

Building Management (Amendment) Bill 2005
2005 年建築物管理（修訂）條例草案

Major Proposals
主要建議

	Proposals 建議	Existing Provision 現行條文	Provision in the Bill 草案條文	Explanatory Notes on the Bill 草案條文摘要說明
1.	<p>To stipulate clearly that for a management committee to be formed under the Building Management Ordinance (BMO), the owners have to follow the procedures set out in the BMO, instead of the deeds of mutual covenant (DMC).</p> <p>在條例內清楚訂明，要成立建築物管理條例（條例）規定的管理委員會（管委會），業主須遵照條例訂明的程序行事，而非按照公契辦理。</p>	<p>s. 3(2) 第 3(2)條</p>	<p>Clause 4(a) [C387] 第 4(a)條 [C386 頁]</p> <p>Clause 4(b) [C387] 第 4(b)條 [C386 頁]</p>	<p>Clause 4 amends s. 3 to make further provisions for the appointment of a management committee under that section. In particular, the original s. 3(2) is repealed to remove any doubt as to whether a management committee within the meaning of the BMO may be appointed in accordance with a DMC, and the new s. 3(2) clarifies that a resolution for the appointment of a management committee must be passed by a majority of the votes of the owners and supported by the owners of not less than 30% of the shares in aggregate.</p> <p>草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中，原有的第 3(2)條現予廢除，以消除是否可按照公契委出該條例所指的管委會的疑問，而新訂的第 3(2)條澄清委出管委會的決議必須由業主以多數票通過，並必須獲總共擁有份數不少於 30% 的業主支持。</p>

2.	<p>To delete all references to the DMC in Schedule 2 so that the operation of a management committee will follow the requirements under the BMO instead of DMCs.</p> <p>刪除附表 2 中有關公契的提述，使管委會按照條例而非公契的規定運作。</p>	Schedule 2 附表 2	<p>Clause 23(c) [C417] 第 23(c)條 [C416 頁]</p> <p>Clause 23(d) [C417] 第 23(d)條 [C416 頁]</p> <p>Clause 23(f) [C421] 第 23(f)條 [C420 頁]</p> <p>Clause 23(g) [C423] 第 23(g)條 [C422 頁]</p> <p>Clause 23(j) [C429] 第 23(j)條 [C428 頁]</p>	<p>Clause 23 amends Schedule 2 on the composition and procedure of a management committee. In particular, clause 23(c) replaces the original paragraph 1(a), (b) and (c) of the Schedule with the new paragraph 1(a) to remove any doubt as to whether a management committee within the meaning of the BMO may be appointed in accordance with a DMC.</p> <p>草案第 23 條修訂附表 2(管委會組織及工作程序)，其中，草案第 23(c)條以新訂的該附表第 1(a)段代替原有的第 1(a)、(b)及(c)段，以消除是否可按照公契委出該條例所指的管委會的疑問。</p>
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3.	<p>To include a savings provision so that owners' corporations (OC) formed based on the DMC under the pre-amended BMO will remain valid upon the enactment of the Bill.</p> <p>在條例中加入一項保留條文，使那些在條例未修訂時根據公契成立的法團，在修訂建議獲通過成爲法例後仍然有效。</p>	—	<p>Clause 35 [C449] 第 35 條 [C448 頁]</p> <p>Clause 36 [C451] 第 36 條 [C450 頁]</p>	<p>Clauses 35 and 36 contain transitional provisions. Clause 35 contains the definitions of the terms used in clauses 35 and 36. Clause 36 deals with the transitional arrangements for a management committee which has been appointed in accordance with a DMC under the pre-amended s. 3(2)(a) of the BMO.</p> <p>草案第 35 及 36 條載有過渡性條文。草案第 35 條載有在第 35 及 36 條中使用的詞語的涵義。草案第 36 條處理根據在未修訂的條例第 3(2)(a)條按照公契委出的管委會的過渡性安排。</p>
4.	<p>To specify in s. 3 that the owners of not less than 5% of the shares as convenors of the owners' meeting shall nominate and appoint one owner to preside at the meeting. To include a definition for "convenor".</p> <p>在第 3 條訂明召開業主會議的擁有不少於 5%份數的業主，須提名及委任一名業主持持會議。加入「召集人」的涵義。</p>	s. 3(1) 第 3(1)條	<p>Clause 3(c) [C387] 第 3(c)條 [C386 頁]</p> <p>Clause 4(a) [C387] 第 4(a)條 [C386 頁]</p> <p>Clause 4(c) [C389] 第 4(c)條</p>	<p>Clause 3 includes a definition for "convenor". Clause 4 amends s. 3 to make further provisions for the appointment of a management committee. In particular, the new s. 3(7) specifies the person who is to preside at the meeting of owners for the appointment of a management committee.</p> <p>草案第 3 條加入「召集人」的涵義。草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中，新訂的第 3(7)條指明由誰人主持爲委出管委會而召開的業主會議。</p>

