

CENTRAL PROVIDENT FUND ACT
(CHAPTER 36, SECTION 77(1)(h))

CENTRAL PROVIDENT FUND (APPROVED HOUSING
SCHEMES) REGULATIONS

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
2. Definitions
3. Withdrawal as deposit for or towards purchase or acquisition of house or flat
- 3A. Withdrawal for payment upon transfer (other than by way of sale) of house or flat
4. Withdrawal for payment of housing loan
- 4A. Loan by Government to member
- 4B. Use of money in special account for payment of housing loan
- 4C. Use of money in special account for payment of improvement contribution and interest in respect of upgrading works
- 4D. Use of money paid to special account upon compulsory acquisition of immovable property
5. Withdrawal for payment of improvement contributions, etc., in respect of upgrading works
- 5A. Restriction on withdrawal
6. Change in amount of monthly instalment
7. Cash grants
8. Disbursements in connection with purchase or acquisition, etc.
9. Board to pay direct to Housing and Development Board, Jurong Town Corporation, Town Councils or approved developers, etc.
10. Repayment of moneys on occurrence of certain events
11. No repayment of moneys in certain circumstances
12. *[Deleted]*
13. Permitted sale and disposition of proceeds of house or flat
14. Compulsory acquisition and disposition of proceeds of house or flat
- 14A. Permitted sale or compulsory acquisition, and disposition of proceeds, of house or flat mortgaged to private lender
15. Repayment of moneys where house or flat is vested in Housing and Development Board, Jurong Town Corporation or approved developer
16. Void or rescinded agreements

Central Provident Fund
(Approved Housing Schemes)

p. 2 2006 Ed.]

Regulations

[CAP. 36, Rg 12]

Regulation

- 16A. Distribution of amount paid to member's account in Fund, etc.
 - 16B. Distribution of amount paid to affected member's account in Fund
 - 17. Withdrawal for purchase or acquisition of more than one property
 - 17A. Application for charge on immovable property to cease to be in force
 - 17B. Transfer of money from retirement account to ordinary account
 - 18. Application to undischarged bankrupt
 - 19. Manner of application
 - 20. Fees
-

[1st January 1987]

Citation and commencement

1.—(1) These Regulations may be cited as the Central Provident Fund (Approved Housing Schemes) Regulations.

(2) Regulation 6 shall be deemed to have come into operation on 1st March 1986.

(3) Regulation 7 shall be deemed to have come into operation on 2nd June 1984.

Definitions

2.—(1) In these Regulations, unless the context otherwise requires —

[Deleted by S 654/2016 wef 01/01/2017]

[Deleted by S 654/2016 wef 01/01/2017]

“approved developer” has the same meaning as in Part IVB of the Housing and Development Act (Cap. 129);

“approved housing scheme” means any scheme approved by the Minister for the purchase or acquisition of houses or flats by members of the Fund;

[S 706/2007 wef 01/01/2008]

“deferred resale levy” means any resale levy imposed by the Housing and Development Board in respect of the sale, transfer, assignment or disposition of an HDB flat or executive condominium, the payment of which is deferred by the Housing and Development Board until the person on whom the resale levy is imposed makes a subsequent purchase of an HDB flat, in a particular case or class of cases allowed by the Housing and Development Board;

[S 718/2017 wef 01/01/2018]

“executive condominium” means any housing accommodation under the executive condominium scheme established under the Executive Condominium Housing Scheme Act (Cap. 99A);

[S 718/2017 wef 01/01/2018]

[Deleted by S 654/2016 wef 01/01/2017]

“flat” includes a studio apartment, and any land adjacent to a flat that the Housing and Development Board has approved for purchase or acquisition as part of the flat;

[S 690/2012 wef 01/01/2013]

“HDB flat” means a house or flat sold, transferred, assigned or otherwise disposed of under an approved housing scheme by the Housing and Development Board, an approved developer under Part IVB of the Housing and Development Act, or a lessee of the Housing and Development Board;

[S 189/2009 wef 01/05/2009]

“house or flat” means a house or flat sold, transferred, assigned or otherwise disposed of under an approved housing scheme, by —

- (a) the Housing and Development Board;
- (b) an approved developer under Part IVB of the Housing and Development Act;
- (c) the Jurong Town Corporation; or

(d) a lessee of the Housing and Development Board or the Jurong Town Corporation;

[S 706/2007 wef 01/01/2008]

[Deleted by S 447/2009 wef 01/10/2009]

“housing loan” means a loan obtained by a member from the Housing and Development Board, the Jurong Town Corporation or a private lender as defined in regulation 14A(9) to finance or re-finance the purchase or acquisition of a house or flat;

[S 706/2007 wef 01/01/2008]

[Deleted by S 654/2016 wef 01/01/2017]

“Jurong Town Corporation” means the Jurong Town Corporation constituted under section 3 of the Jurong Town Corporation Act (Cap. 150);

“Lease Buyback Scheme” means a scheme administered by the Housing and Development Board, under which a lessee of an HDB flat who has been approved by the Housing and Development Board to take part in the scheme enters into an agreement with the Housing and Development Board to reduce the term of the lease, in consideration of a sum of money —

- (a) which is to be paid in accordance with the terms and conditions of the scheme; and
- (b) the whole or part of which may be used for the payment of a premium for an annuity plan under the Lifelong Income Scheme established and maintained by the Board under section 27K of the Act;

[S 480/2013 wef 01/08/2013]

“Town Council” means a Town Council established under the Town Councils Act (Cap. 329A).

(2) A reference in these Regulations to the purchase of a house or flat includes a purchase made under an agreement for the sale and purchase of the house or flat where title to the house or flat will be

conveyed, transferred or assigned to the purchaser on payment of the full purchase price.

(3) A reference in these Regulations to the purchase price of an HDB flat includes the amount of any deferred resale levy, and any interest accrued on the deferred resale levy, that the Housing and Development Board approves to be added to the purchase price of the HDB flat, in any particular case or class of cases approved by the Board.

[S 718/2017 wef 01/01/2018]

Withdrawal as deposit for or towards purchase or acquisition of house or flat

3.—(1) Subject to regulation 4D, where a member has made an application to the Housing and Development Board, an approved developer or the Jurong Town Corporation to purchase or acquire a house or flat (other than a studio apartment), the Board may, on the application of the member and subject to such terms and conditions as the Board may impose, authorise the whole or part of the amount standing to his credit in the Fund, to be withdrawn from the Fund and paid to the Housing and Development Board, the approved developer, the Jurong Town Corporation or such other person as may be determined by the Board as a deposit for the purchase or acquisition of the house or flat or for the payment of the purchase price or part thereof of the house or flat.

[S 706/2007 wef 01/01/2008]

[S 239/2015 wef 24/04/2015]

(2) Subject to regulation 4D, where a member has attained such age as the Board may determine, the member may apply to the Board to withdraw the whole or any part of the amount standing to his credit in the Fund to be paid as a deposit for the purchase or acquisition of a studio apartment from the Housing and Development Board or for the payment of the purchase price or part thereof of such studio apartment, subject to such terms and conditions as the Board may impose.

[S 706/2007 wef 01/01/2008]

[S 239/2015 wef 24/04/2015]

(3) Unless the Board otherwise permits, a withdrawal from a member's retirement account under paragraph (1) or (2) may only be made from the balance in the account after deducting the cash amount applicable to that member (if any).

