

# **Land Titles (Strata) (Amendment) Bill**

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**Bill No. 32/2007.**

*Read the first time on 27th August 2007.*

A BILL

*intituled*

An Act to amend the Land Titles (Strata) Act (Chapter 158 of the 1999 Revised Edition) and to make related amendments to the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004).

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 Land Titles (Strata) (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

### 5 Amendment of section 3

2. Section 3(1) of the Land Titles (Strata) Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “competent authority”, the following definition:

10 ““council” has the same meaning as in the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004);”;

(b) by inserting, immediately after the definition of “flat”, the following definition:

15 ““immediate family member” has the same meaning as in the Building Maintenance and Strata Management Act 2004;”;

(c) by inserting, immediately after the definition of “management corporation”, the following definition:

20 ““ordinary resolution” has the same meaning as in the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004);”;

(d) by inserting, immediately after the definition of “planning permission”, the following definition:

25 ““proposed lot” has the same meaning as in the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004);”.

### Amendment of section 9

30 3. Section 9(4) of the principal Act is amended by deleting the words “under section 7”.

### **Amendment of section 10**

4. Section 10(2) of the principal Act is amended by deleting the words “shall be” in the 5th line.

### **Amendment of section 81**

5 5. Section 81 of the principal Act is amended —

(a) by deleting the word “unanimous” in subsection (6) and substituting “90%”; and

10 (b) by deleting the words “a notice of a resolution referred to in subsection (1)” in subsection (9) and substituting the words “an application under subsection (2)(b) to terminate the strata subdivision”.

### **Amendment of section 82**

6. Section 82(9) of the principal Act is amended by deleting the words “an office copy” and substituting the words “a certified copy”.

### **Amendment of section 84A**

7. Section 84A of the principal Act is amended —

(a) by deleting paragraph (a) of subsection (1) and substituting the following paragraph:

20 “(a) the subsidiary proprietors of the lots with not less than 90% of the share values and not less than 90% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where less than 10 years have passed since the date of the issue of the latest  
25 Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest  
30 Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan, whichever is the later; or”;

(b) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:

- 5 “(b) the subsidiary proprietors of the lots with not less than 80% of the share values and not less than 80% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan, whichever is the later.”;
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- 15 (c) by inserting, immediately after subsection (1), the following subsection:
- “*(1A)* For the purposes of a collective sale under this section and before the signing of the collective sale agreement by any subsidiary proprietor —
- 20 (a) there shall be constituted a collective sale committee to act jointly on behalf of the subsidiary proprietors of the lots whose members shall be elected by the subsidiary proprietors of the lots at a general meeting of the management corporation convened in accordance with the Second Schedule; and
- 25 (b) the Third Schedule shall have effect as respects the collective sale committee, its composition, constitution, members and proceedings.”;
- 30 (d) by deleting the words “among themselves” in subsection (2) and substituting the words “the collective sale committee referred to in subsection (1A)”;
- (e) by deleting subsection (3) and substituting the following subsection:
- 35 “(3) Subject to subsection (7C), no application may be made under subsection (1) by the subsidiary proprietors referred to in that subsection unless they have complied with the requirements specified in the First, Second and Third

Schedules and have provided an undertaking to pay the costs of the Board under subsection (5).”;

(f) by deleting the word “Schedule” in subsection (4) and substituting the words “First Schedule”;

5 (g) by deleting the word “and” at the end of subsection (5)(a);

(h) by deleting the full-stop at the end of paragraph (b) of subsection (5) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

10 “(c) to impose such conditions as it may think fair and reasonable in approving an application under subsection (1).”;

(i) by inserting, immediately after subsection (7), the following subsections:

15 “(7A) An order made under subsection (7) by the Board may, with the consent of the collective sale committee, include an order that the proceeds of sale for any lot to be received by an objector, being a subsidiary proprietor who has filed an objection under subsection (4), be increased if the Board is satisfied that it would be just and equitable to do so.

20 (7B) The total sum ordered by the Board for all the objectors under subsection (7A) shall be paid from the proceeds of sale of all the subsidiary proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each lot or \$2,000 for each lot, whichever is the higher.

25 (7C) A Board shall not invalidate an application to the Board for an order under subsection (1) or section 84D(2), 84E(3) or 84FA(1) by reason only of non-compliance with any requirement in the First, Second or Third Schedule if the Board is satisfied that such non-compliance does not prejudice the interest of any person, and the Board may make such order as may be necessary to rectify the non-compliance and such order for costs.”;

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35 (j) by deleting the words “any deduction allowed by the Board” in subsection (8)(a) and substituting the words “such deduction as the Board may allow (including all or any of the deductions specified in the Fourth Schedule)”;

(k) by deleting the full-stop at the end of paragraph (b) of subsection (8) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

5 “(c) shall not be taken to have incurred a financial loss by reason that the proceeds of sale for his lot, after such deduction as the Board may allow (including all or any of the deductions specified in the Fourth Schedule), are less than the price he paid for his lot if he had purchased the lot after a collective sale committee had signed a sale and purchase agreement to sell all the lots and common property to a purchaser.”;

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(l) by deleting subsection (9) and substituting the following subsection:

15 “(9) The Board shall not approve an application made under subsection (1) —

(a) if the Board is satisfied that —

(i) the transaction is not in good faith after taking into account only the following factors:

20 (A) the sale price for the lots and the common property in the strata title plan;

(B) the method of distributing the proceeds of sale; and

25 (C) the relationship of the purchaser to any of the subsidiary proprietors; or

(ii) the sale and purchase agreement would require any subsidiary proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the lots and the common property in the strata title plan; or

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(b) if the collective sale committee does not consent to any order made by the Board under subsection (7A).”;

(m) by deleting the word “Schedule” in subsection (13) and substituting the words “First Schedule”; and

- (n) by deleting the word “Schedule” in subsection (14) and substituting the words “First, Second, Third and Fourth Schedules”.

#### **Amendment of section 84B**

5 **8.** Section 84B of the principal Act is amended —

- (a) by deleting the words “not agreed in writing to a sale under section 84A” in subsection (3) and substituting the words “leased out the lot”; and
- (b) by deleting the words “certificates of title” in subsection (4) and substituting the words “subsidiary strata certificates of title”.
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#### **Amendment of section 84C**

**9.** Section 84C of the principal Act is amended —

- (a) by deleting the words “the Board” wherever they appear in subsection (1) and substituting in each case the words “the president, deputy president or registrar of the Board”;
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- (b) by deleting the words “The Board” in subsection (2) and substituting the words “The president, deputy president or registrar of the Board”;
- (c) by deleting the words “or subsidiary certificate of title” in subsection (2) and substituting the words “subsidiary strata certificate of title”; and
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- (d) by deleting the word “Board” in the section heading and substituting the words “president, etc., of Board”.

#### **Amendment of section 84D**

25 **10.** Section 84D of the principal Act is amended —

- (a) by deleting paragraph (a) of subsection (2) and substituting the following paragraph:
- 30 “(a) the proprietors of the flats who own not less than 90% share of the land and not less than 90% of the total area of all the flats where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised

in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later; or”;

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- (b) by deleting paragraph (b) of subsection (2) and substituting the following paragraph:

“(b) the proprietors of the flats who own not less than 80% share of the land and not less than 80% of the total area of all the flats where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later;”;

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- (c) by deleting the word “Schedule” in subsection (3) and substituting the words “First Schedule”;

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- (d) by inserting, immediately after subsection (5), the following subsections:

“(5A) An order made under subsection (5) by the Board may, with the consent of the collective sale committee, include an order that the proceeds of sale for any flat to be received by an objector, being a proprietor who has filed an objection under subsection (3), be increased if the Board is satisfied that it would be just and equitable to do so.

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(5B) The total sum ordered by the Board for all the objectors under subsection (5A) shall be paid from the proceeds of sale of all the proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each flat or \$2,000 for each flat, whichever is the higher.”;

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- (e) by deleting subsection (7) and substituting the following subsection:

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“(7) The Board shall not approve an application made under subsection (2) —

(a) if the Board is satisfied that —

(i) the transaction is not in good faith after taking into account only the following factors:

(A) the sale price for the flats and the land in the development;

(B) the method of distributing the proceeds of sale; and

(C) the relationship of the purchaser to any of the proprietors; or

(ii) the sale and purchase agreement would require any proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the flats and the land in the development; or

(b) if the collective sale committee does not consent to any order made by the Board under subsection (5A).”;

(f) by deleting the words “84A(2), (3), (5), (11), (12) and (13), 84B and 84C” in subsection (9) and substituting the words “84A(1A), (2), (3), (5), (7C), (11), (12) and (13), 84B and 84C and the Second and Third Schedules”; and

(g) by inserting, immediately after subsection (9), the following subsection:

“(9A) In the application of section 84A(1A) and the Second and Third Schedules to any development to which this section applies, any reference to a management corporation shall be read as a reference to the proprietors of the flats.”.