			[C388 頁]	
5.	<p>To set out the procedures for convening an owners' meeting for the purpose of appointment of management committee in s. 3, 3A, 4 and 40C.</p> <p>在第 3、3A、4 和 40C 條列出為委出管委會而召開的業主會議的程序。</p>	<p>s. 5 第 5 條</p> <p>s. 5A 第 5A 條</p>	<p>Clause 4 (c) [C389-391] 第 4 (c)條 [C388-390 頁]</p> <p>Clause 5 (c) [C393-397] 第 5 (c)條 [C392-396 頁]</p> <p>Clause 6 (b) [C397-401] 第 6(b)條 [C396-400 頁]</p> <p>Clauses 19 (c) and (d) [C409-413] 第 19(c)及</p>	<p>Clause 4 amends s. 3 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3(3), (4), (5) and (6), which is modelled on the parts of s. 5(1), (2), (3) and (4) relating to s3, provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中，新訂的第 3(3)、(4)、(5)及(6)條參照條例第 5(1)、(2)、(3)及(4)條關乎第 3 條的部分，規定就委出管委會而召開的業主會議發出會議通知。</p> <p>Clause 5 amends s. 3A to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3A(3A), (3B), (3C) and (3D), which corresponds to the new s. 3(3), (4), (5) and (6), provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第 5 條修訂條例第 3A 條，進一步就根據第 3A 條委出管委會之事訂定條文，其中，新訂的第 3A(3A)、(3B)、(3C)及(3D)條相應於新訂的第 3(3)、(4)、(5)及(6)條，規定就委出管委會而召開的業主會議發出會議通知。</p>

			<p>(d)條 [C408-412 頁]</p> <p>Clause 7 [C401] 第 7 條 [C400 頁]</p> <p>Clause 8 [C401] 第 8 條 [C400 頁]</p>	<p>Clause 6 amends s. 4 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 4(5), (6), (7) and (8), which corresponds to the new s. 3(3), (4), (5) and (6), provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第 6 條修訂條例第 4 條，進一步就根據第 4 條委出管委會之事訂定條文，其中，新訂的第 4(5)、(6)、(7)及(8)條相應於新訂的第 3(3)、(4)、(5)及(6)條，規定就委出管委會而召開的業主會議發出會議通知。</p> <p>Clause 19 amends s. 40C to make further provisions for the appointment of a management committee under that section. In particular, the new s. 40C(4), (5), (6) and (7), which is modelled on the parts of s. 5(1), (2), (3) and (4) of the Ordinance relating to s. 40C, provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第 19 條修訂條例第 40C 條，進一步就根據第 40C 條委出管委會之事訂定條文，其中，新訂的第 40C(4)、(5)、(6)及(7)條參照條例第 5(1)、(2)、(3)及(4)條關乎第 40C 條的部分，規定就委出管委會而召開的業主會議發出會議通知。</p> <p>Clauses 7 and 8 repeal s. 5 and 5A.</p>
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				草案第 7、8 條廢除條例第 5、5A 條。
6.	<p>To remind owners the importance of making reference to the voting rights of shares which are specified in the DMC.</p> <p>提醒業主參考公契訂明的業權份數投票權的重要性。</p>	<p>s. 5(5)(b) 第 5(5)(b)條</p> <p>Para. 3(5)(a) of Schedule 3 附表 3 第 3(5)(a)段</p>	<p>Clause 4(c) [C391] 第 4(c)條 [C390 頁]</p> <p>Clause 5(c) [C395] 第 5(c)條 [C394 頁]</p> <p>Clause 6(b) [C399] 第 6(b)條 [C398 頁]</p> <p>Clause 24(d) [C431] 第 24(d)條 [C430 頁]</p>	<p>Clause 4 amends s. 3 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3(9), which is modelled on the parts of s. 5(5), provides for the casting of votes.</p> <p>草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中，新訂的第 3(9)條參照條例第 5(5)條，就投票事宜訂定條文。</p> <p>Clause 5 amends s. 3A to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3A(3G), which corresponds to the new s. 3(9), provides for the casting of votes.</p> <p>草案第 5 條修訂條例第 3A 條，進一步就根據第 3A 條委出管委會之事訂定條文，其中，新訂的第 3A(3G)條相應於新訂的第 3(9)條，就投票事宜訂定條文。</p> <p>Clause 6 amends s. 4 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 4(11), which corresponds to the new s. 3(9), provides for the casting of votes.</p>

				草案第 6 條修訂條例第 4 條，進一步就根據第 4 條委出管委會之事訂定條文，其中，新訂的第 4 (11) 條相應於新訂的條例第 3(9)條，就投票事宜訂定條文。
7.	<p>To specify that the notice of meeting should be displayed in a prominent place in the building and published in a newspaper specified by the Authority at least 14 days before the date of the meeting.</p> <p>訂明召集人須在業主會議日期至少 14 天前，在建築物的顯眼處展示會議通知，並在一份選自主管當局指明的報章名單的報章上，刊登該通知。</p>	s. 5(3) 第 5(3)條	<p>Clause 4(c) [C389] 第 4(c)條 [C388 頁]</p> <p>Clause 5(c) [C393] 第 5(c)條 [C392 頁]</p> <p>Clause 6(b) [C399] 第 6(b)條 [C398 頁]</p> <p>Clause 7 [C401] 第 7 條 [C400 頁]</p>	<p>Clause 4 amends s. 3 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3(3), (4), (5) and (6), which is modelled on the parts of s. 5(1), (2), (3) and (4) relating to s. 3, provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中，新訂的第 3(3)、(4)、(5)及(6)條參照條例第 5(1)、(2)、(3)及(4)條關乎第 3 條的部分，規定就委出管委會而召開的業主會議發出會議通知。</p> <p>Clause 5 amends s. 3A to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3A(3A), (3B), (3C) and (3D), which corresponds to the new s. 3(3), (4), (5) and (6), provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第 5 條修訂條例第 3A 條，進一步就根據第 3A 條委出管委會之事訂定條文，其中，新訂的第</p>

