

UPDATED AS OF 13 JANUARY 2021

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 31 December 2020 ('bracket period')*, a MCST can defer holding the AGM latest by 31 December 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 MCSTs conduct AGMs via electronic means?

A2. MCSTs may do so. Please refer to the circular and guidance notes, dated 30 September 2020, issued by BCA at <https://go.gov.sg/bca-circular-agm-alternatives>.

Q3. If an MCST serves on the subsidiary proprietors the notice of a general meeting on a date before 1 July 2021, but holds the general meeting on a date after 30 June 2021, 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 July 2021.

Regardless of when the notice is served on the subsidiary proprietor, if the general meeting is held on a date **after** 30 June 2021, 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 an 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 30 September 2020, issued by BCA (<https://go.gov.sg/bca-circular-agm-alternatives>). 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 hold a physical AGM?

A7. 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 1 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 30 September 2020, issued by BCA (<https://go.gov.sg/bca-circular-agm-alternatives>).

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.

Q8. If MCST expects an attendance of more than 50 persons, can MCST conduct the AGM via both electronic means and physical meeting?

A8. 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 A7.

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.

Q9. Besides AGM, can an MCST or management Council hold any other types of meetings in person?

A9. 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 1 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 30 September 2020, issued by BCA (<https://go.gov.sg/bca-circular-agm-alternatives>).

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)

Q10. What are some of the common facilities in private residential developments that can be re-opened? Can residents use these facilities together?

A10. 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 13 January 2021, issued by BCA at <https://go.gov.sg/bca-circular-re-opening-sports-recre-facilities-condos>.

Q11. Can condo residents exercise and play within the compound?

A11. 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.sportsingapore.gov.sg/Newsroom/Media-Releases/2020/Advisory-For-Resumption-Of-Sport-And-Physical-Exercise-,a-,Activity-For-Phase-Three-\(%E2%80%9Csafe-Nation%E2%80%9D\)](https://www.sportsingapore.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)).

Q12. Do MCST and security guards have the power to enforce if residents report non-compliances to safe distancing measures or safe management measures?

A12. 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).

Q13. Can the common toilets remain open in the development?

A13: Yes, common toilets may remain open. MCST must ensure SMMs are observed and implemented.

Q14. 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?

A14. 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. For visitors to homes, individuals must not allow more than 8 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.