

30 September 2020

Management Corporation
Chairperson/ Secretary/ Council Members

Dear Sir/Madam

Convening of General Meeting via Alternative Electronic Means amid COVID-19 Situation

1 We refer to our circular dated 27 April 2020, via which we informed that the *COVID-19 (Temporary Measures) (Alternative Arrangements for Meetings for Management Corporations, Subsidiary Management Corporations and Collective Sale Committees) Order 2020* ('Order') enables management corporations ('MCSTs') to hold their annual general meetings ('AGMs') via electronic means during the period between 27 March 2020 and 30 September 2020.

2 The period of applicability of the Order will be **extended to 30 June 2021**. The extension of the Order, which comes into effect from 28 September 2020, will continue to give MCSTs the option to hold virtual meetings. This is notwithstanding that MCSTs are permitted to hold AGMs in person, subject to a cap of up to 50 persons or such number of persons who can be accommodated at the venue, where there is at least one metre safe distancing between any two individuals, whichever is lower. MCSTs conducting physical AGMs must comply with the relevant Safe Management Measures (**Annex A**). However, as far as possible, MCSTs are encouraged to hold virtual meetings. The need to keep COVID-19 transmission risks to a minimum will remain in the long-term, even as safe distancing regulations are gradually and cautiously relaxed.

3 Section 27(1) of the Building Maintenance and Strata Management Act ('BMSMA') provides that an MCST shall hold its AGM in each calendar year and not more than 15 months from the last preceding AGM ("due date for holding AGM").

4 If the due date for holding AGM falls between 27 March 2020 and 31 December 2020 (both dates inclusive), MCSTs will be permitted to defer their AGMs beyond the timeline stipulated in the BMSMA, but for a period till 31 December 2020. There will be no further extension of time for deferring the holding of AGM after 31 December 2020.

5 MCSTs which have not yet held their AGMs should endeavour to hold it by electronic means latest by 31 December 2020. Councils of MCST should conduct council meetings using electronic means.

6 We append the updated Guidance Notes for Conducting General Meetings of MCSTs via Alternative Electronic Means (**Annex B**) for your reference.

7 For more information, MCSTs can also refer to the Frequently Asked Questions (FAQs) on the BCA website at <https://www1.bca.gov.sg/covid-19/advisories-for-mcsts>.

Commissioner of Buildings
Building and Construction Authority

Annex A: Safe Management Measures for Annual General Meeting (AGM) Held in Person

MCSTs which hold an AGM in person must adhere to prevailing Safe Management Measures and are subjected to the following requirements:

- a. The number of persons per meeting must be capped at the lower of (a) 50 persons, or (b) the maximum number of persons which the venue may accommodate if there is a distance of at least one (1) metre between 2 individuals to limit the risk of exposure to infection.
- b. MCSTs should maintain a record of all attendees at the AGM. MCSTs could use the SafeEntry visitor management system or other means (e.g. electronic or hard copy records) to record the entry of attendees.
- c. MCSTs should conduct checks for temperature and respiratory symptoms before granting attendees entry into the AGM venue. Attendees should also be required to declare via SafeEntry or other means (e.g. electronic or hard copy records) before being allowed to enter the AGM venue, that they:
 - i. are currently not under a Quarantine Order, Stay-Home Notice;
 - ii. have not had close contact with a confirmed COVID-19 case in the past 14 days; and
 - iii. do not have any fever or flu-like symptoms.
- d. Attendees must maintain at least 1 metre safe distancing between other attendees at all times during the AGM.
- e. Attendees must wear masks at all times during the AGM.
- f. Attendees must minimise socialising among one another at all times during the AGM. Socialising before or after the AGM should also be discouraged.
- g. Food and drinks should preferably not be served at the meeting. If deemed necessary for practical reasons to serve meals, individuals must be seated and served individually and minimise contact with one another while eating. Meal durations should be kept short to minimise the period that individuals are unmasked, and the meal should not be a main feature of the meeting.
- h. MCSTs should reduce the occurrences of, or need for common physical touchpoints at the AGM where possible. Where physical contact is needed, additional safeguards must be taken to minimise the risk of cross infection (e.g. frequent disinfection of touchpoints).
- i. MCSTs must ensure that the AGM venue is cleaned and disinfected before and after the AGM. Disinfecting agents (e.g. hand sanitisers) must also be made available at the AGM venue.

