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Notification No. B 33 — The Housing and Development (Amendment) Bill is published for general information. It was introduced in Parliament on 20 October 2022.

Housing and Development (Amendment) Bill

Bill No. 33/2022.

Read the first time on 20 October 2022.

A BILL

intituled

An Act to amend the Housing and Development Act 1959.

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

Short title and commencement

1. This Act is the Housing and Development (Amendment) Act 2022 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 50

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

10 “(3A) The Board must not proceed to lodge an instrument of vesting under subsection (3)(a), or terminate an agreement for a lease under subsection (3)(b), until the expiry of a period of 14 days after the service of the notice mentioned in subsection (3)(a) or (b).”.

Amendment of section 59

15 3. Section 59 of the principal Act is amended —

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

20 (b) by inserting, immediately after subsection (5), the following subsection:

25 “(5A) The Board must not proceed to lodge an instrument of vesting under subsection (2) or (3), or rescind an agreement for a lease under subsection (4), until the expiry of a period of 28 days after the service of the notice mentioned in subsection (5).”.

Amendment of section 75

4. Section 75 of the principal Act is amended —

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

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

(a) within any commercial property within the precinct; 5

(b) on common property within the precinct; or

(c) on or in both properties in paragraphs (a) and (b), 10

for the purpose of improving, or encouraging a diversity of, local retail convenience shopping facilities and associated commercial and community activities that support and reinforce the economic and social wellbeing of and employment opportunities for persons within that precinct;”; 15

(b) by inserting, immediately after the words “special upgrading works” in the definition of “general upgrading works”, the words “, commercial property upgrading works”; and 20

(c) by inserting, immediately after the words “special upgrading works” in the definition of “improvement contribution”, the words “, commercial property upgrading works”. 25

Amendment of section 77

5. Section 77 of the principal Act is amended —

(a) by deleting the word “and” at the end of sub-paragraph (iii) of subsection (1)(a), and by inserting immediately thereafter the following sub-paragraph: 30

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

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

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

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

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

Amendment of section 78

6. Section 78 of the principal Act is amended —

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

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

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

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

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

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

- (a) every owner of such commercial property within the precinct as is mentioned in section 77(3A), the costs incurred by the Board in respect of the commercial property upgrading works; and 5
- (b) the Town Council responsible for the maintenance of the common property within the precinct the costs incurred by the Board in respect of the commercial property upgrading works carried out on the common property.”; and 10

(e) by deleting the words “or (3)” in subsection (4) and substituting the words “, (3) or (3A)”.

Amendment of section 85

7. Section 85 of the principal Act is amended by deleting the words “and specified upgrading works” in paragraph (b) and substituting the words “, specified upgrading works and commercial property upgrading works”. 15

Repeal and re-enactment of section 111

8. Section 111 of the principal Act is repealed and the following section substituted therefor: 20

“Service of documents

111.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section. 25

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

- (a) by giving it to the individual personally;
- (b) by sending it by prepaid registered post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address; 30

(c) by leaving it at the individual's residential address with an adult apparently resident there, or at the individual's business address with an adult apparently employed there;

5 (d) by affixing a copy of the document in a conspicuous place at the individual's residential address or business address; or

10 (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

15 (a) by giving it to any partner, secretary or other similar officer of the partnership;

(b) by leaving it at, or by sending it by prepaid registered post to, the partnership's business address; or

20 (c) by sending it by fax to the fax number used at the partnership's business address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

25 (a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;

(b) by leaving it at, or by sending it by prepaid registered post to, the registered office or principal office in Singapore of the body corporate or unincorporated association; or

30 (c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association.

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

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

(7) Service of any document under this Act on a person by email may be effected only with the person's prior consent (express or implied) to service in that way. 10

(8) Service of a document takes effect —

(a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission; 15

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

(c) if the document is sent by prepaid registered post, 2 days after the day the document was posted (even if it is returned undelivered). 20

(9) This section does not apply to —

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

(b) a notice under sections 15(1), 63(3) (where the notice is to be served on an owner, or an interested person, who is deceased) and 69(1). 25

(10) In this section —

“Act” includes any subsidiary legislation made under this Act; 30

“business address” means —

(a) in the case of an individual, the individual’s usual or last known place of business, or place of employment, in Singapore; or

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

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

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

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

EXPLANATORY STATEMENT

This Bill seeks to amend the Housing and Development Act 1959 for the following purposes:

- (a) to create a new category of upgrading works called “commercial property upgrading works” and provide for such upgrading works to be carried out;
- (b) to improve the administration of the Act by refining the process to appeal to the Minister under certain sections and by updating the service of documents provision.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 50 to insert a new subsection (3A) that precludes the Housing and Development Board (the Board) from taking certain steps needed to vest the title to or the estate or interest in a flat, house or other living accommodation, or repossess the flat, house or other living accommodation until 14 days after serving notice of the Board’s intent to take those steps. This aligns with the 14-day period during which a purchaser may appeal to the Minister under section 50(4).

Clause 3(a) amends section 59 to remove a requirement in subsection (5) for the Board to state in a notice the date on which the Board intends to lodge an instrument of vesting or a rescission of an agreement for a lease takes effect. This simplifies the notice.

In place of the requirement, clause 3(b) inserts a new subsection (5A) that precludes the Board from lodging an instrument of vesting or giving effect to a rescission of an agreement for a lease until 28 days after serving notice of the Board's intent to do so. This aligns with the 28-day period during which a personal representative or an interested person may appeal to the Minister under section 59(6).

Clauses 4, 5, 6 and 7 amend the Act to create a new category of upgrading works called "commercial property upgrading works" and provide for such upgrading works to be carried out.

Clause 4 amends section 75 to introduce a new definition of "commercial property upgrading works". The term "commercial property" is defined in section 2 and generally based on what is permitted under the Planning Act 1998. Therefore, the new definition covers not just upgrading works for property used for retail shopping, but also associated commercial and community activities like a child care centre, a commercial school, a community centre, an office or a sports and recreation centre. The clause also makes consequential amendments to existing definitions.

Clause 5 amends section 77 to allow the Board, where a precinct has been declared under section 76, to carry out a poll in connection with a proposal to carry out commercial property upgrading works, of prescribed owners of commercial property. However, the Board may only carry out the proposal with the Minister's approval and if at least 75% of the owners that are polled support the proposal.

Clause 6 amends section 78 to require the Board to carry out commercial property upgrading works that the Minister has approved under section 77. The clause also inserts a new subsection (3A) that allows the Board to recover the costs incurred in respect of those commercial property upgrading works.

Clause 7 amends section 85(b) to specify that the Minister may make rules prescribing the value in votes of owners of flats for commercial property upgrading works, similar to what currently may be prescribed for general upgrading works and specified upgrading works.

Clause 8 repeals and re-enacts section 111 to upgrade the section to the modern text on service of documents under the Act. The section does not deal with service of court documents as this is governed by other written law.

EXPENDITURE OF PUBLIC MONEY

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