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No. S 223

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

HOUSING DEVELOPERS
(AMENDMENT) RULES 2006

In exercise of the powers conferred by section 22 of the Housing Developers (Control and Licensing) Act, the Minister for National Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Housing Developers (Amendment) Rules 2006 and shall come into operation on 19th April 2006.

Amendment of rule 2

2. Rule 2 of the Housing Developers Rules (R 1) (referred to in these Rules as the principal Rules) is amended by inserting, immediately after the definition of “land”, the following definition:

““limited common property” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”.

Amendment of rule 10

3. Rule 10 of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) Where a unit in a housing project is intended to comprise a lot in a strata title plan, the housing developer shall, before accepting a booking fee from an intending purchaser for an option to purchase that unit —

(a) notify the intending purchaser that the following documents are available for his inspection at a specified place and during specified hours free of charge:

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- (i) a copy of the schedule of strata units or amended schedule of strata units for that housing project as filed with and accepted by the Commissioner of Buildings;
 - (ii) where any common property of the housing project is designated as limited common property, a plan or description of the limited common property and the units in the housing project the purchasers of which will be entitled to the exclusive benefit of the limited common property; and
- (b) make available such documents for inspection at the specified place and during the specified hours if so requested by that intending purchaser.”.

Amendment of Schedule

4. The Schedule to the principal Rules is amended —

- (a) by inserting, immediately after clause 8 of Form B, the following clause:

“*9. Information for Intending Purchaser of Strata Unit

9.1 The share value allotted to the Property is _____. Your share of maintenance charges for the common property of the Housing Project will be in the proportion (*indicate share value of Property against total share value of Housing Project*).

*9.2 Your purchase of the Property also entitles you to the exclusive benefit of limited common property. Your share of contribution to expenses relating solely to the limited common property will be (*indicate share value of Property against total share value of units entitled to the exclusive benefit of that limited common property*).

(*Delete whichever is inapplicable)”;

- (b) by inserting, immediately after the definition of “Housing Project” in clause 1.1.1 of Form E, the following definition:

““limited common property” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”;

- (c) by deleting clause 8.3 of Form E and substituting the following clauses:

“8.3 The share value allotted to the Unit in the schedule of strata units filed with and accepted by the Commissioner of Buildings under the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004) is _____. The Purchaser’s share of maintenance charges for

the common property of the Housing Project shall be (*indicate share value of Unit against total share value of Housing Project*).

*8.4 Part of the common property of the Housing Project is designated as limited common property for the exclusive benefit of the Purchaser and purchasers of certain other units in the Housing Project. The Purchaser's share of contribution to the expenses relating solely to such limited common property shall be (*indicate share value of Unit against total share value of units with exclusive benefit of that limited common property*).

(*Delete whichever is inapplicable)";

- (d) by deleting clause 13.1 of Form E and substituting the following clause:

“13.1 The Purchaser shall pay to the Vendor maintenance charges for the maintenance of the common property of the Housing Project and any limited common property which the Purchaser is entitled to the benefit of, and for the provision of cleaning and other services from —

(a) the date the Purchaser actually takes possession of the Unit;
or

(b) the 15th day after the Purchaser receives the Notice of Vacant Possession in respect of the Unit,

whichever is the earlier.”; and

- (e) by inserting, immediately below the words “Description of common property:” under the heading “DESCRIPTION OF HOUSING PROJECT” in Form E, the following words:

“†Description of limited common property which the Purchaser is entitled to the benefit of:

†Description and particulars of units the purchasers of which are entitled to the exclusive benefit of the limited common property:

(†Applicable if any common property of the Housing Project is designated as limited common property.)”.

Savings and transitional provisions

5.—(1) An option which has been granted by a developer before 19th April 2006 to any person for the purchase of any unit in any housing project shall continue to be in force as if these Rules had not been made until the option has lapsed or has been exercised by the intending purchaser.

(2) Where a purchaser of any unit in a housing project under an agreement assigns before 19th April 2006 all his right, title and interest under that agreement, the new agreement with the assignee

for the sale and purchase of that unit (even if it is made after 19th April 2006) shall be in Form E in the Schedule to the principal Rules in force immediately before that date, notwithstanding anything to the contrary in the principal Rules.

- (3) Where a purchaser of any unit in a housing project —
- (a) under an agreement made before 19th April 2006; or
 - (b) under an agreement made on or after 19th April 2006 pursuant to an option granted before that date,

assigns on or after that date all his right, title and interest under that agreement, the new agreement with the assignee for the sale and purchase of that unit shall be in Form E in the Schedule to the principal Rules in force on that date, notwithstanding anything to the contrary in the principal Rules.

[G.N. Nos. S 566/99; S 444/2000; S 812/2005]

Made this 12th day of April 2006.

TAN TEE HOW
*Permanent Secretary,
Ministry of National Development,
Singapore.*

[ND 202/1-57; AG/LEG/SL/130/2004/1 Vol. 1]

(To be presented to Parliament under section 22 (5) of the Housing Developers (Control and Licensing) Act).