

Housing and Development (Amendment) Bill

Table of Contents

Bill No: 24/1992

Read the first time: 10th March 1992

Long Title

Enacting Formula

1 Short title and commencement

2 New sections 48A and 48B

3 New Part IVA

Explanatory Statement

Expenditure of Public Money

Housing and Development (Amendment) Bill

Bill No. 24/1992

Read the first time on 10th March 1992.

An Act to amend the Housing and Development Act (Chapter 129 of the 1985 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Housing and Development (Amendment) Act 1992 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

New sections 48A and 48B

2. The Housing and Development Act is amended by inserting, immediately after section 48, the following sections:

“Board to be discharged from certain restrictive covenant

48A.—(1) Notwithstanding the provisions of any written law and any lease of a flat comprised in a designated building, the Board shall be discharged from the covenant in that lease requiring the Board to grant a lease of any other flat comprised in the designated building subject to restrictions or prohibitions as to the use of that other flat —

- (a) for any trade, business, manufacture or commercial purpose; or
- (b) which would impede the reasonable use of that other flat for any commercial purpose.

(2) No proceedings shall be instituted in any court by any person entitled (whether before or after the commencement of the Housing and Development (Amendment) Act 1992) to the benefit of the covenant referred to in subsection (1) to recover any loss or disadvantage suffered by that person in consequence of the discharge of that covenant.

(3) For the purposes of subsection (1), “designated building” means a building comprising any flat sold by the Board before 15th January 1992 and declared by the Minister, by notification in the *Gazette*, to be a designated building.

Execution of sale and other instruments by Board on behalf of certain purchasers of flats

48B.—(1) Where —

- (a) a flat is sold by the Board to any person under this Part or a loan is granted by the Board to any person under section 13(d); and
- (b) the person has failed, refused or neglected to execute any instrument relating to the sale or mortgage of the flat required for registration under the Land Titles Act (Cap. 157) or the Registration of Deeds Act (Cap. 269) after the Board has sent a notice requiring him to execute the instrument,

the Board may execute the instrument on behalf of the person; and the Board shall be deemed to be the duly appointed attorney of that person for the purpose of effectuating any sale or mortgage of the flat under the instrument that is required to be registered under the Land Titles Act (Cap. 157) or the Registration of Deeds Act.

(2) The execution of any instrument under subsection (1) by the Board on behalf of the lessee, assignee or mortgagor of any flat comprised in the instrument shall be deemed to have been properly effected and the Registrar of Titles, the Registrar of Deeds and any purchaser of the flat shall not be concerned to enquire into the regularity or validity of the instrument in so far as it affects the Board's execution of the instrument in its representative capacity under this section."

New Part IVA

3. The Housing and Development Act is amended by inserting, immediately after Part IV, the following Part:

"PART IVA

UPGRADING WORKS IN PRECINCTS

Interpretation of this Part

65A. For the purposes of this Part, unless the context otherwise requires —

"general upgrading works" means any upgrading works to be carried out in a precinct other than specified upgrading works;

"improvement contribution" means the costs in respect of general upgrading works or specified upgrading works recoverable by the Board from the owner of a flat or a Town Council under section 65D(2);

"precinct" means a precinct declared by the Minister under section 65B;

"specified upgrading works" means such items of upgrading works as specified by the Board to be carried out in a building or part thereof within a precinct;

"Town Council" means a Town Council established under the Town Councils Act (Cap. 329A);

"upgrading works" includes any building operations, repair, demolition or installation works carried out for the purposes of improving or upgrading

any flat, building or land and any addition to, or alteration in, landlord's fixtures and fittings.

Declaration of precincts

65B.—(1) The Minister may, after consulting the Board, from time to time by order published in the *Gazette*, declare any housing estate of the Board or any part thereof to be a precinct for the purposes of carrying out any upgrading works in the precinct.

(2) Any order made under subsection (1) shall include a plan with a description of the housing estate and the buildings within the precinct.

(3) The Minister may, by order published in the *Gazette*, revoke or amend any order made under subsection (1).

Upgrading works in a precinct

65C.—(1) Where a precinct has been declared under section 65B, the Board shall as soon as practicable —

- (a) make arrangements to conduct in the manner prescribed a poll of such owners of the flats within the precinct as may be prescribed with a view to establishing their opinions about the proposals to carry out general upgrading works and specified upgrading works, if any; and
- (b) do such other things as the Minister may direct.

(2) If it appears from a poll conducted under subsection (1)(a) that 75% or more of the prescribed owners of the flats within the precinct are in favour of the proposal to carry out general upgrading works, the Board may, with the approval of the Minister, carry out the general upgrading works.

(3) Where the Minister has approved the carrying out of general upgrading works in a precinct under subsection (2) and if it appears from a poll conducted under subsection (1)(a) that 75% or more of the prescribed owners of the flats comprised in a building within the precinct are in favour of the proposal to carry out any specified upgrading works in the building, the Board may, with the approval of the Minister, carry out the specified upgrading works.

(4) For the purposes of this section, “owner” includes the Board in respect of any flat which is not leased out by the Board.

(5) Any poll conducted by the Board before the commencement of the Housing

and Development (Amendment) Act 1992 in any housing estate of the Board or any part thereof with a view to establishing the opinions of owners of the flats within that housing estate about proposals to carry out general upgrading works or specified upgrading works shall be deemed to be a poll conducted in accordance with this section.

Power to carry out upgrading works and to recover contribution

65D.—(1) As soon as practicable after the Minister has given his approval under section 65C(2) or (3), the Board shall carry out the general upgrading works and where applicable the specified upgrading works in the precinct in such manner as the Board thinks fit.

(2) Where the Board has completed any general upgrading works or specified upgrading works in a precinct under this section, the Board may recover from —

- (a) the owner of every flat within the precinct the costs incurred by the Board in respect of the general upgrading works and the specified upgrading works (if any); and
- (b) the Town Council responsible for the maintenance of the common property within the precinct the costs incurred by the Board in respect of the general upgrading works carried out on the common property.

(3) The amount of improvement contribution payable by the owner of a flat and a Town Council under subsection (2) shall be determined by the Board whose decision shall be final.

(4) For the purposes of this section and section 65F, “owner”, in relation to any flat sold by the Board, means the person who is the owner of the flat at the time the improvement contribution is determined by the Board under subsection (3), and includes an equitable owner, a person who has purchased a leasehold interest in the flat and a purchaser under an agreement for a lease.

Direction of Minister to carry out upgrading works in certain circumstances

65E.—(1) Notwithstanding anything in this Part, where the Minister considers that the living conditions in a precinct or the physical state and design of the buildings therein can be improved by the carrying out of any upgrading works, he may direct the Board to carry out such upgrading works in the precinct as he thinks fit.