(4) Unless the Board otherwise permits, the amount which may be withdrawn from the retirement account must not exceed the charge amount applicable to that member.

[S 447/2009 wef 01/10/2009]

(5) In this regulation —

“cash amount”, in relation to a member, means —

(a) if the Central Provident Fund (Revised Retirement Sum Scheme) Regulations (Rg 2) applies to the member, the applicable amount specified in the third column of the Second Schedule to those Regulations;
or

[S 654/2016 wef 01/01/2017]

(b) if the Central Provident Fund (New Retirement Sum Scheme) Regulations (Rg 31) applies to the member, 50% of the retirement sum applicable to the member under regulation 4 of those Regulations;

[S 654/2016 wef 01/01/2017]

“charge amount”, in relation to a member, means —

(a) if the Central Provident Fund (Retirement Sum Scheme) Regulations (Rg 16) applies to the member, the value of the charge created over the house or flat under regulation 7 of those Regulations;

[S 654/2016 wef 01/01/2017]

(b) if the Central Provident Fund (Revised Retirement Sum Scheme) Regulations applies to the member, the applicable amount specified in the fourth column of the Second Schedule to those Regulations; or

[S 654/2016 wef 01/01/2017]

(c) if the Central Provident Fund (New Retirement Sum Scheme) Regulations applies to the member, 50% of

the retirement sum applicable to the member under regulation 4 of those Regulations.

[S 706/2007 wef 01/01/2008]

[S 654/2016 wef 01/01/2017]

Withdrawal for payment upon transfer (other than by way of sale) of house or flat

3A.—(1) Where a member (referred to in this paragraph as the transferor), being the owner or co-owner of a house or flat, will or is required to transfer (other than by way of sale) his estate or interest in the house or flat to another member (referred to in this paragraph as the transferee), the transferee may apply to the Board to withdraw the whole or any part of the amount standing to the transferee's credit in the Fund for the payment of any amount which the transferor is required, under these Regulations, to pay to the transferor's account in the Fund upon the transfer.

(2) The Board may approve an application under paragraph (1) subject to such terms and conditions as it may deem fit to impose from time to time.

[S 706/2007 wef 01/01/2008]

Withdrawal for payment of housing loan

4.—(1) Subject to regulation 4B, a member who has purchased or acquired a house or flat or has obtained a housing loan for the purchase or acquisition of a house or flat or both may submit an application to the Board to withdraw the whole or part of the amount standing to his credit in the Fund to be used for the repayment of any housing loan in full or in part.

[S 706/2007 wef 01/01/2008]

[S 239/2015 wef 24/04/2015]

(2) The Board may approve an application under paragraph (1) subject to such terms and conditions as it may deem fit to impose from time to time.

Loan by Government to member

4A.—(1) Where the Board has, on or after 1st March 1999, credited into the ordinary account of any member moneys which have been lent by the Government to the member pursuant to any approved loan scheme under section 14A of the Act, the Board may —

- (a) on the application of the member; or
- (b) if it considers necessary,

and subject to such terms and conditions as it may impose, permit the member to withdraw such moneys for payment of the monthly instalments of principal and interest towards the housing loan in respect of any house or flat purchased or acquired by the member under these Regulations.

[S 706/2007 wef 01/01/2008]

(2) The total amount which a member may withdraw under paragraph (1) to pay such monthly instalments shall be determined by the Board.

Use of money in special account for payment of housing loan

4B.—(1) Where a member is liable, as owner of a house or flat, to pay the monthly instalments of principal and interest towards a housing loan in respect of the house or flat, the Board may authorise to be withdrawn from the moneys standing to the member's credit in the member's special account an amount not exceeding one of the following to pay the monthly instalments:

- (a) the balance remaining of moneys transferred from the member's medisave account under section 13(6) of the Act to the member's special account;
- (b) if the Minister approves the withdrawal, the total amount of moneys standing to the member's credit in the member's special account from time to time.

(2) The Board may authorise either or both of the amounts under paragraph (1)(a) and (b) to be withdrawn —

- (a) on the application of the member or if the Board considers it necessary; and

(b) subject to such terms and conditions as the Board may impose.

(3) The total amount that a member may withdraw under paragraph (1)(a) and regulation 4C(2)(a) must not exceed the total amount which has been transferred to the member's special account from the member's medisave account under section 13(6) of the Act.

(4) Subject to paragraph (3), the amounts that a member may withdraw under paragraph (1)(a) or (b) are to be determined by the Board.

[S 239/2015 wef 24/04/2015]

Use of money in special account for payment of improvement contribution and interest in respect of upgrading works

4C.—(1) This regulation applies in respect of a member where the member is liable, as owner of a house or flat, to pay —

- (a) the monthly improvement contributions due —
 - (i) to the Housing and Development Board in respect of upgrading works carried out on the house or flat under Part IVA of the Housing and Development Act (Cap. 129); or
 - (ii) to a Town Council in respect of lift upgrading works carried out in relation to the house or flat under Part IVA of the Town Councils Act (Cap. 329A); or
- (b) any interest imposed by the Housing and Development Board or the Town Council, as the case may be, on the monthly improvement contribution mentioned in sub-paragraph (a).

[S 654/2016 wef 01/01/2017]

(2) Where this regulation applies in respect of a member, the Board may authorise to be withdrawn from the moneys standing to the member's credit in the member's special account an amount not exceeding one of the following to pay the monthly improvement contributions, and any interest on such contributions, referred to in paragraph (1):

- (a) the balance remaining of moneys transferred from the member's medisave account under section 13(6) of the Act to the member's special account;
- (b) if the Minister approves the withdrawal, the total amount of moneys standing to the member's credit in the member's special account from time to time.

[S 654/2016 wef 01/01/2017]

(3) The Board may authorise either or both of the amounts under paragraph (2)(a) and (b) to be withdrawn —

- (a) on the application of the member or if the Board considers it necessary; and
- (b) subject to such terms and conditions as the Board may impose.

(4) Subject to regulation 4B(3), the amounts that a member may withdraw under paragraph (2)(a) or (b) are to be determined by the Board.

[S 239/2015 wef 24/04/2015]

[S 654/2016 wef 01/01/2017]

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:

- (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).

[S 690/2012 wef 01/01/2013]

Withdrawal for payment of improvement contributions, etc., in respect of upgrading works

5.—(1) Subject to regulation 4C, a member who is the owner or co-owner or a purchaser or co-purchaser of a house or flat sold by the Housing and Development Board, an approved developer or the Jurong Town Corporation, or has purchased or acquired a house or flat under these Regulations, may submit an application to the Board to withdraw the whole or part of the amount standing to the member's credit in the Fund to be used to pay any of the following:

- (a) the improvement contributions due —
 - (i) to the Housing and Development Board in respect of upgrading works carried out on the house or flat under Part IVA of the Housing and Development Act (Cap. 129); or
 - (ii) to a Town Council in respect of lift upgrading works carried out in relation to the house or flat under Part IVA of the Town Councils Act (Cap. 329A);
- (b) where the improvement contribution mentioned in sub-paragraph (a) is paid in monthly instalments, interest imposed by the Housing and Development Board or the Town Council, as the case may be, on the improvement contribution;
- (c) any cost, fees or other incidental expenses arising from such works.

