereinafter referred to as a slum clearance scheme) for the exercise of their powers under the provisions of this Ordinance.

16. Where the Commission, as a result of an inspection or upon consideration of an official representation or other information in their possession, are satisfied that in any district there is an area in which the following conditions exist, that is to say—

- (a) that the area contains eighteen or more working-class houses ;

Duty of  
Commission to  
secure re-  
development.

- (b) that at least one-third of the working-class houses in the area are overcrowded, or so arranged as to be congested, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit ;
- (c) that the industrial and social conditions of the district are such that the area should be used to a substantial extent for housing the working classes ; and
- (d) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole ;

it shall be the duty of the Commission

- (i) to cause the area to be defined on a plan, and to pass a resolution declaring the area so defined to be a proposed re-development area ;
- (ii) within the period and in the manner hereinafter prescribed to prepare and submit to the Governor in Executive Council a scheme (hereinafter referred to as a re-development scheme) for the exercise of their powers under the provisions of this Ordinance.

Copies of resolutions to be sent to the Governor in Executive Council.

17.—(1) As soon as may be after the Commission have passed a resolution under either of the three sections immediately preceding they shall send a copy of the resolution to the Governor in Executive Council, and shall publish in the *Royal Gazette* and in a local daily newspaper a notice stating that the resolution has been passed and naming a place where a copy of the resolution may be inspected.

Submission of scheme to the Governor in Executive Council.

(2) Within three months after the Commission shall have passed such a resolution or within such extended period as the Governor in Executive Council may allow, the Commission shall prepare and submit to the Governor in Executive Council a plan of any scheme intended to be undertaken accompanied by a statement containing

appropriate particulars of the scheme indicating—

- (a) the manner in which it is intended that the defined area should be laid out and the land therein used, and in particular the land intended to be used for the provision of houses for the working classes, for roads and for open spaces ;
- (b) the approximate quantity of the land to be acquired ;
- (c) the approximate number and the nature of the houses to be provided by the Commission ;
- (d) the average number of houses to be constructed per acre ;
- (e) if the demolition of existing houses and the erection of new houses are proposed, the nature of the proposed new houses ;
- (f) if the total demolition of existing houses is not proposed, the nature of repairs, improvements and reconstruction intended to be made ;
- (g) the time within which the scheme or any part thereof is to be carried into effect ;
- (h) the estimated cost of the scheme and of the rents expected to be derived from the houses provided under the scheme ;
- (i) such incidental, consequential and supplementary provisions (including provisions as to the subsequent variation of the scheme) as may appear necessary or proper for the purpose of the scheme ;
- (j) objections made by persons affected by the scheme where such objections have not been withdrawn or met.

(3) In the preparation of any scheme the Commission shall have regard to the provisions of any planning scheme relating to the defined area or land in the neighbourhood thereof.

(4) The Commission before submitting such scheme to the Governor in Executive Council shall—

- (a) publish in a local daily newspaper a notice stating that the scheme is about to be submitted to the Governor in Executive Council for approval, naming a place where the plan and particulars of the scheme may be

inspected, and specifying the time within which, and the manner in which, objections may be made; and

- (b) serve a notice to the like effect on every owner and on every other person who to the knowledge of the Commission has any estate or interest in land in the defined area, except persons holding under a monthly tenancy or less period; Provided that failure to serve any such notice shall not in any manner prejudice such scheme.

Local Authority affected by scheme to be notified.

**18.**—(1) In any case where a scheme is wholly or in part within the area of a Local Authority, the Commission shall before submitting the draft scheme to the Governor in Executive Council for approval, furnish particulars and a copy of the scheme to the Local Authority for their consideration and representations.

(2) If the Local Authority are desirous of making any objections or representations in respect of the said scheme, they shall within the prescribed time and manner submit the same to the Commission.

(3) The Commission shall consider any objections or representations received by them in pursuance of this section, and shall give full opportunity for such Local Authority to be heard by the Commission, and in submitting the scheme to the Governor in Executive Council for approval shall forward copies of all such objections or representations which have not been met or withdrawn.

Approval of scheme by Governor in Executive Council.

**19.**—(1) The Governor in Executive Council may, if he thinks fit, approve the scheme submitted to him or any part thereof, either without modification or with such modifications as he thinks fit (including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto) and the scheme or part thereof when so approved shall be binding on the Commission; but if the Governor in Executive Council considers the scheme inadequate he may refuse to approve the scheme and require the Commission to prepare and submit to him an adequate scheme within such time as he may fix, or he may approve the scheme or any part thereof subject to the condition that the Commission prepare and submit to him a further scheme within such time as he may fix :

Provided that in the case of a re-development scheme he may, before approving the scheme, cause a public enquiry into the matter to be held under the Commissions of Enquiry Ordinance and shall consider any objection not withdrawn and the report of the Commission of Enquiry, and he may thereafter approve the scheme with or without any such modifications as aforesaid. Cap. 282.

(2) The Governor in Executive Council shall not approve of any scheme unless he is satisfied that —

(a) the size of the area is such that the housing conditions therein can be remedied within a reasonable period ;

(b) the financial resources of the Commission are or will be sufficient for the purpose of carrying into effect such scheme ;

(c) in so far as suitable accommodation available for the persons of the working classes who will be displaced by the steps the Commission propose to take for the clearance and development of the area does not exist, the Commission will provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as these steps are taken. Provision of accommodation for persons displaced.

20.—(1) Upon notification to the Commission of the approval of the Governor in Executive Council of any scheme, the Commission shall forthwith publish in the *Royal Gazette* and in a local daily newspaper a notice stating that the scheme has been approved and naming a place where a copy of the plan and particulars thereof may be inspected, and in the case of a re-development scheme serve a like notice on every person who gave notice of his objection to the scheme. Notification of approval of scheme.

(2) Where, after a scheme has been approved, it appears to the Commission that any land in the area (that is to say the defined area or so much thereof as is composed in the scheme approved) ought to be re-developed or used otherwise than as indicated in the scheme, the Commission shall prepare and submit for the approval of the Governor in Executive Council a new scheme as respects that land.

(3) In the following provisions of this Ordinance references to re-development or use in accordance with a scheme shall be construed as references to a scheme approved under this section, or, in the case of land comprised in a new scheme approved under this section, in accordance with the new scheme.

