



THE STATUTES OF THE REPUBLIC OF SINGAPORE

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

(CHAPTER 130)

(Original Enactment: Act 4 of 1965)

REVISED EDITION 1985

(30th March 1987)

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT (CHAPTER 275)

Informal Consolidation – version in force from 1/2/2019

Housing Developers (Control and Licensing) Act

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An Act for the licensing and control of housing developers.

[1st October 1965]

PART I
PRELIMINARY**Short title**

1. This Act may be cited as the Housing Developers (Control and Licensing) Act.

Interpretation

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

“accounts” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);

[Act 15 of 2013 wef 25/05/2015]

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

[Act 15 of 2013 wef 25/05/2015]

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

[Act 15 of 2013 wef 25/05/2015]

“certificate of statutory completion” has the same meaning as in section 2(1) of the Building Control Act (Cap. 29);

[Act 15 of 2013 wef 25/05/2015]

“company” means any company incorporated, formed or registered under the provisions of the Companies Act [Cap. 50] 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);

[Act 15 of 2013 wef 25/05/2015]

“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 such 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 co-operative society or otherwise;
- (d) company; or
- (e) limited liability partnership,

[17/2005 wef 15/07/2005]

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

- (i) bank which is in possession of a valid licence granted by the Monetary Authority of Singapore under the Banking Act [Cap. 19];

[26/2001 wef 01/09/2001]

- (ii) insurer licensed under section 8 of the Insurance Act [Cap. 142],

[Act 11 of 2013 wef 18/04/2013]

[Act 15 of 2013 wef 25/05/2015]

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

[Act 15 of 2013 wef 25/05/2015]

“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);

[Act 15 of 2013 wef 25/05/2015]

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

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

“limited liability partnership” and “limited liability partnership agreement” have the same meanings as in section 2(1) of the Limited Liability Partnerships Act 2005 (Act 5 of 2005);

[17/2005 wef 15/07/2005]

“manager”, in relation to a limited liability partnership, has the same meaning as in section 2(1) of the Limited Liability Partnerships Act 2005;

[17/2005 wef 15/07/2005]

[37/2008 wef 04/05/2009]

“partner”, in relation to a limited partnership, means a general partner as defined in the Limited Partnerships Act 2008;

[37/2008 wef 04/05/2009]

[Act 15 of 2013 wef 25/05/2015]

“public accountant” means any person registered or deemed to be registered under the Accountants Act (Cap. 2) as a public accountant;

[Act 15 of 2013 wef 25/05/2015]

“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;

[Act 15 of 2013 wef 25/05/2015]

“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;

[Act 15 of 2013 wef 25/05/2015]

“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;

[Act 15 of 2013 wef 25/05/2015]

“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.

[Act 15 of 2013 wef 25/05/2015]

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

[37/2008 wef 04/05/2009]

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.

(2) The Controller shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and shall perform such duties as are imposed and may exercise such powers as are conferred upon him by this Act and any rules made thereunder.

(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) such number of inspectors as may be required for the purposes of this Act.

(4) The Deputy Controller may, subject to such directions as may be specified by the Controller, 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 thereunder; and any reference in this Act and any rules made thereunder to the Controller shall include a reference to the Deputy Controller.

(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 thereunder (except the power of delegation conferred by this subsection), subject to such conditions or limitations as set out in this Act or as the Controller may specify by directions; and any reference in this Act and any rules made thereunder to the Controller shall include a reference to such authorised officer.

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

(7) No delegation under this section shall prevent the exercise of any function or power under this Act or any rules made thereunder by the Controller.

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

- (a) shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224); and
- (b) in relation to their administration, assessment, collection or enforcement of payment of composition sums, shall be deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act shall apply to such persons notwithstanding that they are not or were not in the employment of the Government.

