



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**HOUSING DEVELOPERS
(CONTROL AND LICENSING)
ACT 1965**

2020 REVISED EDITION

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Housing Developers (Control and Licensing) Act 1965

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An Act for the licensing and control of housing developers.

[1 October 1965]

PART 1

PRELIMINARY

Short title

1. This Act is the Housing Developers (Control and Licensing) Act 1965.

Interpretation

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

“accounts” has the meaning given by section 4(1) of the Companies Act 1967;

“authorised officer” means a public officer or an officer of a public authority authorised by the Controller under section 3(5);

“building project” means a building project comprising units of housing accommodation;

“certificate of statutory completion” has the meaning given by section 2(1) of the Building Control Act 1989;

“company” means any company incorporated, formed or registered under the provisions of the Companies Act 1967 or any corresponding previous written law;

“Controller” means the Controller of Housing appointed under section 3(1);

“Deputy Controller” means the Deputy Controller of Housing appointed under section 3(3)(a);

“develop” means to construct or cause to construct housing accommodation, including any building operations in, on, over or under the land for the purpose of erecting housing accommodation and the sale by a housing developer of land which would be appurtenant to the housing accommodation;

“housing accommodation” includes a building or tenement wholly or principally constructed, adapted or intended for human habitation or for human habitation and as business premises;

“housing developer” means any —

- (a) person;
- (b) group of persons, whether in partnership or otherwise;
- (c) society, whether a cooperative society or otherwise;
- (d) company; or
- (e) limited liability partnership,

who or which engages in or undertakes housing development, but does not include any —

- (f) bank which is in possession of a valid licence granted by the Monetary Authority of Singapore under the Banking Act 1970; or
- (g) insurer licensed under section 11 of the Insurance Act 1966,

so long as such bank or insurer only lends or provides money for housing development;

“housing development” means the business of —

- (a) developing;
- (b) providing the money for developing or for the purchase of,

more than 4 units of housing accommodation; or

- (c) developing and providing the money for the purchase of more than 4 units of housing accommodation resulting from such development;

“inspector” means an inspector appointed under section 3(3)(b);

“licence” means a licence granted under section 4(5);

“licensed housing developer” means a housing developer holding a valid licence;

“limited liability partnership” and “limited liability partnership agreement” have the meanings given by section 2(1) of the Limited Liability Partnerships Act 2005;

- “manager”, in relation to a limited liability partnership, has the meaning given by section 2(1) of the Limited Liability Partnerships Act 2005;
- “partner”, in relation to a limited partnership, means a general partner as defined in the Limited Partnerships Act 2008;
- “public accountant” means any person registered or deemed to be registered under the Accountants Act 2004 as a public accountant;
- “public authority” means such board, authority or agency established by or under any public Act to perform or discharge any public function as the Minister approves for the purposes of section 3;
- “responsible position”, in relation to a housing developer, means —
- (a) in the case of a housing developer that is a company — a director, manager or secretary or a person in a position analogous to that of a director, manager or secretary;
 - (b) in the case of a housing developer that is a society — a president, secretary or treasurer or a person in a position analogous to that of a president, secretary or treasurer;
 - (c) in the case of a housing developer that is a partnership — a partner;
 - (d) in the case of a housing developer that is a limited liability partnership — a partner or manager or a person in a position analogous to that of a manager; or
 - (e) in the case of a housing developer that is a group of persons — any person in that group;
- “show unit” means any representation or reproduction of any house, flat or other housing accommodation, or any part thereof, that is built, or built and furnished, for viewing by prospective purchasers of, or otherwise for the purpose of

promoting the sale of, the or any similar house, flat or other housing accommodation;

“unit” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels, and which is intended for use in accordance with the provisions of any written law as a complete and separate unit for residential or commercial purpose.

[26/2001; 17/2005; 37/2008; 11/2013; 15/2013]

(2) In this Act, unless it is expressly provided to the contrary, “group of persons” does not include a partnership.

[37/2008]

Appointment of Controller, inspectors, etc.

3.—(1) The Minister may, by notification in the *Gazette*, appoint a public officer or an officer of a public authority to be the Controller of Housing for the purposes of this Act.

[15/2013]

(2) The Controller is, subject to any general or special directions of the Minister, responsible for the administration of this Act and must perform any duties imposed and may exercise any powers conferred upon him or her by this Act and any rules made under this Act.

[15/2013]

(3) The Controller may appoint, by name or office, from among public officers or officers of a public authority —

(a) a Deputy Controller of Housing; and

(b) any number of inspectors that may be required for the purposes of this Act.

[15/2013]

(4) The Deputy Controller may, subject to any directions that the Controller may specify, perform all or any of the functions of the Controller or exercise all or any of the powers of the Controller conferred on the Controller by this Act and any rules made under this Act; and any reference in this Act and any rules made under this Act to the Controller includes a reference to the Deputy Controller.

[15/2013]

(5) The Controller may authorise any public officer or any officer of a public authority to perform all or any of the functions of the Controller or exercise all or any of the powers of the Controller conferred on the Controller by this Act or any rules made under this Act (except the power of delegation conferred by this subsection), subject to any conditions or limitations that are set out in this Act or that the Controller may specify by directions; and any reference in this Act and any rules made under this Act to the Controller includes a reference to such authorised officer.

[15/2013]

(6) In performing any function or exercising any power delegated under subsection (5), an authorised officer must comply with the Controller's directions.

