

立法會
Legislative Council

LC Paper No. CB(2)1303/00-01

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LegCo Panel on Home Affairs

**Subcommittee on review of the
Building Management Ordinance (Cap. 344)**

**Minutes of meeting
held on Wednesday, 4 April 2001 at 2:00 pm
in Conference Room A of the Legislative Council Building**

Members Present : Hon Albert CHAN Wai-yip (Chairman)
Hon Andrew WONG Wang-fat, JP
Hon CHOY So-yuk
Hon Andrew CHENG Kar-foo

Members Absent : Hon Cyd HO Sau-lan
Hon Albert HO Chun-yan
Hon IP Kwok-him, JP

Clerk in Attendance : Miss Flora TAI
Chief Assistant Secretary (2)2

Staff in Attendance : Mr Stanley MA
Senior Assistant Secretary (2)6

Action

I. Election of Chairman

Mr. Albert CHAN Wai-yip was elected Chairman of the Subcommittee.

Action

II. Way forward

2. The Chairman invited views from members on the way forward to discuss with the Administration on the review of the Building Management Ordinance (BMO).

3. Mr Andrew WONG said that there were many issues relating to election procedures and quorum requirements for the formation of an owners' corporation (OC) and the conduct of OC meetings which warranted detailed discussion. These issues included counting a proxy towards the quorum of a meeting, calculating the quorum requirement on the basis of the number of shares, and the mandatory requirement to convene a meeting of owners of the whole housing estate for the appointment of a Management Committee (MC) in case the deed of mutual covenant contained no provision for the appointment of a MC. He suggested that the Subcommittee should adopt a problem-oriented approach to explore practical building management issues which might fall outside the scope of BMO.

4. Some members had a different view. They suggested that the Subcommittee should identify main areas of concern to facilitate focused discussion with the Administration on the review of BMO.

5. Mr Andrew CHENG referred to the list of issues raised during scrutiny of the Building Management (Amendment) Bill 2000 [Appendix I to the members' brief issued vide LC Paper No. CB(2)1234/00-01]. At Mr CHENG's suggestion, a majority of members agreed that the Subcommittee should discuss the areas of concern and related issues on the list in its future discussion with the Administration. At the Chairman's suggestion, members further agreed that the issues identified by Mr Andrew WONG in paragraph 3 above would be discussed under "Formation of OCs" on the list. The Chairman further suggested and members agreed that the Subcommittee would also discuss the following issues -

- (a) liabilities of members of an OC; and
- (b) conflicts between the power of an OC and that of the building manager appointed by virtue of the deed of mutual covenant.

Action

III. Any other business

Date of next meeting

6. Members agreed that the Subcommittee would hold its next meeting on Friday, 27 April 2001 at 8:30 am to discuss with the Administration on the following -

- (a) Scope and progress of the review of BMO; and
- (b) Formation of an OC.

7. Members further agreed to follow up the referral dated 21 October 2000 from Duty Roster Members about a building management case in Discovery Bay under agenda item (b) above.

8. There being no other business, the meeting ended at 2:30 pm.

Legislative Council Secretariat
17 April 2001