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CENTRAL PROVIDENT FUND ACT
(CHAPTER 36)

CENTRAL PROVIDENT FUND
(APPROVED HOUSING SCHEMES)
(AMENDMENT NO. 2)
REGULATIONS 2012

In exercise of the powers conferred by section 77(1) of the Central Provident Fund Act, Mr Tan Chuan-Jin, Senior Minister of State, charged with the responsibility of the Minister for Manpower, after consulting with the Central Provident Fund Board, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2012 and shall come into operation on 1st January 2013.

Amendment of regulation 2

2. Regulation 2 of the Central Provident Fund (Approved Housing Schemes) Regulations (Rg 12) (referred to in these Regulations as the principal Regulations) is amended —

- (a) by inserting, immediately after the words “studio apartment” in the definition of “flat” in paragraph (1), the words “, and any land adjacent to a flat that the Housing and Development Board has approved for purchase or acquisition as part of the flat”;
- (b) by deleting the words “by that name” in the definition of “Lease Buyback Scheme” in paragraph (1); and
- (c) by deleting paragraph (3).

New regulation 4D

3. The principal Regulations are amended by inserting, immediately after regulation 4C, the following regulation:

“Use of money paid to special account upon compulsory acquisition of immovable property

4D.—(1) This regulation applies in respect of a member where —

- (a) the member has withdrawn any part of the amount standing to his credit in his special account under the relevant regulations in respect of an immovable property (referred to in this regulation as the original property);
- (b) the original property is compulsorily acquired under the Land Acquisition Act (Cap. 152), and an amount is paid to the member’s special account in accordance with the relevant regulations;
- (c) the member applies to the Housing and Development Board, an approved developer or the Jurong Town Corporation to purchase or acquire a house or flat (referred to in this regulation as the replacement property) after a notification under section 5 of the Land Acquisition Act is published in respect of the original property; and
- (d) the replacement property, the purchase or acquisition thereof, and the application referred to in sub-paragraph (c) satisfy such criteria as the Board may impose in any particular case.

(2) Where this regulation applies in respect of a member, the Board, with the approval of the Minister, may, on the application of the member and subject to such terms and conditions as the Board may impose, authorise the withdrawal by the member of an amount (not exceeding the quantum of the relevant amount) standing to the member’s credit in the member’s special account for the payment of all or any of the following:

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- (a) a deposit for, or in connection with, the purchase or acquisition of the replacement property;
 - (b) the purchase price (or any part thereof) for the replacement property;
 - (c) any stamp duties, fees or charges for, or in connection with, the purchase or acquisition of the replacement property.
- (3) In this regulation —
- “relevant amount” means the amount referred to in paragraph (1)(b) that is paid to the member’s special account;
- “relevant regulations” means such of the following regulations as may be applicable in any particular case:
- (a) these Regulations;
 - (b) the Central Provident Fund (Approved HDB-HUDC Housing Scheme) Regulations (Rg 14);
 - (c) the Central Provident Fund (Approved Middle-Income Housing Scheme) Regulations (Rg 4);
 - (d) the Central Provident Fund (Ministry of Defence Housing Scheme) Regulations (Rg 13);
 - (e) the Central Provident Fund (Residential Properties Scheme) Regulations (Rg 6).”.

Amendment of regulation 8

4. Regulation 8 of the principal Regulations is amended —

- (a) by inserting, immediately after sub-paragraph (a) of paragraph (1), the following sub-paragraphs:
 - “(aa) any change in the manner of holding of a house or flat (in which the member has an estate or interest) from a joint tenancy to a tenancy in common, or vice versa;

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- (ab) the transfer of any part (but not the whole) of the member's estate or interest in a house or flat to any other person;";
- (b) by deleting the words "of any interest or title by the member" in paragraph (2)(a) and substituting the words "by the member of the whole of his interest or title"; and
- (c) by inserting, immediately after the words "divestment by the member of" in paragraph (2)(b), the words "the whole of".

Amendment of regulation 11

5. Regulation 11 of the principal Regulations is amended —

- (a) by deleting the words "paragraphs (1A) and (2)" in paragraph (1) and substituting the words "paragraph (2)";
- (b) by inserting, immediately after the words "section 27D(1)(iii)" in paragraph (1)(b), ", 27DA(1)(iii)";
- (c) by deleting sub-paragraph (ii) of paragraph (1) and substituting the following sub-paragraph:
- “(ii) when the member is entitled to withdraw the amount standing to his credit in the Fund under section 15(2)(b) or (c) of the Act, and the Board has given its authority under section 15(1) of the Act for such withdrawal,”; and
- (d) by deleting paragraph (1A).