[15/2013]

(7) A delegation under this section does not prevent the exercise of any function or power under this Act or any rules made under this Act by the Controller.

[15/2013]

(8) The Controller, the Deputy Controller and every authorised officer and inspector —

- (a) are deemed to be public servants for the purposes of the Penal Code 1871; and
- (b) in relation to their administration, assessment, collection or enforcement of payment of composition sums, are deemed to be public officers for the purposes of the Financial Procedure Act 1966, and section 20 of that Act applies to such persons even though they are not or were not in the employment of the Government.

[15/2013]

PART 2

LICENSING OF HOUSING DEVELOPERS

Housing development to be carried out only by licensed housing developer

4.—(1) No housing development may be carried out or undertaken in Singapore except by a housing developer who or which is in

possession of a written licence from the Controller authorising it to do so.

(2) Subject to subsection (4), a housing developer that desires to carry out or undertake housing development in Singapore may apply to the Controller, in the form and manner that the Controller may specify, for a licence and must provide —

- (a) if a company — a copy of the memorandum of association and articles of association or other instrument under which the company is incorporated;
- (b) if a group of persons or a partnership — a copy of any agreement between those persons or the partnership agreement, as the case may be;
- (c) if a society — the rules or by-laws of the society;
- (d) if a limited liability partnership — a copy of its limited liability partnership agreement or, in the absence of such agreement in writing, any other document which sets out the mutual rights and duties of the partners of the limited liability partnership;
- (e) a copy of the latest audited accounts of the partnership, society, company or limited liability partnership or, in the case of a person or group of persons, the audited accounts (if any) relating to any housing development undertaken by the person or group of persons; and
- (f) any other information that the Controller may require.

[17/2005; 15/2013]

(3) Any copy of any memorandum, articles of association, agreement, partnership agreement, limited liability partnership agreement or other document to that effect, rules or by-laws of a society or audited accounts which is provided to the Controller under subsection (2) must be duly verified by a statutory declaration by the following person:

- (a) in the case of a company — by a senior officer of the company;
- (b) in the case of a partnership — by a partner;

- (c) in the case of a society — by the president or the secretary or person holding a position analogous to that of president or secretary;
- (d) in the case of a person or group of persons — by that person or by any person in the group of persons;
- (e) in the case of a limited liability partnership — by its manager.

[17/2005; 15/2013]

(4) The Controller may, on the request of a housing developer applying for a licence under subsection (2), modify or waive the requirement for the provision of any document or information mentioned in that subsection subject to any conditions that the Controller may impose.

[15/2013]

(5) Upon receiving an application under subsection (2), the Controller may, subject to section 5 —

- (a) grant a licence, unconditionally or subject to any conditions that the Controller considers fit for carrying out the purposes of this Act; or
- (b) refuse to grant a licence.

[15/2013]

(6) The Controller may at any time vary or revoke any existing conditions of a licence or impose conditions or additional conditions:

Provided that —

- (a) the Controller must, prior to any such action, notify his or her intention to take such action against the housing developer concerned and must give the housing developer an opportunity to submit reasons or an explanation in writing why its licence should not be so amended;
- (b) any variation of the conditions, or additional conditions imposed, in exercise of the powers under this subsection, does not have retrospective effect.

(7) Where a licence is subject to conditions, the housing developer concerned must comply with the conditions of the licence.

(8) Any housing developer that contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 and shall also be liable to imprisonment for a term not exceeding 5 years.

[15/2013]

(9) Any housing developer that fails to comply with any condition of its licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

[15/2013]

(10) Any housing developer that is aggrieved by a decision of the Controller under subsection (5) or (6) may, within 10 days after it is notified of the decision, appeal to the Minister whose decision is final.

[15/2013]

Licences not to be granted in certain cases

5.—(1) The Controller must not grant a licence under section 4(5) to a housing developer that —

- (a) is a company, unless the housing developer —
 - (i) has an issued and paid-up capital of an amount that the Minister may prescribe; or
 - (ii) has lodged with the Controller, in the form and manner and on any terms that the Controller may determine, a deposit or security of a sum that the Minister may prescribe;
- (b) is an individual, a group of persons, a partnership, a society or a limited liability partnership, unless the housing developer has lodged with the Controller, in the form and manner and on any terms that the Controller may determine, a deposit or security of a sum that the Minister may prescribe;
- (c) has a person holding a responsible position therein who, at any time within a period of 5 years immediately before the date of the application by the housing developer under section 4(2) for a licence —

- (i) has been convicted (whether in Singapore or elsewhere) of an offence involving fraud or dishonesty; or
- (ii) has served any sentence of imprisonment (whether in Singapore or elsewhere) in respect of an offence involving fraud or dishonesty; or
- (d) is an undischarged bankrupt (whether in Singapore or elsewhere) or has an undischarged bankrupt (whether in Singapore or elsewhere) holding a responsible position therein.

[15/2013]

(2) For the purposes of subsection (1)(a) and (b), the Minister may prescribe for different housing developers or classes of housing developers —

- (a) different amounts of issued and paid-up capital; or
- (b) different sums of deposit or security.

[15/2013]

Restriction on use of words “housing developer” and on use of certain other words

6.—(1) Except with the Controller’s written consent, a person or body of persons (whether incorporated or unincorporated), not being a licensed housing developer, must not assume or use in relation to a business or any part of a business carried on by the person or body of persons the words “housing developer” or any of its derivatives or any word indicating the carrying on of housing development.

[37/2008]

(2) Any person or body of persons, not being a licensed housing developer, who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 3 years or to both.