[Act 15 of 2013 wef 25/05/2015]

PART II

LICENSING OF HOUSING DEVELOPERS

Housing development to be carried out only by licensed housing developer

4.—(1) No housing development shall be carried out or undertaken in Singapore except by a housing developer who or which is in possession of a licence in writing from the Controller authorising it to do so.

(2) Subject to subsection (3A), a housing developer that desires to carry out or undertake housing development in Singapore may apply to the Controller, in such form and manner as may be specified by the Controller, for a licence and shall supply —

- (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) such other information as may be required by the Controller.

[Act 15 of 2013 wef 25/05/2015]

[17/2005 wef 15/07/2005]

[Act 15 of 2013 wef 25/05/2015]

(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 supplied to the Controller under subsection (2) shall 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; and
- (e) in the case of a limited liability partnership, by its manager.

[17/2005 wef 15/07/2005]

[Act 15 of 2013 wef 25/05/2015]

(3A) The Controller may, on the request of a housing developer applying for a licence under subsection (2), modify or waive the

requirement for the supply of any document or information referred to in that subsection subject to such conditions as the Controller may impose.

[Act 15 of 2013 wef 25/05/2015]

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

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

[Act 15 of 2013 wef 25/05/2015]

(5) 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 shall, prior to any such action, notify his intention to take such action against the housing developer concerned and shall 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, shall not have retrospective effect.

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

(7) 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.

[Act 15 of 2013 wef 25/05/2015]

(8) 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.

[Act 15 of 2013 wef 25/05/2015]

(9) Any housing developer that is aggrieved by a decision of the Controller under subsection (4) or (5) may, within 10 days after it is notified of the decision, appeal to the Minister whose decision shall be final.

[Act 15 of 2013 wef 25/05/2015]

Licences not to be granted in certain cases

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

- (a) is a company, unless the housing developer —
 - (i) has an issued and paid-up capital of such amount as may be prescribed by the Minister; or
 - (ii) has lodged with the Controller, in such form and manner and on such terms as the Controller may determine, a deposit or security of such sum as may be prescribed by the Minister;
- (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 such form and manner and on such terms as the Controller may determine, a deposit or security of such sum as may be prescribed by the Minister;
- (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.

(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.

[Act 15 of 2013 wef 25/05/2015]

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

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

[37/2008 wef 04/05/2009]

(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.

[Act 15 of 2013 wef 25/05/2015]

Revocation or suspension of licence

7.—(1) If any licensed housing developer —

- (a) is carrying on its business, in the opinion of the Controller, 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 opinion of the Controller, contravening any provisions of this Act or of any rules made thereunder;

[Act 15 of 2013 wef 25/05/2015]

- (d) has ceased to carry on housing development in Singapore;

[Act 15 of 2013 wef 25/05/2015]

(e) has a person holding a responsible position therein in contravention of section 25(1) or (2);

[Act 15 of 2013 wef 25/05/2015]

(f) has failed to comply with any condition attached to its licence;

[Act 15 of 2013 wef 25/05/2015]

(g) has failed to comply with any direction issued by the Controller under this Act;

[Act 15 of 2013 wef 25/05/2015]

(h) without reasonable excuse, fails to furnish any information or particulars required by the Controller under section 11(2); or

[Act 15 of 2013 wef 25/05/2015]

(i) furnishes or causes to be furnished 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,

[Act 15 of 2013 wef 25/05/2015]

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

Provided that the Controller shall, prior to any such revocation or suspension, notify his intention to take such action against the licensed housing developer concerned and shall 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.

[Act 15 of 2013 wef 25/05/2015]

(2) 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 shall be final and shall not be questioned in any court.

[Act 15 of 2013 wef 25/05/2015]

[Act 15 of 2013 wef 25/05/2015]

PART III

DUTIES OF LICENSED HOUSING DEVELOPERS

Controller to be advised of alteration

8.—(1) A licensed housing developer shall within 4 weeks of the making of 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 by-laws or rules of the society;
- (c) if a group of persons or partnership, in any agreement;
[17/2005 wef 15/07/2005]
- (d) if a limited liability partnership, in the limited liability partnership agreement or other document to that effect,
[17/2005 wef 15/07/2005]

furnish to the Controller particulars in writing of the alteration.