Amendment of regulation 13

6. Regulation 13 of the principal Regulations is amended —

- (a) by inserting, immediately after the words "section 27D(1)(iii)" in paragraph (2)(b), ", 27DA(1)(iii)";
- (b) by deleting the words "Subject to paragraphs (7), (10) and (11), where the member making the sale, transfer, assignment or disposal is below the age of 55 years at the time of the sale, transfer, assignment or disposal, he" in paragraph (3) and substituting the words "Subject to paragraphs (4), (5) and (6),

the member making the sale, transfer, assignment or disposal”;

- (c) by deleting paragraphs (5), (6), (7), (10), (10A) and (11) and substituting the following paragraphs:

“(4) Subject to paragraphs (5) and (6), where the member sells, transfers, assigns or disposes of the house or flat or his estate or interest therein to any person without consideration or for a consideration below the market value of the house or flat, the member shall, unless the Board otherwise directs, pay to his account in the Fund, in such manner as the Board may determine, the amount prescribed in paragraph (3)(b).

(5) Paragraphs (2), (3) and (4) do not apply —

(a) where the member sells, transfers, assigns or disposes of only part (but not the whole) of his estate or interest in the house or flat; or

(b) to the reduction of the term of the lease of the house or flat, being an HDB flat, pursuant to an agreement entered into between the member and the Housing and Development Board under the Lease Buyback Scheme.

(6) Notwithstanding paragraphs (3), (4) and (5), where the member transfers (other than by way of sale) his estate or interest in the house or flat to his spouse pursuant to an order of court referred to in section 27D(1)(d), 27DA(1)(c) or 27F(1)(c) of the Act —

(a) in the case of an order of court referred to in section 27D(1)(d) of the Act, the person referred to in section 27D(1)(i) of the Act shall pay to the member’s account in the Fund, in such manner as the Board may determine, any amount referred to in section 27D(1)(i) of the Act which the person may be required by the order of court to pay to the Board;

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- (b) in the case of an order of court referred to in section 27DA(1)(c) of the Act, the person referred to in section 27DA(1)(i) of the Act shall pay to the member's account in the Fund, in such manner as the Board may determine, any amount referred to in section 27DA(1)(i) of the Act which the person may be required by the order of court to pay to the Board; or
- (c) in the case of an order of court referred to in section 27F(1)(c) of the Act, the member or person referred to in section 27F(1)(i) of the Act shall pay to the member's account in the Fund, in such manner as the Board may determine, such of the amounts referred to in section 27F(1)(i)(A), (B) and (C) of the Act as may be applicable to the member or person.”; and
- (d) by deleting the definitions of “net proceeds” and “relevant amount” in paragraph (12) and substituting the following definitions:
- “ “net proceeds”, in relation to any house or flat, or a member's estate or interest in a house or flat, which is sold, transferred, assigned or disposed of, means the excess, if any, of —
- (a) the consideration for the sale, transfer, assignment or disposal of the house or flat, or of the member's estate or interest in the house or flat, as the case may be, or, if the Board so elects, the value of the house or flat, or of the member's estate or interest in the house or flat, as the case may be, at the time of the sale, transfer, assignment or disposal as assessed by the Board; over
- (b) the aggregate of the following amounts paid in the following order:

- (i) any amount under a housing loan from the Housing and Development Board for the purchase or acquisition of the house or flat, or of the member's estate or interest in the house or flat, as the case may be, which has not been repaid;
- (ii) any amount which, under any written law, is to be paid to any other person in priority to the Fund, or such part of that amount as the Board determines to be attributable to the member's estate or interest in the house or flat, as the case may be; and
- (iii) any resale levy imposed by the Housing and Development Board as may be approved by the Board, or such part of that levy as the Board determines to be attributable to the member's estate or interest in the house or flat, as the case may be;

“relevant amount” means —

- (a) in relation to a member who is required under section 27D(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —
 - (i) the amount which the spouse of the member has given an undertaking to refund to the Board under section 15(10) or (10A) of the Act in the event the house or flat is sold or otherwise disposed of; over

