TABLE COMPRISING THE KEY AMENDMENTS PROPOSED TO THE BUILDING MAINTENANCE AND STRATA MANAGEMENT ACT (BMSMA)

Note:

The table below provides a list of the key items being amended, the content of the amendments and the rationale for the amendments. The list contains (i) amendments which were included in the 2nd public consultation and well-supported based on the feedback received, and (ii) new proposals.

GLOSSARY:

BMSMA means 'Building Maintenance and Strata Management Act'

Commissioner means 'Commissioner of Buildings'

MCST means 'management corporation strata title'

SP means 'subsidiary proprietor'

Part (A) – To uphold the principles of governance and transparency in the running of strata developments

S/No.	Item	Existing provision	Content of amendment	Rationale
1	Proxy System	Subsidiary proprietor(s) can appoint a proxy to attend the general meeting of the MCST on his behalf but there is no restriction on the number of proxies a person can hold. In the Act, there is also a proxy form for MCST to follow but it is not prescribed, and the MCST can amend the content of the proxy form to their own preference.	(a) A person may only be appointed as the proxy holder for either 2% of the total number of lots in the development or 2 SPs, whichever is higher. (b) Proxy holder is responsible to ensure that he does not exceed the cap referred to above. If the proxy holds more than the cap referred to above, the additional proxy held is void. (c) The proxy form is to be signed by the person appointing the proxy and the proxy. The format of the proxy form will be prescribed, and the proxy giver has the option to indicate their decision(s). (d) All proxy forms are required to be documented and kept as MCST's records. (e) A list of proxies present at the meeting is to be included as part of the minutes of the general meeting.	Prevent abuse by persons who garner large numbers of proxy votes, which could be more than the number of attendees, thereby influencing decision making in a general meeting.
2	Payment of Honorarium to Council Members	Nil	(a) MCSTs have the option of paying council members an honorarium, which is to be determined by a special resolution at the annual general meeting. (b) The amount of honorarium will be pro-rated according to period of service rendered and is capped at $250 per year per council member. The payment of honorarium will be from the management fund and in monetary terms only but	Allow MCSTs to show recognition for the time and effort put in by council members as election to the council is voluntary and hence, the council members spend a lot of personal time and effort in the day-to-day running of the estate.

S/No.	Item	Existing provision	Content of amendment	Rationale
			not via a reduction or discount to the maintenance contributions that each council member has to pay.	
3	Consent of Nominees for Election as Council Members	Nil	A person who is nominated for election as council member at the general meeting must give his/her consent prior to the election although the nominee does not need to be present at the general meeting.	Avoid instances where SPs are nominated and elected to serve as council members without their knowledge.
4	Motion to Terminate or Re-appoint Managing Agent at Every Annual General Meeting (AGM)	The appointment of managing agent by the MCST could be for a period of up to three years (i.e. at the conclusion of the 3rd AGM), and the performance of the managing agent is to be reviewed at each AGM. In addition, the expiry of the appointment of a managing agent falls at the conclusion of an AGM.	If a managing agent is already appointed on a 3 year term, there is no need for an annual review of the managing agent's contract at the AGM to decide whether the managing agent should be re-appointed or terminated.	It is redundant to review the appointment of managing agent every year if the managing agent has already been appointed by the MCST on a 3-year term.
5	Approval of Maintenance Charges before Sale Launch of A Development	The developer must seek the approval from the Commissioner prior to the collection of maintenance charges.	The developer will now be required to seek the approval from the Commissioner for the quantum of maintenance charges before the sale of any strata lot.	For transparency, to allow the potential purchaser to know the expected amount of maintenance charges from the developer <u>before</u> purchasing the property at the sale launch of development.
6	***<NEW>*** Failure to Return Documents to Management Corporation	It is a duty for any person holding on to the documents of the MCST to hand over the documents after being notified to do so.	The proposed amendments will make it an offence for failing to hand over MCST documents.	Deter people from holding on to the MCST's documents unnecessarily and facilitate the MCST in getting back these documents e.g. financial statements which could be critical to the management and operation of the MCST.
7	***<NEW>*** Expanding the Commissioner's Monitoring Powers	Nil	(a) The Commissioner may appoint a Receiver to manage the MCST during an emergency or critical situation. (b) The appointment of a Receiver is upon application from SPs comprising at least 20% of the aggregate share value of the total lots or not less than 25% of the total number of lots. (c) The Receiver will be appointed for any period not exceeding 15 months or till the next annual general meeting is due, where the new Council will be elected.	Ensure that the management and operation of the MCST can continue in exceptional circumstances where there is no council governing the estate.
8	***<NEW>*** Prohibition of Treasurer to Hold Office as Chairperson or	A council member can be appointed to one or more of the offices of Chairperson, Secretary or Treasurer.	(a) A Treasurer appointed to the Council cannot also concurrently hold the office of Chairperson or Secretary. (b) This prohibition shall not apply to strata-titled developments with 10 or fewer lots.	Segregate the duties and powers of a Treasurer from that of a Chairperson or a Secretary to encourage separation of powers and good governance.

