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民政事務局局長:

《建築物管理條例》之"單位"登記册

《建寨物管理條例》(法例第344章)第38條規定業主文案法園 須備存登記册,將每個單位的存願資料分別列明,供業主或其他有關 人士查閱。另外,法圍須參照條例的附表11,計算業主的人數。

現請 局長(《建築物管理條例》的主管當局)新分契單位解答 以下疑問(以協助法園運作):——

- 1. 若大慶公契提述的單位下(試被分割出售,成為分契單位下和下), 登記冊應列載下和F2(2個單位),還是F(1個單位)?
- 2. 法團舉行業主大會時,分契售出的單位F和F、應視作為2名業主,還是1名業主(祇考屬公契所提述的單位F)?
- (註) 條例第2條訂明,"單位"(flat)指公契所提述建築物內的任何處价···

梁志強

2006年9月23日

副太选,

/ 主法會-R政事務委員會 張宇人議員 其他人士(新後送出)

38. 秘書集在胜位和

(1) 管理委員會秘養領備存受配務,將有關整築物的延續節位分別列明,並默每 **化單位每上以下許濟**

(0) 荣主的名称和地址;及

- (b) 已登記象在人(如有的版)的名稱和她址。 (2) 款集(1)款而言,除非禁止或已是記录技人以存而將其他地址据知管理委員

- (a) 车主线社须為某主所擁有單位的地址(而 (b) 已至配采货人地址须及已复和按据契約上所载的地址。
- (3) 任何人或為某一單位的繁定或已學記录按人,茲隨即通知管理委員會秘密。 可必要須進此而修訂登記冊。
- (4) 疫遊系(1)政備存的登配價。須供主管當局、瘦疫權人員、程志代表、衆主 和己發配果使人或任何由實主或已受犯承接人數此以套面要為價值的人鉴例。 (由 1993 年第27 號第31 统代祭)

38. Secretary to maintain register

(1) The secretary of a management committee shall maintain a register, (1) The secretary of a management committee shall maintain a register, in which each flat in the building concerned shall be separately identified, and shall enter therein the following particulars with reference to each flat—

(a) the name and address of the owner; and

(b) the name and address of the registered mortgages (if any).

(2) For the purposes of subsection (1)

- (a) the address of an owner shall be the address of the flat which he owns: and

owns; and

(b) the address of a registered mortgagee shall be his address appearing in the registered mortgage, unless the owner or registered mortgage notifies the secretary of the management committee in writing of some other address.

(3) Every person who becomes an owner or a registered mortgagee of a flat shall forthwith give notice thoseof to the secretary of the management committee, who shall amend the register accordingly.

(4) The register maintained under subsection (1) shall be open to inspection by the Authority, an authorized officer, the tenants' representative, an owner or a registered mortgagee or any person duly authorized in writing an owner or a registered mortgagee or any person duly authorized in writing in that behalf by an owner or registered mortgagee. (Replaced 27 of 1993

"單位"(flat)指公契所提述建築物內的任何處所,不論公契以單位或其他名稱描述, 也不論該處所乃用作居所、店鋪、廠房、辦公室或任何其他用途,而該處所的業 主,相對於同一座建築物其他各個部分的業主或佔用人而言,乃有權享有該處所 的獨有管有權者;

"flat" (單位) means any premises in a building which are referred to in a deed of mutual covenant whether described therein as a flat or by any other name and whether used as a dwelling, shop, factory, office or for any other purpose, of which the owner, as between himself and owners or occupiers of other parts of the same building, is entitled to the exclusive possession:

附錄 VII 《建築物管理條例》附表 11

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業主的百分率的計算

就第5B條而言——

- (a) 現指明第 40C(3)條及附表 3 第 1(2)及 5 段以及附表 8 第 11 段:
- (b) (a)段所指明的條文中所提及有關業主的百分率的計算, 須根據以下方式作出 ——

業權的形式	舉例説明	須計算為
1. 1個單位由多人共有的業權	3名共有人擁有1個單位	1名業主
2. 1名業主擁有多於1個單位	1名業主擁有35個單位	1名業主
3. 1名代表或多於1名代表獲 多於1名業主委任	(a) 1名代表獲 100 名業 主委任 (b) 35 名代表獲總共 100 名業主委任 ⁵	投票權相等於獲業主有效委任為代表的數目。 在舉例説明的個案中· 則為 100 名集主。

任何2人,可组成3名(22-1)不同業主。 任何10人,可组成1023名(210-1)不同業主。

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40C. 实数是命令委任选集物管理代理人

- (1) 凡害殺虐應主管官是執出的申請而是得任何建築物有下述情況-
 - (a) 恒雪有程從第4條要出的命令,仍來有管理委員會報達第3 · SA 22 4 保護定任,而且亦相當不可能會有有惡委員會福建被等條文發委任;