#### PART V.

##### EFFECTS AND OBLIGATIONS CONSEQUENT UPON AN APPROVED SCHEME.

Demolition  
order.

21.—(1) Where as respects any area declared by the Commission to be a slum clearance area and included in a slum clearance scheme approved of by the Governor in Executive Council in the manner hereinbefore provided, the Commission shall determine to order any buildings in the area to be demolished, they shall make an order (in this Ordinance referred to as a "demolition order") ordering the demolition of each of those buildings, and the Commission shall forthwith publish in a local daily newspaper a copy of the order, and upon such publication the order shall become operative.

(2) When a demolition order has become operative the owner or owners of any building to which the order applies shall demolish that building before the expiration of two months from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of two months from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the Commission may deem reasonable; and, if the building is not demolished before the expiration of that period, the Commission shall enter and demolish the building and sell or otherwise dispose of the materials thereof.

(3) Any expenses incurred by the Commission under the preceding sub-section, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt from the owner of the house or, if there is more than one owner from the owners thereof in such shares as the court may determine to be just and equitable; and any owner who

pays to the Commission the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the court may determine to be just and equitable.

(4) Any surplus in the hands of the Commission shall be paid by them to the owner of the house, or if there is more than one owner, shall be paid as those owners may agree. If there is more than one owner and the owners do not agree as to the division of the surplus, the Commission shall be deemed by virtue of this sub-section to be trustees of the surplus for the owners of the house, and the provisions of the Trustee Ordinance (which relate to payment into court by trustees) shall have effect accordingly. Cap. 50.

(5) The court, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a house, shall have regard to their respective interests in the house, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

22.—(1) When a demolition order has become operative no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the Commission may think fit to impose: Use of land in respect of which a demolition order has been made.

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the Commission to cancel or modify any such restriction or condition, may at any time appeal by notice in writing to a Judge who shall determine the matter summarily and make such order in the matter as he thinks proper, and his decision shall be final.

(2) A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under this section shall, on summary conviction, be liable to a fine not exceeding ten dollars in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

Owner of land and buildings may be permitted to carry out slum clearance scheme or re-development scheme.

**23.**—(1) Notwithstanding the publication of a notice by the Commission in accordance with the provisions of section 20 of this Ordinance the owner of any land or buildings specified in such notice may, with the permission of the Commission and the approval of the Governor in Executive Council, undertake for himself the clearance and reconstruction of the land and buildings so specified or the re-development thereof subject to the provisions hereinafter contained.

(2) Any application for such permission with full particulars accompanied by plans shall be made by the owner in writing addressed to the Commission within four weeks of the date of publication of the notice by the Commission. The Commission shall as soon as practicable after the receipt of such application consider the same at a meeting of the Commission and shall by resolution passed at such meeting either refuse or accept the application. The resolution together with the application shall be submitted to the Governor in Executive Council who may either reject the application or grant same with such modifications (if any) as he may think fit.

(3) If the application is granted, the owner shall within four weeks of the date of his being notified of the granting of his application enter into a bond with one or more sureties to be approved by the Commission in a sum not less than the estimated cost of clearance and reconstruction of the land and buildings or the re-development thereof, as the case may be, specified in the application as approved by the Governor in Executive Council, which said bond shall be conditioned that the owner shall pay such sum as aforesaid to the Commission upon failure to complete the clearance and reconstruction of the said land and buildings or the re-development thereof, as the case may be, within a period to be specified in the bond and in accordance with the scheme: Provided that, if the owner of any such land and buildings fails to complete the clearance and reconstruction thereof or the re-development thereof, as the case may be, in accordance with the scheme to the satisfaction of the Commission and within the period specified in the bond, subject to any variation or extensions approved by the surety or sureties and the Governor in Executive Council, the Commission may,

notwithstanding the enforcement of the bond, acquire such land and buildings and clear and reconstruct or re-develop the same in accordance with the provisions of this Ordinance.

(4) Upon the completion by the owner of the clearance and the reconstruction of the said land or buildings or the re-development thereof, as the case may be, to the satisfaction of the Commission, the Commission shall, at the expense of the owner, cause the notice published by the Commission in accordance with section 20 of this Ordinance to be amended by the publication of an amending notice deleting from the first mentioned notice the land and buildings specified in the bond.

(5) Where the Commission are satisfied that, for the purpose of enabling the clearance and reconstruction of land and buildings or the re-development thereof, as the case may be, to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the Commission have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent Restriction Ordinance, 1933, applies No. 34 of 1933. should be vacated, and that suitable alternative accommodation is available for a tenant or will be available for him at a future date, the Commission may issue to the landlord a certificate that such suitable alternative accommodation is available for the tenant or will be available for him by such future date, and a certificate so issued shall, for the purposes of the Rent Restriction Ordinance, 1933, be binding on the court to order the recovery of possession of any such dwelling-house.

24.—(1) Any owner of a dwelling-house, which is occupied Certificates as to the condition of houses and exemption from slum clearance area. or of a type suitable for occupation, by persons of the working class and in respect of which works of improvement (otherwise than by way of decoration or repair but including fittings and fixtures) or structural alteration are proposed to be executed, may submit a list of the proposed works to the Commission with a request in writing that the Commission shall inform him whether in their opinion the house would, having due regard to the nature of its site and its relationship to the arrangements of existing roads, after the execution of those works, or of those works

together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

(2) As soon as may be after receipt of such a list and request as aforesaid the Commission shall take the list into consideration and inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the Commission have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, issue to him a certificate that the house is in all respects fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five years nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this section no action shall be taken under this Ordinance with a view to the demolition of the house as being unfit for human habitation and its reconstruction as part of a slum clearance area.

Judge may empower owner to execute works on default of another owner.

25.—(1) If it appears to a Judge on the written application of any owner of a house in respect of which a notice requiring the execution of works has been served, or a demolition order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the Judge may make an order empowering the applicant forthwith to enter on the house, and, within a period fixed by the order, execute the said works or demolish the house, as the case may be; and where it seems to the Judge just so to do, he may make a like order in favour of any other owner.

(2) Before an order is made under this section, notice of the application shall be given to the Commission, and to any other owner who may be affected by the order.

(3) Proceedings under this section shall be determined by the Judge in a summary manner, and any order made by him shall be final.

