

Housing and Development (Amendment) Bill

Bill No. 46/2007.

Read the first time on 12th November 2007.

A BILL

intituled

An Act to amend the Housing and Development Act (Chapter 129 of the 2004 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the Housing and Development (Amendment) Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 65A

2. Section 65A of the Housing and Development Act (referred to in this Act as the principal Act) is amended —

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

10 “ “flat upgrading works” means —

(a) such items of upgrading works as are specified by the Board to be carried out —

(i) within a flat comprised in a building;

15 (ii) within a building or any part thereof not comprised in a flat for the provision of a service in relation to water, sewerage, drainage, gas, electricity, garbage or conditioned air, or other services relating to telephone, radio, television or any other means of telecommunication, that are reasonably necessary for or connected with the enjoyment of any flat comprised in such a building; or

20 (b) such other items of upgrading works approved by the Minister, being works to be carried out within a building or any part thereof not comprised in a flat, to —

25 (i) facilitate the access to, and use of, the building and its facilities by persons with physical disabilities; or

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- (ii) improve the fire safety or other safety features of the building or such other performance requirements for buildings as may be prescribed by any other written law,

5 but does not include any specified upgrading works;”;

- (b) by deleting the words “and special upgrading works” in the definition of “general upgrading works” and substituting the words “, special upgrading works and flat upgrading works”;

- 10 (c) by deleting the words “or special upgrading works” in the definition of “improvement contribution” and substituting the words “, special upgrading works or flat upgrading works that are”; and

- (d) by deleting the definition of “specified upgrading works” and substituting the following definition:

15 ““specified upgrading works” means such items of upgrading works specified by the Board to be carried out in a building or part thereof within a precinct as a result of which the floor area of a flat in the building will be increased, but does not include any special
20 upgrading works and flat upgrading works;”.

Amendment of section 65C

3. Section 65C of the principal Act is amended —

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

25 “(1) Where a precinct has been declared under section 65B, the Board shall —

- (a) make arrangements to conduct in the manner prescribed a poll (in combination with another poll or otherwise) of prescribed owners of the flats within the precinct with a view to establishing their opinions
30 about any proposal to carry out any of the following:

- (i) general upgrading works within the precinct together with specified upgrading works (if any) in any building within the precinct;

(ii) special upgrading works within a building, or in relation to more than one building, in the precinct;

(iii) flat upgrading works within any building in the precinct; and

(b) do such other things as the Minister may direct.”;

(b) by inserting, immediately after subsection (1A), the following subsection:

“(1B) A poll conducted in connection with any proposal to carry out any flat upgrading works within any building in a precinct shall be a poll of the prescribed owners of prescribed flats within the building.”; and

(c) by inserting, immediately after subsection (5A), the following subsection:

“(5B) The Board may, with the approval of the Minister, carry out any flat upgrading works within any building or buildings within a precinct if, and only if, it appears from a poll of the owners referred to in subsection (1B) that 75% or more of the total value in votes of such owners of flats within each such building have been cast in favour of the proposal to carry out the flat upgrading works within that building.”.

Amendment of section 65D

4. Section 65D of the principal Act is amended —

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

“(1) As soon as practicable after the Minister has given his approval under section 65C(2), (3), (5A) or (5B), the Board shall carry out, in such manner as the Board thinks fit —

(a) the general upgrading works within the precinct and, where applicable, the specified upgrading works in any building within the precinct;

(b) the special upgrading works within a building, or in relation to more than one building, in a precinct; or

(c) the flat upgrading works within any building in the precinct,

as the case may be.”;

5 (b) by inserting, immediately after the words “special upgrading works” wherever they appear in subsection (2A), the words “or flat upgrading works”; and

(c) by inserting, immediately after the words “section 65C(1A)” in subsection (2A)(a), the words “in the case of special upgrading works or section 65C(1B) in the case of flat upgrading works”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Housing and Development Act (Cap. 129) principally to enable the Housing and Development Board (HDB) to carry out upgrading works within or for flats in its housing estates, if 75% or more of the total value in votes of owners of all flats in each building are cast in favour of the carrying out of such works.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 65A by introducing a new definition of “flat upgrading works”. These are upgrading works within a flat comprised in a building, or upgrading works to common property in a building for the provision of water, sewerage, drainage, gas, electricity, garbage or conditioned air, or other services relating to telephone, radio, television or any other means of telecommunication, that are necessary for or in connection with the enjoyment of any flat comprised in such a building. The Minister may also approve other types of upgrading works as flat upgrading works where these are meant to facilitate the access to, and use of, the building and its facilities by persons with physical disabilities, to improve the fire safety or other safety features of the building or to meet other building performance requirements. The clause also amends various definitions in the section consequent to the introduction of flat upgrading works and polls for such works to be carried out.

Clause 3 amends section 65C to deal with the poll for proposals to carry out flat upgrading works. After any housing estate of the HDB or any part thereof is declared to be a precinct, at least one poll must be conducted by the HDB (in the manner required by the section) to ascertain the opinions of owners of flats within the precinct on proposals to carry out any of the following:

- (a) general upgrading works within the precinct together with specified upgrading works (if any) in any building within the precinct;
- (b) special upgrading works;
- (c) flat upgrading works.

The poll for any type of upgrading works may be conducted together in combination with a poll for another type of upgrading works. As for flat upgrading works within or connected with flats, the poll must be a poll of the prescribed owners of the flats within a building. The flat upgrading works may be carried out by the HDB if 75% or more of the total value in votes of such owners of flats within each such building have been cast in favour of the proposal to carry out the flat upgrading works within that building.

Clause 4 amends section 65D which provides for the HDB to carry out upgrading works in a precinct in such manner as the HDB thinks fit and for the recovery from the owners of the flats and the Town Councils the costs incurred by the HDB in carrying out such works (referred to as improvement contribution). The section is expanded to cover improvement contributions for flat upgrading works. The amount of improvement contribution payable by each owner and Town Council will be determined by the HDB whose decision will be final.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
