

HOUSING AND DEVELOPMENT ACT

(CHAPTER 129)

HOUSING AND DEVELOPMENT (POLLING FOR UPGRADING WORKS) RULES

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**HOUSING AND DEVELOPMENT ACT
(CHAPTER 129, SECTION 65K)**

**HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES**

ARRANGEMENT OF RULES

PART I

PRELIMINARY

Rule

1. Citation
2. Definitions
- 2A. Beneficiary flats of special upgrading works

PART II

REGISTER OF OWNERS OF FLATS

3. Preparation of register of owners
4. Owners of flats, etc.
5. Disqualified persons
6. Completion of register

PART III

VOTING

7. Entitlement to vote
- 7A. Value in votes
8. Voting in person or by proxy, etc.
9. Joint owners
10. Mentally disordered persons
11. Voting by Board
12. Company may appoint representative to attend poll
13. Proxies
14. Instrument of proxy
15. List of proxies

PART IV
THE POLL

Rule

- 16. Polling staff
- 16A. Primary and secondary polls
- 17. Notices of poll
- 17A. Postponement of commencement of poll, etc.
- 18. Days and hours of poll
- 19. Polling papers
- 20. Poll boxes
- 21. Procedure on commencement of poll
- 22. Manner of voting
- 23. Spoilt polling papers
- 24. Voting after adjournment or closing of poll
- 25. Procedure on adjournment or closing of poll
- 26. Safe custody of unused polling papers, etc., on adjournment
- 26A. Safe custody of polling papers, etc., on completion of poll

PART V
COUNTING OF VOTES

- 27. Counting of votes
- 28. Rejected votes
- 29. Safe custody of counted polling papers, etc.
- 30. Re-opening of poll after adjournment
- 31. Voting at adjourned poll
- 32. Final statement of poll
- 33. Results of poll
- 34. Failure to comply with Rules

PART VA
ELECTRONIC POLLING

- 34A. Applicability of Rules
- 34B. Preliminary requirements for electronic polling
- 34C. Procedure on commencement of electronic polling
- 34D. Malfunction of electronic polling machine or electronic polling equipment
- 34E. Procedure on adjournment or closing of electronic poll

Rule

- 34F. Procedure on re-opening of electronic poll
- 34G. Verification of polling data
- 34H. Voting after adjournment or closing of poll
- 34I. Rejected votes

PART VI

OFFENCES

- 35. Voting offences
 - 36. Tampering with polling papers, etc.
- The Schedule

[8th September 1993]

PART I

PRELIMINARY

Citation

1. These Rules may be cited as the Housing and Development (Polling for Upgrading Works) Rules.

Definitions

2.—(1) In these Rules, unless the context otherwise requires —

“beneficiary flat”, in relation to any special upgrading works, means a flat prescribed in rule 2A to be a beneficiary flat in relation to those special upgrading works;

“building” includes part of a building and any part of 2 or more buildings;

“chief polling officer” means the chief polling officer appointed under rule 16(1)(a) and includes a deputy chief polling officer appointed under rule 16(2);

“daily statement of the poll” means the statement prepared in respect of any polling day under rule 29(1)(b) or 34E(1)(a), as the case may be;

“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;

“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(3) in relation to certain flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct;

“HDB flat” means a house or flat sold under the provisions of the Act;

“Lease Buyback Scheme” means a scheme administered by the Board under which a lessee of an HDB flat who has been approved by the Board to take part in the scheme enters into an agreement with the Board to reduce the term of the lease of his HDB flat, in consideration of a sum of money part of which is to be used for the purchase of an annuity from the Central Provident Fund Board;

“list of proxies” means the list of proxies prepared under rule 15;

- “poll”, in relation to a precinct, means either a primary poll, a secondary poll, a special poll or a flat upgrading poll conducted under section 65C of the Act in relation to that precinct or a building or buildings within that precinct;
- “polling day” means any day on which a poll is taken;
- “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;
- “primary poll”, in relation to a precinct, means a poll conducted under section 65C of the Act in relation to the precinct with a view to establishing the opinions of owners of flats within the precinct about any proposal to carry out general upgrading works within that precinct;
- “register” means a register (whether in paper or electronic form) of owners of flats prepared under rule 3 in respect of any particular precinct;
- “registered owner” means any person whose name is entered in a register, a special register or a flat upgrading works register, as the case may be;
- “scrutineer” means a scrutineer appointed under rule 16 for the purposes of a poll;
- “secondary poll”, in relation to a building within a precinct, means a poll conducted under section 65C of the Act in relation to the building within the precinct with a view to establishing the opinions of the owners of residential or non-residential flats in the building about any proposal to carry out specified upgrading works in that building;
- “Singapore corporation” means —
- (a) any body corporate established by any written law;
 - (b) any company incorporated in Singapore, one of whose members is either a citizen of Singapore or a company incorporated in Singapore one of whose members is a citizen of Singapore, and so on; or

- (c) any society, co-operative society, trade union, mutual benefit organisation or other organisation formed or constituted in Singapore, one of whose members or trustees is a citizen of Singapore;

“special poll”, in relation to any building or any 2 or more buildings within a precinct, means a poll conducted under section 65C(1A) of the Act with a view to establishing the opinions of owners of beneficiary flats in that building or those buildings, as the case may be, about any proposal to carry out special upgrading works in that building or for those buildings;

“special register” means a register (whether in paper or electronic form) prepared under rule 3(2) in relation to certain upgrading works in a building or for 2 or more buildings;

“voter” means a person who applies to vote or votes at a poll, whether or not he is a registered owner.

(2) Any reference in these Rules to the commencement of a poll shall be a reference to the first polling day of the poll.

(3) For the purposes of these Rules, the seniority of joint owners of any flat shall be determined by the order in which the names of the joint owners appear in the register, the special register or the flat upgrading works register, as the case may be.

(4) For the purposes of these Rules, a person or group of persons shall be regarded as the common registered owner of more than one flat if and only if —

- (a) he is the sole registered owner of each of the flats; or
- (b) the group comprises persons who are the same joint registered owners of each of the flats and whose shares and interests in each of those flats are the same, whether equal or unequal.

(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, special upgrading works or flat upgrading works, as the case may be.

Beneficiary flats of special upgrading works

2A. Where any special upgrading works comprise items of works necessary or ancillary to installing any lift or lift landing or any additional lift or lift landing in a building or for 2 or more buildings, the beneficiary flats in relation to those special upgrading works shall be all flats in the building or those buildings, as the case may be, other than —

- (a) flats on the ground level;
- (b) flats on the same level of such lift landings as are existing in that building or those buildings before the commencement of the special poll relating to those special upgrading works; and
- (c) flats which, after the completion of the special upgrading works in that building or those buildings —
 - (i) are at least one whole storey above or below any lift landing in the building or buildings; or
 - (ii) are in a part of any of the buildings to which there is no direct access from any level (except ground level) of the building or buildings where those special upgrading works are carried out.

