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HOUSING AND DEVELOPMENT ACT (CHAPTER 129)

HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) (AMENDMENT) RULES 2008

In exercise of the powers conferred by section 65K of the Housing and Development Act, the Minister for National Development hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Housing and Development (Polling for Upgrading Works) (Amendment) Rules 2008 and shall come into operation on 20th June 2008.

Amendment of rule 2

2. Rule 2 of the Housing and Development (Polling for Upgrading Works) Rules (R 7) (referred to in these Rules as the principal Rules) is amended —

(a) by inserting, immediately after the definition of “electronic polling system” in paragraph (1), the following definitions:

“ “flat upgrading poll” means a poll conducted under section 65C of the Act in connection with any proposal to carry out any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct;

“flat upgrading works register” means a register prepared under rule 3(1B) in relation to certain flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct;”;

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- (b) by deleting the words “or a special poll” in the definition of “poll” in paragraph (1) and substituting the words “, a special poll or a flat upgrading poll”;
 - (c) by deleting the words “or (as the case may be) a special register” in the definition of “registered owner” in paragraph (1) and substituting the words “, a special register or a flat upgrading works register, as the case may be”;
 - (d) by deleting the words “or (as the case may be) the special register” in paragraph (3) and substituting the words “, the special register or the flat upgrading works register, as the case may be”; and
 - (e) by deleting the words “or special upgrading works” in paragraph (5) and substituting the words “, special upgrading works or flat upgrading works”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended —

- (a) by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) Where there is any proposal to carry out any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct, the Board shall prepare a flat upgrading works register of owners of flats in the building, entering the names and addresses of all persons who are not disqualified under rule 5 from voting at the flat upgrading poll relating to those flat upgrading works.”;

- (b) by deleting paragraph (3) and substituting the following paragraph:

“(3) For the purposes of paragraphs (1A) and (1B), the Board may combine —

- (a) the special register relating to special upgrading works within a precinct with the

register of owners for that precinct prepared under paragraph (1);

- (b) the flat upgrading works register relating to flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct with the register of owners for that precinct prepared under paragraph (1); or
- (c) the special register relating to special upgrading works within a precinct with the flat upgrading works register relating to flat upgrading works within flats comprised in a building in that precinct or within any building in that precinct,

provided that the combined register shall include appropriate notation to identify the persons entitled to vote in the special poll relating to the special upgrading works or the flat upgrading poll relating to the flat upgrading works, as the case may be.”;

- (c) by inserting, immediately after the words “in the special register” in paragraph (4), the words “or the flat upgrading works register”; and
- (d) by inserting, immediately after the words “to which the special register relates” in paragraph (4), the words “or the flat upgrading poll to which the flat upgrading works register relates, as the case may be”.

Amendment of rule 4

4. Rule 4 of the principal Rules is amended by inserting, immediately after paragraph (6), the following paragraph:

“(7) This rule shall also apply to any flat upgrading poll as if —

- (a) all references in this rule to a primary poll relating to a precinct shall be read as references to a flat upgrading poll relating to flat upgrading works within flats comprised in a building in the precinct or within any building in the precinct; and

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- (b) all references in this rule to the register shall be read as a reference to the flat upgrading works register for those flat upgrading works.”.

Amendment of rule 6

5. Rule 6 of the principal Rules is amended —

- (a) by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) The Board shall, not later than the day before the commencement of a flat upgrading poll in relation to any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct, complete the flat upgrading works register referred to in rule 3(1B), and shall certify the completed flat upgrading works register as the register in operation for those flat upgrading works.”; and

- (b) by inserting, immediately after paragraph (2), the following paragraph:

“(3) The flat upgrading works register in operation for any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct shall be conclusive evidence for the purpose of determining whether a person is entitled to vote at a flat upgrading poll in relation to those flat upgrading works.”.

Amendment of rule 7

6. Rule 7 of the principal Rules is amended —

- (a) by inserting, immediately after paragraph (1A), the following paragraph:

“(1B) Subject to the provisions of these Rules, every registered owner whose name appears in a flat upgrading works register prepared in relation to any flat upgrading works shall be entitled to vote in a flat

upgrading poll relating to those flat upgrading works.”;
and

(b) by inserting, immediately after paragraph (4), the following paragraph:

“(5) Subject to the provisions of these Rules, every registered owner whose name appears in a flat upgrading works register for any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct shall, for the purposes of a flat upgrading poll relating to those flat upgrading works, have —

- (a) in the case of a common registered owner of more than one flat within any such building — one vote in respect of all those flats; and
- (b) in any other case — a number of votes equal to the number of flats in any such building in respect of which he has been registered as an owner.”.

