

**PRACTICE CIRCULAR 01-20 ON DILIGENCE CHECKS TO COMBAT VICE IN OUR NEIGHBOURHOODS AND COMPLIANCE WITH THE IMMIGRATION ACT (VERSION 2, DATED 26 MARCH 2021)**

1. This Practice Circular (PC) informs Key Executive Officers (KEOs) and real estate salespersons (RESs) on the steps that RESs are required to take as part of their professional duties, and to help landlords comply with the diligence checks under the amended Women's Charter.

2. The Ministry of Home Affairs (MHA) will be bringing the Women's Charter (Amendment) Act into force with effect from 7 Aug 2020 to strengthen the Police's levers against vice syndicates and activities in the neighbourhoods. The amended Women's Charter requires landlords who rent out and tenants who sub-let their premises to conduct identity checks at the point of signing the lease agreement. This is to ensure that the people whom they are renting properties to are indeed who they claim to be. These identity checks are similar to those already required under the Immigration Act with respect to tenants, sub-tenants and occupiers who are foreigners.

3. While landlords are required to exercise due diligence, the responsibility also lies with RESs to help the landlords and tenants comply with the law. Currently, these checks are part of the RESs' professional duties cited in Paragraph 1.6.3 of CEA's Professional Service Manual (PSM) when facilitating rental of premises to foreigners. We will extend the checks to all occupiers as required by the Immigration Act.

4. Arising from the revised Women's Charter, RESs must also extend such checks to Singapore Citizens (SC) and Singapore Permanent Residents (SPR), in addition to foreigners. In summary, RESs representing the landlord or tenant must conduct the following checks when facilitating residential rental transactions (both HDB and private properties):

- a. Where any tenant or occupier is a SC or SPR, to perform the following checks on each tenant and occupier:
  - Step 1: Check original NRIC(s) of the tenants and occupiers for forgery and make copies.
  - Step 2: Check photograph on the NRIC against the actual person(s) (face-to-face) to confirm identity.
  - Step 3: Verify the validity of the NRIC(s) with ICA (through ICA's website) and keep copies of the ICA screen capture or acknowledgement slip.
- b. Where any tenant or occupier is a foreigner, to perform the following checks on each tenant and occupier:
  - Step 1: Check original immigration pass / work pass / student pass or other passes of the tenants and occupiers and make copies.
  - Step 2: Cross-check particulars in these passes with original passport(s) and check photograph(s) against the actual person (face-to-face) to confirm identity. Keep copies of the passport(s).

- Step 3: Verify the validity of the passes with ICA/MOM (through ICA's or MOM website) and keep copies of the ICA/MOM screen capture or acknowledgement slip.

5. If there is a change in the tenant or occupier after the commencement of the tenancy, and if the RES has agreed to assist the landlord or tenant to facilitate the change in the tenant or occupier, he must also then conduct the same diligence checks stated in paragraph 4 on the new tenant or occupier.

6. To assist RESs, CEA has prepared the 'Checklist for Lease of Residential Properties' (see Annex A) to document that they have conducted the necessary checks on the tenants and occupiers. RESs, regardless of whether they represent the tenant or landlord, must ensure that the checklist is duly filled in and signed by all relevant parties involved in the rental transaction for residential properties. For avoidance of doubt, the completed checklist as well as results of diligence checks shall constitute documents relating to property transactions, and shall be retained by estate agents for five years as transaction documents in compliance with Paragraph 7(1) of the Code of Practice for Estate Agents Act (COPEA).

7. We also attach a list of Frequently Asked Questions (FAQs) at Annex B to address queries on the checklist and the issues RESs may face when conducting the diligence checks. The answers have taken into account the feedback from earlier industry consultations on the changes to the Women's Charter.

8. RESs are reminded that the Housing & Development Board (HDB) requires flat owners to conduct regular checks to ensure that tenants do not misuse the flats. When facilitating rental of HDB properties, RESs are reminded to inform HDB flat owners of this requirement.

9. RESs are encouraged to report suspicious behaviour and transactions to the Police through the Police Hotline at 1800-255-0000. Alternatively, RESs can submit vice-related information online via i-Witness at [www.police.gov.sg/iwitness](http://www.police.gov.sg/iwitness), or through the Police@SG application. The Police assures all RESs that the information they provide will be treated in the strictest confidence, and with sensitivity and discretion.

10. This PC 01-20 takes effect for Tenancy Agreements signed on or after 7 Aug 2020 and supersedes Paragraph 1.6.3 of the PSM.