S/No.	Item	Existing provision	Content of amendment	Rationale
	Secretary Concurrently			
9	***<NEW>*** Safety Grilles	Nil	Where a MCST has design guidelines in place for the design of safety grilles within SPs' units, the SPs must follow the guidelines. Where there are no design guidelines, the MCST shall not prevent SPs from installing safety grilles to prevent harm to children.	Encourage MCSTs to put in place design guidelines for safety grilles to prevent harm to children.

Part (B) – To clarify and enhance the public's understanding of the rules under the BMSMA

S/No.	Item	Existing provision	Content of amendment	Rationale
10	Developer's Liabilities with Regard to Payment to the Maintenance Fund	The developer is given a 3-month grace period from the date of the Temporary Occupation Permit (TOP) to make the contribution towards the maintenance fund for units sold before TOP but not yet handed over to the purchasers.	For sold units but not handed over to the purchasers, the developer will be given a 4-week waiver of the maintenance charges and will only have to start paying into the maintenance fund 4 weeks after the issuance of the first TOP in respect of a development.	The grace period is reduced since generally developers are able to hand over all the sold units to purchasers within a 4-week period.
11	Transfer of Balance of Moneys from Developer to the MCST	When a MCST is constituted for a development, the developer is required to open a bank account in the name of the MCST and transfer the balance of moneys from the maintenance fund to this account. It is unclear whether this amount can be a deficit.	The balance of moneys to be transferred by the developer from the maintenance fund to the MCST's bank account upon the constitution of the MCST shall be a positive amount.	Prevent cases when the balance of moneys is in the deficit.
12	Definition of "Common Property"	"Common property" in a strata development refers to an element in relation to any land and building shown in the strata title plan which is not comprised in any unit and is also used or capable of being used or enjoyed by occupiers of 2 or more units.	(a) To make clearer the definition of "common property" to include key structural elements (foundations, beams, columns) of the building. (b) To make clear that fire sprinkler and central air-conditioning systems are also part of common property to be maintained by the MCST. (c) To make clear that any conduit, pipe, cable, ducts that services two or more lots but may be embedded within one strata lot is to be considered common property. ** - The proposed amendments will make slabs common property. However, for inter floor leakage cases that are brought before the Strata Titles Boards, the presumption that the leak originated from the unit above will remain and the person who owns the unit or space above will continue to be responsible for repairing the defect unless it is proved otherwise.*	Recognise that critical components such as structural elements and systems spanning across strata lots are better maintained by the MCST because MCSTs have a collective interest in maintaining these structures and systems. Also facilitate emergency repairs and minimise disputes between MCST and individual lot owner on which party is to maintain such common property rightfully.
13	Improvements to the Common Property	MCST has to be directed by a special resolution to install or provide additional facilities or make improvements to the common property for the benefit of the SPs constituting the MCST.	'Improvements' to the common property will be made clear to include additions and alterations to and erecting new structures on the common property, and making a change in the use of the common property, in relation to the duties of the MCSTs.	Make clear what constitutes 'improvements' to common property, which requires a special resolution to be passed by the MCSTs in a general meeting.
14	2-Tier Management Corporation Scheme - Representation of Hotel in the	In a 2-tier MCST scheme, at least one member of the executive committee of sub-MCST would automatically be made a member of the council of the MCST. As the hotel component is an independent lot, it could not form a sub-MCST (there must be at least 3 lots in each user group to form a sub-MCST).	Hotel (or other similar single independent lot user groups) as defined in the Regulations can form a sub-MCST and be represented in the Council of the main MCST in a 2-tier MCST scheme. *<u>Note</u>: 'Single independent lot user groups' refers to lots that are not allowed to be sub-divided under the Planning Act.*	Allow the interests of the hotel group or other similar single independent lot users groups to be represented in the main Council of a 2-tier MCST scheme.

