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# GOVERNMENT GAZETTE

## ACTS SUPPLEMENT

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The following Act was passed by Parliament on 27th February 1996 and assented to by the President on 12th March 1996:—

### **EXECUTIVE CONDOMINIUM HOUSING SCHEME ACT 1996**

**(No. 10 of 1996)**

#### ARRANGEMENT OF SECTIONS

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**REPUBLIC OF SINGAPORE**

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**No. 10 of 1996.**

I assent.



**ONG TENG CHEONG**

*President*

*12th March 1996.*

An Act to establish the executive condominium housing scheme, and to provide for matters connected therewith.

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 Executive Condominium Housing Scheme Act 1996 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

**Interpretation**

2.—(1) In this Act, unless the context otherwise requires —

“Board” means the Housing and Development Board established under section 3 of the Housing and Development Act [Cap. 129];

“commercial property” means any flat, house or tenement or any part thereof which is permitted to be used pursuant to the Planning Act [Cap. 232] or any other written law for the purpose of carrying on any business or which is lawfully so used;

“develop” means to construct or cause to be constructed any housing accommodation, including any building operations in, on, over or under any land for the purpose of erecting any housing accommodation;

“developer” means a developer appointed by the Minister under section 4;

“executive condominium scheme” means the housing scheme established by the Minister under section 3(1);

“housing accommodation” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is wholly constructed, adapted or intended for human habitation;

“minimum occupation period,” in relation to any housing accommodation under the executive condominium scheme, means a period of 5 years commencing from the date of issue of the temporary occupation permit in respect of the housing accommodation;

“permanent resident” means any person who is not subject to any restriction as to his period of residence in Singapore imposed under the provisions of any written law relating to immigration for the time being in force;

“public housing accommodation” means any housing accommodation developed and sold by the Board;

“temporary occupation permit” means a permit issued under section 20 of the Building Control Act [Cap. 29];

“transfer” includes a conveyance, sale, assignment, settlement, declaration of trust, assent, disposition of whatever nature, the vesting of any estate or interest in any housing accommodation by an instrument or under a vesting order of court and every instrument capable of vesting any estate or interest in any housing accommodation upon registration of such instrument by the Registrar of Titles, but does not include a mortgage, charge or reconveyance.

(2) If any question arises as to whether any property is commercial property within the meaning of this Act, a certificate under the hand of the Minister to the effect that such property is or is not commercial property shall be conclusive evidence for all purposes; and every such certificate shall be final and shall not be called in question in any court.

(3) The Minister may, subject to such conditions or restrictions as he thinks fit, delegate to any person any of the powers conferred on him under sections 4, 7, 8 and 9.

### **Executive condominium scheme**

**3.—**(1) The Minister may establish an executive condominium scheme to provide housing accommodation to such class of persons as he may determine.

(2) The Minister may make regulations for the purposes of carrying out the provisions of this Act, including regulations for or with respect to —

(a) the terms and conditions for the sale of any housing accommodation under the executive condominium scheme;

- (b) the persons to whom any housing accommodation may be sold under an executive condominium scheme, including but not limited to the qualifications as to income, the minimum size of the family, citizenship of and ownership of any other properties by all or any such persons; and
- (c) prescribing the penalty (such penalty, if unpaid, to constitute a debt due to the Government under the executive condominium scheme and be recoverable as such) to be paid to the Government by any purchaser of a housing accommodation sold under the executive condominium scheme or by any applicant for such housing accommodation for non-observance or non-compliance with any of the restrictions, conditions or requirements of sections 5 and 9 in lieu of any action which may be taken against him under any of those provisions.

### **Appointment of developers**

4. The Minister may from time to time, by notification in the *Gazette*, appoint one or more developers to develop such land as he may specify and to sell any housing accommodation under the executive condominium scheme.

### **Restrictions as to purchase under executive condominium scheme**

5.—(1) Subject to the provisions of this Act, no person shall be entitled to purchase any housing accommodation under the executive condominium scheme if such person or his spouse has at any time —

- (a) between the date of making an application to purchase the housing accommodation and the date of issue of the temporary occupation permit in respect of the housing accommodation, owned or purchased any flat, house, building or land or has an estate or interest therein;
- (b) within 30 months immediately prior to the date of making an application to purchase the housing accommodation, or between the date of such application and the date of issue of the temporary occupation permit in respect of the housing

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accommodation, sold any flat, house, building or land of which he was the owner, or divested himself of any estate or interest therein;

- (c) made any misrepresentation of a material fact or false statement in a material particular, whether innocently or otherwise, relating to the purchase of the housing accommodation; or
- (d) between the date of making an application to purchase the housing accommodation and the date of issue of the temporary occupation permit in respect of the housing accommodation, become ineligible to purchase the housing accommodation by virtue of any regulation made under section 3(2).

(2) Where any person purchases any housing accommodation under the executive condominium scheme in contravention of subsection (1), he shall not present for registration under the Land Titles Act [Cap. 157] the assurance of the housing accommodation.

(3) Where, before the date of issue of the temporary occupation permit in respect of any housing accommodation under the executive condominium scheme, the developer is satisfied that any purchaser has contravened subsection (1) or section 7(1)(a), the developer shall —

- (a) serve a written notice upon the purchaser of the housing accommodation of its intention to lodge with the Registrar of Titles an instrument under subsection (5) for the vesting in the developer of the title to or the estate or interest in that housing accommodation; or
- (b) where no assurance has been registered in favour of the purchaser, serve a written notice upon the purchaser of the housing accommodation of its intention to terminate the sale and purchase agreement.

(4) Any purchaser who is aggrieved by the service of a notice under subsection (3) may, within 14 days after service of the notice, appeal to the Minister whose decision shall be final and shall not be called in question in any court.

(5) Where an appeal has been made to the Minister under subsection (4), the developer shall not proceed to lodge any instrument for the vesting of the title to or the estate or interest in the housing accommodation in itself until the appeal has been disposed of.

(6) The Registrar of Titles shall register any instrument lodged under subsection (5) without being concerned to inquire into its regularity or validity, and upon its registration —

- (a) the title to or the estate or interest in the housing accommodation shall vest in the developer without further assurance free from all encumbrances (save such subsisting covenants, conditions or restrictions, if any, as may be binding upon the developer); and
- (b) the Registrar of Titles shall cancel the registration of any mortgage, charge or assurance thereby overreached and any caveat protecting a mortgage, charge or assurance registered or notified on the land-register.

(7) Where the developer has lodged any instrument under subsection (5) in respect of any housing accommodation, the developer shall forfeit any moneys paid or deposited in respect of the purchase of the housing accommodation, and any moneys so forfeited less any administrative and legal costs reasonably incurred by the developer in connection with the sale and resale of the housing accommodation shall be paid to the Government, and the Government shall, after deduction of such penalty not exceeding \$10,000 as may be prescribed, distribute the remainder of the moneys according to the order of priority prescribed pursuant to section 9(5).

(8) Nothing in subsection (1) shall disqualify a person from purchasing any housing accommodation under the executive condominium scheme if such person or his spouse has purchased or acquired, with the prior written consent of the Minister, any commercial property not exceeding in value \$250,000, or such higher value as the Minister may allow, at the time of purchase.



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**Death of applicant before issue of temporary occupation permit**

6. Where any applicant for the purchase of any housing accommodation under the executive condominium scheme dies before the issue of the temporary occupation permit in respect of the housing accommodation, the developer shall, unless the Minister otherwise directs, cancel the application and terminate the sale and purchase agreement (if any), and all moneys paid or deposited less any administrative and legal costs reasonably incurred by the developer shall be refunded to the person or persons entitled to the moneys.

**Prohibition of transfers of housing accommodation**

7.—(1) Except with the prior written consent of the Minister, no person shall —

(a) between the date of making an application to purchase any housing accommodation under the executive condominium scheme and the date of issue of the temporary occupation permit in respect of the housing accommodation; or

(b) within the minimum occupation period,

transfer the housing accommodation or any estate or interest therein to any other person, whether for consideration or by way of gift *inter vivos* or otherwise, or create any trust for sale in respect of the housing accommodation or any estate or interest therein in favour of any other person.

(2) Any transfer made or trust created in contravention of subsection (1) shall be null and void.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

**Transfer of housing accommodation on death of owner within 10 years of issue of temporary occupation permit**

8.—(1) The transmission on the death of the owner, whether testate or intestate, or any transfer by the personal representatives of a deceased owner of a housing accommodation under the executive condominium scheme within 10 years of the date of issue of the

temporary occupation permit in respect of the housing accommodation shall not be registered under the provisions of the Land Titles Act without the prior written consent of the Minister.

(2) Where the Minister refuses to give his consent under subsection (1), the Minister may lodge an instrument with the Registrar of Titles to have the housing accommodation vested in the Board.

(3) Where —

- (a) no representation has been taken out under the will or on the intestacy of a deceased owner of a housing accommodation under the executive condominium scheme within 12 months from the death of the owner;
- (b) representation has been taken out but the personal representatives do not apply for the Minister's consent for the transmission or transfer of the housing accommodation within 6 months from the date of representation; or
- (c) the Minister's consent for the transmission or transfer of the housing accommodation has been obtained but the transmission or transfer of the housing accommodation is not effected within the period specified by the Minister,

the Minister may lodge an instrument with the Registrar of Titles to have the housing accommodation vested in the Board.