(2) The Board may approve an application under paragraph (1) subject to such terms and conditions as the Board may impose.

[S 654/2016 wef 01/01/2017]

Restriction on withdrawal

5A.—(1) Notwithstanding anything in these Regulations but subject to paragraph (2) and such terms and conditions as the Board

may impose, a member shall not be entitled to withdraw any money for any purpose permitted under these Regulations in respect of a house or flat unless he has acquired or is about to acquire, with respect to the house or flat, a leasehold estate having an unexpired term of at least 30 years as at the specified date.

(2) The Board may in its discretion authorise, subject to such terms and conditions as it may impose, the withdrawal of money by the member for any permitted purpose under these Regulations in respect of a house or flat notwithstanding that the member does not satisfy the requirement in paragraph (1).

(3) In this regulation, “specified date” means a date on or after 1st July 2013 and on which the Housing and Development Board receives a member’s application to purchase or acquire a house or flat.

[S 386/2013 wef 01/07/2013]

Change in amount of monthly instalment

6.—(1) Where the amount of monthly instalment which a member is required to pay to a lender under a mortgage loan of a house or flat, or to the Housing and Development Board or a Town Council in respect of improvement contributions for upgrading works or lift upgrading works (as the case may be), is increased or reduced because of a change —

(a) in the rate of interest on the mortgage loan or in the quantum of the mortgage loan disbursed in relation to the house or flat; or

(b) in the rate of interest on the improvement contribution or in the quantum of the improvement contribution payable,

the Board is entitled to make the necessary adjustment when computing the amount of monthly instalment payable by the member.

(2) Where a house or flat is jointly owned by 2 or more persons, the Board will, if none of the joint owners by notice in writing to the Board indicates otherwise, require the monthly instalment payable —

(a) by the joint owners under a mortgage loan of the house or flat to be in the same proportion as that before the change in

the rate of interest on the mortgage loan or in the quantum of the mortgage loan disbursed; or

- (b) by the joint owners in respect of improvement contributions in relation to the house or flat to be in the same proportion as that before the change in the rate of interest on the improvement contribution or in the quantum of the improvement contribution payable.

[S 654/2016 wef 01/01/2017]

Cash grants

7. Where a cash grant has been paid into the Fund for any person under section 14 of the Act and the person has purchased or acquired or applied to purchase or acquire a house or flat, the Board may, subject to these Regulations and to such terms and conditions as the Board may impose, permit that person to withdraw the cash grant for all or any of the purposes specified in these Regulations.

[S 706/2007 wef 01/01/2008]

Disbursements in connection with purchase or acquisition, etc.

8.—(1) Subject to regulation 4D, where a member is required to pay any stamp duties, fees or other charges in connection with —

- (a) the purchase or acquisition of a house or flat by the member, whether or not moneys were withdrawn under these Regulations for such purchase or acquisition;

[S 706/2007 wef 01/01/2008]

- (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;

[S 690/2012 wef 01/01/2013]

- (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;

[S 690/2012 wef 01/01/2013]

- (b) the creation or discharge of a mortgage on a house or flat purchased or acquired by, or transferred or assigned to, the member;

[S 706/2007 wef 01/01/2008]

- (c) the transfer or assignment to the member of a house or flat;
or

- (d) the withdrawal of moneys under these Regulations,

the Board may, on the application of the member and subject to such terms and conditions as the Board may impose, authorise the whole or part of the amount standing to his credit in the Fund to be withdrawn and used for that purpose.

[S 706/2007 wef 01/01/2008]

[S 239/2015 wef 24/04/2015]

(2) For the avoidance of doubt, where a member is required to pay any stamp duties, fees or other charges in connection with —

- (a) any divestment, whether by sale, transfer, assignment or otherwise, by the member of the whole of his interest or title in a house or flat; or

[S 690/2012 wef 01/01/2013]

- (b) the discharge of any mortgage on a house or flat upon divestment by the member of the whole of his interest in such house or flat,

[S 690/2012 wef 01/01/2013]

no amount standing to his credit in the Fund shall be withdrawn for that purpose.

Board to pay direct to Housing and Development Board, Jurong Town Corporation, Town Councils or approved developers, etc.

9. All moneys withdrawn from the Fund under these Regulations shall be paid by the Board to the Housing and Development Board, the Jurong Town Corporation, a Town Council, an approved developer or such other person as the Board thinks fit to receive such moneys.

Repayment of moneys on occurrence of certain events

10.—(1) Except as otherwise provided in these Regulations, all moneys withdrawn by a member under these Regulations (including any moneys lent to him under section 14A of the Act and withdrawn by him under regulation 4A which have not been repaid), 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, shall become due and payable to the Board on the occurrence of any of the following events:

(a) the house or flat or any estate or interest therein is sold, transferred, assigned or otherwise disposed of —

(i) by the member without the consent of the Board; or

[S 507/2007 wef 01/10/2007]

(ii) by any person other than the member, including any mortgagee, with or without the consent of the Board;

[S 507/2007 wef 01/10/2007]

(iii) *[Deleted by S 507/2007 wef 01/10/2007]*

(b) if any mortgage or encumbrance is created over the house or flat in favour of any person other than the Housing and Development Board without the consent of the Board;

(c) if the member has committed a breach of any of the terms and conditions imposed by the Board in connection with the withdrawal of moneys under these Regulations.

[S 507/2007 wef 01/10/2007]

(2) All moneys withdrawn by a member under these Regulations, including —

(a) 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; and

[S 507/2007 wef 01/10/2007]

(b) any moneys lent to him under section 14A of the Act and withdrawn by him under regulation 4A which have not been repaid,

or such lesser sum as the Board may in its discretion determine, shall become due and payable to the Board on the occurrence of either of the following events:

- (i) the member withdraws his application for the purchase or acquisition of the house or flat;

[S 706/2007 wef 01/01/2008]

- (ii) the agreement entered into by the member for the purchase or acquisition of the house or flat is rescinded, terminated or otherwise aborted.

[S 706/2007 wef 01/01/2008]

No repayment of moneys in certain circumstances

11.—(1) Except as otherwise provided in paragraph (2) and regulations 13, 14 and 14A, where a member —

- (a) has withdrawn any moneys under these Regulations in respect of a house or flat; or
- (b) is required under section 27D(1)(iii), 27DA(1)(iii) or 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat,

[S 690/2012 wef 01/01/2013]

then —

- (i) on the death of the member; or
- (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,

[S 690/2012 wef 01/01/2013]

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, shall cease to be payable to his account in the Fund:

- (A) if sub-paragraph (a) applies to him, all moneys withdrawn by him under these Regulations in respect of the house or flat (other than 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 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;

[S 706/2007 wef 01/01/2008]

(B) if sub-paragraph (b) applies to him, the relevant amount.

[S 690/2012 wef 01/01/2013]

[S 507/2007 wef 01/10/2008]

(1A) *[Deleted by S 690/2012 wef 01/01/2013]*

(2) Where a person has, on or after 1st January 1994 and pursuant to regulation 7, withdrawn a cash grant made under an approved scheme administered by the Ministry of Social and Family Development, the cash grant withdrawn from the Fund plus interest shall remain payable to the Board if the person, before attaining the age of 45 years, has committed a breach of any of the terms and conditions of the cash grant and the Minister for Social and Family Development, or an officer duly authorised by him, has not waived the breach in writing.