PART II**REGISTER OF OWNERS OF FLATS****Preparation of register of owners**

3.—(1) As soon as practicable after a precinct has been declared under section 65B(1) of the Act, the Board shall prepare a register of owners of flats for that precinct, entering the names and addresses of all persons who —

- (a) are owners of flats within that precinct or entitled to have their names entered in the register as owners of such flats; and
- (b) are not disqualified under rule 5 from voting at the poll relating to that precinct.

(2) Where there is any proposal to carry out special upgrading works in a building or for 2 or more buildings within a precinct, the Board shall prepare a special register of owners of beneficiary flats in the building

or buildings, as the case may be, in relation to those works, entering the names and addresses of all persons who —

- (a) are owners of beneficiary flats in the building or buildings, as the case may be, in relation to those special upgrading works or are entitled to have their names entered in the register as owners of such flats; and
- (b) are not disqualified under rule 5 from voting at the special poll relating to those special upgrading works.

(3) 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 entitled to have their names entered in the register as owners of such flats and are not disqualified under rule 5 from voting at the flat upgrading poll relating to those flat upgrading works.

(4) The register of owners for a precinct may comprise a series of subsidiary registers of owners of flats comprised in each building within the precinct.

(5) For the purposes of paragraphs (2) and (3), 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.

(6) Where the Board has prepared a combined register under paragraph (5), a reference in these Rules to a person's name appearing or being registered in the special register or the flat upgrading works 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 or the flat upgrading poll to which the flat upgrading works register relates, as the case may be.

Owners of flats, etc.

4.—(1) Subject to paragraphs (2) and (3), in relation to any flat within a precinct which is sold by the Board, any person who, immediately before the commencement of a primary poll relating to the precinct, is —

- (a) the most recent purchaser, jointly or otherwise, of a leasehold interest in the flat; or
- (b) the most recent purchaser, jointly or otherwise, under an agreement for a lease,

shall, for the purposes of these Rules, be the owner of the flat within the precinct and shall be entered in the register as such.

(2) Notwithstanding paragraph (1), the following persons shall not be the owner or owners of any flat for the purposes of these Rules and shall not be entitled to be registered as such:

- (a) any sole purchaser of a flat who is neither a citizen of Singapore nor a Singapore corporation;
- (b) the joint purchasers of a flat, all of whom are neither citizens of Singapore nor Singapore corporations;
- (c) any body corporate which is declared under section 50A of the Act to be entitled to purchase a flat; and
- (d) any sole purchaser or joint purchasers of a residential flat which is the subject of an agreement entered into under the Lease Buyback Scheme.

(3) For the avoidance of doubt, where only one of the most recent joint purchasers of a flat is either a citizen of Singapore or a Singapore corporation, all the joint purchasers shall be the owners of the flat for

the purposes of these Rules and shall be entitled to be registered as such.

(4) Where the owner of a flat is deceased and representation has been taken out at any time before the commencement of the primary poll, the personal representative of the deceased owner shall, for the purposes of these Rules, be entitled to have his name entered in the register as owner of the flat instead of the deceased owner.

(5) Where an owner of a flat is of unsound mind or his person or estate is liable to be dealt with in any way under the law relating to mental disorders, his committee or such other person who properly has the management of his estate shall be entered in the register as the owner of the flat.

(6) Where immediately before the commencement of the primary poll any flat within a precinct is rented out by the Board or is the subject of an agreement entered into under the Lease Buyback Scheme, the Board shall, for the purposes of these Rules, be the owner of that flat and shall be entered in the register as such.

(7) Where immediately before the commencement of the primary poll any flat within a precinct is neither sold nor rented out by the Board, the Board shall, for the purposes of these Rules, be the owner of that flat and shall be entered in the register as such.

(8) This rule shall apply to any special poll as if —

- (a) all references in this rule to a primary poll relating to a precinct shall be read as references to a special poll relating to special upgrading works in a building or for 2 or more buildings, as the case may be, within a precinct;
- (b) all references in this rule to a flat shall be read as references to a beneficiary flat in relation to those special upgrading works; and
- (c) all references in this rule to the register shall be read as a reference to the special register for those special upgrading works.

(9) 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

- (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.

Disqualified persons

5. An owner of a flat or his personal representative shall be disqualified from voting at a poll if the Board has served any of the following notices on him and does not subsequently waive in writing any such notice before the commencement of the poll:

- (a) a notice of the intention of the Board to have the flat vested in itself pursuant to section 47(2A) or section 52(1A) or (2) of the Act;
- (b) a notice of the intention of the Board to terminate or rescind an agreement for a lease of the flat pursuant to section 47(2A) or 52(3) of the Act;
- (c) a notice of the intention of the Board to re-enter upon the flat pursuant to section 55 of the Act;
- (d) a notice of the intention of the Board to compulsorily acquire the flat pursuant to section 56 of the Act; or
- (e) a notice of the intention of the Board to terminate the lease or an agreement for a lease of the flat.

Completion of register

6.—(1) The Board shall, not later than the day before the commencement of a primary poll relating to a precinct, complete the register and shall certify the completed register as the register in operation for that precinct.

(2) The Board shall, not later than the day before the commencement of a special poll in relation to any special upgrading works in a building or for 2 or more buildings within a precinct, complete the special register referred to in rule 3(2) and, shall certify the completed special register as the register in operation for those special upgrading works.

(3) 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(3), and shall certify the completed flat upgrading works register as the register in operation for those flat upgrading works.

(4) The register in operation for a precinct and the special register in operation for any special upgrading works in a building or for 2 or more buildings shall be conclusive evidence for the purpose of determining whether a person is entitled to vote at a poll relating to that precinct and at a special poll in relation to those special upgrading works, respectively.

(5) 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.

PART III

VOTING

Entitlement to vote

7.—(1) Subject to the provisions of these Rules, every registered owner whose name appears in the register in operation for a precinct shall —

- (a) be entitled to vote in a primary poll relating to that precinct;
- (b) if he is a registered owner of a residential flat in a building within the precinct, be entitled to vote in a secondary poll relating to residential flats in that building; and
- (c) if he is a registered owner of a non-residential flat in a building within the precinct, be entitled to vote in a secondary poll relating to non-residential flats in that building.

(2) Subject to the provisions of these Rules, every registered owner whose name appears in a special register prepared in relation to any special upgrading works in a building or for 2 or more buildings within a precinct shall be entitled to vote in a special poll relating to those special upgrading works.

(3) 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.

