

**Central Provident Fund (Approved Housing Schemes) (Amendment No. 2)
Regulations 2009**

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No. S 447

**CENTRAL PROVIDENT FUND ACT
(CHAPTER 36)**

**CENTRAL PROVIDENT FUND (APPROVED HOUSING SCHEMES)
(AMENDMENT NO. 2) REGULATIONS 2009**

In exercise of the powers conferred by section 77(1)(*h*) and (*ra*) of the Central Provident Fund Act, the Minister for Manpower, after consulting with the Central Provident Fund Board, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Central Provident Fund (Approved Housing Schemes) (Amendment No. 2) Regulations 2009 and shall come into operation on 1st October 2009.

Amendment of regulation 2

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

- (a) by deleting the definition of “Housing and Development Board” in paragraph (1);
- (b) by deleting the definition of “Lease Buyback Scheme” in paragraph (1) and substituting the following definition:

““Lease Buyback Scheme” means a scheme by that name 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 part of which is to be used for the payment of the premium for an annuity plan under the Lifelong Income Scheme established and maintained by the Board under section 27K of the Act;”;
and

- (c) by inserting, immediately after paragraph (2), the following paragraph:

“(3) For the purposes of regulations 13(6), 14(5) and 14A(5)(d), which apply where a member has withdrawn any moneys under these Regulations in respect of the house or flat referred to in regulations 13(2)(a), 14(2)(a)(i) and 14A(2)(a), respectively, or is required under section 27D(1)(iii) or 27F(1)(ii) of the Act to make a payment to the Fund upon the sale or disposal of the house or flat referred to in regulations 13(2)(b), 14(2)(a)(ii) and 14A(2)(b), respectively, and the member is required to pay or repay to the Board or the Fund any moneys secured by any charge on the house or flat under section 21B(1) or 27F(1)(iv) of the Act (referred to in this paragraph as the relevant charge) or by any undertaking given by the member under section 27D(1)(v) of the Act in relation to the house or flat (referred to in this paragraph as the relevant undertaking), as the case may be, the relevant requirements are as

follows:

(a) any of the following applies:

- (i) there is a charge created under section 15(9) or (9A) of the Act on an immovable property (not being the house or flat) to secure the payment to the Board of the minimum sum applicable to the member;
- (ii) there is an undertaking under section 15(10) of the Act given by the member, being the owner of an immovable property (other than the house or flat), to refund to the Board an amount equal to the minimum sum or part thereof which he is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iii) there is an undertaking under section 15(10) or (10A) of the Act given by the member and one or more other persons, being joint owners of an immovable property (other than the house or flat), to refund to the Board an amount equal to the minimum sum or part thereof which the member is required to set aside in the event the immovable property is sold or otherwise disposed of;
- (iv) there is a charge under section 21(1) or 21A(1) of the Act on the member's estate or interest in an immovable property (not being the house or flat) to secure the payment of the minimum sum into the member's retirement account;
- (v) there is a charge constituted under section 21B(1) of the Act on an immovable property (being an HDB flat as defined in section 2(1) of the Act, but

- not being the house or flat) to secure the payment of the minimum sum into the member's retirement account;
- (vi) there is a charge under section 27C(1)(v) of the Act on the member's estate or interest in an immovable property (not being the house or flat) to secure the payment by the member of the amount referred to in section 27C(1)(iii) of the Act;
 - (vii) there is an undertaking under section 27D(1)(v) of the Act given by the member to pay to the Board the amount referred to in section 27D(1)(iii) of the Act in the event an immovable property (not being the house or flat) is sold or disposed of;
 - (viii) there is a charge under section 27E(1)(iv) of the Act on the member's estate or interest in an immovable property (not being the house or flat) to secure the payment of the minimum sum into the member's retirement account; or
 - (ix) there is a charge constituted under section 27F(1)(iv) of the Act on an immovable property (being an HDB flat as defined in section 2(1) of the Act, but not being the house or flat) to secure the payment of the minimum sum into the member's retirement account;
- (b) the member designates, in such manner as the Board may require, the immovable property referred to in the applicable sub-paragraph of sub-paragraph (a) as the principal immovable property from which an amount sufficient to cover any deficiency in the minimum sum which the member is required to set aside shall be paid to the Board,

on the sale, transfer, assignment or disposal of the immovable property, or on the compulsory acquisition of the immovable property under any written law, out of the proceeds of such sale, transfer, assignment, disposal or compulsory acquisition, as the case may be;

- (c) where the member and one or more other persons jointly own the immovable property referred to in the applicable sub-paragraph of sub-paragraph (a), each joint owner of the immovable property (other than the member) gives his consent for the member to designate the immovable property as the principal immovable property for the purposes of sub-paragraph (b);
- (d) the member —
 - (i) applies to the Board, in such manner as the Board may require, not to fully enforce the relevant charge or the relevant undertaking, as the case may be; and
 - (ii) agrees to such terms and conditions as the Board may impose for not fully enforcing that charge or undertaking; and
- (e) the Board grants the member's application.”.

Amendment of regulation 3

3. Regulation 3(4) of the principal Regulations is amended by deleting the word “The” and substituting the words “Unless the Board otherwise permits, the”.

Amendment of regulation 11

4. Regulation 11 of the principal Regulations is amended —

- (a) by deleting the words “paragraph (2)” in paragraph (1) and substituting the words “paragraphs (1A) and (2)”; and
- (b) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) Notwithstanding paragraph (1) and regulations 13, 14 and 14A but subject to paragraph (2), a member who has withdrawn any moneys under these Regulations in respect of a house or flat, or who