## PART VI.

### ACQUISITION AND COMPENSATION.

**26.**—(1) After the expiration of twenty-eight days from the first publication of the notice as required by sub-section (1) of section 20 hereof, any land and buildings 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 in accordance with the provisions of the Land Acquisition Ordinance subject to the modifications contained in this Ordinance.

Acquisition by Commission of land and buildings in slum clearance area.

Cap. 168.

(2) In the case of land and buildings intended to be acquired by the Commission for the purposes of a housing scheme or a re-development scheme as the case may be it shall be the duty of the Commission within the appropriate period specified in this sub-section either to enter into agreements with the approval of the Governor in Executive Council for the purchase of such land and buildings or to make and submit to the Governor in Executive Council an application for the compulsory purchase under the Land Acquisition Ordinance of all land and buildings in the area of such housing scheme or re-development scheme as the case may be other than land and buildings in respect of which the Commission have within that period made arrangements with other persons for securing the use of the land, in accordance with the re-development scheme.

Acquisition by Commission of land and buildings for housing scheme or re-development scheme.

The appropriate period for the purposes of this sub-section 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 Executive 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 Executive Council may, on the application of the Commission allow in respect of any land.

(3) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the Commission by this section shall not apply with respect to any such land.

Notice of  
acquisition.  
Cap. 168.

27. Any acquisition under the Land Acquisition Ordinance shall be effected by notice by the Commission published in the *Royal Gazette* declaring that the land and buildings specified in such notice have been appropriated by the Commission for the purposes of this Ordinance and thereupon as from the date of publication of such notice such land and the buildings thereon shall become vested in the Commission absolutely in fee simple.

Basis for  
assessing  
compensation :  
general  
provisions.

28.—(1) Whenever proceedings are taken under the Land Acquisition Ordinance, the provisions of that Ordinance shall, subject to the special provisions hereinafter contained, apply in assessing compensation.

Compensation  
special  
provisions.

(2) In assessing the amount of compensation payable to the owners of land and buildings acquired by the Commission under the provisions of the Land Acquisition Ordinance regard shall be had to the following provisions, namely :—

Cap. 168.

(a) In the case of land with buildings thereon which are unfit for human habitation or are dangerous or injurious to the health of the inhabitants of the area the compensation payable shall be the value at the time when the valuation is made of the site as a cleared site available for development without regard to any buildings existing thereon :

- (b) In the case of land with buildings thereon in respect of which sanitary defects exist but which are not otherwise unfit for human habitation or dangerous or injurious to the health of the inhabitants of the area, the compensation payable shall be the site value as aforesaid together with the value of the buildings at their market value after deducting such amount as would be required to abate the sanitary defects :
- (c) In the case of any other land and building, the compensation payable shall be the full market value at the time when the valuation is made :

Provided that in the case of any dwelling-house or other building which is regarded as dangerous or injurious to health under (a) and (b) of this sub-section only on the ground that by reason of its bad arrangements in relation to other buildings or the narrowness or the bad arrangements of the roads the compensation payable shall be as in (c) hereof, unless it is a building constructed or adapted as, or for the purposes of, a dwelling-house or partly for those purposes and partly for other purposes and part thereof (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

(3) In assessing the amount of compensation payable to the owners of land and buildings acquired by the Commission under the Land Acquisition Ordinance for any area within a re-development scheme there may be taken into consideration any undertaking given by the Commission with respect to the time within which, and the manner in which, the re-development or any part thereof is to be carried out and any increased value which will be given to other premises of the same owner.

(4) In determining for the purposes of this Ordinance whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any bye-laws in operation in the district in which the house is situate.

(5) The owner of any building which is regarded as unfit for human habitation shall be entitled, on making a request in writing to be furnished by the Commission with a statement in writing of their reasons for deciding that the building is so unfit.

Payments in respect of well-maintained houses.

29.—(1) Where as respects a dwelling-house acquired by the Commission under the provisions of the Land Acquisition Ordinance for any of the purposes of this Ordinance as being unfit for human habitation, the Governor is satisfied, after causing the house to be inspected by a Medical Officer of Health that, notwithstanding its sanitary defects, it has been well maintained, the Governor may give directions for the making by the Commission of a payment under this section in respect of the house as hereinafter provided.

(2) A payment under this section shall be of an amount equal either —

- (a) to the amount by which the aggregate expenditure which is shown to the satisfaction of the Commission to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to one and one-quarter times the rateable value of the houses ; or
- (b) to one and a half times, or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or a member of his family continuously before that date, three times, the rateable value of the house ;

whichever is the greater.

Provided that a payment under this section shall not in any case exceed the difference between the full value of the house (that is to say the amount which would have been payable as compensation if it had been acquired compulsorily but not as unfit for human habitation) and the site thereof (that is to say the amount which is payable as compensation by virtue of its being acquired compulsorily as being unfit for human habitation, or which would have been so payable if it had been so acquired), and any

question as to such value shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such a purchase.

- (3) A payment under this section shall be made—
- (a) if the house is occupied by an owner thereof to him ; or
  - (b) if the house is not so occupied to the person or persons liable under any enactment, covenant or agreement to maintain and repair the house, and if more than one person is so liable, in such shares as the Commission think equitable in the circumstances :

Provided that, if any other person satisfies the Commission that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the Commission may, if it appears to them to be equitable in the circumstances, make payment, in whole or in part, to him.

(4) In this section the expression "rateable value" means in relation to a house the value which, in the assessment list in force at the date on which the order is made, is shown on that date as the rateable value of the house.

**30.** The Commission may pay to any person displaced from any dwelling-house or other building in a slum clearance area or a re-development area, as the case may be, which has been purchased by them under the provisions of this Ordinance as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, such reasonable allowance as they think fit towards his expense in removing ; and to any person carrying on any trade or business in any such dwelling-house or other building, they may also pay such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Power of  
Commission to  
make  
allowances  
to certain  
persons  
displaced.

Provisions as to costs of persons opposing schemes or orders.

31.—(1) The Governor may make such order as he thinks fit in favour of any owner of any land included in any approved scheme or order, for the allowance of reasonable expenses properly incurred by the owner in opposing the scheme or order.

