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### BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT 2004

### BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT 2004 (AMENDMENT OF FIRST AND SECOND SCHEDULES) ORDER 2023

In exercise of the powers conferred by section 135(1) of the Building Maintenance and Strata Management Act 2004, the Minister for National Development makes the following Order:

#### **Citation and commencement**

1. This Order is the Building Maintenance and Strata Management Act 2004 (Amendment of First and Second Schedules) Order 2023 and comes into operation on 1 July 2023.

#### **Amendment of First Schedule**

2. In the Building Maintenance and Strata Management Act 2004, in the First Schedule —

(a) before paragraph 1, insert —

#### **“Definitions**

1.—(1) In this Schedule —

“electronic means” means electronic communication, video conferencing, teleconferencing or other electronic means;

“virtual meeting technology” means any technology that allows a person to participate in a meeting without being physically present at the place of meeting.

(2) In this Schedule, where a general meeting of a management corporation or subsidiary management corporation is held (whether wholly or partly) using virtual meeting technology, a person who attends the meeting using virtual meeting technology is to be treated as being present if the person —

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- (a) is able to participate in the proceedings of the meeting using the virtual meeting technology provided to the person;
  - (b) is verified as attending the meeting in the manner specified in sub-paragraph (a) by —
    - (i) the secretary of the council of the management corporation or the executive committee of the subsidiary management corporation (as the case may be); or
    - (ii) a person appointed by the council of the management corporation or the executive committee of the subsidiary management corporation (as the case may be) to verify the quorum; and
  - (c) is acknowledged by electronic means by the chairperson of the meeting as attending the meeting.”;
- (b) renumber the existing paragraphs 1 and 1A as paragraphs 1A and 1B, respectively;
- (c) in paragraph 1A(2) (as renumbered by sub-paragraph (b)), replace sub-paragraph (d) with —
- “(d) if the notice is to a subsidiary proprietor or first mortgagee who has not previously been given a copy of the minutes of the latest general meeting and who has not, before the notice is given, made a request for a printed copy of those minutes —
- (i) be accompanied by a printed copy of those minutes; or
  - (ii) include the address of an online location at which the minutes of the latest general meeting are published;
- (da) if the notice is to a subsidiary proprietor or first mortgagee who has, before the notice is given, made a request for a printed copy of the minutes of the latest general meeting that has not been complied with — be accompanied by a printed copy of those minutes; and”;
- (d) in paragraph 1A (as renumbered by sub-paragraph (b)), after sub-paragraph (2), insert —

“(2A) Where a general meeting is to be held (whether wholly or partly) using virtual meeting technology, every notice for the general meeting, in addition to complying with sub-paragraph (2) —

- (a) must describe the means by which the general meeting can be accessed using the virtual meeting technology (including the online location, if the general meeting is to be held at an online location); and
- (b) must state how each person to whom the notice is addressed may, if present at the general meeting using virtual meeting technology, vote by electronic means.

(2B) Where a general meeting is to be held wholly using virtual meeting technology, the requirement that every notice for the general meeting must specify the place for the meeting under sub-paragraph (2)(a) does not apply.”;

- (e) in paragraph 1A(3) (as renumbered by sub-paragraph (b)), replace sub-paragraph (a) with —

“(a) either —

- (i) be accompanied by a printed copy of the statement of accounts of the management corporation or subsidiary management corporation (as the case may be) last prepared in accordance with section 38(10) and a printed copy of the auditor’s report on the accounts of the management corporation or subsidiary management corporation; or
- (ii) include the address of an online location at which the statement of accounts of the management corporation or subsidiary management corporation (as the case may be) last prepared in accordance with section 38(10) and the auditor’s report on the accounts of the management corporation or subsidiary management corporation are published;”;

- (f) in paragraph 1A (as renumbered by sub-paragraph (b)), after sub-paragraph (3), insert —

“(3A) Where the address of an online location is included in a notice of a general meeting under sub-paragraph (2)(d)(ii) or (3)(a)(ii), a printed copy of the minutes mentioned in

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sub-paragraph (2)(d)(ii) or the statement of accounts and auditor's report mentioned in sub-paragraph (3)(a)(ii) (as the case may be) must be sent without charge to any subsidiary proprietor or first mortgagee of a lot who, at least 48 hours before the time at which the meeting is to be held, requests for such a printed copy.”;

- (g) in paragraph 1B(1) (as renumbered by sub-paragraph (b)), replace “paragraph 1(2) and (3)” with “paragraph 1A(2) and (3)”;
- (h) after paragraph 1B (as renumbered by sub-paragraph (b)), insert —

**“Method of holding meetings**

1C.—(1) Except as provided in sub-paragraph (2), a general meeting of a management corporation or subsidiary management corporation may be held —

- (a) at a physical place;
- (b) at a physical place and using virtual meeting technology; or
- (c) using virtual meeting technology only.