			<p>Clause 8 [C401] 第 8 條 [C400 頁]</p> <p>Clause 19(d) [C411] 第 19(d)條 [C410 頁]</p>	<p>3A(3A)、(3B)、(3C)及(3D)條相應於新訂的第 3(3)、(4)、(5)及(6)條，規定就委出管委會而召開的業主會議發出會議通知。</p> <p>Clause 6 amends s. 4 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 4(5), (6), (7) and (8), which corresponds to the new s. 3(3), (4), (5) and (6), provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第 6 條修訂條例第 4 條，進一步就根據第 4 條委出管委會之事訂定條文，其中，新訂的第 4(5)、(6)、(7)及(8)條相應於新訂的第 3(3)、(4)、(5)及(6)條，規定就委出管委會而召開的業主會議發出會議通知。</p> <p>Clause 19 amends s. 40C to make further provisions for the appointment of a management committee under that section. In particular, the new s. 40C(4), (5), (6) and (7), which is modelled on the parts of s. 5(1), (2), (3) and (4) of the Ordinance relating to s. 40C, provides for the giving of notice of the meeting of owners for the appointment of a management committee.</p> <p>草案第19條修訂條例第40C條，進一步就根據第40C條委出管委會之事訂定條文，其中，新訂的第 40C(4)、(5)、(6)及(7)條參照條例第5(1)、(2)、(3)及</p>
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				(4)條關乎第40C條的部分，規定就委出管委會而召開的業主會議發出會議通知。
8.	<p>To apply the mechanism of passing a resolution by a majority of undivided shares at the annual general meeting to the appointment or re-appointment of members of the subsequent management committees.</p> <p>在周年業主會議上，業主須以不可分割業權份數投票並以多數票通過決議，委任或再委任管委會委員。</p>	<p>s. 3(2) 第 3(2)條</p> <p>Para 2 of Schedule 2 附表 2 第 2 段</p> <p>Para 5 of Schedule 2 附表 2 第 5 段</p>	<p>Clause 4(b) [C387] 第 4(b)條 [C388 頁]</p> <p>Clause 4(c) [C391] 第 4(c)條 [C390 頁]</p> <p>Clause 5(c) [C395] 第 5(c)條 [C394 頁]</p> <p>Clause 6(b) [C399] 第 6(b)條 [C398 頁]</p> <p>Clause 19(a) [C409]</p>	<p>Clause 4 amends s. 3 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3(2) clarifies that a resolution for the appointment of a management committee must be passed by a majority of the votes of the owners and supported by the owners of not less than 30% of the shares in aggregate.</p> <p>草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中，新訂的第 3(2)條澄清委出管委會的決議必須由業主以多數票通過，並必須獲總共擁有份數不少於 30%的業主支持。</p> <p>Clause 23 amends Schedule 2 on the composition and procedure of a management committee. In particular, clause 23(d) amends paragraph 2(1) of the Schedule to require that the resolution for the appointment of the members of the first management committee must be passed by a majority of the votes of the owners.</p> <p>草案第 23 條修訂附表 2(管委會組織及工作程序)，其中，草案第 23(d)條修訂第 2(1)段，規定委任第一屆管委會委員的決議必須由業主以多數票通過。</p>

			<p>第 19(a)條 [C408 頁]</p> <p>Clause 23(d) [C417] 第 23(d)條 [C416 頁]</p> <p>Clause 23(g) [C423] 第 23(g)條 [C422 頁]</p>	
9.	<p>To impose a quorum requirement of 10% of owners throughout the meetings convened for the purpose of appointment of a management committee.</p> <p>訂明所有為委出管委會而召開的會議，其法定人數須為全部業主的 10%。</p>	—	<p>Clause 4(c) [C389] 第 4(c)條 [C388 頁]</p> <p>Clause 5(c) [C393] 第 5(c)條 [C392 頁]</p> <p>Clause 6(b)</p>	<p>Clause 4 amends s. 3 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3(8) provides for the quorum of the meeting.</p> <p>草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中新訂的第 3(8)條就會議法定人數訂定條文。</p> <p>Clause 5 amends s. 3A to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3A(3F) provides for the quorum of the meeting.</p>

			<p>[C399] 第 6(b)條 [C398 頁]</p> <p>Clause 19(d) [C411] 第 19(d)條 [C410 頁]</p>	<p>草案第 5 條修訂條例第 3A 條，進一步就根據第 3A 條委出管委會之事訂定條文，其中新訂的第 3A(3F)，就會議法定人數訂定條文。</p> <p>Clause 6 amends s. 4 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 4(10) provides for the quorum of the meeting.</p> <p>草案第 6 條修訂條例第 4 條，進一步就根據第 4 條委出管委會之事訂定條文，其中，新訂的第 4(10)條就會議法定人數訂定條文。</p> <p>Clause 19 amends s. 40C of the Ordinance to make further provisions for the appointment of a management committee under that section. In particular, the new s. 40C(9) provides for the quorum of the meeting.</p> <p>草案第 19 條修訂條例第 40C 條，進一步就根據第 40C 條委出管委會之事訂定條文，其中，新訂的第 40C(9)就會議法定人數訂定條文。</p>
10.	To allow owners to decide, at meetings convened for the appointment of a management committee or subsequent annual general meetings, whether a vice-chairman should be appointed, regardless of whether the office of vice-chairman is specified in the DMC.	<p>Para. 2(1)(c) of Schedule 2</p> <p>附表 2 第 2(1)(c)段</p>	<p>Clause 23(d)(i) [C419] 第 23(d)(i)條 [C418 頁]</p>	<p>Clause 23 amends Schedule 2 on the composition and procedure of a management committee. In particular, clause 23(d) amends paragraph 2(1) of the Schedule to enable the owners to appoint a vice-chairman of the committee.</p>

	<p>規定無論公契有否訂明副主席職位，業主均可在為委出管委會而召開的會議上，或其後的周年大會上，決定應否委任一名副主席。</p>	<p>Para. 5(2)(6a) of Schedule 2</p> <p>附表 2 第 5(2)(6a)段</p>	<p>Clause 23(g)(ii) [C425]</p> <p>第 23(g)(ii)條 [C424 頁]</p>	<p>草案第 23 條修訂附表 2(管委會組織及工作程序)，其中，草案第 23(d)條修訂第 2(1)段，賦權業主委任管委會副主席。</p>
11.	<p>To specify in Schedule 2 that the secretary and treasurer who are not persons appointed as members of the management committee will not, by virtue of their appointment, become members of the committee. To specify that the secretaries and treasurers, whether they are members of the management committee or not, should retire together with other members of the management committee at the alternate annual general meetings.</p> <p>在附表 2 訂明，秘書和司庫如不是獲委任的管委會委員，並不會因擔任這兩個職位而成為管委會委員。此外，訂明秘書和司庫，無論屬管委會委員與否，均須在每隔一次的周年大會上與其他管委會委員一起退職。</p>	<p>Para. 5(1) of Schedule 2</p> <p>附表 2 第 5(1)段</p>	<p>Clause 23(d)(ii) [C419]</p> <p>第 23(d)(ii)條 [C418 頁]</p> <p>Clause 23(g) [C423-425]</p> <p>第 23(g)條 [C422-424 頁]</p>	<p>Clause 23 amends Schedule 2 on the composition and procedure of a management committee. In particular, clause 23(d) introduces the new paragraph 2(3) to provide that a person who is not a member of a management committee does not become such a member by virtue of his appointment as a secretary or treasurer of the committee. Clause 23(g) amends paragraph 5(2) to introduce the new paragraph 5(4) to provide that a person who is not a member of a new management committee does not become such a member by virtue of his appointment as a secretary or treasurer of the committee.</p> <p>草案第 23 條修訂附表 2(管委會組織及工作程序)，其中，草案第 23(d)條加入新訂的第 2(3)段，訂明並非管委會委員的人並不憑藉他獲委任為管委會秘書或司庫而成為管委會委員。草案第 23(g)條加入新訂的第 5(4)段，訂明並非新一屆管委會委員的人並不憑藉他獲委任為管委會秘書或司庫而成為</p>

				管委會委員。
12.	<p>To specify that each member of the management committee would be eligible for allowances provided that the payment has been approved by owners at an annual general meeting and the level of allowances is capped by Schedule 4.</p> <p>訂明管委會每名委員均有資格領取津貼，只要支付津貼一事已獲業主在周年大會上批准，而且津貼額不超過附表 4 所規定的最高津貼額便可。</p>	<p>s. 18(2)(aa) 第 18(2)(aa)條</p> <p>s. 18(3) 第 18(3)條</p> <p>s. 18(4) 第 18(4)條</p>	<p>Clause 11 [C403] 第 11 條 [C402 頁]</p> <p>Clause 25 [C435] 第 25 條 [C434 頁]</p>	<p>Clause 11 amends s. 18 to empower an OC to pay an allowance to a member of the management committee, irrespective of whether or not the member is a chairman, vice-chairman, secretary or treasurer.</p> <p>草案第 11 條修訂條例第 18 條，賦權法團支付津貼予管委會委員，不論該委員是否主席、副主席、秘書或司庫。</p>
13.	<p>To add a new section in the BMO to the effect that management committee members of an OC acting in good faith shall not be held personally liable for any act done or default made by or on behalf of the OC.</p> <p>在條例中加入新的條文，訂明法團管委會的委員如真誠地辦事，則他們對法團或代表法團所作出的作為或造成的錯失，無須承擔個人法律責任。</p>	—	<p>Clause 15 [C407] 第 15 條 [C406 頁]</p>	<p>Clause 15 introduces the new s. 29A to provide that a member of a management committee doing anything in good faith in the exercise or performance of the powers or duties of the owners' corporation incurs no personal liability.</p> <p>草案第 15 條加入新訂的條例第 29A 條，訂明在行使或執行法團權力或職責時真誠地行事的管委會委員，不會招致個人法律責任。</p>
14.	<p>To amend the BMO such that a person who has been sentenced to imprisonment, whether suspended or not, for three months or more without the option of a fine will not be disqualified from being a member of a</p>	<p>Para. 4(1)(c) of Schedule 2 附表 2 第 4(1)(c)段</p>	<p>Clause 23(f)(i) [C421] 第 23(f)(i)條</p>	<p>Clause 23 amends Schedule 2 on the composition and procedure of a management committee. In particular, clause 23(f) amends paragraph 4 to make further provisions for the qualification of a member of a management committee.</p>