(4) Subject to the provisions of these Rules, every registered owner whose name appears in the register in operation for a precinct shall, for the purposes of a primary poll relating to the precinct, have —

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

(5) Subject to the provisions of these Rules, every registered owner whose name appears in a subsidiary register in operation for a building within a precinct shall, for the purposes of a secondary poll relating to the building, have —

- (a) in the case of a common registered owner of more than one flat within the building to which the poll relates, 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 that building in respect of which he has been registered as an owner.

(6) Subject to the provisions of these Rules, every registered owner whose name appears in a special register for any special upgrading works in a building or for 2 or more buildings within a precinct shall, for the purposes of a special poll relating to those special upgrading works, have —

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

(7) 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.

Value in votes

7A.—(1) For the purposes of any primary poll relating to a precinct, the vote of every registered owner entitled to vote in that primary poll shall have a value as follows:

- (a) where the Board is the registered owner — one, notwithstanding that it is the common registered owner of more than one flat within the precinct; 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 precinct.

(2) For the purposes of any secondary poll relating to residential flats in a building within a precinct, the vote of every registered owner entitled to vote in that secondary poll shall have a value as follows:

- (a) where the Board is the registered owner — one, notwithstanding that it is the common registered owner of more than one residential flat within the 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 residential flat or flats within the building.

(3) For the purposes of any secondary poll relating to non-residential flats in a building within a precinct, the vote of every registered owner entitled to vote in that secondary poll shall have a value as follows:

- (a) where the Board is the registered owner — a number equal to the number of non-residential flats in the building in respect

of which the Board has been registered as owner in the subsidiary register in operation for 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 non-residential flat or flats within the building.

(4) For the purposes of a special poll relating to any special upgrading works in a building or for 2 or more buildings within a precinct, the vote of every registered owner entitled to vote in that special poll shall have a value as follows:

- (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) in the case of any other registered owner of a beneficiary flat within the building or buildings — a number equal to the number of leases the Board has granted to the registered owner in respect of his beneficiary flat or flats within that building or those buildings, as the case may be.

(5) 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.

(6) In this rule, any reference to a lease granted by the Board to any registered owner shall include a reference to an agreement for a lease entered into by the Board with any registered owner.

Voting in person or by proxy, etc.

8. Subject to the provisions of these Rules, every registered owner may vote in a poll in person or by proxy.

Joint owners

9.—(1) Except as otherwise provided in paragraphs (2) and (3), the vote of joint registered owners (including tenants in common) of a flat may be cast by any of them in person or by a proxy and any first such vote cast shall be accepted to the exclusion of the other joint owners; but if more than one registered owner are present at the poll on a polling day, the vote of the senior owner amongst them who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the other joint owners.

(2) In the case of tenants in common all of whom are either citizens of Singapore or Singapore corporations or both and who hold unequal shares in a flat, the vote of the tenant in common holding the largest share and living at the commencement of the poll shall be accepted to the exclusion of the other tenants in common of that flat.

(3) Notwithstanding anything to the contrary in these Rules, where any one of the joint registered owners (including tenants in common) of a flat is not a citizen of Singapore or a Singapore corporation, he shall not be entitled to vote in any poll and the vote of the joint registered owners of the flat may be cast only by any of the joint registered owners among them who is a citizen of Singapore or a Singapore corporation either in person or by proxy.

(4) Paragraphs (1) and (2) shall apply, with the necessary modifications, to the joint registered owners who are citizens of Singapore or Singapore corporations referred to in paragraph (3).

Mentally disordered persons

10. A registered owner of a flat who is of unsound mind or whose person or estate is liable to be dealt with in any way under the law relating to mental disorders shall not, even though he is a citizen of Singapore, vote at a poll in person but may vote by his committee or by such other person who properly has the management of his estate, and any such committee or other person may vote by proxy.

Voting by Board

11. The Board may appoint in writing any one of its officers to vote on its behalf at the poll and that officer shall vote at the poll in person.

Company may appoint representative to attend poll

12.—(1) A company which is a registered owner may, under the seal of the company or the hand of its director or any duly authorised attorney, appoint such person as it thinks fit to act as its representative at a poll and a person so authorised shall, in accordance with his authority or until his authority is revoked by the company, be entitled to exercise the same powers on behalf of the company as the company could exercise if it were an individual.

(2) A vote cast at a poll by or on behalf of a registered owner who is a company shall have no effect unless the chief polling officer has, before the vote is cast, received from the company a notice in writing specifying the representative of that company.

Proxies

13.—(1) Subject to this rule, any person is capable of being appointed proxy to vote for a registered owner at any poll and may vote in pursuance of the appointment.

(2) A registered owner cannot have more than one person at a time appointed as proxy to vote for him at a poll.

(3) A person shall not be capable of being appointed to vote, or voting, as a proxy at a poll if —

- (a) he is, at the commencement of the poll, below 21 years of age;
- (b) he is under any written law found or declared to be of unsound mind; or
- (c) he is not a citizen of Singapore.

(4) A proxy need not be a registered owner of a flat within the precinct or a registered owner of a beneficiary flat within the building in relation to which the poll is conducted.

(5) A person appointed to vote as proxy shall vote in person.

Instrument of proxy

14.—(1) The instrument appointing a proxy shall be in writing, in Form 1 in the Schedule, under the hand of the registered owner or of his attorney duly authorised in writing or, if the registered owner is a corporation (other than the Board), either under seal or under the hand of an officer or an attorney duly authorised.

(2) A vote given in accordance with the terms of an instrument of proxy or attorney shall be valid notwithstanding the previous death or unsoundness of mind of the principal or revocation of the instrument or of the authority under which the instrument was executed, if no information in writing of such death, unsoundness of mind or revocation has been received by the Board before the commencement of the poll at which the instrument is used.

(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.

List of proxies

15. The chief polling officer shall, in respect of the poll, prepare a list of proxies consisting of all those registered owners of flats who have given notice under rule 12(2) or deposited an instrument of proxy pursuant to rule 14(3), and the names and addresses of all those appointed as their representatives or proxies.

PART IV

THE POLL

Polling staff

16.—(1) As soon as practicable after a precinct has been declared under section 65B(1) of the Act, or after the Minister has approved any proposal to carry out certain special upgrading works in a building or for 2 or more buildings within a precinct, the Minister shall appoint —

- (a) a chief polling officer to preside over any poll relating to the precinct or a building within the precinct or (as the case may be) to those special upgrading works; and
- (b) one or more scrutineers for the purposes of that poll.

(2) The Minister may, in addition to the chief polling officer appointed under paragraph (1)(a), appoint one or more deputy chief polling officers to assist the chief polling officer in the performance of his duties under these Rules, and the deputy chief polling officer shall have all the powers and may perform all the duties of the chief polling officer under these Rules.

(3) The chief polling officer shall, as soon as practicable after his appointment under paragraph (1)(a) for the purposes of any poll, appoint such polling officers and clerks as may be necessary for the purposes of that poll.

(4) No officer of the Board who is appointed under rule 11 to vote on behalf of the Board at a poll shall be appointed as a chief polling officer, deputy chief polling officer, scrutineer, polling officer or clerk for the purposes of that same poll.

Primary and secondary polls

16A.—(1) A primary poll shall be conducted in relation to a precinct together with —

- (a) all secondary polls, if any, relating to buildings comprising wholly of residential flats within the precinct; and
- (b) where there are buildings comprising residential and non-residential flats within the precinct, all secondary polls, if any, relating to residential flats in those buildings.

(2) Subject to section 65C(5) of the Act, a secondary poll relating to non-residential flats in a building referred to in paragraph (1)(b) shall commence not more than 14 days after the date of publication under rule 32 of the final statement of the secondary poll relating to the residential flats in the same building.

(3) 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.

(4) Subject to the Act, a special poll in relation to any special upgrading works in a building or for 2 or more buildings within a precinct may be conducted at any time after the Minister has approved the proposal to carry out those special upgrading works.

Notices of poll

17.—(1) The Board shall give notice of a primary poll relating to any precinct in the following manner:

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

(2) Where any secondary poll relating to residential flats comprised in any building within a precinct, or any special poll relating to any special upgrading works within a precinct, is to be conducted together with a primary poll relating to the precinct, the Board shall give notice of the secondary poll or (as the case may be) the special poll together with notice of the primary poll, and paragraph (1) shall apply, with the necessary modifications, to the giving of notice of the secondary poll or (as the case may be) the special poll.

(3) Subject to section 65C(5) of the Act and rule 16A(2), the Board shall give notice of a secondary poll relating to non-residential flats in any building within a precinct —

- (a) by affixing, not less than 7 days before the date of commencement of the secondary poll relating to non-residential flats in any building within that precinct, at a conspicuous place in such building, a notice stating the polling days, the hours and the polling place of the secondary poll; and

(b) by serving, not less than 7 days before the last polling day of the secondary poll, a notice on every registered owner whose name appears in the subsidiary register in operation for the building —

- (i) describing the proposals to carry out specified upgrading works in the parts of the building which comprise non-residential flats;
- (ii) specifying the polling days, the hours of the secondary poll relating to non-residential flats 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 secondary poll, the value of his vote or votes and the place where instruments of proxy and powers of attorney shall be deposited.

(4) The Board shall give notice of a special poll relating to any special upgrading works in a building or for 2 or more buildings within a precinct in the following manner:

- (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 every such building to which those works relate, a notice stating the polling days, the hours and the polling place of the special poll;
- (b) by serving, not less than 7 days before the last polling day of the special poll, a notice on every registered owner whose name appears in the special register in operation for those special upgrading works —
 - (i) describing the proposals to carry out those special upgrading works in the building or buildings, as the case may be;
 - (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 special poll, the value of his vote or votes and the place where instruments of proxy and powers of attorney may be deposited.

(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
- (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 subparagraph (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.

Postponement of commencement of poll, etc.

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, in accordance with rule 17(2), notice of a secondary poll relating to residential flats comprised in a building within a precinct or notice of a special poll relating to any special upgrading works in a building or for 2 or more buildings within a precinct, 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 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 secondary poll relating to non-residential flats in any building within that precinct, at a conspicuous place in each such building, a notice stating the changes in the polling days and hours or the polling place (as the case may be) of the secondary poll.

(4) If the Board, having given notice of a special poll relating to any special upgrading works in a building or for 2 or more buildings within a precinct in accordance with rule 17(4), decides to postpone the date of commencement or to change the polling place of the special 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 special poll relating to those special 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 special poll.

(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.

Days and hours of poll

18.—(1) The total period during which a poll may be taken shall not exceed 10 consecutive days.

(2) Unless the Board otherwise specifies in the notices of the poll under rule 17, the poll shall —

- (a) on the first polling day thereof, open at 8 p.m. and adjourn that same day at 10 p.m. till the next polling day;
- (b) on each subsequent polling day (except the last polling day), open at 9 a.m. and adjourn that same day at 9 p.m. till the next polling day; and
- (c) on the last polling day, open at 9 a.m. and close at 9 p.m. of that day.

Polling papers

19. The votes at a poll shall be given by polling papers and the vote of each voter —

- (a) in respect of any proposal regarding general upgrading works, shall consist of a polling paper in Form 2 in the Schedule;
- (b) in respect of any proposal regarding specified upgrading works, shall consist of a polling paper in Form 3 in the Schedule;
- (c) in respect of any proposal regarding special upgrading works, shall consist of a polling paper in Form 3A in the Schedule; and
- (d) in respect of any proposal regarding flat upgrading works, shall consist of a polling paper in Form 3B in the Schedule.

Poll boxes

20. Every poll box shall be so constructed such that the polling papers can be introduced therein but cannot be withdrawn therefrom unless the box is unlocked.

Procedure on commencement of poll

21. Immediately before the opening of the poll on the first polling day of the poll, the chief polling officer shall —

- (a) show to one or more scrutineers and such other persons (if any) as may be present at the polling place that each poll box to be used at the poll is empty;
- (b) then lock it up and place his seal upon it in such a manner as to prevent it from being opened without breaking the seal; and
- (c) place the poll box in his view for the receipt of polling papers and keep it so locked and sealed.

Manner of voting

22.—(1) Every voter entitled to vote at a poll or an adjourned poll relating to a precinct or a building within a precinct, or to flat upgrading works within flats comprised in a building in a precinct or within any building in a precinct or special upgrading works in a building or for 2 or more buildings within a precinct, as the case may be, shall be given a number of polling papers equal to the number of votes he is entitled to under rule 7.

(2) No polling paper shall be given to a voter 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, unless he has produced his identity card or such other evidence of his identity and citizenship to a polling officer and his name appears in the register or for that precinct, or in the special register prepared in relation to those special upgrading works or the flat upgrading works register prepared in relation to those flat upgrading works, as the case may be, or in the list of proxies, and a polling officer may refuse to give him a polling paper if he fails to furnish such evidence of his identity and citizenship or the polling officer decides that there is a reasonable doubt as to whether the voter is the registered owner or representative or proxy he represents himself to be.

(3) Immediately before any polling paper is given to the voter, a mark shall be placed in the register, or the special register or the flat upgrading works register, as the case may be against the name of the voter in the register to denote that he has received a polling paper, and

in the case of a person applying for a polling paper as a representative of a company or as proxy, a mark shall also be placed against his name in the list of proxies.

