

Annex – Guidance Notes for the Conduct of General Meetings for En Bloc Sales and Meetings of Collective Sale Committees via Alternative Electronic Means

On 7 April 2020, Part 4 of the COVID-19 (Temporary Measures) Act 2020 (“**Act**”) came into operation. Under Part 4 of the Act, alternative meeting arrangements may be prescribed, by order, for those meetings where personal attendance is provided for in written law or certain legal instruments. On the same day, the Ministry of Health issued the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 (“**Regulations**”), which put in place an elevated set of safe distancing measures as a circuit breaker to pre-empt increasing local transmission of COVID-19. This included the closure of workplace premises, except for providers of essential services.

On 27 April 2020, the COVID-19 (Temporary Measures) (Alternative Arrangements for Meetings for Management Corporations, Subsidiary Management Corporations and Collective Sale Committees) Order 2020 (“**Order**”) was issued. The Order prescribes the alternative arrangements for the conduct of general meetings of management corporations (“**MCs**”) for the purposes of en bloc sales, as well as meetings of collective sale committees (“**CSCs**”), amid the COVID-19 situation.

Compliance with these alternative arrangements will be deemed to comply with the Land Titles (Strata) Act (“**LTSA**”) in respect of which the alternative arrangements are made. Other than the alternative arrangements provided for in the Order, the relevant provisions in the LTSA relating to general meetings for en bloc sales and meetings of CSCs shall continue to be in force.

General Meetings for En Bloc Sales

1. Notice of General Meeting

Mode of Publication

- 1.1 Notice must be served on all persons entitled to vote at the meeting. The notice should be sent by electronic means, by the secretary of the MC, if the persons entitled to vote at the meeting have notified the MC of his/her email address.

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- 1.2 The notice shall contain information on the alternative arrangements of conducting the meeting, including how persons entitled to vote at the meeting can use and access the relevant electronic system to attend the meeting, as well as the electronic means of casting votes in the course of the meeting (e.g.

user ID and password for login). The notice may be accompanied by any other documents relevant to the meeting.

- 1.3 The notice shall also inform each person entitled to vote at the meeting of areas to take note, including a reminder to exercise due care and diligence to ensure that the login details are not disclosed to any other party. The notice shall provide an email address to which subsidiary proprietors (“**SPs**”) can submit their queries or questions, in respect of the motions tabled in the agenda of the meeting, which the Chairperson of the meeting shall address at or before the meeting. A cut-off time for such queries or questions may be set by the MC.

2. Questions

- 2.1 All SPs must be given the opportunity to ask questions within a reasonable time prior to the meeting. In this regard, they should be informed of any cut-off time by which questions must be submitted. Questions must be allowed to be submitted through electronic means (e.g. via email), or by post.
- 2.2 All substantial and relevant questions must be addressed by the MC prior to, or at, general meetings. The MC should also address any subsequent clarifications sought or follow-up questions in respect of substantial and relevant matters, prior to, or at, general meetings. Questions may be addressed prior to the general meeting through the MC website, if available, and/or any other virtual information session that the MC may organise.

3. Quorum of Meeting

- 3.1 MCs should ensure that the electronic system used will enable the Secretary of the MC (or a person appointed by the council to verify the quorum) to identify and verify the identities of SPs and proxies who attend and participate in the meeting conducted on the electronic system. The Chairperson of the meeting must also acknowledge each SP and proxy present at the meeting. The quorum of the meeting should include SPs and proxies who attend and participate in the meeting via the electronic system.

4. Proxy

- 4.1 MCs should provide an email address for persons entitled to vote to send their signed proxy forms (in electronic form or scanned copy) from the person’s email address as maintained in the MC’s record. Alternatively, the hard copy proxy form can be sent or posted to the MC’s registered address. MCs must specify in the notice of meeting how the proxy forms may be submitted, as well as the timeline by which the instruments of proxies must be submitted.

5. Voting Process

- 5.1 As persons entitled to vote are unable to attend the meeting physically, remote electronic voting must be used during the meeting. The electronic voting system used must be capable of collating, recording and displaying the voting results. The MC must ensure that it has implemented the necessary safeguards to validate votes submitted, and retain records of the electronic voting process in a manner that may be audited. The Chairperson presiding over the meeting must, during the meeting, declare the voting results.

Meetings of Collective Sale Committees

1. Quorum of Meeting

- 1.1 CSCs should ensure that the electronic system used will enable the Secretary of the CSC (or a person appointed by the CSC to verify the quorum) to identify and verify the identities of members of the CSC who attend and participate in the meeting conducted on the electronic system. The Chairperson of the meeting must also acknowledge each member present at the meeting. The quorum of the meeting should include members of the CSCs who attend and participate in the meeting via the electronic system.

2. Voting

- 2.1 As members are unable to attend the meeting physically, remote electronic voting must be used during the meeting. The electronic voting system used must be capable of collating, recording and displaying the voting results. The CSC must ensure that it has implemented the necessary safeguards to validate votes submitted, and retain records of the electronic voting process in a manner that may be audited.