

As at 20 March 2023

FREQUENTLY ASKED QUESTIONS ON THE PRACTICE GUIDELINES ON DUE DILIGENCE CHECKS UNDER THE WOMEN'S CHARTER 1961 AND IMMIGRATION ACT 1959 (PGD)

Q1 What is the Women's Charter (Amendment) Act 2019?

A1: The Women's Charter (Amendment) Act 2019 was passed by Parliament on 4 November 2019, and came into effect on 7 August 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 due diligence checks and the Checklist?

A2: Both the landlord's RES and the tenant's RES must conduct the required due diligence checks and complete the Checklist in Annex A of the PG. 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 enforcement actions 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 due 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. The RES could then ask for alternative documentation, such as the passport, for the due 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), the RES may indicate the reasons in the "Remarks" column of the Checklist. Where the RES suspects criminal activities are involved, the RES should 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 should also highlight to the police through i-Witness, when the tenant/occupier refuses to provide the necessary identification documents for checks or for the 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 due 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 should 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 his estate agent (EA) 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 the RES are set out in the PGD, namely to perform the due diligence checks set out in the PGD and the Checklist. The RES should also submit information on 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 must conduct the due diligence checks outlined in the PG 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 due diligence checks if the landlord is not represented?

A7: The tenant's RES is responsible for conducting the due 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 the due diligence checks required for renewal of the lease or if there is a change in tenant / occupier?

A8: Yes. These due diligence checks apply to all renewal of residential 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 due diligence checks and completing the Checklist, 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, any RES who fails to perform the required due diligence checks could be subject to enforcement actions by CEA. Any RES who wilfully or knowingly facilitates a 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 due diligence checks.

Q11 Is the RES required to verify and make copies on both the front and back of the NRIC/Passport/Immigration Pass/Work Pass/Student Pass? Is the RES required to retain the Checklist?

A11: The need for RESs to comply with the due diligence checks under the Immigration Act 1959 and the Women's Charter 1961 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 RES must keep a record of the completed Checklist and the results of the due diligence checks, and to submit a copy to his EA. These documents must constitute documents relating to property transactions and must be retained by the EA for at least 5 years, in compliance with paragraph 7(1) of the Code of Practice for Estate Agents (COPEA). Keeping record of the

checks conducted will facilitate subsequent investigations by the authorities, if the need arises, and serves to protect the RES as the records are evidence that they have carried out the due diligence measures. The due diligence checks carried out by the RES also serve to protect their clients' interests.

Q12 Is the RES allowed to collect information on personal identity and make copies of the NRIC of their clients under the Personal Data Protection Act 2012 (PDPA)?

A12: In August 2018, the Personal Data Protection Commission published the 'Advisory Guidelines on the Personal Data Protection Act 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. The guidelines may be found [here](#).

The RES has to explain to the tenants and occupiers that he is required to help the landlord comply with the due diligence checks under the Immigration Act 1959 and the Women's Charter 1961. The PG requires all RESs facilitating lease transactions for residential properties to collect and make copies of the relevant identity documents of the tenants and occupiers, which would serve as proof of the due diligence checks conducted, and help facilitate any 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 is encouraged to submit the information to the Police via <https://www.police.gov.sg/I-Witness>.

EAs and RESs are reminded to comply with Section 24 of the PDPA, which states that an organisation must 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 the RES 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 due 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 Immigration Act 1959 and the Women's Charter 1961 is that property owners and tenants should take responsibility in ensuring that the residential property is not misused for vice activities or harbouring immigration offenders.

Section 57 of the Immigration Act 1959 sets out the due diligence requirements, and Section 148 of the Women's Charter 1961 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 1959, 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 the RES check on the social visit passes of individuals who are holiday makers on Social Visit Passes (SVPs) 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 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 is encouraged to submit the information to the Police via iWitness (<https://www.police.gov.sg/I-Witness>), and consider against acting for the client.

If the RES were to proceed with the transaction, the RES must 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 the RES should indicate so in the "Remarks" column of the Checklist. The RES is still required to conduct due diligence checks on all occupiers of the property.

Q17: Do the same due diligence checks set out in the PG apply to diplomats, consular staff or staff of international organisations?

A17: In carrying out due diligence checks on tenants and occupiers who are diplomats, consular staff or staff of international organisations, the tenants and occupiers may 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.

The 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 due diligence checks were conducted against the website of the Immigration & Checkpoints Authority (ICA) or the Ministry of Manpower (MOM) 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 may 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.

Q18: How do I check the validity of the digital Long-Term Passes (LTPs) after 27 February 2023?

A18: ICA has ceased the issuance of physical Long-Term Pass (LTP) cards from 27 February 2023, and only digital LTPs are issued after 27 February 2023. This applies to the ICA-issued Long-Term Visit Pass and Student's Pass, and Dependant's Pass granted by the Ministry of Social and Family Development. Physical LTP cards issued prior to 27 February 2023 will remain valid until they expire or are cancelled.

RESs must continue to check the physical LTP cards issued before 27 February 2023. For LTPs that are issued on or after 27 February 2023, checks are to be conducted on the digital LTPs.

RESs must ask the digital LTP holders to access their digital LTP through the MyICA mobile app¹, MyICA e-Service on the ICA website (www.ica.gov.sg), or FileSG². LTP holders who have a Singpass account can also view their digital LTPs on the Singpass app. RESs must check the validity by accessing www.file.gov.sg/verify and scanning the QR code for the digital LTPs.

RESs must keep a copy of the pass when conducting the checks by taking a photograph of the digital LTP or asking the LTP holder to download and send a copy of the digital LTP to the RES.

¹ MyICA is a personalised portal where ICA's customers can access ICA's e-Services on a secure electronic platform as well as view their latest and past transactions with ICA.

² FileSG is a secure digital document management platform, developed by GovTech, that allows members of the public to easily access and download documents issued by the Government. It will be accessible to the public from 27 February 2023.