

**Residential Property (Amendment) Notification 2023 and Residential Property
(Exemption for Retention of Commercial and Residential Land) Notification**
– 20 July 2023
Q&As

General

1. Why are Commercial & Residential (C&R) properties now considered residential properties under the Residential Property Act (RPA)? What is the rationale behind this change and why has the Government decided to implement this now?

The Ministry of Law and the Singapore Land Authority have reviewed the list of land use zoning declared to be non-residential property for the purposes of the RPA. As C&R properties are predominantly residential in nature, C&R has been removed from the list to better reflect the intent of the RPA to safeguard residential land for Singaporeans.

2. When will this change for C&R properties be effective? Is there a transition period?

The change will come into operation on 20 July 2023.

For C&R properties for which an Option-to-Purchase (“OTP”) has been granted, there will be a transitional provision for cases that meet all of the following conditions:

- a. The OTP was granted by sellers to potential buyers before 20 July 2023;
- b. This OTP is exercised on or before 9 August 2023; and
- c. This OTP has not been varied on or after 20 July 2023.

There will be strictly no extension of the deadlines stated above.

Examples of Various Scenarios

3. I am a foreign person as defined under the RPA and am a current owner of a property zoned and approved for use as C&R, do I need to seek any approval under the RPA to retain my property as-is?

You are exempted from obtaining approval under the RPA if your intention is to retain your property as-is. However, this exemption is subject to the condition that you do not redevelop the property. If you wish to redevelop your property, please refer to questions 11 to 17 below.

4. I am a foreign person as defined under the RPA and had been granted an OTP for the purchase of a C&R property before the effective date of the Residential Property (Amendment) Notification 2023 (the “Amendment”). Do I need to obtain approval under the RPA to complete the sale and purchase of the property?

You are exempted from obtaining approval under the RPA for the acquisition of the C&R property if:

- a. the OTP granted before 20 July 2023, is exercised on or before 9 August 2023, and
- b. the OTP has not been varied on or after 20 July 2023.

This exemption is subject to the condition that you do not redevelop the property. If you wish to redevelop your property, please refer to questions 11 to 17 below.

- 5. I am a foreign person as defined under the RPA. I have exercised my OTP/ signed a Sale and Purchase agreement for the purchase of a C&R property before the effective date of the Amendment. Do I need to obtain approval under the RPA to complete the sale and purchase of the property?**

You are exempted from obtaining approval under the RPA for the acquisition of the C&R property. This exemption is subject to the condition that you do not redevelop the property. If you wish to redevelop your property, please refer to questions 11 to 17 below.

- 6. I am a foreign person as defined under the RPA and am the successful tenderer of a property zoned and approved for use as C&R which was launched for tender before the effective date of the Amendment. Do I need to obtain approval under the RPA to complete the acquisition of the property?**

You are exempted from obtaining approval under the RPA for the acquisition of the C&R property if the sale and purchase agreement for the acquisition of the property is duly signed before 20 July 2023. In the case where an OTP has been granted, you are exempted from obtaining approval under the RPA for the acquisition of the C&R property if the OTP for the property was granted/issued to you before 20 July 2023, and the OTP is exercised on or before 9 August 2023. The OTP must also not be varied on or after 20 July 2023.

This exemption is subject to the condition that you do not redevelop the property. If you wish to redevelop your property, please refer to questions 11 to 17 below.

- 7. I am a foreign beneficiary inheriting a C&R property pursuant to a will or intestate succession. Do I need to apply for approval under the RPA to acquire the property?**

If the owner of the C&R property passed away before 20 July 2023, you are exempted from obtaining approval under the RPA to acquire the property pursuant to the will or intestate succession laws. However, this exemption is subject to the condition that you do not redevelop the property. If you wish to redevelop your property, please refer to questions 11 to 17 below.

If the owner of the C&R property passed away on or after 20 July 2023, notwithstanding when the will was made, you are required to apply for, and obtain approval under the RPA to acquire the property pursuant to the will or (if applicable) intestate succession laws. If approval under the RPA is not obtained or granted, you are required to dispose of your interest in the C&R property within 5 years from the date of death of the deceased.

- 8. I am a foreign legal personal representative administering an estate of a deceased. Do I need to apply for approval under the RPA to acquire title to the property for the purposes of the lodgment of the Transmission Application on Death of Proprietor?**

If the owner of the C&R property passed away before 20 July 2023, you are exempted from obtaining approval under the RPA to acquire the property for the purposes of the lodgment of the Transmission Application on Death of Proprietor.

If the owner of the C&R property passed away on or after 20 July 2023, notwithstanding when the will was made, you are required to apply for, and obtain approval under the RPA to acquire the property for the purposes of the lodgment of the Transmission Application on Death of Proprietor. In addition, you are required to dispose of any foreign beneficiaries' interest in the C&R property within 5 years from the date of death of the deceased.