(4) The voter, on receiving the polling paper, shall forthwith proceed to such place reserved for the marking of polling papers and mark in the space on the polling paper provided for the purpose of indicating whether the voter is in favour or against any proposal relating to general upgrading works, specified upgrading works, special upgrading works or flat upgrading works, as the case may be.

(5) The voter will then fold the polling paper, put it into the appropriate poll box and leave the polling place.

(6) Any polling officer may, on the application of any voter, explain to the voter the proposals regarding general upgrading works, specified upgrading works, special upgrading works or flat upgrading works, if any, or the method of voting; but in so doing, the polling officer shall abstain from any action which might be construed by the voter as a direction to vote in favour or against any such proposals.

(7) Any polling officer may, on the application of a voter at the polling place who is incapacitated by blindness or other physical cause from voting in the manner prescribed in these Rules, mark the polling papers of the voter in the manner directed by the voter, and shall forthwith cause the polling papers to be placed in the appropriate poll box.

Spoilt polling papers

23. A voter who has inadvertently dealt with his polling paper in such a manner that it cannot be conveniently used as a polling paper may, on delivering it to any polling officer, and proving the fact of the inadvertence to the satisfaction of the polling officer, obtain another polling paper in place of the polling paper so delivered up (referred to in these Rules as a spoilt polling paper), and the spoilt polling paper shall be immediately cancelled by the polling officer.

Voting after adjournment or closing of poll

24. No polling paper shall be given to a voter after the hour fixed for the adjournment or closing of the poll, except that if at that hour

there is in the polling place any voter to whom a polling paper has been given, the voter shall be allowed to record his vote.

Procedure on adjournment or closing of poll

25. As soon as practicable after the poll is adjourned on each polling day or closed on the last polling day, the chief polling officer shall, in the presence of one or more scrutineers —

- (a) secure the poll boxes unopened in such a manner so as to prevent the introduction of any polling paper thereafter;
- (b) determine the number of polling papers cast on that day and the number of spoilt polling papers; and
- (c) make up into separate packets, sealed with his own seal and the seals of the scrutineers —
 - (i) the spoilt polling papers;
 - (ii) the unused polling papers; and
 - (iii) the marked copies of the register and the list of proxies.

Safe custody of unused polling papers, etc., on adjournment

26.—(1) The sealed packets containing the unused polling papers and the marked copies of the register or registers (including any special register) and the list of proxies shall be placed in a container which shall then be sealed with the seals of the chief polling officer and one or more scrutineers in such a manner that nothing can be inserted or removed from the container without breaking the seals.

(2) The chief polling officer shall take proper precautions for the security of every container in paragraph (1) and the contents therein.

Safe custody of polling papers, etc., on completion of poll

26A.—(1) After the final statement of the poll has been compiled in accordance with these Rules, the chief polling officer shall seal up all the polling papers and all other documents relating to that poll as required by these Rules in containers and shall, subject to this rule, retain the polling papers and documents unless the Minister otherwise directs their destruction.

(2) Except as provided in paragraph (3), no person shall be allowed to inspect, copy or produce any polling paper or other document so

sealed except for the purpose of instituting or maintaining a prosecution or any proceedings in connection with the poll.

(3) The chief polling officer for a secondary poll relating to non-residential flats in a building may, for the purposes of conducting that secondary poll, in the presence of one or more scrutineers break the seals of the containers referred to in paragraph (1) and remove only the subsidiary register containing the names of registered owners of flats in that building.

PART V

COUNTING OF VOTES

Counting of votes

27.—(1) After the chief polling officer has complied with rules 25 and 26, he shall make arrangements for counting the votes at the polling place in the presence of one or more scrutineers.

(2) The chief polling officer shall open the poll boxes referred to in rule 25(a) and, so far as practicable proceed continuously to count the polling papers therein according to the votes cast and the value in those votes, and shall endorse “rejected” on any polling paper which he may reject as invalid.

Rejected votes

28.—(1) The chief polling officer shall reject as invalid any polling paper —

- (a) which is unmarked or marked other than in the space provided;
- (b) which is void for uncertainty;
- (c) which is not an unequivocal vote; or
- (d) on which votes are given both for and against any proposal regarding general upgrading works, any proposal regarding specified upgrading works, any proposal regarding special upgrading works or any proposal regarding flat upgrading works, as the case may be.

(2) Notwithstanding paragraph (1), where the chief polling officer is satisfied that any mark on the polling paper clearly indicates

the intention of the voter, the chief polling officer shall not reject as invalid any polling paper on the ground solely that it has not been marked in all respects in accordance with the directions given to voters on the polling paper.

(3) Before rejecting a polling paper, the chief polling officer shall show to one or more scrutineers and consider their views thereon.

(4) The decision of the chief polling officer whether or not any polling paper shall be rejected shall be final.

Safe custody of counted polling papers, etc.

29.—(1) On the completion of the counting of votes cast during each polling day, the chief polling officer shall, in the presence of one or more scrutineers —

(a) make up into separate packets, sealed with his own seal and the seals of the scrutineers —

(i) the counted polling papers; and

(ii) the rejected polling papers; and

(b) prepare a daily statement of the poll in Form 5, 5A, 5B or 5C, as the case may be, in the Schedule, which shall be certified by the scrutineers in Form 4 in the Schedule.

(2) The daily statement of the poll for that polling day shall be placed in an envelope and the sealed packets containing the counted, rejected and spoilt polling papers shall be placed into a container, and the envelope and container shall then each be sealed with the seals of the chief polling officer and the scrutineers in such a manner that nothing can be inserted or removed from the envelope or container without breaking the seals.

(3) The chief polling officer shall take proper precautions for the security of the envelope and container in paragraph (2) and the contents therein.

Re-opening of poll after adjournment

30. Immediately before the poll re-opens on any subsequent polling day, the chief polling officer shall —

(a) in the presence of one or more scrutineers, open the container referred to in rule 26 and the sealed packets therein containing

the unused polling papers and the marked copies of the register, the special register or the flat upgrading works register, as the case may be, and the lists of proxies; and

- (b) in respect of the poll boxes, comply with the procedure in rule 21.

Voting at adjourned poll

31. Where the poll is adjourned to the next polling day, only those persons who are entitled to vote at the poll and who have not already so voted at the poll, in person or by proxy, shall be entitled to vote at the adjourned poll during that polling day.

Final statement of poll

32.—(1) As soon as practicable after the last polling day, the chief polling officer shall compile the final statement of the poll which shall state the results of the poll, and such statement shall be certified by the scrutineers in Form 4 in the Schedule.

(2) For the purposes of compiling the final statement of the poll, the chief polling officer may break the seal of any envelope or container referred to in rule 29(2), 34D(3)(a), 34E(1)(b) or (c) or 34G(2), and inspect the contents therein relating to the poll.

