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The following Act was passed by Parliament on 8th April 2013 and assented to by the President on 15th May 2013:—

REPUBLIC OF SINGAPORE

No. 15 of 2013.

I assent.

TONY TAN KENG YAM,
President.
15th May 2013.



An Act to amend the Housing Developers (Control and Licensing) Act (Chapter 130 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 Housing Developers (Control and Licensing) (Amendment) Act 2013 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Amendment of section 2

2. Section 2(1) of the Housing Developers (Control and Licensing) Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately before the definition of “company”, the following definitions:

““accounts” has the same meaning as in section 4(1) of the Companies Act (Cap. 50);

“authorised officer” means a public officer or an officer of a public authority authorised by the Controller under section 3(5);

“building project” means a building project comprising units of housing accommodation;

“certificate of statutory completion” has the same meaning as in section 2(1) of the Building Control Act (Cap. 29);”;

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

““Deputy Controller” means the Deputy Controller of Housing appointed under section 3(3)(a);”;

(c) by deleting the words “insurance company” wherever they appear in the definition of “housing developer” and substituting in each case the word “insurer”;

(d) by deleting the words “section 3(2)” in the definition of “inspector” and substituting the words “section 3(3)(b)”; and

(e) by deleting the full-stop at the end of the definition of “partner” and substituting a semi-colon, and by inserting immediately thereafter the following definitions:

““public accountant” means any person registered or deemed to be registered under the Accountants Act (Cap. 2) as a public accountant;

“public authority” means such board, authority or agency established by or under any public Act to perform or discharge any public function as the Minister approves for the purposes of section 3;

“responsible position”, in relation to a housing developer, means —

(a) in the case of a housing developer that is a company, a director, manager or secretary or a person in a position analogous to that of a director, manager or secretary;

(b) in the case of a housing developer that is a society, a president, secretary or treasurer or a person in a position analogous to that of a president, secretary or treasurer;

(c) in the case of a housing developer that is a partnership, a partner;

(d) in the case of a housing developer that is a limited liability partnership, a partner or manager or a person in a position analogous to that of a manager; or

(e) in the case of a housing developer that is a group of persons, any person in that group;

“show unit” means any representation or reproduction of any house, flat or other housing accommodation, or any part thereof, that is built, or built and furnished, for viewing by prospective purchasers of, or otherwise for the purpose of promoting the sale of, the or any similar house, flat or other housing accommodation;

“unit” means a horizontal stratum of any building or part thereof, whether such stratum is on one or

more levels, and which is intended for use in accordance with the provisions of any written law as a complete and separate unit for residential or commercial purpose.”.

Repeal and re-enactment of section 3

3. Section 3 of the principal Act is repealed and the following section substituted therefor:

“Appointment of Controller, inspectors, etc.

3.—(1) The Minister may, by notification in the *Gazette*, appoint a public officer or an officer of a public authority to be the Controller of Housing for the purposes of this Act.

(2) The Controller shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act and shall perform such duties as are imposed and may exercise such powers as are conferred upon him by this Act and any rules made thereunder.

(3) The Controller may appoint, by name or office, from among public officers or officers of a public authority —

(a) a Deputy Controller of Housing; and

(b) such number of inspectors as may be required for the purposes of this Act.

(4) The Deputy Controller may, subject to such directions as may be specified by the Controller, perform all or any of the functions of the Controller or exercise all or any of the powers of the Controller conferred on the Controller by this Act and any rules made thereunder; and any reference in this Act and any rules made thereunder to the Controller shall include a reference to the Deputy Controller.

(5) The Controller may authorise any public officer or any officer of a public authority to perform all or any of the functions of the Controller or exercise all or any of the powers of the Controller conferred on the Controller by this Act or any rules made thereunder (except the power of delegation conferred by this subsection), subject to such conditions or limitations as set

out in this Act or as the Controller may specify by directions; and any reference in this Act and any rules made thereunder to the Controller shall include a reference to such authorised officer.

(6) In performing any function or exercising any power under a delegation under subsection (5), an authorised officer must comply with the directions of the Controller.

(7) No delegation under this section shall prevent the exercise of any function or power under this Act or any rules made thereunder by the Controller.

(8) The Controller, the Deputy Controller and every authorised officer and inspector —

(a) shall be deemed to be public servants for the purposes of the Penal Code (Cap. 224); and

(b) in relation to their administration, assessment, collection or enforcement of payment of composition sums, shall be deemed to be public officers for the purposes of the Financial Procedure Act (Cap. 109), and section 20 of that Act shall apply to such persons notwithstanding that they are not or were not in the employment of the Government.”.

Amendment of section 4

4. Section 4 of the principal Act is amended —

(a) by deleting the words “A housing developer” in subsection (2) and substituting the words “Subject to subsection (3A), a housing developer”;

(b) by deleting the words “in the prescribed form” in subsection (2) and substituting the words “, in such form and manner as may be specified by the Controller,”;

(c) by deleting the word “balance-sheet” wherever it appears in subsections (2)(e) and (3) and substituting in each case the words “audited accounts”;

(d) by inserting, immediately after subsection (3), the following subsection: