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HOUSING AND DEVELOPMENT ACT (CHAPTER 129)

HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) (AMENDMENT) RULES 2003

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 2003 and shall come into operation on 10th March 2003.

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 words “rule 29(1)(b)” in the definition of “daily statement of the poll” in paragraph (1), the words “or 34E(1)(a), as the case may be”;
- (b) by inserting, immediately after the definition of “daily statement of the poll” in paragraph (1), the following definitions:

““electronic polling machine” means any mechanical, electronic or electro-optical machine that can —

- (a) be activated by a voter to mark or record his vote for or against any proposal regarding general upgrading works, specified upgrading works or special

upgrading works, as the case may be, on a polling display on the machine;

- (b) process the vote and the value in the vote by means of a computer program;
- (c) instantaneously record and store that vote and the value in that vote within a memory device within the machine; and
- (d) sort and count votes and the value in the votes marked or recorded on all polling displays on that machine,

and includes any computer program that is used in the operation of the machine;

“electronic polling system” means any polling system using electronic polling machines;”;

- (c) by inserting, immediately after the definition of “polling day” in paragraph (1), the following definitions:

““polling display” means an on-screen electronic video display, image or representation of a polling paper;

“polling place”, in relation to a poll, means the place at which the poll is to be taken;”;

- (d) by deleting the definition of “register” in paragraph (1) and substituting the following definition:

““register” means a register (whether in paper or electronic form) of owners of flats prepared under rule 3 in respect of any particular precinct;”;

- (e) by deleting the definition of “special register” in paragraph (1) and substituting the following definition:

““special register” means a register (whether in paper or electronic form) prepared under rule 3(1A) in relation to certain upgrading works in a building;”;

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

“(5) For the avoidance of doubt, a polling display need not resemble a polling paper provided that it contains all information necessary to enable a voter to mark or record his vote for or against any proposal regarding general upgrading works, specified upgrading works or special upgrading works, as the case may be.”.

Amendment of rule 3

3. Rule 3 of the principal Rules is amended —

- (a) by deleting the words “, in addition to a register referred to in paragraph (1),” in paragraph (1A); and
- (b) by inserting, immediately after paragraph (2), the following paragraphs:

“(3) For the purposes of paragraph (1A), the Board may combine the special register relating to special upgrading works in a building within a precinct with the register of owners for that precinct prepared under paragraph (1), provided that the combined register shall include appropriate notation to identify the persons entitled to vote in the special poll relating to those special upgrading works.

(4) Where the Board has prepared a combined register under paragraph (3), a reference in these Rules to a person’s name appearing or being registered in the special register shall be read to refer to the person’s name appearing or being registered (as the case may be) in the combined register with the appropriate notation to identify that the person is entitled to vote in the special poll to which the special register relates.”.

Amendment of rule 14

4. Rule 14 of the principal Rules is amended by deleting paragraph (3) and substituting the following paragraph:

“(3) The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited —

- (a) at the office of the chief polling officer;
- (b) with a polling officer at the polling place; or
- (c) at such other place as is specified in the notices of a poll referred to in rule 17,

before the vote is cast by the proxy at the poll, and in default, the instrument of proxy shall not be treated as valid.”.

Amendment of rule 17

5. Rule 17 of the principal Rules is amended —

(a) by deleting sub-paragraph (a) of paragraph (1) and substituting the following sub-paragraph:

“(a) by affixing, not less than 7 days before the date of commencement of the primary poll relating to the precinct, at a conspicuous place in every building within the precinct, a notice stating the polling days, the hours and the polling place of the primary poll;”;

(b) by inserting, immediately after the words “secondary poll” in the last line of paragraph (2), the words “or (as the case may be) the special poll”; and

(c) by deleting sub-paragraph (a) of paragraph (4) and substituting the following sub-paragraph:

“(a) by affixing, not less than 7 days before the date of commencement of the special poll relating to those special upgrading works, at a conspicuous place in the building, a notice stating the polling days, the hours and the polling place of the special poll;”.

New rule 17A

6. The principal Rules are amended by inserting, immediately after rule 17, the following rule:

“Postponement of commencement of poll

17A.—(1) If the Board, having given notice of a primary poll relating to any precinct in accordance with rule 17(1), decides to postpone the date of commencement or to change the polling place of the primary 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 primary poll relating to the precinct, at a conspicuous place in every building within the precinct, a notice stating the changes in the polling days and hours or the polling place (as the case may be) of the primary poll.

(2) Where the Board has given notice of a secondary poll relating to residential flats comprised in a building within a precinct, or a special poll relating to any special upgrading works in a building within a precinct, in accordance with rule 17(2), and —

(a) the Board decides to postpone the date of commencement or to change the polling place of the primary poll (referred to in this paragraph as the postponed primary poll) together with which the secondary poll or the special poll (as the case may be) was to be conducted; and

(b) the secondary poll or the special poll (as the case may be) is to be conducted with the postponed primary poll,

paragraph (1) shall apply, with the necessary modifications, to the giving of notice of the postponement of the date of commencement or the change in the polling place of the secondary poll or the special poll (as the case may be).

(3) If the Board, having given notice of a secondary poll relating to non-residential flats in any building within a precinct in accordance with rule 17(3), decides to postpone the date of commencement or to change the polling place of the secondary