(3) A final statement of the poll relating to a precinct shall be in Form 6 or 6A, as the case may be, in the Schedule and shall, within 28 days after the last polling day of the poll —

- (a) be published in the *Gazette*; and
- (b) be displayed in any conspicuous part of every building within the precinct.

(4) A final statement of a special poll relating to any special upgrading works in a building or for 2 or more buildings within a precinct shall be in Form 6B in the Schedule and shall, within 28 days after the last polling day of the special poll —

- (a) be published in the *Gazette*; and
- (b) be displayed in any conspicuous part of every such building to which those works relate.

(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.

Results of poll

33.—(1) The results of a primary poll to establish the opinions about proposals to carry out general upgrading works in a precinct shall be ascertained in accordance with the formula $\frac{A}{B} \times 100$

where A is the total value in votes cast at the primary poll in favour of the proposal to carry out general upgrading works; and

B is the total value in votes of all registered owners of flats within the precinct who are entitled to vote at that primary poll.

(2) The results of a secondary poll to establish the opinions about proposals to carry out specified upgrading works in a building comprising residential flats shall be ascertained in accordance with the formula $\frac{C}{D} \times 100$

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

D is the total value in votes of all registered owners of residential flats in the building who are entitled to vote at that secondary poll.

(3) The results of a secondary poll to establish the opinions about proposals to carry out specified upgrading works in any part of a building comprising non-residential flats shall be ascertained in accordance with the formula $\frac{E}{F} \times 100$

where E is the total value in votes cast at the secondary poll by the registered owners of non-residential flats in the building in

favour of the proposal to carry out those specified upgrading works; and

F is the total value in votes of all registered owners of non-residential flats in the building who are entitled to vote at that secondary poll.

(4) The results of a special poll to establish the opinions about proposals to carry out special upgrading works in a building or for 2 or more buildings (whether comprising wholly residential flats or partly residential and non-residential flats) shall be ascertained in accordance with the formula $\frac{G}{H} \times 100$

where G is the total value of votes cast at the special poll by the registered owners of beneficiary flats in the building or buildings, as the case may be, in favour of the proposal to carry out those special upgrading works; and

H is the total value in votes of all registered owners of beneficiary flats in the building or buildings, as the case may be, who are entitled to vote at that special poll.

(5) 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.

(6) For the purposes of determining the total value in votes of all registered owners of flats within a precinct or a building or part thereof, the value in the vote of the senior owner among the joint registered owners of a flat who are entitled to vote in any poll shall be counted to the exclusion of the other joint owners.

Failure to comply with Rules

34. No poll shall be invalid by reason of any failure to comply with any provision in these Rules relating to the poll if it appears that the poll was conducted in accordance with the principles laid down in that provision, and that the failure did not affect the result of the poll.

PART VA

ELECTRONIC POLLING

Applicability of Rules

34A.—(1) Subject to paragraphs (2), (3) and (4), these Rules shall apply to a poll using an electronic polling system as it applies to a poll not using an electronic polling system.

(2) Subject to paragraphs (3) and (4), rules 19 to 30 (except rule 26A) shall not apply to a poll using an electronic polling system.

(3) Rules 34B to 34H shall only apply to a poll using an electronic polling system.

(4) Where pursuant to rule 34D a poll is conducted in part using an electronic polling system and in part using polling papers —

(a) these Rules (as applicable to a poll using an electronic polling system) shall apply, with the necessary modifications, to the portion of the poll using an electronic polling system; and

(b) these Rules (as applicable to a poll not using an electronic polling system) shall apply, with the necessary modifications, to the portion of the poll using polling papers.

Preliminary requirements for electronic polling

34B.—(1) The Board may conduct a poll under section 65C of the Act using an electronic polling system if the Board is satisfied that the electronic polling system —

(a) permits each voter to vote for or against any proposal regarding general upgrading works, specified upgrading works or special upgrading works (as the case may be);

- (b) accurately counts all votes cast and the value in those votes for and against any proposal regarding general upgrading works, specified upgrading works or special upgrading works (as the case may be);
- (c) is safe from fraudulent or unauthorised manipulation or operation;
- (d) ensures that all polling data stored in the electronic polling machines to be used in the poll can be restored in the event of malfunction of the electronic polling machines or electrical power surges or outages; and
- (e) is capable of providing records from which the operation of the electronic polling system may be audited and for verification of the accuracy of the polling data stored in the electronic polling machines.

(2) Before the commencement of the poll, the chief polling officer shall, in the presence of one or more scrutineers, carry out or cause to be carried out such inspection or tests as may be necessary to verify that every electronic polling machine and electronic polling equipment to be used at the poll is in proper order.

(3) If the chief polling officer is satisfied that any such electronic polling machine and electronic polling equipment are in proper order for use at the poll, he shall seal with his seal and secure the electronic polling machine and electronic polling equipment against use and store them in safe custody until the commencement of the poll.

(4) If the scrutineers are satisfied as to the matters in paragraphs (1), (2) and (3), they shall add their seal to the electronic polling machines and electronic polling equipment sealed by the chief polling officer under paragraph (3).

Procedure on commencement of electronic polling

34C. Immediately before the commencement of the poll on the first polling day, the chief polling officer shall, in the presence of one or more scrutineers —

- (a) ensure that every electronic polling machine and electronic polling equipment to be used at the poll is still sealed and secured against use;

- (b) set up the approved electronic polling machine and electronic polling equipment for use at the poll; and
- (c) inspect and test each electronic polling machine and electronic polling equipment for use at the poll to ensure that it is functioning properly and take such corrective action (including replacement or repair) as is necessary to ensure that it is functioning properly.

Malfunction of electronic polling machine or electronic polling equipment

34D.—(1) The chief polling officer shall monitor or cause to be monitored the electronic polling machines and electronic polling equipment for tampering and damage or any malfunction while voting is in progress.

(2) If at any time the chief polling officer determines that the electronic polling machines or electronic polling equipment for use at the poll cannot be replaced or repaired promptly and that polling cannot be continued using the available electronic polling machines and electronic polling equipment without interfering substantially with the orderly conduct of the poll, the chief polling officer shall —

- (a) if polling has already commenced, halt polling; and
- (b) make such necessary arrangements for polling —
 - (i) to commence or resume, as the case may be, on the same day using either the electronic polling system or polling papers in accordance with these Rules; or
 - (ii) to be adjourned and to re-open on the next polling day of the poll specified in a notice under rule 17 or 17A, as the case may be, using either the electronic polling system or polling papers in accordance with these Rules.

