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**Notification No. B 9** — The Land Titles (Strata) (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 26th day of April 2010.

# **Land Titles (Strata) (Amendment) Bill**

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**Bill No. 9/2010.**

*Read the first time on 26th April 2010.*

A BILL

*i n t i t u l e d*

An Act to amend the Land Titles (Strata) Act (Chapter 158 of the 2009 Revised Edition) and to make consequential and related amendments to the Building Maintenance and Strata Management Act (Chapter 30C of the 2008 Revised Edition) and the Stamp Duties Act (Chapter 312 of the 2006 Revised Edition).

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

### Short title and commencement

1. This Act may be cited as the Land Titles (Strata) (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of section 84A

2. Section 84A of the Land Titles (Strata) Act (referred to in this Act as the principal Act) is amended —

(a) by deleting the words “to a Board” in subsection (1);

10 (b) by inserting, immediately after subsection (2), the following subsections:

“(2A) An application under subsection (1) for an order for the sale of all the lots and common property in a strata title plan —

(a) must be made to a Board in the first instance; and

15 (b) may be made to the High Court thereafter if, and only if, a section 84A stop order is issued by the Board under subsection (6A)(b) with respect to the application to that Board in respect of the same sale.

20 (2B) An application to the High Court under subsection (1) for an order for the sale of all the lots and common property in a strata title plan must be made within a period of 14 days after a section 84A stop order is issued by a Board under subsection (6A)(b) in relation to the same sale.”;

25 (c) by inserting, immediately after the words “may be made” in subsection (3), the words “to a Board”;

(d) by deleting subsection (4) and substituting the following subsections:

30 “(4) In the case of an application to a Board under subsection (1) for an order for the sale of all the lots and common property in a strata title plan, each of the following persons may file an objection to the sale, stating the grounds of objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such

longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

(a) a subsidiary proprietor of any lot in the strata title plan who has not agreed in writing to the sale; and

5 (b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in land and whose interest is notified on the land-register for that lot.

10 (4A) Where a section 84A stop order is issued under subsection (6A)(b) in respect of an application to a Board under subsection (1) for an order for the sale of all the lots and common property in a strata title plan, and an application is then made to the High Court under subsection (1) for an order for the same sale of all the lots and common property in the same strata title plan, any person referred to in subsection 15 (4)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.”;

20 (e) by inserting, immediately after the words “an application made” in subsection (5)(a), the words “to it”;

(f) by inserting, immediately after paragraph (a) of subsection (5), the following paragraph:

25 “(aa) to summon any person whom the Board is of the view is connected or otherwise related to the sale which is the subject of the application, to attend before the Board at the time and place specified in the summons and to produce such books, documents or other records in the person’s custody or control which the person is required by the summons to produce;”;

30 (g) by inserting, immediately after the words “an application” in subsection (5)(c), the words “made to it”;

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

35 “(5A) Where an application is made under subsection (1) to the High Court in the circumstances described in

subsection (2A)(b), the High Court shall, without prejudice to such other powers it may have under law, have power —

- 5 (a) to summon any person whom the Court is of the view is connected or otherwise related to the sale which is the subject of the application, to attend before the Court at the time and place specified in the summons and to produce such books, documents or other records in the person’s custody or control which the person is required by the summons to produce;
- 10 (b) to call for a valuation report or other report and to require the subsidiary proprietors referred to in subsection (1) to pay for the costs; and
- (c) to impose such conditions as it may think fair and reasonable in approving the application.”;
- 15 (i) by inserting, immediately after the words “under subsection (1)” in subsection (6), the words “to a Board”;
- (j) by inserting, immediately after subsection (6), the following subsections:
- 20 “(6A) Where an application is made under subsection (1) to a Board, and one or more objections have been filed under subsection (4) in relation to that application —
- (a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and
- 25 (b) if —
- (i) at the end of a period of 60 days starting from the first day set aside for mediation; or
- (ii) mediation has proceeded as far as it reasonably can in an attempt to achieve a resolution of the dispute but has nevertheless failed to resolve the dispute,
- 30 whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (6B), order a discontinuance of all proceedings before it in connection with that
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application (referred to in this section as a section 84A stop order).

(6B) No section 84A stop order shall be made by a Board under subsection (6A)(b) with respect to an application made to it under subsection (1) unless —

(a) the Board has, by notice served on every objector who filed an objection under subsection (4) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84A stop order; and

(b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.”;

(k) by deleting subsection (7) and substituting the following subsection:

“(7) Where one or more objections have been filed under subsection (4A) in respect of an application under subsection (1) to the High Court, the High Court shall, subject to subsection (9), approve the application and order that all the lots and common property in the strata title plan be sold unless, having regard to the objections, the High Court is satisfied that —

(a) any objector, being a subsidiary proprietor, will incur a financial loss; or

(b) the proceeds of sale for any lot to be received by any objector, being a subsidiary proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the lot.”;

(l) by deleting the words “the Board” wherever they appear in subsections (7A), (7B) and (8)(a) and (c) and substituting in each case the words “the High Court”;

(m) by deleting the words “subsection (4)” in subsection (7A) and substituting the words “subsection (4A)”;

- (n) by deleting the words “The Board” in subsections (9) and (12) and substituting in each case the words “The High Court or a Board”;
- 5 (o) by deleting the words “the Board” in subsection (9)(a) and substituting the words “the High Court or Board, as the case may be,”;
- (p) by deleting the words “the Board” in subsection (9)(b) and substituting the words “the High Court”; and
- 10 (q) by deleting subsections (10) and (11) and substituting the following subsections:

“(10) Where no objection has been filed under subsection (4) to a Board or under subsection (4A) to the High Court, the determination under subsection (9) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.

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(11) The High Court or a Board may make all such other orders and give such directions as may be necessary or expedient to give effect to any order made under subsection (6) or (7) for the sale of all the lots and common property in a strata title plan, including but not limited to a direction apportioning all reasonable costs and expenses incurred in connection with the sale that is the subject of an order under subsection (6) or (7) to be borne by all or any subsidiary proprietors of the lots in the strata title plan, whether or not they are objectors.

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(11A) Any order or direction made by a Strata Titles Board before the date of commencement of section 2(q) of the Land Titles (Strata) (Amendment) Act 2010 apportioning among all or any subsidiary proprietors of the lots in a strata title plan or development, whether or not they are objectors, all reasonable costs and expenses incurred in connection with a sale that is the subject of an order under subsection (6) or (7) shall be deemed to have been validly made in accordance with subsection (11) as if subsection (11) had been in force on that date.”.