(2) All expenses of any person to such amount as may be allowed to him by the Governor in pursuance of the aforesaid power, shall be deemed to be expenses incurred by the Commission under this Ordinance, and shall be paid to that person in such manner and at such times, and either in one sum or by instalments, as the Governor may order.

#### PART VII.

##### COMPLETION OF SCHEMES AND CONSEQUENTIAL POWERS AND DUTIES OF THE COMMISSION.

Commission to carry out scheme.

32.—(1) It shall be the duty of the Commission, who are hereby empowered so to do, to take steps for carrying into execution any scheme after such scheme has been approved by the Governor in Executive Council within such time as may be specified in such scheme or within such further time as may be allowed by the Governor in Executive Council.

(2) The Commission may in like manner and for the purposes of such scheme lay out, pave, sewer and complete all such roads upon the land acquired by them; and all roads so laid out and completed if situated within the jurisdiction of a Local Authority shall thenceforth be public roads repairable by the Local Authority.

(3) Subject to the approval of the Governor in Executive Council the Commission may also engage with any person to carry the whole or any part of the scheme into effect upon such terms as the Commission may think expedient.

Certificate by Commission of completion of scheme.

(4) When and so soon as a scheme has been substantially completed by the Commission in accordance with the provisions of this Ordinance, the Commission shall certify that fact to the Governor and specify the date upon which the buildings within the area of such scheme or any part thereof were or shall be ready for habitation.

33.—(1) The Commission may with the approval of the Governor in Executive Council assign to a Local Authority so named in a scheme, duties and functions (including the execution of any public work or the undertaking of any public service) in relation to the enforcement and carrying out of such scheme, and specify the time within which such duties and functions shall be undertaken and completed.

Assignment of duties of Commission to Local Authorities.

(2) If the Local Authority shall unreasonably delay or fail to commence or carry out the duties and functions assigned to them under the preceding sub-section, or shall carry out such duties and functions in an unsatisfactory manner, the Commission may order the Local Authority to carry out such duties and functions within such period as shall be fixed by the order. Any such order may be enforced by *mandamus*.

(3) Whenever the Local Authority have made default in carrying out any duties and functions assigned to them under the scheme, the Commission may exercise such duties and functions and any expenses incurred by the Commission in so doing shall on demand be paid by the Local Authority to the Commission and may be recovered summarily as a civil debt.

34.—(1) Where any scheme has been approved in accordance with the provisions of this Ordinance the Commission shall serve on the occupier of any land or building or any part thereof within the area of such scheme a notice stating the effect of the completion of such scheme and specifying the date by which the Commission require the building to be vacated, and requiring him to quit the said land or the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the land or building to be vacated any person is in occupation of the land or building or any part thereof, the Commission may make complaint to the Magistrate of the district within which the land or building is situate and thereupon the Magistrate shall by warrant in the form set out in the Third Schedule to the Summary Ejectment Ordinance or in a form to the like

Recovery of possession of buildings within areas of approved schemes.

effect, order vacant possession of the land or building or of any part thereof to be given to the complainants within such period as may be determined by the Magistrate, and the Magistrate may allow any costs and expenses incurred by the Commission under this section in obtaining possession of any land or building.

Penalty.

(2) Any person who knowing that a scheme in any area has been approved and applies to any land or building, enters into occupation of that land or of any of such buildings or any part thereof after the approval of such scheme in such area or permits any person to enter into such occupation after that date, shall be liable on summary conviction before a Magistrate to a penalty not exceeding one hundred dollars and to a further penalty of ten dollars for every day or part of a day on which the occupation continues after conviction.

Power of  
Judge to  
determine  
lease where  
premises  
demolished.

35.—(1) Where any premises in respect of which any order or scheme under this Ordinance has become operative form the subject matter of a lease, either the lessor or the lessee may apply in writing to a Judge for an order under this section.

(2) Upon any such application as aforesaid, the Judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as the Judge may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) In this section the expression "lease" includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, whether any such be registered or not and the expressions "lessor", "lessee", and "sub-lessee" shall be construed accordingly and as including also a person deriving title under a lessor, lessee or sub-lessee.

**36.**—(1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by the Commission under the provisions of this Ordinance, or on, under, or over a road running over, or through, or adjoining any such land, is reasonably necessary for the purpose of enabling the Commission to exercise any of the powers conferred upon them by this Ordinance, the Commission shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

Provisions as to apparatus of statutory undertakers in land dealt with by Commission under the Ordinance.

(2) The Commission shall serve on the undertakers notice in writing of their intention with particulars of the proposed works and of the manner in which they are to be executed, and plans and sections thereof, and shall not commence any works until the expiration of a period of fourteen days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the Commission—

- (a) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or
- (b) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

- (i) if objection is so made to any works and not withdrawn, the Commission shall not execute the works unless they are determined by arbitration to be so necessary;
- (ii) if any such requirement as aforesaid is so made and not withdrawn, the Commission shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) The Commission shall make to statutory undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the Commission of any works under sub-section (1) of this section and which is not made good by the provision of substituted apparatus. Any question as to the right of undertakers to recover compensation under this sub-section or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus, whether permanent or temporary, is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a road by the Commission under powers exercisable by virtue of this Ordinance, they may, by notice in writing served on the Commission, require them (at the expense of the Commission) to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the Commission shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within fourteen days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

(5) At least seven days before commencing any works which they are authorised or required under the preceding provisions of this section to execute, the Commission shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the Commission under the superintendence (at the expense of the Commission) and to the reasonable satisfaction of the undertakers.

Provided that, if within seven days from the date of service on them of notice under this sub-section the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the Commission, and the reasonable costs thereof shall be repaid to the undertakers by the Commission.

(6) Any difference arising between statutory undertakers and the Commission under the last preceding sub-section and any matter which is by virtue of the preceding provisions of this section to be determined by arbitration shall be so determined in the manner provided by the Arbitration Ordinance.

Cap. 77.

(7) In this section references to the alteration of apparatus include references to diversion and to alteration of position or level.

**37.**—(1) The Commission may with the approval of the Governor in Executive Council by an order extinguish any public right of way over any land purchased by them in accordance with the provisions of this Ordinance but notice of an order intended to be made under this section shall, prior to such approval, be published in the *Royal Gazette* and in a local daily newspaper at least once in every week for a period of four weeks, and if any objection thereto is made to the Governor in Executive Council before the expiration of six weeks from the date of the first publication thereof, the Governor in Executive Council shall consider such objection before approving the order, and he may if he thinks fit cause a public enquiry into the matter to be held under the Commissions of Enquiry Ordinance.

