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

Convening of Annual General Meeting (AGM)

Q1. When should a MCST hold the next annual general meeting?

A1. Under section 27(1) of the Building Maintenance and Strata Management Act (BMSMA), a MCST shall hold the second or subsequent annual general meeting (AGM) in each calendar year and not more than 15 months from the last preceding AGM.

* 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 MCSTs conduct AGMs via electronic means?


Q3. 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?

A3. 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.

Q4. How does an MCST go about arranging for an AGM conducted by electronic means? Will BCA recommend any vendor for this purpose?

A4. The MCST should refer to the circular and guidance notes, dated 7 April 2021, issued by BCA ([https://go.gov.sg/bca-circular-e-general-meeting](https://go.gov.sg/bca-circular-e-general-meeting)). 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.
Q5. Can an MCST hold a physical AGM?

A5. An MCST can hold a physical AGM with no more than 50 persons attending the meeting in person together, 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 (SMMs) as laid out in the circular and guidance notes, dated 7 April 2021, issued by BCA (https://go.gov.sg/bca-circular-e-general-meeting).

Depending on the venue size, the attendance cap could be lower than 50 persons in order to comply with the SMMs. For AGMs expecting to have an attendance that exceeds 50 persons or the number of persons that can be accommodated at the venue in compliance with the SMMs, MCSTs are advised to conduct the meetings by electronic means.

Q6. If MCST expects an attendance of more than 50 persons, can MCST conduct the AGM via both electronic means and physical meeting?

A6. For AGMs expecting to have an attendance that exceeds 50 persons or the number of persons that can be accommodated at the venue in compliance with the safe management measures, MCSTs are advised to conduct the meetings by electronic means. Please refer to A4.

MCST should take note of the real risk that more than 50 attendees will turn up at the physical location. When such situation arises, the MCST will be faced with the quandary of allowing more than 50 attendees in the meeting and breaching the 50 pax cap in the Control Order. The MCST may also find it difficult to handle a crowd larger than it had anticipated, and may have difficulties adhering to the safe management measures (such as at least 1 metre distancing between 2 individuals, due to the area of the meeting location).

Further, if the MCST has to turn away attendees, the MCST may breach the rights of the attendees, who are subsidiary proprietors (“SPs”), to participate in the meeting. This will expose the MCST to possible challenges by the SPs that the proceedings of the general meeting are not proper or that the SPs are denied the right to vote at the meeting.

Q7. Besides AGM, can an MCST or management Council hold any other types of meetings in person?

A7. The MCST can hold physical extraordinary general meetings, with no more than 50 persons attending the meeting in person, 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. This arrangement can also apply to physical council meetings held by management councils. MCSTs and management councils
conducting physical meetings must comply with the relevant Safe Management Measures (SMMs), including SMMs in the COVID-19 (Temporary Measures) (Control Order) Regulations. For more information, you may wish to refer to the circular and guidance notes, dated 7 April 2021, issued by BCA (https://go.gov.sg/bca-circular-e-general-meeting).

For meetings expecting to have an attendance that exceeds 50 persons or the number of persons that can be accommodated at the venue in compliance with the SMMs, MCSTs are advised to conduct the meetings by electronic means.

**Safe Management Measures During Safe Transition (Phase 3)**

**Q8.** What are some of the common facilities in private residential developments that can be re-opened? Can residents use these facilities together?

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 (SMMs). Please refer to the circular dated 21 April 2021, issued by BCA at https://go.gov.sg/bca-advisory-condo-reopening-facilities.

**Q9.** Can condo residents exercise and play within the compound?

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 continue to be re-opened in Phase 3.

However, the group of individuals should be kept to a maximum of 8 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.sportsgapore.gov.sg/Newsroom/Media-Releases/2020/Advisory-For-Resumption-Of-Sport-And-Physical-Exercise,-a,-Activity-For-Phase-Three-(%E2%80%9CSafe-Nation%E2%80%9D).

**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 MCST of any evidence of non-compliances to social distancing measures. Where necessary, the MCST 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?

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?

A12. Social gatherings of 8 persons in each group outside their homes are allowed under the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 to combat the coronavirus outbreak. Further, each household may only receive up to 8 distinct visitors per day.

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.