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### **Amendment of section 84B**

**3.** Section 84B of the principal Act is amended —

(a) by deleting the words “a Board” in subsection (1) and substituting the words “the High Court or a Board”;

5 (b) by deleting subsection (3); and

(c) by deleting the section heading and substituting the following section heading:

**“Effect of order of High Court or Board”.**

### **Amendment of section 84C**

10 **4.** Section 84C of the principal Act is amended —

(a) by deleting the words “a Board” in subsection (1) and substituting the words “the High Court or a Board”;

15 (b) by deleting the words “the president, deputy president or registrar of the Board” wherever they appear in subsection (1) and substituting in each case the words “the High Court or the president, deputy president or registrar of the Board, as the case may be,”; and

20 (c) by deleting the words “The president, deputy president or registrar of the Board” in subsection (2) and substituting the words “The High Court or the president, deputy president or registrar of the Board, as the case may be,”.

### **Amendment of section 84D**

**5.** Section 84D of the principal Act is amended —

(a) by deleting the words “to a Board” in subsection (2);

25 (b) by inserting, immediately after subsection (2), the following subsections:

“(2A) An application under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies —

30 (a) must be made to a Board in the first instance; and

(b) may be made to the High Court thereafter if, and only if, a section 84D stop order is issued by the Board

under subsection (4A)(b) with respect to the application to that Board in respect of the same sale.

(2B) An application to the High Court under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies must be made within a period of 14 days after a section 84D stop order is issued by a Board under subsection (4A)(b) in relation to the same sale.”;

(c) by deleting subsection (3) and substituting the following subsections:

“(3) In the case of an application to a Board under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies, each of the following persons may file an objection to the sale, stating the grounds for the objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

(a) a proprietor of any flat in the development who has not agreed in writing to the sale; and

(b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in the flat and whose interest is notified on the land-register for that flat.

(3A) Where a section 84D stop order is issued under subsection (4A)(b) in respect of an application to a Board under subsection (2) for an order for the sale of all the flats and the land in a development to which this section applies, and an application is made to the High Court under subsection (2) for an order for the same sale of all the flats and the land in the same development, any person referred to in subsection (3)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.”;

(d) by inserting, immediately after the words “an application has been made” in subsection (4), the words “to a Board”;

(e) by inserting, immediately after subsection (4), the following subsections:

“(4A) Where an application is made under subsection (2) to a Board, and one or more objections have been filed under subsection (3) in relation to that application —

(a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and

(b) if —

(i) at the end of a period of 60 days starting from the first day set aside for mediation; or

(ii) mediation has proceeded as far as it reasonably can in an attempt to achieve a resolution of the dispute but has nevertheless failed to resolve the dispute,

whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (4B), order a discontinuance of all proceedings before it in connection with that application (referred to in this section as a section 84D stop order).

(4B) No section 84D stop order shall be made by a Board under subsection (4A)(b) with respect to an application made to it under subsection (2) unless —

(a) the Board has, by notice served on every objector who filed an objection under subsection (3) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84D stop order; and

(b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.”;

(f) by deleting subsection (5) and substituting the following subsection:

“*(5)* Where one or more objections have been filed under subsection (3A) in respect of an application to the High Court under subsection (2), the High Court shall, subject to subsection (7), approve the application and order that the flats and the land in the development be sold unless, having regard to the objections, the High Court is satisfied that —

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*(a)* any objector, being a proprietor, will incur a financial loss; or

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*(b)* the proceeds of sale for any flat to be received by any objector, being a proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the flat.”;

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*(g)* by deleting the words “the Board” wherever they appear in subsections (5A), (5B) and (6)(a) and substituting in each case the words “the High Court”;

*(h)* by deleting the words “subsection (3)” in subsection (5A) and substituting the words “subsection (3A)”;

*(i)* by deleting the words “The Board” in subsection (7) and substituting the words “The High Court or a Board”;

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*(j)* by deleting the words “the Board” in subsection (7)(a) and substituting the words “the High Court or Board, as the case may be,”;

*(k)* by deleting the words “the Board” in subsection (7)(b) and substituting the words “the High Court”;

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*(l)* by deleting subsection (8) and substituting the following subsection:

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“*(8)* Where no objection has been filed under subsection (3) to a Board or under subsection (3A) to the High Court, the determination under subsection (7) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.”; and

*(m)* by inserting, immediately after the words “Sections 84A(1A), (2), (3), (5),” in subsection (9), the word “(5A),”.

## Amendment of section 84E

6. Section 84E of the principal Act is amended —

- (a) by deleting the words “to a Board” in subsection (3);
- (b) by inserting, immediately after subsection (3), the following subsections:

“(3A) An application under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies —

(a) must be made to a Board in the first instance; and

(b) may be made to the High Court thereafter if, and only if, a section 84E stop order is issued by the Board under subsection (6A)(b) with respect to the application to that Board in respect of the same sale.

(3B) An application to the High Court under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies must be made within a period of 14 days after a section 84E stop order is issued by a Board under subsection (6A)(b) in relation to the same sale.”;

- (c) by deleting subsection (5) and substituting the following subsections:

“(5) In the case of an application to a Board under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies, each of the following persons may file an objection to the sale, stating the grounds of objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

(a) a proprietor of any flat in the development who has not agreed in writing to the sale; and

(b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in the flat and whose interest is notified on the land-register for that flat.

(5A) Where a section 84E stop order is issued under subsection (6A)(b) in respect of an application to a Board under subsection (3) for an order for the sale of all the flats and the land in a development to which this section applies, and an application is made to the High Court under subsection (3) for an order for the same sale of all the flats and the land in the same development, any person referred to in subsection (5)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.”;

- (d) by inserting, immediately after the words “an application has been made” in subsection (6), the words “to a Board”;
- (e) by inserting, immediately after subsection (6), the following subsections:

“(6A) Where an application is made under subsection (3) to a Board, and one or more objections have been filed under subsection (5) in relation to that application —

(a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and

(b) if —

(i) at the end of a period of 60 days starting from the first day set aside for mediation; or

(ii) mediation has proceeded as far as it reasonably can in an attempt to achieve a resolution of the dispute but has nevertheless failed to resolve the dispute,

whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (6B), order a discontinuance of all proceedings before it in connection with that application (referred to in this section as a section 84E stop order).

