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**Notification No. B 35** — The Housing and Development (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 1st day of October 2002.

# **Housing and Development (Amendment) Bill**

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**Bill No. 35/2002.**

*Read the first time on 1st October 2002.*

A BILL

*i n t i t u l e d*

An Act to amend the Housing and Development Act (Chapter 129 of the 1997 Revised Edition).

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

### **Short title and commencement**

1. This Act may be cited as the Housing and Development (Amendment) Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### **Amendment of section 24**

2. Section 24(2) of the Housing and Development Act (referred to in this Act as the principal Act) is amended by deleting the word “Minister” and substituting the words “prescribed approving authority”.

### **Amendment of section 27**

3. Section 27(2A) of the principal Act is amended by deleting the words “application and grant of a licence” in paragraph (a) and substituting the words “application by and grant of a licence to a lessee or contractor”.

### **Amendment of section 29**

4. Section 29 of the principal Act is amended —

- (a) by inserting, immediately after the word “money” in the last line of subsection (2), the words “, the power to make any subsidiary legislation and the power of delegation conferred by this section”; and
- (b) by inserting, immediately after the word “corporation,” in the 6th line of subsection (3), the words “the power to make subsidiary legislation or the power to delegate under this section,”.

### **Amendment of section 48A**

5. Section 48A of the principal Act is amended —

- (a) by deleting the words “, every lessee of any flat comprised in any designated building and the Board” in the 1st, 2nd and 3rd lines of subsection (1) and substituting the words “but subject to subsection (3), the Board and every lessee of any flat comprised in any building comprising flats sold by the Board”;
- (b) by deleting the words “designated building” in subsection (1)(b)(i) and (ii) and substituting in each case the words “same building”; and

(c) by deleting subsection (3) and substituting the following subsection:

5 “(3) Notwithstanding subsection (1), a lessee shall not use or allow to be used his flat or any part thereof for any purpose that is not permitted by the lease unless he has the prior written approval of the Board.”.

#### **Amendment of section 51**

6. Section 51 of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

10 “(3) No such flat, house or other building shall be attached in execution of an order of any court unless the order of the court is obtained by —

(a) a mortgagee in exercise of his rights under a mortgage created with the prior written consent of the Board; or

15 (b) a chargee in exercise of his rights under a charge under any written law,

over that flat, house or other building.”.

#### **Amendment of section 55**

20 7. Section 55(1) of the principal Act is amended by deleting paragraph (f) and substituting the following paragraph:

“(f) if the owner has, without the prior written approval of the Board, used or allowed the use of the flat, house or other building otherwise than for the purpose permitted by the lease.”.

#### **Amendment of section 56**

25 8. Section 56(1) of the principal Act is amended by deleting paragraph (c) and substituting the following paragraph:

“(c) if the flat, house or other living accommodation has, without the prior written approval of the Board, been used otherwise than for the purpose permitted by the lease;”.

### **Amendment of section 65**

9. Section 65(1) of the principal Act is amended by inserting, immediately after paragraph (a), the following paragraph:

- 5 “(aa) the terms and conditions which the Board may impose in granting its consent under section 50 to any sale, lease, mortgage or disposal of a flat, house or other building; and those rules may provide that in specified circumstances, the Board shall be deemed for the purposes of that section to have granted its prior written consent subject to such terms and  
10 conditions;”.

### **Amendment of section 65A**

10. Section 65A of the principal Act is amended —

- (a) by deleting the words “a building comprising 2 or more storeys” in the 3rd and 4th lines of paragraph (b) of the definition of  
15 “special upgrading works” and substituting the words “any building”; and
- (b) by inserting, immediately after the definition of “Town Council”, the following definition:
- 20 “ “transfer” means a conveyance, sale, purchase, assignment, legal or equitable mortgage, charge, surrender or disposal in any manner of any estate or interest in a flat and includes a discharge of a mortgage, a reconveyance or the devolution of the rights of a deceased owner of a flat to another person;”.

### **Amendment of section 65C**

11. Section 65C of the principal Act is amended —

- (a) by deleting the words “and special upgrading works” in the penultimate and last lines of subsection (1)(a) and substituting the words “or special upgrading works”; and
- 30 (b) by deleting subsection (5A) and substituting the following subsection:

“(5A) The Board may, with the approval of the Minister, carry out special upgrading works in any building within a precinct if and only if—

- 5           (a) it appears from a poll of such owners referred to in subsection (1A) that 75% or more of the total value in votes of such owners within the building in the precinct have been cast in favour of the proposal to carry out special upgrading works in the building; and
- 10           (b) where the proposal is for the special upgrading works to be carried out in the building in the precinct together with any general upgrading works within the precinct, it also appears from a poll of prescribed owners referred to in subsection (2) that 75% or more
- 15           of the total value in votes of all such owners of all flats within the precinct have been cast in favour of the proposal to carry out the general upgrading works in the precinct.”.

#### **Amendment of section 65F**

**12.** Section 65F of the principal Act is amended —

- 20           (a) by deleting the words “one month of notice of” in the penultimate line of subsection (1) and substituting the words “one month from the date of”; and
- (b) by deleting subsection (4).