Amendment of rule 7A

7. Rule 7A of the principal Rules is amended —

(a) by deleting sub-paragraph (a) of paragraph (3A) and substituting the following sub-paragraph:

“(a) where the Board is the registered owner of any beneficiary flat within the building or buildings — one, notwithstanding that it is the common registered owner of more than one beneficiary flat within that building or those buildings; and”;

(b) by deleting the words “(regardless of the flat being residential or non-residential)” in paragraph (3A)(b); and

(c) by inserting, immediately after paragraph (3A), the following paragraph:

“(3B) For the purposes of a flat upgrading poll relating to any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct, the vote of every registered owner entitled to vote in that flat upgrading poll shall have a value as follows:

- (a) where the Board is the registered owner — a number equal to one, notwithstanding that it is the common registered owner of more than one flat within that building; and
- (b) in any other case — a number equal to the number of leases the Board has granted to the registered owner in respect of his flat or flats within the building.”.

Amendment of rule 16A

8. Rule 16A of the principal Rules is amended by inserting, immediately after paragraph (2), the following paragraph:

“(2A) Subject to the Act, a flat upgrading poll in relation to any flat upgrading works may be conducted at any time after the Minister has approved the proposal to carry out those flat upgrading works.”.

Amendment of rule 17

9. Rule 17 of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) The Board shall give notice of a flat upgrading poll relating to any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct in the following manner:

- (a) by affixing, not less than 7 days before the date of commencement of the flat upgrading poll relating to those flat upgrading works, at a conspicuous place in every such building to which those works relate, a notice stating the polling days, the hours and the polling place of the flat upgrading poll; and

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- (b) by serving, not less than 7 days before the last polling day of the flat upgrading poll, a notice on every registered owner whose name appears in the flat upgrading works register in operation for those flat upgrading works —
- (i) describing the proposals to carry out those flat upgrading works in the building;
 - (ii) specifying the polling days, the hours of the polls and the polling place as stated in the notice in sub-paragraph (a); and
 - (iii) specifying the name of the person entitled to vote at the flat upgrading poll, the value of his vote or votes and the place where instruments of proxy and powers of attorney may be deposited.”.

Amendment of rule 17A

10. Rule 17A of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) If the Board, having given in accordance with rule 17(5) notice of a flat upgrading poll relating to any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct, decides to postpone the date of commencement or to change the polling place of the flat upgrading poll, the Board shall give notice of the postponement or change by affixing, not less than 2 days before the original date of commencement of the flat upgrading poll relating to those flat upgrading works, at a conspicuous place in every such building to which those works relate, a notice stating the changes in the polling days and hours or the polling place (as the case may be) of the flat upgrading poll.”.

Amendment of rule 19

11. Rule 19 of the principal Rules is amended —

- (a) by deleting the word “and” at the end of paragraph (b); and

(b) by deleting the full-stop at the end of paragraph (c) and substituting the word “; and”, and by inserting immediately thereafter the following paragraph:

“(d) in respect of any proposal regarding flat upgrading works, shall consist of a polling paper in Form 3B in the Schedule.”.

Amendment of rule 22

12. Rule 22 of the principal Rules is amended —

- (a) by inserting, immediately after the words “building within a precinct” in paragraph (1), the words “, or to flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct”;
- (b) by inserting, immediately after the words “a voter” in paragraph (2), the words “at a poll or adjourned poll relating to any general upgrading works and specified upgrading works, or to any special upgrading works or flat upgrading works,”;
- (c) by deleting the words “or (as the case may be) the special register” in paragraph (2) and substituting the words “, or in the special register prepared in relating to those special upgrading works or the flat upgrading works register prepared in relation to those flat upgrading works, as the case may be”;
- (d) by deleting the words “or (as the case may be) the special register” in paragraph (3) and substituting the words “, or the special register or the flat upgrading works register, as the case may be”; and
- (e) by deleting the words “or specified upgrading works or special upgrading works” in paragraphs (4) and (6) and substituting in each case the words “, specified upgrading works, special upgrading works or flat upgrading works”.

Amendment of rule 28

13. Rule 28(1) of the principal Rules is amended by deleting the words “or any proposal regarding special upgrading works” in sub-paragraph (d) and substituting the words “, any proposal regarding special upgrading works or any proposal regarding flat upgrading works”.

Amendment of rule 29

14. Rule 29(1) of the principal Rules is amended by deleting the words “or 5B” in sub-paragraph (b) and substituting the words “, 5B or 5C”.

Amendment of rule 30

15. Rule 30 of the principal Rules is amended by deleting the words “or (as the case may be) the special register” in paragraph (a) and substituting the words “, the special register or the flat upgrading works register, as the case may be,”.

Amendment of rule 32

16. Rule 32 of the principal Rules is amended by inserting, immediately after paragraph (4), the following paragraph:

“(5) A final statement of a flat upgrading poll relating to any flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct shall be in Form 6C in the Schedule and shall, within 28 days after the last polling day of the flat upgrading poll —

(a) be published in the *Gazette*; and

(b) be displayed in any conspicuous part of every such building to which those works relate.”.

Amendment of rule 33

17. Rule 33 of the principal Rules is amended by inserting, immediately after paragraph (3A), the following paragraph:

“(3B) The results of a flat upgrading poll to establish the opinions about any proposal to carry out flat upgrading works

within flats comprised in a building in a precinct or within any building in a precinct shall be ascertained in accordance with the formula

$$\frac{M}{N} \times 100,$$

where M is the total value of votes cast at the flat upgrading poll by the registered owners of flats in the building in favour of the proposal to carry out those flat upgrading works; and

N is the total value in votes of all registered owners of flats in the building who are entitled to vote at that flat upgrading poll.

”.

Amendment of rule 34E

18. Rule 34E(1) of the principal Rules is amended by inserting, immediately after the words “(including any special register” in sub-paragraph (c), the words “or flat upgrading works register”.

Amendment of rule 35

19. Rule 35(2) of the principal Rules is amended by deleting the words “or special upgrading works within a precinct” and substituting the words “, special upgrading works or flat upgrading works”.

Amendment of Schedule

20. The Schedule to the principal Rules is amended —

- (a) by inserting, immediately after the words “*and/or special poll” in Form 1, the words “*and/or flat upgrading poll”; and
- (b) by inserting, immediately after Forms 3A, 5B and 6B, respectively, the following Forms:

"FORM 3B

Rule 19(d)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

POLLING PAPER FOR FLAT UPGRADING WORKS

_____ PRECINCT

Address of owner's flat or flats (1) _____

(2) _____

Please answer by placing a "✓" in one of the boxes.

Are you in favour of the proposed FLAT
UPGRADING WORKS?

YES

NO

Name and Signature of *Owner/Proxy _____

Date _____

*Delete whichever is inapplicable.

FORM 5C

Rule 29(1)(b)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS) RULESDAILY STATEMENT OF FLAT UPGRADING POLL
FOR FLAT UPGRADING WORKS

_____ PRECINCT

Flat Upgrading Works	Value in votes cast on dd/mm/yy	
	For	Against
Block _____ (Description of Item) In Person By Proxy		
Total		
Block _____ (Description of Item) In Person By Proxy		
Total		
Block _____ (Description of Item) In Person By Proxy		
Total		

	<i>Number of polling papers</i>	<i>Value</i>
Rejected votes		
Block _____	_____	_____
Block _____	_____	_____
Block _____	_____	_____
Number of spoilt polling papers	_____	
Number of polling papers found in poll boxes	_____	

I, _____, the chief polling officer at the flat upgrading polls, hereby certify this statement to be correct.

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

FORM 6C

Rule 32(5)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS) RULESFINAL STATEMENT OF FLAT UPGRADING POLL
FOR FLAT UPGRADING WORKS

_____ PRECINCT

Flat Upgrading Works	Value in votes cast From: dd/mm/yy To: dd/mm/yy	
	For	Against
Block _____ (Description of Item) In Person By Proxy		
Total		
Block _____ (Description of Item) In Person By Proxy		
Total		
Block _____ (Description of Item) In Person By Proxy		
Total		

	<i>Total number of polling papers</i>	<i>Total value</i>
Rejected votes		
Block _____	_____	_____
Block _____	_____	_____
Block _____	_____	_____
Non-voters, i.e., registered owners of flats in the following *building/buildings within this precinct who are entitled to vote at the flat upgrading poll but did not vote		
Block _____	_____	_____
Block _____	_____	_____
Block _____	_____	_____
Total value in votes of all registered owners of flats in the following *building/buildings within this precinct who are entitled to vote at the flat upgrading poll		
Block _____		_____
Block _____		_____
Block _____		_____
Total number of spoilt polling papers	_____	

FLAT UPGRADING WORKS

RESULTS

Block _____
 (Description of Item)
 _____ % in favour
 _____ % against
 _____ % rejected votes
 _____ % non-voters

Block _____
 (Description of Item)
 _____ % in favour
 _____ % against
 _____ % rejected votes
 _____ % non-voters

Block _____
(Description of Item)
_____ % in favour
_____ % against
_____ % rejected votes
_____ % non-voters

I, _____, the chief polling officer at the flat upgrading polls, hereby certify this statement to be correct.

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

Delete whichever is inapplicable.

[G.N. Nos. S 299/2000; S 502/2001; S 117/2003;
S 408/2006]

Made this 17th day of June 2008.

TAN TEE HOW
Permanent Secretary,
Ministry of National Development,
Singapore.

[ND 311/4-50(10); AG/LEG/SL/129/2005/2 Vol. 1]

(To be presented to Parliament under section 27(3) of the Housing and Development Act).