(6B) No section 84E stop order shall be made by a Board under subsection (6A)(b) with respect to an application made to it under subsection (3) unless —

- 5 (a) the Board has, by notice served on every objector who filed an objection under subsection (5) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84E stop order; and
- 10 (b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.”;
- (f) by deleting subsection (7) and substituting the following subsection:
- 15 “(7) Where one or more objections have been filed under subsection (5A) in respect of an application to the High Court under subsection (3), the High Court shall, subject to subsection (9), approve the application and order that all the flats and the land in the development be sold unless, having regard to the objections, the High Court is satisfied that —
- 20 (a) any objector, being a proprietor, will incur a financial loss; or
- (b) the proceeds of sale for any flat to be received by any objector, being a proprietor, mortgagee or chargee,
- 25 are insufficient to redeem any mortgage or charge in respect of the flat.”;
- (g) by deleting the words “the Board” wherever they appear in subsections (7A), (7B) and (8)(a) and substituting in each case the words “the High Court”;
- 30 (h) by deleting the words “The Board” in subsection (9) and substituting the words “The High Court or a Board”;
- (i) by deleting the words “the Board” in subsection (9)(a) and substituting the words “the High Court or Board, as the case may be,”;
- 35 (j) by deleting the words “the Board” in subsection (9)(b) and substituting the words “the High Court”;

- (k) by deleting subsection (10) and substituting the following subsection:

“(10) Where no objection has been filed under subsection (5) to a Board or under subsection (5A) to the High Court, the determination under subsection (9) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.”;

- (l) by deleting the words “a Board” in subsection (11) and substituting the words “the High Court or a Board, as the case may be,”; and

- (m) by inserting, immediately after the words “Sections 84(1A), (2), (3), (5),” in subsection (15), the word “(5A),”.

#### **Amendment of section 84FA**

##### **7. Section 84FA of the principal Act is amended —**

- (a) by deleting the words “to a Board” in subsection (2);
- (b) by inserting, immediately after subsection (2), the following subsections:

“(2A) An application under subsection (2) for an order for the sale of all the lots and common property in a strata title plan to which this section applies —

- (a) must be made to a Board in the first instance; and
- (b) may be made to the High Court thereafter if, and only if, a section 84FA stop order is issued by the Board under subsection (5A)(b) with respect to the application to that Board in respect of the same sale.

(2B) An application to the High Court under subsection (2) for an order for the sale of all the lots and common property in a development to which this section applies must be made within a period of 14 days after a section 84FA stop order is issued by a Board under subsection (5A)(b) in relation to the same sale.”;

- (c) by deleting subsection (4) and substituting the following subsections:

“(4) In the case of an application to a Board under subsection (2) for an order for the sale of all the lots and the common property in a strata title plan to which this section applies, each of the following persons may file an objection to the sale, stating the grounds of objection, within a period of 21 days after the date of the notice served pursuant to paragraph 1(e) of the First Schedule or such longer period as the Board allows in exceptional circumstances, whether before or after the end of the 21 days:

- (a) a subsidiary proprietor of any lot in the strata title plan who has not agreed in writing to the sale; and
- (b) a mortgagee, chargee or other person (other than a lessee) with an estate or interest in the land and whose interest is notified on the subsidiary strata land-register for that lot.

(4A) Where a section 84FA stop order is issued under subsection (5A)(b) in respect of an application to a Board under subsection (2) for an order for the sale of all the lots and the common property in a strata title plan to which this section applies, and an application is made to the High Court under subsection (2) for an order for the same sale of all the lots and the common property in the same strata title plan, any person referred to in subsection (4)(a) or (b) who filed an objection to the Board (but no others) may re-file his objection to the sale, stating the same grounds of objection, to the High Court in the manner and within the time delimited by the Rules of Court.”;

- (d) by inserting, immediately after the words “an application has been made” in subsection (5), the words “to a Board”;
- (e) by inserting, immediately after subsection (5), the following subsections:

“(5A) Where an application is made under subsection (2) to a Board, and one or more objections have been filed under subsection (4) in relation to that application —

- (a) the Board shall mediate matters that are in dispute between the objectors and the applicants to achieve a resolution of the dispute; and

(b) if —

(i) at the end of a period of 60 days starting from the first day set aside for mediation; or

(ii) mediation has proceeded as far as it reasonably can in an attempt to achieve resolution of the dispute but has nevertheless failed to resolve the dispute,

whichever first occurs, one or more of those objections are not withdrawn, the Board shall, subject to subsection (5B), order a discontinuance of all proceedings before it in connection with that application (referred to in this section as a section 84FA stop order).

(5B) No section 84FA stop order shall be made by a Board under subsection (5A)(b) with respect to an application made to it under subsection (2) unless —

(a) the Board has, by notice served on every objector who filed an objection under subsection (4) in relation to that application and the authorised representatives of the applicants, informed the objector and authorised representatives of its intention to make a section 84FA stop order; and

(b) at the end of a period of 7 days after the notice under paragraph (a) is so served, one or more of those objections so filed are not withdrawn.”;

(f) by deleting subsection (6) and substituting the following subsection:

“(6) Where one or more objections have been filed under subsection (4A) in respect of an application to the High Court under subsection (2), the High Court shall, subject to subsection (9), approve the application and order that the lots and common property be sold unless, having regard to the objections, the High Court is satisfied that —

(a) any objector, being a subsidiary proprietor, will incur a financial loss; or

- (b) the proceeds of sale for any lot to be received by any objector, being a subsidiary proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the lot.”;
- 5 (g) by deleting the words “subsection (5)” in subsection (7) and substituting the words “subsection (6)”;
- (h) by deleting the words “subsection (4)” in subsection (7) and substituting the words “subsection (4A)”;
- 10 (i) by deleting the words “the Board” wherever they appear in subsections (7) and (8) and substituting in each case the words “the High Court”;
- (j) by deleting the words “The Board” in subsection (9) and substituting the words “The High Court or a Board”;
- 15 (k) by deleting the words “the Board” in subsection (9)(a) and substituting the words “the High Court or Board, as the case may be,”;
- (l) by deleting the words “the Board” in subsection (9)(b) and substituting the words “the High Court”;
- 20 (m) by deleting subsection (10) and substituting the following subsection:
- “ (10) Where no objection has been filed under subsection (4) to a Board or under subsection (4A) to the High Court, the determination under subsection (9) shall be made by the High Court or the Board on the basis of the facts available to the High Court or Board, as the case may be.”;
- 25 (n) by deleting the words “a Board” in subsection (11) and substituting the words “the High Court or a Board, as the case may be,”; and
- 30 (o) by inserting, immediately after the words “Sections 84A(1A), (2), (3), (5),” in subsection (16), the word “(5A),”.