[15/2013]

Revocation or suspension of licence

- 7.—(1) If any licensed housing developer —
- (a) is carrying on its business, in the Controller’s opinion, in a manner detrimental to the interests of its purchasers or to the public;
 - (b) has insufficient assets to cover its liabilities;
 - (c) is, in the Controller’s opinion, contravening any provisions of this Act or of any rules made under this Act;
 - (d) has ceased to carry on housing development in Singapore;
 - (e) has a person holding a responsible position therein in contravention of section 25(1) or (2);
 - (f) has failed to comply with any condition attached to its licence;
 - (g) has failed to comply with any direction issued by the Controller under this Act;
 - (h) without reasonable excuse, fails to provide any information or particulars required by the Controller under section 11(2); or
 - (i) provides or causes to be provided to the Controller any information or particulars (including any information or particulars in connection with its application for a licence under section 4(2)) which is false or misleading in a material particular,

the Controller may revoke, or suspend for a period not exceeding 12 months, any licence granted to the licensed housing developer.

(2) However, the Controller must, prior to any such revocation or suspension under subsection (1), notify his or her intention to take such action against the licensed housing developer concerned and must give the licensed housing developer an opportunity to submit reasons or an explanation why its licence should not be revoked or suspended, as the case may be.

(3) Where the licence of a housing developer has been revoked or suspended under subsection (1), the licensed housing developer may, within 30 days of being notified of the revocation or suspension, appeal against the revocation or suspension (as the case may be) to the Minister whose decision is final and shall not be questioned in any court.

[15/2013]

PART 3

DUTIES OF LICENSED HOUSING DEVELOPERS

Controller to be informed of alteration

8. A licensed housing developer must within 4 weeks of making any alteration —

- (a) if a company — in the memorandum of association and articles of association or other instrument under which it is incorporated;
- (b) if a society — in the rules or by-laws of the society;
- (c) if a group of persons or partnership — in any agreement;
- (d) if a limited liability partnership — in the limited liability partnership agreement or other document to that effect,

provide to the Controller written particulars of the alteration.

[17/2005]

Licensed housing developer to open and maintain Project Account

9.—(1) Subject to subsection (10), every licensed housing developer must open and keep an account (called in this Act a Project Account) with a bank or finance company for each building project undertaken by the licensed housing developer.

(2) The Controller may, on the application of the licensed housing developer, allow the licensed housing developer to open and keep more than one Project Account for a building project where —

- (a) the building project is to be developed in phases; or

- (b) the building project comprises units for 2 classes of use, namely residential and commercial purpose.

[15/2013]

(3) The licensed housing developer must pay into the Project Account of a building project the purchase moneys received by the licensed housing developer from the sale of the units in the building project and which are required by rules made under this Act to be paid into the Project Account.

(4) The licensed housing developer must not withdraw any money from the Project Account except as authorised by rules made under this Act.

(5) Subject to subsection (6)(b), all moneys in the Project Account are, despite any other written law to the contrary, deemed not to form part of the property of the licensed housing developer in the event —

- (a) the licensed housing developer enters into any composition or arrangement with the licensed housing developer's creditors or has a receiving order or adjudication order made against the licensed housing developer; or
- (b) the licensed housing developer, being a company, goes into voluntary or compulsory liquidation.

(6) Upon any of the events mentioned in subsection (5) occurring —

- (a) the moneys in the Project Account vest in the official receiver, trustee in bankruptcy or liquidator (as the case may be) to be applied for all or any of the purposes for which moneys in the Project Account are authorised by rules made under this Act to be withdrawn; and
- (b) any money remaining in the Project Account, after all payments have been made pursuant to paragraph (a) and all liabilities and obligations of the licensed housing developer under the sale and purchase agreements in respect of the building project have been fully discharged and fulfilled, must be held by the official receiver, trustee in bankruptcy or liquidator (as the case may be) as money belonging to the licensed housing developer to be applied

in accordance with the law relating to bankruptcy or the winding up of companies.

(7) The Minister may, if he or she thinks necessary, appoint the Auditor-General or a public accountant to investigate the books, accounts and transactions of a Project Account.

[15/2013]

(8) The licensed housing developer must pay the Minister all the expenses of and incidental to the investigation mentioned in subsection (7).

(9) Any account opened by a licensed housing developer at a bank or finance company for the purpose of depositing purchase moneys received from purchasers in respect of a building project before 4 January 1985 is deemed to be a Project Account which has been opened pursuant to this section.

(10) This section does not apply to any building project carried on by —

- (a) a licensed housing developer where all the units in the building project will not be offered for sale and purchase before the completion of the building project; or
- (b) a licensed housing developer that furnishes security to the Controller, in the form and manner and on any terms that the Controller may determine, for an amount equivalent to not less than 140% of the total cost of construction of the building project (as at the time of furnishing of the security) as certified by the architect in charge of the building project.

[15/2013]

(11) Any licensed housing developer that contravenes or fails to comply with subsection (1), (3) or (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both.

[15/2013]

(12) In this section —

“building project” means a housing development comprising units to be used for residential purposes or both residential and commercial purposes and includes, for the purposes of subsections (3) to (11), any phase of such housing development where such housing development has been approved by the competent authority under the Planning Act 1998 to be developed in phases;

“unit” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels, and is intended for use in accordance with the provisions of any written law as a complete and separate unit for residential or commercial purpose.