[S 522/2012 wef 01/11/2012]

Purchase which does not materialise

12. *[Deleted by S 367/2006]*

Permitted sale and disposition of proceeds of house or flat

13.—(1) This regulation does not apply to any house or flat to which regulation 14A applies.

(2) The Board may, in its discretion and subject to such terms and conditions as it may impose, permit a member who —

- (a) has withdrawn any moneys under these Regulations in respect of a house or flat; or
- (b) is required under section 27D(1)(iii), 27DA(1)(iii) or 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat,

[S 690/2012 wef 01/01/2013]

to sell, transfer, assign or otherwise dispose of the house or flat or any of his estate or interest therein to any person, if the Board is satisfied that adequate arrangements have been made to secure the payment into the member's account in the Fund of the amount specified in this regulation or such other amount as the Board may allow.

[S 507/2007 wef 01/10/2007]

(3) Subject to paragraphs (4), (5) and (6), the member making the sale, transfer, assignment or disposal shall pay to his account in the Fund, in such manner as the Board may determine, whichever is the lesser of the following amounts:

- (a) the net proceeds of the sale, transfer, assignment or disposal; or
- (b) such of the following amounts as may be applicable to him 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 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;

[S 706/2007 wef 01/01/2008]

- (ii) where paragraph (2)(b) applies to him, the relevant amount.

[S 507/2007 wef 01/10/2007]

[S 736/2011 wef 30/12/2011]

[S 690/2012 wef 01/01/2013]

(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).

[S 690/2012 wef 01/01/2013]

(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.

[S 690/2012 wef 01/01/2013]

(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;
- (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.

[S 690/2012 wef 01/01/2013]

(7) *[Deleted by S 690/2012 wef 01/01/2013]*

(8) *[Deleted by S 693/2008 wef 01/01/2009]*

(9) *[Deleted by S 693/2008 wef 01/01/2009]*

(10) *[Deleted by S 690/2012 wef 01/01/2013]*

(10A) *[Deleted by S 690/2012 wef 01/01/2013]*

(11) *[Deleted by S 690/2012 wef 01/01/2013]*

(12) In this regulation —

“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 (not being deferred 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;

[S 690/2012 wef 01/01/2013]

[S 718/2017 wef 01/01/2018]

“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 retirement sum which the spouse is required to set aside;

[S 654/2016 wef 01/01/2017]

- (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 retirement sum which the spouse is required to set aside; or

[S 654/2016 wef 01/01/2017]

(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;

[S 690/2012 wef 01/01/2013]

“spouse” includes a former spouse.

[S 507/2007 wef 01/10/2007]

(13) *[Deleted by S 507/2007 wef 01/10/2007]*

(14) *[Deleted by S 507/2007 wef 01/10/2007]*

(15) *[Deleted by S 507/2007 wef 01/10/2007]*

(16) Nothing in this regulation shall apply to the sale, transfer, assignment or disposal of any house or flat where the application for the consent of —

(a) the Housing and Development Board under section 50 of the Housing and Development Act (Cap.129); or

(b) the Jurong Town Corporation under section 38 of the Jurong Town Corporation Act (Cap.150),

as the case may be, in respect of such sale, transfer, assignment or disposal was made before 21st December 2001.

(17) Regulation 13 in force immediately before 21st December 2001 shall continue to apply in respect of any sale, transfer, assignment or disposal referred to in paragraph (16).

Compulsory acquisition and disposition of proceeds of house or flat

14.—(1) This regulation does not apply to any house or flat to which regulation 14A applies.

(2) Where —

(a) a member —

(i) has withdrawn any moneys under these Regulations in respect of a house or flat; or

(ii) is required under section 27D(1)(iii), 27DA(1)(iii) or 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat; and

[S 690/2012 wef 01/01/2013]

(b) the house or flat is compulsorily acquired under —

(i) section 56 of the Housing and Development Act (Cap. 129);

(ii) section 46 of the Jurong Town Corporation Act (Cap. 150); or

(iii) any other written law,

the member shall pay to his account in the Fund the amount specified in paragraph (3) or such other amount as the Board may allow, taking into consideration the circumstances of each case.

[S 690/2012 wef 01/01/2013]

[S 507/2007 wef 01/10/2007]

(3) The member whose house or flat has been acquired shall pay to his account in the Fund, in such manner as the Board may determine, whichever is the lesser of the following amounts:

(a) the net proceeds of the acquisition; or

(b) such of the following amounts as may be applicable to him or, if both amounts are applicable to him, the aggregate of both amounts:

(i) where paragraph (2)(a)(i) 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 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;

[S 706/2007 wef 01/01/2008]

(ii) where paragraph (2)(a)(ii) applies to him, the relevant amount.

[S 507/2007 wef 01/10/2007]

[S 706/2007 wef 01/01/2008]

[S 690/2012 wef 01/01/2013]

(4) *[Deleted by S 690/2012 wef 01/01/2013]*

(5) *[Deleted by S 690/2012 wef 01/01/2013]*

(6) *[Deleted by S 693/2008 wef 01/01/2009]*

(7) *[Deleted by S 693/2008 wef 01/01/2009]*

(8) *[Deleted by S 693/2008 wef 01/01/2009]*

(9) *[Deleted by S 690/2012 wef 01/01/2013]*

(10) In this regulation —

“net proceeds of the acquisition”, in relation to any house or flat which has been acquired, means the excess, if any, of —

(a) the amount of compensation paid upon the acquisition of the house or flat; over

[S 690/2012 wef 01/01/2013]

(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 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; and
- (iii) any resale levy (not being deferred resale levy) imposed by the Housing and Development Board as may be approved by the Board;

[S 690/2012 wef 01/01/2013]

[S 718/2017 wef 01/01/2018]

“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 retirement sum which the spouse is required to set aside;
- [S 654/2016 wef 01/01/2017]*
- (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 retirement sum which the spouse is required to set aside; or

[S 654/2016 wef 01/01/2017]

- (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) (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;

[S 690/2012 wef 01/01/2013]

“spouse” includes a former spouse;

[S 507/2007 wef 01/10/2007]

“time of the acquisition” refers to the date of issue of the notice of intention to acquire under —

- (a) section 56(3) of the Housing and Development Act (Cap. 129);
- (b) section 46(3) of the Jurong Town Corporation Act (Cap. 150); or
- (c) any other written law,

as the case may be.

(11) Nothing in this regulation shall apply to the acquisition of any house or flat where the notice of intention to acquire from —

(a) the Housing and Development Board under section 56(3) of the Housing and Development Act (Cap. 129); or

(b) the Jurong Town Corporation under section 46(3) of the Jurong Town Corporation Act (Cap. 150),

as the case may be, was issued before 21st December 2001.

(12) Regulation 14 in force immediately before 21st December 2001 shall continue to apply in respect of any acquisition referred to in paragraph (11).

Permitted sale or compulsory acquisition, and disposition of proceeds, of house or flat mortgaged to private lender

14A.—(1) This regulation shall apply to any house or flat which has been mortgaged by a member to a private lender as security for a private housing loan, whether or not the mortgage is discharged at the time of the sale, transfer, assignment, disposal or compulsory acquisition, as the case may be, of that house or flat.