S/No.	Item	Existing provision	Content of amendment	Rationale
	Council of the MCST			
15	Membership of the Council in a Mixed Development of a Single-Tier MCST	The MCST will determine the members of council at the Annual General Meeting, but in no case exceeding 14 natural persons.	In a mixed-use development of a single-tier MCST, each property user group (e.g. residential / office / commercial) is automatically allocated one seat in the Council of MCST.	Allow the interests of each property user group to be sufficiently represented in the management and operation of a mixed-use development of a single-tier MCST.
16	Chairing of First Annual General Meeting by Owner Developer	The first AGM of the MCST could be chaired by the owner developer acting personally or through an agent.	The wordings "or through an agent" are removed from the provision relating to the chairing of first annual general meeting of the MCST.	Increase responsibility on the developer to address queries and receive feedback from SPs by chairing the first annual general meeting of the MCST.
17	Lodgment and Display of By-laws	(a) By-laws made by the MCST are to be lodged with the Commissioner within 30 days after the by-laws are passed in order to have effect. (b) The MCST shall supply a copy of the by-laws which are in force, on receipt of a written application at a reasonable cost.	(a) The timeline for the lodgement of by-laws is extended from 30 days to 45 days from the passing of the resolution. (b) A prescribed form will be provided for the lodgement of by-laws in the Regulations. (c) The fee for obtaining a copy of the by-laws is as prescribed in the Regulations. (d) MCSTs shall make available the by-laws at the management office for viewing by SPs at no cost, if a copy of the full set of by-laws is not displayed on the MCST's notice board.	(a) Give sufficient time to incoming Council to hold their first meeting for the appointment of office bearers and signatories before making the lodgment of by-laws. (b) Facilitate SPs to obtain a copy of the by-laws at a prescribed fee or view the by-laws at the management office at no cost.
18	Payment of Any Income from Rental and Charges Derived from Common Property into MCST's Management Fund	Nil	MCSTs can pay into its management fund any income from rental and car park charges derived from the common property of the development.	Enable MCST to defray part of the maintenance expenses by creating more avenues for MCSTs to pay into its management fund.
19	Usage of Management Fund for Social Activities, Seeking Legal Advice, and	Moneys in the management fund can only be disbursed for certain purposes, which is primarily for the purpose of maintenance and management of the common property.	Management funds can be used to: (1) Organize social or sports activities; (2) Obtain legal advice (subject to obtaining an ordinary resolution);	Provide clarity and allow MCSTs more scope on the use of management fund.

S/No.	Item	Existing provision	Content of amendment	Rationale
	Payment of Honorarium		(3) Pay an honorarium to council members (subject to obtaining a special resolution). The estimated expenses for item (1) and (2) mentioned above must be included in an annual budget and approved at the Annual General Meeting.	
20	Keeping of Strata Roll	The strata roll shall be kept in the form of a book (either bound or loose-leaf) which shall contain one or more pages in respect of each lot in the subdivided building	MCSTs can keep strata roll also in electronic forms.	Cater to the growing trend of reliance on electronic means of keeping records.
21	Electronic Service of Notices	The BMSMA from time to time requires service of notices of general meetings and other documents on SPs, mortgagees of a lot etc. Notices need to be served through posting it or sending it by facsimile or leaving it at his address or affixing the notice on the front door of his lot.	(a) To include in the strata roll the email address provided by the subsidiary proprietor for the service of notices by the MCST. (b) To allow service of notice on a person by electronic mail.	Cater to the growing trend of reliance on electronic means of communication.
22	Display of Minutes on Notice Board	(a) The MCST is required to maintain a notice board if required by its bylaws. (b) The MCST is required to post the minutes of council meeting within 7 days after the meeting. (c) The MCST is required to include a copy of the minutes of the latest general meeting in the notice of general meeting.	(a) MCST must maintain a notice board in the common area for display of notices, minutes and circulars. (b) The time frame for displaying the minutes of council meeting is extended from 7 days to 14 days after the meeting. (c) Minutes for any general meeting of the MCST or the sub-MCST shall be displayed on the notice board within 45 days after the meeting.	Facilitate the delivery of information to SPs so that they are kept apprised of the management and operation of their MCSTs.
23	Proceedings of General Meetings of the MCST or Subsidiary MCST	(a) Only the list of agenda items for the first AGM is prescribed in the BMSMA. The BMSMA does not prescribe a similar list of agenda items for subsequent AGMs. (b) Every motion tabled in the agenda of an AGM can only be amended if the general meeting decides by way of resolution to amend the motion. (c) Nil (d) Nil	(a) Necessary items to be included as part of the agenda of subsequent AGMs will be specified. (b) Motions can be amended by way of resolution at a general meeting only if the amendment does not change the subject matter of the original motion. (c) Procedures on how a general meeting can be adjourned and resumed at a later date will be set out. (d) The minimum mandatory information required to be recorded in the minutes of general meetings will be specified.	Response to feedback that some parts of the proceedings of general meeting are not provided for in the BMSMA, which lead to confusions and queries among MCSTs and SPs.
24	Making Improvements to a Lot	A 90% resolution is required as an authorisation from the MCST to allow SPs to make improvement to his lot if the works involves an increase in floor area	Making improvements to a lot, which constitutes an increase in the gross floor area (GFA) <u>and</u> a grant of Planning Permission by the competent Authority, requires the passing of a 90% resolution in a general meeting.	Make clear that the SP must secure a 90% resolution only when improvement to a lot affects GFA for which a grant of written permission (WP) by URA is required.