11. Please disseminate this Practice Circular to your RESs. If you require any clarification, please call us at 1800-643-2255, or email to us at [feedback@cea.gov.sg](mailto:feedback@cea.gov.sg).

S/N	Version History	Date Issued
1	1	27 July 2020
2	2	26 March 2021

## CHECKLIST FOR LEASE OF RESIDENTIAL PROPERTY FOR COMPLIANCE WITH THE IMMIGRATION ACT AND WOMEN'S CHARTER

Address of Property:			
Rental start date:		Rental end date:	
<b>Where any tenant or occupier is a <u>Singapore Citizen or Singapore Permanent Resident</u>, to perform the following checks on <u>each</u> tenant and occupier:</b>			
		<b>Checked (Yes or No)</b>	<b>Remarks</b>
1	Check original NRIC(s) of the tenants and occupiers for forgery and make copies.		
2	Check photograph(s) on NRIC(s) against the actual person(s) to confirm identity.		
3	Verify the validity of the NRIC(s) with ICA (through ICA website) and keep copies of the ICA screen capture or acknowledgement slip.		
<b>Where any tenant or occupier is a <u>foreigner</u>, to perform the following checks on <u>each</u> tenant and occupier:</b>			
1	Check original Immigration pass / work pass / student pass or other passes and make copies.		
2	Cross check particulars in these passes with original passport(s) and check photograph(s) against the actual person(s) to confirm identity. Keep copies of the passport(s).		
3	Verify the validity of the passes with MOM database and/or ICA database, and keep copies of the MOM/ICA screen capture or acknowledgement slip.		

### **DECLARATION**

We declare that we have conducted the diligence checks on the NRIC/pass/permit as stated above and we have kept the necessary records arising from the checks.

\_\_\_\_\_  
(Signature of Real Estate Salesperson)  
Real Estate Salesperson representing Landlord  
Name:  
Registration No:  
Estate Agent:  
Date:

\_\_\_\_\_  
(Signature of Real Estate Salesperson)  
Real Estate Salesperson representing Tenant  
Name:  
Registration No:  
Estate Agent:  
Date:

### **ACKNOWLEDGEMENT**

I acknowledge that the NRIC/pass/permit checks as stated have been carried out on the tenant(s) and occupier(s). Where the property involved is a HDB flat, the landlord shall comply with HDB's terms and conditions of renting out the flat, including the need to conduct regular checks and ensure that the tenants do not misuse the flat, further rent out the flat, and/or create nuisance to their neighbours.

\_\_\_\_\_  
(Signature of Main Tenant)  
Name of Main Tenant:  
Date:

\_\_\_\_\_  
(Signature of landlord)  
Name of Landlord:  
Date:




**Important note to Tenants:**

Pursuant to the Women’s Charter and the Immigration Act, real estate salespersons who facilitate rental transactions for their clients (whether representing the landlord or the tenant) are required to conduct due diligence checks on the tenants and occupiers. This checklist guides real estate salespersons on carrying out the due diligence checks, including making and keeping copies of the relevant documents.

**Explanatory Notes:**

1. Where there is any suspicion (e.g. a tenant or occupier refuses to provide the necessary identification documents for checks or make copies), or in situations where the identity of a tenant or occupier cannot be verified, the real estate salesperson has to inform the landlord and report the matter to the Police (<https://www.police.gov.sg/I-Witness>). The real estate salesperson should record accordingly in the “Remarks” column, including whether a Police report is made.
2. Estate agents and real estate salespersons are reminded to comply with the provision of the Personal Data Protection Act (PDPA), including Section 24 which states that an organisation shall protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

**Where to conduct the NRIC/pass/permit validity checks<sup>1</sup>**

S/N	Description	QR Code
1	Validity of NRIC	
2	Validity of Student Passes/ Dependant’s Passes/ Long-Term Social Visit Passes	
3	Validity of Employment Passes/S Passes	
4	Validity of Work Permits	

<sup>1</sup> Each real estate salesperson is to keep his own record of the checks conducted, which includes:

- This Checklist, duly completed and signed;
- For each SC / SPR tenant and occupier: a copy of the NRIC and verification of NRIC with ICA;
- For each foreign tenant and foreign occupier: a copy of the immigration pass / work pass / student pass, a copy of the verification of the passes with MOM / ICA website, and a copy of the Passport.
- The real estate salesperson is required to submit these documents to the estate agent. The estate agent shall keep the records for 5 years.