	management committee after five years. 修訂條例，訂明被判處為期超逾三個月而又不得選擇以罰款代替監禁(不論是否獲得緩刑)的人，在五年後便不會喪失擔任管委會委員的資格。		[C420 頁]	草案第 23 條修訂附表 2(管委會組織及工作程序)，其中，草案第 23(f)條修訂第 4 段，進一步就管委會委員的資格訂定條文。
15.	To amend the BMO such that anyone who has been discharged from bankruptcy and has paid the creditors in full will not be barred from being a member of a management committee. As for those who have either obtained a discharge in bankruptcy or have entered into a voluntary arrangement within the meaning of the Bankruptcy Ordinance (Cap.6) with their creditors (in either case without paying the creditors in full), they will be eligible for management committee membership after five years. 修訂條例，訂明已解除破產，而又已向債權人全數償還債務的人，並不會被禁止擔任管委會的委員。至於那些已獲解除破產或與其債權人訂立《破產條例》(第 6 章)所指的自願安排，但未有向債權人全數償還債務的人，他們在五年後便有資格擔任管委會委員。	Para. 4(1)(a) and 4(1)(b) of Schedule 2 附表 2 第 4(1)(a)及 4(1)(b)段	Clause 23(f)(i) [C421] 第 23(f)(i)條 [C420 頁]	Clause 23 amends Schedule 2 on the composition and procedure of a management committee. In particular, clause 23(f) amends paragraph 4 to make further provisions for the qualification of a member of a management committee. 草案第 23 條修訂附表 2(管委會組織及工作程序)，其中，草案第 23(f)條修訂第 4 段，進一步就管委會委員的資格訂定條文。
16.	To introduce a self-declaration system under the BMO such that each individual member of	—	Clause 23(f)(iii)	Clause 23 amends Schedule 2 on the composition and procedure of a management committee. In

	<p>the management committee has to make a statutory declaration to be lodged with the Land Registry.</p> <p>在條例引入自我申報制度，訂明管委會每名委員，均須作出法定聲明，而聲明表格須送交土地註冊處登記。</p>		<p>[C423] 第 23(f)(iii)條 [C422 頁]</p> <p>Clause 9(c) [C401] 第 9(c)條 [C400 頁]</p>	<p>particular, clause 23(f) amends paragraph 4 to require each member of a management committee to declare that he is eligible for appointment as such and, when any change occurs in any matter stated in his declaration, to lodge with the secretary of the management committee a declaration on the particulars of the change.</p> <p>草案第 23 條修訂附表 2(管委會組織及工作程序)，其中，草案第 23(f)條修訂第 4 段，規定每一名管委會委員聲明他符合資格獲委任為該委員，並規定該委員在該聲明書中所述的任何事宜有所改變時向管理委員會秘書送交一份聲明書，說明該項改變的詳情。</p>
17.	<p>To set out clearly the requirements for appointment of proxy, including the absolute deadline for submission of proxy at 24 hours before the owners' meeting, and the procedures for appointment of proxy if the owner is a body corporate.</p> <p>清楚訂明委任代表的規定，包括須在舉行業主會議 24 小時前遞交委託書的絕對期限，以及法人團體業主委任代表的程序。</p>	<p>s. 5(5) 第 5(5)節</p> <p>s. 5(6) 第 5(6)節</p> <p>Para. 3(5) and (4) of Schedule 3 附表 3 第 3(5) 及 4 段</p>	<p>Clause 4(c) [C391] 第 4(c)條 [C390 頁]</p> <p>Clause 5(c) [C395] 第 5(c)條 [C394 頁]</p> <p>Clause 6(b) [C399]</p>	<p>Clause 4 amends s. 3 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3(10), which is modelled on s. 5(6), provides for the appointment of proxy.</p> <p>草案第 4 條修訂條例第 3 條，進一步就根據第 3 條委出管委會之事訂定條文，其中，新訂的第 3(10)條參照條例第 5(6)條，就委任代表事宜訂定條文。</p> <p>Clause 5 amends s. 3A to make further provisions for the appointment of a management committee under that section. In particular, the new s. 3A(3H), which corresponds to the new s. 3(10), provides for the appointment of proxy.</p>

			<p>第 6(b)條 [C398 頁]</p> <p>Clause 19(d) [C409-413]</p> <p>第 19(d)條 [C408-412 頁]</p> <p>Clause 24(d) and (e) [C433-C433]</p> <p>第 24(d) 及 (e)條 [C430-C432 頁]</p> <p>草案第 5 條修訂條例第 3A 條，進一步就根據第 3A 條委出管委會之事訂定條文，其中，新訂的第 3A(3H)條相應於新訂的第 3(10)條，就委任代表事宜訂定條文。</p> <p>Clause 6 amends s. 4 to make further provisions for the appointment of a management committee under that section. In particular, the new s. 4(12), which corresponds to the new s. 3(10), provides for the appointment of proxy.</p> <p>草案第 6 條修訂條例第 4 條，進一步就根據第 4 條委出管委會之事訂定條文，其中，新訂的第 4(12)條相應於新訂的第 3(10)條，就委任代表事宜訂定條文。</p> <p>Clause 19 amends s. 40C to make further provisions for the appointment of a management committee under that section. In particular, the new s. 40C(11), which is modelled on s. 5(6) provides for the appointment of proxy.</p> <p>草案第 19 條修訂條例第 40C 條，進一步就根據第 40C 條委出管委會之事訂定條文，其中，新訂的第 40C(11)條參照條例第 5(6)條，就委任代表事宜訂定條文。</p> <p>Clause 24 amends Schedule 3 on the meetings and procedure of an OC. In particular, clause 24(e)</p>
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				<p>amends paragraph 4 of the Schedule to make further provisions for the appointment of proxy to attend and vote at a meeting of an OC, including the requirement that the instrument of proxy must be in the specified form.</p> <p>草案第 24 條修訂附表 3(法團會議及其程序)，其中，草案第 24(e)條修訂該附表第 4 段，就委任代表在法團會議上出席和投票訂定進一步條文，包括規定委任代表的文書必須符合指明格式。</p>
18.	<p>To require the secretary to supply copies of the minutes of the management committee and general meetings to the tenants' representatives, owners, etc. on the payment of reasonable copying charge.</p> <p>規定秘書在收取合理的複印費後，須將管委會和業主會議紀錄的副本，提供給租客代表、業主等。</p>	—	<p>Clause 23(i) [C427-429] 第 23(i)條 [C426-428 頁]</p> <p>Clause 24(f) [C433] 第 24(f)條 [C432 頁]</p>	<p>Clause 24 amends Schedule 3 on the meetings and procedure of an OC. In particular, clause 24(f) introduces the new paragraph 6A of the Schedule to require a management committee to keep minutes of general meetings of the OC and, when requested, supply the minutes.</p> <p>草案第 24 條修訂附表 3(法團會議及其程序)，其中，草案第 24(f)條加入新訂的第 6A 段，規定管委會保存法團的會議紀錄，並須應要求提供該等紀錄。</p>
19.	<p>To include a standard format of proxy instrument in the BMO.</p> <p>在條例中加入委託書的標準格式。</p>	—	<p>Clause 22 [C415-417] 第 22 條 [C414-416 頁]</p>	<p>Clause 22 introduces the new Schedule 1A to set out the form of an instrument of proxy for a meeting of owners and the form of an instrument of proxy for a meeting of an OC.</p> <p>草案第 22 條加入新訂的附表 1A，載列就業主會議</p>