### **Amendment of section 84E**

**11.** Section 84E of the principal Act is amended —

(a) by deleting the words “estate of 999 years or more or for such other estate” in subsection (1) and substituting the words “tenure of 850 years or more or for such other tenure”;

(b) by deleting paragraph (a) of subsection (3) and substituting the following paragraph:

5 “(a) the proprietors of the flats who own not less than 90% notional share of the land and not less than 90% of the total area of all the flats where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later; or”;

10 (c) by deleting paragraph (b) of subsection (3) and substituting the following paragraph:

15 “(b) the proprietors of the flats who own not less than 80% of notional share of the land and not less than 80% of the total area of all the flats where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the development or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the development, whichever is the later,”;

20 (d) by deleting the word “Schedule” in subsections (4) and (5) and substituting in each case the words “First Schedule”;

25 (e) by inserting, immediately after subsection (7), the following subsections:

30 “(7A) An order made under subsection (7) by the Board may, with the consent of the collective sale committee, include an order that the proceeds of sale for any flat to be received by an objector, being a proprietor who has filed an objection under subsection (5), be increased if the Board is satisfied that it would be just and equitable to do so.

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(7B) The total sum ordered by the Board for all the objectors under subsection (7A) shall be paid from the proceeds of sale of all the proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each flat or \$2,000 for each flat, whichever is the higher.”;

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(f) by deleting subsection (9) and substituting the following subsection:

“(9) The Board shall not approve an application made under subsection (3) —

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(a) if the Board is satisfied that —

(i) the transaction is not in good faith after taking into account only the following factors:

(A) the sale price for the flats and the land in the development;

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(B) the method of distributing the proceeds of sale; and

(C) the relationship of the purchaser to any of the proprietors; or

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(ii) the sale and purchase agreement would require any proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the flats and the land in the development; or

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(b) if the collective sale committee does not consent to any order made by the Board under subsection (7A).”;

(g) by inserting, immediately after subsection (14), the following subsections:

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“(14A) Upon registration by the Registrar of the transfers of all the flats (except the flats deemed to be owned by the proprietor under subsection (14)) in the development —

(a) the proprietor of the land shall be deemed to have transferred his estate and interest in the flats which are still owned by him to the purchaser; and

(b) the Registrar shall enter a notification of the vesting of such flats in the purchaser on the land-register.

(14B) The Registrar may dispense with production of the certificate of title for the land for the purposes of subsections (11) and (14A).”;  
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(h) by deleting the words “84A(2), (3), (5), (11), (12) and (13), 84B and 84C” in subsection (15) and substituting the words “84A(1A), (2), (3), (5), (7C), (11), (12) and (13), 84B and 84C and the Second and Third Schedules”;

(i) by inserting, immediately after subsection (15), the following subsection:  
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“(15A) In the application of section 84A(1A) and the Second and Third Schedules to any development to which this section applies, any reference to a management corporation shall be read as a reference to the proprietors of the flats.”; and  
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(j) by deleting the words “estate of at least 999 years or other estate” in the section heading and substituting the words “tenure of at least 850 years or other tenure”.

### **Amendment of section 84F**

20 **12.** Section 84F of the principal Act is amended —

(a) by deleting the words “estate of 999 years or more or for such other estate” in subsection (1) and substituting the words “tenure of 850 years or more or for such other tenure”;

(b) by deleting the words “Registry of Titles” in the 6th line of subsection (5) and substituting the words “Land Titles Registry”;  
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(c) by inserting “, (14B)” immediately after “(14)” in subsection (7); and

(d) by deleting the section heading and substituting the following section heading:

30 **“Collective sale by all proprietors of flats who own leasehold tenure of at least 850 years or other tenure in flats not registered under this Act but do not own land”.**

### **New sections 84FA and 84FB**

13. The principal Act is amended by inserting, immediately after section 84F, the following sections:

5 **“Application for collective sale of parcel by majority of subsidiary proprietors who own registered leasehold tenure of at least 850 years or other tenure**

10 **84FA.**—(1) This section shall apply where there are subsisting leases registered under the Land Titles Act (Cap. 157) of all or some of the lots in a strata title plan for a leasehold tenure of 850 years or more or for such other tenure as the Minister may, by notification in the *Gazette*, specify.

(2) An application to a Board for an order for the sale of all the lots and common property in a strata title plan to which this section applies may be made by —

15 (a) the subsidiary proprietors of the lots with not less than 90% of the share values and not less than 90% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where less than 10 years have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan, whichever is the later; or

20 (b) the subsidiary proprietors of the lots with not less than 80% of the share values and not less than 80% of the total area of all the lots (excluding the area of any accessory lot) as shown in the subsidiary strata certificates of title where 10 years or more have passed since the date of the issue of the latest Temporary Occupation Permit on completion of any building (not being any common property) comprised in the strata title plan or, if no Temporary Occupation Permit was issued, the date of the issue of the latest Certificate of Statutory Completion for any building (not being any

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common property) comprised in the strata title plan, whichever is the later,

5 who have agreed in writing to sell all the lots and common property in the strata title plan to a purchaser under a sale and purchase agreement which specifies the proposed method of distributing the sale proceeds to all the subsidiary proprietors (whether in cash or kind or both), subject to an order being made under subsection (5) or (6).

10 (3) The subsidiary proprietors of the lots referred to in subsection (2) shall also serve on the subsidiary proprietor in reversion of the leasehold estate and every mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the subsidiary strata land-register for the lots, a copy of all notices to be served pursuant to the First Schedule.

15 (4) A subsidiary proprietor of any lot in the strata title plan who has not agreed in writing to the sale referred to in subsection (2) and any mortgagee, chargee or other person (other than a lessee) with an estate or interest in land and whose interest is notified on the subsidiary strata land-register for that lot may each file an objection with a Board stating the grounds for the objection within 21 days of the date of the notice served pursuant to the First Schedule or such further period as the Board may allow.

20 (5) Where an application has been made under subsection (2) and no objection has been filed under subsection (4), the Board shall, subject to subsection (9), approve the application and order that the lots and common property in the strata title plan be sold.

25 (6) Where one or more objections have been filed under subsection (4), the Board shall, subject to subsection (9), after mediation, if any, approve the application made under subsection (2) and order that the lots and the common property in the strata title plan be sold unless, having regard to the objections, the Board is satisfied that —

30 (a) any objector, being a subsidiary proprietor, will incur a financial loss; or

35 (b) the proceeds of sale for any lot to be received by any objector, being a subsidiary proprietor, mortgagee or

chargee, are insufficient to redeem any mortgage or charge in respect of the lot.

(7) An order made under subsection (5) by the Board may, with the consent of the collective sale committee, include an order that the proceeds of sale for any lot to be received by an objector, being a subsidiary proprietor who has filed an objection under subsection (4), be increased if the Board is satisfied that it would be just and equitable to do so.

(8) The total sum ordered by the Board for all the objectors under subsection (7) shall be paid from the proceeds of sale of all the subsidiary proprietors and shall not exceed the aggregate sum of 0.25% of the proceeds of sale for each lot or \$2,000 for each lot, whichever is the higher.

(9) The Board shall not approve an application made under subsection (2) —

(a) if the Board is satisfied that —

(i) the transaction is not in good faith after taking into account only the following factors:

(A) the sale price for the lots and the common property in the strata title plan;

(B) the method of distributing the proceeds of sale; and

(C) the relationship of the purchaser to any of the subsidiary proprietors; or

(ii) the sale and purchase agreement would require any subsidiary proprietor who has not agreed in writing to the sale to be a party to any arrangement for the development of the lots and the common property in the strata title plan; or

(b) if the collective sale committee does not consent to any order made by the Board under subsection (7).