(2) Despite sub-paragraph (1) —

- (a) a general meeting of a management corporation or subsidiary management corporation must not be held using virtual meeting technology only, unless all of the members who wish to participate at the meeting have access to the virtual meeting technology needed to participate in the meeting; and
- (b) a general meeting of a management corporation or subsidiary management corporation must not be held using virtual meeting technology only, if the management corporation or subsidiary management corporation has decided, by ordinary resolution —
  - (i) that the meeting must be held at a physical place or at a physical place and using virtual meeting technology; or
  - (ii) that each general meeting of the management corporation or subsidiary management corporation must be held at a physical place or

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at a physical place and using virtual meeting technology.”;

(i) in paragraph 3A, replace sub-paragraph (2) with —

“(2) The person presiding at a general meeting adjourned under sub-paragraph (1) must fix —

- (a) the time at which the adjourned meeting is to be resumed;
- (b) unless the adjourned meeting is to be held wholly using virtual meeting technology, the place at which the adjourned meeting is to be resumed; and
- (c) if the adjourned general meeting is to be held, wholly or partly, using virtual meeting technology, the manner by which the resumed general meeting is to be electronically accessed (including the online location, if the meeting is to be held at an online location).”;

(j) in paragraph 3A(3), replace “time and place” with “matters”;

(k) in paragraph 5(1), replace “A vote” with “Subject to paragraph 5A, a vote”;

(l) after paragraph 5, insert —

**“Voting by electronic means**

5A. Where a general meeting of a management corporation or subsidiary management corporation is held, wholly or partly, using virtual meeting technology, a vote by a person entitled to vote or by a proxy may be cast by electronic means but only if all the following are satisfied:

- (a) the person is present at the meeting;
- (b) the electronic voting system used is capable of accurately counting all votes cast for and against any proposal submitted at the meeting;
- (c) the electronic voting system used is capable of providing records from which the operation of the electronic voting system may be audited and for verification of the accuracy of the recording and counting of votes;

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- (d) the chairperson must, during the meeting, declare the result of the voting by electronic means on any proposal submitted at the meeting;
  - (e) in respect of a meeting at which the council or executive committee (as the case may be) is to be elected, the chairperson of the meeting must ensure that his or her declaration of the voting results of the election of the members of the council or executive committee (as the case may be) is recorded in the form of either an audio recording or audiovisual recording.”;
- (m) renumber paragraph 10A as sub-paragraph (1) of that paragraph;
- (n) in paragraph 10A, after sub-paragraph (1), insert —
- “(2) In addition to sub-paragraph (1), if the general meeting was held using virtual meeting technology (whether wholly or partly), the minutes must —
    - (a) state that fact;
    - (b) state the virtual meeting technology used; and
    - (c) in respect of each person who was present at the general meeting using virtual meeting technology, state the fact that the person was present using virtual meeting technology.
  - (3) Where a general meeting was held wholly using virtual meeting technology, the requirement that the minutes of the meeting must specify the place for the meeting under sub-paragraph (1)(a) does not apply.”;
- (o) in paragraph 12, replace sub-paragraph (5) with —
- “(5) Any person proposing to convene a general meeting of a management corporation or subsidiary management corporation must take reasonable steps to ensure that —
    - (a) the proposed day and time of the proposed general meeting;
    - (b) unless the proposed general meeting is to be held wholly using virtual meeting technology, the place of the proposed general meeting; and

- (c) if the proposed general meeting is to be held, wholly or partly, using virtual meeting technology, the type of virtual meeting technology to be used for the proposed general meeting,

are reasonably convenient to a majority of the subsidiary proprietors of the management corporation or subsidiary management corporation, as the case may be.”;

- (p) in paragraph 15(2), replace “paragraph 1(3)” with “paragraph 1A(3)”; and

- (q) replace paragraph 18 with —

**“Submission of instrument of proxy**

18.—(1) The instrument appointing a proxy and the power of attorney or other authority (if any) under which the instrument is signed, or a notarially certified copy of that power or authority, must, within the time specified in sub-paragraph (2) —

- (a) be deposited —

- (i) at the registered address of the management corporation or subsidiary management corporation, as the case may be; or
- (ii) at such other place in Singapore as is specified for that purpose in the notice convening the meeting; or

- (b) be sent by electronic mail to an electronic mail address of the management corporation or subsidiary management corporation (as the case may be) specified for that purpose in the notice convening the meeting or fixing the adjourned meeting.

- (2) The time mentioned in sub-paragraph (1) is the following:

- (a) in the case of a poll, at least 48 hours before the time appointed for the taking of the poll;
- (b) in any other case, at least 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote.

- (3) An instrument of proxy that is not submitted in accordance with sub-paragraph (1) is not to be treated as valid.”.

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**Amendment of Second Schedule**

**3.** In the Building Maintenance and Strata Management Act 2004, in the Second Schedule —

(a) in paragraph 1A(2), replace “teleconference, video conferencing or other electronic means of communication” with “virtual meeting technology”; and

(b) in paragraph 1A, after sub-paragraph (2), insert —

“(3) Where, following a resolution under sub-paragraph (2), a meeting of a council or an executive committee is held or to be held only using virtual meeting technology, the following requirements do not apply:

- (a) the requirement for a place to be appointed for the meeting under sub-paragraph (1);
- (b) the requirement to specify the place of the meeting in the notice under paragraph 4(2)(b);
- (c) the requirement to give notice of the place of the meeting adjourned under paragraph 4A(2);
- (d) the requirement for the minutes of meeting to contain information of the place of the meeting under paragraph 8(a).

(4) In this paragraph, “virtual meeting technology” means any technology that allows a person to participate in a meeting without being physically present at the place of meeting.”.

**Transitional provision**

**4.** Despite paragraph 2(h), a general meeting of a management corporation or subsidiary management corporation of which notice has been served before 1 July 2023 must not be held using virtual meeting technology only.

Made on 19 June 2023.

OW FOONG PHENG  
*Permanent Secretary,*  
*Ministry of National Development,*  
*Singapore.*

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