			<p>Clause 4(c) [C391] 第 4(c)條 [C390 頁]</p> <p>Clause 5(c) [C395] 第 5(c)條 [C394 頁]</p> <p>Clause 6(b) [C399] 第 6(b)條 [C398 頁]</p> <p>Clause 19(d) [C411] 第 19(d)條 [C410 頁]</p> <p>Clause 24(e) [C433] 第 24(e)條</p>	委任代表的文書表格及就法團會議委任代表的文書表格。
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			[C432 頁] Clause 29(j) [C445] 第 29(j)條 [C444 頁]	
20.	<p>To specify that the termination mechanism under the BMO shall only be applicable to the termination of the appointment of the DMC manager. To include a definition of “DMC manager”.</p> <p>訂明條例所訂的終止機制，只適用於終止委任根據公契委任的經理人。加入「公契經理人」的釋義。</p>	<p>Para. 7 of Schedule 7 附表 7 第 7 段</p> <p>s. 34D 第 34D 條</p>	<p>Clause 16 [C407] 第 16(b)條 [C406 頁]</p> <p>Clause 17(b) [C407] 第 17(b)條 [C406 頁]</p> <p>Clause 28(g) [C439-441] 第 28(g)條 [C438-440 頁]</p>	<p>Clause 16 amends s. 34D to define the meaning of the term "DMC manager" used in the amended s. 34D and 34J of and Schedule 7 to the BMO.</p> <p>草案第 16 條修訂條例第 34D 條，界定在經修訂的該條例第 34D 及 34J 條及附表 7 中使用的“公契經理人”一詞的涵義。</p> <p>Clause 28 amends Schedule 7 on the mandatory terms impliedly incorporated into a DMC. In particular, clause 28(g) amends paragraph 7 of the Schedule to make the paragraph applicable only in relation to the termination of the appointment of a manager who is specified in a DMC of a building to manage the building.</p> <p>草案第 28 條修訂附表 7(隱含地納入公契的強制性條款)。其中，草案第 28(g)條修訂第 7 段，使該段只適用於終止在建築物公契中指明管理該建築物的經理人的委任。</p>

21.	<p>To delete the outdated provisions regarding termination of the appointment of manager, including the provision that the mechanism could not be used if within the previous three years, the appointment of a previous manager was terminated under the BMO.</p> <p>刪除有關終止經理人委任的過時條文，包括如在前三年內有前任經理人的委任根據條例被終止的情況下，不能再根據條例終止新的經理人的條文。</p>	<p>Para. 7(5) of Schedule 7 附表 7 第 5 段</p>	<p>Clause 28(g)(vi) [C441] 第 28(g)(vi)條 [C440 頁]</p>	<p>Clause 28(g)(vi) repeals the outdated provisions in Schedule 7.</p> <p>草案第 28(g)(vi)條刪除附表 7 的過時條文。</p>
22.	<p>To specify that any procurement of goods or services with a value exceeding \$200,000 or 20% of the annual budget of an OC (whichever is the lesser) shall be done through tendering, and that any tender of a value exceeding 20% of the annual budget of an OC shall be accepted or rejected upon the passage of a resolution of the owners at a general meeting.</p> <p>訂明如所採購項目的價值超過 200,000 元，或超過法團每年預算的 20% (兩者以較小者為準)，須以招標方式取得；以及訂明如招標的價值超過法團每年預算的 20%，則須由法團藉業主大會通過的決議，決定是否接納或拒絕。</p>	<p>s. 20A(2) 第 20A(2)條</p>	<p>Clause 13(a) [C403] 第 13(a)條 [C402 頁]</p> <p>Clause 13(b) [C405] 第 13(b)條 [C404 頁]</p>	<p>Clause 13 amends s. 20A to require that any procurement of supplies, goods or services of a value exceeding \$200,000 by an OC must be done through tendering, and that any tender of a value exceeding 20% of the annual budget of an OC must be accepted or rejected by a resolution of the owners.</p> <p>草案第 13 條修訂條例第 20A 條，規定法團如需取得價值超過\$200,000 的供應品、貨品或服務，必須透過招標方式進行，而任何價值超過法團每年預算的 20%的投標，必須由業主藉決議採納或拒絕。</p>