(4) Where the Minister decides to lodge an instrument under subsection (2) or (3) to have the housing accommodation vested in the Board, the Minister shall —

- (a) serve a written notice on the personal representatives of the deceased owner of, and on all persons known or believed to have an interest or estate in, the housing accommodation; and
- (b) in the case where no representation is taken out, serve a written notice on all persons known or believed to have an interest or estate in the housing accommodation and affix a copy thereof on a conspicuous part of the housing accommodation,

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of his intention to lodge with the Registrar of Titles an instrument of vesting under subsection (2) or (3) and of the compensation to be paid by the Board therefor and the date on which the instrument will be lodged as aforesaid, not being a date earlier than 28 days after the date of service of the notice.

(5) The Registrar of Titles shall register any instrument lodged under subsection (2) or (3) without being concerned to inquire into its regularity or validity, and upon its registration —

- (a) the title to or the estate or interest in the housing accommodation shall vest in the Board without further assurance free from all encumbrances (save such subsisting covenants, conditions or restrictions, if any, as may be binding on the Board); and
- (b) the Registrar of Titles shall cancel the registration of any mortgage, charge or assurance thereby overreached and any caveat protecting a mortgage, charge or assurance registered or notified on the land-register.

(6) On the expiry of a period of 28 days after the date of service of the notice referred to in subsection (4), where the personal representatives do not consent to receive the compensation, or where representation has not been taken out under a will or intestacy of the deceased owner, or where there are conflicting claims to the compensation to be paid by the Board, the Board shall apply to the High Court *ex parte* by originating summons, supported by an affidavit, for an order to deposit the amount of the compensation in court and, notwithstanding anything to the contrary in the Rules of Court for the time being in force, the High Court may make such an order.

(7) The amount of compensation to be paid by the Board for any housing accommodation vested in the Board under this section and the order of priority for the payment of such compensation shall be prescribed by the Minister.

(8) The Board may deduct, from any compensation payable in respect of any housing accommodation vested in the Board under this section, any administrative and legal costs reasonably incurred, and

may withhold such compensation until the Board has taken possession of the housing accommodation.

(9) Where any housing accommodation has been vested in the Board under this section, the Board may proceed to take possession of the housing accommodation on the expiry of a period of 30 days after the date of service of a notice on the persons referred to in subsection (4)(a) and (b) and if any of the officers or agents of the Board is opposed or impeded in taking possession under this section of any housing accommodation, the Board may take such measures as are necessary to have the occupiers evicted from the housing accommodation and to enforce the surrender of the same and to remove all things and other movable property found therein.

(10) Any housing accommodation vested in the Board under this section or section 9 shall be sold by the Board to such person and for such consideration as the Minister may determine.

### **Compulsory acquisition of housing accommodation and vesting in Board**

**9.—**(1) Where any housing accommodation under the executive condominium scheme has been purchased and the Minister is satisfied that —

- (a) any purchaser thereof or his spouse has ceased to occupy the housing accommodation within the minimum occupation period;
- (b) subject to subsection (10), any purchaser thereof or his spouse has at any time acquired, by operation of law or otherwise, any title to or an estate or interest in any flat, house, building or land;
- (c) the housing accommodation has been used otherwise than as a housing accommodation within the minimum occupation period;
- (d) any purchaser thereof has assigned, underlet or parted with the possession of the housing accommodation within the minimum occupation period without obtaining the prior written consent of the Minister;

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- (e) any purchaser thereof has failed to perform or observe any term or condition contained in the agreement for the sale and purchase of the housing accommodation after a notice in writing has been served on him by the Board or the developer drawing his attention to the non-performance or non-observance of such term or condition;
  - (f) any purchaser thereof has made a misleading or false statement in his application for the purchase of the housing accommodation;
  - (g) any purchaser thereof has made a misrepresentation of a material fact, whether innocently or otherwise, relating to the purchase of the housing accommodation;
  - (h) any purchaser thereof has contravened section 7(1) (b );
  - (i) any purchaser thereof has, within the minimum occupation period, ceased to be a citizen of Singapore; or
  - (j) any purchaser thereof has failed to pay to the Board any premium under section 10,

the Minister may direct the Board to compulsorily acquire the housing accommodation.

(2) Where the Minister has made a direction under subsection (1) to compulsorily acquire a housing accommodation under the executive condominium scheme, the Board shall serve a notice in writing on the owner of the housing accommodation and all persons known or believed to be interested in claiming all or any part of the compensation to be paid for the housing accommodation stating the Board's intention to acquire the housing accommodation and the compensation to be paid therefor.