Audited accounts

10.—(1) Every licensed housing developer must within 6 months (or any extended period that the Controller may grant under subsection (2)) after the close of every financial year —

- (a) forward to the Controller; and
- (b) make available, for a continuous period of at least 24 months, at its registered office (in the case of a company or limited liability partnership) or principal place of business (in any other case) during office hours, or on its Internet website, for inspection by the public without charge,

a copy of its audited accounts for that financial year and the report made by its auditor under section 13 in respect of those audited accounts.

[15/2013]

(2) The Controller may extend the time for compliance with subsection (1) but not more than once and such extension must not in any case exceed 6 months.

[15/2013]

(3) Any licensed housing developer that fails to comply with any of the provisions of subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000.

[15/2013]

Information on housing development and sale of housing accommodation

11.—(1) For the purpose of advising the Government or providing the public with information on the state of the property market for housing accommodation, the Controller may —

- (a) collect, compile and analyse information concerning housing developments, sale of units of housing accommodation and particulars of transactions relating to such sales;
- (b) use the information and particulars collected for purposes of any research study or survey by the Controller or any person with whom the Controller enters into any contract, agreement or arrangement pursuant to subsection (3); and
- (c) subject to subsection (4), make available, publish or disseminate the information and particulars collected, the results of any compilation, analysis, research study or survey or any abstract of those results.

[15/2013]

(2) Every licensed housing developer must provide to the Controller —

- (a) all information concerning every building project undertaken by the licensed housing developer and the sale of units in the building project, including the number of units that are made available for sale for any period of time;
- (b) all particulars of transactions, including the particulars of purchasers, intending purchasers and assignees of purchasers, in relation to the sale of units in every building project undertaken by the licensed housing developer; and

- (c) all information on and particulars of agreements (in addition to agreements for sale and purchase) entered or to be entered into with purchasers and intending purchasers in relation to the sale of units in every building project undertaken by the licensed housing developer,

that the Controller may by written notice require and in the form and manner and by the means and within the time or at the regular intervals that the Controller may specify in the notice.

[15/2013]

(3) Subject to subsection (4), the Controller may, with the Minister's approval, enter into any contract, agreement or arrangement with any person for the purpose of compiling or analysing any information or particulars collected or carrying out any research study or survey under this section.

[15/2013]

(4) A person must not disclose any particulars, received under or pursuant to this section, of any purchaser, intending purchaser or assignee of any purchaser of any unit in a building project unless —

- (a) the disclosure is made for the purposes of this section and with the Minister's prior approval;
- (b) the disclosure is in the form of statistics which do not identify the purchaser, intending purchaser or assignee;
- (c) the disclosure is to the Chief Statistician pursuant to his or her direction under section 6 of the Statistics Act 1973 where the particulars are not exempted from section 6(2) of that Act from being provided;
- (d) the particulars are already in the public domain at the time of the disclosure; or
- (e) the disclosure is for the purposes of proceedings for an offence under this Act or any rules made under this Act or any report of those proceedings.

[15/2013]

(5) Any person who contravenes subsection (4) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding

\$10,000 or to imprisonment for a term not exceeding 12 months or to both.

[15/2013]

Sale, disposal, etc., of business requires consent of Controller

12.—(1) Every licensed housing developer must inform the Controller of any proposed arrangement or agreement for any sale or disposal of its business relating to housing development by amalgamation or otherwise or of any proposal for reconstruction.

(2) The Controller may approve or withhold approval of such arrangement or reconstruction.

(3) Any licensed housing developer that is aggrieved by a decision of the Controller under subsection (2) may, within 14 days of being notified of the decision, appeal to the Minister whose decision is final and shall not be questioned in any court.

(4) Any licensed housing developer that fails to comply with subsection (1) shall be guilty of an offence.

Appointment of auditors

13.—(1) Every licensed housing developer must appoint annually an auditor whose duties are to make a report upon the annual accounts of the housing developer.

(2) The auditor must in every such report state in the auditor's opinion whether —

- (a) the accounts are fully and fairly and properly drawn up;
- (b) the accounts exhibit a true and correct statement of the licensed housing developer's affairs; and
- (c) if the auditor has called for explanation or information from the officers or agents of the licensed housing developer, the explanation or information has been satisfactory.

[15/2013]

(3) If a licensed housing developer fails to appoint an auditor under subsection (1) or at any time fails to fill a vacancy for an auditor, the Minister has power to appoint an auditor and may fix the

remuneration to be paid by the licensed housing developer to the auditor.

(4) The following persons are not eligible for appointment as an auditor for a licensed housing developer:

- (a) a person having an interest in the business of the licensed housing developer, as a shareholder or otherwise;
- (b) a director, officer, employee or agent of the licensed housing developer.

(5) Any person appointed as an auditor to a licensed housing developer must forthwith cease to be its auditor if, after such appointment, the person —

- (a) acquires an interest in the business of the licensed housing developer as a shareholder or otherwise; or
- (b) becomes a director, officer, employee or agent of the licensed housing developer.

(6) The duties, powers and liabilities imposed and conferred under section 16 in relation to an investigation by the Controller or an inspector of the affairs of a licensed housing developer under section 14 or 15 are imposed and conferred upon auditors appointed under this section.

Application of Companies Act 1967

13A.—(1) Sections 162 and 163 of the Companies Act 1967 apply to a licensed housing developer which is an exempt private company subject to the modification that any reference in those sections to an exempt private company does not include a reference to the licensed housing developer; and every such licensed housing developer must comply with the prohibitions in section 162 (relating to loans to its directors) and section 163 (relating to loans to persons connected with the directors of the lending company) of that Act as if it were not an exempt private company.

