

Dear Sir,

RE : Building (Management) Regulations Chapter 344 of Hong Kong Laws
Comments and suggested changes

I think you should have read about the case about Rhine Garden on the newspapers, magazine, or through meeting with your staff who attended the Owner Meeting at Rhine Garden.

Besides the legal action taken by the Manager of the estate who had been appointed by the Landlord, there are a lot of management problems, which we had encounter before we decided to replace our Manager of the estate. The following are some of them and we hope legitimate, the Manager of an estate could be under control by the Owner Incorporation, which will be set up under Law.

The Manager of the estate failed to attend the management committee meeting and mentioned that under law he have the option not to attend the meeting and not to follow the decision made in the meeting. So the Owner Incorporation become a dummy. There should be change in the Law to forbidden the Manager from opposing the decision in a management committee meeting or owner meeting. Besides, in a Owner's meeting we passed a resolution in terminating the Manager of the estate, of course he will not follow the decision made in the meeting. Even worst, the Manager take legal action on the team of Owner Incorporation. As member of Owner Incorporation, we are volunteers only, the law should be revised to give protection of these volunteers a protection from legal action. As the owner may not give a helping hands to the Owner Incorporation when the legal fee are expensive.

Secondly, the Manager reduced the management fee for the estate to please the owner in collecting proxy forms, it result in a red balance sheet for the month after. Interest will be charged by the Mnaager of estate on the outstanding amount according to the Deeds of Covenant. The law have no regulations to control the collection of management fee by the Manager of the estate. The Manager should submit all the details of expenses with balance sheet within 30 days after the end of the month to the Owner Incorporation for auditing.

Thirdly, as the Owner Incorporation has no legal power in urging the Manager of the estate to follow the Laws, there should be some regulations to give the Owner Incorporation such power as to enforcing the law and protecting their interest in the estate. The Manager of estate should sign a Contract with the Owner committee / Owner Incorporation, within three months after it is set up. The Governor should have a standard form of Contract to protect both parties.

Fourthly, The requirement of 50% of share of the land for termination of the Manager of estate is too much, as people are very inertia to estate management. We would like to suggest 30% of the owners / tenants will be more appropriate, as many of the flat are vacated. Also it is difficult to access to the owners if the Manager of estate is not co-operated. It is difficult to proof that the flat is vacated.

I will attend the meeting if time is available. Please contact me at 92203273.

Yours faithfully,
For and on behalf of
Owner Incorporation of Rhine Garden

Simon So