Cap. 282.

(2) Any such order when approved shall be published in the *Royal Gazette* and shall take effect from the date of such publication or from the date specified in such order.

(3) Upon the completion by the Commission of the purchase by them of any land in accordance with the provisions of this Ordinance all private rights of ways and all rights of laying down, erecting, continuing and maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the Commission and the person or Authority entitled to the rights in question, vest in the Commission and any persons who suffer loss by the vesting of any such rights or property

as aforesaid shall be entitled to be paid by the Commission compensation to be determined under and in accordance with the provisions of the Land Acquisition Ordinance.

Cap. 168.

Power of Commission to require information as to ownership of premises.

**38.**—(1) The Commission may, for any purpose arising in relation to the making, enforcement, or carrying out of a scheme, by notice in writing require the owner or occupier of any land or building in the area to which such scheme relates or is intended to relate or any person receiving, whether for himself or for another, rent out of any such land or building, to state in writing to the Commission within a specified time not less than twenty-one days after being so required, particulars of the estate, interest or right by virtue of which he owns or occupies such land or building or receives such rent (as the case may be) and the name and address, and the estate, interest, or right (so far as they are known to him) of every person who to his knowledge has any estate or interest in or right over or in respect of such land or building.

(2) Every person who is required under this section to state in writing any matter or thing to the Commission and either fails so to state such matter or thing within the time appointed under this section or when so stating any such matter or thing makes any statement in writing which is to his knowledge false or misleading in a material respect, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding one hundred dollars.

Power of entry for inspection, &c.

**39.** Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the Commission or the Governor may at all reasonable times, on production of such written authority to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings for the purpose of inspecting the same and in particular—

(a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the Commission are authorised to purchase compulsorily under this Ordinance; and

- (b) for the purpose of survey and examination, in the case of a house in respect of which a notice requiring the execution of works has been served, or a demolition order, or a clearance order, has been made; or
- (c) for the purpose of survey and examination, where it appears to the Commission or Governor that survey or examination is necessary in order to determine whether any powers under this Ordinance should be exercised in respect of the house, premises, or building.

40. If any person obstructs a Medical Officer of Health or any officer of the Commission, or any person authorised to enter houses, premises, or buildings in pursuance of this Ordinance in the performance of anything which such officer, Commission, or person is by this Ordinance required or authorised to do, he shall on summary conviction, be liable to a fine not exceeding one hundred dollars.

Penalty for obstructing execution of Ordinance.

41.—(1) When the Commission have acquired or appropriated any land and buildings for the purposes of this Ordinance, then, without prejudice to any of their other powers under this Ordinance, the Commission may—

Powers of dealing with lands and buildings acquired.

- (a) let or lease for any term of years or upon any conditions any land or buildings vested in them and accept surrenders of any such leases as they may in their absolute discretion think fit: Provided that no lessee or tenant shall be permitted or allowed to assign, sub-demise or sub-let any land or buildings so let or leased without the permission in writing of the Commission;
- (b) with the consent of the Governor in Executive Council sell the land or part thereof to any person for the purpose and under the condition that that person will erect and maintain thereon such number of dwelling-houses suitable for the working classes as may be fixed by the Commission in accordance with plans approved by them and when necessary

will lay out and construct public roads and open spaces on the land, or will use the land for purposes which, in the opinion of the Commission, are necessary or desirable for or incidental to the development of the land as a building estate in accordance with plans approved by the Commission, and including the provision, maintenance, and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings for, or for the convenience of, persons belonging to the working classes and other persons ;

- (c) with the consent of the Governor in Executive Council sell the land or exchange it for land better adapted for these purposes, either with or without paying or receiving any money for equality of exchange.

(2) The sale or lease of any land or buildings vested in the Commission may be subject to such covenants and conditions as they may think fit to impose either in regard to the maintenance of the houses as dwelling houses for the working classes or otherwise in regard to the use of the houses and the laying out and use of the land ; and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to a payment of part thereof and the remainder being secured by a mortgage of the premises.

(3) Where the Commission under this section sell or lease land, the Commission may contribute towards the expenses of the development of the land and the laying out and construction of roads thereon, subject to the condition that the roads are dedicated to the public.

(4) Land and houses sold or leased under the provisions of this section shall be sold or leased at the best price or for the best rent that can be reasonably obtained, having regard to any condition imposed, and any capital money received in respect of any transaction under this section shall be applied in or towards the purchase of other land for the purposes of this Ordinance,

or with the consent of the Governor in Executive Council to any purpose, including the repayment of borrowed money, to which capital money may be properly applied.

(5) In submitting an application to the Governor in Executive Council for the sale or exchange of any land or buildings vested in them the Commission shall set forth—

- (a) full particulars of the land or buildings intended to be sold or exchanged ;
- (b) the purchase price on such sale or exchange ;
- (c) the price paid by the Commission when the land or buildings were acquired by them ;
- (d) the name and address of the intended purchaser ;
- (e) the purpose for which the land or buildings will be used.

(6) In giving consent to the sale or exchange of any land or buildings in respect of which the Commission is receiving a contribution under section 40 of this Ordinance the Governor in Executive Council may impose such conditions, and may reduce the amount of any contributions payable to the Commission as he thinks fit.

42.—(1) The Commission shall, in relation to the letting of houses observe the requirements specified in the following provisions of this section :

Conditions to be observed by the Commission in letting houses.

(2) The Commission shall secure that in the selection of their tenants a reasonable preference is given to persons of the working class who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions except so far as the demand for housing accommodation in any district on the part of such persons can be satisfied without such reservation.

(3) In fixing rents the Commission shall take into consideration the rents ordinarily payable by persons of the working class in the locality, but may grant to any tenant such rebates from rent, subject to such terms or conditions, as they may think fit.

(4) The Commission shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.

(5) The Commission shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof except with the consent in writing of the Commission, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.

## PART VIII.

### FINANCIAL.

**43.**—(1) All matters of a financial nature relating to the affairs of the Commission shall be considered by the Commission at a duly constituted meeting and shall be approved of by resolution.

(2) All moneys payable to the Commission shall be collected and received for and on account of the funds of the Commission. Receipts for moneys paid to the Commission may be signed by such officer as may be appointed by the Commission to receive such moneys.

(3) All payments out of the funds of the Commission shall be made by an officer appointed for the purpose by the Commission upon vouchers submitted to and approved of by the Chairman.

(4) The Commission shall cause to be kept proper accounts and books in relation thereto in such form as they may approve.

(5) All moneys of the Commission shall be paid into some bank or banks appointed by resolution, and such moneys shall, as far as practicable, be paid in to the bank from day to day, save and except such sum as any officer may be authorized by resolution of the Commission to retain in his hand to meet petty disbursements and for immediate payment.

Financial  
and account-  
ing matters.

Receipt of  
funds.

Payment out  
of funds

Account  
Books.

Banking  
Account.

(6) Cheques against the banking account required to be kept shall be signed by an officer authorised by resolution of the Commission and countersigned by the Chairman or such other member of the Commission appointed by resolution for the purpose.

Cheques.

(7) The Commission shall by resolution provide for the following matters:—

The Commission to provide for financial and accounting matters by resolution.

- (a) the bank or banks into which the moneys of the Commission shall be paid, the title of any account with any such bank and the transfer of funds from one account to another;
- (b) the appointment of a member of the Commission to sign cheques in the temporary absence of the Chairman;
- (c) the appointment of officers to receive and to make payments;
- (d) the amount to be retained by the officers appointed as in paragraph (c) hereof to meet petty disbursements and immediate payments;
- (e) the vouchers required and the method to be adopted in making payment out of the funds of the Commission; and
- (f) generally as to all matters necessary for the proper keeping and control of the accounts and books and the control of the finances of the Commission.

44. The Commission shall furnish to the Governor as soon as possible after the expiration of each financial year a report upon the administration of the affairs of the Commission together with a balance sheet and statement of the revenue and expenditure of the Commission duly audited by the Government Auditor or such other auditor as may be approved by the Governor in Executive Council. The report shall be laid before the Legislative Council.

Report and audited accounts to be forwarded annually.

45.—(1) For the purposes of this Ordinance the funds of the Commission shall be—

Fund of the Commission.

- (i) the proceeds of loans which shall be raised by the Governor from time to time for the purposes of this Ordinance:

Provided that pending the raising of any such loans it shall be lawful for the Governor by warrant under his hand to authorise the Treasurer to make advances to the Commission in such sums and on such terms and conditions as he may think fit;

- (ii) such other moneys as may be authorised by resolution of the Legislative Council to be paid to the Commission out of the revenues or surplus balances of the Colony;
- (iii) contributions payable under section 46 of this Ordinance; and
- (iv) such other moneys as may accrue to the Commission under this Ordinance.

Application of the funds of the Commission.

- (2) Such funds shall be applied towards—
  - (a) the payment of the cost of acquisition of any land or buildings authorised to be acquired;
  - (b) the payment of all rates, taxes and insurance on any land or buildings acquired;
  - (c) the payment of all expenses authorised by this Ordinance;
  - (d) the creation of a reserve fund as the Commission may in their discretion consider sufficient;
  - (e) the payment of interest on loans and the repayment of such loans;
  - (f) the assistance with the approval of the Governor in Executive Council of persons of the working class to erect dwelling houses on land belonging to the Commission or the Crown which has been leased to such persons for such purposes;
  - (g) the making of advances as authorised by this Ordinance.

Contribution to expenses of Commission.

**46.**—(1) Where the Commission with the approval of the Governor in Executive Council provide for persons of the working class housing accommodation or grant assistance in accordance with the provisions of this Ordinance to such persons towards the purchase or erection of dwelling-houses there shall be paid from the general revenue of the Colony to the Commission a contribution at the appropriate rate as set out in the Second

Second Schedule.

Schedule to this Ordinance, payable annually for a period of forty years in respect of each flat or house provided for the purposes of such accommodation, or in the case of assistance to persons of the working class towards the purchase or erection of dwelling-houses at such rate and for such period as the Governor may determine.

(2) The Local Authority of the district in which each flat or house is provided or in the case of assistance granted to a person of the working class towards the purchase or erection of a dwelling-house where such dwelling house has been purchased or erected in the district of the Local Authority, shall make a contribution to the Commission at a rate equivalent to the amount of the contribution payable from the general revenue of the Colony as provided in this section.

(3) Flats or houses which have been erected in any one district for the purpose of re-housing persons of the working class displaced from areas in another district shall for the purposes of this section be deemed to have been erected in the district from which such persons have been displaced and the contributions to the Commission shall be paid accordingly.

(4) If the Governor in Executive Council, upon an application made by a Local Authority, is satisfied that the contribution payable by such Local Authority under this section would impose an undue burden on the Local Authority, he may direct that such contribution shall be decreased by such amount as he may think fit and that the balance of the contribution for which the Local Authority would have been otherwise liable be paid to the Commission from the general revenue of the Colony.

(5) In cases where housing accommodation for the working class is provided by the Commission or assistance granted to a person of the working class towards the purchase or erection of a dwelling-house in any district where there is no Local Authority there shall be paid to the Commission out of the general revenue of the Colony in addition to the contribution specified in sub-section (1) hereof an additional contribution at the same rate.

(6) Contributions to be made under the preceding sub-sections shall be payable at such times and in such manner as the Governor may direct and subject to such conditions as to records, certificates, audit or otherwise as he may impose.

Special  
accounts to  
be kept.  
Third  
Schedule.

47. The Commission shall keep a Housing Revenue account and a House Repair account in the manner provided in the Third Schedule to this Ordinance, and such other accounts as may be prescribed.

Exemption in  
respect of  
Stamp Duties  
and registra-  
tion fees.  
Caps. 206 and  
173.

48.—(1) Notwithstanding anything contained in the Stamp Duty Ordinance or the Registrar-General's Ordinance any instrument necessary for transferring or vesting any land and buildings acquired by the Commission or relating to any lease, mortgage or other charge or any release, upon which or in respect of which stamp duties are payable to the Government, shall be exempt from the payment of such stamp duties or registration fees.

Exemption in  
respect of  
Income Tax  
Cap. 203.

