

**立法會**  
**Legislative Council**

LC Paper No. CB(2)2534/05-06

(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 Tuesday, 30 May 2006 at 2:30 pm  
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 Miriam LAU Kin-ye, GBS, JP  
Hon Emily LAU Wai-hing, JP  
Hon Abraham SHEK Lai-him, JP  
Hon Albert CHAN Wai-yip  
Hon Audrey EU Yuet-mee, SC, JP  
Hon WONG Kwok-hing, MH  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung  
Hon Patrick LAU Sau-shing, SBS, JP  
Hon TAM Heung-man
- Members absent** : Hon Jasper TSANG Yok-sing, GBS, JP  
Hon CHOY So-yuk, JP  
Hon Andrew CHENG Kar-foo  
Hon LI Kwok-ying, MH
- Public Officers attending** : Home Affairs Department  
Mr Isaac CHOW  
Acting Director for Home Affairs  
  
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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Action

**I. Confirmation of minutes**  
[LC Paper No. CB(2)2170/05-06]

The minutes of the meeting held on 27 April 2006 were confirmed.

**II. Meeting with the Administration**  
[LC Paper No. CB(2)222/05-06(03)]

2. The Bills Committee discussed issues relating to election of members of a management committee (MC), protection for MC members, qualifications of MC members, appointment of proxy by owners and termination of the appointment of manager in the Administration's paper 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**).

Proposed deletion of the existing section 45(4)(c) and (f) of the Building Management Ordinance (BMO)

3. The Administration was requested to review its proposal having regard to members' concerns and suggestions as follows –

Admin

- (a) whether there were any provisions in BMO which conferred a right or power on "an owners' committee" within the meaning of Part VIA and who could enjoy such right or power if section 45(4)(f) was to be deleted;

Action

- (b) individual owners might not be able to bring proceedings against other owners because the relevant deeds of mutual covenant (DMCs) had specifically conferred such power only on the owners' committees concerned;
- (c) if section 45(4)(f) was to be deleted, a new provision should be added to section 45 specifying that for the avoidance of doubt, individual owners would have standing, before the formation of relevant owners' corporation; and
- (d) section 45(4)(c) and (f) should be retained and members of an MC or an owners' committee, as the case might be, should be allowed to take representative action, provided that the MC or owners' committee concerned had passed a motion in support of taking such action.

Qualifications of MC members

Admin

4. While a majority of members in general were supportive of the Administration's proposals relating to qualifications of MC members, the Administration was requested to work out the implementation details of the proposed self-declaration system and to explain the consequences if a person elected to be an MC member refused to make declaration or made false declarations under the system.

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5. Members also raised no objection to the Administration's proposal of introducing Committee Stage amendments to change "the person's creditors" in the new paragraph 4(1)(a) of the Second Schedule to BMO to "his creditors". Assistant Legal Adviser 4 was requested to ascertain whether the proposal was legally in order.

Appointment of proxy by owners

Admin

6. The Administration was requested to re-consider the suggestion of adding provisions to BMO to require keeping of the proxy forms for a period of time, say, one year, after the holding of the owners' meeting.

Termination of the appointment of the manager

7. Members agreed to continue the discussion on the applicability of the Seventh and the Eighth Schedules to BMO to sub-DMCs at the next meeting scheduled for 6 June 2006 at 4:30pm.

Action

**III. Any other business**

8. Members agreed to schedule two additional meetings on the following dates –

(a) Tuesday, 18 July 2006 at 10:45 am; and

(b) Wednesday, 19 July 2006 at 10:45 am.

9. The meeting ended at 4:30 pm.

Council Business Division 2  
Legislative Council Secretariat  
4 July 2006

**Proceedings of the Bills Committee on  
Building Management (Amendment) Bill 2005  
on Tuesday, 30 May 2006 at 2:30 pm  
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject	Action required
000000 - 000406	Chairman Ms Emily LAU	Additional meetings scheduled for July 2006	
000407 - 000421	Chairman	<u>Confirmation of minutes of meeting on 27 April 2006</u> [LC Paper No. CB(2)2170/05-06]	
000422 - 005400	Chairman Admin Mr Albert HO Mr LEUNG Kwok-hung Ms Audrey EU Ms Miriam LAU	<b>Continued discussion of the Administration's paper entitled "The Administration's response to Views of the Professional Bodies in the Building Management Sector"</b>  <u>The Administration's new proposal to delete the existing section 45(4)(c) and (f) of the Building Management Ordinance (BMO)</u>  - proposal of the Law Society of Hong Kong under item (3) on protection of members of management committee [LC Paper No. CB(2)222/05-06(03)]	<b>Admin to give response</b> (para.3 of minutes)
005401 - 014007	Chairman Admin Ms Miriam LAU Ms Audrey EU Ms Emily LAU Mr Albert HO Mrs Selina CHOW Mr Albert CHAN ALA4	<u>Qualifications of MC members</u> [LC Paper No. CB(2)222/05-06(03)]  <u>Briefing on the judgment in respect of a case by Assistant Legal Adviser 4</u> [LC Paper No. CB(2)2254/05-06(01)]	<b>Admin to provide further details</b> (para. 4 of minutes)
014008 - 015045	Chairman Admin Ms Audrey EU	<u>Appointment of proxy by owners</u> [LC Paper No. CB(2)222/05-06(03)]	<b>Admin to give response</b> (para. 6 of minutes)
015046 - 015630	Chairman Admin Mr Albert HO	<u>Termination of the appointment of the manager</u> [LC Paper No. CB(2)222/05-06(03)]	