[S 507/2007 wef 01/10/2007]

(2) The Board may, in its discretion and subject to such terms and conditions as it may impose, permit a member who —

(a) has withdrawn any moneys under these Regulations in respect of a house or flat; or

(b) is required under section 27D(1)(iii), 27DA(1)(iii) or 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat,

[S 690/2012 wef 01/01/2013]

to sell, transfer, assign or otherwise dispose of the house or flat or any of his estate or interest therein, if the Board is satisfied that adequate arrangements have been made to cause the proceeds of the sale, transfer, assignment or disposal to be applied in the following order of priority:

- (i) firstly, to discharge any statutory rights and charges of any public authority under any written law over the house or flat;
- (ii) secondly, to discharge any encumbrance registered or notified prior to the date of constitution of the Board's charge over the house or flat;
- (iii) thirdly, to pay the Board and the private lender in the order of priority set out in paragraph (4), provided that the total sum paid to the Board shall not exceed the maximum sum as determined in accordance with paragraph (5); and
- (iv) fourthly, to pay all other parties to whom moneys are owed by the member in respect of the house or flat, according to the order of priority set out in the Housing and Development (Mortgage to Lender) Rules (Cap. 129, R 10).

[S 507/2007 wef 01/10/2007]

(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.

[S 690/2012 wef 01/01/2013]

(3) Where —

- (a) a member —
 - (i) has withdrawn any moneys under these Regulations in respect of a house or flat; or
 - (ii) is required under section 27D(1)(iii), 27DA(1)(iii) or 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat; and

[S 690/2012 wef 01/01/2013]

(b) the house or flat in respect of which the withdrawal was made is compulsorily acquired under —

- (i) section 56 of the Housing and Development Act (Cap. 129);
- (ii) section 46 of the Jurong Town Corporation Act (Cap. 150); or
- (iii) any other written law,

the member shall cause the compensation paid upon the acquisition to be distributed according to the order of priority set out in paragraph (2).

[S 507/2007 wef 01/10/2007]

(4) For the purpose of paragraph (2)(iii), the proceeds of the sale, transfer, assignment or disposal shall be paid to the Board and the private lender in the following order of priority:

- (a) firstly, in payment to the private lender of an amount equivalent to the amount outstanding under the private housing loan as at the relevant date, less all payments made by the member after the relevant date to the private lender towards the private housing loan;
- (b) secondly, in payment to the Board of the aggregate of —
 - (i) the total, up to 100% of the ascribed value, of —
 - (A) all moneys withdrawn by the member under these Regulations in respect of the house or flat (excluding the sums referred to in sub-paragraph (ii)); and
 - (B) if the member is required under section 27F (1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of the house or flat, all moneys withdrawn by the spouse of the member under these Regulations in respect of the house or flat (excluding the sums referred to in sub-paragraph (iii)(A) and (B)), less any portion of those moneys which has been paid to

the Fund to the credit of the spouse under section 27F(1)(i) of the Act;

(ii) all moneys withdrawn by the member under these Regulations to pay —

(A) any improvement contribution; or

(B) any costs, fees or other expenses incurred in connection with the withdrawal of moneys under these Regulations or the purchase or acquisition and mortgage of the house or flat; and

[S 706/2007 wef 01/01/2008]

(iii) if the member is required under section 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of the house or flat, all moneys withdrawn by the spouse of the member under these Regulations to pay —

(A) any improvement contribution; or

(B) any costs, fees or other expenses incurred in connection with the withdrawal of moneys under these Regulations or the purchase or acquisition and mortgage of the house or flat,

[S 706/2007 wef 01/01/2008]

less any portion of those moneys which has been paid to the Fund to the credit of the spouse under section 27F(1)(i) of the Act;

[S 507/2007 wef 01/10/2007]

(c) thirdly, in payment to —

(i) the Board of —

(A) the balance of the total sum withdrawn by the member under these Regulations in respect of the house or flat, which has not been paid to the Board under sub-paragraph (b);

[S 507/2007 wef 01/10/2007]

(B) all interest that would have been payable on the total sum withdrawn if the withdrawal had not been made; and

[S 507/2007 wef 01/10/2007]

(C) if the member is required under section 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of the house or flat, the excess, if any, of the relevant amount over the sums referred to in sub-paragraph (b)(i)(B) and (iii); and

[S 690/2012 wef 01/01/2013]

[S 507/2007 wef 01/10/2007]

(ii) the private lender of any unpaid interest accruing after the relevant date under the private housing loan,

all payments to rank equally without preference; and

(d) fourthly, in payment to —

(i) the Board of all costs and expenses incurred by it in connection with its charge which it is entitled to claim from the member under these Regulations and the Act; and

(ii) the private lender of all costs and expenses incurred by it in connection with the mortgage which it is entitled to claim from the member under the private housing loan,

both payments to rank equally without preference.

[S 507/2007 wef 01/10/2007]

(5) For the purpose of paragraph (2)(iii), the maximum sum shall be determined as follows:

(a) 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 or, if both amounts are applicable to him, the aggregate of both amounts:

[S 690/2012 wef 01/01/2013]

- (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 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;

[S 706/2007 wef 01/01/2008]

- (ii) where paragraph (2)(b) applies to him, the relevant amount;

[S 507/2007 wef 01/10/2007]

- (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;

- (ii) where paragraph (2)(b) applies to him, the relevant amount, or such part thereof as the Board may determine; and

[S 690/2012 wef 01/01/2013]

- (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.

[S 690/2012 wef 01/01/2013]

- (d) *[Deleted by S 690/2012 wef 01/01/2013]*
- (e) *[Deleted by S 693/2008 wef 01/01/2009]*
- (f) *[Deleted by S 693/2008 wef 01/01/2009]*
- (g) *[Deleted by S 693/2008 wef 01/01/2009]*
- (h) *[Deleted by S 690/2012 wef 01/01/2013]*
- (i) *[Deleted by S 690/2012 wef 01/01/2013]*

(6) For the purposes of section 21B(3)(d) and (9)(e) of the Act, the Board's charge and the private lender's mortgage of the house or flat shall rank according to the order of priority set out in paragraph (4), provided that the total sum paid to the Board shall not exceed the maximum sum as determined in accordance with paragraph (5).

(7) For the purpose of section 21B(9)(f) of the Act, the payment of moneys shall be in the order of priority set out in the Housing and Development (Mortgage to Lender) Rules (Cap. 129, R 10).

(8) Regulations 13 and 14 shall not apply to any house or flat to which this regulation applies.