(10) Where no objection has been filed under subsection (4), the determination under subsection (9) shall be made by the Board on the basis of the facts available to the Board.

(11) Where a Board has made an order for the sale of the lots and the common property in the strata title plan —

- 5           (a) the subsidiary proprietor in reversion of the leasehold estate shall be deemed to have transferred his estate and interest in the lots to the purchaser without consideration upon the registration by the Registrar of the transfers of all the lots (except the lots still owned by the subsidiary proprietor in reversion under subsection (14)) in the strata title plan; and
- 10          (b) the Registrar shall enter a notification of the vesting of the reversionary interest in the purchaser on the subsidiary strata land-register.

15           (12) The subsidiary proprietors of the lots who have not agreed in writing to the sale, the subsidiary proprietor in reversion and any mortgagee, chargee or other person with an estate or interest in those lots, where applicable, shall produce the subsidiary strata certificates of title for the lots to the person having conduct of the sale, the representatives appointed under section 84A(2) or to their solicitors.

20           (13) If the subsidiary strata certificates of title for the lots are not produced under subsection (12), the person having conduct of the sale shall not be required to produce to the purchaser any subsidiary strata certificate of title other than a certified true copy thereof.

25           (14) Where the subsidiary proprietor in reversion has granted leases for some but not all the lots in the strata title plan, he shall be deemed to have transferred his estate and interest in the lots still owned by him to the purchaser upon registration by the Registrar of the transfers of the other lots in the strata title plan and the Registrar shall enter a notification of the vesting of the lots in the purchaser on the subsidiary strata land-register.

30           (15) The Registrar may dispense with production of the subsidiary strata certificates of title for the lots still owned by the subsidiary proprietor in reversion for the purposes of subsections (11) and (14).

35           (16) Sections 84A(1A), (2), (3), (5), (7C), (11), (12) and (13), 84B and 84C and the Second and Third Schedules shall apply, with the necessary modifications, to any application or order made under this section.



(17) In this section —

“subsidiary proprietor” includes a successor in title;

“subsidiary proprietor in reversion” means the lessor of the registered lease under subsection (1) and includes a successor in title.

**Collective sale by all subsidiary proprietors who own registered leasehold tenure of at least 850 years or other tenure**

**84FB.**—(1) This section shall apply where there are subsisting leases registered under the Land Titles Act (Cap. 157) of all or some of the lots in a strata title plan for a leasehold tenure of 850 years or more or for such other tenure as the Minister may, by notification in the *Gazette*, specify.

(2) Where the subsidiary proprietors of all the lots in the strata title plan to which this section applies agree in writing under a sale and purchase agreement to sell all their lots and common property to a purchaser (whether in cash or kind or both), they shall serve a notice on the subsidiary proprietor in reversion of the leasehold estate and every mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the land-register at least 21 days before the date of the first transfer of any such lot informing them of the transfer under subsection (4).

(3) Notice under subsection (2) shall be given by —

(a) advertising the proposed sale in such local newspapers in the 4 official languages as approved by the Registrar;

(b) serving the notice on the subsidiary proprietor in reversion of the leasehold estate and every mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the land-register by registered post; and

(c) affixing a copy of the notice in the 4 official languages to a conspicuous part of each building in the development.

(4) The subsidiary proprietor in reversion of the leasehold estate referred to in subsection (2) shall be deemed to have transferred his estate and interest in the lots to the purchaser without consideration upon the registration by the Registrar of the transfers of all the lots in

the strata title plan and the Registrar shall enter a notification of the vesting of the land in the purchaser on the land-register.

5 (5) A notice sent by registered post under this section to the subsidiary proprietor in reversion of the leasehold estate, his mortgagee, chargee or other person with an estate or interest in land and whose interest is notified on the land-register at its last registered address in the case of a company registered under the Companies Act (Cap. 50) or otherwise at its last recorded address at the Land Titles Registry shall be deemed to be duly served on the person to whom it is addressed 2 days after the day on which the notice was posted, notwithstanding the fact that the letter may be returned by the post office as undelivered.

15 (6) When the transfers of the lots to which this section applies are lodged for registration with the Registrar, the solicitors acting for the subsidiary proprietors of the lots shall certify in such form as the Registrar may determine that the provisions of this section have been complied with, and the certificate in favour of the purchaser and the Registrar shall be conclusive evidence of the facts stated therein.

20 (7) Section 84FA(12) to (15) and (17) shall apply, with the necessary modifications, to all the lots in a strata title plan to which this section applies.”.

#### **Amendment of section 125**

25 **14.** Section 125(10) of the principal Act is amended by deleting the words “strata title plan” in the 1st line and substituting the words “strata title application”.

#### **Amendment of section 126**

**15.** Section 126(9) of the principal Act is amended by deleting the words “strata title plan” in the 1st line and substituting the words “strata title application”.

#### **30 Amendment of section 126A**

**16.** Section 126A of the principal Act is amended —

(a) by deleting the word “building” in the 2nd line of subsection (1)(c) and substituting the word “development”; and

- (b) by inserting, immediately after subsection (6), the following subsections:

5 “(6A) Subject to subsection (6B), in the application of section 84A(1)(a) or (b) to any designated land, any reference therein to the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan shall be read as a reference to the date of completion of the construction of the last building (not being any common property) comprised in the strata title plan as certified by the relevant authority.

10 (6B) In the application of section 84A(1)(a) or (b) to any designated land specified in the First Schedule to the HUDC Housing Estates Act (Cap. 131), any reference therein to the date of the issue of the latest Certificate of Statutory Completion for any building (not being any common property) comprised in the strata title plan shall be read as a reference to the date of the issue of the Certificate of Fitness for any building (not being any common property) comprised in the strata title plan.

20 (6C) A certificate purporting to be under the hand of an officer of the relevant authority specifying the date of completion of the construction of the last building (not being any common property) comprised in the strata title plan referred to in subsection (6A), shall, in the absence of proof to the contrary, and without further proof of the signature appended to the certificate, be sufficient evidence of the matters specified therein.”.

### **Amendment of section 126B**

17. Section 126B of the principal Act is amended —

- 30 (a) by deleting the words “strata title plan” wherever they appear in subsections (1) and (2) and substituting in each case the words “strata title application”;
- (b) by deleting the words “sections 67 and 68” in subsection (1)(h) and substituting the words “sections 69 and 70”; and
- 35 (c) by deleting the words “strata title plan or issue of subsidiary strata certificate of title” in the section heading and substituting

the words “strata title application or issue of subsidiary strata certificates of title”.

### **Amendment of section 127**

**18.** Section 127 of the principal Act is amended —

- 5 (a) by deleting the word “certificates” wherever it appears in subsection (6) and substituting in each case the word “certificate”;
- (b) by deleting the word “their” wherever it appears in subsection (6) and substituting in each case the word “its”;
- 10 (c) by deleting the words “strata title plan” in the 1st line of subsection (7) and substituting the words “strata title application”; and
- (d) by deleting the word “subsidiary” in subsection (7)(d) and substituting the word “registered”.

### **Amendment of section 130**

**19.** Section 130(2) of the principal Act is amended by deleting paragraph (e).

### **Amendment of Schedule**

**20.** The Schedule to the principal Act is amended —

- 20 (a) by deleting the words “THE SCHEDULE” in the 1st line and substituting the words “FIRST SCHEDULE”;
- (b) by deleting the Schedule reference and substituting the following Schedule reference:
- 25 “Sections 84A(3), (4), (7C), (13) and (14), 84D(3), 84E(4) and (5) and 84FA(3) and (4)”;
- (c) by deleting the words “OR 84E” in the Schedule heading and substituting the words “, 84E OR 84FA”;
- (d) by inserting, immediately after the words “section 84A(1)” in paragraph 1, the words “or 84FA(2)”;
- 30 (e) by inserting, immediately after the words “section 84A” in paragraph 1(a)(i), the words “or 84FA”;

(f) by deleting sub-paragraph (b) of paragraph 1 and substituting the following sub-paragraph:

“*(b)* affix to a conspicuous part of each building comprised in the strata title plan or the development to which section 84D or 84E applies, as the case may be, a notice in the 4 official languages specifying —

(i) the number of lots and number of subsidiary proprietors or the number of flats and number of proprietors, as the case may be, who, immediately before the date of the notice, have signed the collective sale agreement; and