(6) 貧速無物在當其時是沒有人警戒的;及

(c) 主管書房捐款該建築物的佔用人或業主因(r)及(b) 经提及的情况而定款 或可能與於危險境稅。

则奔我成而命令名列统命令的第主必须在命令所按码的合理期限内召除禁止會議,直 昭第 (2) 教所基理的事宜以管理故意案物。

La Disseption a

40C. Appointment of building management agent by order of tribunal

(1) Where upon the application of the Authority it appears to the tribunal in the case of any building that-

(a) a management committee has not been and is not likely to be appointed under section 3, 3A or 4, notwithstanding an order of the tribunal made under section 4:

the tribunal made under section 4:

(b) no person is, for the time being, managing that building; and

(c) the Authority is satisfied that by reason of the discumstances the uncertioned in paragraphs (a) and (b), there is a danger or risk of danger to the occupiers or owners of the building, the tribunal may order that, within such reasonable period as shall be specified in the order, a meeting of owners must be convened by such owner as shall be named in the order to deal with the matters referred to in subsection (2) for the supposes of managing that building.

(2) 第(1) 数所提拢的事宜起序型-

(a) 考慮疑想快減受任實與委員會皆效放建集制,如認為經常的話·則强過 **粒决策**

(b) 如複有透透核決議。則考慮遙認與調委任應筆的管理代理人實理該產集 物,如謂為建實的話,則通過較決構。

(3) 即使公契(如有的話) 有任何相反的叛定-

- (a) 如在為第(2)(a) 款的目的召開的有建到不少改變主人數 10%(**含滿法定 人數")的审主出席的求法會議上,觀自出席或漢聚代表出席拉深的课立 以多數票這通常成英任官班委員會的決議,別該款所名的決議委任官項 委員會一事,須當作己完成 | 而就該會無而官。在施定是否建到會議決 定人養時,獲集主受深就被失戰投票的代表,須提作出需會議的業主計
- (4) 如有下述情况,则第(2)(4)数所俗的快源安任建築物管理代理人一事。 须常作已完成
 - (i) 在《主音撰上》(d) 是所措施的方式通過費减烫任建築物管理代理 人的快減:就
 - (i) 在沒有第()的附提及的缺氧基则的情况下。由名列於根据等(1) 次 作出的命令的城主互往委任建集物管理代理人。
- (4) 根據本錄學行的會獎演接照第 (3)(a) 數初期,而該等會讓的任何通知可由名 列於根據第(1)軟作出的命令的戰主抵抗。

(由 2000 平前 69 號第 19 紫埔浦)

(2) The matters referred to in subsection (1) are, consecutively—
(a) to consider and, if thought fit, to pass a resolution which

appoints a measgement committee,
(b) where that resolution is not passed, to consider and, if thought fit, to pass a resolution which appoints a building management agent.

for the purposes of managing that building.

(3) Notwithstanding anything to the contrary in the deed of mutual

covenant, if any, the appointment of—

(a) a management committee under subsection (2)(a) shall be decrined to be offeoted if at the meeting of owners convened under that subsection a resolution in favour of that appointment is passed by a majority vote of the owners voting either personally or by proxy at a meeting with a quorum of not less than 10% of the owners; and for the purposes of that meeting, any proxy appointed by an owner for the purposes of voting on that resolution shall be treated as being an owner present at the meeting for the outposes of expellibility that the meeting for the outposes of expellibility that the contract of expelliption is the contract of the contr

(b) a principle management agent nader subsection (5)(b) shall be meeting for the purposes of establishing that duorum; deemed to be effected if-

(i) a resolution in favour of that appointment is passed at a meeting of the owners in the manner described in paragraph (a); or

(ii) where a resolution of the description mentioned in subparagraph (i) is not passed, by appointment, directly, by the owner named in the order made under subsection (1).

(4) A meeting to be held under this section shall be convened in accordance with subsection (3)(a) and notice of any such meeting may be served by the owner named in the order made under subsection (1).

(Added 69 of 2000 s. 19)

《建築物管理條例》(附表3

法團會繼及其程序

- 1. (1) 管理委員會須 -
 - (a) 在法團註冊成立之日运計 15 個月內召開法團的第一次業主周年大會:
 - (b) 在第一次或前一次美三周年大會後不早於12個月,但不遲於15個月,召開一次業主周 年大會:
 - (c) 就管理委員會認為恰当的事宜隨時召開法團的業主大會。
- ,在不少於<u>5%的業主要求下,管理委員會主席須在收到要求後14天內</u>,就業主所指明的事宜召開 法图的集主大會。
- (1) 法图會議的法定人數 ——3
 - (a) 如含諾有決議建議根據第 30 條解散管理委員會·須為全部業主的 20% 的人數:或
 - (b) 如屬其他情況·須為全部業主的 10% 的人数。
 - (2) 在確定是否達到會議法定人數時,按照第4段獲委任代業主在法團會議中投票的代表·須視作出 席會議的業主計算。