(3) If the chief polling officer halts polling pursuant to paragraph (2)(a), he shall as soon as possible —

- (a) obtain such reports or data relating to the poll as may be necessary to determine the polling data stored in the electronic polling machines at the time when the polling is halted, and place the reports and data in an envelope and seal

the envelope with his seal in such a manner that nothing can be inserted or removed from the envelope without breaking the seal;

- (b) if any electronic polling machine or electronic polling equipment needs to be repaired, cause the electronic polling machine or electronic polling equipment to be repaired; and
- (c) seal and secure the electronic polling machines and electronic polling equipment against use.

(4) The chief polling officer shall take all proper precautions for the security of the envelope referred to in paragraph (3)(a) and the contents therein.

(5) Where after the poll has been conducted using polling papers pursuant to paragraph (2)(b), the chief polling officer determines that the electronic polling machines and electronic polling equipment are in order for use in the poll, he may —

- (a) halt polling using polling papers; and
- (b) resume or re-open polling using the electronic polling system.

(6) If the chief polling officer halts polling using polling papers pursuant to paragraph (5)(a), he shall comply with rules 25 to 29 in respect of the polling conducted on that polling day using polling papers, as though the poll had been adjourned.

(7) For the avoidance of doubt, if polling resumes or re-opens using the electronic polling system pursuant to paragraph (2)(b) or (5)(b), the chief polling officer shall immediately before the poll resumes or re-opens, as the case may be, in the presence of one or more scrutineers —

- (a) unseal and unsecure the electronic polling machines and electronic polling equipment for use at the poll;
- (b) ensure that polling data stored in the electronic polling machines is consistent with the reports and data referred to in paragraph (3)(a) and the daily statements of the poll relating to all the polling days of the poll up to the resumption or re-opening of polling referred to in this paragraph; and
- (c) verify that the electronic polling machines and electronic polling equipment to be used in the poll are in order.

(8) If the scrutineers are satisfied as to the matters in paragraph (7), they shall certify accordingly in Form 4A in the Schedule.

(9) For the avoidance of doubt, paragraphs (7) and (8) shall apply instead of rule 34F to the re-opening of a poll using the electronic polling system pursuant to paragraph (2)(b) or (5)(b).

(10) Paragraphs (3)(c) and (7)(a) shall not apply to any electronic polling machine or electronic polling equipment that is to be used for polling immediately after it is repaired pursuant to paragraph (3)(b).

Procedure on adjournment or closing of electronic poll

34E.—(1) As soon as practicable after the poll is adjourned on each polling day or closed on the last polling day, the chief polling officer shall —

- (a) prepare a daily statement of the poll and such other reports and data relating to the poll as may be necessary to determine the polling data stored in the electronic polling machines at the adjournment or closing of the poll;
- (b) place the documents, reports and data referred to in sub-paragraph (a) in an envelope and seal the envelope with his seal in such a manner that nothing can be inserted or removed from the envelope without breaking the seal;
- (c) place the envelope referred to in sub-paragraph (b), the marked copies of the register or registers (including any special register or flat upgrading works register) and the list of proxies, in a container which shall then be sealed by the chief polling officer in such a manner that nothing can be inserted or removed from the container without breaking the seal; and
- (d) except on the last polling day, seal and secure the electronic polling machine against use.

(2) The chief polling officer shall take all proper precautions for the security of the envelopes and containers referred to in paragraph (1)(c) and the contents therein.

Procedure on re-opening of electronic poll

34F.—(1) Immediately before the poll re-opens on any subsequent polling day, the chief polling officer shall, in the presence of one or more scrutineers —

- (a) unseal and unsecure the electronic polling machines and electronic polling equipment for use at the poll;
- (b) verify that the polling data stored in the electronic polling machines is consistent with the reports and data referred to in rule 34E(1)(a) and the daily statements of the poll relating to all the previous polling days of the poll; and
- (c) verify that the electronic polling machines and electronic polling equipment to be used in the poll are in order.

(2) If the scrutineers are satisfied as to the matters in paragraph (1), they shall certify in Form 4 in the Schedule that the daily statement of the poll is correctly set out.

Verification of polling data

34G.—(1) For the purposes of verifying the polling data stored in any electronic polling machine in accordance with rule 34D(7)(b) or 34F(1)(b), the chief polling officer may (in the presence of one or more scrutineers) break the seal of any envelope or container referred to in paragraph (2) or rule 29(2), 34D(3)(a) or 34E(1)(b) or (c), and inspect the contents therein relating to the poll.

(2) The chief polling officer shall, after inspecting the contents of any such envelopes or containers opened pursuant to paragraph (1), place the contents in envelopes or containers, as appropriate, and seal the envelopes or containers with his seal in such a manner that nothing can be inserted or removed from the envelopes or containers without breaking the seal.

(3) The chief polling officer shall take all proper precautions for the security of the envelopes and containers and the contents therein.

Voting after adjournment or closing of poll

34H. A voter entitled to vote at a poll shall be allowed to record his vote at the poll after the hour fixed for the adjournment or closing of the poll if the voter was within the polling place at that hour.

Rejected votes

34I. Where a voter, having marked or recorded his vote using an electronic polling system in a primary poll, leaves the polling place

without marking or recording his vote in a secondary poll or special poll (in which he is entitled to vote) being conducted together with the primary poll, his vote in the secondary poll or special poll (as the case may be) shall be deemed to be rejected as invalid.

PART VI OFFENCES

Voting offences

35.—(1) Any person who —

- (a) votes in person at a poll on any proposal knowing that the person appointed as his proxy at the poll has already voted in person at the poll in respect of that same proposal;
- (b) votes as proxy for any person at a poll on any proposal knowing that that person has already voted in person at the poll in respect of that same proposal; or
- (c) votes in person, or as proxy on behalf of a registered owner, or as a representative of a registered owner who is a company, more than once in the same poll and on the same proposal,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

(2) In this rule, “proposal” means a proposal to carry out general upgrading works in a precinct or a proposal to carry out specified upgrading works, special upgrading works or flat upgrading works.

Tampering with polling papers, etc.

36. Any person who —

- (a) without due authority supplies any polling paper to any person;
- (b) without due authority takes out of the polling place any polling paper or is found in possession without due authority of any polling paper outside a polling place; or
- (c) without due authority destroys, takes, opens or otherwise interferes with —
 - (i) any poll box;

- (ii) any sealed packet, container or envelope referred to in rule 26 or 29;
- (iii) any packet of polling papers then in use for the purposes of the poll;
- (iv) any daily statement of the poll; or
- (v) any electronic polling machine or electronic polling equipment in use or intended to be used for the purposes of a poll,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.