(ii) the proportion (in percentage) that the total share value and the total area of the lots as shown in the subsidiary strata certificates of title of such subsidiary proprietors’ lots bear to the total share value and total area of all lots comprised in that strata title plan, or the total share or total notional share of the land and total area of the flats of such proprietors bear to the total share or notional share of all proprietors and total area of all the flats in that land and the development concerned, as the case may be,

within 4 weeks after the start of the permitted time and thereafter at intervals of not more than 4 weeks from the date of the last notice under this sub-paragraph;”;

(g) by deleting sub-paragraph (c) of paragraph 1 and substituting the following sub-paragraph:

“*(c)* ensure that the notice in sub-paragraph (b) does not include any subsidiary proprietor who has served or is entitled to serve a notice of rescission under paragraph 1E and that the notice in that sub-paragraph is certified by the advocate and solicitor appointed by the collective sale committee to be accurate;”;

(h) by deleting the words “or on all proprietors of all flats in the development concerned, as the case may be, by registered post and by placing a copy of the proposed application under the main door of every lot or flat, together with a copy each of the following” in paragraph 1(e) and substituting the words “and, if applicable, on the subsidiary proprietors in reversion of the leasehold estate in the lots, or on all the proprietors of all flats in the development concerned, as the case may be, by registered post enclosing a copy each of the following documents”;

(i) by deleting sub-paragraph (iv) of paragraph 1(e);

(j) by deleting sub-paragraph (vi) of paragraph 1(e) and substituting the following sub-paragraph:

“(vi) a valuation report from an independent valuer on the value of the development as at the date of the close of the public tender or auction; and”;

(k) by deleting the words “a valuer” in paragraph 1(e)(vii) and substituting the words “an independent valuer”;

(l) by deleting the word “and” at the end of paragraph 1(e);

(m) by inserting, immediately after sub-paragraph (e) of paragraph 1, the following sub-paragraphs:

“(ea) place a notice in the mail boxes of all the subsidiary proprietors of all the lots and common property in the strata title plan concerned or all proprietors of all the flats in the development concerned, as the case may be, notifying them of the proposed application, the notice sent under sub-paragraph (e) and the address to which it was sent, and that copies of the documents in that sub-paragraph may also be obtained from the marketing agent or the collective sale committee;

(eb) place a notice in the mail boxes of all the subsidiary proprietors of all the lots and common property in the strata title plan concerned or all proprietors of all the flats in the development concerned, as the case may be, notifying the lessees of the subsidiary proprietors or proprietors of the proposed application and of their right to file an application to the Board to determine the amount of compensation payable under the lease; and”;

(n) by inserting, immediately after the words “sub-paragraph (e)” in paragraph 1(f), the words “, without the enclosed documents,”;

(o) by deleting the words “or 84E(3)” in paragraph 1A(a) and substituting the words “, 84E(3) or 84FA(2)”;

(p) by inserting, immediately after paragraph 1A, the following paragraphs:

“1B. The collective sale committee shall provide a preface to the collective sale agreement stating the clause numbers and page numbers in which the following information are found:

(a) the reserve price for the development;

(b) the apportionment method for the proceeds of sale;

(c) the fees payable to the advocate and solicitor, marketing agent and other person involved in handling the collective sale;

- (d) the amount of the compensation fund, if any;
- (e) the person entitled to any interest derived from moneys held by any stakeholder; and
- (f) the date of delivery of vacant possession of the lot or flat.

5 1C. The collective sale agreement shall be signed by the subsidiary proprietor, and, if signed in Singapore, in the presence of an advocate and solicitor who has a valid practising certificate appointed by the collective sale committee.

10 1D. The collective sale agreement shall be accompanied by a notice, in the prescribed form, that may be used by the subsidiary proprietor to rescind his agreement to be a party to the collective sale agreement.

15 1E. A subsidiary proprietor may rescind his agreement to be a party to the collective sale agreement by serving a notice of rescission referred to in paragraph 1D within the cooling-off period which shall be a period of 5 days (excluding any day which is a Saturday, Sunday or public holiday) after the day on which the collective sale agreement was signed by him.

20 1F. The notice of rescission shall be signed by the subsidiary proprietor and shall be served personally on the advocate and solicitor appointed by the collective sale committee before 5 p.m. on the last day of the cooling-off period.

1G. A subsidiary proprietor shall not be entitled to serve a notice of rescission more than once for the same collective sale agreement.”;

(q) by deleting the words “an affected party” in paragraph 2 and substituting the words “the affected parties”;

25 (r) by deleting the words “Registry of Titles” in paragraph 2(b) and substituting the words “Land Titles Registry”;

(s) by deleting sub-paragraph (c) of paragraph 2 and substituting the following sub-paragraph:

30 “(c) where the party is a mortgagee, chargee or other person with an estate and interest in the lot or flat whose interest is notified on the land-register or a subsidiary proprietor in reversion of the leasehold estate in a lot, his mortgagee, chargee or other person with an estate or interest in the lot and whose interest is notified on the subsidiary strata land-register, at the address on the strata roll or last recorded address at the Land Titles Registry or Registry of Deeds, as the case may be, provided that where such mortgagee, chargee, subsidiary proprietor in reversion or other person has an estate or interest in more than one lot or flat whose interest is notified on the land-register or subsidiary strata land-register, a single notice referring to the affected lots

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or flats and their respective subsidiary proprietors or proprietors shall suffice; and”;

- (*t*) by deleting sub-paragraphs (*b*) and (*c*) of paragraph 3;
- (*u*) by inserting, immediately after the words “section 84A(1)” in the 2nd line of paragraph 4, the words “or 84FA(2)”;
- (*v*) by inserting, immediately before the words “collective sale” in paragraph 4(*b*)(ii), the word “the”;
- (*w*) by deleting the words “or 84E(3)” in paragraph 4(*b*)(ii) and substituting the words “, 84E(3) or 84FA(2)”;
- (*x*) by deleting sub-paragraph (*c*) of paragraph 4 and substituting the following sub-paragraph:
  - “(c) a list of the names of the subsidiary proprietors or proprietors who have not agreed in writing to the sale, their mortgagees, chargees, the subsidiary proprietors in reversion of the leasehold estate in the lots and other persons (other than lessees) with an estate or interest in the lots or flats whose interests are notified on the land-register or subsidiary strata land-register; and”;
- (*y*) by inserting, immediately after the words “section 84A(1)” in paragraph 6, the words “or 84FA(2)”;
- (*z*) by inserting, immediately after the words “subsidiary proprietors” in paragraph 7, the words “or proprietors”;
- (*za*) by deleting the words “or 84E” in paragraph 7 and substituting the words “, 84E or 84FA”;
- (*zb*) by inserting, immediately after the words “section 84A(1)” in paragraph 8(*a*), the words “or 84FA(2)”;
- (*zc*) by deleting the word “and” at the end of paragraph 8(*c*); and
- (*zd*) by inserting, immediately after sub-paragraph (*c*) of paragraph 8, the following sub-paragraph:
  - “(ca) the subsidiary proprietor in reversion of the leasehold estate in the lots under section 84FA, his mortgagee, chargee or other person with an estate or interest in the lots and whose interest is notified on the subsidiary strata land-register; and”.



## **New Second, Third and Fourth Schedules**

**21.** The principal Act is amended by inserting, immediately after the First Schedule, the following Schedules:

### **“SECOND SCHEDULE**

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Sections 84A(1A)(a), (3), (7C) and (14),  
84D(9) and (9A), 84E(15) and (15A) and  
84FA(16) and paragraphs 1(1), 7(1), 9(1) and  
12(a) of Third Schedule

#### **GENERAL MEETINGS FOR PURPOSES OF COLLECTIVE SALE**

##### **10 Application of Schedule**

1. This Schedule shall apply only to any general meeting convened by a management corporation for the purposes of a collective sale.

##### **Convening of general meeting on requisition**

15 2.—(1) The council of a management corporation shall, on receipt by the secretary thereof of a requisition for a general meeting signed by —

- (a) one or more persons entitled to vote in respect of one or more lots, the share value or the total share value of which is at least 20% of the aggregate share value of all the lots whose subsidiary proprietors comprise the management corporation; or
- 20 (b) not less than 25% of the total number of subsidiary proprietors of the lots whose subsidiary proprietors comprise the management corporation,

immediately proceed to convene a general meeting of the management corporation to be held as soon as practicable but in any case not later than 6 weeks after the receipt by the secretary of the requisition.