### **Amendment of First Schedule**

#### **8. The First Schedule to the principal Act is amended —**

- (a) by deleting the words “by registered post enclosing a copy each of the following documents” in paragraph 1(e) and substituting

the words “by letter by registered post notifying everyone of them of the proposed application accompanied by a copy each of the following documents, and stating that copies of the documents may also be obtained from the marketing agent or the collective sale committee”;

- (b) by deleting sub-paragraphs (f) and (g) of paragraph 1 and substituting the following sub-paragraph:

“(f) give further notice of the proposed application by post addressed to each lot in the strata title plan concerned or each flat in the development concerned, as the case may be, or by placing a copy of the notice in the respective mail boxes for each such lot or flat; and”;

- (c) by deleting the words “a copy of the application” in paragraph 13 and substituting the words “a notification of the application being made”; and

- (d) by deleting paragraph 14 and substituting the following paragraph:

“14. The subsidiary proprietors or proprietors referred to in paragraph 13 shall —

- (a) if an order for sale is granted by the High Court or a Board, as the case may be, under section 84A, 84D, 84E or 84FA, register the order of the High Court or Board in accordance with this Act, the Land Titles Act or the Registration of Deeds Act, as the case may be;
- (b) if the order for sale is not granted by a Board and no application is made to the High Court within the time delimited by section 84A(2B), 84D(2B), 84E(3B) or 84FA(2B), apply to cancel the notification registered under paragraph 13; or
- (c) if the order for sale is not granted by the High Court, apply to cancel the notification registered under paragraph 13.”.

### **Amendment of Second Schedule**

**9.** The Second Schedule to the principal Act is amended —

- (a) by deleting the words “The council” in paragraph 2(1) and substituting the words “Subject to sub-paragraph (1A), the council”;
- (b) by inserting, immediately after sub-paragraph (1) of paragraph 2, the following sub-paragraph:

“(1A) If a relevant event happens, the council of the management corporation shall not, on receipt by the secretary thereof of another requisition for a general meeting, proceed to convene another general meeting of the management corporation for the purposes of a collective sale unless —

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(a) a period of 2 or more years has elapsed since the happening of the relevant event; or

(b) the requisition is signed —

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(i) in the case of the first requisition after the happening of the relevant event — by at least 50% of the total number of subsidiary proprietors of lots that comprise the management corporation or by one or more persons entitled to vote in respect of one or more lots, the share value or the total share value of which is at least 50% of the aggregate value of all the lots whose subsidiary proprietors comprise the management corporation; and

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(ii) in the case of the second or subsequent requisition after the happening of the relevant event — by at least 80% of the total number of subsidiary proprietors of lots that comprise the management corporation or by one or more persons entitled to vote in respect of one or more lots, the share value or the total share value of which is at least 80% of the aggregate value of all the lots whose subsidiary proprietors comprise the management corporation.”;

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(c) by deleting the words “In the case of” in paragraph 2(2) and substituting the words “Subject to sub-paragraph (2A), in the case of”;

(d) by inserting, immediately after sub-paragraph (2) of paragraph 2, the following sub-paragraph:

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“(2A) If a relevant event happens, the proprietors of flats in a development to which section 84D applies shall not proceed to convene another general meeting for the purposes of a collective sale unless —

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(a) a period of 2 or more years has elapsed since the happening of the relevant event; or

(b) the requisition for the meeting is made —

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(i) in the case of the first requisition after the happening of the relevant event — by proprietors of flats in the development who own not less than 50% share of the land or by not less than 50% of the total number of proprietors of such flats; and

- 5 (ii) in the case of the second or subsequent requisition after the happening of the relevant event — by proprietors of flats in the development who own not less than 80% share of the land or by not less than 80% of the total number of proprietors of such flats.”;
- (e) by deleting the words “In the case of” in paragraph 2(3) and substituting the words “Subject to sub-paragraph (3A), in the case of”;
- 10 (f) by inserting, immediately after sub-paragraph (3) of paragraph 2, the following sub-paragraph:
- “3A) If a relevant event happens, the proprietors of flats in a development to which section 84E applies shall not proceed to convene another general meeting for the purposes of a collective sale unless —
- 15 (a) a period of 2 or more years has elapsed since the happening of the relevant event; or
- (b) the requisition for the meeting is made —
- 20 (i) in the case of the first requisition after the happening of the relevant event — by proprietors of flats in that development who own not less than 50% notional share of the land or by not less than 50% of the total number of proprietors of such flats; and
- 25 (ii) in the case of the second or subsequent requisition after the happening of the relevant event — by proprietors of flats in that development who own not less than 80% notional share of the land or by not less than 80% of the total number of proprietors of such flats.”;
- (g) by inserting, immediately after the words “the deposit of the requisition” in sub-paragraph (5) of paragraph 2, the words “made by requisitionists referred to in sub-paragraph (1) or (1A)(b), as the case may be,”;
- 30 (h) by deleting the words “sub-paragraph (2) or (3)” in sub-paragraph (7) of paragraph 2 and substituting the words “sub-paragraph (2), (2A), (3) or (3A)”;
- (i) by inserting, immediately after sub-paragraph (7) of paragraph 2, the following sub-paragraph:
- 35 “(8) For the purposes of sub-paragraphs (1A), (2A) and (3A), a relevant event occurs when —
- (a) no quorum of proprietors is present at a general meeting —