THE SCHEDULE

FORM 1

Rule 14(1)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

INSTRUMENT OF PROXY

*I/We, _____ of _____
being a registered *owner/owners of a flat within the following precinct and building,
hereby appoint _____ NRIC No.: _____
of _____ as *my/our proxy
to vote for *me/us on my/our behalf at the primary *and/or secondary poll *and/or
special poll *and/or flat upgrading poll relating to the said precinct *and/or building
to be held on _____ 20__.

(Set out precinct and block number of building here).

Signed this _____ day of _____ 20__.

(Name of registered
owner/owners)

)
)
)
)

(Signature of registered owner/owners)

In the presence of

(Name of witness)

)
)
)
)

(Signature of witness)

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 2

Rule 19(a)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

POLLING PAPER

GENERAL UPGRADING WORKS

_____ PRECINCT

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

(2) _____

Please answer by placing a “√” in one of the boxes.

Are you in favour of the proposed
GENERAL UPGRADING WORKS?

YES

NO

☐☐

Name and Signature of *Owner/Proxy: _____ Date: _____

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 3

Rule 19(b)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

POLLING PAPER

SPECIFIED UPGRADING WORKS

_____ PRECINCT

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

(2) _____

Please answer by placing a “√” in one of the boxes.

Are you in favour of the proposed
SPECIFIED UPGRADING WORKS?

YES

NO

☐☐

Name and Signature of *Owner/Proxy: _____ Date: _____

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 3A

Rule 19(c)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

POLLING PAPER FOR SPECIAL UPGRADING WORKS

_____ PRECINCT

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

(2) _____

Please answer by placing a “√” in one of the boxes.

Are you in favour of the proposed
SPECIAL UPGRADING WORKS?

YES

NO

☐☐

Name and Signature of *Owner/Proxy _____

Date _____

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

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 (1) _____
flat or flats

(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.

THE SCHEDULE — *continued*

FORM 4

Rules 29(1)(b), 32(1) and 34F(2)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

SCRUTINEERS' CERTIFICATE

As scrutineers appointed for the purpose of the poll taken at _____
on _____, we hereby certify that the *Daily Statement of
the Poll/Final Statement of the Poll is correctly set out.

Dated this _____ day of _____ 20__.

(Name and signature of Scrutineer)

(Name and signature of Scrutineer)

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 4A

Rule 34D(8)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

SCRUTINEERS' CERTIFICATE
(FOR RESUMPTION OF ELECTRONIC POLLING)

As scrutineers appointed for the purpose of the poll taken at _____
Precinct on _____, we hereby certify that —

- (a) the procedures have been complied with to ensure that the polling data stored in the electronic polling machines is correct;
- (b) the electronic polling machines and electronic polling equipment are in order for use at the poll; and
- (c) the poll was resumed on _____ (date) at _____ (time).

Dated this _____ day of _____ 20__.

(Name and signature of Scrutineer)

(Name and signature of Scrutineer)

(Signature of chief polling officer)

THE SCHEDULE — *continued*

FORM 5A

Rules 29(1)(b) and 34E(1)(a)

HOUSING AND DEVELOPMENT ACT
 (CHAPTER 129)

HOUSING AND DEVELOPMENT
 (POLLING FOR UPGRADING WORKS)
 RULES

DAILY STATEMENT OF SECONDARY POLLS

_____ PRECINCT

*Residential Flats/Non-Residential Flats

Specified 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		

THE SCHEDULE — *continued*

	<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 secondary polls,
hereby certify this statement to be correct.

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 5B

Rules 29(1)(b) and 34E(1)(a)

HOUSING AND DEVELOPMENT ACT
 (CHAPTER 129)

HOUSING AND DEVELOPMENT
 (POLLING FOR UPGRADING WORKS)
 RULES

DAILY STATEMENT OF SPECIAL POLLS
 FOR SPECIAL UPGRADING WORKS

_____ PRECINCT

Special Upgrading Works	Value in votes cast on dd/mm/yy	
	For	Against
Block/*s _____ (Description of Item)		
In person		
By proxy		
Total		
Block/*s _____ (Description of Item)		
In person		
By proxy		
Total		
Block/*s _____ (Description of Item)		
In person		
By proxy		
Total		

THE SCHEDULE — *continued*

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

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

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 5C

Rule 29(1)(b)

HOUSING AND DEVELOPMENT ACT
 (CHAPTER 129)

HOUSING AND DEVELOPMENT
 (POLLING FOR UPGRADING WORKS)
 RULES

DAILY 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		

THE SCHEDULE — *continued*

	<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)

THE SCHEDULE — *continued*

FORM 6

Rule 32(3)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

FINAL STATEMENT OF PRIMARY POLL

_____ PRECINCT

General Upgrading Works (Description of Package)	Value in votes cast From: dd/mm/yy To: dd/mm/yy	
	For	Against
In person		
By proxy		
Total		

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

THE SCHEDULE — *continued*

GENERAL UPGRADING WORKS
(Description of Package)

RESULTS _____ % in favour
_____ % against
_____ % rejected votes
_____ % non-voters

I, _____, the chief polling officer at the primary poll,
hereby certify this statement to be correct.

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

THE SCHEDULE — *continued*

FORM 6A

Rule 32(3)

HOUSING AND DEVELOPMENT ACT
(CHAPTER 129)

HOUSING AND DEVELOPMENT
(POLLING FOR UPGRADING WORKS)
RULES

FINAL STATEMENT OF SECONDARY POLLS

_____ PRECINCT

*Residential Flats/Non-residential Flats

Specified 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		

THE SCHEDULE — *continued*

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

THE SCHEDULE — *continued*

SPECIFIED 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 secondary polls,
hereby certify this statement to be correct.

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

*Delete whichever is inapplicable.

Special Upgrading Works	Value in votes cast From: dd/mm/yy To: dd/mm/yy	
	For	Against
Block/*s _____ (Description of Item) In person By proxy		
Total		
Block/*s _____ (Description of Item) In person By proxy		
Total		
Block/*s _____ (Description of Item) In person By proxy		
Total		

THE SCHEDULE — *continued*

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

THE SCHEDULE — *continued*

SPECIAL UPGRADING WORKS

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

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

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

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

Dated this _____ day of _____ 20__.

(Signature of chief polling officer)

*Delete whichever is inapplicable.

THE SCHEDULE — *continued*

FORM 6C

Rule 32(5)

HOUSING AND DEVELOPMENT ACT
 (CHAPTER 129)

HOUSING AND DEVELOPMENT
 (POLLING FOR UPGRADING WORKS)
 RULES

FINAL 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		

THE SCHEDULE — *continued*

	<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	_____	

THE SCHEDULE — *continued*

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 361/93; S 90/94; S 195/95; S 454/96; S 299/2000;
S 502/2001; S 117/2003; S 408/2006; S 320/2008; S 245/2009]