(3) The Board may —

- (a) lodge an instrument with the Registrar of Titles for the vesting in the Board of the title to or the estate or interest in the housing accommodation on the expiry of a period of 28 days after the date of service of the notice referred to in subsection (2); and

(b) in the case where no assurance has been registered in favour of the owner, serve a written notice on the owner of the housing accommodation to terminate the sale and purchase agreement and to repossess the housing accommodation.

(4) The Registrar of Titles shall register any instrument lodged under subsection (3) without being concerned to inquire into its regularity or validity, and upon its registration —

(a) the title to or the estate or interest in the housing accommodation shall vest in the Board free from all encumbrances (save such subsisting covenants, conditions or restrictions, if any, as may be binding on the Board); and

(b) the Registrar of Titles shall cancel the registration of any mortgage, charge or assurance thereby overreached and any caveat protecting a mortgage, charge or assurance registered or notified on the land-register.

(5) The Board may deduct, from any compensation payable under this section, any administrative and legal costs reasonably incurred, and shall hold the remainder in trust to be paid according to the order of priority prescribed by the Minister.

(6) The amount of compensation to be paid by the Board for any housing accommodation compulsorily acquired by the Board under this section shall be prescribed by the Minister.

(7) Where any person entitled to any compensation payable under this section refuses to accept it or cannot with due diligence be found or where there is any dispute as to the apportionment of the compensation, the Board shall apply to the High Court *ex parte* by originating summons, supported by an affidavit, for an order to deposit the amount of compensation or any part thereof in court and, notwithstanding anything to the contrary in the Rules of Court for the time being in force, the High Court may make such an order.

(8) Where any housing accommodation has been vested in the Board under this section, the Board may proceed to take possession of the housing accommodation on the expiry of a period of 30 days after the date of service of a notice on the owner thereof and if any of the officers or agents of the Board is opposed or impeded in taking

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possession under this section of any housing accommodation, the Board may take such measures as are necessary to have the occupiers evicted from the housing accommodation and to enforce the surrender of the same and to remove all things and other movable property found therein.

(9) For the purpose of ascertaining whether subsection (1) has been contravened, the Minister may direct the Board to enter upon any housing accommodation under the executive condominium scheme at any reasonable time upon production of its authority in writing.

(10) Subsection (1)(b) shall not apply to a purchaser of any housing accommodation or to his spouse who has purchased or acquired, with the prior written consent of the Minister, any commercial property not exceeding in value \$250,000, or such higher value as the Minister may allow, at the time of purchase.

(11) For the purpose of this section, “purchaser” includes any sub-purchaser unless the context otherwise requires.

### **Payment of premium to Board by certain purchasers**

**10.** Where any person who purchases any housing accommodation under the executive condominium scheme had previously purchased, jointly or otherwise, any public housing accommodation from the Board, the person shall pay to the Board a premium of such amount as the Board may determine.

### **Service of orders, etc.**

**11.—**(1) Service of any order, notice, direction or of a copy thereof required or authorised by this Act or any regulations made thereunder to be served shall be deemed to have been effected —

- (a) in the case of a natural person, if sent by registered post to his last known address, or if it is affixed on a conspicuous part of the housing accommodation described in such order, notice, direction or copy; and
- (b) in the case of a company, a society, an association or other organisation or body, if sent by registered post to its postal address, its registered office in Singapore or its last known place of business in Singapore, or if it is affixed on a

conspicuous part of the housing accommodation described in such order, notice, direction or copy,

and in either case service shall be deemed to be made, in the case of service by registered letter, at the time that such registered letter would in the ordinary course be delivered.

(2) Any order, notice, direction or a copy thereof required or authorised by this Act or any regulations made thereunder to be served on the owner of a housing accommodation under the executive condominium scheme shall be deemed to be properly addressed if addressed by the description of “the owner” of the housing accommodation without further name or description.

### **Protection from liability**

**12.** No suit or other legal proceedings shall lie or be instituted or maintained in any court for or on account of or in respect of anything which is in good faith done or intended to be done by the Government, the Board, any public officer or other person acting under the direction of the Minister in the execution or purported execution of this Act.

### **Application of section 4 of Residential Property Act**

**13.—**(1) Notwithstanding section 4 of the Residential Property Act, no housing accommodation under the executive condominium scheme shall be transferred to any person who is not a citizen of Singapore except in the following circumstances:

- (a) to any permanent resident on the expiry of the minimum occupation period; and
- (b) to any person 5 years after the expiry of the minimum occupation period.

(2) Any transfer made in contravention of subsection (1) shall be null and void.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.



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**Exemption**

**14.** The Minister may, subject to such terms or conditions as he may impose, exempt any person or class of persons from all or any of the provisions of this Act or any regulations made thereunder.

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