

# **Executive Condominium Housing Scheme Act (CHAPTER 99A)**

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# EXECUTIVE CONDOMINIUM HOUSING SCHEME ACT

## (CHAPTER 99A)

(Original Enactment: Act 10 of 1996)

REVISED EDITION 1997

(30th May 1997)

An Act to establish the executive condominium housing scheme, and to provide for matters connected therewith.

[7th June 1996]

### Short title

1. This Act may be cited as the Executive Condominium Housing Scheme Act.

### Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“Board” means the Housing and Development Board established under section 3 of the Housing and Development Act (Cap. 129);

“commercial property” means any flat, house or tenement or any part thereof which is permitted to be used pursuant to the Planning Act (Cap. 232) or any other written law for the purpose of carrying on any business or which is lawfully so used;

“develop” means to construct or cause to be constructed any housing accommodation, including any building operations in, on, over or under any land for the purpose of erecting any housing accommodation;

“developer” means a developer appointed by the Minister under section 4;

“executive condominium scheme” means the housing scheme established by the Minister under section 3(1);

“housing accommodation” means a horizontal stratum of any building or part thereof, whether such stratum is on one or more levels or is partially or wholly below the surface of the ground, which is wholly constructed, adapted or intended for human habitation;

“minimum occupation period”, in relation to any housing accommodation under the executive condominium scheme, means a period of 5 years commencing

from the date of issue of the temporary occupation permit in respect of the housing accommodation;

“permanent resident” means any person who is not subject to any restriction as to his period of residence in Singapore imposed under the provisions of any written law relating to immigration for the time being in force;

“public housing accommodation” means any housing accommodation developed and sold by the Board;

“temporary occupation permit” means a permit issued under section 20 of the Building Control Act (Cap. 29);

“transfer” includes a conveyance, sale, assignment, settlement, declaration of trust, assent, disposition of whatever nature, the vesting of any estate or interest in any housing accommodation by an instrument or under a vesting order of court and every instrument capable of vesting any estate or interest in any housing accommodation upon registration of such instrument by the Registrar of Titles, but does not include a mortgage, charge or reconveyance.

(2) If any question arises as to whether any property is commercial property within the meaning of this Act, a certificate under the hand of the Minister to the effect that such property is or is not commercial property shall be conclusive evidence for all purposes; and every such certificate shall be final and shall not be called in question in any court.

(3) The Minister may, subject to such conditions or restrictions as he thinks fit, delegate to any person any of the powers conferred on him under sections 4, 7, 8 and 9.

### **Executive condominium scheme**

3.—(1) The Minister may establish an executive condominium scheme to provide housing accommodation to such class of persons as he may determine.

(2) The Minister may make regulations for the purposes of carrying out the provisions of this Act, including regulations for or with respect to —

- (a) the terms and conditions for the sale of any housing accommodation under the executive condominium scheme;
- (b) the persons to whom any housing accommodation may be sold under an executive condominium scheme, including but not limited to the qualifications as to income, the minimum size of the family, citizenship of and ownership of any other properties by all or any such persons; and
- (c) prescribing the penalty (such penalty, if unpaid, to constitute a debt due to the Government under the executive condominium scheme and be recoverable as such) to be paid to the Government by any purchaser of a

housing accommodation sold under the executive condominium scheme or by any applicant for such housing accommodation for non-observance or non-compliance with any of the restrictions, conditions or requirements of sections 5 and 9 in lieu of any action which may be taken against him under any of those provisions.

### **Appointment of developers**

4. The Minister may from time to time, by notification in the *Gazette*, appoint one or more developers to develop such land as he may specify and to sell any housing accommodation under the executive condominium scheme.

### **Restrictions as to purchase under executive condominium scheme**

5.—(1) Subject to the provisions of this Act, no person shall be entitled to purchase any housing accommodation under the executive condominium scheme if such person or his spouse has at any time —

- (a) between the date of making an application to purchase the housing accommodation and the date of issue of the temporary occupation permit in respect of the housing accommodation, owned or purchased any flat, house, building or land or has an estate or interest therein;
- (b) within 30 months immediately prior to the date of making an application to purchase the housing accommodation, or between the date of such application and the date of issue of the temporary occupation permit in respect of the housing accommodation, sold any flat, house, building or land of which he was the owner, or divested himself of any estate or interest therein;
- (c) made any misrepresentation of a material fact or false statement in a material particular, whether innocently or otherwise, relating to the purchase of the housing accommodation; or
- (d) between the date of making an application to purchase the housing accommodation and the date of issue of the temporary occupation permit in respect of the housing accommodation, become ineligible to purchase the housing accommodation by virtue of any regulation made under section 3(2).

(2) Where any person purchases any housing accommodation under the executive condominium scheme in contravention of subsection (1), he shall not present for registration under the Land Titles Act (Cap. 157) the assurance of the housing accommodation.

(3) Where, before the date of issue of the temporary occupation permit in respect of any housing accommodation under the executive condominium scheme, the developer is satisfied that any purchaser has contravened subsection (1) or section 7(1)(a), the developer shall —

- (a) serve a written notice upon the purchaser of the housing accommodation of its intention to lodge with the Registrar of Titles an instrument under subsection (5) for the vesting in the developer of the title to or the estate or interest in that housing accommodation; or
- (b) where no assurance has been registered in favour of the purchaser, serve a written notice upon the purchaser of the housing accommodation of its intention to terminate the sale and purchase agreement.

(4) Any purchaser who is aggrieved by the service of a notice under subsection (3) may, within 14 days after service of the notice, appeal to the Minister whose decision shall be final and shall not be called in question in any court.

(5) Where an appeal has been made to the Minister under subsection (4), the developer shall not proceed to lodge any instrument for the vesting of the title to or the estate or interest in the housing accommodation in itself until the appeal has been disposed of.

(6) The Registrar of Titles shall register any instrument lodged under subsection (5) without being concerned to inquire into its regularity or validity, and upon its registration —

- (a) the title to or the estate or interest in the housing accommodation shall vest in the developer without further assurance free from all encumbrances (save such subsisting covenants, conditions or restrictions, if any, as may be binding upon the developer); and
- (b) the Registrar of Titles shall cancel the registration of any mortgage, charge or assurance thereby overreached and any caveat protecting a mortgage, charge or assurance registered or notified on the land-register.

(7) Where the developer has lodged any instrument under subsection (5) in respect of any housing accommodation, the developer shall forfeit any moneys paid or deposited in respect of the purchase of the housing accommodation, and any moneys so forfeited less any administrative and legal costs reasonably incurred by the developer in connection with the sale and resale of the housing accommodation shall be paid to the Government, and the Government shall, after deduction of such penalty not exceeding \$10,000 as may be prescribed, distribute the remainder of the moneys according to the order of priority prescribed pursuant to section 9(5).

(8) Nothing in subsection (1) shall disqualify a person from purchasing any housing