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## **No. S 320**

### **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

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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: