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 เห็นของกรรมการร่างกฎหมายคณะที่ 2 เรื่องอำนาจของคณะรัฐมนตรีในการพิจารณา
 อนุมัติการจ่ายค่าขดเชยพิเศษ (เพิ่มเติม) ให้แก่เจ้าของอสังหาริมทรัพย์ที่ด้องเวนคืน
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ศูนย์วิทยทรัพยากร จุฬาลงกรณ์มหาวิทยาลัย

MASS RAPID TRANSIT CORPORATION ACT 1983 ของประ เทศสิงคริปร์

PART V

FURTHER RIGHTS AND POWERS OF CORPORATION FOR PURPOSES OF CONSTRUCTION AND OPERATION OF MASS RAPID TRANSIT SYSTEM

32.—(1) The Corporation shall, with the approval of the Preparation Competent Authority, cause plans and maps to be prepared and in such detail and with such markings and endorsements of plans thereon as are sufficient to delineate the railway area, being and maps. that area within which land may be acquired or rights in, under or over land may be exercised by the Corporation pursuant to this Act for the purposes of and incidental to the railway.



- (2) A copy of every plan and map prepared for the purposes of subsection (1) and signed by an authorised officer of the Corporation shall be
 - (a) deposited with the Competent Authority: and
 - (b) available for inspection by the public free of charge at the office of the Corporation, during the hours when that office is normally open to the public.
- (3) Any plan or map prepared for the purposes of subsection (1) and any marking or endorsement on any such plan or map may be amended and any plan or map may be replaced by a substitute plan or map but the Corporation shall as soon as possible cause to be likewise amended, or replaced with the substitute plan or map, every copy referred to in subsection (2) and certify the amendment or substitution in such manner as the Corporation thinks sufficient.
- (4) The Corporation shall, within 21 days of the deposit of a copy of a plan or map with the Competent Authority or of any amendment to such copy or the deposit of a substitute plan or map, cause a notice of such deposit or amendment to be published in the Gazette containing
 - (a) a general description of the plan or map or of the nature and extent of the amendment or substitution; and
 - (b) particulars of the places and times at which a copy of the plan or map, or details of the amendment or a copy of the substitute plan or map may be inspected by the public in conformity with subsection (2).
- (5) No person shall have a right of objection to the delineation of land in any plan or map prepared for the purposes of subsection (1) or to any amendment thereto or substitute plan or map prepared under subsection (3) and the fact that land is therein delineated as being within the railway area shall for all purposes be conclusive evidence that it may be required to be acquired or that rights in, under or over it may need to be exercised by the Corporation for the purposes of and incidental to the railway.

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33. Where any land within the railway area, not being Compulsory State land, is needed for the purposes of the Corporation, acquisition the Corporation may request and the President of Singapore may, if he thinks fit, direct the acquisition of that land and in that case the land may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such law that the land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Corporation, and the declaration shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with that written law.

34. For the purpose of constructing, maintaining and Power to operating the railway, the Corporation or any person authorised by the Corporation may, at any reasonable time, enter and operate upon any State land within or adjoining the railway area and railway. may, subject to the approval of the Collector of Land Revenue, lay, construct and operate the railway in, under or over the State land and do all things as are reasonably necessary for the laying, construction, maintenance and operation of the railway.

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35.—(1) The Corporation or any person authorised by Power to the Corporation shall have the right to enter upon and take enter private land to lay possession of any land or part thereof not being State land railway. within or adjoining the railway area not being land belonging to or acquired by the Corporation and lay and construct the railway in, under or over the land and do all things as are reasonably necessary for the purpose of laying and constructing the railway.

- (2) The Corporation or a person authorised by the Corporation shall not exercise the right conferred by subsection (1) unless the Corporation has given not less than two months' notice of its intention to exercise the right conferred upon that subsection to the occupier of the land and every person having any estate, right, share or interest in the land.
- (3) Notice under subsection (2) may be given to and shall be deemed to have been received by an occupier if a written notice is affixed to a conspicuous part of the land to be entered.

- (4) A notice referred to in subsection (2) shall -
 - (a) give a brief description of the works which the Corporation proposes to carry out on the land;
 - (b) state the estimated period, if any, during which the Corporation intends to occupy or take possession of the land;
 - (c) describe the area or extent of the land needed for the carrying out of the works referred to in paragraph (a): and
 - (d) state that any person entitled to payment of any compensation under this Act may serve a written claim on the Corporation.
- (5) The ownership of anything shall not be altered by reason only that it is placed in, under, over or affixed to any land in exercise of a right conferred upon the Corporation by this section.
- (6) In this section, a reference to entry on land includes the digging or boring of a tunnel under the land and the erection of any structure over or under the land. [29]

Creation of rights in, under or over land, 1787.

- 36.—(1) From the date of publication in the Gazette of a notice of creation of a right under this section, the Corporation or any person authorised by the Corporation may, at any reasonable time and for the purposes of and incidental to the operation of the railway, enter upon such land within the railway area as described in the notice, not being State land or land belonging to or acquired by the Corporation, and exercise such permanent rights in, under or over such land or such rights of temporary occupation of the land as may be specified in the notice.
- (2) A notice of creation of a right under this section shall -
 - (a) be made by the Corporation:
 - (b) describe the right in, under or over land or the right of temporary occupation and the area of land subject to such right; and
 - (c) state particulars of the places and times at which a copy of a plan of the area of land subject to such right may be inspected.

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(3) Any right referred to in a notice of creation of a right under this section shall be limited to a right conferring such rights and powers as are necessary or convenient for the operation of the railway and for all purposes connected with or incidental to such operation.

37. The owner of any land who has been served with a Obligation of notice under section 35 may, if he so desires, require the Corporation Corporation to purchase his estate, right, share or interest land. in the portion of the land affected by the proposed laying and construction of the railway or the whole of his land and the Corporation shall thereupon request the President of Singapore to direct the acquisition of that land and in that case that property may be acquired in accordance with the provisions of any written law relating to the acquisition of land for a public purpose and any declaration required under any such law that the land is so needed may be made notwithstanding that compensation is to be paid out of the funds of the Corporation, and the declaration shall have effect as if it were a declaration that the land is needed for a public purpose made in accordance with that written law.

38. Where in respect of any land notice has been pub- Power lished in the Gazette in accordance with section 5 of the of entry. Land Acquisition Act but the land has not vested in the Cap. 152. State or notice has been given by the Corporation under section 35 (2) of its intention to lay and construct any railway on, over or under any land, the Corporation, or any person acting under its authority, may after giving at least 14 days' notice in writing to the owner or occupier enter upon that land and any adjoining land within the railway area at

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- (a) surveying and taking levels of such first-mentioned land:
- (b) setting out the line of any works;

all reasonable times for the purpose of -

- (c) digging or boring into the soil for the purpose of determining whether the soil is suitable for laying the railway on, over or under the land; or
- (d) inspecting any apparatus or structure referred to in section 41. 131

Power to enter land for inspection and survey, etc.

- 39.—(1) The Corporation, or any person acting under the authority of the Corporation, may enter any land or building situate wholly or partly within the railway area or wholly or partly within 150 metres thereof in order to carry out
 - (a) any inspection or survey which is reasonably necessary to ascertain the condition of such land or building prior to or during the construction of the railway and to carry out all reasonably necessary work of a preventive or remedial nature; and
 - (b) any inspection or maintenance of the railway which has been laid by the Corporation on, under or over the land or building and to carry out any work and do all things necessary for the purpose of maintaining the railway causing as little damage as possible and paying compensation to any person affected for any damage that may be caused.
- (2) No person shall, for the purposes of subsection (1), enter any land or building which is occupied without giving to the owner and the occupier at least 7 days' notice of his intention to do so unless
 - (a) the Corporation is of the opinion that an emergency exists which necessitates immediate entry; or
 - (b) the entry is required only for the purpose of an inspection or survey.
- (3) A notice of entry referred to in subsection (2) shall
 - (a) describe the purpose of the entry and the nature of any work to be carried out; and
 - (b) be deemed to be given to and received by an owner or occupier if a written notice is affixed to a conspicuous part of the land or building to be entered.
- (4) In subsection (1), "work of a preventive or remedial nature" means the underpinning or strengthening of any land or building and other work thereon intended to render it reasonably safe or to repair or detect damage caused in the course of the construction or operation of the railway.



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- (5) The decision of the Corporation that any work is of a preventive or remedial nature or that such work or any inspection or survey is reasonably necessary shall be final.
- (6) The Corporation, or any person acting under the authority of the Corporation, may as the occasion requires enter and reinspect and resurvey any land or building in respect of which any of the powers contained in subsection (1) have been exercised and may in relation to that land or building exercise such powers as often as the occasion may require.
- (7) Any person authorised under this section to enter upon any land or building shall, if so required by the owner or occupier, produce evidence of his authority before so entering it.
- (8) Any person who unlawfully obstructs an agent or employee of the Corporation at any time in the exercise of his authority shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000. [32]
- 40.—(1) The Corporation may serve notice on the owner Utility or supplier of any gas, electricity, water, telecommunication, sewerage or drainage services to alter the course or position of any wire, line, cable, pipe, tube, casing, duct, post, structure or other apparatus which belongs to or is maintained by that owner or supplier and to repair any street surface thereby disturbed if in the opinion of the Corporation such alteration is required for the purposes of the construction, operation, maintenance or improvement of the railway.

(2) A notice under subsection (1) shall -

- (a) specify the apparatus or structure to which the notice applies and set out the Corporation's requirements as to the alteration of its course or position and the repair of any street surface;
- (b) stipulate the period within which such work shall be carried out;
- (c) be served upon the owner or supplier at least one month before the commencement of that period; and
- (d) state that any person entitled to compensation under this Act may serve a written claim upon the Corporation. [33]

Removal of projections or obstructions.

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- 41.—(1) The Corporation may give notice to the owner of any land or building in the railway area requiring him to remove any object or structure described in the notice which is erected on or attached to, or projects from, the land or building if in the opinion of the Corporation the removal of the object or structure is required for the purposes of the construction of the railway.
- (2) A notice under subsection (1) may be given to the owner of any land or building and shall be deemed to have been received by him if it is affixed to some conspicuous part of the land or building to or from which the object or structure is erected or attached or projects from.
 - (3) A notice under subsection (1) shall
 - (a) describe the object or structure to be removed:
 - (b) stipulate the period within which the work of removal shall be carried out:
 - (c) be given to the owner of the land or building not later than 28 days before the commencement of that period; and
 - (d) state that any person entitled to compensation under this Act may serve a written claim upon the Corporation.
- (4) If the owner of the land or building does not comply with a notice given to him under subsection (1), any person authorised in that behalf by the Corporation may enter the land or building, together with such other persons as he thinks necessary, and remove the object or structure described in the notice or cause it to be removed by those other persons.

PART VI

RIGHTS TO COMPENSATION, CLAIMS PROCEDURE AND ASSESSMENT OF COMPENSATION

No remedy except under this Act.

- **42.** No action, claim or proceedings shall lie or be brought against the Corporation or any other person
 - (a) to restrain the doing of anything which is authorised by or under this Act or to compel the doing of anything which may be omitted to be done thereunder; or

- (b) to recover damages, compensation or costs for
 - (i) damage or disturbance to or loss of or in the value of any land, chattel, trade or business:
 - (ii) personal disturbance or inconvenience;
 - (iii) extinguishment, modification or restriction of rights: or
 - (iv) effecting or complying with any requirement or condition imposed by the Corporation.

which is authorised by or under this Act or arises from any act or omission so authorised, except in pursuance of one of the rights to compensation provided for in section 43.

43.—(1) The rights to compensation referred to in Compensasection 42 are the rights to claim from the Corporation or tion. any other person for the items of loss, damage or cost set out in the first column of Part I of the First Schedule a sum assessed on the basis specified opposite thereto in the second column thereof and with regard to the provisions of Part II of the First Schedule, subject to -

- (a) the claim being served on the Corporation or such other person within the appropriate period specified in the fourth column of Part I of the First Schedule: and
- (b) the other provisions of this Act.
- (2) Every person who is described in the third column of Part I of the First Schedule shall have the right to claim compensation for the item of loss, damage or cost set out opposite thereto in the first column to the extent of the loss. damage or cost suffered or incurred by him as assessed pursuant to this Act.
- 44. Where an action. claim or proceeding is brought Claims against any person other than the Corporation to recover against the damages, compensation or costs for -

other than

- (a) damage or disturbance to or loss of or in the value Corporation. of any land, chattel, trade or business;
- (b) personal disturbance or inconvenience: or
- (c) extinguishment, modification or restriction of rights.

in pursuance of one of the rights to compensation provided for in section 43, sections 45, 46, 48 and 50 shall apply and any reference to the Corporation in those sections shall be read as a reference to that other person. [36A]

Claims out of time.

- 45.—(1) Subject to this section, if a claim for an item of loss, damage or cost is not served on the Corporation before the expiration of the period specified in the fourth column of Part I of the First Schedule in respect of that item, the right to claim compensation therefor shall be barred.
- (2) The period referred to in subsection (1) may, upon application made to the Compensation Board either before or after the expiry of that period, be extended in accordance with this section.
- (3) Notice of an application under subsection (2) shall be given to the Corporation by the applicant.
- (4) The Compensation Board may extend the period within which a claim must be served upon the Corporation if it considers that the delay in serving the claim was occasioned by mistake of fact or mistake of any matter of law (other than the relevant provision in the fourth column of Part I of the First Schedule) or by any other reasonable cause or that the Corporation is not materially prejudiced in the conduct of its case or otherwise by the delay.
- (5) An extension may be granted by the Compensation Board under subsection (4), with or without conditions, for such period as it thinks fit but not in any case exceeding 6 years from the time when the right to compensation first arose.

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Claims procedure.

- 46.—(1) Any person who claims to be entitled to compensation under this Act shall serve upon the Corporation a written claim setting out such of the following particulars as are applicable to his claim:
 - (a) the name of the claimant and his address for service of notices;
 - (b) a full description of the land to which the claim relates including any covenants, easements or restrictions affecting the same;
 - (c) the nature of the claimant's interest in the land including in the case of a sub-lessee or

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sub-tenant his landlord's name and address and details of the sub-lease or tenancy;

- (d) details of any mortgage, including the principal still owing and the name and address of the mortgagee;
- (e) if the claimant has sublet the land or any part thereof, the name and address of each tenant and details of his lease or tenancy;
- (f) particulars of the claim showing -
 - (i) under which item the claim is made; and
 - (ii) how the amount claimed under any item is calculated.
- (2) The Corporation shall in writing acknowledge receipt and the date of receipt of every claim served on it under subsection (1).
- (3) If a claimant amends his claim before proceedings are commenced before the Compensation Board and the Corporation considers the amendment to be substantial, the Corporation may, within 14 days of the receipt of the amended claim, notify the claimant that it elects to treat the claim, for the purposes of this section, as if it were a new claim served under subsection (1) on the date on which the amendment was received by the Corporation, and this section shall apply accordingly.
- (4) The Corporation may by notice in writing to the claimant request him to furnish further particulars of and in support of his claim or any item thereof and if any such particulars are not furnished to the Corporation within a period of 28 days from the date of the notice, or within such further period as the Corporation may in writing allow, the claim or the item thereof concerning which the particulars are requested shall be deemed to be rejected and subsection (5) shall not apply thereto.
- (5) The Corporation shall within 3 months of the service of a claim on it, or if it has requested further particulars under subsection (4) within 3 months of the day on which they are furnished in accordance with that subsection, notify the claimant in writing that it
 - (a) admits the entire claim;
 - (b) rejects the entire claim: or



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(c) admits a specified part or parts and rejects the remainder.

and in every case shall briefly state its reasons for rejection so that the claimant is adequately informed of those reasons.

- (6) Where the Corporation has rejected a claim or any part thereof under subsection (5) or where a claim or any part thereof is deemed to have been rejected under subsection (4), the Corporation may
 - (a) by notice in writing offer to the claimant such sum (including costs) as the Corporation is willing to pay in full and final settlement of the claim or any part thereof, as the case may be; or
 - (b) commence proceedings before the Compensation Board to have the claim or any part thereof heard and determined by it in accordance with this Act.
- (7) The Corporation may commence proceedings before the Compensation Board to have the claim or any part thereof heard and determined in accordance with this Act where any offer under subsection (6) (a) is refused by the claimant.
- (8) If at the expiration of 4 months from the receipt of a claim by the Corporation it has not been settled by agreement, either the claimant or the Corporation may commence proceedings before the Compensation Board to have the claim, or so much thereof as is still then in dispute, heard and determined by it in accordance with this Act.
- (9) In any case where the claimant has failed to supply further particulars required by the Corporation in accordance with subsection (4), the Compensation Board may on the hearing of the claim consider the merits of the Corporation's request for further particulars, and the claimant's failure to supply them and may, if it thinks fit
 - (a) order the claimant to furnish some or all of such particulars;
 - (b) adjourn the hearing until the order is complied with and the particulars are considered by the Corporation; and

- (c) make such further order as it thinks fit as to the costs of either party occasioned by the Corporation's request for and the claimant's failure to supply the further particulars.
- 47. A claim may be brought on behalf of a minor by his Claims by guardian or guardians, or any of them, and on behalf of a mentally disordered person by the person empowered by law to administer his assets.
- 48.—(1) At any time after proceedings have been com- Settlement menced before the Compensation Board but before com- after pensation is finally assessed, the Corporation may make an to Comoffer in writing of the kind described in section 46 (6) (a) or pensation Board. the claimant may by notice to the Corporation offer a sum (inclusive or exclusive of costs) which he is willing to accept in full and final settlement of his claim or any rejected part thereof.

- (2) Where an offer made by the Corporation pursuant to section 46 (6) (a) or by the Corporation or the claimant pursuant to subsection (1) is not accepted by the other party, no part of the contents thereof which relates to any part of a claim before the Compensation Board shall be disclosed to the Compensation Board until the amount of compensation for that part is assessed by it but a copy of the offer enclosed in a sealed envelope may be lodged with the President and opened by him after the Compensation Board has made its assessment.
- (3) Where the Corporation has made any offer pursuant to section 46 (6) (a) which is refused by the claimant or either party has made any offer pursuant to subsection (1) which is refused by the other and the compensation including costs, if any, assessed by the Compensation Board does not exceed the amount of compensation including costs, if any, comprised in the offer, the Compensation Board shall, unless for special reasons it thinks it proper not to do so, order the party who refused the offer to bear his own costs and to pay the costs of the other party in so far as the costs of either party are incurred after the making of the offer. [40

FIRST SCHEDULE

Sections 43 and 45.

PART I

Losses for which compensation may be claimed.

- 1. The loss due to displacement resulting from the exercise of the Corporation's right under section 35 of this

Basis on which

A displacement

payment.

be assessed.

- Persons who may compensation is to claim compensation for their respective losses.
 - Any person owning a compensatable interest in the land on the date on which the notice is issued under section 35 (2) of this Act.
- Period within which the claim must be served on the Corporation or other person.
- Before the expiration of two years from the date on which the notice is issued under section 35 (2) of this Act

- 2. (a) Structural damage to any building resulting from the construction or operation of the railway.
- (a) The amount which is, or might be, fairly and reasonably incurred in repairing the damage.
- (a) Any person owning a compensatable interest in the damaged building.
- (a) Before the expiration of 6 years from the date of the opening for public traffic of that portion of the railway from which the damage is alleged to have resulted.

- (b) The loss due to displacement resulting from structural damage mentioned in item (a) above.
- (b) A displacement payment.
- (b) Same as in item (a) above.
- (b) Same as in item (a) above.

- 3. Damage to any land or building resulting from the exercise of any power contained in section 39 of this Act.
- The amount which is, or might be, fairly and reasonably incurred in repairing the damage.
- Any person owning a compensatable interest in the land or damaged building.
- Before the expiration of one year from the date of completion of the work carried out under section 40 of this Act from which the damage or loss is alleged to have resulted.

- 4. The cost of altering the course or position of any apparatus and of repairing any street surface pursuant to a. notice served by the Corporation under section 40 * of this Act.
- The cost which is fairly and reasonably incurred in effecting such alteration and repair.
- The person on whom the notice under section 40 of this Act is served.
- Before the expiration of one year from the completion of the alteration and repair.

FIRST SCHEDULE - continued

PART I - continued

Losses for which compensation may be claimed.

- 5. (a) The cost of the removal of any object or structure which was erected and maintained without the contravention of any written law.
 - (b) The cost of reinstating an object or structure described in item (a) above or of replacing the same with a similar object or structure.

(c) The loss

sustained by the removal of an object or structure which was erected and maintained without the contravention of any written law and is not to be reinstated or replaced with a similar object or structure at the expense of the Corporation under item (b) above.

Basis on which compensation is to be assessed.

- (a) The cost incurred in moving the object or structure and making good that part of the land or building from which it is removed.
- (b) The cost incurred in so doing.

(c) The amount
which might
fairly and
reasonably be
estimated as
the cost of
reinstating or
replacing the
object or
structure.

Persons who may claim compensation for their respective losses.

(a) Any person who incurs the cost.

(b) Any person who incurs the cost.

(c) Any person owning a share or interest in the object or structure on the date on which it is removed under section 41 (4) of this Act.

- Period within which the claim must be served on the Corporation or other person.
- (a) Before the expiration of one year from the date of removal.
- (b) Before the expiration of one year from the date of reinstatement or replacement.
- (c) Before the expiration of one year from the date of removal.

ประวัติผู้เ ขียน

นายครรชิต ปังคานนท์ เกิดวันที่ 14 กันยายน พ.ศ.2512 ที่อาเภอ หล่มสัก จังหวัดเพชรบูรณ์ สาเร็จการศึกษาระดับมัธยมศึกษาตอนต้นและปลาย จากรรงเรียนเทพศิรินทร์ ปีการศึกษา 2530 จบการศึกษาระดับอุดมศึกษาจากคณะนิติศาสตร์ (เกียรตินิยม) จุฬาลงกรณ์ มหาวิทยาลัย เมื่อปีการศึกษา 2534 ปัจจุบันประกอบธุรกิจส่วนตัว