(9) In this regulation —

“ascribed value” means the value ascribed to the house or flat by the Board for the purposes of these Regulations;

“improvement contribution” means the improvement contribution payable to the Housing and Development Board under the Housing and Development Act (Cap. 129) or the improvement contribution payable to a Town Council under the Town Councils Act (Cap. 329A);

“private housing loan”, in relation to a house or flat, means a loan granted by a private lender to a member solely to finance or re-finance the purchase or acquisition of the house or flat;

[S 706/2007 wef 01/01/2008]

“private lender” means —

- (a) any bank licensed under the Banking Act (Cap. 19);
- (b) any finance company licensed under the Finance Companies Act (Cap. 108);
- (c) any direct insurer registered under the Insurance Act (Cap.142);
- (d) any merchant bank approved as a financial institution under the Monetary Authority of Singapore Act (Cap. 186); or
- (e) in relation to a member, any person which the Housing and Development Board has approved as a mortgagee of that member’s house or flat;

“proceeds”, in relation to any house or flat, means the consideration for the sale, transfer, assignment or disposal of the house or flat, or, if the Board so elects, the value of the house or flat at the time of the sale, transfer, assignment or disposal as assessed by the Board;

[S 255/2007 wef 15/06/2007]

“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 retirement sum which the spouse is required to set aside;

[S 654/2016 wef 01/01/2017]

(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 retirement sum which the spouse is required to set aside; or

[S 654/2016 wef 01/01/2017]

(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;

[S 690/2012 wef 01/01/2013]

“relevant date” means the date —

- (a) when there is a default in payment of the private housing loan which has not been rectified by the member;
- (b) of redemption of the private housing loan; or
- (c) on which a notice of intention to compulsorily acquire the house or flat under any written law is served on the member,

whichever is the earliest;

“relevant transaction” means the sale, transfer, assignment, disposal or compulsory acquisition of the house or flat, as the case may be;

[S 507/2007 wef 01/10/2007]

“spouse” includes a former spouse.

[S 507/2007 wef 01/10/2007]

Repayment of moneys where house or flat is vested in Housing and Development Board, Jurong Town Corporation or approved developer

15.—(1) Subject to paragraph (2), where a member —

- (a) has withdrawn any moneys under these Regulations in respect of a house or flat; or
- (b) is required under section 27D(1)(iii), 27DA(1)(iii) or 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of a house or flat,

[S 690/2012 wef 01/01/2013]

no moneys shall be payable by the member to the Fund where —

- (i) the house or flat is vested in the Housing and Development Board under section 47 of the Housing and Development Act (Cap. 129), the Jurong Town Corporation under section 40 of the Jurong Town Corporation Act (Cap. 150) or an approved developer under section 65R of the Housing and Development Act; and
- (ii) the moneys paid or deposited in respect of the house or flat are forfeited by the Board, Corporation or approved developer, as the case may be.

(2) Where any sum of money paid or deposited in respect of the house or flat is refunded to the member by the Housing and Development Board, the Jurong Town Corporation or the approved developer, as the case may be, upon the vesting of the house or flat referred to in paragraph (1), the member shall pay into his account in the Fund whichever is the lesser of the following amounts:

- (a) the amount so refunded to him; or
- (b) such of the following amounts as may be applicable to him or, if both amounts are applicable to him, the aggregate of both amounts:
 - (i) where paragraph (1)(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 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;

[S 706/2007 wef 01/01/2008]
 - (ii) where paragraph (1)(b) applies to him, the relevant amount.

[S 507/2007 wef 01/10/2007]

Void or rescinded agreements

16.—(1) Subject to paragraph (2), no moneys withdrawn shall be repayable by the member to the Fund where the withdrawal has been made from the Fund under these Regulations and the agreement relating to the purchase or acquisition of the house or flat in respect of which such withdrawal was made is declared to be void or is rescinded by any court.

[S 706/2007 wef 01/01/2008]

(2) Where any agreement relating to the purchase or acquisition of a house or flat is declared to be void or is rescinded by a court, and the member is entitled to any moneys arising therefrom, the member shall pay such moneys into his account in the Fund.

[S 706/2007 wef 01/01/2008]

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

16A. Subject to regulation 16B, where any moneys withdrawn by a member are paid voluntarily, or pursuant to any provision of these Regulations, 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.

[S 690/2012 wef 01/01/2013]

[S 438/2018 wef 01/07/2018]

Distribution of amount paid to affected member's account in Fund

16B.—(1) This regulation applies where —

- (a) a member has received, on or after 24 August 2015, for the purchase or acquisition of an HDB flat (called in this regulation the relevant flat), a designated housing grant that exceeds, or 2 or more designated housing grants that collectively exceed, the applicable threshold amount;
- (b) the member repays any amount (called in this regulation the repayment amount) that is withdrawn on or after 24 August 2015 under these Regulations in respect of the purchase or acquisition of the relevant flat voluntarily, or after the sale, transfer, assignment, disposal or compulsory acquisition of the relevant flat; and
- (c) the member is treated under paragraph (2) as retaining the whole or any part of the amount of the designated housing grant or grants.

(2) A member is treated as retaining the whole or any part of the amount of the designated housing grant or grants received by the member, if the Government has not notified the Board, before the Board credits the repayment amount in accordance with paragraph (3), that the whole or that part (as the case may be) of that amount is recoverable.

(3) The Board must credit the repayment amount in respect of a relevant flat in the following order:

- (a) first, the total withdrawal sum for the relevant flat after deducting the retained whole or part of the amount of the designated housing grant or grants for the relevant flat (called in this sub-paragraph the net withdrawn amount)

must be credited to the following accounts of the affected member in the following manner:

- (i) the special account, for the part of the net withdrawn amount that corresponds to the proportion of the total withdrawal sum for the relevant flat attributed to withdrawal from the special account under regulation 4B, 4C or 4D;
 - (ii) the ordinary account, for the part of the net withdrawn amount that corresponds to the proportion of the total withdrawal sum for the relevant flat attributed to withdrawal from the ordinary account and the retirement account;
- (b) second, there must be credited to the affected member's ordinary account the lower of A or B, where —
- (i) A is the amount by which the repayment amount exceeds the net withdrawn amount; and
 - (ii) B is —
 - (A) in any case where there is no previous repayment by the affected member in respect of any relevant flat before the repayment amount in question — the applicable threshold amount; or
 - (B) in any other case — the revised applicable threshold amount;
- (c) third, the amount (if any) by which the retained whole or part of the designated housing grant or grants for the relevant flat exceeds the amount credited under sub-paragraph (b) in respect of the relevant flat (called in this regulation the excess grant amount) must be credited in accordance with paragraph (4).
- (4) The excess grant amount must be credited by the Board to an affected member's accounts in the Fund in the following manner:

- (a) in the case of a Category 1 affected member —
- (i) 50% of the excess grant amount must be credited to the medisave account;
 - (ii) the lower of the following amounts must be credited to the retirement account:
 - (A) 50% of the excess grant amount;
 - (B) the amount of the shortfall in the retirement sum applicable to the affected member; and
 - (iii) the remainder (if any) of the excess grant amount must be credited to the special account;
- (b) in the case of a Category 2 affected member —
- (i) 50% of the excess grant amount must be credited to the medisave account;
 - (ii) the lower of the following amounts must be credited to the retirement account:
 - (A) 50% of the excess grant amount;
 - (B) the amount of the shortfall in the amount required to be set aside in the retirement account under section 15(2A)(a), (7B)(a) or (8A)(a) of the Act; and
 - (iii) the remainder (if any) of the excess grant amount must be credited to the special account;
- (c) despite sub-paragraphs (a) and (b), in the case of a Category 1 affected member or Category 2 affected member whose death the Board is notified of before the repayment amount is credited to the affected member's accounts in the Fund (but after any voluntary repayment is received by the Board, or the completion of the sale, transfer, assignment, disposal or compulsory acquisition of the relevant flat) —
- (i) 50% of the excess grant amount must be credited to the medisave account; and

(ii) 50% of the excess grant amount must be credited to the special account;

(d) in the case of any other affected member —

(i) 50% of the excess grant amount must be credited to the medisave account; and

(ii) 50% of the excess grant amount must be credited to the special account.

