

立法會
Legislative Council

LC Paper No. CB(2)2637/05-06

(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, 25 May 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

- Members present** : Hon James TO Kun-sun (Chairman)
Hon Margaret NG
Hon Mrs Selina CHOW LIANG Shuk-ye, GBS, JP
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Miriam LAU Kin-ye, 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 LI Kwok-ying, MH
Hon Alan LEONG Kah-kit, SC
Hon Patrick LAU Sau-shing, SBS, JP
Hon TAM Heung-man
- Members absent** : Hon Albert HO Chun-yan
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

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I. Confirmation of minutes

[LC Paper Nos. CB(2)2098/05-06 and CB(2)2099/05-06]

The minutes of the meetings held on 6 and 20 April 2006 were confirmed.

II. Future meeting schedule

[Appendix I to LC Paper No. CB(2)2097/05-06]

2. Members agreed on a meeting schedule for the period from September to the end of November 2006 which had subsequently been issued vide LC Paper No. CB(2)2148/05-06.

III. Meeting with the Administration

3. The Bills Committee deliberated –

- (a) the Administration's paper on "Communications among owners" [LC Paper No. CB(2)2097/05-06(01)];
- (b) the Administration's paper on "Matters arising from meeting on 15 December 2005" [LC Paper No. CB(2)1950/05-06(01)]; and
- (c) issues relating to interpretation and appointment of a management committee (MC) in the Administration's paper

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entitled “The Administration’s response to views of the professional bodies in the building management sector” [LC Paper No. CB(2)222/05-06(03)].

Index of proceedings is at **Annex**.

Communications among owners

4. The Chairman remained of the view that a statutory obligation should be imposed on a building manager and/or the incumbent MC to allow communication among owners on matters relating to the management of their building. He suggested that the building manager should be required to notify owners, by way of a standard circular, of any leaflet/letter provided by an owner whose name should be specified, and let the owners decide whether they wished to obtain a copy of that leaflet/letter.

5. Mrs Selina CHOW considered that the fundamental principle was that a building manager and/or the incumbent MC should ensure equal and fair treatment of information received from different sources and allow owners to have the right to choose whether they wished to obtain the information. She took the view that it was only necessary to stipulate such a general principle in the Building Management Ordinance, instead of specifying details of the actual arrangements in the legislation. Mr TSANG Yok-sing remarked that if such a statutory obligation was to be imposed, the question of how to define the content of the communications to be allowed would arise.

6. Ms Emily LAU considered that building managers/MCs had to be fair in allowing the distribution of information to owners of their buildings and in admitting visitors. She stressed that building managers/MCs should not give favourable treatment to any particular political party, and they could only disallow the distribution of any information to owners of their buildings if a resolution to this effect was passed at an owners’ meeting. She also suggested that the Administration should strengthen relevant guidelines for reference of property management companies.

Admin

7. The Administration was requested to consider the views expressed and revert to the Bills Committee on the issue.

Proposal to form a committee (not an owners’ corporation) in house developments like Hong Lok Yuen

8. Members noted that under the existing legal framework, setting up of the above proposed non-statutory committee would not enable the owners concerned to have any management control of the common parts/facilities of relevant house developments. If the Administration tried to confer powers on such committees to enable them to play a role in the management by

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introducing legislative amendments, this would amount to infringement of private property right and compensation would have to be paid to the developers concerned.

9. After consideration of the Administration's advice, members agreed that the Bills Committee would not pursue the issues relating to the formation of an owners' corporation in a house development in the current legislative exercise on the grounds that setting up the proposed non-statutory committee might not be useful to owners of house development and further discussion of the issue would seriously delay the passage of the Bill.

Admin

10. At the request of the Bills Committee, the Administration undertook that it would continue to work on the issue in consultation with relevant parties and revert to the Panel on Home Affairs. The Chairman requested the Clerk to inform the Complaints Division of the decision of the Bills Committee.

Clerk

IV. Any other business

Date of next meeting

11. Members noted that the next meeting would be held on Tuesday, 30 May 2006 at 2:30 pm.

12. There being no other business, the meeting ended at 12:50 pm.

Council Business Division 2
Legislative Council Secretariat
4 July 2006

**Proceedings of the Bills Committee on
Building Management (Amendment) Bill 2005
on Thursday, 25 May 2006 at 10:45 am
in Conference Room A of the Legislative Council Building**

| Time marker | Speaker | Subject | Action required |
|-----------------|--|---|---|
| 000000 - 000110 | Chairman | <u>Confirmation of minutes of meetings on 6 and 20 April 2006</u> [LC Paper Nos. CB(2)2098/05-06 and CB(2)2099/05-06] | |
| 000111 - 005859 | Chairman Ms Emily LAU Mr Andrew CHENG Mr WONG Kwok-hing Ms Audrey EU Admin Ms Margaret NG Mr LI Kwok-ying Mr Jasper TSANG Mrs Selina CHOW Mr Albert CHAN | <u>Discussion of the Administration's paper on "Communications among owners"</u> [LC Paper No. CB(2)2097/05-06(01)] | Admin to consider members' views and revert (para. 7 of minutes) |
| 005900 - 014104 | Chairman Admin Ms Miriam LAU Ms Emily LAU Mr Alan LEONG Ms Audrey EU Mr Albert CHAN | <u>Discussion of the Administration's paper on "Matters arising from meeting on 15 December 2005"</u> [LC Paper No. CB(2)1950/05-06(01)] | Admin to follow up (para. 10 of minutes) Clerk to inform Complaints Division (para. 10 of minutes) |
| 014105 - 020243 | Chairman Admin ALA4 Mr WONG Kwok-hing Mr Patrick LAU | <u>Discussion of the Administration's paper entitled "The Administration's response to views of the professional bodies in the building management sector"</u> [LC Paper No. CB(2)222/05-06(03)] Date of next meeting | |