(2) *[Deleted by Act 15 of 2013 wef 25/05/2015]*

Licensed housing developer to open and maintain Project Account

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

[29/84]

(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.

[Act 15 of 2013 wef 25/05/2015]

(3) The licensed housing developer shall 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 shall 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 shall, notwithstanding any other written law to the contrary, be 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 his creditors or has a receiving order or adjudication order made against him; or
- (b) the licensed housing developer, being a company, goes into voluntary or compulsory liquidation.

(6) Upon the happening of any of the events referred to in subsection (5) —

- (a) the moneys in the Project Account shall 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, shall 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 thinks necessary, appoint the Auditor-General or a public accountant to investigate the books, accounts and transactions of a Project Account.

[Act 15 of 2013 wef 25/05/2015]

(8) The licensed housing developer shall pay the Minister all the expenses of and incidental to the investigation referred to 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 prior to 4th January 1985 shall be deemed to be a Project Account which has been opened pursuant to this section.

(10) This section shall 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

[Act 15 of 2013 wef 25/05/2015]

(b) a licensed housing developer that furnishes security to the Controller, in such form and manner and on such terms as 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.

[Act 15 of 2013 wef 25/05/2015]

(c) *[Deleted by Act 15 of 2013 wef 25/05/2015]*

(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.

[Act 15 of 2013 wef 25/05/2015]

(12) For the purpose of 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 [Cap. 232] 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.

[8A

Audited accounts

10.—(1) Every licensed housing developer shall within 6 months (or such extended period as the Controller may grant under subsection (1A)) after the close of every financial year —

- (a) forward to the Controller; and
- (b) make available, for a continuous period of not less than 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 that audited accounts.

[Act 15 of 2013 wef 25/05/2015]

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

[Act 15 of 2013 wef 25/05/2015]

(2) 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.

[9

[Act 15 of 2013 wef 25/05/2015]

[Act 15 of 2013 wef 25/05/2015]

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.

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

- (a) all such 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 such 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 such 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,

as the Controller may by notice in writing require and in such form and manner and by such means and within such time or at such regular intervals as the Controller may specify in the notice.

(3) Subject to subsection (4), the Controller may, with the approval of the Minister, 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.

(4) No person shall 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 prior approval of the Minister;
- (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 direction under section 6 of the Statistics Act (Cap. 317) where the particulars are not exempted from section 6(2) of that Act from being furnished;
- (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 thereunder or any report of those proceedings.

(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.

[Act 15 of 2013 wef 25/05/2015]

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

12.—(1) Every licensed housing developer shall 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 shall be 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.

[11]

Appointment of auditors

13.—(1) Every licensed housing developer shall appoint annually an auditor whose duties shall be to make a report upon the annual accounts of the housing developer. The auditor shall in every such report state in his opinion whether —

- (a) the accounts are fully and fairly and properly drawn up;
[Act 15 of 2013 wef 25/05/2015]
- (b) the accounts exhibit a true and correct statement of the licensed housing developer's affairs; and
[Act 15 of 2013 wef 25/05/2015]
- (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.

[Act 15 of 2013 wef 25/05/2015]

(2) *[Deleted by Act 15 of 2013 wef 25/05/2015]*

(3) *[Deleted by Act 15 of 2013 wef 25/05/2015]*

(4) 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 shall have power to appoint an auditor and shall fix the remuneration to be paid by the licensed housing developer to the auditor.

(5) No person having an interest in the business of a licensed housing developer, as a shareholder or otherwise, and no director, officer, employee or agent of that licensed housing developer shall be

eligible for appointment as an auditor for that licensed housing developer. Any person appointed as an auditor to a licensed housing developer, who after such appointment acquires such an interest or becomes a director, officer, employee or agent of that licensed housing developer, shall forthwith cease to be its auditor.