[15/2013]

(2) In this section, “exempt private company” has the meaning given by section 4(1) of the Companies Act 1967.

[15/2013]

Controller or inspector may investigate licensed housing developers

14. The Controller or an inspector may investigate, under conditions of secrecy, the books, accounts and transactions of each licensed housing developer.

Special investigation of licensed housing developers

15. The Minister may at any time direct the Controller or any inspector to make an investigation, under conditions of secrecy, of the books, accounts and transactions of a licensed housing developer, if the Minister has reason to believe that a licensed housing developer —

- (a) is carrying on its business in a manner detrimental to the purchasers or other persons dealing with the licensed housing developer;
- (b) has insufficient assets to cover its liabilities; or
- (c) is contravening any of the provisions of this Act or any rules made under this Act.

[15/2013]

Examination of affairs of licensed housing developer

16.—(1) The Minister may cause an investigation, under conditions of secrecy, to be made by the Controller or an inspector of the affairs of a licensed housing developer on the application of at least 5 purchasers.

(2) Such an application must be supported by such evidence as the Minister may require to be satisfied that the applicants have good reason for requiring an investigation.

(3) The Minister may also require the applicants to give such security as the Minister may consider sufficient to pay the costs of any investigation.

Production of books, accounts and documents of licensed housing developer

17.—(1) For the purposes of an investigation under sections 14, 15 and 16, a licensed housing developer must give the Controller or an inspector access to its books, accounts and documents and must give any information and facilities that may be required to conduct the investigation.

(2) Any licensed housing developer that does not, as is required under subsection (1), give the Controller or an inspector access to its books, accounts and documents or give any information and facilities that may be required to conduct an investigation shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and to a further fine not exceeding \$5,000 for every day during which the offence continues after conviction.

[15/2013]

Investigation and enforcement powers in relation to show units

17A.—(1) For the purpose of ascertaining whether a licensed housing developer has complied with any provision of this Act or any rules made under this Act, any condition attached to its licence granted under section 4(5) or any direction issued by the Controller under subsection (3) in relation to any show unit, the Controller may —

- (a) enter, inspect and examine, at any reasonable time, any premises which are used or proposed to be used as or to display the show unit;
- (b) take any measurements, photographs and video recordings of the premises (including anything in the premises) that he or she thinks fit; and
- (c) take and retain any article, material, model, map, plan or document, or any sample or copy thereof, in the premises as he or she thinks fit.

[15/2013]

(2) The licensed housing developer and the occupier of the premises must give the Controller such information, cooperation

and means as the Controller may require for the exercise of any of his or her powers under subsection (1).

[15/2013]

(3) If the Controller is of the opinion that a licensed housing developer has not complied with any provision of this Act or any rules made under this Act or any condition attached to its licence granted under section 4(5) in relation to any show unit, the Controller may direct the licensed housing developer —

- (a) to take any action that the Controller may consider necessary to rectify any matter relating to the show unit;
- (b) to publish, display or disseminate any information relating to the show unit or the building project connected with the show unit, in the form and manner and within the time, that the Controller may determine; or
- (c) to refrain from displaying or advertising, or cease any display or advertisement of, the show unit until the Controller is satisfied that the licensed housing developer has taken all such actions directed by the Controller under this subsection.

[15/2013]

(4) Any person who —

- (a) obstructs or delays the Controller in the exercise of any of his or her powers under subsection (1); or
- (b) fails to comply with any requirement of the Controller under subsection (2),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

[15/2013]

(5) Any person who fails to comply with any direction of the Controller under subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

[15/2013]

(6) In this section, the reference to the Controller includes a reference to an inspector.

[15/2013]

Action by Minister if licensed housing developer unable to meet obligations or is conducting business to the detriment of purchasers or the public

18.—(1) Where —

- (a) a licensed housing developer informs the Controller —
 - (i) that it considers that it is likely to become unable to meet its obligations; or
 - (ii) that it is about to suspend building operations;
- (b) a licensed housing developer becomes unable to meet its obligations to the purchasers or the public;
- (c) after investigation is made under section 14, 15 or 16, the Controller is of the opinion that a licensed housing developer —
 - (i) is likely to become unable to meet its obligations to the purchasers or the public; or
 - (ii) is carrying on its business in a manner detrimental to the interests of the purchasers or to the public; or
- (d) the licence of a housing developer has been revoked under section 7(1),

the Minister may take any action that he or she may consider necessary in the circumstances.

(2) Without limiting subsection (1), the Minister may for the purposes of taking action under subsection (1) —

- (a) require the licensed housing developer or housing developer (as the case may be) to take any steps that he or she may consider necessary to rectify any matter;
- (b) appoint a person to advise the licensed housing developer or housing developer (as the case may be) in the conduct of its business or winding up of its business;
- (c) direct a company or statutory board to assume control and carry on the business of the licensed housing developer or

housing developer (as the case may be) on any terms and conditions that the Minister may determine; or

- (d) direct the licensed housing developer to apply to the General Division of the High Court for the winding up of the business of the licensed housing developer or housing developer, as the case may be.

[42/2005; 40/2019]

Control of licensed housing developer by company or statutory board

19.—(1) Where a company or statutory board has assumed control of the business of a licensed housing developer under section 18(2)(c), the company or statutory board is, subject to subsection (2), to remain in control of and continue to carry on the business of the licensed housing developer for the time that the Minister may by written order direct.

