

EDITORIAL

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Settling Estate Management Disputes

*This article was previously published
in BT and was contributed
by Knight Frank Estate Management*

- By Jordan Neo

AS the number of strata subdivided estates in Singapore increases, disputes involving parties such as owners, occupiers, contractors, developers, managing agents and management corporations are expected to rise. Most parties resort to litigation or to the Strata Title Board (STB) to resolve their disputes. But these are costly methods involving legal and other costs.

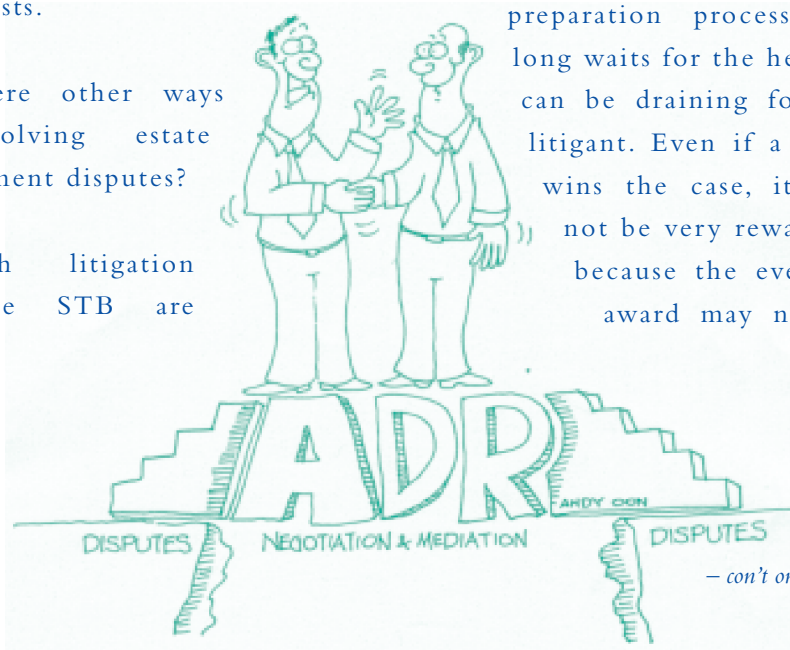
Are there other ways of resolving estate management disputes?

Although litigation and the STB are

the two most common modes of resolving disputes, research has found most disputants to be unfamiliar with prescribed procedures, costs etc. They may also not be aware of other modes of resolving disputes. In fact, many parties embark these modes out of ignorance of other alternatives.

LITIGATION

This is an adversarial approach of putting a case before a judge with each side arguing its case. It often involves high legal expenses and court fees. The entire preparation process and long waits for the hearing can be draining for the litigant. Even if a party wins the case, it may not be very rewarding because the eventual award may not be



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sufficient to cover the costs incurred.

In an estate where disputing parties could be neighbours, litigation is not a desirable approach to resolving disputes. If litigation has commenced, an alternative is to ask for a Court Dispute Resolution (CSR) conference. This will help to resolve a case without it proceeding into a prolonged hearing. However, the CSR should not be called too late; otherwise significant cost and time would have been spent.

STRATA TITLE BOARD

The STB was constituted on Sept 15, 1988, by Parliament as a tribunal to hear disputes under the jurisdiction of the Land Titles (Strata) Act (LTSA). The STB could be a less costly option compared to litigation.

However, this depends on whether the parties are arguing their own case (personal representation) or are being represented by lawyers. Most parties are usually represented by lawyers as they may not be sufficiently familiar with the

LTSA, the procedures involved and may not have the time required for preparation.

Resolving a dispute through the STB route may not necessarily be more expeditious than litigation. Although there is a provision to hear cases within six months, an extension can be granted by the Minister. This may prolong the period of settlement.

OTHER OPTIONS

Instead of seeking a court settlement, it would be worthwhile for disputing parties to explore other modes of settlement. These could be less formal, cheaper and more consensual in approach. Apart from cost savings, an approach involving open discussions may result in a more satisfying outcome for the parties involved and perhaps help to maintain a harmonious relationship between them.

Negotiation and mediation are two possible alternatives worth considering. Negotiation will be an effective approach if both parties are prepared to compromise. Mediation

involves a third party who acts as a mediator in the dispute. The mediator will help to clarify issues and identify common grounds for the parties to arrive at a solution. However, steps should be taken to ensure that the agreement reached under negotiation or mediation can be enforced.

Apart from being less expensive and less time-consuming, alternative dispute resolution (ADR) proceedings can be kept confidential. This helps to reduce negative publicity for the disputants as well as the estate.

It is important to fully appreciate the nature of a dispute and the outcome desired by the parties involved before adopting the method of resolution. If common objectives such as costs and convenience have been identified, the appropriate method of resolution can then be adopted. It is advisable to start with a more consensual mode of resolution. The more adversarial approaches should only be adopted as a last resort.

NSRS a Requirement for Government Tenders for Pest Management

By Singapore Pest Management Association

The National Skills Recognition Scheme (NSRS) for Pest Management was introduced in March 2004 by Singapore Pest Management Association (SPMA) with the support of National Environment Agency (NEA), Workforce Development Agency (WDA), Infocom Development Authority (IDA) and Singapore Environment Institute (SEI) as a means to upgrade the professionalism and service quality of the field staff. The programme focuses on the safety and practical skills of pest management field staff.

