

立法會
Legislative Council

LC Paper No. CB(2)2366/05-06
(These minutes have been
seen by the Administration)

Ref : CB2/BC/8/04

**Bills Committee on
Building Management (Amendment) Bill 2005**

**Minutes of meeting
held on Thursday, 18 May 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Albert HO Chun-yan
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon CHOY So-yuk, JP
Hon Andrew CHENG Kar-foo
Hon Abraham SHEK Lai-him, JP
Hon Albert CHAN Wai-yip
Hon Audrey EU Yuet-mee, SC, JP
Hon WONG Kwok-hing, MH
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Members absent** : Hon Miriam LAU Kin-ye, GBS, JP
Hon LI Kwok-ying, MH
Hon Alan LEONG Kah-kit, SC
Hon LEUNG Kwok-hung
- Public Officers attending** : Home Affairs Department
Mr Isaac CHOW
Deputy Director of Home Affairs (2)
Mrs Angelina CHEUNG
Assistant Director of Home Affairs (4)

Department of Justice

Mr Michael LAM
Senior Government Counsel

Clerk in attendance : Miss Flora TAI
Chief Council Secretary (2)2

Staff in attendance : Mr Stephen LAM
Assistant Legal Adviser 4

Ms Joanne MAK
Senior Council Secretary (2)2

Action

I. Meeting with the Administration
[LC Paper No. CB(2)1747/05-06(01)]

The Bills Committee deliberated paragraphs 35 to 39 of the Administration's paper on "Matters arising from meetings on 9 and 23 March 2006 – matters relating to procurement requirements" (Index of proceedings is at **Annex**).

Procurement of legal service

Urgent situations in need of legal service

2. Members were not supportive of the proposal of expanding section 18(2) of the Building Management Ordinance (BMO) to provide that a corporation may, in its discretion, retain and remunerate solicitors and barristers by a resolution passed at a general meeting of the owners on the ground that it failed to provide flexibility for owners' corporations (OCs) to cope with any urgent needs for procurement of legal service. The Administration was requested to draw up a new proposal along the following line –

Admin

- (a) an OC should be given the discretion to procure legal service without the need to seek owners' endorsement of the engagement by a resolution passed at a general meeting of the owners, if the initial cost required was not expected to exceed the statutory threshold; and

Action

- (b) an express provision should be added to BMO requiring an OC to notify owners of any appointment of lawyers so that owners would be given the opportunity to revoke the decision if necessary.

Admin

The Administration was also requested to consider how detailed the information should be required for the notification of owners.

Tendering requirement for the procurement of legal service

3. Mr Albert HO and Mrs Selina CHOW were of the view that given the unique nature of legal service, its procurement should not be put to tender. They considered that owners could endorse the appointment of a lawyer at a general meeting without the need to go through the tendering requirement if owners had been provided with quotations and were satisfied with the quality of service to be provided by the selected lawyer. The Chairman and Mr Albert CHAN, however, took the view that the tendering requirement should be applied to the procurement of all professional service including the appointment of lawyers.

Provision of assistance to OCs for compliance with the procurement requirements

4. Members were of the view that the Home Affairs Department should take active measures to facilitate OCs in compliance with the procurement requirements such as –

- (a) setting clear guidelines in the Code of Practice on procurement of supplies, goods and service issued by the Secretary for Home Affairs on the tendering arrangements in respect of procurement of professional service, particularly the format of quotations and the number of quotations required to be obtained for the procurement of legal service;
- (b) prescribing relevant procurement forms in the Code of Practice;
- (c) setting up tendering webpage at websites of the Building Management Resources Centres/District Offices to provide matching service; and
- (d) liaising with the Law Society of Hong Kong for a more effective distribution of information about tender invitation to law firms.

5. Members agreed that the Bills Committee could refer the issue to the Panel on Hong Affairs for follow-up in due course.

Action

List of “urgent items”

6. Members in general supported the Administration’s proposal to delete from the Bill the proposed provisions allowing OCs to formulate their own list of urgent items that needed not go through the statutory procurement requirements.

Admin

7. The Administration was requested to consider Mr Albert HO’s proposal of amending the existing paragraph 8 of the Second Schedule to BMO to the effect that if 75% of members of a management committee (MC) were satisfied that there was an urgent need for convening a meeting of MC, a shorter notice period could be given, e.g. 48 hours.

II. Any other business

Future meeting schedule

8. Members agreed that the Bills Committee should draw up a schedule of meetings from September to end of December 2006. The Clerk would prepare a proposed meeting schedule for members’ consideration at the next meeting.

Clerk

Date of next meeting

9. Members noted that the next meeting would be held on Thursday, 25 May 2006 at 10:45 am.

10. There being no other business, the meeting ended at 12:45 pm.

Council Business Division 2
Legislative Council Secretariat
12 June 2006

**Proceedings of the Bills Committee on
Building Management (Amendment) Bill 2005
on Thursday, 18 May 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 012352	Chairman Mr Albert HO Admin Mr WONG Kwok-hing Ms Emily LAU Mrs Selina CHOW Mr Albert CHAN Ms Audrey EU	<u>Administration's paper on "Matters arising from meetings on 9 and 23 March 2006 – matters relating to procurement requirements"</u> [LC Paper No. CB(2)1747/05-06(01)] - urgent situations in need of legal service (paragraphs 35-37 of the Administration's paper)	Admin to put up a new proposal (para. 2 of minutes)
012353 - 015029	Chairman Admin Ms Emily LAU Mr Albert HO Ms Audrey EU Mr WONG Kwok-hing Miss CHOY So-yuk	<u>Administration's paper on "Matters arising from meetings on 9 and 23 March 2006 – matters relating to procurement requirements"</u> [LC Paper No. CB(2)1747/05-06(01)] - List of "urgent items" (paragraph 39 of the Administration's paper)	Admin to consider Mr Albert HO's proposal (para. 7 of minutes)
015030 - 015723	Chairman Ms Emily LAU Mr Albert CHAN Miss CHOY So-yuk Mr WONG Kwok-hing	Future meeting schedule and date of next meeting	Clerk to propose a meeting schedule (para. 8 of minutes)

Council Business Division 2
Legislative Council Secretariat
12 June 2006