23.	<p>To specify that managers also need to comply with the same procurement requirements and go through the tendering procedures and passage of resolution at an owners' meeting if the procurement meets the stipulated thresholds.</p> <p>訂明除法團外，經理人也須遵守相同的採購規定，如採購的價值達到訂明的限額，便須通過招標程序進行及須經由業主大會決議通過。</p>	<p>Para. 5 of Schedule 7 附表 7 第 5 段</p>	<p>Clause 28(e) [C439] 第 28(e)條 [C438 頁]</p>	<p>Clause 28 amends Schedule 7 on the mandatory terms impliedly incorporated into a DMC. In particular, clause 28(e) amends paragraph 5 of the Schedule to further require that the manager of a building must not enter into certain contracts unless the contracts comply with the amended s. 20A of the Ordinance.</p> <p>草案第 28 條修訂附表 7(隱含地納入公契的強制性條款)。草案第 28(e)條修訂第 5 段，進一步規定建築物經理人不得訂立某些合約，除非該等合約符合經修訂的該條例第 20A 條。</p>
24.	<p>To allow OCs to formulate, at their own discretion, their own list of urgent matters that need not go through the required procurement procedures under the BMO. The list has to be passed by a resolution of a majority of votes of owners cast in respect of undivided shares at a general meeting.</p> <p>容許法團可酌情訂定一份緊急事故清單，所列事故無須按條例規定的程序處理。該份清單必須於業主大會上獲得業主以不可分割業權份數投票並以多數票通過。</p>	<p>—</p>	<p>Clause 13(a) [C405] 第 13(a)條 [C404 頁]</p>	<p>Clause 13(a) amends s.20A to allow OCs to formulate, at their own discretion, their own list of urgent matters that need not go through the required procurement procedures under the BMO.</p> <p>草案第 13 條修訂條例第 20A 條，容許法團可酌情訂定一份緊急事故清單，所列事故無須按條例規定的程序處理。</p>
25.	<p>To stipulate that the manager shall open and maintain one or more segregated trust/client accounts for holding money received in respect of the management of the building</p>	<p>Para. 3 (1) and 4(3) of Schedule 7</p>	<p>Clause 28(c) [C437] 第 28(c)條</p>	<p>Clause 28 amends Schedule 7 on the mandatory terms impliedly incorporated into a DMC. In particular, clause 28(c)(iii) introduces the new paragraph 3(1A) of the Schedule to require the</p>

	<p>with the OC as the client. The manager is required to display in a prominent place in the building a copy of the document showing evidence of such segregated accounts.</p> <p>訂明經理人須就管理大廈所收取的款項開立一個或多個以法團為戶名的獨立信託／客戶戶口。經理人必須在大廈的顯眼處展示有關文件的副本，證明已開立有關的獨立銀行戶口。</p>	<p>附表 7 第 3(1)段和第 4(3)段</p>	<p>[C436 頁]</p> <p>Clause 28(d)</p> <p>[C437]</p> <p>第 28(d)條</p> <p>[C436 頁]</p>	<p>manager of a building to open and maintain one or more segregated accounts for holding money received in respect of the management of the building. Clause 28(d)(ii) introduces the new paragraph 4(3A) of the Schedule to require the manager of a building to open and maintain one or more segregated accounts for holding money received in respect of a special fund.</p> <p>草案第 28 條修訂附表 7(隱含地納入公契的強制性條款)。其中，草案第 28(c)(iii)條加入新訂的第 3(1A)段，規定建築物經理人開立和維持一個或多於一個獨立戶口，以持有就建築物管理而收到的款項。草案第 28(d)(ii)條加入新訂的第 4(3A)段，規定建築物經理人開立和維持一個或多於一個獨立戶口，以持有就特別基金而收到的款項。</p>
26.	<p>To provide that the management committee shall be responsible for preparing a set of financial statements to give a true and fair view of the state of affairs of the OC and the accountant [i.e. a certified public accountant (practicing) within the meaning of the Professional Accountants Ordinance (Cap.50)] shall in his/her audit report give opinion on whether such financial statements are properly drawn up so as to give a true and fair view of the state of affairs of the OC.</p> <p>訂明管委會須負責擬備一套財務報表，以真</p>	<p>s. 27(1) and (1A)</p> <p>第 27(1)及(1A)條</p>	<p>Clause 14</p> <p>[C405]</p> <p>第 14 條</p> <p>[C404 頁]</p>	<p>Clause 14 amends s. 27 to require a management committee to prepare financial statements which give a true and fair view of the state of affairs of the OC and require an accountant who audits the financial statements to report as to whether the financial statements are, in his opinion, properly prepared.</p> <p>草案第 14 條修訂條例第 27 條，規定管委會擬備真實而中肯地反映法團的事務狀況的財務報表，並規定審計財務報表的會計師作出報告，說明他認為財務報表是否妥為擬備。</p>

	實而中肯地反映法團的財政狀況，而會計師(即專業會計師條例(第 50 章)所指的執業會計師)須在其報告中清楚表明這些財務報表是否妥為製備，能真實而中肯地反映法團的情況。			
27.	To stipulate that an OC shall supply copies of its financial statements, as well as the accountant's audit report, to the owners upon request and payment of a reasonable copying charge. 訂明法團須在業主提出要求和支付合理的副本費後，向業主提供其財務報表和會計師的審核報告的副本。	Schedule 6 附表 6	Clause 27 (c) [C435] 第 27(c)條 [C434 頁]	Clause 27(c) amends Schedule 6 to stipulate that an OC shall supply copies of its financial statements, as well as the accountant's audit report, to the owners upon request and payment of a reasonable copying charge. 草案第 27 條修訂附表 6，訂明法團須在業主提出要求和支付合理的副本費後，向業主提供其財務報表和會計師的審核報告的副本。
28.	To specify that the manager shall, within one month after each consecutive period of three months, prepare a summary of income and expenditure and a balance sheet in respect of that period and shall display a copy of it in a prominent place in the building. 訂明經理人須在每一段連續三個月的期間後的一個月內，就該期間擬備法團的收支概算表和資產負債表，並將副本展示於大廈的顯眼處。	Para. 2(2) of Schedule 7 附表 7 第 2(2) 段	Clause 28(b) [C435] 第 28(b)條 [C434 頁]	Clause 28(b) amends Schedule 7 to specify that the manager shall, within one month after each consecutive period of three months, prepare a summary of income and expenditure and a balance sheet in respect of that period and shall display a copy of it in a prominent place in the building. 草案第 28 條修訂附表 7，訂明經理人須在每一段連續三個月的期間後的一個月內，就該期間擬備法團的收支概算表和資產負債表，並將副本展示於大廈的顯眼處。
29.	To add a new subsection to expressly authorise the OC to take out insurance as	s. 12 of	Clause 33(b)	Clause 33(b) introduces the new s. 28(1A) to empower an OC to enter into a policy of insurance