(2) Notwithstanding anything contained in the Income Tax Ordinance the income of the Commission shall be wholly exempt from payment of any Income Tax.

## PART IX.

### GENERAL.

Power of  
public  
departments,  
&c., to make  
agreements in  
connection  
with schemes.

49. For the purpose of co-operating with the Commission in the preparation of or the carrying into effect of a scheme, any public department or Local Authority may, subject to the approval of the Governor in Executive Council, enter into agreements for securing that any land which is under their control, or which is in their occupation or vested in them for public purposes or for the public service, shall, so far as may be provided by any such agreement, be laid out and used in conformity with the general objects of the scheme, and any agreement so made may contain such consequential and incidental provisions, including provisions of a financial character, as appear to be necessary or desirable having regard to the contents or proposed contents of the scheme.

Power of  
Commission  
and owners to  
enter into  
agreements  
restricting  
use of land.

50.—(1) Where any person is willing to agree with the Commission that his land, or any part thereof, shall, so far as his interest in the land enables him to bind it, be made subject, either permanently or for a specified period, to conditions restricting the planning, development, or use thereof in any manner, the Commission may, if they think fit, enter into an agreement with him to that effect.

(2) Any agreement entered into under the provisions of this section shall be registered in the Protocol of Deeds in the office of the Registrar-General, and in the

event of any land held under the provisions of the Real Property Ordinance being affected by any such agreement, the Commission shall notify the Registrar-General of the acreage of the land and the volume and folio of the register book relating thereto, and thereupon the Registrar-General shall endorse a memorial of such agreement on the relative original Crown Grants and Certificates of Title and on the duplicates of such Crown Grants and Certificates of Title when produced to him for that purpose.

**51.**—(1) Whenever any scheme under this Ordinance has been approved and the Commission have acquired any land affected by the scheme, the Commission shall notify the Registrar-General of any such land as are held under the provisions of the Real Property Ordinance, stating the acreage and the Volume and Folio of the Register Book at which the original Crown Grants or Certificates of Title with respect to such land appear and the date of the acquisition.

Schemes affecting lands held under the Real Property Ordinance, Cap. 160.

(2) On receipt of such notification the Registrar-General shall forthwith endorse a memorial of such acquisition on the relative original Crown Grants and Certificates of Title and on the duplicates of such Crown Grants and Certificates of Title when produced to him for that purpose.

(3) No scheme under this Ordinance shall affect the title of any land held under the provisions of the Real Property Ordinance until a memorial of the scheme filed by the Commission has been endorsed by the Registrar-General on the said original Crown Grants and Certificates of Title notwithstanding that the duplicates thereof may not have been endorsed.

(4) A scheme approved under this Ordinance may be carried into effect notwithstanding the registration of any *lis pendens* or any caveat lodged in respect of lands held under the provisions of the Real Property Ordinance whether such *lis pendens* or caveat shall have been registered either before or after the endorsement of the memorials referred to in sub-sections (2) and (3) hereof.

**52.**—(1) Any notice, summons, writ or other proceeding at law or otherwise required to be served on the Commission for any of the purposes of this Ordinance may be served

Service of notices, &c., on Commission.

upon them by delivering it to their secretary, or by leaving it at their office with some person employed there, or by sending it by post in a registered letter addressed to the Commission or their Secretary at their office.

Service of  
notices &c., on  
other persons

(2) Subject to the provisions of the preceding sub-section, any notice, order, or other document required or authorised to be served under this Ordinance may be served either—

- (a) by delivering it to the person on whom it is to be served ; or
- (b) by leaving it at the usual or last known place of abode of that person ; or
- (c) by sending it in a prepaid letter addressed to that person at his usual or last known place of abode : Provided that such place of abode is within a postal delivery district ; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid letter addressed to the secretary or clerk of the company or body at that office ; or
- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of any person on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" (or as the case may be) of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.

Summary  
Procedure.

**53.**—(1) Where any application is made under this Ordinance to the Judge of a Petty Civil Court, the Judge may summon the parties to appear before him at a time and place to be named in the summons and upon the appearance of such parties, or in the absence of any of them, upon proof of the due service of the summons, it shall be lawful for the Judge to hear and determine the

question at issue and the amount of any compensation, and for that purpose to examine such parties or any of them and their witnesses upon oath, and the costs of every such enquiry shall be at his discretion and he shall settle the amount thereof.

(2) There shall be a right of appeal to a Judge of the Supreme Court in Chambers from any decision of a Judge of the Petty Civil Court: Provided the appeal is entered within seven days of the date of such decision.

**54.**—(1) The Commission with the approval of the Governor in Executive Council may make regulations relating to the following matters:—

- (a) Fixing and from time to time varying the number of persons who may occupy a dwelling-house which is let by the Commission, and for the separation of sexes therein;
- (b) The use of the dwellings let by the Commission with a view to the prevention of nuisances and sanitary defects;
- (c) The inspection of houses and land vested in the Commission;
- (d) The time, place and manner for the payment of moneys payable under this Ordinance;
- (e) The books and accounts to be kept by the Commission;
- (f) Prescribing the forms of mortgages, charges, leases and other instruments;
- (g) Generally, for regulating the administration of the Commission and for the purpose of carrying out the provisions of this Ordinance.

(2) Regulations made under this section shall not have any force or effect until they have been approved by resolution of the Legislative Council, and when so approved they shall be published in the *Royal Gazette* and from the date of such publication, or from the date specified therein, such regulations shall have the same force and effect as if they were contained in and formed part of this Ordinance.

**55.** The following Ordinances are hereby repealed:—

The Slum Clearance Ordinance, 1935.

The Housing Commission Ordinance, 1935.

Repeal.

No. 17 of 1935.

No. 18 of 1935.

**SCHEDULES.**

Section 13 (5),

**FIRST SCHEDULE.**

**THE HOUSING COMMISSION ORDINANCE, 1938.**

*Notification by Commission under Section 13.*

TO THE REGISTRAR-GENERAL :

- 1. No. of application .....
- 2. Name and address of Applicant as stated in the application for the advance .....
- 3. Particulars of house or houses to be charged with repayment of advances made to the Applicant .....
- 4. Particulars as to title of land on which house or houses erected .....
- 5. Taxes payable .....
- 6. Insurance .....
- 7. Amount advanced.....
- 8. Rate of interest, and dates of payment .....
- 9. Date on which advance to be repaid .....
- 10. Any other conditions .....