(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 hereby imposed and conferred upon auditors appointed under this section.

[12]

Application of Companies Act

13A.—(1) Sections 162 and 163 of the Companies Act (Cap. 50) shall 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 shall not include a reference to the licensed housing developer; and every such licensed housing developer shall 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.

(2) In this section, “exempt private company” has the same meaning as in section 4(1) of the Companies Act.

[Act 15 of 2013 wef 25/05/2015]

Controller or inspector may investigate licensed housing developers

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

[13]

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

he has reason to believe that a licensed housing developer is carrying on its business in a manner detrimental to the purchasers or other persons dealing with the licensed housing developer or has insufficient assets to cover its liabilities or is contravening any of the provisions of this Act or any rules made thereunder.

[14

[Act 15 of 2013 wef 25/05/2015]

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 not less than 5 purchasers.

(2) Such an application shall be supported by such evidence as the Minister may require for the purpose of satisfying himself that the applicants have good reason for requiring an investigation. The Minister may also require the applicants to give such security as he may consider sufficient for the payment of the costs of any investigation.

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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 shall afford the Controller or an inspector access to its books, accounts and documents and shall give such information and facilities as may be required to conduct the investigation.

(2) Any licensed housing developer that does not, as is required under subsection (1), afford the Controller or an inspector access to its books, accounts and documents or give such information and facilities as 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.

[Act 15 of 2013 wef 25/05/2015]

(3) *[Deleted by Act 15 of 2013 wef 25/05/2015]*

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 thereunder, any condition attached to its licence granted under section 4(4) 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 such measurements, photographs and video recordings of the premises (including anything therein) as he 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 thinks fit.

(2) The licensed housing developer and the occupier of the premises shall furnish to the Controller such information, co-operation and means as the Controller may require for the exercise of any of his powers under subsection (1).

(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 thereunder or any condition attached to its licence granted under section 4(4) in relation to any show unit, the Controller may direct the licensed housing developer —

- (a) to take such action as the Controller may consider necessary to rectify any matter relating to the show unit;
- (b) to publish, display or disseminate such information relating to the show unit or the building project connected with the show unit, in such form and manner and within such time, as 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.

(4) Any person who —

- (a) obstructs or delays the Controller in the exercise of any of his 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.

(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.

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

[Act 15 of 2013 wef 25/05/2015]

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, in his discretion, take such action as he may consider necessary in the circumstances.

(2) Without prejudice to the generality of 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 such steps as he 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, upon such terms and conditions as the Minister may determine; or
- (d) direct the licensed housing developer to apply to 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 wef 01/04/2006]

[17

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 in pursuance of section 18(2)(c), the company or statutory board shall, subject to subsection (2), remain in control of and continue to carry on the business of the licensed housing developer for such time as the Minister may by order in writing direct.

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

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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 such steps as may be required by the Minister 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);
- (c) apply to 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 wef 01/04/2006]

[19

[Act 15 of 2013 wef 25/05/2015]

Licensed housing developer under control of company or statutory board to co-operate 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 in pursuance of section 18(2)(c), the licensed housing developer shall submit its business to the control of the company or statutory board and shall provide the company or statutory board with such facilities as 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 thereunder

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.

[20

[Act 15 of 2013 wef 25/05/2015]

PART IV

POWER TO MAKE RULES AND TO ISSUE DIRECTIONS

Rules

22.—(1) The Minister may make rules for or in respect of every purpose which is considered by him 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 prejudice to the generality of subsection (1), the Minister may by such rules provide for —