Annex B: Guidance Notes for Conducting General Meetings of MCSTs via Alternative Electronic Means

The COVID-19 (Temporary Measures) (Alternative Arrangements for Meetings for Management Corporations, Subsidiary Management Corporations and Collective Sale Committees) Order 2020, published on 27 April 2020, allows all Management Corporations (“**MCSTs**”) the option to conduct general meetings (annual general meeting or extra-ordinary general meetings) by tele-conferencing, video conferencing or other electronic means. The Order applies to a general meeting held during the period from 27 March 2020 up to and including 31 June 2021 (“**Relevant Period**”).

Should an MCST wish to conduct the next general meeting in accordance with the Order during the Relevant Period, the MCST should refer to these guidelines. Other than the alternative arrangements provided for in the Order, the relevant provisions in the Building Maintenance and Strata Management Act (“**BMSMA**”) relating to general meetings shall continue to be in force.

For the avoidance of doubt, where MCSTs’ AGMs are due to be conducted between 27 March 2020 and 31 December 2020 (both dates inclusive), such AGMs can be conducted beyond the timeline stipulated in the BMSMA, but only to a date not later than 31 December 2020.

(A) Council to Decide Adopting Electronic Means

The Council should decide, in a council meeting, whether to conduct the next general meeting using the alternative means provided for in the Order.

(B) Notice of General Meeting

An MCST shall serve a notice of a general meeting on every subsidiary proprietor (“**SP**”) at least 14 or 21 days before the general meeting, as the case requires, in accordance with the BMSMA. The notice shall contain information, where necessary, to inform SPs of the alternative arrangements for conducting the general meeting. It should also inform SPs on how they can use and access the relevant electronic system / portal to attend the general meeting and how they may cast their votes in the course of the meeting, such as by providing the user ID and password for login. The notice may be accompanied by any other documents that are relevant to the meeting.

In addition, the notice shall inform SPs of the areas to take note of, including a reminder for SPs to exercise all due care and diligence to ensure that their login details are not disclosed to any other party, and that no other party is present at all times throughout the conduct of the meeting. SPs should also be reminded to abide by the rules set for discussion or deliberation of each motion in the course of the meeting. Further, the notice shall provide an email address to which SPs can submit their queries or questions, in relation to the motions tabled in the agenda of the general meeting, which the Chairperson of the general meeting shall address in the general meeting. The MCST may set a cut-off time before the general meeting is held, for the SPs to submit such queries or questions.

MCSTs have the option of carrying out 'real-time' discussion via electronic means, as long as the MCSTs also permit SPs to submit queries or questions which they wish to raise at the meeting prior to the meeting by post or electronic mail.

If an MCST emailed the notice of meeting to an SP, the MCST needs not send a physical hard copy of the notice to the same SP.

(C) Requisition for motions to be included in agenda for general meeting

MCSTs may send a circular to SPs via email (where SPs' email addresses are contained in the strata roll), to inform SPs of the MCST's email address, as provided to the Commission of Buildings / BCA, for the purpose of SPs serving notice or written request on the MCST by email. The notice or written request of an SP includes a notice requesting for the inclusion of a motion in the agenda of the general meeting, provided that the SP serves such notice on the MCST before the MCST sends the notice of general meeting.

MCST may also display the MCST's email address on their notice boards and at prominent locations in the development, such as lift lobbies or letterbox area.

(D) Quorum of Meeting

MCSTs should ensure that the electronic portal used will enable the Secretary of MCSTs to identify and verify the identities of SPs who 'attend and participate' in the meeting conducted via the electronic portal. The Chairperson of the meeting shall also acknowledge the presence or attendance of these SPs. The quorum of a meeting should include SPs and proxies who 'attend and participate' in the meeting via the electronic portal.

(E) Proxy

An MCST should provide its email address for SPs to send their signed proxy forms (in electronic form or scanned copy), from the SP's email address maintained in the strata roll. Alternatively, SPs can send the proxy form by such other electronic means as the MCST considers appropriate, or post the proxy form (in hard copy) to the registered address of the MCST.

(F) Voting Process

MCSTs should adopt an electronic voting system that will allow all SPs who participate in the general meeting to cast votes in respect of a motion tabled in that meeting.

The electronic voting system used must also be capable of collating, recording and displaying the voting results. Further, the MCST should ensure all records of the electronic voting process are retained and may be audited.

MCSTs shall ensure any declarations of the voting results of the motions or resolution, as well as the election of council members, made by the Chairperson of the general meeting are communicated to the SPs at the meeting. For example, depending on the system used, this can be made through a microphone (for tele-conferencing) or in front of the video camera (for video-conferencing), for which recordings can be made.