

Webinar Session on the Convening of E-AGM for MCST on 14 August 2020

The following notes is a compilation of queries raised during the Webinar Session

A. Convening of AGM

A1. How long can MCSTs defer the AGM?

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.*

A2. Can MCST convene e-AGM after 30 September 2020?

The Ministry of Law has recently announced to extend the period of application of alternative arrangements for the conduct of meetings by MCSTs i.e. holding meetings via electronic means, from 30 September 2020 to 31 June 2021. BCA will notify all MCSTs as appropriate.

A3. How can BCA assist MCSTs in convening e-AGM?

MCSTs who need guidance and advice on holding their AGM electronically can contact them at ASM <secretariat@asm.org.sg> or APFM at 63721056, Email: secretariat@apfm.mygbiz.com (Website: www.apfm.org.sg) for more information and advice. MCST can contact them and they will be able to share with MCSTs the methods available. BCA does not recommend or restrict the type or group of vendors whom MCSTs can engage or appoint for this purpose.

A4. Can MCSTs hold physical meeting with no more than 5 persons in a group but in different rooms?

During Phase Two, our goal is to sustain the efforts taken during the circuit breaker period and Phase One of re-opening to keep COVID-19 at bay. By implementing safe management measures (SMM), management corporations (MCSTs) can make these facilities safe for use. To minimise the risk of transmission, 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 should consider conducting the meetings by electronic means.

The MCST can decide on the most appropriate manner in which an AGM should be held. All requirements as stipulated by MOH for SMMs should be always met.

A5. Can MCST hold physical AGM of more than 5 persons after 30 September 2020?

We do not have further information regarding the convening of physical meetings of more than 5 persons after 30 September 2020 at this moment. We will inform MCSTs when there are updates from the relevant authorities.

B. Notice of a general meeting

B1. Can the MCST send notices etc by e-mail after 30 September 2020?

Yes, notice can be served by electronic communication, by sending an electronic communication of the notice to the last email address given to the sender by the person as the email address for the service of notices. However, a (hard) copy of the notice shall also be sent by post to the subsidiary proprietors.

C. Electronic Platforms

C1. How do we ensure that the Subsidiary Proprietor (SP) do not disclose their login ID to other party?

The notice of general meeting should inform SPs of the areas to take note, including a reminder that SPs shall exercise all due care and diligence to ensure their login

details are not disclosed to any other party, and to ensure that no other party is present at all times throughout the conduct of the meeting, and abide by the rules set for discussion or deliberation of each motion in the course of the meeting.

C2. Does it consider as an infringement to the Data Protection Act if the platform requires SPs to upload their personal information?

You may wish to check with the vendor on the provision of Data Protection Officer (DPO) to verify the process.

C3. How do SPs requisite for motions to be included in agenda of the general meeting?

MCSTs shall 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 Commissioner of Buildings /BCA, for the purpose of SPs serving notice or written request on the MCST by email.

The AGM notice to SP shall include a notice requesting for the inclusion of a motion in the agenda of the general meeting. MCST should include all motions submitted by SPs before the MCST sends the notice of general meeting. Hence, MCST may like to inform SPs in advance and state a reasonable date when they should submit their motion to MCST for better coordination.

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.

C4. MCSTs do not have all the email address of the SPs. Can MCST serve the notice by hardcopy?

During the Relevant Period, if an MCST has emailed the notice of meeting to an SP, the MCST need not send a physical hard copy of the notice to the same SP. However, MCST can consider serving the notice by hardcopy for SPs who don't have email address.

C5. How should MCSTs verify the identity of the SPs?

MCSTs should ensure that the electronic portal used will enable the Secretary 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.

C6. Can MCSTs adopt e-platform without e-voting and e-attendance system?

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.

D. Interim Report

D1. 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?

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 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.