25 (2) In the case of land in a development to which section 84D applies, any general meeting shall be convened by —

- (a) the proprietors of the flats who own not less than 20% share of the land; or
- (b) not less than 25% of the total number of proprietors of the flats.

30 (3) In the case of land in a development to which section 84E applies, any general meeting shall be convened by —

- (a) the proprietors of the flats who own not less than 20% notional share of the land; or
- (b) not less than 25% of the total number of proprietors of the flats.

35 (4) The requisition shall state the objects of the meeting and shall be signed by the requisitionists and deposited at the registered address of the management corporation,

and may consist of several documents in like form each signed by one or more requisitionists.

5 (5) If the council does not within 14 days after the date of the deposit of the requisition proceed to convene a meeting, the requisitionists, or any one of them representing more than 50% of the total voting rights of all of them, may themselves, in the same manner as nearly as possible as that in which meetings are to be convened by the council, convene a meeting, but any meeting so convened shall not be held after the expiration of 3 months from that date.

10 (6) Any reasonable expenses incurred by the requisitionists by reason of the failure of the council to convene a meeting shall be paid to the requisitionists by the management corporation.

15 (7) In the case of land in a development to which section 84D or 84E applies, the general meeting may be convened by the proprietors referred to in sub-paragraph (2) or (3), as the case may be, in the same manner as nearly as possible as that in which meetings are to be convened.

### **Notice of general meetings**

3.—(1) A notice of a general meeting of a management corporation shall be served on each subsidiary proprietor who is a member thereof and on the first mortgagee of a lot, as ascertained from the strata roll, at least 14 days before the meeting.

20 (2) Every notice for a general meeting shall —

- (a) specify the place, day and hour for the meeting;
- (b) include each proposed resolution to be considered at the meeting;
- (c) specify any other business to be transacted at the meeting; and
- 25 (d) inform each person to whom the notice is addressed that he may vote in respect of each proposed resolution and, where relevant, on election of members of the collective sale committee —
  - (i) in the case of a subsidiary proprietor of a lot subject to a first mortgage shown on the strata roll, only if the mortgagee fails or neglects to exercise the voting power conferred upon him by this Schedule; and
  - 30 (ii) either in person or by proxy at the meeting.

(3) No motion shall be submitted at a general meeting unless —

- (a) notice of the motion has been given in accordance with this paragraph; or
- (b) the motion is a motion to amend a motion of which notice has been so given.

35 (4) A motion for the constitution of a collective sale committee and its powers, duties or functions shall be decided by ordinary resolution passed at the general meeting.

(5) In the case of land in a development to which section 84D or 84E applies, a notice of a general meeting of the proprietors of the flats shall be served on each proprietor by registered post at his last recorded address at the Land Titles Registry or the Registry of

Deeds and placing a copy of the notice under the main door of every flat in the development.

### **Persons entitled to vote at general meetings**

5 4.—(1) A person shall be entitled to vote in respect of any lot on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee only if he is the subsidiary proprietor or a mortgagee in possession or a receiver of that lot as shown on the strata roll.

10 (2) Notwithstanding any other provision of this paragraph, a first mortgagee, as shown on the strata roll, of a lot shall be entitled to vote in respect of that lot on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee and, if he votes on that proposal, any vote cast by the subsidiary proprietor of that lot on the proposal shall not be counted.

15 (3) The vote of co-proprietors or co-mortgagees may be cast by any of them in person or by a proxy and if both joint subsidiary proprietors or co-mortgagees are present at a meeting of the management corporation, the vote of the senior who casts a vote, whether in person or by a proxy, shall be accepted to the exclusion of the votes of the others; and for this purpose, seniority shall be determined by the order in which the names stand in the strata roll.

20 (4) In the case of land in a development to which section 84D or 84E applies, the seniority shall be determined by the order in which the names appear in the records at the Land Titles Registry or the Registry of Deeds.

25 (5) Only the subsidiary proprietor entitled to the first of 2 or more successive estates in a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee.

30 (6) A subsidiary proprietor who is the trustee of a lot shall, subject to this Schedule, be entitled to cast a vote on any proposal submitted at a general meeting of a management corporation or on any election of members of the collective sale committee and the persons beneficially interested in the trust shall not be entitled to cast such a vote.

(7) The voting rights conferred by this paragraph shall be subject to section 65(9) and (10) of the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004).

### **Quorum**

35 5.—(1) No business shall be transacted at any general meeting of a management corporation unless a quorum of subsidiary proprietors is present.

40 (2) A quorum shall be formed at any general meeting of a management corporation constituted in respect of a strata title plan when the number of subsidiary proprietors who own at least 30% of the aggregate share value for all lots comprised in that strata title plan are present at the meeting, either in person or by proxy.

(3) In the case of land in a development to which section 84D or 84E applies, the quorum shall be formed at any general meeting of the proprietors of the flats when the number of proprietors who own at least 30% of the share or notional share in land, as the case may be, are present at the meeting, either in person or by proxy.

5 **Motions out of order**

6. At a general meeting of a management corporation, its chairperson may rule that a motion submitted at the meeting is out of order if he considers that the motion, if carried, would conflict with this Act or would otherwise be unlawful or unenforceable.

**Method of casting vote**

10 7. Except as provided in paragraph 4(3), a vote on a motion submitted at a general meeting of a management corporation or on any election of members of the collective sale committee may be cast by the person entitled to vote, either personally or by his duly appointed proxy.

**Chairperson to preside**

15 8. The chairperson of the management corporation shall preside at any general meeting of the management corporation at which he is present and, in his absence from any such meeting, the persons present at that meeting and entitled to vote on motions submitted at that meeting may elect one of their number to preside at that meeting and the person so elected shall, while he is so presiding, be deemed to be the chairperson of  
20 the management corporation.

**List of names of persons entitled to vote**

9. The secretary of the management corporation shall put up a list of the names of the persons who are entitled to vote at a general meeting on the notice board maintained on the common property at least 48 hours before the general meeting.

25 **Counting of votes on motion**

10.—(1) A motion submitted at a general meeting of a management corporation shall be decided only according to the value, ascertained in accordance with sub-paragraphs (2) and (3), of the votes cast for and against the motion, whether personally or by proxy.

30 (2) Subject to sub-paragraph (3), for the purposes of sub-paragraph (1), the value of a vote cast on a motion submitted at a general meeting of a management corporation by a person entitled to vote in respect of a lot shall be equal to the share value of that lot.

(3) For the purposes of sub-paragraph (1), the value of the vote cast by a subsidiary proprietor of a proposed lot shall be 25% of the value that, but for this sub-paragraph, his vote would have under sub-paragraph (2), ignoring any fraction.

35 (4) A poll shall be taken in such manner as the chairperson thinks fit.

**Chairperson's declaration of vote**

11. The declaration of the chairperson of the result of the voting on any proposal submitted at a general meeting of the management corporation shall be conclusive.

**Company may appoint representative to attend meetings**

5 12. A company which is a subsidiary proprietor may under the seal of the company or the hand of its director or any duly authorised attorney appoint such person as it thinks fit to act as its representative either at a particular meeting or at all meetings of the management corporation, and a person so authorised shall, in accordance with his authority or until his authority is revoked by the company, be entitled to exercise the  
10 the same powers on behalf of the company as the company could exercise if it were an individual.

**Instrument of proxy**

13.—(1) An instrument appointing a proxy shall be in writing —

- 15 (a) under the hand of the person appointing the proxy or of his attorney duly authorised in writing; or
- (b) if the person appointing the proxy is a company, either under seal or under the hand of an officer or its attorney duly authorised.

(2) Where it is desired to afford subsidiary proprietors an opportunity of voting for or against a resolution, the instrument appointing a proxy shall be in the following form or  
20 a form as near thereto as circumstances admit:

I/We, \_\_\_\_\_ of being a member/members of the above-named management corporation, hereby appoint/appoints \_\_\_\_\_, of \_\_\_\_\_, or failing him, of \_\_\_\_\_, as my/our proxy to vote for me/us on my/our behalf at the general meeting of the management corporation, to be  
25 convened on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, and at any adjournment thereof.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_. .

This form is to be used \*in favour of/against the resolution.

\*Strike out whichever is not desired. [Unless otherwise instructed, the proxy may vote as he thinks fit.].