- (a) the regulation of the advertisements of a licensed housing developer;
- (b) *[Deleted by Act 15 of 2013 wef 25/05/2015]*
- (c) the payments by the purchaser before and during the construction of the house, flat or other 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 accommodation is signed, or on signing such agreement, and the conditions that shall be satisfied before a licensed housing developer may sign such an agreement with a purchaser;
 - (ii) the stage of construction at which each instalment shall become payable and the percentage in relation to the total cost of the house that shall be payable in respect of such 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 shall not be required to pay before the certificate of statutory completion is issued;
[Act 15 of 2013 wef 25/05/2015]
- (ca) the disclosure in any contract that shall be used by a licensed housing developer, his agent or nominee and a purchaser of any limited common property comprised in the development;
[47/2004 wef 01/04/2005]
- (cb) *[Deleted by Act 35 of 2017 wef 01/02/2019]*
- (d) the form or forms of the contract that shall be used by a licensed housing developer, his 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, his agent or nominee and a purchaser, shall be void;
- (f) the fees and charges to be paid for any matter or thing to be done for the purposes of this Act;
[Act 15 of 2013 wef 25/05/2015]
- (g) the regulation of the Project Account including —
 - (i) prescribing moneys which shall be paid into a Project Account; and
 - (ii) prescribing moneys which may be withdrawn from a Project Account and the conditions for such withdrawal;
[29/84]
[Act 15 of 2013 wef 25/05/2015]
- (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 provide visitors to a show unit such information, permissions and facilities as may be prescribed;

[Act 15 of 2013 wef 25/05/2015]

- (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;

[Act 15 of 2013 wef 25/05/2015]

- (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;

[Act 15 of 2013 wef 25/05/2015]

- (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;

[Act 15 of 2013 wef 25/05/2015]

- (l) the publication (in such form and manner as may be specified by the Controller) by a licensed housing developer of the purchase price and such other particulars as may be prescribed relating to an option to purchase or the sale of a house, flat or other housing accommodation; and

[Act 15 of 2013 wef 25/05/2015]

- (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 its 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 accommodation including —

- (i) requiring the disclosure of such benefit (including its amount or monetary value) in a contract between the licensed housing developer (or its agent or nominee) and the purchaser or intending purchaser;
- (ii) requiring the publication (in such form and manner as may be specified by the Controller) 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.

[Act 15 of 2013 wef 25/05/2015]

(3) Such rules —

- (a) may prescribe that any act or omission in contravention of any rules shall be an offence;
- (b) may provide for the imposition of penalties, which shall not exceed 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, in lieu of making any rules prescribing the forms which by this Act are required to be or may be prescribed, authorise the Controller to prescribe such forms as the Controller thinks fit.

(5) All such rules shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication.

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Power to give directions

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

(2) Any licensed housing developer that fails to act or omits to act in accordance with the directions of the Controller 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. The licensed housing developer may, in addition to such a punishment, be liable to have its licence cancelled or suspended.

[22]

[Act 15 of 2013 wef 25/05/2015]

PART V

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.

[Act 15 of 2013 wef 25/05/2015]

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

[23

[Act 15 of 2013 wef 25/05/2015]

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

25.—(1) Without prejudice to any additional restriction or prohibition in any other written law relating to companies, co-operative societies, societies, limited liability partnerships or partnerships —

(a) a person who is convicted of an offence (whether in Singapore or elsewhere) involving fraud or dishonesty shall not hold or continue to hold a responsible position in a licensed housing developer until the expiration of 5 years after —

(i) the date of his conviction; or

(ii) where he is sentenced to a term of imprisonment, the date of his release from imprisonment,

whichever date is the later;

(b) a person who is an undischarged bankrupt (whether in Singapore or elsewhere) shall not hold or continue to hold a responsible position in a licensed housing developer; and

(c) any person who holds a responsible position in a licensed housing developer shall cease to hold that position if he suspends payment to or compounds with his creditors.

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

(a) is wound by a court under the Companies Act (Cap. 50) or the Limited Liability Partnerships Act (Cap. 163A);

(b) is dissolved under section 33, 34 or 35 of the Partnership Act (Cap. 391) or section 24 of the Societies Act (Cap. 311); or

(c) is wound up under section 83 of the Co-operative Societies Act (Cap. 62),

shall not, except with the approval in writing of the Minister, hold or continue to hold a responsible position in any other licensed housing developer.