## **FREQUENTLY-ASKED QUESTIONS ON PRACTICE CIRCULAR 01-20 ON DILIGENCE CHECKS TO COMBAT VICE IN OUR NEIGHBOURHOODS AND COMPLIANCE WITH THE IMMIGRATION ACT**

### **Q1 What is the Women's Charter (Amendment) Act?**

**A1:** The Women's Charter (Amendment) Act was passed by Parliament on 4 November 2019, and will come into effect on 7 Aug 2020. The amendments seek to strengthen the laws against online vice, and to enhance the Police's levers against vice syndicates to safeguard our neighbourhoods against vice activities.

### **Q2 Should the landlord's real estate salesperson (RES) or tenant's RES take ownership to complete the diligence checks and the Checklist?**

**A2:** Both the landlord's RES and the tenant's RES must conduct the required diligence checks and complete the Checklist. RESs who wish to fill in separate Checklists may do so. If one RES fails to conduct the checks, the other RES should remind him to do so.

Failure to conduct the checks could lead to CEA taking disciplinary action against the RES.

### **Q3 What if the RES is unable to verify the NRIC/Passport/Work Pass of all the authorised occupiers against the actual person (e.g. if an occupier is overseas or a baby with only birth certificate)?**

**A3:** In carrying out the diligence checks for local tenants and occupiers (Singapore Citizens or Singapore Permanent Residents), the RES should ask to check the NRIC of these persons. If the tenant claims that his NRIC is lost or stolen, a police report is required as proof. In such situations, the RES is to indicate the police report number, if any, in the "Remarks" column of the Checklist. RESs could then ask for alternative documentation, such as the passport, for the diligence checks.

For foreign tenants/occupiers, the RES should check against their passports and work/student/immigration passes for verification. In the situation where the tenant or an occupier is overseas, the verification of the photograph shown in the tenant/occupier's passport against the actual person could be done via video conferencing (e.g. Skype) and be recorded in the "Remarks" column of the Checklist. The RES should keep copies of the call or text logs as further documentation that these checks were completed.

In situations where the identity of a tenant or occupier cannot be verified (e.g. occupant is a baby and only birth certificate is available for verification), RESs may indicate the reasons in the "Remarks" column of the Checklist. Where the RES suspects criminal activities are involved, the RES has to submit information on the suspicious activity to the Police via <https://www.police.gov.sg/i-Witness>. Failure to do so may open the RES to investigation should vice or other criminal activities be detected in the property.

The RES shall also highlight to the police through i-Witness, when the tenant/occupier refuses to provide the necessary identification documents for checks or for RES to make copies. Such

behaviour is deemed suspicious. The RES should record accordingly in the “Remarks” column of the Checklist, including whether information has been submitted to the Police. If the landlord still decides to proceed with the transaction, the RES should indicate the landlord’s decision accordingly in the “Remarks’ column of the Checklist.

#### **Q4 What if the client (landlord or tenant) refuses to sign on the checklist?**

**A4:** The RES must explain to the landlord or tenant the purpose of the Checklist, namely, that this is to ensure that the identity of the tenant and occupiers are who they claim to be by conducting the required diligence checks. If the landlord or tenant refuses to sign the Checklist, the RES must record the refusal to sign in the “Remarks” column of the Checklist.

If the RES knows or has reason to believe that the property may be used for vice activities or other criminal activities, the RES must submit information on the suspicious activity to the Police via the iWitness channel (<https://www.police.gov.sg/i-Witness>), regardless of which party the RES represents. Failure to do so may open the RES to investigation should vice or other criminal activities be detected in the property.

#### **Q5 What if the RES finds a transaction suspicious (e.g. if the tenant fails identity checks), and the landlord insists on proceeding with the transaction? What can the salesperson do? Should the RES continue to facilitate the transaction if he finds it suspicious?**

**A5:** Should the landlord decide to complete the transaction despite the RES advising the landlord against it, the RES should document the advice given to the landlord and the checks conducted in the Checklist.

The RES and estate agent need to consider whether to continue acting for a client in a suspicious transaction, as they may be implicated if any offence is committed. CEA’s requirements on RESs are set out in Practice Circular 01-20, namely to perform the diligence checks listed in the Checklist for Lease of Residential Property for Compliance with the Immigration Act and Women’s Charter in Annex A of PC 01-20. RESs should also report any suspicious transactions to the Police, such as via iWitness (<https://www.police.gov.sg/i-Witness>), to safeguard himself.

#### **Q6 Does the RES have to secure the signatures of all owners, tenant and occupiers in the Checklist?**

**A6:** If there is more than one tenant or occupier in a tenancy agreement, the RES is not required to get all the tenants and occupiers to acknowledge and sign the Checklist. Only the main tenant (i.e. the signatory of the tenancy agreement and whom the RES liaises with on the rental transaction) needs to sign on the Checklist.

