

UPDATED AS OF 19 JUNE 2020

FAQS FOR MANAGEMENT CORPORATIONS (MCSTs) AND MANAGING AGENTS (MAs)

Convening of Annual General Meeting (AGM)

Q1. How long can MCSTs defer the AGM?

A1. If the due date for holding AGM falls between 27 March 2020 and 30 September 2020 ('bracket period')*, a MCST can defer holding the AGM latest by 30 September 2020. If the due date for holding AGM falls outside the bracket period, MCST has to hold the AGM in accordance with the timeline provided in the BMSMA – in each calendar year or not more than 15 months from the last preceding AGM.

** This shall also apply to the first AGM of MCST. Under Section 26(1) of BMSMA, the owner developer shall hold the first AGM of MCST latest by the 13th month from the date of constitution of MCST.*

Q2. Can a MCST conduct AGM by electronic means rather than attend in person?

A2. MCSTs may do so. Please refer to the circular and guidance notes, dated 27 April 2020, issued by BCA <https://go.gov.sg/bca-guidance-convening-agm-covid19>.

Q3. If a MCST serves on the subsidiary proprietors the notice of a general meeting on a date before 1 October 2020, but holds the general meeting on a date after 30 September 2020, can the MCST conduct the general meeting via electronic means?

A3. The COVID-19 (Temporary Measures) (Alternative Arrangements for Meetings for Management Corporations, Subsidiary Management Corporations and Collective Sale Committees) Order 2020 applies to a general meeting of MCST held on a date **before** 1 October 2020.

Regardless of when the notice is served on the subsidiary proprietor, if the general meeting is held on a date **after** 30 September 2020, the MCST will not be able to conduct the general meeting via electronic means, and have to comply with the relevant provisions in the BMSMA.

Q4. What must a subsidiary proprietor (SP) do if he/she wishes to stand for election of council member in a general meeting conducted via electronic means?

A4. If an SP wishes to be nominated to stand for the election of council member, we encourage him/her to send his/her name by writing or email to the Secretary of MCST at least 48 hours before the start of the meeting.

Alternatively, he/she may attend the general meeting via electronic means and inform the Chairperson of the meeting of the intention to be nominated for election of council member.

Q5. If a MCST wishes to defer holding an AGM, but has prepared the statement of accounts (and auditor's report) for the original due date of holding AGM, does the MCST need to prepare another statement of accounts (and auditor's report) for the deferred AGM?

A5. Section 38(10) of BMSMA provides that the MCST shall prepare the statement of accounts for a period ending on a date not earlier than 4 months before each AGM.

If the deferred AGM is held on a date which is beyond the timeline for the statement of accounts in Section 38(10) of BMSMA, the MCST should consult its appointed auditor on how to meet the aforementioned timeline. This could be by way of preparing a statement of accounts for a longer period up to a date not earlier than 4 months before the AGM, or if a statement of accounts is already prepared, by preparing another (interim) statement of accounts for the relevant period up to a date not earlier than 4 months before the AGM.

Q6. How does an MCST go about arranging for an AGM conducted by electronic means? Will BCA recommend any vendor for this purpose?

A6. The MCST should refer to the circular and guidance notes, dated 27 April 2020, issued by BCA (<https://go.gov.sg/bca-guidance-convening-agm-covid19>). The MCST should also engage or appoint a vendor who can provide the services of conducting the AGM via electronic means, which can meet the requirements set in the guidance note.

BCA does not recommend or restrict the type or group of vendors whom MCSTs can engage or appoint for this purpose.

Q7. Can an MCST/council hold physical meetings (i.e. general meeting or council meeting) in Phase 2? [Added on 19 June]

A7. MCST/council can hold a physical meeting with no more than 5 persons attending the meeting in person together. For meetings expecting to have more than 5 persons, MCST can consider conducting the meetings by electronic means.

Safe Management Measures During Safe Transition (Phase 2)

Q8. What are some of the common facilities in private residential developments that can be re-opened during Phase 2? Can residents use these facilities together? [Added on 19 June]

A8. From 19 June 2020, residents may use certain common facilities such as playground, fitness corner, gym and swimming pool but must continue to practice safe management measures (SMM). However, common facilities including barbeque pits and karaoke rooms shall remain closed in Phase 2 until further notice by the

Government. Please refer to the circular and guidance notes on SMM, dated 19 June 2020, issued by BCA <https://go.gov.sg/bca-advisory-reopening-sports-recreational-facilities-condominiums> .

Q9. Can condo residents exercise and play within the compound? [Updated on 19 June]

A9. From 19 June 2020, residents from different households living in strata-titled residential development may exercise/play together within the common areas and use the common facilities that can re-open in Phase 2.

However, the group of individuals should be kept to a maximum of 5 persons and must continue to practise safe distancing measures. This includes wearing a mask when he or she leaves his or her place of residence. Mask wearing is only not required when one is engaged in strenuous exercise such as running, jogging, brisk walking, cycling and other similar activities. Masks must be donned after one has completed strenuous exercise.

Please also refer to SportSG's advisory for further recommendations on SMMs for sports facilities and activities at: <https://www.sportsingapore.gov.sg/Newsroom/Media-Releases/2020/Advisory-For-Resumption-Of-Sport-And-Physical-Exercise-and-Activity-For-Phase-Two-Safe-Transition>

Q10. Do MCST and security guards have the power to enforce if residents report non-compliances to safe distancing measures or safe management measures?

A10. MCST and security guards should step up patrol of the common areas and ensure that residents observe the safe distancing measures implemented by the Government to reduce the risk of COVID-19 transmission. Residents can alert the security guards or MA of any evidence of non-compliances to social distancing measures. Where necessary, the MA can escalate the report to BCA at <http://www.bca.gov.sg/feedbackform> with detailed information (e.g. location, date and time, and photographic evidence).

Q11: Can the common toilets remain open in the development? [Updated on 19 June]

A11: Yes, common toilets may remain open. MCST must ensure SMMs are observed and implemented.

Q12. Some residents are not following guidelines to maintain safe distancing or are having large gathering at common areas or at their homes, what can we do? [Updated on 19 June]

A12. Social gatherings of 5 persons in each group outside their homes are allowed under the new law [COVID-19 (Temporary Measures)] to combat the coronavirus outbreak. For visitors to homes, individuals must not allow more than 5 persons

outside their household except in very limited circumstances, such as the provision of an essential service.

Failure to comply with all relevant requirements is an offence, and BCA will not hesitate to take enforcement action against errant parties. Any non-compliance to the safe management measures should be reported to your MCST or Managing Agents (MAs) immediately. MCSTs are expected to diligently monitor the situation within their estates, and promptly deal with any contraventions of the requirements. For recalcitrant cases, MCSTs/MAs may provide feedback to BCA (<http://www.bca.gov.sg/feedbackform>) with detailed information pertaining to any contravention of the requirements.

Q13. Can the renovation works proceed during this period? What can I do if I need to renovate the unit for my housing needs or carry out urgent repair or replacement works? [Updated on 19 June]

A13. Yes. For further information and updates, please refer to the circular at <https://go.gov.sg/bca-adv-updated-application-requirements-reno-works> and FAQs at <https://go.gov.sg/bca-faqs-reno-works>.

Q14. Does BCA's advisory also apply to non-strata titled buildings?

A14. For non-strata titled buildings, building owners should refer to the prevailing guidelines and advisories issued by MOH and SportSG on closure of public facilities like gym and swimming pools: <https://www.moh.gov.sg/news-highlights/details/circuit-breaker-to-minimise-further-spread-of-covid-19>

Maintenance of Common Property

Q15. Does MCSTs need to take measures before re-opening/re-starting their cooling towers (CTs), swimming pools (SPs) and water fountains (WFs)? [Updated on 19 June]

A15. Yes, the National Environment Agency (NEA) would like to remind all owners/occupiers of relevant premises with CTs, SPs and WFAs to conduct thorough cleaning and disinfection and ensure water samples pass the regulated limits before re-starting/re-opening. This is to ensure the CTs, SPs and WFAs do not pose a public health risk, as failure to do so could result in the potential spread of *Legionellosis* and other water-borne diseases.

For more information, please refer to NEA's guidelines/advisories:

- a) Guidelines for Managing Water Quality for Cooling Towers, Swimming Pools and Water Fountains During the Period of Heightened Safe Distancing Measures (NEA)
[https://www.nea.gov.sg/docs/default-source/default-document-library/guidelines-for-managing-water-quality-for-cooling-towers-swimming-pool-and-water-fountains-during-the-period-of-heightened-safe-distancing-measures-\(revised-on-26-apr-2020\).pdf](https://www.nea.gov.sg/docs/default-source/default-document-library/guidelines-for-managing-water-quality-for-cooling-towers-swimming-pool-and-water-fountains-during-the-period-of-heightened-safe-distancing-measures-(revised-on-26-apr-2020).pdf)

- b) Measures To Be Taken When Re-Starting Cooling Towers (NEA)
<https://www.nea.gov.sg/docs/default-source/our-services/public-cleanliness/covid-19/circular-on-measures-to-be-taken-when-re-starting-cooling-towers.pdf>
- c) Circular on Measures To Be Taken When Re-Opening and Re-Starting Of Swimming Pools And Water Fountains
<https://www.nea.gov.sg/docs/default-source/our-services/public-cleanliness/covid-19/circular-on-measures-to-be-taken-when-re-opening-and-re-starting-of-swimming-pools-and-water-fountains.pdf>

Managing Agent Services as Essential Services

Q16. Can my managing agent firm operate during Phase 2?

A16. MAs will need to submit details of the operations at <http://go.gov.sg/bca-essential-services-projects> in order to continue operating. Employees who report for work on site must be kept to a minimum. Safe distancing practices must be in place, for employees who must work on site. For work that can be done off site, such as backend operations, employees should telecommute.

Q17. How will MAs ensure that their service level to MCSTs is not affected by the restrictions?

A17. MAs should ensure that essential services continue to be carried out in the developments. The MA should advise the MCST on the types of essential services required in the development and the service level or standard of performance expected of the managing agent during this period.