The most attractive part is the e-learning component of the programme developed by Singapore Computer Systems Ltd (SCS). With the easy click of the mouse, the trainee will be instructed and then tested on his knowledge. To

progress from the e-learning, all trainees must attain a 100% pass rate before they are able to proceed to the practical skills training and assessment. Using computer technology ensures that each and every trainee receives a consistent high quality of the training information on the subject.

Ever mindful of the dangers of using pesticides in Pest Management, the assessment of trainees emphasises the correct and effective use of pesticide treatment methods and its safety. Trainees who flout or demonstrate lapses in safety will not pass. Such is the high standard that has been imposed because of the danger to Public Health and well being.

The NSRS programme comprises of 6 units of Competence, starting with “Preparing Pest Management Equipment” as core unit.

The other 5 modules are treating mosquitoes, rodents, cockroaches, flies and fleas infestation. The NSRS certificates are awarded by WDA and assessed independently by SEI. Hence transparency and neutrality are maintained.

The approach adopted is akin to the training of military professionals (for example, before a soldier is able to use the rifle in combat, there is rigorous training on the proper use of the weapon – its workings, how to engage the target and shoot accurately, how to troubleshoot in cases of weapon stoppage and how to observe strict safety procedures). The same strict procedures are adopted in the NSRS programme for Pest Management Professionals.

A total of 423 field staff from 35 companies have passed the units on “Preparing Pest Management Equipment”,

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“Treat Mosquito Infestation and Treat Rodent Infestation.”

A total of 14 Companies have been granted the SPMA's Skills-Upgraded Recognition Scheme to date. The Skills Upgraded-Recognition Scheme is an accreditation that more than 75% of the company's field staff are NSRS-trained in the core unit.

NSRS is being specified in government tenders for Pest Management work. Facilities Managers would be assured of better workmanship with this industry-based skills upgrading if they insist that Pest Management Service providers use only NSRS trained field staff in pest management work.



Restrooms in Singapore

*By Colin See,
Executive Director,
Restroom Association
of Singapore*

Stepping into a restroom, one can make out the segments of the market that make up the restroom industry. They are (Commercial) Cleaning, Design, Maintenance and Plumbing.

In other words, besides cleaning contractors, architects, building contractors and maintenance / facilities

managers have vested interests in the creation of a Restroom. A restroom may only comprise of an estimated seven percent (7%) of the building costs, but a significant amount is spent on cleaning and maintenance of the restrooms.

There are 29,000 public toilets in Singapore, and a further estimated 40,000 public access toilets maintained by the private sector. These comprise of commercial / industrial buildings, shopping centres, MRTs, bus terminals etc.

CLEANING

The commercial cleaning sector is estimated to be worth \$300 million per annum industry, employing 22,000 cleaners. There are about 400 companies in the industry. Most of these companies operate only domestically.

There are certain challenges facing these segments, amongst them are emphasis on quantity instead of quality of service. This creates a vicious cycle whereby companies compromise on service

standards in order to secure contracts; Manpower shortage, caused by a difficulty in finding local workers willing to do the work, in due part to the poor image of the industry; the majority of companies in the segments are small companies which have limited resources to expand their operations.

DESIGN & MAINTENANCE

Costs are challenges for those involved in Designing of restrooms. For example, designing a restroom for the shopping centre is a balance between meeting the needs of the users (more cubicles for women, diaper changing, nursing facilities etc.) and keeping costs down.

For the facilities management sector, it includes activities such as landscaping, swimming pool maintenance and lift maintenance. The restroom is but one of their responsibilities, and though being the 'smallest room, sometimes has problems beyond its size'.

There are over 200 commercial buildings and 100 shopping centres to be managed, not to

mention many other public buildings. Of which, 29,000 out of an estimated 70,000 public access toilets are public toilets.

RAISING STANDARDS WITH TRAINING

With these challenges, the Restroom Association of Singapore (RAS) is embarking on Training to raise and uphold standards in the Restroom Industry. Starting with the Cleaning industry, RAS is a certified training provider and assessment centre under the National Skills Recognition Scheme (NSRS) framework for Restroom Cleaning. This is a start, and RAS intends to continue with Restroom Design and Plumbing.

Through its association with World Toilet Organisation, RAS also intends to keep abreast of the latest techniques & technologies available, and set new benchmarks for the various segments of the restroom industry.

This is also necessary to keep with Singapore's reputation of a Clean & Green City. For example, having beautiful

tourist attractions and being marketed as a shopping haven without proper and/or clean restrooms will lessen our standing amongst visitors.

FUTURE PLANS

As each segment of the industry has different market characteristics e.g. Cleaning is a maturing industry and each segment comprises of different target audience, RAS will have different plans too.

Training with a Social Mission – helping the unemployed

RAS is heeding the call by NTUC & WDA to help those who have difficulty getting employment and plans to do this with a Train & Place scheme, starting with the NSRS Cleaning course.

RAS has embarked on the National Skills Recognition Scheme (NSRS) training scheme for the Restroom industry for cleaners. This training scheme has a social objective with going that extra mile of training the unemployed and seeking placement for them, if possible.



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