(5) In paragraph (4)(a)(ii), the amount of the shortfall in the retirement sum applicable to an affected member is the amount (if any) by which the retirement sum applicable to the affected member exceeds the total of the following:

(a) the amount of the retirement sum that has been set aside by the affected member (determined in accordance with regulation 4(1A) of the Central Provident Fund (New Retirement Sum Scheme) Regulations (Rg 31) or regulation 4(1A) of the Central Provident Fund (Revised Retirement Sum Scheme) Regulations (Rg 2), as the case may be);

(b) the amount of the retirement sum applicable to the affected member that is covered by a charge on or pledge of immovable property as mentioned in regulation 4(1)(b)(ii) of the Central Provident Fund (New Retirement Sum Scheme) Regulations or regulation 4(1)(b)(ii) of the Central Provident Fund (Revised Retirement Sum Scheme) Regulations, as the case may be.

(6) For the purposes of paragraph (4)(c), the Board is notified of the death of a Category 1 affected member or Category 2 affected member if the Board has at any time received satisfactory proof of, or obtained reliable information on, the death of the affected member from any person.

(7) If, after the Board credits a repayment amount in respect of a relevant flat under paragraph (3), the Government notifies the Board that the whole or any part of the amount of any designated housing grant received for that relevant flat is recoverable, the Board must, in computing the revised threshold amount in the course of crediting

another repayment amount in respect of that or any other relevant flat —

- (a) compute the amount that the Board ought to have credited under paragraph (3)(b), if the Board had at the time of such crediting been notified that the whole or that part (as the case may be) of that amount of the designated housing grant is recoverable; and
- (b) treat the recomputed amount in sub-paragraph (a) as having been previously credited under paragraph (3)(b) in respect of that relevant flat.

(8) In this regulation —

“affected member” means a member to whom this regulation applies under paragraph (1);

“applicable threshold amount”, in relation to an affected member, means —

- (a) in any case where the affected member has received the full amount of one or more designated housing grants that the affected member’s family nucleus is eligible for — \$60,000; or
- (b) in any other case — \$30,000;

“Category 1 affected member” means an affected member —

- (a) who attains 55 years of age on or after 1 July 1995; and
- (b) to whom section 15(2)(d), (e), (f) and (g) and (8) of the Act does not apply;

“Category 2 affected member” means an affected member who —

- (a) is entitled under section 15(2)(d), (e) or (f), (7A)(a), (b) or (c) or (8)(a), (b) or (c) of the Act to withdraw a sum standing to the credit of the member in the Fund; and
- (b) has withdrawn any such sum with the authority of the Board under section 15(1) of the Act;

“designated housing grant” means a cash grant mentioned in regulation 7 that is known by one of the following names:

- (a) Additional CPF Housing Grant;
- (b) Special CPF Housing Grant;
- (c) Proximity Housing Grant;
- (d) Fresh Start Housing Grant;

“recoverable”, in relation to the whole or any part of the amount of any designated housing grant, means recoverable because any circumstances mentioned in section 14(3)(a), (b) or (c) or (3A)(a) of the Act exist in relation to that grant;

“revised applicable threshold amount”, in relation to an affected member, means —

- (a) where there is only one relevant flat for which the affected member is treated under paragraph (2) as retaining the whole or any part of the amount of any designated housing grant or grants — the amount (if any) by which the applicable threshold amount exceeds the total of every amount credited under paragraph (3)(b) upon any previous repayment in respect of the relevant flat; and
- (b) where there are 2 or more relevant flats for which the affected member is treated under paragraph (2) as retaining the whole or any part of the amount of any designated housing grant or grants — the amount (if any) by which the applicable threshold amount exceeds the total of every amount credited under paragraph (3)(b) upon any previous repayment in respect of all the relevant flats;

“total withdrawal sum”, in relation to a relevant flat, means the sum of the following:

- (a) all moneys that are withdrawn under these Regulations in respect of the relevant flat (including any moneys lent to that member under section 14A of the Act in connection with the purchase or acquisition

of the relevant flat and withdrawn by that member under regulation 4A), but are not repaid by that member to that member's account in the Fund or to the Board;

- (b) the whole or such part, as the Board may determine, of any interest that would have been payable on the moneys mentioned in paragraph (a) if the withdrawal had not been made;
- (c) the relevant amount as defined in regulation 13(12).

[S 438/2018 wef 01/07/2018]

Withdrawal for purchase or acquisition of more than one property

17. Where —

- (a) a member has made an application for the withdrawal of moneys standing to his credit in the Fund under —
 - (i) these Regulations;
 - (ii) the Central Provident Fund (Approved Middle-Income Housing Scheme) Regulations (Rg 4);
 - (iii) the Central Provident Fund (Residential Properties Scheme) Regulations (Rg 6);
 - (iv) the Central Provident Fund (Ministry of Defence Housing Scheme) Regulations (Rg 13); or
 - (v) the Central Provident Fund (Approved HDB-HUDC Housing Scheme) Regulations (Rg 14),

in respect of any house, flat or other property; and

- (b) the Board has authorised the withdrawal of moneys pursuant to that application,

if he makes any other application for the withdrawal of moneys standing to his credit in the Fund under these Regulations in respect of any other house or flat which is purchased or acquired on or after 1st July 2006, the Board may, subject to such terms and conditions as

it may impose, authorise the withdrawal of moneys pursuant to that other application.

[S 706/2007 wef 01/01/2008]

Application for charge on immovable property to cease to be in force

17A.—(1) For the purposes of sections 21B(11A) and 27F(2)(ii) of the Act, where there is a charge under section 21B(1) of the Act on an HDB flat, the member may apply to the Board for the charge to cease to be in force.

(2) The Board may approve an application under paragraph (1) for the charge to cease to be in force if the Board is satisfied that the member —

- (a) is entitled to withdraw the amount standing to his credit in the Fund under section 15(2)(a), (d), (e), (f) or (g), (3), (4), (7A) or (8) of the Act;
- (b) has complied with the requirements in section 15(2A), (6), (7B) or (8A) of the Act, as the case may be; and
- (c) has complied with such terms and conditions as the Board may impose.

[S 749/2013 wef 15/12/2013]

Transfer of money from retirement account to ordinary account

17B. Where the Board has permitted a member to withdraw a sum standing to the member's credit in the member's retirement account for any purpose under these Regulations, the Board may transfer such sum from the member's retirement account to the member's ordinary account to be withdrawn for that purpose.

[S 654/2016 wef 01/01/2017]

Application to undischarged bankrupt

18.—(1) These Regulations shall apply to any member who is an undischarged bankrupt and who with the consent of the Official

Assignee purchases or acquires a house or flat for the occupation of himself or members of his immediate family.

[S 706/2007 wef 01/01/2008]

(2) Where a member is adjudicated a bankrupt after he has obtained authorisation from the Board under these Regulations to withdraw the whole or part of the amount standing to his credit in the Fund, the Board may, notwithstanding his bankruptcy, permit him to make or continue to make (as the case may be) the authorised withdrawals subject to his compliance with these Regulations, the Act and any other condition which the Board thinks fit to impose.

Manner of application

19.—(1) An application by a member under these Regulations shall be made in writing to the Board in such manner as the Board may direct.