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- (ii) the amount which has been paid to the Board under section 27D(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside;
 - (b) in relation to a member who is required under section 27DA(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —
 - (i) the amount payment of which was secured by the charge constituted under section 15(11D) or (11E) of the Act on the house or flat; over
 - (ii) the amount which has been paid to the Board under section 27DA(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside; or
 - (c) in relation to a member who is required under section 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —
 - (i) the amount which would have been payable into the account of the member's spouse in the Fund under paragraph (3) or (4) (excluding such interest or part thereof payable under those paragraphs as the Board may determine), if there was no order of court referred to in section 27F(1)(c) of the Act

requiring the transfer (other than by way of sale) of the spouse's interest in the house or flat to the member; over

- (ii) the amount which has been paid to the Fund to the credit of the spouse under section 27F(1)(i) of the Act;”.

Amendment of regulation 14

7. Regulation 14 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “section 27D(1)(iii)” in paragraph (2)(a)(ii), “, 27DA(1)(iii)”;
- (b) by deleting the words “this regulation” in paragraph (2) and substituting the words “paragraph (3)”;
- (c) by deleting the words “Where the member whose house or flat has been acquired is below the age of 55 years at the time of the acquisition, he” in paragraph (3) and substituting the words “The member whose house or flat has been acquired”;
- (d) by deleting paragraphs (4), (5) and (9);
- (e) by deleting the words “any positive difference between” in the definition of “net proceeds of the acquisition” in paragraph (10) and substituting the words “the excess, if any, of”;
- (f) by deleting the word “and” at the end of paragraph (a) of the definition of “net proceeds of the acquisition” in paragraph (10) and substituting the word “over”; and
- (g) by deleting the definition of “relevant amount” in paragraph (10) and substituting the following definition:

““relevant amount” means —

- (a) in relation to a member who is required under section 27D(1)(iii) of the Act to make a payment to the Fund upon the sale

or disposal of a house or flat, the excess, if any, of —

- (i) the amount which the spouse of the member has given an undertaking to refund to the Board under section 15(10) or (10A) of the Act in the event the house or flat is sold or otherwise disposed of; over
 - (ii) the amount which has been paid to the Board under section 27D(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside;
- (b) in relation to a member who is required under section 27DA(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —
- (i) the amount payment of which was secured by the charge constituted under section 15(11D) or (11E) of the Act on the house or flat; over
 - (ii) the amount which has been paid to the Board under section 27DA(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside; or
- (c) in relation to a member who is required under section 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —

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- (i) the amount which would have been payable into the account of the member's spouse in the Fund under paragraph (3) (excluding such interest or part thereof payable under that paragraph as the Board may determine), if there was no order of court referred to in section 27F(1)(c) of the Act requiring the transfer (other than by way of sale) of the spouse's interest in the house or flat to the member; over
 - (ii) the amount which has been paid to the Fund to the credit of the spouse under section 27F(1)(i) of the Act;”.

Amendment of regulation 14A

8. Regulation 14A of the principal Regulations is amended —

(a) by inserting, immediately after the words “section 27D(1)(iii)” in paragraphs (2)(b) and (3)(a)(ii), “, 27DA(1)(iii)”;

(b) by deleting paragraph (2A) and substituting the following paragraph:

“(2A) Paragraph (2) does not apply —

(a) where the member sells, transfers, assigns or disposes of only part (but not the whole) of his estate or interest in the house or flat; or

(b) to the reduction of the term of the lease of the house or flat, being an HDB flat, pursuant to an agreement entered into between the member and the Housing and Development Board under the Lease Buyback Scheme.”;

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- (c) by deleting the words “any positive difference between the relevant amount and” in paragraph (4)(c)(i)(C) and substituting the words “the excess, if any, of the relevant amount over”;
- (d) by deleting the words “subject to sub-paragraphs (b), (h) and (i), where the member is below the age of 55 years at the time of the relevant transaction, the maximum sum shall be an amount equivalent to such of the following amounts as may be applicable to him” in paragraph (5)(a) and substituting the words “subject to sub-paragraphs (b) and (c), the maximum sum shall be an amount equivalent to such of the following amounts as may be applicable to the member”;
- (e) by deleting sub-paragraphs (b) and (c) of paragraph (5) and substituting the following sub-paragraphs:
- “(b) subject to sub-paragraph (c), where the relevant transaction is entered into with any person without consideration or for a consideration below the market value of the house or flat, the maximum sum shall be an amount equivalent to such of the following amounts as may be applicable to the member or, if both amounts are applicable to him, the aggregate of both amounts:
 - (i) where paragraph (2)(a) applies to him, all moneys withdrawn by him under these Regulations in respect of the house or flat (including any moneys lent to him under section 14A of the Act in connection with the purchase or acquisition of that house or flat and withdrawn by him under regulation 4A which have not been repaid), together with any interest that would have been payable thereon if the withdrawal had not been made, or such part thereof as the Board may determine;