- (i) of a management corporation under sub-paragraph (1) convened on or after the date of commencement of section 9(b) of the Land Titles (Strata) (Amendment) Act 2010;
- (ii) of proprietors of flats in a development to which section 84D applies under sub-paragraph (2) convened on or after the date of commencement of section 9(d) of the Land Titles (Strata) (Amendment) Act 2010; or
- (iii) of proprietors of flats in a development to which section 84E applies under sub-paragraph (3) convened on or after the date of commencement of section 9(f) of the Land Titles (Strata) (Amendment) Act 2010;
- (b) the motion for the constitution of a collective sale committee, notice of which was given in accordance with paragraph 3, is defeated at the general meeting referred to in sub-paragraph (a)(i), (ii) or (iii);
- (c) the collective sale agreement executed among the subsidiary proprietors that comprise the management corporation, or the collective sale agreement executed among the proprietors of flats referred to in section 84D(2) or 84E(3), as the case may be, expires at any time on or after the date of commencement of section 9(i) of the Land Titles (Strata) (Amendment) Act 2010;
- (d) the collective sale committee constituted for the purposes of a collective sale of all lots and the common property in a strata title plan to which section 84A or 84FA applies, or a collective sale of all the flats and land in a development to which section 84D or 84E applies, as the case may be, is dissolved at any time on or after the date of commencement of section 9(i) of the Land Titles (Strata) (Amendment) Act 2010 by virtue of the operation of paragraph 12(2) of the Third Schedule; or
- (e) every member of a collective sale committee constituted for the purposes of a collective sale referred to in sub-paragraph (d) is removed from office on or after the date of commencement of section 9(i) of the Land Titles (Strata) (Amendment) Act 2010 and no other collective sale is constituted in replacement for the purposes of the same collective sale.”; and
- (j) by inserting, immediately after sub-paragraph (3) of paragraph 5, the following sub-paragraph:

“(4) If at the end of 60 minutes after the time appointed for holding a general meeting of a management corporation referred to in sub-paragraph (2) or the proprietors of flats referred to in sub-paragraph (3), no quorum as specified in sub-paragraph (2) or (3), as the case may be, is present, that general meeting shall immediately stand dissolved.”.

### **Amendment of Third Schedule**

**10.** The Third Schedule to the principal Act is amended —

(a) by deleting paragraph 2 and substituting the following paragraph:

**“Disclosure of conflict of interests**

5           2.—(1) If a person standing for election as a member of a collective sale committee is aware of any conflict of interest or potential conflict of interest, if any, with his duties or interests as a member of the collective sale committee (should he be elected) arising from —

- (a) his holding of any office;
- 10           (b) his interest in any contract, whether alone or together with any of his associates;
- (c) his possession or ownership of any lot or common property that may be the subject of the collective sale, whether alone or together with any of his associates;
- 15           (d) any direct or indirect relationship he or any associate of his has with any property developer, property consultant, marketing agent or legal firm;
- (e) the holding of any office by any of his associates;
- (f) his associate’s interest in a contract; or
- 20           (g) his associate’s possession or ownership of any lot or common property that may be the subject of the collective sale,

he shall, before his election, declare at the general meeting convened for such election, the nature and extent of all such conflicts of interest or potential conflicts of interest.

25           (2) The election of any person who fails to comply with sub-paragraph (1) shall be void.

(3) If a member of a collective sale committee becomes aware of any conflict of interest or potential conflict of interest, if any, with his duties or interests as a member of the collective sale committee arising from —

- 30           (a) his holding of any office;
- (b) his interest in any contract, whether alone or together with any of his associates;
- (c) his possession or ownership of any lot or common property that may be the subject of the collective sale, whether alone or
- 35           together with any of his associates;

- (d) any direct or indirect relationship he or any associate of his has with any property developer, property consultant, marketing agent or legal firm;
- (e) the holding of any office by any of his associates;
- 5 (f) his associate's interest in a contract; or
- (g) his associate's possession or ownership of any lot or common property that may be the subject of the collective sale,

10 he must, within the relevant period, declare in writing to the chairperson of the collective sale committee, the nature and extent of all such conflicts of interest or potential conflicts of interest.

15 (4) The collective sale committee whose member has made any such declaration under sub-paragraph (3) shall, within 7 days after the making of the declaration, give notice of the making of the declaration by causing a copy of the declaration to be affixed to a conspicuous part of each building comprised in the strata title plan or development, as the case may be.

(5) For the purposes of sub-paragraph (3), "relevant period" means —

- 20 (a) in the case of a person who, on the date of commencement of section 10(a) of the Land Titles (Strata)(Amendment) Act 2010, is a member of a collective sale committee, a period of 30 days after that date; or
- (b) in any other case, 7 days after becoming aware of all conflicts of interest or potential conflicts of interest, if any, with his duties or interests as a member of the collective sale committee arising from the circumstances described in sub-paragraph (3).

(6) For the purposes of sub-paragraphs (1) and (3), a person, *A*, is an associate of another person, *B*, if —

- 30 (a) *A* is the spouse or a parent, remoter lineal ancestor or step-parent or a son, daughter, remoter issue, step-son or step-daughter or a brother or sister, of *B*;
- (b) *A* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *B* or, where *B* is a corporation, of the directors of *B*;
- 35 (c) *B* is a person who is accustomed or under an obligation, whether formal or informal, to act in accordance with the directions, instructions or wishes of *A* or, where *A* is a corporation, of the directors of *A*;
- 40 (d) *A* is a person with whom *B* has an agreement or arrangement, whether oral or in writing and whether express or implied, to act together with respect to the acquisition, holding or disposal

of shares or other interests in, or with respect to the exercise of their voting power in relation to, any property developer, property consultant, marketing agent or legal firm;

5 (e) *A* is a corporation in which *B*, alone or together with other associates of *B* as described in sub-paragraphs (b) and (c), is in a position to control not less than 5% of the voting power in *A.*”;

(b) by inserting, immediately after sub-paragraph (e) of paragraph 5, the following sub-paragraph:

10 “(ea) if the person is removed from office by the collective sale committee in accordance with paragraph 8 on the ground that an application to a Board has been made under section 84A during his tenure as a member and the person is a subsidiary proprietor who has not executed the collective sale agreement to  
15 which the application relates;”;

(c) by deleting sub-paragraphs (a) to (g) of paragraph 7(1) and substituting the following sub-paragraphs:

20 “(a) to appoint any advocate and solicitor, any property consultant or marketing agent in connection with a collective sale where the collective sale committee is not already authorised at a general meeting to make such appointments;

(b) to approve the apportionment of sale proceeds; and

(c) to approve the terms and conditions of the collective sale agreement.”;

25 (d) by deleting the words “meeting under” in paragraph 7(2) and substituting the words “meeting for any of the purposes in”;

(e) by deleting sub-paragraphs (3) and (4) of paragraph 7 and substituting the following sub-paragraphs:

30 “(3) After the subsidiary proprietors referred to in section 84A(1) or 84FA(2) have signed a collective sale agreement but before the launch for sale referred to in paragraph 11, the collective sale committee must convene a meeting of subsidiary proprietors, of which at least 7 days’ notice is given —

35 (a) to give an update on the total number of subsidiary proprietors who, immediately before the date of the meeting, have signed the collective sale agreement; and

(b) to provide information on the sale proposal and the sale process.