**Proxy to be deposited at registered address of management corporation**

14. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed, or a notarially certified copy of that power or authority, shall be deposited at the registered address of the management corporation or at such other place in Singapore as is specified for that purpose in the notice convening the meeting —

- (a) not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote; or
- (b) in the case of a poll, not less than 48 hours before the time appointed for the taking of the poll,

5 and in default, the instrument of proxy shall not be treated as valid.

### **Powers of proxies**

15.—(1) A proxy need not be a subsidiary proprietor.

(2) Subject to sub-paragraph (3), a person duly appointed as a proxy —

- (a) if entitled to vote otherwise as a proxy, may also vote in his own right; and
- 10 (b) if appointed as proxy for more than one person, may vote separately as a proxy in each case.

(3) A proxy cannot exercise a vote in relation to a matter if the person who appointed the proxy is exercising personally a power to vote on the matter.

### **Authority not to be revoked by death of principal, etc.**

15 16. A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, or the transfer of the share in respect of which the instrument is given, if  
20 no intimation in writing of such death, unsoundness of mind, revocation or transfer has been received by the management corporation at its registered address or such other place in Singapore referred to in paragraph 14 before the commencement of the meeting or adjourned meeting at which the instrument is used.

## **THIRD SCHEDULE**

25 Sections 84A(1A)(b), (3), (7C) and (14),  
84D(9) and (9A), 84E(15) and (15A) and  
84FA(16)

### **COMPOSITION, CONSTITUTION AND PROCEEDINGS OF COLLECTIVE SALE COMMITTEE**

#### **Members of collective sale committee**

30 1.—(1) Subject to sub-paragraph (2), a collective sale committee shall comprise such number of persons as may be determined in a general meeting convened in accordance with the Second Schedule, but in no case less than 3 members or more than 14 members who are natural persons.

35 (2) Notwithstanding sub-paragraph (1), where the number of subsidiary proprietors of the lots in a strata title plan is not more than 3, the collective sale committee shall

consist of each subsidiary proprietor (if any) who is a natural person or the subsidiary proprietor's nominee, together with the nominee of each subsidiary proprietor (if any) which is a company.

5 (3) A person shall not be eligible for election as a member of a collective sale committee unless he is an individual of at least 21 years of age and who —

- (a) is a subsidiary proprietor of a lot;
- (b) is nominated for election by a subsidiary proprietor of a lot which is a company; or
- 10 (c) is not a subsidiary proprietor but is a member of the immediate family of a subsidiary proprietor and is nominated for election by that subsidiary proprietor.

(4) Notwithstanding sub-paragraph (3), the following persons shall also not be eligible for election as a member of the collective sale committee:

- 15 (a) an individual who is a joint subsidiary proprietor of a lot with another subsidiary proprietor, if that other subsidiary proprietor is also a candidate at that election or has nominated another person for that election; and
- (b) an individual who is nominated for election by a subsidiary proprietor who owns 2 or more lots, if that subsidiary proprietor together with any of his nominees —
  - 20 (i) nominated at the same election; or
  - (ii) elected to the collective sale committee at the same or other election,

or such of his nominees, exceed the threshold number for that subsidiary proprietor determined in accordance with sub-paragraph (6).

(5) Notwithstanding sub-paragraph (3) and without prejudice to sub-paragraph (4) —

- 25 (a) an undischarged bankrupt; or
- (b) a subsidiary proprietor of a lot whose contributions and other moneys levied or recoverable by the management corporation under the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004) in respect of that lot are in arrears,

30 shall be eligible for election as a member of a collective sale committee if, and only if, his status referred to in sub-paragraph (a) or (b) is declared in writing, whether by himself or by another, at the time of his nomination.

35 (6) For the purposes of determining the eligibility of any subsidiary proprietor's nominee for election as a member of a collective sale committee under sub-paragraph (4)(b), the threshold number for that subsidiary proprietor shall be —

- (a) the number of collective sale committee members that is proportional to the subsidiary proprietor's share value, ignoring any fraction; or

(b) 49% of the number of collective sale committee members determined under sub-paragraph (1), ignoring any fraction, whichever number is the lower.

#### **Disclosure of interests**

5 2. A person standing for election as a member of a collective sale committee who has any direct or indirect interest in any property developer, property consultant, marketing agent or legal firm, being an interest that could conflict with the proper performance of his functions as a member of a collective sale committee (should he be elected) shall, as soon as practicable after the relevant facts have come to his knowledge, disclose the  
10 nature of that interest at a general meeting.

#### **Appointment of chairperson**

3. The chairperson of the collective sale committee shall be appointed from among its members.

#### **Tenure of office of member**

15 4. A member of the collective sale committee shall hold office for the duration of the collective sale agreement until —

- (a) the collective sale committee is dissolved; or
- (b) he vacates office under paragraph 5.

#### **Vacation of office of member of collective sale committee**

20 5. A person who is a member of a collective sale committee shall vacate his office as such a member —

- (a) if the person was a subsidiary proprietor at the time of his election and he ceases to be a subsidiary proprietor;
- 25 (b) if the person was the nominee of a subsidiary proprietor and the subsidiary proprietor who nominated him —
  - (i) ceases to be a subsidiary proprietor; or
  - (ii) notifies the collective sale committee in writing that the person's office as a member of the collective sale committee is vacated;
- 30 (c) upon the receipt by the collective sale committee from the person of a notice in writing of the person's resignation;
- (d) where he is a member under paragraph 1(2) and the number of subsidiary proprietors increases to more than 3, upon the election of the members of the collective sale committee at a general meeting convened after that increase;
- (e) if the person is removed from office at a general meeting;
- 35 (f) if the person dies;



- (g) if the person becomes a mentally disordered person within the meaning of the Mental Disorders and Treatment Act (Cap. 178); or
- (h) if the person is convicted, on or after the date of commencement of this paragraph, by a court in Singapore or elsewhere of an offence involving fraud or dishonesty.

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### **Chairperson to preside at meetings**

6. The chairperson of a collective sale committee shall preside at all meetings of the collective sale committee at which he is present and, if he is absent from any such meeting, the members of the collective sale committee present at that meeting shall appoint one of their number to preside at that meeting during the absence of the chairperson.

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### **General meetings convened by collective sale committee**

7.—(1) The collective sale committee shall convene one or more general meetings of the management corporation in accordance with the Second Schedule for the following purposes:

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- (a) to consider the appointment of any advocate and solicitor, property consultant or marketing agent;
- (b) to consider the apportionment of sale proceeds;
- (c) to consider the terms and conditions of the collective sale agreement;
- (d) to give an update on the total number of subsidiary proprietors who, immediately before the date of the general meeting, have signed the collective sale agreement;
- (e) to provide information of the sale proposal and sale process;
- (f) to provide information on the number of offers received for the collective sale and the respective amounts; and
- (g) to consider the terms and conditions of the sale and purchase agreement.

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(2) The meeting under sub-paragraph (1)(a), (b) and (c) shall be convened before any subsidiary proprietor signs the collective sale agreement.

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(3) The meeting under sub-paragraph (1)(d) and (e) shall be convened after the subsidiary proprietors referred to in section 84A(1) or 84FA(2) have signed the collective sale agreement but before the launch for sale under paragraph 11.

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(4) The meeting under sub-paragraph (1)(f) and (g) shall be convened as soon as practicable after the close of the public tender or public auction or, where applicable, after the collective sale committee has entered into a private contract under paragraph 11.

### **Meetings of collective sale committee**

8.—(1) At any meeting of a collective sale committee, a quorum shall consist of the majority of the members of the collective sale committee.

(2) A decision of the majority of the members of the collective sale committee present and voting at any meeting of the collective sale committee shall be a decision of the collective sale committee.

5 (3) A collective sale committee shall cause a record of its decisions and minutes of its meetings to be kept.

### **Keeping of records**

9.—(1) The collective sale committee shall keep minutes of its proceedings and shall cause minutes of general meetings convened in accordance with the Second Schedule to be kept.

10 (2) If the management corporation is required by its by-laws to maintain a notice board, the collective sale committee shall cause a copy of the minutes of a meeting of the collective sale committee to be displayed on the notice board within 7 days after the meeting.

15 (3) A copy of any minutes referred to in sub-paragraph (2) shall be kept displayed on the notice board for a period of not less than 14 days.

