

HUDC Housing Estates (Amendment) Bill

Bill No. 12/2012.

Read the first time on 14th May 2012.

A BILL

intituled

An Act to amend the HUDC Housing Estates Act (Chapter 131 of the 1985 Revised Edition).

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

Short title and commencement

1. This Act may be cited as the HUDC Housing Estates (Amendment) Act 2012 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 8

2. Section 8 of the HUDC Housing Estates Act is amended —

- (a) by inserting, immediately after the words “section 13(1)(q)” in subsection (1), the words “or (qa)”;
- (b) by inserting, immediately after the words “by the owners of the flats and” in subsection (2), the words “, except for contributions referred to in section 13(1)(qa)(iii),”; and
- (c) by inserting, immediately after subsection (2), the following subsection:

15 “(2A) Any contributions levied by a body corporate for the purposes of section 13(1)(qa)(iii) in respect of each flat shall be payable by the owners thereof in such shares as are determined by a special resolution passed at the general meeting under section 13(1)(qa)(ii).”.

Amendment of section 13

20 3. Section 13 of the HUDC Housing Estates Act is amended —

- (a) by deleting the word “and” at the end of paragraph (q) of subsection (1), and by inserting immediately thereafter the following paragraph:

25 “(qa) before a transfer and strata title application under section 126(1) of the Land Titles (Strata) Act (Cap. 158) in relation to the housing estate is lodged, convene one or more general meetings of the owners of all the flats in the buildings erected in the housing estate —

- (i) to discuss the premium that is payable by the Board to the State for enhancing the Board’s estate or interest in the housing

estate which is to be the subject of the transfer;

(ii) to determine, by special resolution, the apportionment of that premium among the respective owners of every flat in the housing estate or the amount of contributions payable by each of the owners in respect of their respective flats, or both; and 5

(iii) if such determination under sub-paragraph (ii) is made, to levy in accordance with section 8, contributions to raise those moneys to pay the Board that premium; and”; and 10

(b) by inserting, immediately after subsection (3), the following subsections: 15

“(4) Before the lodgment of any transfer and strata title application under section 126(1) of the Land Titles (Strata) Act in relation to a housing estate, the Board shall, by notice in writing to the body corporate of the housing estate, demand the payment of — 20

(a) an amount that is not less than the premium that is payable by the Board to the State for enhancing the Board’s estate or interest in the housing estate which is to be the subject of the transfer; and 25

(b) the amount of such expenditure as may be reasonably incurred by the Board in connection with enhancing the Board’s estate or interest in the housing estate which is to be the subject of the transfer, including but not limited to any stamp duty and valuation fees. 30

(5) Upon receipt of any written notice under subsection (4), the body corporate of the housing estate concerned shall, within 30 days after receiving the written notice or within such longer period (not ending on or after 35

the lodgment of any transfer and strata title application under section 126(1) of the Land Titles (Strata) Act in relation to that housing estate) as the Board may allow, pay to the Board the amounts specified in that notice.

5 (6) If the amounts specified in the written notice under subsection (4) or any part thereof is not paid by the body corporate of the housing estate concerned within the time delimited in subsection (5), the body corporate shall be liable to pay interest in accordance with the rate specified by the Minister, such interest, if unpaid, to constitute a debt due to the Board and recoverable as such.

10 (7) Where the Board is paid any amount from the body corporate of a housing estate pursuant to a written notice under subsection (4), any reference in section 126A(2)(a), 15 (3), (4) or (5) of the Land Titles (Strata) Act to the cost of any estate or interest in land that the management corporation for the housing estate shall be liable to pay to the Board shall be a reference to such cost less any amount so paid to the Board by the body corporate of that housing estate.”.

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EXPLANATORY STATEMENT

This Bill seeks to amend the HUDC Housing Estates Act (Cap. 131) to facilitate the privatisation of Braddell View HUDC housing estate Phases I and II, through the transfer by the Housing and Development Board (HDB) of the common property in the housing estate to the flat owners in that housing estate.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 8 to deal with the levying of contributions by the body corporate of the housing estate to raise the moneys from the flat owners in advance of the expected liability under section 126A(2) of the Land Titles (Strata) Act (Cap. 158).

Clause 3 first amends section 13(1) to impose a duty on the body corporate of the housing estate to convene a general meeting of the owners of all flats in the housing estate before the transfer and strata title application under section 126(1) of the Land Titles (Strata) Act to privatise the housing estate are lodged. The general

meeting is to discuss the premium that is payable by HDB for enhancing its leasehold interest in the housing estate to be transferred.

The general meeting is also to determine, by special resolution, the apportionment of that premium among the respective owners of every flat in the housing estate or the amount of contributions payable by each of the owners in respect of their respective flats, or both. If a special resolution determining such an apportionment is passed, the body corporate has to levy in accordance with section 8, contributions to raise those moneys to pay HDB in advance of the lodgment of the transfer and strata title application under section 126A(2) of the Land Titles (Strata) Act.

The clause also amends section 13 by providing that the body corporate must pay HDB the amount of the premium HDB pays to the State for enhancing the estate or interest of HDB in the housing estate, and all expenditure HDB may reasonably incur in connection therewith. These moneys must be paid by the body corporate to HDB within 30 days after the body corporate receives the demand for payment or within such extended time as HDB grants which cannot extend beyond the date the transfer and strata title application under section 126(1) of the Land Titles (Strata) Act in relation to the housing estate are lodged. Any sum unpaid by the due date will attract interest.

If the body corporate has so paid HDB, the liability under section 126A(2) of the Land Titles (Strata) Act of the management corporation for the housing estate (which the body corporate becomes upon the registration of the strata title application) to pay for the cost of the estate or interest in land which is the subject of the transfer will be adjusted to discount the amount so paid.

EXPENDITURE OF PUBLIC MONEY

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