[S 749/2013 wef 15/12/2013]

(2) Any member making the application shall furnish to the Board all such information, evidence and documents as the Board may require.

Fees

20.—(1) Subject to paragraphs (4) and (5), the fees levied by the Board for rendering services to facilitate withdrawals from the Fund, in a case where the withdrawals are secured by a charge constituted on a house or an HDB flat under section 21B of the Act, and no progress payments are to be made under the agreement for the purchase or acquisition of the house or flat, shall be —

- (a) for arranging the disbursement of moneys withdrawn from the Fund — an amount not exceeding \$220 (not inclusive of the goods and services tax chargeable under the Goods and Services Tax Act (Cap. 117A));
- (b) for arranging the repayment of moneys withdrawn from the Fund and confirming the discharge of the charge earlier constituted — an amount not exceeding \$175 (not inclusive of the goods and services tax chargeable under the Goods and Services Tax Act);

- (c) for arranging the disbursement of moneys withdrawn from the Fund and for arranging the repayment of moneys withdrawn from the Fund and confirming the discharge of the charge earlier constituted — an amount not exceeding \$350 (not inclusive of the goods and services tax chargeable under the Goods and Services Tax Act); and
- (d) for answering any inquiry on whether a charge is constituted — \$21 (inclusive of the goods and services tax chargeable under the Goods and Services Tax Act).

[S 706/2007 wef 01/01/2008]

(2) Subject to paragraphs (4) and (5), the fees levied by the Board for rendering services to facilitate withdrawals from the Fund, in a case where the withdrawals are secured by a charge constituted on a house or an HDB flat under section 21B of the Act, and progress payments are to be made under the agreement for the purchase or acquisition of the house or flat, shall be —

- (a) for arranging the disbursement of moneys withdrawn from the Fund — an amount not exceeding \$320 (not inclusive of the goods and services tax chargeable under the Goods and Services Tax Act (Cap. 117A));
- (b) for arranging the repayment of moneys withdrawn from the Fund — an amount not exceeding \$175 (not inclusive of the goods and services tax chargeable under the Goods and Services Tax Act);
- (c) for arranging the disbursement of moneys withdrawn from the Fund and for arranging the repayment of moneys withdrawn from the Fund — an amount not exceeding \$450 (not inclusive of the goods and services tax chargeable under the Goods and Services Tax Act); and
- (d) for answering any inquiry on whether a charge is constituted — \$21 (inclusive of the goods and services tax chargeable under the Goods and Services Tax Act).

[S 706/2007 wef 01/01/2008]

(3) Regulation 8 shall apply to the fees referred to in paragraph (1)(a) and (2)(a).

Central Provident Fund
(Approved Housing Schemes)

p. 50 2006 Ed.]

Regulations

[CAP. 36, Rg 12

(4) Where the Housing and Development Board, by its duly authorised officer, acts for the member making the withdrawals, the fee referred to in paragraph (1)(a) or (2)(a), whichever is applicable, may be waived by the Board.

(5) Where the Housing and Development Board, by its duly authorised officer, acts for the member repaying the moneys withdrawn from the Fund or the other party to whom that member is selling, transferring, assigning or otherwise disposing of his house or flat, the fee referred to in paragraph (1)(b) or (2)(b), whichever is applicable, may be waived by the Board.

[S 706/2007 wef 01/01/2008]

*[G.N. Nos. S 335/86; S 488/93; S 243/95; S 88/99;
S 649/2001; S 694/2002; S 389/2003; S 220/2004;
S 485/2004; S 537/2005; S 758/2005; S 367/2006;
S 503/2006]*

LEGISLATIVE HISTORY
CENTRAL PROVIDENT FUND (APPROVED HOUSING
SCHEMES) REGULATIONS
(CHAPTER 36, RG 12)

This Legislative History is provided for the convenience of users of the Central Provident Fund (Approved Housing Schemes) Regulations. It is not part of this Scheme.

1. G. N. No. S 335/1986 — Central Provident Fund (Approved Housing Schemes) Regulations 1986

Dates of commencement : 2 June 1984 (Regulation 6)
1 March 1986 (Regulation 5)
1 January 1987 (Otherwise)

2. 1990 Revised Edition — Central Provident Fund (Approved Housing Schemes) Regulations

Date of operation : 25 March 1992

3. G. N. No. S 488/1993 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 1993

Date of commencement : 1 January 1994

4. G. N. No. S 243/1995 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 1995

Date of commencement : 1 July 1995

5. 1998 Revised Edition — Central Provident Fund (Approved Housing Schemes) Regulations

Date of operation : 1 January 1998

6. G. N. No. S 88/1999 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 1999

Date of commencement : 1 February 1999
(Regulation 2(b))

7. G. N. No. S 88/1999 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 1999

Date of commencement : 1 March 1999 (Except
regulation 2(b))

8. G. N. No. S 649/2001 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2001

Date of commencement : 21 December 2001

- 9. G. N. No. S 694/2002 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2002**
Date of commencement : 1 January 2003
- 10. G. N. No. S 485/2004 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2004**
Date of commencement : 1 January 2003
- 11. G. N. No. S 389/2003 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2003**
Date of commencement : 8 August 2003
- 12. G. N. No. S 220/2004 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2004**
Date of commencement : 23 April 2004
- 13. G. N. No. S 537/2005 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2005**
Date of commencement : 15 August 2005
- 14. G. N. No. S 758/2005 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2005**
Date of commencement : 1 December 2005
- 15. G. N. No. S 367/2006 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2006**
Date of commencement : 1 July 2006
- 16. G. N. No. S 503/2006 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2006**
Date of commencement : 28 August 2006
- 17. 2006 Revised Edition — Central Provident Fund (Approved Housing Schemes) Regulations**
Date of operation : 30 November 2006
- 18. G. N. No. S 255/2007 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2007**
Date of commencement : 15 June 2007
- 19. G. N. No. S 507/2007 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2007**
Date of commencement : 1 October 2007

- 20. G. N. No. S 706/2007 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 3) Regulations 2007**
Date of commencement : 1 January 2008
- 21. G. N. No. S 693/2008 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2008**
Date of commencement : 1 January 2009
- 22. G. N. No. S 189/2009 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2009**
Date of commencement : 1 May 2009
- 23. G. N. No. S 447/2009 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2009**
Date of commencement : 1 October 2009
- 24. G.N. No. S 736/2011 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2011**
Date of commencement : 30 December 2011
- 25. G.N. No. S 522/2012 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2012**
Date of commencement : 1 November 2012
- 26. G.N. No. S 690/2012 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2012**
Date of commencement : 1 January 2013
- 27. G.N. No. S 386/2013 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2013**
Date of commencement : 1 July 2013
- 28. G.N. No. S 480/2013 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2013**
Date of commencement : 1 August 2013
- 29. G.N. No. S 749/2013 — Central Provident Fund (Approved Housing Schemes) (Amendment No. 3) Regulations 2013**
Date of commencement : 15 December 2013
- 30. G.N. No. S 239/2015 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2015**
Date of commencement : 24 April 2015

31. G.N. No. S 654/2016 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2016

Date of commencement : 1 January 2017

32. G.N. No. S 718/2017 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2017

Date of commencement : 1 January 2018

33. G.N. No. S 438/2018 — Central Provident Fund (Approved Housing Schemes) (Amendment) Regulations 2018

Date of commencement : 1 July 2018