(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.

[Act 15 of 2013 wef 25/05/2015]

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.

[25

[Act 15 of 2013 wef 25/05/2015]

Offences by bodies corporate, etc.

27.—(1) Where an offence under this Act or any rules made thereunder 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 his 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.

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

(3) Where an offence under this Act or any rules made thereunder 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 his 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.

(4) Where an offence under this Act or any rules made thereunder 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.

(5) Where an offence under this Act or any rules made thereunder 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.

(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.

(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as 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.

[Act 15 of 2013 wef 25/05/2015]

Composition of offences

27A.—(1) The Controller may, in his discretion, compound any offence under this Act or any rules made thereunder 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.

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

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

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

[Act 15 of 2013 wef 25/05/2015]

Exemption

28. The Minister may by notification published 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 wef 04/05/2009]

[27

Consent of Public Prosecutor

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

[15/2010 wef 02/01/2011]

[28

LEGISLATIVE HISTORY
HOUSING DEVELOPERS (CONTROL AND LICENSING) ACT
(CHAPTER 130)

This Legislative History is provided for the convenience of users of the Housing Developers (Control and Licensing) Act. It is not part of the Act.

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

Date of First, Second and Third Readings : Date not available.

Date of commencement : 1 October 1965

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

Date of operation : 31 July 1971

3. Act 29 of 1984 — Housing Developers (Control and Licensing) (Amendment) Act 1984

Date of First Reading : 24 July 1985
(Bill No. 24/84 published on 3 August 1984)

Date of Second and Third Readings : 24 August 1984

Date of commencement : 4 January 1985

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

Date of operation : 30 March 1987

5. Act 26 of 2001 — Statutes (Miscellaneous Amendments and Repeal) Act 2001

Date of First Reading : 11 July 2001
(Bill No. 24/2001 published on 12 July 2001)

Date of Second and Third Readings : 25 July 2001

Date of commencement : 1 September 2001

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

(Consequential amendments made to Act by)

Date of First Reading : 6 February 2004
(Bill No. 6/2004 published on
7 February 2004)

Date of Second and Third Readings : 19 October 2004

Date of commencement : 1 April 2005

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

Date of First Reading : 18 April 2005
(Bill No. 7/2005 published on
19 April 2005)

Date of Second and Third Readings : 16 May 2005

Date of commencement : 15 July 2005

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

Date of First Reading : 17 October 2005
(Bill No. 30/2005 published on
18 October 2005)

Date of Second and Third Readings : 21 November 2005

Dates of commencement : 1st April 2006 (Item (15) in the
First Schedule)

9. Act 37 of 2008 — Limited Partnerships Act 2008

(Consequential amendments made to Act by)

Date of First Reading : 20 October 2008
(Bill No. 35/2008 published on
21 October 2008)

Date of Second and Third Readings : 18 November 2008

Date of commencement : 4 May 2009

10. Act 15 of 2010 — Criminal Procedure Code 2010

(Consequential amendments made to Act by)

Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on
26 April 2010)

Date of Second and Third Readings : 19 May 2010

Date of commencement : 2 January 2011

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

(Consequential amendments made to Act by)

Date of First Reading : 4 February 2013 (Bill No. 5/2013 published on 4 February 2013)

Date of Second and Third Readings : 15 March 2013

Date of commencement : 18 April 2013

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

Date of First Reading : 6 February 2013 (Bill No. 7/2013 published on 6 February 2013)

Date of Second and Third Readings : 8 April 2013

Date of commencement : 25 May 2015

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

Date of First Reading : 1 August 2017 (Bill No. 29/2017 published on 1 August 2017)

Date of Second and Third Readings : 11 September 2017

Date of commencement : 1 February 2019