(4) As soon as practicable after the close of the public tender or public auction referred to in paragraph 11 or, where applicable, after the collective sale committee has entered into a private contract under that paragraph, the collective sale committee must convene a meeting of subsidiary proprietors, of which at least 7 days' notice is given —

- (a) to provide information on the number of offers received for the collective sale and the respective prices so offered; and
- (b) to provide information on the terms and conditions of the sale and purchase agreement.”;

(f) by deleting sub-paragraph (2) of paragraph 8 and substituting the following sub-paragraph:

“(2) A decision of the majority of members of the collective sale committee present and voting at any meeting of the collective sale committee shall be a decision of the collective sale committee except that where a management corporation for a strata title plan has only 2 subsidiary proprietors, the decision of the member who owns more than 50% of the aggregate share value of all the lots comprised in the strata title plan shall be the decision of the collective sale committee.”; and

(g) by renumbering paragraph 12 as sub-paragraph (1) of that paragraph, and by inserting immediately thereafter the following sub-paragraph:

“(2) A collective sale committee that is constituted for the purposes of a collective sale of all lots and the common property in a strata title plan to which section 84A or 84FA applies, or a collective sale of all the flats and land in a development to which section 84D or 84E applies, shall be dissolved if —

- (a) in the case of such a committee that is constituted before the date of commencement of section 10(g) of the Land Titles (Strata) (Amendment) Act 2010, at the end of a period of 12 months after that date; or
- (b) in any other case, at the end of a period of 12 months after the committee is constituted,

there is no collective sale agreement for that collective sale or no subsidiary proprietor or proprietor, as the case may be, has executed a collective sale agreement for that collective sale.”.

### **Consequential and related amendments to Building Maintenance and Strata Management Act**

**11.** The Building Maintenance and Strata Management Act (Cap. 30C) is amended —

- (a) by deleting the words “84E or 84F” in section 13(2)(a) and substituting the words “84E, 84F or 84FA”;
- (b) by inserting, immediately after subsection (1) of section 47, the following subsection:

5           “(1A) A management corporation for a strata title plan shall, upon application made to it in writing by a collective sale committee constituted in accordance with the Land Titles (Strata) Act (Cap. 158) for the purposes of a collective sale under section 84A or 84FA of that Act and on payment by the  
10           collective sale committee of the prescribed fee, furnish a copy of extracts from the strata roll containing the information referred to in section 46(3) in respect of every lot comprised in that strata title plan.”;

- (c) by deleting sub-paragraph (vi) of section 47(1)(c) and substituting the following sub-paragraph:

          “(vi) whether the management corporation has received a copy of any application made to, or any order of, any Board or the High Court under section 84A or 84FA of the Land Titles (Strata) Act (Cap. 158).”; and

- (d) by deleting the words “A Board” in section 92(1) and substituting the words “Subject to the provisions of the Land Titles (Strata) Act, a Board”.

### **Consequential and related amendments to Stamp Duties Act**

**12.** The Stamp Duties Act (Cap. 312) is amended —

- 25           (a) by deleting the words “or 84E” in section 22(6)(g) and substituting the words “, 84E or 84FA”;
- (b) by deleting the words “Part VI of the Land Titles (Strata) Act (Cap. 158)” in the definition of “Strata Titles Board” in section 22(9) and substituting the words “the Building  
30           Maintenance and Strata Management Act (Cap. 30C)”; and
- (c) by deleting subsection (2) of section 24.

### **Transitional and savings provisions**

**13.**—(1) Sections 2(b), (d), (j), (k), (l) and (q), 3(b) and 8 shall not apply to or in relation to any application made to a Strata Titles Board under

section 84A of the principal Act before the respective dates of commencement of those sections; and the provisions of the principal Act in force immediately before the commencement of those sections shall continue to apply to all those applications and the proceedings before the Board as if those sections had not been enacted.

(2) Section 2(*f*) and (*g*) shall apply to and in relation to every application made under section 84A(1), 84D(2), 84E(3) or 84FA(2) of the principal Act, whether made before, on or after the date of commencement of that section.

(3) Nothing in section 3(*b*) shall apply to and in relation to any application made to a Strata Titles Board under section 84A(1), 84D(2), 84E(3) or 84FA(2) of the principal Act before the date of commencement of that section.

(4) Sections 5(*b*), (*e*), (*f*), (*g*) and (*l*) and 8 shall not apply to or in relation to any application made to a Strata Titles Board under section 84D of the principal Act before the respective dates of commencement of those sections; and the provisions of the principal Act in force immediately before the commencement of those sections shall continue to apply to all those applications and the proceedings before the Board as if those sections had not been enacted.

(5) Sections 6(*b*), (*e*), (*f*), (*g*) and (*k*) and 8 shall not apply to or in relation to any application made to a Strata Titles Board under section 84E of the principal Act before the respective dates of commencement of those sections; and the provisions of the principal Act in force immediately before the commencement of those sections shall continue to apply to all those applications and the proceedings before the Board as if those sections had not been enacted.

(6) Sections 7(*b*), (*e*), (*f*), (*g*), (*i*) and (*m*) and 8 shall not apply to or in relation to any application made to a Strata Titles Board under section 84FA of the principal Act before the respective dates of commencement of those sections; and the provisions of the principal Act in force immediately before the commencement of those sections shall continue to apply to all those applications and the proceedings before the Board as if those sections had not been enacted.

(7) Section 9(*j*) shall apply only to and in relation to any general meeting of a management corporation held on or after the date of

commencement of section 9(j), whether or not notice thereof is served before that date.

(8) Section 10(a) and (b) shall apply to and in relation to every collective sale committee constituted before, on or after the date of commencement of that section in respect of a collective sale, and every member thereof.

