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Housing and Development (Amendment) Bill

Bill No. 32/2020.

Read the first time on 3 September 2020.

A BILL

intituled

An Act to amend the Housing and Development Act (Chapter 129 of the 2004 Revised Edition) and to make a consequential amendment to the Supreme Court of Judicature (Amendment) Act 2019 (Act 40 of 2019).

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

Short title and commencement

1. This Act is the Housing and Development (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 6

2. Section 6 of the Housing and Development Act (called in this Act the principal Act) is amended —

(a) by deleting subsection (1) and substituting the following subsections:

10 “(1) The Board consists of —

(a) a Chairman; and

(b) at least 4 and not more than 14 other members,

15 each of whom must be appointed by the Minister subject to subsection (9) and on any conditions as the Minister may determine.

(1A) The Minister may, subject to subsection (9), appoint a member of the Board to be the Deputy Chairman.”; and

20 (b) by deleting subsections (4) and (5) and substituting the following subsections:

25 “(4) The Minister may appoint an individual to act temporarily as a member of the Board (other than the Chairman or the Deputy Chairman) during any period, or during all periods, when any member —

(a) is incapacitated from illness or otherwise; or

(b) is absent from duty or Singapore.

30 (5) The Minister may appoint a member of the Board to act temporarily as the Chairman or the Deputy Chairman during any period, or during all

periods, when the Chairman or the Deputy Chairman, as the case may be —

- (a) is incapacitated from illness or otherwise;
or
- (b) is absent from duty or Singapore.”. 5

Amendment of section 10

3. Section 10(1) of the principal Act is amended by deleting “4” and substituting the words “one-third of the total number of members in office.”.

Amendment of section 51

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4. Section 51 of the principal Act is amended —

- (a) by deleting the words “subsection (4)” in subsection (1) and substituting the words “subsections (4) and (4A)”;
- (b) by inserting, immediately after subsection (4), the following subsection: 15

“(4A) Subsection (1) does not apply to any contract, agreement or arrangement under which an approved financial institution uses any of its interest in any security over any protected property as security or collateral for the grant of any facility by the MAS to the approved financial institution.”; and 20

- (c) by inserting, immediately after the definition of “approved financial institution” in subsection (11), the following definitions:

““facility” means an arrangement between the MAS and an approved financial institution under which the MAS provides funding to the approved financial institution, and includes a credit facility and a repurchase transaction; 25

“MAS” means the Monetary Authority of Singapore established under section 3 of the Monetary Authority of Singapore Act;” 30

Amendment of section 52

5. Section 52 of the principal Act is amended by deleting subsection (8) and substituting the following subsection:

“(8) Where an appeal has been determined by the Minister or on the expiry of a period of 28 days after the service of the notice mentioned in subsection (4) and —

- (a) the personal representatives do not consent to receive the compensation;
- (b) where representation has not been taken out under a will or intestacy of the deceased owner; or
- (c) where there is any dispute as to the entitlement to or the apportionment of the compensation,

the Board must apply to the Registrar of the Supreme Court ex parte by originating summons, supported by an affidavit, for an order to deposit the amount of the compensation in court and, despite anything to the contrary in the Rules of Court for the time being in force, the Registrar may make the order.”.

Amendment of section 56

6. Section 56 of the principal Act is amended —

(a) by inserting, immediately after paragraph (g) of subsection (1), the following paragraph:

“(ga) if the owner or any owner thereof made a misleading or false statement in his application to the Board for, or a misrepresentation of a material fact (whether innocently or otherwise) to the Board relating to —

- (i) his acquisition of the flat, house or other living accommodation or an interest in it from a related person; or
 - (ii) his transfer of an interest in the flat, house or other living accommodation to a related person;”;
- and

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

“(10) For the purposes of subsection (1)(ga), a person (*A*) is related to an owner of a flat, house or other living accommodation (*B*) if *A* is the spouse, a parent, remoter lineal ancestor, step-parent, son, daughter, son-in-law, daughter-in-law, remoter issue, stepson, stepdaughter, brother or sister, or the spouse of a brother or sister, of *B*.”

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Consequential amendment to Supreme Court of Judicature (Amendment) Act 2019

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7. Item 68 of the Schedule to the Supreme Court of Judicature (Amendment) Act 2019 is amended by deleting paragraphs (2) and (3).

Saving and transitional provisions

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8.—(1) Section 6 does not apply in relation to any flat, house or other living accommodation or interest in it that is acquired or transferred before the date of commencement of that section.

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

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EXPLANATORY STATEMENT

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

- (a) to enable any approved financial institution to use its interest in any security over any protected property as security or collateral for the grant of any facility by the Monetary Authority of Singapore;
- (b) to empower the Housing and Development Board (the Board) to compulsorily acquire a flat, house or other living accommodation

where a false or misleading statement or a misrepresentation of a material fact has been made to the Board in relation to a transaction of the flat, house or living accommodation between related persons;

- (c) to make miscellaneous amendments for the better administration of the Act.

The Bill also makes a consequential amendment to the Supreme Court of Judicature (Amendment) Act 2019 (Act 40 of 2019).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 6 —

- (a) to increase the maximum number of the members of the Board from 12 to 15;
- (b) to make the appointment of the Deputy Chairman of the Board discretionary instead of mandatory;
- (c) to insert a new subsection (1A) to provide that the Minister may appoint a member of the Board to be the Deputy Chairman;
- (d) to enable the Minister to appoint an individual to act temporarily as a member of the Board when any member is absent from duty or Singapore; and
- (e) to enable the Minister to appoint a member of the Board to act temporarily as the Chairman or the Deputy Chairman of the Board when the Chairman or Deputy Chairman (as the case may be) is absent from duty or Singapore.

Clause 3 amends section 10(1) to change the quorum at all meetings of the Board from 4 to one-third of the total number of members in office.

Clause 4 amends section 51 —

- (a) to exclude from the operation of section 51(1) any contract, agreement or arrangement under which an approved financial institution uses any of its interest in any security over any protected property as security or collateral for the grant of any facility by the Monetary Authority of Singapore to the approved financial institution; and
- (b) to insert new definitions of “facility” and “MAS” in subsection (11).

Clause 5 amends section 52(8) —

- (a) to require the Board to apply to the Registrar of the Supreme Court instead of the High Court for an order to deposit in court the compensation mentioned in that section; and

(b) to clarify that section 52(8)(c) applies where there is a dispute as to the entitlement to the compensation or as to the apportionment of the compensation.

Clause 6(a) amends section 56(1) to insert a new paragraph (ga), which provides for a new ground for compulsory acquisition of a flat, house or other living accommodation.

Clause 6(b) amends section 56 by inserting a new subsection (10) which sets out who a related person of an owner of a flat, house or other living accommodation is for the purposes of the new section 56(1)(ga).

Clause 7 makes a consequential amendment to the Schedule to the Supreme Court of Judicature (Amendment) Act 2019 by deleting item 68(2) and (3) which is no longer required upon the amendment of section 52(8) by clause 5.

Clause 8 sets out saving and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