#### **Amendment of section 65G**

25           **13.** Section 65G of the principal Act is amended —

- (a) by inserting, immediately after the words “registered proprietor” in the 4th line of subsection (1)(b), the words “or owner”;
- (b) by inserting, immediately after the words “subsisting mortgage” in the 1st line of subsection (3), the words “, change or other
- 30           encumbrance”; and
- (c) by inserting, immediately after the words “Any transfer” in the 1st line of subsection (4), the words “or dealing in respect”.

### **Amendment of section 65J**

**14.** Section 65J of the principal Act is amended —

- (a) by inserting, immediately after the word “premises” in the last line of subsection (2), the words “forcibly, if necessary”; and
  - 5 (b) by inserting, immediately after subsection (4), the following subsection:
    - “(4A) Any officer or person authorised by the Board entering any premises by virtue of a warrant issued under this section may do all or any of the following:
- 10 (a) break open any outer or inner door or window leading to the premises;
  - (b) forcibly enter such premises and every part thereof;
  - (c) remove by force any obstruction to such entry.”.

### **Amendment of section 80**

- 15 **15.** Section 80(3) of the principal Act is amended by deleting “\$200” in the last line and substituting the words “\$2,000 or to imprisonment for a term not exceeding 3 months or to both”.

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### **EXPLANATORY STATEMENT**

This Bill seeks to amend the Housing and Development Act (Cap. 129) for the following purposes:

- (a) to enable a poll to be conducted for lift upgrading and other special upgrading works among lessees of HDB flats who benefit from the works;
- (b) to require a lessee of an HDB flat to seek the prior written approval of the Housing and Development Board (HDB) before using or allowing his flat to be used for a purpose that is not the purpose permitted by the lease, a breach of which entitles the HDB to forfeit or compulsorily acquire the flat;
- (c) to allow an approved mortgagee or statutory chargee to attach an HDB flat in exercise of its powers under the mortgage or charge, as the case may be;
- (d) to allow the Minister to make rules with respect to the terms and conditions which may be imposed by the HDB when the HDB consents to a sale, lease, mortgage or disposal of an HDB flat; and

(e) to make improvements for the better administration of the Act.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 24(2) to change the approving authority for the HDB to sell, lease, surrender or any exchange of any land. The authority will be prescribed by Rules.

Clause 3 amends section 27(2A) to make it clear that rules may be made to regulate renovation works in HDB flats by the granting of a licence to a lessee or contractor.

Clause 4 amends section 29 to provide that the HDB cannot delegate its power to make subsidiary legislation to any person.

Clause 5 amends section 48A to provide that both the HDB and lessees will be discharged from the restrictive covenant in leases that prohibit the use of HDB flats for any trade, business, manufacture or commercial purpose, regardless of the building the flat is situated in. This is to further facilitate implementation of the Technopreneur Home Office Scheme. Section 48A is also amended to provide that a lessee must obtain the HDB's prior written approval before using his HDB flat for a purpose other than that permitted by the lease. This is to enable the HDB to control the use of HDB flats for purposes consistent with the Technopreneur Home Office Scheme.

Clause 6 amends section 51 by deleting and substituting subsection (3) to provide 2 exceptions to the general prohibition against attaching HDB flats by court order. The 2 exceptions are where the application to the court for attachment of an HDB flat is made by an approved mortgagee or a statutory chargee.

Clause 7 amends section 55(1) to provide that the HDB may terminate the lease of an HDB flat, house or other building if the owner has, without the prior written approval of the HDB, used or allowed the use of the flat, house or other building otherwise than for the purpose permitted by the lease.

Clause 8 amends section 56(1) to provide that the HDB may compulsorily acquire an HDB flat, house or other living accommodation if it has, without the prior written approval of the HDB, been used otherwise than for the purpose permitted by the lease.

Clause 9 amends section 65(1) to insert a new paragraph (aa) to empower the Minister to make rules regarding the terms and conditions which may be imposed by the HDB when the HDB consents to a sale, lease, mortgage or disposal of an HDB flat under section 50.

Clause 10 amends section 65A to provide that special upgrading works need not be limited to buildings comprising 2 or more storeys. The existing definition of "transfer" in section 65F(4) is inserted in section 65A.

Clause 11 amends section 65C to provide that if the special upgrading works are to be carried out together with general upgrading works, these can be carried out only if the poll for general upgrading works is a successful one.

Clause 12 amends section 65F to make it clear that improvement contributions payable by an owner of an HDB flat for upgrading works are due at the end of one

month from the date of the written demand from the HDB. Improvements contributions must therefore be paid within that one month period. The existing definition of “transfer” in subsection (4) is also deleted in consequence of the amendment made to section 65A (see clause 10).

Clause 13 amends section 65G to facilitate the transfer of title to HDB flat owners for any additional floor area arising from upgrading works.

Clause 14 amends section 65J to provide that the warrant the Magistrate’s Court can issue where admission to premises has been refused or the premises are unoccupied would include the `right of forcible entry into those premises.

Clause 15 amends section 80(3) to raise the penalty for refusing to furnish particulars of identity to any HDB officer, Town Council officer or any police officer from \$200 to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or to both.

## EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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