(4) If there is no notice board, the collective sale committee shall give each subsidiary proprietor a copy of the minutes referred to in sub-paragraph (2) within the period specified in that sub-paragraph.

(5) The collective sale committee shall —

20 (a) ensure that proper books of account are kept in respect of all sums of money received and expended for the purposes of a collective sale specifying the matters in relation to which the receipts and expenditure take place; and

(b) on the application of a subsidiary proprietor or mortgagee of a lot (or any person authorised in writing by him) make the books of account available for

25 inspection at all reasonable times.

### **Acts of collective sale committee valid notwithstanding vacancy, etc.**

10. Any act or proceeding of a collective sale committee done in good faith shall, notwithstanding that at the time when the act or proceeding was done, taken or commenced there was —

30 (a) a vacancy in the office of a member of the collective sale committee; or

(b) any defect in the appointment, or any disqualification of any such member,

be as valid as if the vacancy, defect or disqualification did not exist and the collective sale committee were fully and properly constituted.

### **Collective sale by public tender or auction**

35 11.—(1) The collective sale of all lots and common property in a strata title plan shall be launched for sale only by way of public tender or public auction.

(2) A valuation report by an independent valuer on the value of the development as at the date of the close of the public tender or public auction shall be obtained by the collective sale committee on the date of the close of the public tender or public auction.

5 (3) Notwithstanding sub-paragraph (1), the collective sale committee may, within 10 weeks from the close of the public tender or public auction, enter into a private contract with a purchaser for the sale of all the lots and common property in a strata title plan.

#### **Termination of collective sale committee**

12. A collective sale committee may be dissolved —

- 10 (a) by ordinary resolution at a general meeting of the management corporation convened in accordance with the Second Schedule; or
- (b) upon the termination or expiry of the collective sale agreement.

### **FOURTH SCHEDULE**

Section 84A(8)(a) and (c) and (14)

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#### **DEDUCTIONS**

##### **DEDUCTIONS ALLOWABLE BY BOARD**

1. Stamp duty paid on the purchase of the lot or flat.
2. Legal fees paid in relation to the purchase of the lot or flat.
- 20 3. Costs related to the privatisation of any designated land as defined in section 126A.
4. Costs incurred pursuant to the collective sale which are to be shared by all subsidiary proprietors or proprietors as provided under the collective sale agreement.”.

#### **Related amendments to Building Maintenance and Strata Management Act 2004**

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**22.** The Building Maintenance and Strata Management Act 2004 (Act 47 of 2004) is amended —

- 30 (a) by deleting the words “recorded in the strata title plan” in section 28(1)(a) and substituting the words “lodged with the Registrar of Titles”;

(b) by deleting the words “shown on the strata title plan” in section 28(2) and substituting the words “lodged with the Registrar of Titles”;

5 (c) by deleting the words “registered strata title plan” in section 28(3)(b) and substituting the words “address lodged with the Registrar of Titles”;

(d) by inserting, immediately after subsection (9) of section 38, the following subsections:

10 “(9A) No moneys in the management fund or sinking fund shall be used for any purpose of a collective sale of the property under Part VA of the Land Titles (Strata) Act (Cap. 158) other than for the purpose of convening any general meeting under the Second Schedule to that Act.

15 (9B) The moneys remaining in the management fund and sinking fund as at the date of the legal completion of a collective sale of the property in accordance with Part VA of the Land Titles (Strata) Act shall be returned as soon as practicable to the subsidiary proprietors of the lots in shares proportional to the contributions levied by the management corporation on the subsidiary proprietors in accordance with  
20 this Act.”;

(e) by deleting subsection (2) of section 90 and substituting the following subsection:

25 “(2) The Minister may appoint such number of deputy presidents of the Boards as he may consider necessary.”;

(f) by deleting subsection (4) of section 90 and substituting the following subsection:

30 “(4) For the purpose of enabling the Boards to be constituted under this Part, the Minister shall appoint a panel consisting of such number of persons as he may consider necessary and shall publish their names in the *Gazette*.”;

(g) by deleting the words “of 2 years” in section 90(5) and substituting the words “not exceeding 3 years”; and

35 (h) by deleting the words “as may be prescribed by regulations made under this Act” in section 100 and substituting the words “as the Minister may determine”.

### **Transitional and savings provisions**

**23.**—(1) This Act shall not affect —

- 5           (a) any application made to or pending before a Strata Titles Board before the appointed day, and every such application may be continued and everything in relation thereto may be done in all respects after that day as if this Act had not been enacted;
- (b) the continued operation or force of any order or decision of a Strata Titles Board made before the appointed day;
- 10          (c) any right of appeal accrued before the appointed day, in respect of any such order or decision of a Strata Titles Board;
- (d) any collective sale agreement for the collective sale of all the lots and common property comprised in a strata title plan, or of all the flats and the land in the type of development referred to in section 84D or 84E, which has been executed before the appointed day by the subsidiary proprietors of any of those lots or any proprietor of any of those flats with not less than the applicable percentage referred to in section 84A(1), 84D(2) or 84E(3), as the case may be, and any application to be made to a Strata Titles Board on or after that day in respect of any such agreement shall be subject to the Act as if this Act had not been enacted; and
- (e) any sale and purchase agreement for any collective sale of any property under Part VA of the Act signed before the appointed day.
- 25          (2) In this section, “appointed day” means the date of commencement of this Act.

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### **EXPLANATORY STATEMENT**

This Bill seeks to amend the Land Titles (Strata) Act (Cap.158) for the following main purposes:

- (a) to provide additional requirements to be met before an application for any collective sale of a development may be made to a Strata Titles Board (Board);
- (b) to empower a Board to increase, in appropriate cases, the sale proceeds for minority owners who have filed valid objections to the Board;

- (c) to provide for the composition, constitution and proceedings of a collective sale committee for the purposes of Part VA of the Act;
- (d) to empower a Board to disregard any technical or procedural irregularity in any application for an order for the collective sale of a development provided that such irregularity will not prejudice the interest of any person;
- (e) to enable any subsidiary proprietor who has signed a collective sale agreement to rescind his agreement to be a party to the collective sale agreement within the cooling-off period; and
- (f) to require the valuation report for the purposes of a collective sale of a development to be from an independent valuer reflecting the value of the development as at the date of the close of the public tender or public auction.

The Bill also makes related amendments to the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 3(1) to insert 4 new definitions consequential to the amendments to sections 84A(9), 84D(7) and 84E(9), and the insertion of the new Second and Third Schedules (by clause 21).

Clauses 3 to 6 make certain technical amendments to sections 9(4), 10(2), 81 and 82(9), respectively, so that these provisions are consistent with the rest of the provisions in the Act and the practice of the Singapore Land Authority.

Clause 7 amends section 84A(1) to add a new requirement that subsidiary proprietors with at least 90% of the total area of all the lots in the strata title plan for developments that are less than 10 years old, or subsidiary proprietors with at least 80% of the total area of all the lots in the strata title plan for developments that are at least 10 years old, must agree to a collective sale before an application for such sale may be made to a Board. The clause also clarifies that the reference to “building” in the section does not include any common property in a development.

The clause also inserts new subsections (1A), (7A), (7B) and (7C), and amends subsection (8).

The new subsection (1A) requires a collective sale committee to be constituted at a general meeting of the management corporation prior to the signing of a collective sale agreement by any owner of a lot.

The new subsection (7A) empowers a Board, in certain cases, to increase the sale proceeds to be received by minority owners who have filed valid objections to an application for the collective sale of the lots.

The new subsection (7B) provides for the increase in sale proceeds to the minority owners to be paid from the proceeds of all the owners (including the minority owners), subject to an aggregate sum limit.

The new subsection (7C) enables a Board to approve an application and disregard any technical or procedural irregularity for non-compliance with the requirements in the First, Second or Third Schedule provided that such non-compliance does not prejudice

any owner's interest. It also empowers the Board to make an order to rectify any non-compliance and to award costs.

The clause amends subsection (8) to provide that the deductions which a Board may allow include those specified in the Fourth Schedule.

The clause inserts new subsection (8)(c) to provide that an owner will not be taken to have suffered financial loss by reason that the proceeds of sale for his lot, after such deduction as the Board may allow, are less than the price he paid for his lot if he had purchased the lot after a collective sale committee had signed a sale and purchase agreement to sell all the lots and common property to a purchaser.