	<p>agent for and on behalf of the owners of the building from time to time.</p> <p>增訂一項新條款，明確授權法團可不時以建築物業主代理人的身分，代表建築物的業主投購保險。</p>	<p>Building Management (Amendment) Ordinance 2000 《2000年建築物管理（修訂）條例》第12條</p>	<p>[C449] 第33(b)條 [C448 頁]</p>	<p>as agent for the owners.</p> <p>草案第33(b)條加入新訂的條例第28(1A)條，賦權法團以業主代理人身分訂立保險單。</p>
30.	<p>To delete the term “occupiers” from s. 28 of the BMO because “occupiers”, unlike owners, do not have an “insurable” interest in the common parts or the property of the OC.</p> <p>從條例第28條中刪除“佔用人”一詞，因為“佔用人”有別於業主，對建築物的公用部分或法團的物業沒有“可保”權益。</p>	<p>s. 12 of Building Management (Amendment) Ordinance 2000 《2000年建築物管理（修訂）條例》第12條</p>	<p>Clause 33(a)(i) [C447-449] 第33(a)(i)條 [C446-448 頁]</p> <p>Clause 33(c) [C449] 第33(c)條 [C448 頁]</p>	<p>Clause 33(a) and (c) refines the new s. 28(1) and (3) by repealing certain expressions which have caused ambiguity in the interpretation of the provisions.</p> <p>草案第33(a)及(c)條改善新訂的條例第28(1)及(3)條，廢除某些對條文的理解引起混淆的詞句。</p>
31.	<p>To delete the term “all parts thereof” from s. 28 of the BMO because the inclusion of such words in effect means that apart from the</p>	<p>s. 12 of Building</p>	<p>Clause 33(a)(ii)</p>	<p>Clause 33(a) refines the new s. 28(1) and (3) by repealing certain expressions which have caused ambiguity in the interpretation of the provisions.</p>

	<p>common parts, all of the individual units in a building would require to be insured against third party risks by the OC.</p> <p>從條例第 28 條中刪除“其各部分”這四個字，因為這些字眼實際上表示除公用部分外，法團還須為建築物所有個別單位投購第三者風險保險。</p>	<p>Management (Amendment) Ordinance 2000 《2000 年建築物管理（修訂）條例》第 12 條</p>	<p>[C449] 第 33(a)(ii)條 [C448 頁]</p>	<p>草案第 33(a)條改善新訂的條例第 28(1)及(3)條，廢除某些對條文的理解引起混淆的詞句。</p>
32.	<p>To empower the Chief Executive in Council to make regulations concerning avoidance of agreements as to the liability of OCs or owners towards third parties.</p> <p>授權行政長官會同行政會議訂立規例，以廢止有關法團和業主對第三者承擔法律責任的協議。</p>	<p>s. 41(ca) 第 41(ca)條</p>	<p>Clause 20(b) [C413] 第 20(b)條 [C412 頁]</p>	<p>Clause 20 amends s. 41 to empower the Chief Executive in Council to make regulations for the avoidance of arrangements, agreements or understandings as to the liability of OC, or owners of buildings, towards third parties.</p> <p>草案第 20 條修訂條例第 41 條，賦權行政長官會同行政會議就廢止關於法團或建築物業主對第三者的法律責任的安排、協議或共識訂立規例。</p>
33.	<p>To require the OCs to give notice to the Land Registrar the name of the insurance company from which an OC has effected a third party risks insurance policy and the period of the policy.</p> <p>要求法團通知土地註冊處處長有關與其訂立第三者風險保險保單的保險公司名稱和保單涵蓋的期間。</p>	<p>—</p>	<p>Clause 10 [C403] 第 10 條 [C402 頁]</p> <p>Clause 33(f) [C449] 第 33(f)條</p>	<p>Clause 10 amends s. 12 to require the Land Registrar to enter into the register of the OC the name and address of the insurance company with which an OC has effected a policy of insurance under the amended s. 28 and the period covered by the policy of insurance. Clause 33(f) introduces the new s.28(6A) to require the secretary of a management committee to give notice to the Land Registrar of the name and address of the insurance company with which the OC has effected a policy</p>

			[C448 頁]	<p>of insurance and the period covered by the policy of insurance.</p> <p>草案第 10 條修訂條例第 12 條，規定土地註冊處處長在法團的登記冊內，列入法團根據經修訂的該條例第 28 條與之訂立保險單的保險公司的名稱及地址，以及該保險單涵蓋的期間。草案第 33(f)條加入新訂的條例第 28(6A)條，規定管委會秘書將法團已與之訂立保險單的保險公司的名稱及地址以及該保險單涵蓋的期間，通知土地註冊處處長。</p>
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Home Affairs Department

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