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PLANNING ACT (CHAPTER 232)

PLANNING (HOUSING AND DEVELOPMENT BOARD COMMERCIAL PREMISES AND LIVING QUARTERS AUTHORISATION) NOTIFICATION 2011

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In exercise of the powers conferred by section 21(6) of the Planning Act, the Minister for National Development hereby makes the following Notification:

Citation and commencement

1. This Notification may be cited as the Planning (Housing and Development Board Commercial Premises and Living Quarters Authorisation) Notification 2011 and shall come into operation on 23rd February 2011.

Definitions

2. In this Notification, unless the context otherwise requires —
“bar”, “pub” and “showroom” have the same meanings as in the Planning (Use Classes) Rules (R 2);

“commercial use” and “floor area” have the same meanings as in the Planning (Development Charges) Rules (R 5);

“HDB” means the Housing and Development Board established under the Housing and Development Act 1959;

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“HDB commercial premises” means any building or premises, or any part of any building or premises, sold by or leased from the HDB for any commercial use;

“HDB living quarters” means the part of any shop premises, sold by or leased from the HDB, which was originally constructed with permission granted under the Act for the purpose of providing residential living quarters within the shop premises;

“Use Class” means any class of use of a building or land described in the Schedule to the Planning (Use Classes) Rules (R 2).

Authorisation for HDB commercial premises and HDB living quarters

3.—(1) Subject to paragraphs 4 and 6 and any other written law, any change in use of any HDB commercial premises to any purpose in any Use Class specified in the First Schedule, or to any use specified in that Schedule, is hereby authorised.

(2) Subject to paragraphs 5 and 6 and any other written law, any change in use of any HDB living quarters to any non-residential purpose not in any Use Class specified in the Second Schedule, or to any non-residential use not specified in that Schedule, is hereby authorised.

Conditions of authorisation for HDB commercial premises

4. The authorisation under paragraph 3(1) for any change in use of any HDB commercial premises shall apply only if all of the following conditions are satisfied:

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- (a) the written approval of the HDB for the change in use of the HDB commercial premises is obtained prior to the change in use;
 - (b) the HDB commercial premises are authorised or approved under the Act for a commercial use prior to the change in use;
 - (c) any other approval for the change in use of the HDB commercial premises required from any other relevant authority is obtained prior to the change in use;
 - (d) no part of the HDB commercial premises comprise works that are not authorised under the Act;
 - (e) the change in use of the HDB commercial premises does not result in an increase in the floor area of the HDB commercial premises; and
 - (f) where the use of the HDB commercial premises will be changed to use as a child care centre, the aggregate of the floor area of the HDB commercial premises and the floor area of any other premises within the building in which the HDB commercial premises are located, used for the purposes of a child care centre, shall be less than 50% of the total floor area of the building.

Conditions of authorisation for HDB living quarters

5. The authorisation under paragraph 3(2) for any change in use of any HDB living quarters shall apply only if all of the following conditions are satisfied:

- (a) the written approval of the HDB for the change in use of the HDB living quarters is obtained prior to the change in use;
- (b) any other approval for the change in use of the HDB living quarters required from any other relevant authority is obtained prior to the change in use;
- (c) no part of the HDB living quarters comprises works that are not authorised under the Act; and

- (d) the change in use of the HDB living quarters does not result in an increase in the floor area of the HDB living quarters.

Authorisation not to apply in certain cases

6.—(1) The authorisation under paragraph 3(1) for any change in use of any HDB commercial premises shall not apply to any change in use of any HDB commercial premises, if the competent authority has imposed any condition on the grant of any written permission under the Act or the repealed Act (whether before, on or after 23rd February 2011) in respect of the HDB commercial premises expressly prohibiting —

- (a) the change; or
- (b) any change in use without the prior permission of the competent authority.

(2) The authorisation under paragraph 3(1) for any change in use of any HDB commercial premises shall cease to apply to any change in use of any HDB commercial premises, if —

- (a) any approval referred to in paragraph 4(a) lapses, is revoked or, for any other reason, is no longer valid or applicable; or
- (b) any condition of authorisation referred to in paragraph 4(d), (e) or (f) ceases to be complied with,

and any continued change in use of that HDB commercial premises shall be deemed unlawful as at the date of the occurrence of that event.

(3) The authorisation under paragraph 3(2) for any change in use of any HDB living quarters shall not apply to any change in use of any HDB living quarters, if the competent authority has imposed any condition on the grant of any written permission under the Act or the repealed Act (whether before, on or after 23rd February 2011) in respect of the HDB living quarters expressly prohibiting —

- (a) the change; or
- (b) any change in use without the prior permission of the competent authority.

(4) The authorisation under paragraph 3(2) for any change in use of any HDB living quarters shall cease to apply to any change in use of any HDB living quarters, if —

- (a) any approval referred to in paragraph 5(a) lapses, is revoked or, for any other reason, is no longer valid or applicable; or
- (b) any condition of authorisation referred to in paragraph 5(c) or (d) ceases to be complied with,

and any continued change in use of that HDB living quarters shall be deemed unlawful as at the date of the occurrence of that event.

FIRST SCHEDULE

Paragraph 3(1)

PURPOSES AND USES IN RELATION TO HDB COMMERCIAL PREMISES

1. Class I : Use as a shop
2. Class II : Use as an office or a commercial school
3. Class III : Use as a restaurant
4. Class IV : Use as a health centre or an amusement centre
5. Class V : Use as a motor vehicle showroom
6. Class XII : Use as a child care centre
7. Class XIII : Use as a community building
8. Class XIV : Use as a sports and recreation building
9. Class XVI : Use as a pet shop
10. Use as a bar or pub
11. Use as a karaoke lounge
12. Use as a showroom.

SECOND SCHEDULE

Paragraph 3(2)

**EXCLUDED PURPOSES AND USES
IN RELATION TO HDB LIVING QUARTERS**

1. Class III : Use as a restaurant
2. Class VII : Use as a light industrial building
3. Class VIII : Use as a general industrial building
4. Class IX : Use as a special industrial building
5. Class X : Use as a warehouse
6. Class XV : Use as a nightclub
7. Class XVI : Use as a pet shop
8. Use as a bar or pub
9. Use as a wet market or a place for sale of market produce
10. Use as a place for sale of motor vehicle parts and accessories
11. Use as a place for sale of marine vessel parts
12. Use as a place of worship
13. Use as a place for sale of coffins
14. Use as a funeral parlour
15. Use as a workers' dormitory.

Made this 22nd day of February 2011.

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

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