Dated .....193...

*Chairman,  
Planning and Housing Commission.*

## SECOND SCHEDULE.

Sections 12  
and 46.

Table of Contributions.

(1). Where the approved cost of the dwelling including the site as developed—  Exceeds Does not exceed exceed		(2). The amount of contribution payable from General Revenue under Section 46 (1) to the Commission based on a fixed annual rental of \$36 shall be—	(3).  The contribution to be subject to the following reduction namely—	(4).  The amount of con- tribution payable from General Revenue under Section 12 (2) to a Housing Association shall be—
\$	\$	\$ c.	For any increase over \$36 in the fixed annual rental, the con- tribution in column (2) shall be decreased by 25 per cent. of such increase.	1½ times the rate of contribution specified in columns (2) and (3) hereof.
500	500	2 00		
525	525	2 50		
550	550	3 00		
575	575	3 50		
600	600	4 00		
600	for every additional \$25	50		

A Contribution equal to the amount set out above is payable by the Local Authority under Section 46 (2) unless the Governor in Executive Council under Section 46 (4) directs that such contribution be decreased in which case the contribution set out in column (2) shall be increased by the amount of the decrease in the contribution by the Local Authority.

For the purposes of this Schedule—

“Fixed Annual Rent” means the rent which can reasonably be obtained for the dwelling as determined by the Governor in Executive Council;

“Approved cost of a dwelling” means the amount accepted by the Governor in Executive Council as being the proper and reasonable cost of constructing the dwelling including the cost of acquiring and developing the site if owned by the Commission, or in the case of a site not owned by the Commission, then the value as accepted by the Governor in Executive Council of the site, including:

- (a) any such expenses as in the opinion of the Governor in Executive Council are requisite for making the site available for the provision of houses or flats, being expenses incurred by the Commission or a Housing Association in the construction or widening of streets, the construction of sewers or the execution of any special works rendered necessary by the physical characteristics of the land; and
- (b) any such expenses incurred in respect of other matters as the Governor in Executive Council may determine to be expenses properly forming part of the cost of making the site available for that purpose.

Section 47.

## THIRD SCHEDULE.

## ACCOUNTS TO BE KEPT BY THE COMMISSION.

Obligation to  
keep Housing  
Revenue  
Account.

1. The Commission shall keep an account (to be called the Housing Revenue Account) of the income and expenditure in respect of—
- (a) all dwelling-houses and other buildings which at any time have been provided for the housing of the working classes;
  - (b) all land which at any time has been acquired or appropriated under the provisions of the Ordinance.

Credits and  
debts in  
Housing  
Revenue  
Accounts.

- 2.—(1) The Commission shall carry to the credit of the Housing Revenue Account amounts equal to—
- (a) The income of the Commission for each year from rents in respect of such dwelling-houses, buildings and land as are mentioned in the last foregoing section;
  - (b) the contributions, if any, payable under section 46 of the Ordinance to the Commission for that year

and shall debit to the account amounts equal to—

- (i) the loan charges which the Commission are liable to pay for that year in respect of moneys borrowed by the Commission for the purposes of the Ordinance;
- (ii) rents, taxes, rates and other charges which the Commission are liable to pay for that year in respect of such dwelling-houses, buildings and land;
- (iii) the expenditure of the Commission for that year in respect of the supervision and management of such dwelling-houses, buildings and land;
- (iv) the contribution, if any, required to be made by the Commission for that year to a Housing Repairs Account kept in accordance with the provisions of the Ordinance; and
- (v) the contribution, if any, made by way of assistance to persons of the working class towards the purchase or erection of dwelling-houses.

(2) Where any such dwelling-house, building or land as is mentioned in the last foregoing section has been sold or otherwise disposed of an amount equal to any income of the Commission arising from the investment or other use of capital money received by the Commission in respect of the transaction shall, unless the Governor otherwise directs as respects the whole or any part of such income, be carried to the credit of the Housing Revenue Account in like manner as if it has been income from rents.

(3) An amount equal to any income of the Commission arising from an investment or other use of borrowed moneys in respect of which the Commission are required to debit loan charges to the Housing Revenue Account shall be carried to the credit of that account in like manner as if it had been income from rents.

(4) Where it appears to the Governor that amounts in respect of any incomings or outgoings other than as aforesaid ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, he may give directions for the appropriate debits or credits to be made, or for the rectification of the account as the case may require.

3.—(1) Subject to the provisions of sub-paragraph (2) hereof, at the end of each financial year any surplus shown in the Housing Revenue Account shall be carried forward in the account to the next financial year.

Disposal of  
balances in  
Housing  
Revenue  
Account.

(2) Any surplus shown at the end of the first five years of the operations of the Commission or at the end of any fifth succeeding year may with the consent of the Governor be applied, in whole or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say—

(a) by transferring it to the Housing Repairs Account, or

(b) by carrying it forward in the Housing Revenue Account to the next financial year ;

and, in so far as not so applied, shall be divided into two parts in proportion to the amount credited to the Housing Revenue Account under the last foregoing section, during the period of five years ending on the date on which the surplus is shown, in respect of contributions from general revenue and the contributions from each of the Local Authorities and the amount so ascertained in respect of contributions to general revenue shall be paid into the general revenue of the Colony and the amount ascertained in respect of contributions by each of the Local Authorities shall be paid to such Local Authorities.

4.—(1) Subject to the provisions of this section the Commission shall, for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair and maintenance of dwelling-houses and buildings keep an account (to be called the "Housing Repairs Account") and shall in each financial year carry to the credit of that account from the Housing Revenue Account in respect of each dwelling-house and building such amount as they may think proper, not being less than an amount equal to fifteen per centum of the annual rent, and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

Housing  
Repairs  
Account

(2) Subject to the provisions of the Ordinance moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair and maintenance of the dwelling-houses and buildings.

(3) If at any time it appears to the Governor after consultation with the Commission, that the moneys standing to the credit of the Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept he may give such directions as he thinks proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

Passed in Council this ninth day of December, in the year of Our Lord one thousand nine hundred and thirty-eight.

W. E. BOARDMAN,  
*Clerk of the Council.*