(9) Section 10(c), (d), (e) and (f) shall apply to and in relation to every collective sale committee constituted whether before, on or after the date of commencement of that section in respect of a collective sale, except that nothing in section 10(c) shall invalidate any general meeting convened by a collective sale committee before that date in accordance with paragraph 7 in the Third Schedule to the principal Act as in force before that date.

(10) For a period of 2 years after the date of commencement of this section, the Minister may, by regulations published in the *Gazette*, prescribe such provisions of a savings or transitional nature consequent on the enactment of this Act, as he may consider necessary or expedient.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Land Titles (Strata) Act (Cap. 158) for the following main purposes:

- (a) to provide for the transfer to the High Court of applications for approval of collective sales of strata and other developments which cannot be successfully mediated by a Strata Titles Board, and to re-define the role of the Strata Titles Boards to focus on mediation of such applications; and
- (b) to streamline and clarify some of the statutory processes for collective sales.

The Bill also seeks to make consequential and related amendments to the Building Maintenance and Strata Management Act (Cap. 30C) and the Stamp Duties Act (Cap. 312).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 84A to primarily to provide for the transfer to the High Court of applications for approval of collective sales of strata and other developments which cannot be successfully mediated by a Strata Titles Board and to re-define the role of the Strata Titles Boards to focus on mediation of such applications.

Firstly, a new section 84A(2A) is inserted stating that every application for an order for the sale of all the lots and common property in a strata title plan (hereafter called a

collective sale application) must be made to a Strata Titles Board in the first instance. If, after mediation by the Board of the application, a stop order is issued by the Board with respect to that application on account of there still being objections filed against that application, the subsidiary proprietors in favour of the collective sale may then apply to the High Court for approval.

If such an application is to be made to the High Court, new section 84A(2B) provides that it must be made within 14 days after the Board issued its stop order. Objections may be filed against the application to the High Court. This is to be done in the time and in the manner prescribed by the Rules of Court. Only objections from persons who had filed objections against the application to a Strata Titles Board and containing the same grounds of objections are permissible. Non-compliance with the Schedules to the Act will not be a basis for disputing the jurisdiction of the High Court to hear the application.

Where a collective sale application is made to a Strata Titles Board, and one or more objections have been filed in relation to that application, the Board must mediate matters that are in dispute between the objectors and the applicants. Under new section 84A(6A), the Strata Titles Board has a maximum of 60 continuous days to do so. If all objections to the application are withdrawn before the end of that period, the Strata Titles Board must approve the application and order the collective sale unless the Board is satisfied that the transaction is not in good faith after taking into account the factors listed in section 84A(9). Approval may be given regardless of there being subsidiary proprietors who have not signed the collective sale agreement but who have stayed silent and not filed any objections to the application.

If however, one or more of the objections filed against the application are not withdrawn at the end of the period of 60 days, the Strata Titles Board must order a discontinuance of all proceedings before it in connection with that application (referred to as a stop order).

Under new section 84A(6B), a stop order may be made by a Strata Titles Board with respect to a collective sale application after it has given notice to every objector who filed an objection to that application and the authorised representatives of the applicants, of its intention to make a stop order, and if, at the end of a period of 7 days after the notice was so served of those parties, one or more of those objections so filed remain not withdrawn.

In the case of a collective sale application to the High Court, where one or more objections have been filed in respect of the application, the High Court must approve the application and order that the flats and the land in the development be sold unless, having regard to the objections, the High Court is satisfied that any objector, being a subsidiary proprietor, will incur a financial loss, or the proceeds of sale for any flat to be received by any objector, being a subsidiary proprietor, mortgagee or chargee, are insufficient to redeem any mortgage or charge in respect of the flat. These are the same considerations a Strata Titles Board had to take into account prior to the amendments.

Both a Strata Titles Board and the High Court must, respectively, refuse a collective sale application before it if it is satisfied that the transaction is not in good faith after taking into account the sale price for the lots and the common property in the strata title

plan, the method of distributing the proceeds of sale and the relationship of the purchaser to any of the subsidiary proprietors and not other factors, or it is satisfied that the sale and purchase agreement would require any subsidiary proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the lots and the common property in the strata title plan.

By an amendment to section 84A(9)(b), the High Court may also refuse a collective sale application before it if the collective sale committee does not consent to any order made by the High Court that the proceeds of sale for any lot to be received by an objector to the collective sale application be increased.

Next, section 84A(5) is also amended to expressly empower a Strata Titles Board and the High Court to request for any information or documents from any party related to a collective sale application before it, if the Board or High Court, as the case may be, deems such information relevant to aid it in its assessment of the collective sale application in accordance with section 84A(7) or (9)(a). Similar powers are conferred by new section 84A(5A) on the High Court in respect of collective sale applications.

Finally, section 84A(11) is amended to make it clear that a Strata Titles Board and the High Court each have the power, in approving any collective sale application, to order or direct minority owners to share in the costs of the collective sale, notwithstanding that they did not sign the collective sale agreement. Clause 13(5) validates all such previous orders on costs made by a Strata Titles Board.

Clause 3 amends section 84B by abolishing the right of a subsidiary proprietor who has leased out his lot to apply to a Strata Titles Board to determine the amount of compensation payable to the lessee. In practice, most tenancy agreements already include clauses to deal with early termination in the event of a collective sale affecting the tenanted unit. The issue of compensation for the displaced lessee can easily be addressed through contractual arrangements between landlord and tenant. The power of a Strata Titles Board to arbitrate on such an issue is also incompatible with its re-defined role, which is a substantially mediation role where collective sale applications are concerned. Section 84B(3) is thus repealed.

Clause 4 amends section 84C as a consequence of the amendments to section 84A which allow collective sale applications to be made to the High Court.

Clause 5 amends section 84D in the same manner as section 84A with respect to collective sale applications concerning developments comprising subsisting leases of flats in a development registered under the Registration of Deeds Act (Cap. 269) or the Land Titles Act (Cap. 157) and the proprietors of the flats own the land comprised in the development.

Clause 6 amends section 84E in the same manner as section 84A with respect to collective sale applications concerning developments comprising subsisting leases of flats in a development registered under the Registration of Deeds Act or the Land Titles Act for a leasehold tenure of 850 years or more and where the proprietors of the flats do not own the land comprised in the development.