The clause also amends subsection (9) to provide an additional ground on which a Board must not approve an application for collective sale and makes other technical and consequential amendments to section 84A arising from the constitution of the collective sale committee and the insertion of the new Second and Third Schedules (by clause 21).

Clause 8 amends section 84B(3) to allow any owner to apply to a Board to resolve his compensation dispute with his lessee, and makes a technical amendment to section 84B(4).

Clause 9 makes technical amendments to section 84C(1) and (2).

Clause 10 amends section 84D(2) to add a new requirement that proprietors with at least 90% of the total area of all the flats for developments that are less than 10 years old, or proprietors with at least 80% of the total area of all the flats for developments that are at least 10 years old, must agree to a collective sale before an application for such sale may be made to a Board. The clause also clarifies that the reference to "building" in the section does not include any common property in a development.

The clause also inserts new subsections (5A) and (5B).

The new subsection (5A) empowers the Board, in certain cases, to increase the sale proceeds to be received by minority owners who have filed valid objections to an application for the collective sale of the flats.

The new subsection (5B) provides for the increase in sale proceeds to the minority owners to be paid from the proceeds of all the owners (including the minority owners), subject to an aggregate sum limit.

The clause also amends subsection (7) to provide an additional ground on which a Board must not approve an application for collective sale and makes certain technical amendments consequential to the re-naming of the Schedule (by clause 20) and the insertion of new section 84A(1A) and (7C) and the new Second and Third Schedules (inserted by clauses 7 and 21, respectively).

Clause 11 amends section 84E(3) to add a new requirement that proprietors with at least 90% of the total area of all the flats for developments that are less than 10 years old, or proprietors with at least 80% of the total area of all the flats for developments that are at least 10 years old, must agree to a collective sale before an application for such sale may be made to a Board. The clause also clarifies that the reference to "building" in the section does not include any common property in a development.

The clause also inserts new subsections (7A) and (7B).

The new subsection (7A) empowers the Board, in certain cases, to increase the sale proceeds to be received by minority owners who have filed valid objections to an application for the collective sale of the flats.

The new subsection (7B) provides for the increase in sale proceeds to the minority owners to be paid from the proceeds of all the owners (including the minority owners), subject to an aggregate sum limit.

The clause also amends subsection (9) to provide an additional ground on which a Board must not approve an application for collective sale and makes certain technical amendments consequential to the re-naming of the Schedule (by clause 20) and the insertion of new section 84A(1A) and (7C) and the new Second and Third Schedules (inserted by clauses 7 and 21, respectively).

The clause also amends section 84E to insert a new subsection (14A) to provide for the deemed transfer of the land owner's interests in the flats to the purchaser upon registration of the transfers of all the flats by the Registrar of Titles and for the Registrar to enter on the land-register a notification of the vesting of such flats in the purchaser.

Clause 12 makes technical amendments to section 84F.

Clause 13 inserts new sections 84FA and 84FB.

The new section 84FA provides for the application for collective sale by a majority of owners who own registered leasehold tenure of at least 850 years. The provisions in the new section 84FA are similar to those in section 84E.

The new section 84FB provides for situations where all the owners who own registered leasehold tenure of at least 850 years agree to the collective sale. The provisions in the new section 84FB are similar to those in section 84F.

Clauses 14 and 15 make technical amendments to sections 125(10) and 126(9), respectively.

Clause 16 makes a technical amendment to section 126A. In addition, the clause inserts new subsections (6A), (6B) and (6C).

The new subsection (6A) provides that in the application of section 84A(1)(a) or (b) (relating to collective sale of strata title property) to any designated land under section 126A, any reference to the date of the issue of the latest Certificate of Statutory Completion will be read as a reference to the date of the completion of the construction of the last building comprised in the strata title plan as certified by the relevant authority.

The new subsection (6B) provides that in the application of section 84A(1)(a) or (b) (relating to collective sale of strata title property) to any designated land specified in the First Schedule to the HUDC Housing Estates Act (Cap. 131), any reference to the date of the issue of the latest Certificate of Statutory Completion will be read as a reference to the date of the issue of the Certificate of Fitness for any building comprised in the strata title plan.



The new subsection (6C) provides that a certificate issued by an officer of the relevant authority will be conclusive evidence of the date of completion of the construction of the last building in the strata title plan referred to in new subsection (6A) in the absence of proof to the contrary.

Clauses 17 and 18 make technical amendments to sections 126B and 127, respectively.

Clause 19 deletes section 130(2)(e) as the Singapore Land Authority does not regulate car parks.

Clause 20 re-names the Schedule as the First Schedule and makes the following main amendments to the Schedule:

- (a) amends paragraph 1(b) by requiring the notice for the purposes of a collective sale to be affixed to every building in the development within 4 weeks of the permitted time and thereafter at intervals of not more than 4 weeks from the date of the last notice;
- (b) amends paragraph 1(b)(i) and (ii) consequential to the additional requirement under sections 84A(1), 84D(2) and 84E(3) and new section 84FA (inserted by clause 13);
- (c) amends paragraph 1(c) by requiring the accuracy of the notice referred to in paragraph 1(b) to be certified by an advocate and solicitor;
- (d) amends paragraph 1(e) by requiring a valuation report from an independent valuer on the value of the development as at the date of the close of the public tender or auction;
- (e) inserts new paragraph 1(ea) requiring a notice for the purposes of a collective sale to be placed in the mail boxes of the owners to inform them of the proposed application and that copies of the documents in paragraph 1(e) may also be obtained from the marketing agent or the collective sale committee;
- (f) inserts new paragraph 1(eb) requiring a notice for the purposes of a collective sale to be placed in the mail boxes of the owners to inform their lessees that they may apply to the Board to determine the compensation payable under the lease;
- (g) inserts new paragraph 1B requiring a preface to the collective sale agreement containing certain information to be provided by the collective sale committee;
- (h) inserts new paragraph 1C requiring the collective sale agreement to be signed by an owner, and, if signed in Singapore, before an advocate and solicitor appointed by the collective sale committee; and
- (i) inserts new paragraphs 1D to 1G to enable an owner who has signed an agreement to be a party to a collective sale agreement to rescind his agreement to be a party to the collective sale agreement during the cooling-off period.

Clause 21 inserts new Second, Third and Fourth Schedules.

The new Second Schedule sets out provisions governing the conduct and proceedings of general meetings of the management corporations convened for the purposes of a collective sale.

The new Third Schedule sets out provisions governing the composition, constitution and proceedings of a collective sale committee.

The new Fourth Schedule specifies the deductions which a Board may allow when ascertaining the financial loss suffered by the owner of a lot.

Clause 22 makes related amendments to the Building Maintenance and Strata Management Act 2004 (Act 47 of 2004) and inserts new section 38(9A) and (9B).

The new section 38(9A) prohibits the use of moneys in the management fund or sinking fund of a management corporation for any purpose of a collective sale other than for the purpose of convening any general meeting under the new Second Schedule (inserted by clause 21).

The new section 38(9B) requires that moneys in the management fund and sinking fund of a management corporation be returned as soon as practicable to the owners of the lots in shares proportional to the contributions levied on the owners by the management corporation upon the legal completion of a collective sale of the development.

Clause 23 provides for a number of transitional and savings provisions. The clause provides that the Act will not affect —

- (a) any application made to or pending before a Board before the date of commencement of the Land Titles (Strata) (Amendment) Act 2007;
- (b) the continued operation or force of order or decision of a Board made before the date of commencement of the Land Titles (Strata) (Amendment) Act 2007;
- (c) any right of appeal accrued before the date of commencement of the Land Titles (Strata) (Amendment) Act 2007 in respect of such order or decision of a Board;
- (d) any collective sale agreement executed before the date of commencement of the Land Titles (Strata) (Amendment) Act 2007 by the majority owners referred to in section 84A(1), 84D(2) or 84E(3); and any application made to a Board on or after that date in respect of such agreement will be subject to the Act as if the Land Titles (Strata) (Amendment) Act 2007 had not been enacted; and
- (e) any sale and purchase agreement for any collective sale of any property under Part VA of the Act entered into before the date of commencement of the Land Titles (Strata) (Amendment) Act 2007.

**EXPENDITURE OF PUBLIC MONEY**

This Bill will not involve the Government in any extra financial expenditure.

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