S/No.	Item	Existing provision	Content of amendment	Rationale
25	Types of Resolutions to Be Passed	The types of resolution required is not expressly stated.	An ordinary resolution is to be passed in a general meeting of MCST for: (a) Executing a lease of part of common property for a period less than a year; (b) Approving the subdivision or amalgamation of lots; (c) Determining the amount of maintenance contributions for both the management fund, sinking fund, and additional levies; (d) Insuring any property not already required to be insured under the BMSMA; and (e) Representing SPs by MCST in legal proceedings. (f) Impose restrictions on council of MCST	Provide clarity on the type of resolution to be passed for these items.
26	First Annual General Meeting of MCST and Subsidiary MCST	(a) Nil (b) The timeline for the MCSTs (under the care of the developer) to convene the first annual general meeting upon receipt of written request from SPs comprising at least 10% of total number of lots in the development to do not later than 6 week.	(a) Where the development has a 2-tier MCST scheme, to make clear that the sub-MC is under a duty to hold a first AGM separate from the main MC within a stipulated timeline (a) The timeline for the MCSTs (under the care of the developer) to convene the first annual general meeting upon receipt of written request from SPs comprising at least 10% of total number of lots in the development to do so is extended from 6 weeks to 8 weeks.	Facilitate the holding of the first annual general meeting in an expeditious manner
27	Vacation of Office by Council Member	A council member will vacate his office at the end of the next annual general meeting at which a new council is elected by the management corporation or upon the election at a general meeting of another person to that office, if earlier.	Every council member will automatically vacate their office at the end of every annual general meeting regardless of whether a new council is elected.	Clarify that council members who wish to continue their term must be re-elected into the council at every general meeting. The office for the members in the council should not automatically continue for another term. To ensure transparency and good governance.
28	Powers of Management Corporation to Carry Out Work	Nil	(a) Every SP is responsible to rectify any defective pipe, chute or facility used for sewerage and other similar services, if they are being exclusively used or enjoyed by his lot. Should the SP fail or neglect to carry out the necessary rectification work, the MCST may do so. (b) Every SP is responsible to remedy any improvement carried out by him in or upon his lot which affects the appearance of the building. Should the SP fail to carry out the rectification work, the MCST may do so.	(a) Make clear that the upper unit is responsible to maintain the discharge pipe located in the strata boundary of the lower unit which is not a common property and serving only the upper unit. (b) Clarify that SPs are responsible to remedy an improvement he has made to his lot which affects the appearance of the building. (c) Empower the MCST to carry out the works described under (a) and (b) above if the SP has failed to do so.
29	Counting of Notice Period	Nil	To stipulate how timelines should be computed when prior notice needs to be given.	Provide clarity on computing to reduce ambiguity in meeting notice requirements under the BMSMA.

S/No.	Item	Existing provision	Content of amendment	Rationale
	for the Purpose of BMSMA			
30	Definition of "days"	Nil	Distinguish between 'days' and 'working days', which 'working days' exclude Saturdays, Sundays and Public Holidays.	Make clear that notice periods will be calculated in 'working days' whereas other timelines under the BMSMA will be in calendar days.
31	Service of Notice on Council Members for Council Meetings	A notice has to be served on every council member to notify of any upcoming council meeting. However, the mode of service of notice is not described.	Serving notice on council members for council meetings by email is acceptable if the council member gives his consent to be so notified.	Cater to the popularity of using electronic means for communication.
32	***<NEW>*** Display of List of Eligible Voters for a General Meeting	The list of persons eligible to vote at general meeting, which is to be displayed on the noticeboard, shall contain the names of the persons.	The list of persons eligible to vote at general meeting, which is to be displayed on the noticeboard, shall contain the names and the addresses of lots owned by the persons.	The MCSTs are specifically empowered by the BMSMA to include the 'addresses of lots owned by the persons' in addition to the names of the persons in the list of eligible voters.
33	***<NEW>*** Audio / Virtual Conferencing for Council Meetings	Nil	Allow audio/virtual conferencing for council meetings subject to a council resolution and making it known in the notice of council meeting.	Give option to councils which wish to leverage on technology for the conduct of council meeting.