- 9. I am a foreign person as defined under the RPA. I intend to purchase a mixed commercial and residential development that is situated on land zoned “Commercial”. Do I need to apply for approval under the RPA in respect of the acquisition?**

If the property is zoned Commercial and the permanent approved use is for commercial and residential purposes, consistent with land zoned as “Commercial & Residential”, the property is considered a restricted residential property under the RPA and approval under the RPA is required for the acquisition of the property.

You may wish to visit the Urban Redevelopment Authority (“URA”) website at <https://ura.gov.sg> and/or check with the URA on the permanent approved use of the property.

- 10. I am a foreign person as defined under the RPA. How do I apply for approval under the RPA to purchase or acquire an interest in a C&R property.**

The application can be submitted online at www.sla.gov.sg/ldau. Please select either “Foreign Person” or “Foreign Company”, and “Apply for approval to buy a residential property”. A non-refundable application fee is payable. Each application is assessed on a case-by-case basis.

Examples of Redevelopment Scenarios

- 11. I am a foreign person as defined under the RPA and am the current owner of a C&R property that is under construction. Do I need to apply for approval to retain the property?**

You are not required to seek approval under the RPA to retain your property if planning approval from the URA was granted for the current redevelopment. This is provided that your application for planning approval was submitted before 20 July 2023. For any subsequent redevelopment, you will be required to seek approval under the RPA. You should submit the application before applying to the URA for the requisite planning permission.

- 12. I am a foreign person as defined under the RPA and am the current owner of a C&R property. I intend to redevelop the property into a new C&R property. Am I required to seek approval under the RPA approval to retain and redevelop my property?**

Yes, please apply for approval under the RPA to retain and redevelop your property. You should do so before applying to the URA for the requisite planning permission.

- 13. I am a foreign person as defined under the RPA and am the current owner of a C&R property. Prior to the coming into effect of the Amendment, I had obtained URA’s Written Permission for the redevelopment of my property to a new C&R property. Do I still need to apply for approval under the RPA to retain and redevelop my property?**

You are not required to seek approval under the RPA to retain and redevelop your property if you had obtained planning permission from the URA for the redevelopment before 20 July 2023. For any subsequent redevelopment, you will be required to seek approval under the RPA. You should submit the application before applying to the URA for the requisite planning permission.

- 14. I am a foreign person as defined under the RPA and am the current owner of a C&R property. I had applied for URA’s planning permission for the redevelopment of my property to a C&R property before the effective date of the Amendment. Do I need to seek approval under the RPA to retain and redevelop my property?**

You are not required to seek approval under the RPA to retain your property if planning approval from the URA was granted for the current redevelopment. This is provided that your application for planning approval was submitted before 20 July 2023. For any subsequent redevelopment, you will be required to seek approval under the RPA. You should submit the application before applying to the URA for the requisite planning permission.

- 15. I am a foreign person as defined under the RPA and am the current owner of a C&R property. I had applied for, or obtained, URA’s Written Permission for the redevelopment of my property to a C&R property before the effective date of the Amendment. However, I have decided not to proceed with the redevelopment. Do I need to seek approval under the RPA to retain my property?**

You are not required to seek approval under the RPA to retain your property. However, should you wish to redevelop your property in the future, you will be required to apply for and obtain approval under the RPA to retain and redevelop your property. You should do so before applying to the URA for the requisite planning permission.

- 16. I am a foreign person as defined under the RPA and am the current owner of a commercial property. I intend to redevelop my property into a property with mixed commercial and residential use under the RPA. Do I need to seek approval under the RPA to change the use of my property?**

Yes, please apply for and obtain approval under the RPA to change the existing use of your property to include residential use. You should do so before applying to the URA for the requisite planning permission. The application can be submitted online at www.sla.gov.sg/ldau. Please select either “Foreign Person” or “Foreign Company”, and “Apply for change of use of property”. A non-refundable application fee is payable. Applications are assessed on a case-by-case basis. If approved, completion and sale timelines may apply to the redevelopment of your property.

- 17. I am a foreign person as defined under the RPA. How do I apply for approval under the RPA to retain and redevelop my C&R property.**

Applications can be made to the Land Dealings Approval Unit (LDAU). The application form can be obtained from SLA’s website at www.sla.gov.sg/forms, and submitted via SLA_LDU@sla.gov.sg.

An application fee of \$1,060 is payable. The documents to be submitted include the application form and a cheque/cashier’s order made payable to “Singapore Land Authority”. E-payment options are available.

For queries on application procedures, please contact SLA at SLA_Enquiry@sla.gov.sg or 1800-323-9829.