(2) Where a company or statutory board has assumed control of the business of a licensed housing developer under section 18(2)(c) or ceases to control the business of a licensed housing developer under this section, the Controller must notify that fact in the *Gazette*.

Punishment for failure to comply with directions of Minister

20. A licensed housing developer or housing developer (as the case may be) that fails to —

- (a) take any steps that the Minister may require under section 18(2)(a);
- (b) act in accordance with the advice given by a person appointed by the Minister under section 18(2)(b); or
- (c) apply to the General Division of the High Court for the winding up of its business in accordance with a direction made by the Minister under section 18(2)(d),

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 and to a further fine not exceeding \$5,000 for every day during which the offence continues after conviction.

[42/2005; 15/2013; 40/2019]

Licensed housing developer under control of company or statutory board to cooperate with company or statutory board and Controller

21.—(1) Where a company or statutory board has assumed control of the business of a licensed housing developer under section 18(2)(c), the licensed housing developer must submit its business to the control of the company or statutory board and must give the company or statutory board any facilities that the Controller may require to carry on the business of that licensed housing developer.

(2) Any licensed housing developer that fails to comply with subsection (1) or with any requirement of the Controller under that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100,000 and to a further fine not exceeding \$5,000 for every day during which the offence continues after conviction.

[15/2013]

PART 4

POWER TO MAKE RULES AND TO ISSUE DIRECTIONS

Rules

22.—(1) The Minister may make rules for or in respect of every purpose which he or she considers necessary for carrying out the provisions of this Act and for the prescribing of any matter which is authorised or required under this Act to be prescribed.

(2) Without limiting subsection (1), the Minister may by rules provide for —

- (a) the regulation of the advertisements of a licensed housing developer;
- (b) *[Deleted by Act 15 of 2013]*
- (c) the payments by the purchaser before and during the construction of the house, flat or other housing accommodation, including —

- (i) the amount of the maximum initial deposit that may be accepted from a purchaser before an agreement to purchase land or for the construction of a house, flat or other housing accommodation is signed, or on signing the agreement, and the conditions that must be satisfied before a licensed housing developer may sign such an agreement with a purchaser;
 - (ii) the stage of construction at which each instalment becomes payable and the percentage in relation to the total cost of the house that is payable in respect of each instalment;
 - (iii) the requirements to be fulfilled before a licensed housing developer can require a purchaser to pay an instalment which is due; and
 - (iv) the amount of the purchase price, expressed as a percentage of the total price which the purchaser is not required to pay before the certificate of statutory completion is issued;
- (ca) the disclosure in any contract that is to be used by a licensed housing developer, the licensed housing developer's agent or nominee and a purchaser of any limited common property comprised in the development;
- (d) the form or forms of the contract that must be used by a licensed housing developer, the licensed housing developer's agent or nominee and a purchaser as a condition of the grant of a licence under this Act;
- (e) the conditions, which if used in any contract between a licensed housing developer, the licensed housing developer's agent or nominee and a purchaser, are void;
- (f) the fees and charges to be paid for any matter or thing to be done for the purposes of this Act;
- (g) the regulation of the Project Account including —
- (i) prescribing moneys which must be paid into a Project Account; and

- (ii) prescribing moneys which may be withdrawn from a Project Account and the conditions for such withdrawal;
- (h) the regulation of show units for the purpose of ensuring that any information about or depiction of any house, flat or other housing accommodation offered for sale is accurate, including but not limited to —
 - (i) requiring a licensed housing developer or any class of licensed housing developers to erect, set up or display a show unit or such type of show units as may be prescribed;
 - (ii) prescribing matters, for compliance by a licensed housing developer or any class of licensed housing developers, relating to the erection, furnishing, decoration, setting up or display of a show unit and its contents, including but not limited to its size, dimensions, boundaries, structures, installations, articles, materials and finishes, features, facilities, fittings and appliances; and
 - (iii) requiring a licensed housing developer or any class of licensed housing developers to give visitors to a show unit any information, permissions and facilities that may be prescribed;
- (i) the requirements relating to any information, map, plan, model or sample of any material that a licensed housing developer or any class of licensed housing developers may display or provide to any purchaser or prospective purchaser in relation to any house, flat or other housing accommodation offered for sale;
- (j) the regulation of the manner in which any house, flat or other housing accommodation is marketed or promoted, or the sale thereof is carried out, by a licensed housing developer or any class of licensed housing developers;
- (k) the regulation of the collection or receipt by a licensed housing developer of any cheque or other form of payment

in respect of the sale or prospective sale of any house, flat or other housing accommodation;

- (l) the publication (in any form and manner that the Controller may specify) by a licensed housing developer of the purchase price and any other particulars that may be prescribed relating to an option to purchase or the sale of a house, flat or other housing accommodation; and
- (m) the regulation of any benefit (in the form of payment, rebate, reimbursement, allowance, discount, voucher or other benefit (whether monetary or otherwise)) that a licensed housing developer (or the licensed housing developer's agent or nominee) may give or agree to give to a purchaser or an intending purchaser in relation to or conditional upon the sale of any house, flat or other housing accommodation including —
 - (i) requiring the disclosure of such benefit (including its amount or monetary value) in a contract between the licensed housing developer (or the licensed housing developer's agent or nominee) and the purchaser or intending purchaser;
 - (ii) requiring the publication (in any form and manner that the Controller may specify) by the licensed housing developer of the amount or monetary value of such benefit; and
 - (iii) prescribing the manner of determining the monetary value of such benefit.