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- (ii) where paragraph (2)(b) applies to him, the relevant amount, or such part thereof as the Board may determine; and
 - (c) where the member transfers (other than by way of sale) his estate or interest in the house or flat to his spouse pursuant to an order of court referred to in section 27D(1)(d), 27DA(1)(c) or 27F(1)(c) of the Act, the maximum sum shall be an amount equivalent to —
 - (i) in the case of an order of court referred to in section 27D(1)(d) of the Act, any amount referred to in section 27D(1)(i) of the Act;
 - (ii) in the case of an order of court referred to in section 27DA(1)(c) of the Act, any amount referred to in section 27DA(1)(i) of the Act; or
 - (iii) in the case of an order of court referred to in section 27F(1)(c) of the Act, the aggregate of such of the amounts referred to in section 27F(1)(i)(A), (B) and (C) of the Act as may be applicable.”;
 - (f) by deleting paragraphs (d), (h) and (i) of paragraph (5); and
 - (g) by deleting the definition of “relevant amount” in paragraph (9) and substituting the following definition:
 - “ “relevant amount” means —
 - (a) in relation to a member who is required under section 27D(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —
 - (i) the amount which the spouse of the member has given an undertaking

to refund to the Board under section 15(10) or (10A) of the Act in the event the house or flat is sold or otherwise disposed of; over

- (ii) the amount which has been paid to the Board under section 27D(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside;
- (b) in relation to a member who is required under section 27DA(1)(iii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —
- (i) the amount payment of which was secured by the charge constituted under section 15(11D) or (11E) of the Act on the house or flat; over
 - (ii) the amount which has been paid to the Board under section 27DA(1)(i) of the Act towards covering the deficiency in the minimum sum which the spouse is required to set aside; or
- (c) in relation to a member who is required under section 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat, the excess, if any, of —
- (i) the amount which would have been payable into the account of the member's spouse in the Fund under sub-paragraph (a) or (b) of paragraph (5) (excluding such interest or part thereof payable

under those sub-paragraphs as the Board may determine), if there was no order of court referred to in section 27F(1)(c) of the Act requiring the transfer (other than by way of sale) of the spouse's interest in the house or flat to the member; over

- (ii) the amount which has been paid to the Fund to the credit of the spouse under section 27F(1)(i) of the Act;”.

Amendment of regulation 15

9. Regulation 15(1) of the principal Regulations is amended by inserting, immediately after the words “section 27D(1)(iii)” in sub-paragraph (b), “, 27DA(1)(iii)”.

New regulation 16A

10. The principal Regulations are amended by inserting, immediately after regulation 16, the following regulation:

“Distribution of amount paid to member’s account in Fund, etc.

16A. Where any provision of these Regulations provides for any moneys withdrawn by a member to be paid to the member’s account in the Fund or to the Board, the Board shall credit any amount so paid in the following manner:

- (a) where the moneys were withdrawn solely from the member’s ordinary account or retirement account, or were withdrawn partly from the member’s ordinary account and partly from the member’s retirement account, the Board shall credit the amount so paid to the member’s ordinary account; or
- (b) where the moneys were withdrawn solely from the member’s special account, or were withdrawn partly from the member’s special account and partly from

either or both of the member's ordinary account and retirement account, the Board shall credit —

- (i) the amount of the moneys withdrawn from the member's special account, together with the whole or such part, as the Board may determine, of any interest that would have been payable thereon if the withdrawal had not been made, to the member's special account; and
- (ii) any remainder of the amount so paid to the member's ordinary account.”.

*[G.N. Nos. S 255/2007; S 507/2007; S 706/2007;
S 693/2008; S 189/2009; S 447/2009; S 736/2011;
S 522/2012]*

Made this 28th day of December 2012.

CHAN HENG KEE
*Permanent Secretary,
Ministry of Manpower,
Singapore.*

[MMS 7/68 V56; AG/LLRD/SL/36/2010/42 Vol. 1]

(To be presented to Parliament under section 78(2) of the Central Provident Fund Act).