Clause 7 amends section 84FA in the same manner as section 84A with respect to collective sale applications concerning strata developments comprising subsisting

leases registered under the Land Titles Act (Cap. 157) of all or some of the lots in a strata title plan for a leasehold tenure of 850 years or more.

Clause 8 amends the First Schedule for the purpose of streamlining some of the procedures for keeping parties informed before a collective sale application is made. The amendment to paragraph 1 will enable the notices mentioned therein to be sent by ordinary mail instead of being placed in mailboxes, as some mailboxes are locked to prevent junk mail and only the postal service has access to the mailboxes. This has made it difficult for collective sale committees to discharge some of their duties before a collective sale application can be made. The amendment to paragraph 14 is a consequence of the amendments to section 84A that re-define the role of the Strata Titles Boards.

Clause 9 amends the Second Schedule (relating to general meetings of management corporations for the purposes of collective sales) firstly, to discourage repeated attempts to convene general meetings so as to obtain the requisite consent of the subsidiary proprietors thereof to proceed with a collective sale. Amendments to paragraph 2 in this Schedule raise the level of support for a requisition for a general meeting of the management corporation to be held to discuss a collective sale, if the meeting is proposed to be held within 2 years of a previous failed attempt (called a “relevant event”) happening on or after the date the amendments come into operation. The first requisition in that period of 2 years after a failed attempt must be made by at least 50% of the total number of subsidiary proprietors or by subsidiary proprietors owning at least 50% of the aggregate share values of all lots in the strata title plan, whereas a second or subsequent attempt within the 2 years must be made by at least 80% of the total number of subsidiary proprietors or subsidiary proprietors owning at least 80% of the aggregate share values of all lots in the strata title plan. For non-strata developments, the first requisition for a subsequent general meeting in the 2 years following a failed attempt must be made by at least 50% of the total number of proprietors of flats or proprietors who own at least 50% share of the land or 50% notional share of the land, as the case may be. In the case of non-strata developments, a second or subsequent attempt within the 2 years must be made by at least 80% of the total number of proprietors of flats or proprietors of flats who own at least 80% share of the land or 80% notional share of the land, as the case may be. A failed attempt means an instance where the quorum for a general meeting to discuss a collective sale is not met, when the motion for a collective sale is defeated at the general meeting, or the collective sale agreement expires without an application to a Board or the High Court being made or approved. A failed attempt also includes an instance where a collective sale committee stands dissolved by virtue of new paragraph 12(2) of the Third Schedule or an instance where all the members of a collective sale committee are removed without replacement.

Secondly, amendments to paragraph 5 of the Second Schedule provide that a general meeting convened for the purposes of a collective sale will stand automatically dissolved if the quorum is not present within an hour after the start of the meeting. This is to ensure that there is sufficient representation from the subsidiary proprietors and flat owners to discuss issues connected with a collective sale of their development.

Clause 10 amends the Third Schedule (relating to composition, constitution and proceedings of collective sale committees) firstly, to elaborate on the types of interest and circumstances in paragraph 2 that may give rise to a conflict of interest between would-be members of a collective sale committee. The would-be member must declare that conflict of interest or potential conflict of interest at the general meeting before he is elected, and if he fails to do so, his election is void. A member of a collective sale committee must also declare to the chairperson of the collective sale committee, any conflict of interest or potential conflict of interest within 7 days after he becomes aware of it. For any serving member of collective sale committees when the amendments come into force, he has 30 days after the operative date of the amendments to make the declaration. The collective sale committee has then to affix notice of that declaration on a conspicuous part of each building comprised in the strata title plan or development, within 7 days of the making of that declaration.

Secondly, the Third Schedule is amended to empower a collective sale committee to remove any member of the committee if the member is a subsidiary proprietor who has not signed the collective sale agreement and an application has been made to a Strata Titles Board for approval of that collective sale. Once the requisite level of support has been obtained for a collective sale application to be made to a Strata Titles Board and the application is made, a member of the collective sales committee who has refused to sign the collective sale agreement ceases to have any relevant role on the collective sale committee.

The next amendment to paragraph 8 of the Third Schedule deals with strata developments where there are only 2 subsidiary proprietors. Both of them will be members of the collective sale committee, but there can be situations where the committee is deadlocked since the collective sale committee makes decisions by a simple majority of the number of persons present. Paragraph 8 is amended to provide that in such a situation where there are only 2 subsidiary proprietors, the collective sale committee's decision will be based on the decision of the subsidiary proprietor who owns more than 50% of the aggregate share value of all lots in the strata development.

The fourth set of amendments seeks to streamline the processes for a collective sale committee. Presently, general meetings are required for updates pertaining to the consent level, the sale proposal and process, the number of bids and bid amounts, and the terms and conditions of the sale and purchase agreement with the eventual buyer. As no decision is required of the subsidiary proprietors, paragraph 7 of the Third Schedule is amended to do away with the requirement to convene a general meeting of the management corporation for these purposes. The updates will instead be required to be done by way of meetings among the subsidiary proprietors.

The last amendment is to paragraph 12 of the Third Schedule to clarify that, in the case where a collective sale committee has not received any signatories to its collective sale agreement within a period of 12 months after it is constituted, the collective sale committee will be automatically dissolved. For collective sale committees in existence when the amendment takes effect, the period is 12 months after the date the amendment comes into force. This amendment does not prevent the subsidiary proprietors from earlier dissolving the collective sale committee at a general meeting.

Clause 11 makes amendments to sections 13(2)(a) and 92(1) of the Building Maintenance and Strata Management Act (Cap. 30C) which are consequential to the re-defined role of the Strata Titles Board vis-à-vis collective sale applications. Section 47 of the Building Maintenance and Strata Management Act is also amended to require a management corporation for a strata title plan to furnish a collective sale committee strata roll information concerning the various lots comprised in the strata title plan upon application by the collective sale committee and payment by the committee of the prescribed fee.

Clause 12 makes consequential and related amendments to sections 22 and 24 of the Stamp Duties Act (Cap. 312). Section 22(6) and (9) is amended to update the cross-references therein. Section 24(2) is repealed so as to abolish the payment of stamp duty upon severance of interests under a joint tenancy. The Court of Appeal had ruled in *Diaz Priscillia v Diaz Angela* [1998] 1 SLR 367 held that there is no passing of any interest upon the severance of a joint tenancy.

Clause 13 is a saving and transitional provision.

#### EXPENDITURE OF PUBLIC MONEY

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

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