

立法會
Legislative Council

LC Paper No. CB(2)1034/04-05

(These minutes have been
cleared with the Convenor)

Ref : CB2/DC/KC/04

**Extract from the Minutes of Meeting between Legislative Council Members
and Kowloon City District Council Members
on Thursday, 3 February 2005, at 10:45 am
in the Chamber of the Legislative Council Building**

Members present : Hon Dr LUI Ming-wah, JP (Convenor)
Hon James TO Kun-sun
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, SBS, JP
Hon Tommy CHEUNG Yu-yan, JP

By Invitation : **Kowloon City District Council**

Ir WONG Kwok-keung (Chairman)
Mr CHAN Ka-wai (Vice Chairman)
Ms MOK Ka-han
Mr WEN Choy-bon
Ms LI Lin
Mr AU Ka-shing
Ms TSOI Lai-ling
Mr CHAN King-wong
Mr LEE Kin-kan
Mr LIU Sing-lee
Ms SIU Yuen-sheung, BBS, JP
Ms FUNG King-man
Mr IP Che-kin, MH
Mr LAU Ting-pong
Mr CHIANG Sai-cheong, MH
Mr CHAN Wing-lim
Mr HO Chi-kai
Mr LEUNG Ying-piu, MH
Ms CHAN Lai-kwan
Mr AU Kam Wing, Alba (Clerk to Kowloon City District Council)

Action

Staff in Attendance : Miss Flora TAI
Chief Council Secretary (2)2

Mr Stanley MA
Senior Council Secretary (2)6

Action

X X X X X X

Amendments to the Building Management Ordinance (BMO)

36. Ms FUNG King-man advised that many buildings in Hung Hom had more than one deed of mutual covenant (DMC). As such, the owners of these buildings could not form a corporation to take up the management of the buildings collectively, such as taking out third party risks insurance, to protect the owners' interests. She suggested that in scrutinizing the proposed amendments to the BMO introduced by the Administration, Members might consider proposing relevant amendments to address the above issue. Ms FUNG suggested that the Administration should amend DMCs as appropriate by means of legislation to facilitate the formation of owners' corporations (OCs) in such buildings to take up the management work collectively. Ms FUNG stressed that the main purpose of her suggestion was to improve the management of the buildings with more than one DMC, rather than changing the contents of DMCs.

37. Ms FUNG further pointed out that a number of single buildings in Wuhu Street, Hung Hom with two staircases and two flats on each floor had to share certain common facilities (e.g. staircases). However, the buildings had their own DMCs and OCs, thus giving rise to problems in coordinating the management of the common area and facilities concerned. Ms FUNG cited the example of an owner of a ground-floor shop who took advantage of the absence of an OC to erect a large advertising signboard on the external wall of the building. She requested LegCo to follow up the matters relating to accident insurance and compensation.

38. Mr LEE Kin-kan said that he had also come across similar problems in coordinating the management of such buildings. He opined that the problems could not be solved at DC level due to their complexity. He hoped that LegCo Members could follow up these building management problems.

39. Mr IP Chi-kin also elaborated on similar management problems relating to the common area of such buildings. He pointed out that in some old buildings, the attitudes adopted by different OCs towards building management and maintenance varied considerably. It appeared that the Administration did not have the authority to regulate the OCs concerned or take any follow-up actions.

40. Mr Jasper TSANG pointed out that when scrutinizing a Building Management (Amendment) Bill, LegCo Members could only propose amendments to the contents of the Bill. He further pointed out that as DMC

Action

was a private agreement among its owners, it was binding on all the owners concerned as well as their successors in respect of their rights and responsibilities. The Administration would not arbitrarily force the owners to change their DMC, which was primarily a private agreement among the owners of a building, by means of legislation. Mr TSANG considered that introducing legislation to require buildings with more than one DMC to form an OC to oversee the building management matters involved complicated legal and policy considerations. As such, Mr TSANG suggested referring Ms FUNG's suggestion to the Panel on Home Affairs (HA Panel) for follow-up at the policy level so that the Administration could consider in detail the ways to assist owners of buildings with more than one DMC in forming OCs to take up the building management work collectively before it proposed any amendments to BMO.

41. Citing Fu Keung Court as an example, Mr LIU Sing-lee explained the difficulties caused by the disputes arising from the coordination of the management of the common area and facilities of housing estates/buildings with more than one DMC. According to his understanding, the Building Management (Amendment) Bill soon to be introduced to LegCo did not contain any proposed amendments regarding the management problems of this type of housing estates/buildings. He agreed that the ways to address the management problems of housing estates/buildings with more than one DMC should be discussed at HA Panel first.

LegCo
Secretariat

42. The Convenor agreed to Mr Jasper TSANG's suggestion and instructed the Clerk to refer KCDC's concern to the Panel on Home Affairs for follow-up.

X X X X X X