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The following Act was passed by Parliament on 10 January 2023 and assented to by the President on 30 January 2023:—

REPUBLIC OF SINGAPORE

No. 2 of 2023.

I assent.

HALIMAH YACOB,
President.
30 January 2023.

(LS)

An Act to amend the Housing and Development Act 1959.

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 is the Housing and Development (Amendment) Act 2023 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

Amendment of section 50

2. Section 50 of the Housing and Development Act 1959 (called in this Act the principal Act) is amended by inserting, immediately after subsection (3), the following subsection:

“(3A) The Board must not proceed to lodge an instrument of vesting under subsection (3)(a), or terminate an agreement for a lease under subsection (3)(b), until the expiry of a period of 14 days after the service of the notice mentioned in subsection (3)(a) or (b).”.

Amendment of section 59

3. Section 59 of the principal Act is amended —

- (a) by deleting the words “and the date on which the instrument will be lodged, or the date the rescission is to take effect, not being a date earlier than 28 days after the date of the service of the notice” in subsection (5); and
- (b) by inserting, immediately after subsection (5), the following subsection:

“(5A) The Board must not proceed to lodge an instrument of vesting under subsection (2) or (3), or rescind an agreement for a lease under subsection (4), until the expiry of a period of 28 days after the service of the notice mentioned in subsection (5).”.

Amendment of section 75

4. Section 75 of the principal Act is amended —

- (a) by inserting, immediately before the definition of “flat”, the following definition:

““commercial property upgrading works”, in relation to a precinct, means any items of upgrading works specified by the Board to be carried out —

(a) within any commercial property within the precinct;

(b) on common property within the precinct; or

(c) on or in both properties in paragraphs (a) and (b),

for the purpose of improving, or encouraging a diversity of, local retail convenience shopping facilities and associated commercial and community activities that support and reinforce the economic and social wellbeing of and employment opportunities for persons within that precinct;”;

(b) by inserting, immediately after the words “special upgrading works” in the definition of “general upgrading works”, the words “, commercial property upgrading works”; and

(c) by inserting, immediately after the words “special upgrading works” in the definition of “improvement contribution”, the words “, commercial property upgrading works”.

Amendment of section 77

5. Section 77 of the principal Act is amended —

(a) by deleting the word “and” at the end of sub-paragraph (iii) of subsection (1)(a), and by inserting immediately thereafter the following sub-paragraph:

“(iv) commercial property upgrading works within the precinct; and”;

(b) by inserting, immediately after subsection (3), the following subsection:

“(3A) A poll conducted in connection with any proposal to carry out commercial property upgrading works within a precinct must be a poll of the prescribed owners of commercial property the owners of which will benefit from the commercial property upgrading works within that precinct.”; and

(c) by inserting, immediately after subsection (9), the following subsection:

“(9A) The Board may, with the Minister’s approval, carry out any commercial property upgrading works within a precinct if, and only if, it appears from a poll of the owners mentioned in subsection (3A) that 75% or more of the total value in votes of those owners have been cast in favour of the proposal to carry out those upgrading works.”.

Amendment of section 78

6. Section 78 of the principal Act is amended —

(a) by deleting the words “or (9)” in subsection (1) and substituting the words “, (9) or (9A)”;

(b) by deleting the word “or” at the end of subsection (1)(b);

(c) by deleting the comma at the end of paragraph (c) of subsection (1) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(d) the commercial property upgrading works within the precinct,”;

(d) by inserting, immediately after subsection (3), the following subsection:

“(3A) Where the Board has completed any commercial property upgrading works within a precinct under this section, the Board may recover from —

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- (a) every owner of such commercial property within the precinct as is mentioned in section 77(3A), the costs incurred by the Board in respect of the commercial property upgrading works; and
 - (b) the Town Council responsible for the maintenance of the common property within the precinct the costs incurred by the Board in respect of the commercial property upgrading works carried out on the common property.”; and
- (e) by deleting the words “or (3)” in subsection (4) and substituting the words “, (3) or (3A)”.

Amendment of section 85

7. Section 85 of the principal Act is amended by deleting the words “and specified upgrading works” in paragraph (b) and substituting the words “, specified upgrading works and commercial property upgrading works”.

Repeal and re-enactment of section 111

8. Section 111 of the principal Act is repealed and the following section substituted therefor:

“Service of documents

111.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;

- (c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;
 - (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address; or
 - (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual.
- (3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —
- (a) by giving it to any partner, secretary or other similar officer of the partnership;
 - (b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address; or
 - (c) by sending it by fax to the fax number used at the partnership's business address.
- (4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —
- (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;
 - (b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office in Singapore of the body corporate or unincorporated association; or
 - (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association.

(5) In addition to subsections (2), (3) and (4) but subject to subsections (6) and (7), a document permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served by sending it by email to the last email address of the individual, partnership, body corporate or unincorporated association, as the case may be.

(6) Subsection (5) does not apply to a summons, or a document under section 50, 59, 63, 66, 68 or 82(4).

(7) Service of any document under this Act on a person by email may be effected only with the person's prior consent (express or implied) to service in that way.

(8) Service of a document takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;

(b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; or

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered).

(9) This section does not apply to —

(a) a document to be served in proceedings in court; or

(b) a notice under sections 15(1), 63(3) (where the notice is to be served on an owner, or an interested person, who is deceased) and 69(1).

(10) In this section —

“Act” includes any subsidiary legislation made under this Act;

“business address” means —

- (a) in the case of an individual, the individual’s usual or last known place of business, or place of employment, in Singapore; or
- (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

“document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

“residential address” means an individual’s usual or last known place of residence in Singapore.”.