Nonetheless, regardless of the number of tenants and occupiers listed in the tenancy agreement, the RES shall conduct the diligence checks outlined in the Practice Circular on **all** tenants/occupiers.

For properties with more than one owner, the RES is not required to get all the co-owners to acknowledge and sign the Checklist. Only one co-owner (who is duly authorised by the other co-owners) needs to do so.

**Q7 Is the tenant's RES responsible for the diligence checks if the landlord is not represented?**

**A7:** The tenant's RES is responsible for conducting the diligence checks on the tenants and occupiers. This is the case even when the landlord is represented by a RES. In the situation where the landlord is not represented by a RES, the tenant's RES should share the Checklist with the landlord and inform the landlord on the need to conduct his own checks on the tenants and occupiers.

**Q8 Are diligence checks required for renewal of the lease or if there is a change in tenant / occupier?**

**A8:** Yes. These diligence checks apply to all renewal of rental transactions and any change in tenants/occupiers that the RES is facilitating.

**Q9 Are electronic signatures acceptable in the Checklist?**

**A9:** The RES may use a digital copy (PDF) of the Checklist and sign off or append it with electronic signatures. For instance, after verifying the tenants'/occupiers' identities, the RES may send digital copies of the checklists to the landlord or tenant for them to append their electronic signatures on the digital copies which are then sent back to the RES.

**Q10 Despite conducting the diligence checks and checklist done, there is vice activity detected in the property. Would the RES be held liable?**

**A10:** It is not the Government's intent to target enforcement actions against RESs who have acted in good faith, and in accordance with their professional duties.

However, a RES who fails to perform the required diligence checks could be subject to disciplinary actions by CEA. Any RES who wilfully or knowingly facilitates the rental transaction with the knowledge that it will lead to vice activities will be liable for criminal prosecution, regardless of whether the RES has conducted the diligence checks.

**Q11 Are RES required to verify and make copies on both the front and back of the NRIC/Passport/Immigration Pass/Work Pass/Student Pass? Are RESs required to retain the checklist?**

**A11:** The need for RESs to comply with the diligence checks under the Women's Charter when they facilitate rental transactions of residential properties is part of the measures to safeguard our neighbourhoods against vice activities. This includes verifying the identity of tenants and occupants by checking both the front and back of their NRIC/Immigration Pass/Work Pass/Student Pass or other passes for forgery, checking the photograph in the NRIC/Passport/Immigration Pass/Work Pass/Student Pass or other passes against the actual person and making copies (front and back) of the NRIC/Passport/Immigration Pass/Work Pass/Student Pass or other passes to serve as proof of the checks conducted.

The completed checklist as well as results of diligence checks shall constitute documents relating to property transactions. It shall be retained by estate agents for 5 years as transaction documents in compliance with Paragraph 7(1) of the Code of Practice for Estate Agents Act (COPEA). Keeping record of the checks conducted will facilitate subsequent investigations by the authorities, if the need arises, and serves to protect RESs as the records are evidence

that they have carried out the diligence measures. The diligence checks carried out by RESs also serve to protect their clients' interests.

**Q12 Are RESs allowed to collect information on personal identity and make copies of the NRIC of their clients under the Personal Data Protection Act (PDPA)?**

**A12:** In August 2018, the Personal Data Protection Commission published the Advisory Guidelines on the PDPA for NRIC and other National Identification Numbers. The guidelines state that an organisation may collect, use, or disclose a person's NRIC number with notification and consent, when it is necessary to accurately establish or verify the identity of the individual to a high degree of fidelity. This applies to property transactions as the inability to accurately identify an individual may pose a risk of significant impact or harm to an individual and/or the organisation. See paragraph 3.13b of the guidelines. Details on the PDPA guidelines can be found [here](#).

The RES has to explain to the tenants and occupiers that he is required to help the landlord comply with the diligence checks under the Women's Charter. Arising from this, CEA's Practice Circular 01-20 now requires all RESs to collect and make copies of the relevant identity documents of the tenants and occupiers, which would serve as proof of the diligence checks conducted, and help facilitate subsequent investigations by the authorities, if the need arises. The RES must inform the tenants and occupiers of this before collecting information on the identity documents and making the necessary copies.