[47/2004; 15/2013; 35/2017]

(3) Rules made under this section —

- (a) may prescribe that any act or omission in contravention of any rules is an offence;
- (b) may provide for the imposition of penalties not exceeding a fine of \$5,000 or imprisonment for a term of 3 years or both; and

(c) may provide that in addition to such fine or imprisonment or fine and imprisonment, the penalty may extend to the cancellation or suspension of a licence.

(4) The Minister may, instead of making any rules prescribing the forms which by this Act are required to be or may be prescribed, authorise the Controller to prescribe any forms that the Controller thinks fit.

(5) All rules made under this section must be published in the *Gazette* and must be presented to Parliament as soon as possible after publication.

Power to give directions

23.—(1) The Controller may give written directions to a licensed housing developer to ensure compliance with the provisions of this Act or any rules made under this Act.

(2) Any licensed housing developer that fails to act or omits to act in accordance with the Controller's directions shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 and to a further fine not exceeding \$5,000 for every day during which the offence continues after conviction.

(3) The licensed housing developer may, in addition to such a punishment, be liable to have its licence cancelled or suspended.

[15/2013]

PART 5

GENERAL

Immunity of Government, Controller, etc.

24.—(1) The Government, the Controller, the Deputy Controller, any authorised officer, any inspector or any other officer of the Government shall not be subject to any action, claim or demand by or liability to any person in respect of anything done or omitted to be done in good faith in pursuance or in execution or intended execution or in connection with the execution or intended execution of any power conferred upon the Government, the Controller, the Deputy

Controller or such authorised officer, inspector or other officer by this Act.

[15/2013]

(2) For the purposes of this section, the Minister and any public officer are deemed to be an officer of the Government.

Individuals not eligible to take part in management of business of licensed housing developers

25.—(1) Without affecting any additional restriction or prohibition in any other written law relating to companies, cooperative societies, societies, limited liability partnerships or partnerships, any person who —

- (a) is convicted of an offence (whether in Singapore or elsewhere) involving fraud or dishonesty must not hold or continue to hold a responsible position in a licensed housing developer until the expiry of 5 years after the later of the following dates:
 - (i) the date of his or her conviction;
 - (ii) where he or she is sentenced to a term of imprisonment, the date of his or her release from imprisonment;
- (b) is an undischarged bankrupt (whether in Singapore or elsewhere) must not hold or continue to hold a responsible position in a licensed housing developer; and
- (c) holds a responsible position in a licensed housing developer must cease to hold that position if he or she suspends payment to or compounds with his or her creditors.

[15/2013]

(2) Any person holding a responsible position in a licensed housing developer that —

- (a) is wound up by a court under the Insolvency, Restructuring and Dissolution Act 2018 or the Limited Liability Partnerships Act 2005;

(b) is dissolved under section 33, 34 or 35 of the Partnership Act 1890 or section 24 of the Societies Act 1966; or

(c) is wound up under section 83 of the Co-operative Societies Act 1979,

must not, except with the Minister's written approval, hold or continue to hold a responsible position in any other licensed housing developer.

[15/2013; 40/2018]

(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 3 years or to both.

[15/2013]

Penalty for offences not otherwise provided for

26. Any licensed housing developer that is guilty of an offence for which no penalty is expressly provided shall be liable on conviction to a fine not exceeding \$50,000.

[15/2013]

Offences by bodies corporate, etc.

27.—(1) Where an offence under this Act or any rules made under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer; or

(b) to be attributable to any neglect on the officer's part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[15/2013]

(2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member of the body corporate in connection with the member's functions of management as if the member were a director of the body corporate.

[15/2013]

(3) Where an offence under this Act or any rules made under this Act committed by a partnership is proved —

(a) to have been committed with the consent or connivance of a partner of the partnership; or

(b) to be attributable to any neglect on the partner's part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[15/2013]

(4) Where an offence under this Act or any rules made under this Act committed by a limited liability partnership is proved —

(a) to have been committed with the consent or connivance of a partner or manager of the limited liability partnership; or

(b) to be attributable to any neglect on the part of such a partner or manager,

the partner or manager (as the case may be) as well as the limited liability partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[15/2013]

(5) Where an offence under this Act or any rules made under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

(b) to be attributable to any neglect on the part of such an officer or member,

the officer or member (as the case may be) as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

[15/2013]

(6) In this section —

“body corporate” and “partnership” exclude a limited liability partnership;

“officer” —

- (a) in relation to a body corporate, means any director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or
- (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of such a committee, and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

[15/2013]

(7) The Minister may make rules to provide for the application of any provision of this section, with any modifications that the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

[15/2013]

Composition of offences

27A.—(1) The Controller may compound any offence under this Act or any rules made under this Act which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

[15/2013]

(2) On payment of the sum of money, no further proceedings may be taken against that person in respect of the offence.

[15/2013]

(3) The Minister may make rules to prescribe the offences which may be compounded.

[15/2013]

(4) All sums collected under this section must be paid to the Consolidated Fund.

[15/2013]

Exemption

28. The Minister may by notification in the *Gazette* exempt any person, group of persons, partnership, society or company or statutory board from all or any of the provisions of this Act.

[37/2008]

Consent of Public Prosecutor

29. No prosecution in respect of any offence under this Act may be instituted except with the consent of the Public Prosecutor.

[15/2010]

LEGISLATIVE HISTORY
HOUSING DEVELOPERS
(CONTROL AND LICENSING)
ACT 1965

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Ordinance 4 of 1965 — Housing Developers (Control and Licensing) Ordinance, 1965

Bill	:	35/1964
First Reading	:	12 November 1964
Second Reading	:	19 November 1964
Select Committee Report	:	Sessional Paper No. L.A. 1 of 1965
Notice of Amendments	:	16 June 1965
Third Reading	:	16 June 1965
Commencement	:	1 October 1965

2. 1970 Revised Edition — Housing Developers (Control and Licensing) Act (Chapter 250)

Operation	:	31 July 1971
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3. Act 29 of 1984 — Housing Developers (Control and Licensing) (Amendment) Act 1984

Bill	:	24/1984
First Reading	:	24 July 1984
Second and Third Readings	:	24 August 1984
Commencement	:	4 January 1985

4. 1985 Revised Edition — Housing Developers (Control and Licensing) Act (Chapter 130)

Operation	:	30 March 1987
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5. Act 26 of 2001 — Statutes (Miscellaneous Amendments and Repeal) Act 2001

(Amendments made by section 8 of the above Act)

Bill	:	24/2001
First Reading	:	11 July 2001

Second and Third Readings	:	25 July 2001
Commencement	:	1 September 2001 (section 8)

6. Act 47 of 2004 — Building Maintenance and Strata Management Act 2004

(Amendments made by section 140 read with item (9) of the Fifth Schedule to the above Act)

Bill	:	6/2004
First Reading	:	6 February 2004
Second Reading	:	19 April 2004
Select Committee Report	:	Parl. 5 of 2004
Third Reading	:	19 October 2004
Commencement	:	1 April 2005 (section 140 read with item (9)(a) of the Fifth Schedule)

7. Act 17 of 2005 — Statutes (Miscellaneous Amendments and Repeal) Act 2005

(Amendments made by section 6 of the above Act)

Bill	:	7/2005
First Reading	:	18 April 2005
Second and Third Readings	:	16 May 2005
Commencement	:	15 July 2005 (section 6)

8. Act 42 of 2005 — Statutes (Miscellaneous Amendments) (No. 2) Act 2005

(Amendments made by section 5 read with item (15) of the First Schedule to the above Act)

Bill	:	30/2005
First Reading	:	17 October 2005
Second and Third Readings	:	21 November 2005
Commencement	:	1 April 2006 (section 5 read with item (15) of the First Schedule)

9. Act 37 of 2008 — Limited Partnerships Act 2008

(Amendments made by section 44 read with item (3) of the Third Schedule to the above Act)

Bill	:	35/2008
First Reading	:	21 October 2008
Second and Third Readings	:	18 November 2008

Commencement : 4 May 2009 (section 44 read with item (3) of the Third Schedule)

10. Act 15 of 2010 — Criminal Procedure Code 2010

(Amendments made by section 430 read with item 46 of the Sixth Schedule to the above Act)

Bill : 11/2010
 First Reading : 26 April 2010
 Second Reading : 18 May 2010
 Third Reading : 19 May 2010
 Commencement : 2 January 2011 (section 430 read with item 46 of the Sixth Schedule)

11. Act 11 of 2013 — Insurance (Amendment) Act 2013

(Amendments made by section 69 read with item 9 of the Schedule to the above Act)

Bill : 5/2013
 First Reading : 4 February 2013
 Second Reading : 15 March 2013
 Notice of Amendments : 15 March 2013
 Third Reading : 15 March 2013
 Commencement : 18 April 2013 (section 69 read with item 9 of the Schedule)

12. Act 15 of 2013 — Housing Developers (Control and Licensing) (Amendment) Act 2013

Bill : 7/2013
 First Reading : 6 February 2013
 Second and Third Readings : 8 April 2013
 Commencement : 25 May 2015

13. Act 35 of 2017 — Building Maintenance and Strata Management (Amendment) Act 2017

(Amendments made by section 63(1) of the above Act)

Bill : 29/2017
 First Reading : 1 August 2017
 Second and Third Readings : 11 September 2017

Commencement : 1 February 2019 (section 63(1))

14. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018
(Amendments made by section 482 of the above Act)

Bill : 32/2018

First Reading : 10 September 2018

Second and Third Readings : 1 October 2018

Commencement : 30 July 2020 (section 482)

15. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019
(Amendments made by section 28(1) read with item 69 of the Schedule to the above Act)

Bill : 32/2019

First Reading : 7 October 2019

Second Reading : 5 November 2019

Notice of Amendments : 5 November 2019

Third Reading : 5 November 2019

Commencement : 2 January 2021 (section 28(1) read with item 69 of the Schedule)

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

COMPARATIVE TABLE
HOUSING DEVELOPERS
(CONTROL AND LICENSING)
ACT 1965

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	1985 Ed.
4—(4)	4—(3A)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
7—(1) and (2)	7—(1)
(3)	(2)
8	8—(1)
—	(2) [<i>Deleted by Act 15 of 2013</i>]
10—(2)	10—(1A)
(3)	(2)
13—(1) and (2)	13—(1)
—	(2) [<i>Deleted by Act 15 of 2013</i>]
—	(3) [<i>Deleted by Act 15 of 2013</i>]
(3)	(4)
(4) and (5)	(5)
16—(2) and (3)	16—(2)
—	17—(3) [<i>Deleted by Act 15 of 2013</i>]
23—(2) and (3)	23—(2)