If a tenant or occupier refuses to provide the necessary identification documents for checks or for the RES to make copies, the RES should inform the landlord and record it accordingly in the "Remarks" column of the Checklist. If there is suspicion that the property may be used for vice activities, the RES should consider submitting the information to the Police via <https://www.police.gov.sg/I-Witness>.

Estate agents and RESs are reminded to comply with Section 24 of the Personal Data Protection Act (PDPA), which states that an organisation shall protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

**Q13 Could the checks on the photographs of tenants and occupiers (e.g. in their passports or NRICs) against the actual persons be done by video conferencing?**

**A13:** The key objective is for RESs to exercise reasonable diligence. Video conferencing may be acceptable with proper documentation in place, e.g. keeping message logs and screenshots to protect themselves against possible allegations or misunderstandings in future. It would still ultimately depend on the Court or CEA's Disciplinary Committee to determine, based on the merits of the case, whether reasonable diligence was carried out.

**Q14 Can the In-Principle Approval (IPA) letters issued by Ministry of Manpower be recognised in lieu of the original work/immigration passes?**

**A14:** The underlying principle of the relevant provisions in the Women's Charter and the Immigration Act is that property owners and tenants should take responsibility in ensuring that the property is not misused for vice activities or harbouring immigration offenders.



Section 57 of the Immigration Act sets out the due diligence requirements, and Section 148 of the Women's Charter provides illustrations on the reasonable diligence requirements. Because the in-principle approval (IPA) letter cannot be used to verify a foreigner's immigration status as required under the Immigration Act, we do not recommend using the IPA letter in lieu of the long term visit pass, student pass, work pass or other passes.

**Q15 How can RESs check on the social visit passes of individuals who are holiday makers on social visit passes when they rent private properties for stay in Singapore?**

**A15:** Short-term rentals of less than 3 consecutive months for private residential properties, and less than 6 consecutive months for HDB flats, are not allowed. As Social Visit Passes (SVPs) are generally issued with validity of up to 30 days, and in some cases up to 90 days, it is unlikely for individuals who are holiday-makers on SVP to enter into any formal rental agreements. Thus, RESs facilitating tenancy involving SVP holders should exercise caution. Vice workers could enter Singapore on SVPs, overstay and rent premises to carry out their trade. If there is suspicion that the property may be used for vice or criminal activities, the RES should consider submitting the information to the Police via iWitness (<https://www.police.gov.sg/I-Witness>), and consider not acting for the client.

If the RES were to proceed with the transaction, RES shall conduct the required checks on the passports of the SVP holders with face-to-face verification against the photographs in the passports as well as the date of entry and the number of days that the individual may remain in Singapore (as indicated in the entry stamp of the passport), and indicate in the "Remarks" column of the Checklist that the tenant/occupier is on SVP, and to indicate clearly the date of entry and the validity period of the SVP.

**Q16 Who should sign on the Checklist in the case of a corporate lease?**

**A16:** In the case of a corporate tenancy, the Checklist should be signed by an authorised signatory from the company renting the premises. However, the company may delegate this to the main occupier, and RESs should indicate so in the "Remarks" column of the Checklist. RESs are still required to conduct due diligence checks on all occupiers of the property.

**Q17: Do the same diligence checks set out in Practice Circular (PC) 01-20 apply to diplomats, consular staff or staff of international organisations?**

**A17:** In carrying out diligence checks on tenants and occupiers who are diplomats, consular staff or staff of international organisations, the tenants and occupiers might inform the RES that they do not possess any immigration pass or work permit as they have diplomatic immunity or diplomatic status.

The RES should ask to check the Ministry of Foreign Affairs (MFA) Identity Card (ID Card) of these persons, that is issued by MFA.

In addition, the RES should cross-check the MFA ID Card against the tenants and occupiers' passports for verification, including checking the photograph against the actual person. The RES should also verify that the MFA ID card is still valid, by referring to the date of issue and date of expiry stated on the MFA ID card.

RES is to indicate in the "Remarks" column of the Checklist that the tenant or occupier holds a MFA ID card, the serial number of the MFA ID card, and that no diligence checks was

conducted against ICA/MOM website on the tenant or occupiers. ICA may be consulted for verification where required.

In the situation where the tenant or occupier is overseas, the verification of the photograph shown in the tenant/occupier's passport against the actual person could be done via video conferencing (e.g. Skype) and be recorded in the "Remarks" column of the Checklist. The RES must keep copies of the call or text logs as further documentation that these checks were completed.

If the RES suspects that the MFA ID card, or any other identity document, produced by the tenant or occupier has been fraudulently used, the RES should advise the landlord accordingly and also submit the information to the Police via iWitness.